

CITY COUNCIL STAFF REPORT

DATE: January 7, 2015

PUBLIC HEARING

SUBJECT: WEST COAST HOUSING PARTNERS ON BEHALF OF THE OWNER; THE ERIC BRANDENBURG SEPARATE PROPERTY TRUST FOR APPROVAL OF A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A CONDITIONAL USE PERMIT FOR CONDOMINIUM USES IN THE RESORT COMBINING ZONE, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES FOR DEVELOPMENT OF 46 TWO-STORY, DETACHED RESIDENTIAL UNITS ON ROUGHLY 5.23 ACRES AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD (CASE 5.1340 PDD 370 CUP, 3.3742 MAJ, TTM 36725) (ZONE C-1 / RGA-6 / R-3 / RESORT COMBINING ZONE). (APN's 504-074-001, 002 & 008) (KL)

FROM: Department of Planning Services

SUMMARY

The project proposes a Planned Development District in lieu of a change of zone, a Tentative Tract Map for condominium purposes, A Major Architectural Application, and a Conditional Use Permit for approval of condominium uses in the Resort Combining Zone. The project is proposed as a gated development of 46 detached single family residential units with private back yards, common open space, private roads and several live-work units fronting North Palm Canyon Drive.

The project is being considered today for approval of both the preliminary and the final Planned Development District in lieu of a change of zone.

RECOMMENDATION:

1. Open the public hearing and take testimony.
2. Close the public hearing and adopt Resolution # _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION UNDER CEQA AND APPROVING

ITEM NO. 18

TENTATIVE TRACT MAP TTM 36725, AND CASE 5.1340 CUP / 3.3742 MAJ,
SUBJECT TO CONDITIONS OF APPROVAL AS NOTED IN EXHIBIT "A"

3. Waive reading and introduce by title only for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1340 PDD 370, A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR A PROPOSED COMMUNITY COMPRISED OF 46 DETACHED RESIDENTIAL UNITS, PRIVATE STREETS AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD; (APN's 504-074-001, 002 & 008)".

ISSUES:

Despite efforts by the Planning Commission to work with the applicant to improve the project, the applicant elected not to incorporate many of their requests and concerns. Although the Planning Commission found "much to like" about the project, as it is presently configured, the Commission could not make affirmative findings in support of the project as proposed. Therefore, rather than deny the application, the Planning Commission imposed conditions on the project, the implementation of which allows affirmative findings to be made in support of the project's approval.

The Planning Commission voted 7-0 to approve the project with conditions and recommend approval by the City Council with conditions. In making findings, the Planning Commission noted the following remaining Issues:

1. Inadequate open space between units (lack of audible privacy, light, etc.).
Commission Direction: Provide at least 10 feet between units and/or reduce density.
2. "Unlocked but gated" fails to achieve connectivity / integration with the surrounding community; cannot make findings of consistency with the General Plan.
Commission Direction: Remove all vehicular and pedestrian gates except those to back yards. Create exclusivity and sense of security with landscape, site design, unit orientation, etc.
3. Inadequate street widths and lack of separation between vehicular and pedestrian movement; cannot make findings of consistency with the General Plan.
Commission Direction: Provide sidewalks separate from the 24 foot wide travelways proposed or provide street widths that conform to the General Plan with trees and/or distinctive paver color/textures/ to separate pedestrian and vehicular travelways. (Pavers discussed but not required).

4. Repetitive, Monotonous architecture.
 Commission Direction: Revise site plan utilizing angling or other design solutions to relieve the long planar walls of garage doors, reorient garage doors to side street access at corner lots, propose greater architectural variety especially at the accessory units facing Palm Canyon; the project was conditioned that the architecture be reviewed and approved by the Planning Commission prior to issuance of building permits.

5. Proposed public benefits are not proportionate with the degree of relief being sought via the PDD
 Commission Direction: In addition to what is proposed, remove the gates, make the development a more integral part of the neighborhood, provide photo-voltaic panels, consider a park or more open space in the center of the proposed development.

BACKGROUND AND ANALYSIS.

The project is located on the north side of the City in a neighborhood comprised primarily of single family residential uses with a scattering of commercial uses along Palm Canyon Drive. A full background and setting description and analysis of the project was provided in the attached Planning Commission staff reports. The site is currently vacant.

TABLE 1: Recent past actions by the City

August 11, 2014	AAC reviewed the project and voted 5-0-1-1 (Song abstained, Secoy-Jenson absent) recommending approval of the project by the Planning Commission as proposed and appointed a subcommittee (Purnell/Fredricks/Cassidy) to review the final landscape submission at plan check.
October 8, 2014	Planning Commission reviewed the project and voted 7-0 to table with direction to the applicant to revise the project.
November 19, 2014	Planning Commission voted 5-2 (Calerdine / Klatchko opposed) to again table with direction to revise the project.
December 10, 2014	Planning Commission voted 7-0 to approve with conditions and recommend approval by the City Council as conditioned.

TABLE 2: Zoning

Permitted Uses: The project proposes 46 detached residential units structured in a condominium form of ownership. In the Resort Combining Zone Overlay, condominiums require approval of a Conditional Use Permit (CUP). The PDD has been submitted in lieu of a change of zone to seek City approval of detached residential units with development standards that differ from the City's R-1-C standards and to make the CUP findings for the condominium form of ownership.

Development Standards: (Note: The Planning Commission Staff Reports attached herein evaluated the project against the RGA-6 and C-1 zones; however one of the three lots that comprise the project site was recently rezoned to R-3 as part of the City's Housing Element Update. As the R-3 zoning standards are less stringent than the RGA standards, the original analysis provided a review based on the more restrictive zoning requirements. The PDD in lieu of a change of zone proposes to replace these disparate zoning standards with one set of development standards that would be applied to the entire 5.23-acre site. The analysis below now also addresses the project's conformity with the R-3 zone standards in addition to the RGA and C-1 zone development standards.)

	C-1 / RGA-6 / R-3 Requirements	Proposed Project	Conform
Lot Standards			
Min. Area	C-1 20,000 SF RGA-6: 2 acres R-3: 20,000 SF	The tract map was revised and the applicant now proposes a single lot for condominium purposes.	Minimum lot size thus conforms
Min. Width	RGA-6: 165ft / R-3: 130ft, 170ft siding on a major thoroughfare	Varies	Conforms
Min. Depth	RGA-6: 165ft / R-3: 150ft, 190ft backing on a major thoroughfare	Varies	Conforms
Building Height	RGA-6: 15ft, 24ft & 2 stories provided bldg. areas over 15ft in height NTE 50% of enclosed ground floor area. R-3: 2 stories & 24ft; abutting R-1 NTE 15 ft and 1 story	24ft and 2 stories	Requires approval of PDD to conform
Density	RGA-6 du/ac R-3 30 du/ac (for multifamily dwellings, SFR's prohibited)	9 du/ac, single family detached residential units in a condominium form of ownership	Requires approval of PDD to conform
Yard Setbacks			
Front	RGA-6: 25ft R-3 Front of a garage or carport not less than 25 ft from PL; 30 ft facing major or secondary thoroughfare, 20 ft on cul-de-sacs	As a 1 lot map, the front yard is that which fronts Palm Canyon Drive. Roughly 5ft PL to face of casitas.	Requires approval of the PDD to conform
Side	RGA-6: 10% of lot width, 20% on street side yards R-3: 10ft, however structures greater than 12 ft must have setbacks equal to their height; 30 ft for corner lots on secondary and major thoroughfare	Varies	Requires approval of PDD to conform
Rear	RGA-6: 20ft R-3: 10ft, however structures greater	Varies	Requires approval of

	than 12 ft must have setbacks equal to their height; Backing on major thoroughfare: 30 ft		PDD to conform.
Distance between buildings	RGA-6: Where one (1) building is placed adjacent to and substantially parallel to another building, there shall be a minimum distance between the buildings of fifteen (15) feet for each ten (10) feet of building height. In no case shall one (1) building be closer than fifteen (15) feet to any other building. R-3: In no case shall min. distance bet. bldgs.. be closer than 15 ft	6 feet	Requires approval of PDD to conform
Lot Coverage	RGA-6: 50% usable landscaped open space R-3: 45% usable landscaped open space	54%	Conforms as 1 lot for condo purposes
Trash Enclosure	Per PSZC 93.07.02	Per PSZC 93.07.02; 2 provided	Yes
Off-street Parking	Per PSZC 93.06: In PDDs; 3 bdrm units require 2.25 spaces or 104 spaces for the units, plus guest parking 1 space for every 4 units, or 12 spaces; total 116 spaces required	2 covered spaces are provided with each of the 46 units (92 spaces) + 25 guest parking spaces are proposed; total 117 spaces	Yes

Analysis of the project against Zoning Code Section 94.04 (Architectural Review):

The application includes a Major Architectural Application (Case 3.3742 MAJ) which articulates the architecture and landscape architecture for the proposed project. The AAC recommended the final landscape plan be reviewed by an AAC subcommittee for recommendation to staff prior to plan check / building permit for a more detailed review of plant types, quantities, and location, articulation of perimeter wall, etc. A condition of approval is provided.

PSZC 94.04.D. Planning Commission Architectural Advisory Committee Review Guidelines. The planning commission architectural advisory committee... ..examined the material submitted with the architectural approval application and specific aspects of design to determine whether the proposed development will provide desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:

Item	Guideline:	Conforms?	Staff Evaluation:
1	Does the proposed development provide a desirable environment for its occupants?	Partially	<ul style="list-style-type: none"> • The proposed project provides mostly three bedroom detached homes with individual private outdoor patios. • The space between the homes is quite narrow compared to their height. • Back yards are small and A/C condensing units and pool pumps will require split face block enclosures to reduce noise impacts onto private patios. • Back yards facing Palm Canyon may also be quite noisy from road impacts.
2	Is the proposed development compatible with the character of adjacent and surrounding developments?	Partially	Existing development in the project vicinity is mostly larger residential detached units on larger lots. Architectural styles are eclectic. The project is gated and turns its back to the existing neighborhood in which it is located.
3	Is the proposed development of good composition, materials, textures, and colors?	Partially	The 46 homes are all "shed-roofed" two-story structures clad in stucco with blue, yellow and orange accent colors. The units are repetitive in their massing. The color variation helps reduce the monotonous appearance. Some units are staggered on the lots to attempt to break up the monotony of the wall of garage doors, but this is limited in its success.
4	Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas	Partially	<p>The units are extremely close to one another creating "canyon like" space between at the front entries.</p> <p>The project does not conform to the 15-foot minimum distance required between buildings.</p> <p>Due to the site design, open space is limited at each home and there is virtually no front yard due to the placement of the 2-car garages.</p> <p>There is no separation of pedestrian and vehicular movement, since sidewalks have not been provided.</p> <p>Back yards are nicely oriented toward views; however, back yards facing Palm Canyon will likely have road noise impacts.</p> <p>The sides of several end units are only a foot or two from the private roadways.</p> <p>The units along the east-west private street would be enhanced by providing guest parking in closer proximity to these units.</p> <p>The project would better relate to the surrounding neighborhood and more space could be created between units if the homes proposed along Alvarado and De Anza were re-oriented with driveways and front doors facing these streets instead of rear yards, walls and gates.</p>

5	Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community , avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted	No	The units in the proposed development are very repetitive, despite the introduction of various color combinations. Architecture in the surrounding neighborhood is eclectic; but mostly traditional ranch style homes with clay tile roofs. The architectural style of the units in the proposed development is modern but rather monotonous. As noted above, reorienting the units along Alvarado and De Anza with garages and front doors facing these perimeter streets would make the development more an integrated part of the existing neighborhood – instead of separating itself from the surrounding neighborhood.
6	Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment	No	The proposed homes do not conform and the PDD is proposing its own set of development standards in terms of lot size, setbacks, lot coverage, open space, and building height.
7	Building design, materials and colors to be sympathetic with desert surroundings	Conforms	The buildings are proposed in neutral colors complementary of the desert surroundings with lively accent colors.
8	Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously	Conforms	The proposed materials, colors and other components of the buildings are very basic in appearance, but lively accent colors help reduce the repetitiveness of the unit volumes.
9	Consistency of composition and treatment	Conforms	There is consistency in the composition and treatment of the buildings as proposed.
10	Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials	Conforms	The proposed landscape plans are consistent with desert appropriate trees and plants.

11	Signs and graphics, as understood in architectural design including materials and colors;	N/A	Signs will be submitted under a separate application.
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Staff believes one of the greatest shortcomings of this project is its failure to better integrate with the existing surrounding residential neighborhood in which it is located. The gates, walls, and wide perimeter landscaping buffer have the effect of completely separating the proposed development from the surrounding residential neighbors. Re-orienting the homes along De Anza and Alvarado to face these public streets would not only make the project more a part of the community, it would also result in fewer roads within the project, and in turn, the space that is currently consumed with paving and roads could be re-allocated to provide more generous spacing between units – one of the key objections of the Planning Commission to the project. Also with less space taken up with roads and drives, dedicated pedestrian sidewalks could be established within the project – solving another of the Planning Commission’s concerns - the lack of separation of pedestrian and vehicular movement.¹

FINDINGS:

The project was evaluated against the findings for the Planned Development District in lieu of Change of Zone pursuant to PSZC 94.03 and 93.07 (Zone Change) and for the Tentative Tract Map pursuant to Municipal Code Section 9.62 (Maps), and the Resort Combining Zone pursuant to PSZC 92.25.00 and 94.02 (Conditional Use Permit) as well as the Architectural Review Guidelines of PSZC 94.04. During the processing of this case, the applicant converted the tract map from a map proposing multiple small single family residential lots to a one-lot map for condominium purposes. The findings for the project were re-analyzed based on this tract map modification.

Planned Development in lieu of Change of Zone Findings:

The commission in recommending and 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*

¹ Successful examples of orienting perimeter residences to face the public streets as a means of knitting together new development with existing neighbors include older PD’s such as “Sunrise Villas” at Sunrise and Sonora (developed in the 1970’s), “Murano” at Caballeros and Francis (in final construction now), and “Vibrante”: a 41-unit condominium project with similar characteristics to Alvarado that was recently approved by the Planning Commission and enthusiastically endorsed by both the adjacent neighborhood group and the developer.

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 proposed project is located in the Mixed-use / Multi-use land use designation of the General Plan. This designation allows residential uses to a maximum density of 30 du/ac with approval of a Planned Development District (PDD). The underlying zone is RGA-6 / C-1 and R-3. The density for the RGA-6 zone is 6du/ac. The project proposes roughly 9 du/ac and thus conforms in terms of density with the General Plan. The proposed density is 50% greater than the underlying RGA-6 zone, less than those portions of the site that are zoned R-3. The Planning Commission approved the project as a PDD in lieu of a change of zone and therefore the density proposed becomes the approved density for the project.

The General Plan notes that the Mixed-use / Multi-use designation...

"...should promote civic activity, define neighborhood character, and provide places for people to meet and socialize, enhancing the area's overall quality of life. These areas are intended to provide services and distinct gathering places and activity centers for surrounding neighborhoods and businesses."

The General Plan also notes for this specific Mixed Use area (called "Artist Colony"):

"Overall, the northern end of the City lacks distinct gathering places, with residents and businesses relying mainly upon Downtown to serve this need. The Artist Colony provides opportunity to introduce housing along Palm Canyon Drive and to provide much-needed neighborhood-serving commercial uses and gathering spaces."

The proposed project is limited in its success at promoting civic activity, and in providing places for people to meet and socialize. Aside from the small accessory structures that face Palm Canyon that might be used as home-based businesses, the project does little to provide "*much needed neighborhood serving commercial uses*". The project is proposed as a gated community that separates itself from the existing surrounding neighborhood. The project turns back yards toward the public streets, provides no internal sidewalks and creates a monotonous "wall of garage doors" facing the internal private streets instead of porches, yards, or other architectural features that would promote more "eyes on the streets" and that might encourage community interaction. The small "oasis" for bicyclists at the corner of Palm Canyon Drive and Alvarado provides little in the way of amenities to encourage civic activity, or community gathering and is separated with walls and gates from the rest of the proposed development. Aside from the perimeter walls and narrow strips of landscaping, places that would contribute to creating an appealing "character" for this neighborhood are lacking in this proposal, however the Planning Commission has conditioned the project to address many of these issues and enable the project to be deemed consistent with this finding.

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

The proposed project is located in the C-1/RGA-6/R-3 Zones with the Resort Combining Zone Overlay. The PDD is proposed to change the split zoning to a single residential zone with its own unique development standards. The project is considerably denser than the existing large lot, single family development in the vicinity of the project, however the detached residential uses proposed are suitable and similar to the single family detached residential uses in the vicinity. Although the project has frontage along Palm Canyon Drive, it is suitable and appropriate that vehicular access to the project is proposed from the adjacent collector street rather than Palm Canyon Drive. Thus the Planning Commission has determined that the project conforms to this finding.

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

Proposing residential uses for the subject site is appropriate given that the general development pattern in the vicinity is also residential. The General Plan promotes the concept of "Mid-block residential" along major thoroughfares, which encourages clustering of commercial / retail uses at the major intersections within walking distance to residential areas, rather than as a long commercial strip that relies more heavily on vehicular movement. The Planning Commission deemed the project in conformance with this finding.

Resort Combining Zone Findings (PSZC Section 92.25.00):

The "R" resort overlay zone is intended primarily to provide for accommodations and services for tourists and visitors while guarding against the intrusion of competing land uses.

The Resort Combining Zone runs along Palm Canyon Drive for nearly its entire length through the City and aligns on the subject site roughly along the boundary between the C-1 and RGA-6 zones. As noted, it is intended to protect the City's "main street" from uses that would detract from the tourist resort nature of the City. The detached residential (SFR) units in the proposed project are a prohibited use in the underlying C-1 zone, thus approval of the PDD in lieu of a Change of Zone is necessary to establish them as a permitted use.

The zoning code notes that:

Uses shall be as provided in the underlying zone with which the "R" zone is combined, except that: ...All multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit (CUP).

The project proposes detached residential uses within a condominium form of home ownership with common areas and an HOA that would be established to maintain and manage the common areas of the development. As such the project is evaluated against the findings for a CUP herein² and the resort combining finding as follows:

Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone.

The proposed use, detached residential units, is generally compatible with the surroundings in the vicinity which are also mostly single-family residential detached units in character. The near north side of the City has essentially only two commercial corridors to serve the residential population in this part of the City: North Palm Canyon Drive and North Indian Canyon Drive. The scattering of existing commercial uses along this segment of Palm Drive are mostly local-serving businesses and a few older small hotels. The underlying C-1 zone would allow commercial uses, but continuing a pattern of a long string of commercial uses along Palm Canyon is not consistent with the General Plan vision of concentrating commercial uses at major thoroughfares to encourage community gathering and less reliance on vehicular trips. The Planning Commission found that the proposed project is consistent with this finding.

Conditional Use Permit Findings:

In addition to the findings for the PDD in lieu of a change of zone (from PSZC Section 93.07), the PDD incorporates the findings of the CUP (PSZC 94.02.00) for condominiums in the Resort Combining Zone as follows:

The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

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

Condominiums are permitted in the RGA-6 zone subject to approval of a Conditional Use Permit. The project proposes detached residential units in a condominium form of ownership. Therefore the Planning Commission finds the project conforms to this finding.

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

² Pursuant to PSZC 94.02.00.A.4 (CUP); the CUP may be incorporated into the PDD without the need for a separate application. Thus the CUP findings of PSZC 94.02 and the Zone Change findings of PSZC 93.07 are both evaluated as integral parts of the PDD application.

Development of the subject site with detached residential uses structured in a condominium form of ownership is desirable as a means of bringing a variety of housing choices to the community. The project is consistent with the General Plan Mixed Use / Multi Use land use designation in terms of density and with policies of the General Plan that encourage mid-block residential along major thoroughfares. The residential uses are not detrimental to existing or future uses because the primary zoning and general plan land use designation for most areas in the vicinity of the project are also residential in nature. The project is not consistent with the General Plan because it fails to conform to minimum standards for private streets. As a gated community it is also inconsistent with the General Plan. The Planning Commission has imposed several conditions of approval including revision of the street design and elimination of the gates. As conditioned, the project conforms to this finding.

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

The Planning Commission believes that the site is not adequate in size and shape to accommodate the proposed design because it proposes insufficient side yard separation between units, streets that are too narrow to provide vehicular and pedestrian separation or to meet the minimum General Plan profile for private streets in Planned Developments. The Planning Commission imposed conditions for wider space between units, streets with better vehicular and pedestrian separation, and elimination of the gates to better knit the proposed project with the existing neighborhood. As conditioned, the Planning Commission determined that the project was consistent with this finding

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

The project proposes to take vehicular access off Alvarado Road which is a local street and emergency access from De Anza which is a collector. This arrangement is appropriate for carrying the type and quantity of traffic generated by the proposed use and thus the project conforms to this finding.

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

A set of draft conditions of approval are proposed and attached to this staff report as Exhibit "A".

Tentative Tract Map Findings:

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

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

The TTM proposes a single lot subdivision for condominium purposes with open space, common areas, forty-six (46) detached residential units and private streets. The proposed density is within the range specified by the Mixed-use / Multi-use General Plan land use designation. The project proposes private streets that are not consistent with the General Plan, however the Planning Commission imposed a condition of approval requiring street configuration consistent with the General Plan is included that would make the project consistent with this finding. No specific plans are associated with the subject property.

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

The proposed project design and improvements are generally not consistent with the C-1 / RGA-6 / R-3 zone in which the property is located. The PDD proposes residential detached uses with development standards and densities that do not conform to the standards of the zone. The Planning Commission approved the project as a PDD in lieu of a zone change. In doing so, it established the PDD as a unique zone with its own development standards and thus deemed the project consistent with this finding

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

The project site will be graded to accommodate the proposed development. Site modifications include new private driveways to individual residential units from a network of proposed private streets. As currently configured the site is not adequate for the type of development proposed because the proposed private streets do not conform to the General Plan and the Planning Commission believes there is inadequate space between the units. With approval of the proposed conditions including street design, space between units and better integration with the neighborhood, the Planning Commission found the project to be consistent with this finding.

Furthermore, the General Plan EIR studied projected traffic and service levels on the surrounding network of public streets and since the project density at roughly 9du/ac is less than the maximum allowed for the Mixed-Use / Multi-use designation, the Planning Commission deemed the site is physically suited for this type of development.

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

The General Plan Mixed-Use / Multi-Use Land Use designation in which the project is sited allows up to 30 du/ac with approval of a PDD. The underlying RGA-6 zone allows 6 du/ac, C-1 allows multi-family³ development consistent with the R-3 zone and R-3 allows 30 du/ac. The PDD in lieu of a change of zone proposes roughly 9 du/ac; a density greater than the underlying zone, but less than the maximum allowable by the General Plan. As noted above, although proposed street widths are not consistent with the General Plan, with incorporation of the condition requiring conformance with the General Plan street width and the approval of the PDD as a change of zone, the Planning Commission found the project consistent with this finding.

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

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The project will therefore not damage or injure fish, wildlife or their habitats.

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

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each detached residential unit however street width and separation of vehicular and pedestrian movement as proposed are not consistent. With incorporation of a condition requiring General Plan street dimensions and separation of vehicular and pedestrian movement, the Planning Commission found the project consistent with this finding.

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

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

CONCLUSION:

The Alvarado proposes a development of modest detached residential condominiums that will likely have appeal for snow-birds and those seeking a low-maintenance "lock and leave" type

³ The zoning code defines "Multi-family" as a building with two or more families living independently of one another and "Single family residential" is prohibited in the C-1 zone. The detached condominium units in the proposed project – designed for occupancy by a single family – most closely resemble single family detached residential units. The proposed PDD in lieu of zone change resolves this issue by establishing the detached condominium units as a permitted use across the entire 5.23-acre site.

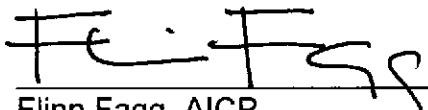
of housing. The conditions of approval imposed by the Planning Commission enhance the project and allow affirmative findings of consistency with the General Plan and Zoning Code to be made. Staff believes the recommendation to re-orient units with their front doors and garages toward Alvarado Road and De Anza Road will enhance the project and make it more of an integral, contributing part of the neighborhood and the community in which it is proposed.

ENVIRONMENTAL ANALYSIS:


The proposed development is a project as defined by the California Environmental Quality Act (CEQA). An initial study was conducted which considered all required CEQA issues, including but not limited to air quality, traffic, land use compatibility and hydrology, and the analysis was available for public comment for a 20-day period from September 3, 2014 to September 23, 2014. Public comment letters were received which are attached to this staff report. Through the public comment period, no new information was found that would require recirculation or further analysis of the project's impacts under CEQA. A Mitigated Negative Declaration is proposed. The owner has agreed in writing to implement all of the required mitigation measured identified.

NOTIFICATION

A public hearing notice was mailed to all property owners and occupants within 500 feet of the site and published in the local paper. Correspondence received is attached to this staff report.



Flinn Fagg, AICP
Director of Planning Services



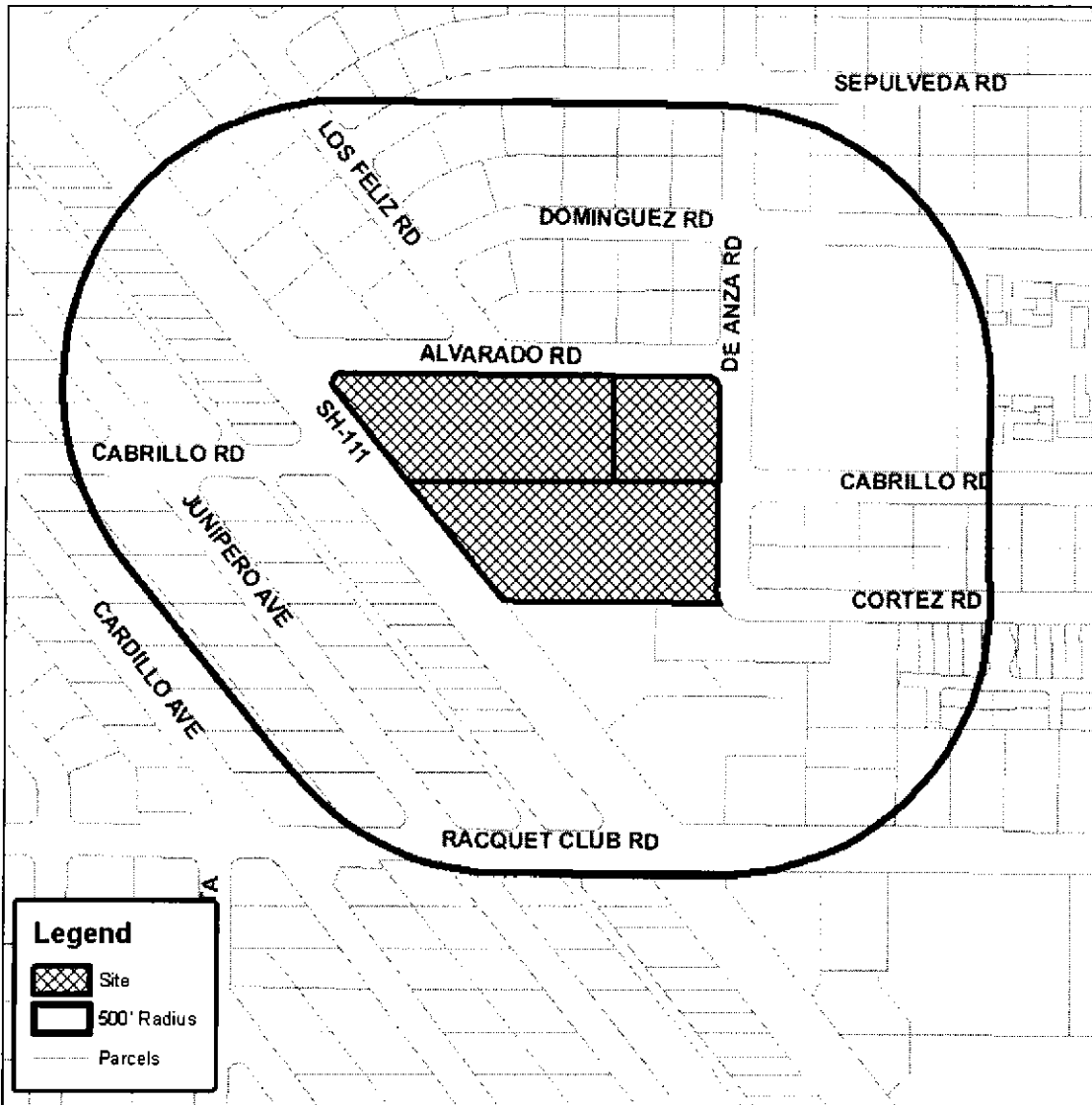
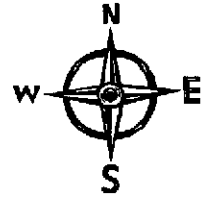
David H. Ready
City Manager

Attachments:

1. Vicinity Map
2. Draft Resolution
3. Draft Ordinance
4. Draft Conditions of Approval
5. CEQA Initial Study and Draft Mitigated Negative Declaration.
6. Applicant resubmittal letter dated October 29, 2014
7. Minutes and staff report from the Planning Commission meeting of November 19, 2014
8. Minutes and staff report from the Planning Commission meeting of October 8, 2014
9. Minute Excerpts of the AAC meeting of August 11, 2014
10. Applicant Revised Justification Letter dated July 31, 2014
11. Exhibit Revisions: Site Plan, Landscape Plan, Perspective Images, and Tentative Tract Map date stamped 10-29-14
12. Public comment letters.



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO:
5.1340 PDD 370 / CUP / TTM 36725 /
3.3742 MAJ

APPLICANT:
West Coast Housing Partners on
behalf of The Eric Brandenburg
Separate Property Trust

DESCRIPTION: A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A CONDITIONAL USE PERMIT, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES, PROPOSING A DEVELOPMENT OF 46 DETACHED RESIDENTIAL UNITS, COMMON PRIVATE STREETS AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ((CASE 5.1340 PDD 370 CUP / 3.3742 MAJ / TTM 36725). (APN'S 504-074-001, 002 & 008)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION UNDER CEQA, AND APPROVING TENTATIVE TRACT MAP TTM 36725 A ONE-LOT MAP FOR CONDOMINIUM PURPOSES FOR CASE 5.1340, A PROPOSED COMMUNITY COMPRISED OF 46 DETACHED RESIDENTIAL UNITS, PRIVATE STREETS AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD; (APN's 504-074-001, 002 & 008), SUBJECT TO CONDITIONS OF APPROVAL.

WHEREAS, West Coast Housing Partners, LLC on behalf of the Owner, The Eric Brandenburg Separate Property Trust submitted applications pursuant to Palm Springs Zoning Code Section 94.03 & 93.07 (Planned Development, Zone Change) Section 94.04 (Architectural Review), Section 93.02 & 92.25.00 (Conditional Use Permit / Resort Combining Zone) and Municipal Code Section 9.62 (Maps) seeking approval of a Planned Development District in lieu of a Change of Zone, a Tentative Tract Map, and a Major Architectural Application and a Conditional Use Permit via the PDD for development of a gated community comprised of 46 two-story detached residential units, private streets, common open space and landscaping on a roughly 5.23 acre site located at the southeast corner of North Palm Canyon Drive and Alvarado Road (Case 5.1340 PDD 370 CUP / 3.3742 MAJ, TTM 36725) (APN's 504-074-001, 002 & 008); and

WHEREAS, on August 11, 2014, the subject project was reviewed by the City's Architectural Advisory Committee (AAC), which voted 5-0-1-1 (Song abstained, Secoy-Jenson absent) to recommend approval of the project by the Planning Commission subject to the condition that the applicant submit the final landscape plan to a subcommittee of the AAC (members Purnell/Fredricks/Cassady) for review and recommendation of approval to the Planning Director prior to issuance of building permits; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs, California to consider Case 5.1340 PDD 370, CUP / 3.3742 MAJ / TTM 36725 was given in accordance with applicable law; and

WHEREAS, on October 8, 2014 a public hearing of the Planning Commission of the City of Palm Springs, California was held in accordance with applicable law, and

WHEREAS, at said hearing, the Planning Commission 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

and voted 7-0 to table the matter with direction to the applicant to modify the project, and

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs, California to consider Case 5.1340 PDD 370, CUP / 3.3742 MAJ / TTM 36725 was given in accordance with applicable law; and

WHEREAS, on November 19, 2014 a public hearing of the Planning Commission of the City of Palm Springs, California was held in accordance with applicable law, and

WHEREAS, at said hearing the Planning Commission 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 and voted 5-2-0 (Calerdine and Klatchko opposed) to table the matter and refer it back to the applicant with direction to revise several aspects of the project, and

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs, California to consider Case 5.1340 PDD 370, CUP, TTM 36725 was given in accordance with applicable law; and

WHEREAS, on December 10, 2014 a public hearing of the Planning Commission of the City of Palm Springs, California was held in accordance with applicable law, and

WHEREAS, at said hearing the Planning Commission 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, and voted 7-0 to approve the project with conditions and recommend its approval by City Council subject to those conditions; and

WHEREAS, a notice of public hearing of the City Council of the City of Palm Springs, California to consider Case 5.1340 PDD 370, CUP, TTM 36725 was given in accordance with applicable law; and

WHEREAS on January 7, 2015, the City Council held a public hearing in accordance with applicable law; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed development has been determined to be a project subject to environmental analysis under guidelines of CEQA.

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

Section 1: CEQA.

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). An initial study was conducted and the City concluded that the

project as proposed had the potential to cause significant negative impacts on the environment. The analysis included all required CEQA issues, including but not limited to air quality, traffic, land use compatibility and hydrology. Mitigation Measures have been proposed to reduce the project's significant impacts to a less than significant level. The applicant has agreed in writing to implement the proposed mitigation measures. The CEQA analysis including a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was made available for public comment for a 20-day period from September 3, 2014 to September 23, 2014. Public comment letters were received which are attached to this staff report. Through the public comment period, no new information was found that would require recirculation or further analysis of the project's impacts under CEQA.

The City Council independently reviewed and considered the information contained in the draft MND and NOI prior to its review of the proposed project, and the draft MND reflects the City's independent judgment and analysis. The City Council finds, on the basis of the whole record before it, including the initial study and comments received, that the project as proposed, including all required permits, has the potential to cause significant impacts on the environment but the proposed Mitigation Measures would reduce those impacts to a less than significant level. Therefore the City Council hereby adopts the Mitigated Negative Declaration as a complete and adequate evaluation of the project pursuant to CEQA.

Section 2: Findings for the Tentative Tract Map.

The findings required for the proposed Tentative Map are pursuant to Section 66474 of the California Subdivision Map Act. The project is evaluated against these findings as follows:

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

The TTM proposes a single lot subdivision for condominium purposes with open space, common area, forty-six (46) detached residential units and private streets. The proposed density is within the range specified by the Mixed-use / Multi-use General Plan land use designation. The project proposes private streets that are not consistent with the General Plan, however the Planning Commission imposed a condition of approval requiring street configuration consistent with the General Plan and with this condition, the project can be deemed consistent with this finding. No specific plans are associated with the subject property.

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

The proposed project design and improvements are generally not consistent with the C-1 / RGA-6 / R-3 zone in which the property is located. The PDD in lieu of a zone change proposes single family uses structured in a condominium form of ownership.

The PDD proposes detached residential uses with development standards that do not conform to the R-1-C standards, and proposes a density that is greater than the maximum allowable for the RGA-6 zone. With the approval of the PDD in lieu of a change of zone, the project will be established as its own unique zone and can be deemed consistent with its own zoning development standards and density.

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

The project site will be graded to accommodate the proposed development. Site modifications include new private driveways to individual residential units from a network of proposed private streets. As currently configured the site is not adequate for the type of development proposed because the proposed private streets do not conform to the General Plan. A condition requiring conformance with the General Plan on street width is included and with this condition, the project is deemed consistent with this finding. With approval of the proposed PDD the site would be deemed physically suitable for this type of development.

Each unit is proposed as a detached two-story residential unit structured within a condominium form of ownership. A total of 46 residences are proposed on the 5.23-acre site. The site has adequate vehicular access with primary access taken from Alvarado Road, a local street, and emergency access onto De Anza Road which is a collector street. The General Plan EIR studied projected traffic and service levels on the surrounding network of public streets and the project density at roughly 9du/ac is less than the maximum allowed for the Mixed-Use / Multi-use designation and thus the site is physically suited for this type of development.

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

The General Plan Mixed-Use / Multi-Use Land Use designation in which the project is sited allows up to 30 du/ac with approval of a PDD. The underlying RGA-6 zone allows 6 du/ac. The PDD in lieu of a change of zone proposes roughly 9du/ac; a density greater than the underlying zone, but less than the maximum allowable by the General Plan. As noted above, although proposed street widths are not consistent with the General Plan, with incorporation of the condition requiring conformance with the General Plan street width, the project can be found consistent with this finding. With approval of the PDD as a change of zone, the project would be consistent with both the General Plan and Zoning in terms of suitability for the proposed density.

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

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The project will therefore not damage or injure fish, wildlife or their habitats.

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

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each detached residential unit however street width and separation of vehicular and pedestrian movement as proposed are not consistent. With incorporation of the condition requiring General Plan street dimensions and separation of vehicular and pedestrian movement, the project can be found consistent with this finding. No serious public health problems are anticipated.

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

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby adopts the Mitigated Negative Declaration under CEQA and approves Case 5.1340 / TTM 36725; a Tentative Tract Map for condominium purposes for development of a community of 46, two-story detached residential units with private streets, guest parking, common areas, landscaping and open space on a roughly 5.23-acre parcel located at the southeast corner of North Palm Canyon Drive and Alvarado Road, (APN's 504-074-001, 002 & 008) subject to the conditions set forth in Exhibit A.

ADOPTED THIS SEVENTH DAY OF JANUARY, 2015.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on January 7, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

RESOLUTION NO. _____

**EXHIBIT A
CONDITIONS OF APPROVAL**

Case 5.1340 PDD 370 CUP / 3.3742 MAJ / TTM 36725 - "Alvarado"
(Southeast corner of North Palm Canyon Drive and Alvarado Road)

January 7, 2015

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 (5.1340 PDD 370 CUP / 3.3742 MAJ / TTM 36725); except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (October 29, 2014), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Tentative Map. This approval is for Tentative Tract Map 36725 located at the southwest corner of North Palm Canyon Drive and Alvarado Road, date stamped October 29, 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 5.1340 PDD 370 CUP / 3.3742 MAJ / TTM 36725. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

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

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

Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.

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

- 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. Maintenance of Outdoor Seating and structures at the Corner "Oasis". Periodic cleaning of the "oasis" at the corner of North Palm Canyon Drive and Alvarado Road shall be the responsibility of the project's homeowners' association (HOA).

ADM 13. CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances

CC&R's.

ADM 14. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:

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

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

ADM 15. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.

ADM 16. CC&R's Noise Disclosure. The CC&R's shall have a disclosure statement regarding the location of the project relative to roadway noise, City special events, roadway closures for special events and other planned activities which may occur in the public right-of-way.

ADM 17. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ADM 18. Community Facilities District. The project will bring additional residents, visitors and activities to the community that will potentially impact the needs for public safety services beyond the City's ability to provide such services; and because such services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic and other safety services, and recreation, library, cultural services are near capacity, the City has established a Community Facilities District to which this project shall be annexed, subject to conditions of approval; and

Prior to recordation of the final map or, at the City's option, prior to issuance of certificate of occupancy, the developer agree to support formation of or annexation into a Community Facilities District (CFD) to include the project site. Developer further agrees to waive any right of protest or contest such formation or annexation, provided that the amount of any assessment for any single family dwelling unit (or the equivalency thereof when applied to multiple family, commercial or industrial) as established through appropriate study shall not exceed \$500 annually per dwelling unit or dwelling unit equivalency unit, subject to an annual consumer price index escalator. Prior to sale of any lots, or prior to the issuance of any certificate of occupancy, or prior to any approval of the Building Official that will allow the premises to be occupied, the CFD shall be formed, the annexation thereto shall occur, or at the option of the City Manager and Building Official, a covenant agreement may be recorded against any affected parcel(s) with the project, evidencing the Owner's binding consent, approval, and waiver of rights as provided in this condition of approval.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination.

Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

- ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the CEQA Evaluation and summarized here as follows:
- ENV 4. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 5. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities.
- a). A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in the area is required.
 - b) A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
 - c). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00 and Chapter 11.06) of the Palm Springs Municipal Code and all other relevant water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the City's Water Efficient Landscape Ordinances.
- PLN 3. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
- a. The project's final landscape plan shall be submitted for review by the AAC subcommittee (Purnell, Fredricks, Cassady) for recommendation for approval to the Director of Planning prior to issuance of building permits.
- PLN 4. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median. The existing Robusta / Mexican Fan Palms at the Palm Canyon frontage shall be replaced with California Fan Palms.
- 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. The applicant shall submit a sign permit/program to the Department of Planning Services prior to the issuance of building permits.

- 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. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 10. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 11. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 12. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 13. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 14. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and visitors. Location and design shall be approved by the Director of Planning.
- PLN 15. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.

- b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 16. 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 17. Open Space. Provide at least ten feet between the sides of units.
- PLN 18. Streets and sidewalks to conform to General Plan. Revise the widths of the private streets to conform to the General Plan and/or provide separate sidewalks distinct from the vehicular travelway on the private streets.
- PLN 19. Live/Work Units on lots backing onto Palm Canyon Drive. The accessory units developed as part of this approval may not be rented separately from the main dwelling units to which they are assigned. CC&R's shall reflect this restriction. Architectural Review and approval by the Planning Commission is required of the project, particularly the accessory "live/work" units that back onto Palm Canyon Drive by the Planning Commission with a recommendation to provide variety to the Palm Canyon facades of these units prior to submittal of building permits.
- PLN 20. Remove All Gates. Both pedestrian and vehicular to better integrate the proposed project with the existing surrounding neighborhood (individual rear yard enclosures and gates and/or those associated with pool barriers are permitted).
- PLN 21. Shade Structure Option for Buyers. Develop a design for shade structures in the back yards that integrates with the architecture of the complex that buyers could include as a purchase option; review design with Director of Planning for design approval.
- PLN 22. Provide 'smart controllers' for all irrigation systems.

- PLN 23. Provide Photo-voltaic systems for all units that have the capacity of providing one-third to one-half of the project electrical loads for each residential units.
- PLN 24. 48 inch box shade trees. Provide at least 48 inch box shade trees for corner public open space. Select an alternative to the Shoestring Acacia species with greater shade canopy.
- PLN 25. Landscape Design Review by AAC. The landscape design and perimeter walls for the entire project are to be reviewed by the AAC subcommittee (Purnell, Fredricks, Cassady) for recommendation of approval to staff prior to issuance of building permits. Perimeter wall design should incorporate “open pedestrian access”.
- PLN 26. Final Architectural Design brought back to Planning Commission for approval. The project shall be reviewed by the Planning Commission for Architectural Review and approval prior to issuance of building permits. In particular the applicant is to improve the Palm Canyon Drive frontage, including more variety in the accessory units fronting Palm Canyon and the repetitive nature of the project’s architecture.

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Applicant shall obtain State permits and approval of plans for any work done on State Highway 111. A copy of an approved Caltrans encroachment permit shall be provided to the City Engineer prior to the issuance of any grading or building permits if there is any work being done in the public right-of-way on State Highway 111.
- ENG 3. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.

ALVARADO ROAD

- ENG 4. Construct a 6 inch curb and gutter, 18 feet south of centerline along the entire frontage, with a 35 feet radius curb return and spandrel at the southeast corner of the intersection of Alvarado Road and North Palm Canyon Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 5. Construct a 42 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 6. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 7. Construct a Type A curb ramp meeting current California State Accessibility standards at the southeast corner of the intersection of Alvarado Road and North Palm Canyon Drive in accordance with City of Palm Springs Standard Drawing No.212.
- ENG 8. Construct pavement with a minimum pavement section of 2.5 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 centerline along the entire Alvarado Road frontage in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel

lane.) 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 9. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

DE ANZA ROAD

- ENG 10. Construct a 6 inch curb and gutter, 20 feet west of centerline along the entire frontage, with a 25 feet radius curb return and spandrel at the southwest corner of the intersection of Alvarado Road and De Anza Road in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 11. Construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 12. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 13. Construct a Type A curb ramp meeting current California State Accessibility standards at the southwest corner of the intersection of Alvarado Road and De Anza Road in accordance with City of Palm Springs Standard Drawing No.212.
- ENG 14. Construct pavement with a minimum pavement section of 2.5 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 centerline along the entire De Anza Road frontage in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) 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 15. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

NORTH PALM CANYON DRIVE (HIGHWAY 111)

ENG 16. Contact the City's Director of Facilities to determine appropriate specifications for lighting, irrigation, root barriers on the existing California Fan Palm trees to remain. Existing Mexican / Robusta Fan Palms shall be removed and replaced in accordance with Planning Condition PLN 4 and Planning Commission Resolution 1503, and in accordance with City specifications.

ENG 17. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

ENG 18. The on-site layout of streets (or drive aisles) and parking spaces is subject to further review and approval by the City Engineer. Adjustment of proposed street alignments, and deletion or relocation of proposed parking spaces may be required during review and approval of construction plans for on-site improvements, as required by the City Engineer. Approval of the preliminary site plan does not constitute approval of the on-site layout of streets and parking spaces as proposed.

ENG 19. The minimum pavement section for all on-site pavement (specify drive aisles, parking spaces, etc.) shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 20. All on-site private streets (or drive aisles) shall be two-way with a minimum 28 feet wide travelway (as measured from face of curb) where no on-street parking is proposed.

ENG 21. On-site drive aisles (or parking lot) shall be constructed with curbs, gutters, and cross-gutters, as necessary to accept and convey street surface drainage of the on-site streets to the on-site drainage system, in accordance with applicable City standards.

SANITARY SEWER

ENG 22. All sanitary facilities shall be connected to the public (or private) sewer system (via the proposed on-site private sewer system). New laterals shall not be connected at manholes.

- ENG 23. 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.
- ENG 24. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 25. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING

- ENG 26. 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 27. 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 28. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 29. (Temporary dust control) perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

ENG 30. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

- ENG 31. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 32. This project requires preparation and implementation of a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the approved final project-specific Water Quality Management Plan shall be incorporated by reference or attached to the SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 33. 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 (if there is disturbance of 5,000 square feet or more) at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 34. 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 35. 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).

WATER QUALITY MANAGEMENT PLAN

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

ENG 37. 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 within the underground parking garage and the on-site private drive aisles. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

- a. 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 Water Quality Management Plan (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.

- b. 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 BMP’s have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP’s included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).
- c. Prior to issuance of certificate of occupancy or final City approvals (OR of “final” approval by City), the applicant shall:
- d. Demonstrate that all structural BMPs have been constructed and installed in conformance with approved plans and specifications;
- e. Demonstrate that applicant is prepared to implement all non-structural BMPs included in the approved Final Project-Specific Water Quality Management Plan (WQMP), conditions of approval, or grading/building permit conditions; and
- f. Demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

ENG 38. 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. Provide a hydrology study 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 hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. 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

- ENG 39. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to North Palm Canyon Drive, Alvarado Road or De Anza Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 40. 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.
- ENG 41. The project is subject to flood control and drainage implementation fees pursuant to Resolution 14082. The acreage drainage fee at the present time is \$ 6511.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.
- ENG 42. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.

GENERAL

- ENG 43. 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 44. 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.
- ENG 45. All proposed utility lines shall be installed underground.
- ENG 46. All proposed utility lines shall be installed underground. The applicant shall coordinate with Southern California Edison to install underground conduit for future underground service from the street, for use at such time as the existing overhead utilities in the neighborhood are converted to an underground system.
- ENG 47. 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 48. 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 49. 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 50. 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.

MAP

ENG 51. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the (Parcel/Final) Map to the Engineering Division as part of the review of the Map. The (Parcel/Final) Map shall be approved by the City Council prior to issuance of building permits.

ENG 52. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final (Parcel) Map by the City Council, or in the absence of a Final (Parcel) Map, shall be submitted and approved by the City Attorney prior to issuance of Certificate of Occupancy.

ENG 53. Upon approval of a final (parcel) map, the final (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, 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 54. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 55. 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 56. Submit traffic striping and signage plans for Alvarado Road and De Anza Road prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.
- ENG 57. 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 (MUTCD), dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 58. 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.

- FID1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan received and dated November 4, 2014. Additional requirements may be required at that time based on revisions to site plans.
- FID2 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.

FID3 PLANS AND PERMITS

Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain 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. Inspection fees are charged at the fully burdened hourly rate of the fire inspector. These fees are established by Resolution of the Palm Springs City Council.

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

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

FID4 Street Widths (CFC Appendix L; PSMC § 8.04.500; Palm Springs 2007 General Plan): Private streets in any residential or mixed use land use designation may be reduced to a minimum of 28 feet (curb face to curb face) provided that (1) additional off street parking is provided as determined by the City Engineer, the Fire Chief and Director of Planning, (2) rolled or wedge curb is provided such that vehicles may park partially out of the traveled way, and (3) pedestrian pathways or sidewalks, if located along the street, separated from the curb by a minimum five-foot parkway are provided.

Any street not designated by the fire department as a “fire lane” shall comply with the above requirements.

FID5 Fire Apparatus Access Roads (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.

Fire Apparatus Access Road (CFC 202 Definitions) – A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Dimensions (CFC 503.2.1): Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (*for designated fire lanes*) except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.

FID6 **Fire Lanes (CFC 202 Definitions):** A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus. A “fire lane” is a component of a “fire apparatus access road”.

Designation of Fire Lanes (CVC 22500.1): Only the fire department with jurisdiction over the area in which the place is located can designate a fire lane.

Designated Fire Lanes in private developments shall be not less than 24 feet wide (curb face to curb face) with no parking on either side. Wedge, or rolled curbing contained within a 24 foot fire lane shall be capable of supporting 73,000 pound GVW fire apparatus.

Fire Lane Marking (CFC 503.3): Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

FID7 **Dead-end fire apparatus access roads** in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 45 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9/4/2002.

FID8 **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and

maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

FID9 Traffic Calming Devices (CFC 503.4.1): Traffic calming devices shall be prohibited unless approved by the fire code official.

FID10 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. Secured automated vehicle gates or entries shall utilize a combination of a Tomar Strobeswitch™, or approved equal, and an approved Knox key electric switch. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

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

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

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

FID11 Fire Hydrant Flow and Number of Fire Hydrants (CFC 508.5): Fire hydrants shall be provided in accordance with CFC Appendix B, Fire Flow Requirements for Buildings, for the protection of buildings, or portions of buildings, hereafter constructed. The required fire hydrant flow for this project is 750 gallons per minute (with fire sprinklers) (CFC Appendix B) and one available fire hydrant must be within 250 feet from any point on lot street frontages. (CFC Appendix C)

FID12 Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings

FID1 **NFPA 13D Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2013 Edition, as modified by local ordinance.

FID 14 **PROJECT NOTES:**
Designated Fire Access Road depicted at the east side of the complex shall meet fire apparatus access road requirements above. Bocce Ball Court shall not interfere with the road level.

END OF CONDITIONS

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR DEVELOPMENT OF 46 DETACHED RESIDENTIAL UNITS, PRIVATE ROADS AND OPEN SPACE ON A 5.23 +/- ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD [CASE 5.1340 PDD 370]

City Attorney's Summary

This Ordinance approves a final planned development district in lieu of a zone change to accommodate the development of 46 detached residential units on a 5.23+/- acre parcel generally located at the southeast corner of North Palm Canyon drive and Alvarado Road.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:

A. West Coast Housing Partners, LLC on behalf of the Owner, The Eric Brandenburg Separate Property Trust submitted applications pursuant to Palm Springs Zoning Code Section 94.03 & 93.07 (Planned Development, Zone Change) Section 94.04 (Architectural Review), Section 94.02 & 92.25.00 (Conditional Use Permit / Resort Combining Zone) and Municipal Code Section 9.62 (Maps) seeking approval of a Planned Development District in lieu of a Change of Zone, a Tentative Tract Map, and a Major Architectural Application and a Conditional Use Permit via the PDD for development of a gated community comprised of 46 two-story residential detached units, private streets, common open space and landscaping on a roughly 5.23 acre site located at the southeast corner of North Palm Canyon Drive and Alvarado Road (Case 5.1340 PDD 370 CUP / 3.3742 MAJ, TTM 36725) (APN's 504-074-001, 002 & 008).

B. On August 11, 2014, the subject project was reviewed by the City's Architectural Advisory Committee (AAC), which voted 5-0-1-1 (Song abstained, Secoy-Jenson absent) to recommend approval of the project by the Planning Commission subject to the condition that the applicant submit the final landscape plan to a subcommittee of the AAC (members Purnell/Fredricks/Cassady) for review and recommendation of approval to the Planning Director prior to issuance of building permits.

C. Notice of a public hearing of the Planning Commission of the City of Palm Springs, California to consider Case 5.1340 PDD 370, CUP / 3.3742 MAJ / TTM 36725 was given in accordance with applicable law and on October 8, 2014 a

public hearing of the Planning Commission of the City of Palm Springs, California was held in accordance with applicable law. At said hearing, the Planning Commission 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 and voted 7-0 to table the matter with direction to the applicant to modify the project.

D. A notice of public hearing of the Planning Commission of the City of Palm Springs, California to consider Case 5.1340 PDD 370, CUP / 3.3742 MAJ / TTM 36725 was given in accordance with applicable law and on November 19, 2014 a public hearing of the Planning Commission of the City of Palm Springs, California was held in accordance with applicable law. At said hearing the Planning Commission 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 and voted 5-2-0 (Calerdine and Klatchko opposed) to table the matter and refer it back to the applicant with direction to revise several aspects of the project.

E. A notice of public hearing of the Planning Commission of the City of Palm Springs, California to consider Case 5.1340 PDD 370, CUP, 3.3742 MAJ, TTM 36725 was given in accordance with applicable law and on December 10, 2014 a public hearing of the Planning Commission of the City of Palm Springs, California was held in accordance with applicable law. At said hearing the Planning Commission 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, and voted 7-0 to approve the project with conditions and recommend its approval by City Council subject to those conditions.

F. A notice of public hearing of the City Council of the City of Palm Springs, California to consider Case 5.1340 PDD 370, TTM 36725 was given in accordance with applicable law and on January 7, 2015, the City Council held a public hearing in accordance with applicable law.

G. A Planned Development District in lieu of a Change of Zone is required to be adopted by ordinance as provided in the City's Municipal Code and the proposed project is proposed to be adopted by Ordinance.

H. 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, the MND, and all written and oral testimony presented and finds that the Project complies with the requirements of Section 94.07.00 of the City's Zoning Code. The City Council makes the following specific findings based on specific evidence as described after each finding:

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 proposed project is located in the Mixed-use / Multi-use land use designation of the General Plan. This designation allows residential uses to a maximum density of 30 du/ac with approval of a Planned Development District (PDD). The underlying zone is RGA-6 / C-1 and R-3. The density for the RGA-6 zone is 6du/ac and for R-3 is 30 du/ac. The project proposes roughly 9du/ac and thus conforms in terms of density with the General Plan. The proposed density is 50% greater than the underlying RGA-6 zone, less than those portions of the project that are zoned R-3. The Planning Commission approved the project as a PDD in lieu of a change of zone and therefore the density proposed becomes the approved density for the project.

The General Plan notes that the Mixed-use / Multi-use designation *"should promote civic activity, define neighborhood character, and provide places for people to meet and socialize, enhancing the area's overall quality of life. These areas are intended to provide services and distinct gathering places and activity centers for surrounding neighborhoods and businesses."*

The General Plan also notes for this specific Mixed Use area (called "Artist Colony") *"the northern end of the City lacks distinct gathering places, with residents and businesses relying mainly upon Downtown to serve this need. The Artist Colony provides opportunity to introduce housing along Palm Canyon Drive and to provide much-needed neighborhood-serving commercial uses and gathering spaces."*

The proposed project is limited in its success at promoting civic activity, and in providing places for people to meet and socialize. Aside from the small accessory structures that face Palm Canyon that might be used as home-based businesses, the project does little to provide *"much needed neighborhood serving commercial uses"*. The project is proposed as a gated community that separates itself from the existing surrounding neighborhood. The project turns back yards toward the public streets, provides no internal sidewalks and creates a monotonous "wall of garage doors" facing the internal private streets instead of porches, yards, or other architectural features that would promote more "eyes on the streets" and that might encourage community interaction. The small "oasis" for bicyclists at the corner of Palm Canyon Drive and Alvarado provides little in the way of amenities to encourage civic activity, or community gathering and is separated with walls and gates from the rest of the proposed development. Aside from the perimeter walls and narrow strips of landscaping, places that would contribute to creating an appealing "character" for this neighborhood are

lacking in this proposal, however the City Council has conditioned the project to address these issues and enable the project to be deemed consistent with this finding.

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

The proposed project is located in the C-1/RGA-6/R-3 Zones with the Resort Combining Zone Overlay. The PDD is proposed to change the split zoning to a single residential zone with its own unique development standards. The project is considerably denser than the existing large lot, single family development in the vicinity of the project; however the detached residential uses proposed are suitable and similar to the single family detached residential uses in the vicinity. Although the project has frontage along Palm Canyon Drive, it is suitable and appropriate that vehicular access to the project is proposed from the adjacent collector street rather than Palm Canyon Drive. Thus the City Council has determined that the project conforms to this finding.

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

Proposing residential uses for the subject site is appropriate given that the general development pattern in the vicinity is also residential. The General Plan promotes the concept of "Mid-block residential" along major thoroughfares, which encourages clustering of commercial / retail uses at the major intersections within walking distance to residential areas, rather than as a long commercial strip that relies more heavily on vehicular movement. The City Council deemed the project in conformance with this finding.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1: CEQA.

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). An initial study was conducted and the City concluded that the project as proposed had the potential to cause significant negative impacts on the environment. The analysis included all required CEQA issues, including but not limited to air quality, traffic, land use compatibility and hydrology. Mitigation Measures have been identified and included in the project to reduce the project's significant impacts to a less than significant level and a Mitigated Negative Declaration (MND) was determined to be an appropriate and adequate environmental document for the review and consideration of the project. The CEQA analysis including a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration was made available for public comment for a 20-day period from September 3, 2014 to September 23, 2014. Public comment

letters were received which are attached to this staff report; however, no new information was provided that would require recirculation or further analysis of the project's impacts under CEQA.

The City Council independently reviewed and considered the information contained in the draft MND and NOI prior to its review of the proposed project, and the draft MND reflects the City's independent judgment and analysis. The City Council finds, on the basis of the whole record before it, including the initial study and comments received, that the project as proposed, including all required permits, has the potential to cause significant impacts on the environment but the proposed Mitigation Measures would reduce those impacts to a less than significant level. Therefore the City Council hereby adopts the Mitigated Negative Declaration as a complete and adequate evaluation of the project pursuant to CEQA.

SECTION 2. The City Council approves PDD 370 in lieu of a Change of Zone (Case 5.1340) as conditioned by City Council Resolution No. _____ for Case 5.1340 PDD 370 / CUP / TTM 36725 / 3.3745 MAJ.

SECTION 3. The City Council approves the zone map change from C-1 / RGA-6 / R-3 to PDD 370 for a roughly 5.23-acre area at the southeast corner of North Palm Canyon Drive and Alvarado Road, in conjunction with Case 5.1340 PDD 370 / CUP / TTM 36725 / 3.3742 MAJ.

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 7th day of January, 2015.

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 \

West Coast Housing Partners, LLC

RECEIVED

HAND - DELIVERD

OCT 29 2014

PLANNING SERVICES
DEPARTMENT

October 29, 2014

Messrs. Flinn Fagg and Ken Lyon
Department of Planning Services
City of Palm Springs Planning Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Subject: Alvarado in the Art Colony
Re-Submittal
Case 5.1340, PDD 370, TTM 36725

Dear Messrs. Fagg and Lyon:

On behalf of the Alvarado in the Art Colony project team, West Coast Housing Partners, LLC, resubmits the following documents in response to the comments received during the October 8, 2014 Planning Commission hearing.

- Tentative Tract Map No 26725
- Site Plan
- Conceptual Landscape Plan
- Various Renderings

These revisions are a result of considerable time and effort reviewing the comments received during the October 8, 2014 Planning Commission hearing in light of current market and economic realities. A brief summary of these revisions are:

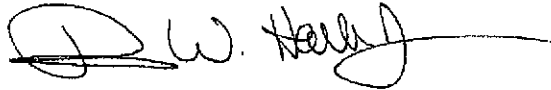
1. Tentative Tract Map. Tentative Tract Map No. 36725, dated May 15, 2014 will be replaced with a one parcel condominium map.
2. Interior Street. The asphalt surfaces of the interior streets will be replaced with interlocking pavers.
3. Guest Parking. Three additional parking spaces have been added throughout the project.
4. Service-Only Restricted Parking. Three parking spaces will be restricted to be only for service vehicles from Monday through Friday during work hours.
5. Garage Door Re-Design. The garage doors have been re-designed by adding a combination of vertical or horizontal glazing to some. In

addition, the colors of the garage doors have been matched to the color of the wall they sit in.

6. Driveway Trees. New trees have been proposed.
7. Corner Plaza / Bike Oasis. The Corner Plaza has been modified by adding 48" trees to provide more shade. Seating has been located. The Bike Oasis will consist of a stationary bike pump, repair station, water bottle refilling fountain, all of which will be cleaned and maintained by the project's home owners association.
8. A gate and sidewalk have been added to allow the project residents to have direct access to the bike oasis.
9. Pedestrian gates. The pedestrian gates will be equipped with automatic locks that will be open during daylight hours and locked evenings.
10. Additional Active Gathering Amenities. A dog walking path has been incorporated into the center of the southern portion of the property. A bocce ball court has also been located with the project. Lastly, the entrance park has been revised to provide a better facility for residents to gather.
11. Direct Pedestrian Access from Alvarado Road and North Palm Canyon Drive.
All units facing Alvarado Road and North Palm Canyon Drive will continue to have direct access to the street.
12. Additional Project Components: The project will incorporate various other items such as:
 - a. Noise reduction of Pool and HVAC Equipment: Central air conditioner equipment with 55db levels or less will be utilized. Noise-absorbing split face masonry block walls will enclose all this equipment.
 - b. Optional back yard shade structures will be offered.
 - c. The CC&R's will prohibit the rental of the casitas.

We respectfully believe the above-mentioned modifications have enhanced the project to be consistent with all provisions of the City's codes and regulations, while providing the best site plan and product for the conditions of the property and the economic realities of the market. Therefore, we request the project be noticed and be heard during the Planning Commission's November 12th meeting.

Very Truly Yours,
WEST COAST HOUSING PARTNERS, LLC



By:

R. W. (Whitt) Hollis, Jr.
Vice President of Land Acquisition

cc: David Ready, City of Palm Springs City Manager
The Eric Brandenburg Separate Property Trust,
Attn: Eric Brandenburg, Trustee and William B. Baron
Krystal Návar, Modative
Rob Parker, Design Principal, RGA Landscape Architects, Inc.
Marvin D. Roos, Director of Design Development, MSA Consulting, Inc
Steve Hester, West Coast Housing Partners, LLC



PLANNING COMMISSION STAFF REPORT

DATE: November 19, 2014

PUBLIC HEARING

SUBJECT: WEST COAST HOUSING PARTNERS ON BEHALF OF THE OWNER THE ERIC BRANDENBURG SEPARATE PROPERTY TRUST FOR APPROVAL OF A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES FOR DEVELOPMENT OF 46 TWO-STORY, DETACHED RESIDENTIAL UNITS ON ROUGHLY 5.23 ACRES AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD (CASE 5.1340 PDD 370 CUP, 3.3742 MAJ, TTM 36725) (ZONE C-1/RGA-6 / RESORT COMBINING ZONE). (APN's 504-074-001, 002 & 008) (KL)

FROM: Department of Planning Services

SUMMARY

The Planning Commission reviewed the subject project at a public hearing on Wednesday October 8, 2014, at which time it voted 7-0 to table the project and directed the applicant to revise numerous aspects of the project. The applicant has revised some details of the project, but many aspects about which the Commission had concerns remain unresolved. Staff added the remaining unresolved items to the Conditions of Approval attached as Exhibit "A". The Commission may elect to retain or remove any of these proposed conditions in making its findings and in consideration of its action on the proposed project.

RECOMMENDATION:

1. Open the public hearing and take testimony.
2. Close the public hearing and adopt the Mitigated Negative Declaration as an adequate analysis of the project's environmental impacts under the guidelines of the California Environmental Quality Act (CEQA).
3. Adopt Resolution # _____, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION UNDER CEQA, APPROVING TENTATIVE TRACT MAP TTM 36725, CASE 5.1340 PDD 370 CUP, A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE AND CONDITIONAL

USE PERMIT FOR CONDOMINIUMS IN THE RESORT COMBINING ZONE, AND CASE 3.3742 MAJ, A MAJOR ARCHITECTURAL APPLICATION FOR A PROPOSED GATED COMMUNITY COMPRISED OF 46 DETACHED RESIDENTIAL UNITS, PRIVATE STREETS AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD; (APN's 504-074-001, 002 & 008) AND RECOMMENDING APPROVAL OF THE SAME BY THE PALM SPRINGS CITY COUNCIL, SUBJECT TO CONDITIONS OF APPROVAL".

ISSUES:

The Planning Commission communicated the following list of conditions and concerns to the applicant at the public hearing on the project on October 8, 2014. The applicant made certain revisions, and based upon these revisions requested the project be scheduled before the Planning Commission today. Following each listed item is a brief evaluation by staff on the applicant's conformance to the Commission's requests:

1. *Provide at least 10 feet between units for more usable open space and less density. (This was noted as both an open space issue and a density issue).*

Staff evaluation: Does not conform. The applicant has not increased the distance between units and has not reduced the project density. A condition of approval has been proposed requiring at least ten feet between units.

2. *Revise the site concept to provide better accommodation for pedestrian circulation within the project to provide sidewalks along one side of the streets or by other creative means, taking into consideration workmen and guests as well as residents. (Staff note: Reference PSZC 94.04 Architectural Review guideline D.1 which notes, "...Definition of pedestrian and vehicular areas; i.e. sidewalks as distinct from parking lot areas;" (e.g. vehicular travelways) and note additional PC comment #14 below on paving differentiation)*

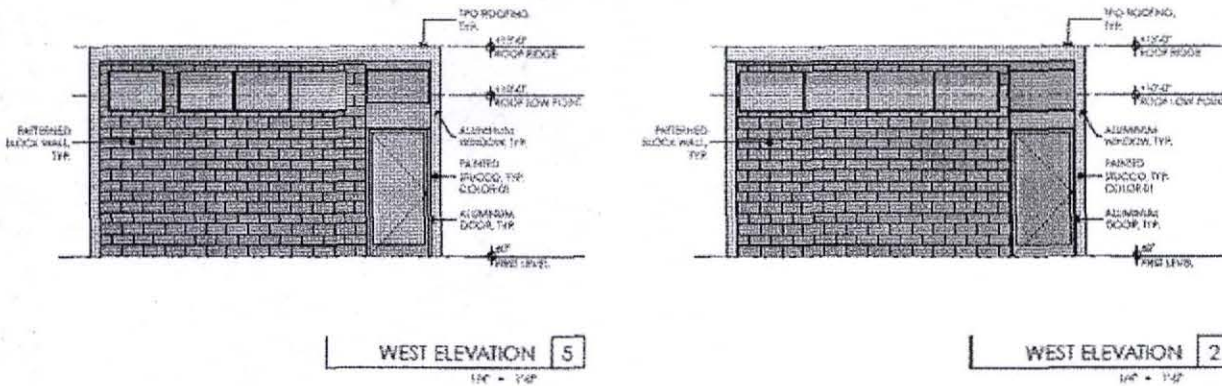
Staff evaluation: Not resolved. The applicant has proposed changing the pavement of the private streets from asphalt to pre-cast brick pavers, however no accommodation for separation of pedestrian and vehicular circulation is proposed and no distinct pavement color or pattern is proposed to demarcate the pedestrian walkway from the vehicular travelway. A condition of approval has been proposed requiring either that separate sidewalks be provided, or the streets be revised to conform to the General Plan in terms of width with a provision that visual or physical delineation and separation of vehicular and pedestrian travelways be created within the project.

3. *If sidewalks are not provided along streets, then revise widths of private streets to conform to General Plan, ("especially in lieu of sidewalks, must have one or the other.")*

Staff evaluation: Not resolved. No sidewalks have been proposed and the street widths still do not conform to the General Plan. See note above regarding recommended condition of approval.

4. Provide live/work as proposed by the applicant on the site plan, allow for variety in the architectural composition of these units, without kitchens. (do not want them to become rental units).

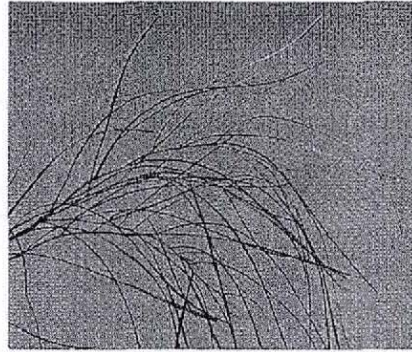
Staff evaluation: Partially resolved. No change has been proposed in the architectural composition of these units, all of which are proposed with the same elevation facing Palm Canyon Drive as shown below:



Staff's concern is that they unintentionally may appear like a row of modular classroom buildings and believes that more variety in the architecture of these units would enhance the architectural appearance of the project, especially along the major thoroughfare of Palm Canyon Drive. A Condition of Approval is proposed restricting them from being used as vacation rental units as was requested by the Planning Commission and requiring that minimally the Palm Canyon façade of these units go back for review by the Architectural Advisory Committee for recommendation to staff prior to submittal for building permit.

5. Provide 48 inch minimum box size for shade trees as shown on the landscape plan at the corner oasis. Select species suitable for the windy conditions at the site in lieu of structures for shade at that corner and provide more individual seating.

Staff Evaluation: Not resolved. More stones for seating have been proposed. Tree species and sizes proposed at the corner park are 24 inch box Acacia Aneura (Texas Olive), 24 inch box Acacia Salicina (Shoestring Acacia) and 36-48 inch box Tipu Tree (a species of palo verde). Staff's concern with shoestring acacia is that its thin "stringlike" leaf affords little to no shade protection. A condition of approval is proposed requiring all shade trees in the corner oasis be 48 inch box trees and an alternative species instead of the shoestring acacia be proposed with greater shade capability.



DETAIL OF SHOESTRING ACACIA LEAF

The landscape design is already conditioned to require final review by a subcommittee of the AAC with recommendation to staff prior to issuance of building permits.

- 6. Reduce the monotony of the wall of garage doors by either turning the corner unit garage doors to the sides or revise the site plan in some other way to eliminate the repetitive monotonous nature of the row of garage doors along the interior streets.*

Staff Evaluation: Partially resolved. Orientation of garage doors was not changed from previous submittal and site plan has not been revised. Applicant proposes different color and window patterns in the garage doors which staff believes is limited in its success in reducing the visual monotony.

- 7. Provide perimeter pedestrian gates at all units backing onto the public streets. (Note from earlier meeting with Planning Director to also provide doorbell systems to allow visitors to access units from these gates).*

Staff Evaluation: Resolved. All units facing Alvarado Road and North Palm Canyon Drive have been provided with gates and doorbells onto the public streets.

- 8. Provide optional back yard shade structures for prospective buyers that complement the architecture of the homes.*

Staff Evaluation: Noted by applicant, but no exhibit has been proposed. Staff has proposed a condition of approval requiring these optional shade structures be submitted to the Director of Planning for approval prior to submittal for building permits.

- 9. Utilize angling or other design solutions to relieve the long planar walls of garage doors along the interior streets.*

Staff Evaluation: Partially resolved. See staff evaluation for item 6 above.

10. *Create a better solution to reduce noise dramatically from the pool and HVAC units or move these mechanical units away from the back yards to eliminate noise impacts on those yards. (staff will confirm the minimum required open space clearance at side yards with Fire Department).*

Staff Evaluation: Resolved. Split faced concrete block equipment enclosures and motors with lower decibel ratings are proposed to reduce the noise impacts on the back patios. The Fire Department, which has no minimum open space for passage between units, refers to the California Building Code which requires fire-resistive assembly ratings for walls closer than three feet from a property line, otherwise no other minimum clearance was identified.

11. *Provide more guest parking within the project. (no specific quantity was stated). Also, regarding guest access, provide means at the main entry gates and along the perimeter public streets for open pedestrian access (i.e. vehicular gates may be retained, but allow open pedestrian access from the perimeter of the project for guest/neighborhood connectivity that does not require keys or controlled access intercom, etc).*

Staff Evaluation: Resolved regarding guest parking but not resolved regarding open pedestrian access. Three (3) additional guest parking spaces have been provided (total of twenty-five (25) guest parking spaces proposed), three of which are proposed to be posted for restricted service vehicle access during normal business hours. Residences along the northerly edge of the project would likely rely on on-street parking along Alvarado Road for guest parking adjacent to their homes.

Pedestrian access adjacent to the main vehicular entrances is still proposed to be gated but unlocked during daylight hours, and locked in the evenings. Staff believes the concept of "gated but unlocked" fails to achieve the open connectivity desired by the Planning Commission.

12. *Provide active gathering amenities in the common open space (example SOL development has central open space for gathering, community interaction etc).*

Staff Evaluation: Resolved. Applicant has proposed a bocce ball court along the easterly portion of the project site, dog-walking path within the retention basin along the southern portion of the site and a bench and synthetic turf in a small open area near the vehicular entry to the project.

Other specific requests/direction for design revision made a part of the Planning Commission motion:

13. *Orient roof slopes to make future installation of solar feasible (ie. Slope of roofs should face south); provide prewire for photovoltaic solar panels.*

Staff Evaluation: No change proposed; the applicant asserts the roofs as pitched will effectively accommodate future photo-voltaic panels with the north-facing roof slopes.

14. Enhanced pavement – no asphalt, integrate pavers at private streets to perhaps aid in demarcating separation of pedestrian way from vehicular travelway.

Staff Evaluation: Partially resolved. Pavers have been proposed but nothing is proposed to demarcate or separate vehicular from pedestrian travelway. Condition proposed as noted above.

15. Pedestrian open access if there is to be vehicular gates. Research new technology entry gate systems with second arms, camera systems, no-back up systems, etc. that allows controlled vehicular access but free pedestrian access.

Staff Evaluation: Not resolved. Applicant has proposed "gated but unlocked" pedestrian gates at the main vehicular entry. Staff does not believe this achieves the neighborhood connectivity sought by the Planning Commission. A condition of approval has been proposed requiring the applicant submit an alternative design to the AAC for recommendation to staff for re-design of the perimeter wall and pedestrian entry points, requiring variety in the wall design and creation of "free pedestrian access", prior to issuance of building permits.

16. Propose additional public benefits

Staff Evaluation: The applicant has not proposed any additional public benefits. Staff continues to believe the proposed public benefits offered are not proportionate to the degree of relief being sought in the development standards of the underlying zones via the PDD.

17. Provide at least the hand tire pump and water bottle filling as a minimum set of amenities at the corner oasis.

Staff Evaluation: (Conforms).

18. Wash down of the amenities at the corner plaza to be maintained by the HOA on an "as needed" basis.

Staff Evaluation: (Conforms).

BACKGROUND AND ANALYSIS.

A full background and setting description and analysis of the project was provided to the Planning Commission in the October 8, 2014 staff report. Today's re-submittal as a one-lot

tract map for condominium purposes instead of a subdivision of many small lots, requires re-evaluation against development standards as noted below.

TABLE 1: Recent past actions by the City

August 11, 2014	AAC reviewed the project and voted 5-0-1-1 (Song abstained, Secoy-Jenson absent) recommending approval of the project by the Planning Commission as proposed and appointed a subcommittee (Purnell/Fredricks/Cassidy) to review the final landscape submission at plan check.
October 8, 2014	Planning Commission reviewed the project and voted 7-0 to table with direction to the applicant to revise the project.

TABLE 2: Zoning

Permitted Uses: The project proposes 46 detached residential units structured in a condominium form of ownership. In the Resort Combining Zone Overlay, condominiums require approval of a Conditional Use Permit (CUP). The PDD has been submitted in lieu of a change of zone to seek City approval of detached residential units with development standards that differ from the City's R-1-C standards and to make the CUP findings for the condominium form of ownership.

Development Standards:

	C-1 / RGA-6 Requirements	Proposed Project	Conform
Lot Standards	Lot standards for RGA-6 are noted.		
Min. Area	C-1 20,000 SF RGA-6: 2 acres	The tract map was revised and the applicant now proposes a single lot for condominium purposes.	Minimum lot size thus conforms
Min. Width	RGA-6: 165ft	Varies	Conforms
Min. Depth	RGA-6: 165ft	Varies	Conforms
Building Height	RGA-6: 15ft, 24ft & 2 stories provided bldg. areas over 15ft in height NTE 50% of enclosed ground floor area	24ft and 2 stories	Requires approval of PDD to conform.
Density	RGA-6du/ac	9 du/ac	Requires approval of PDD to conform
Yard Setbacks			
Front	RGA-6: 25ft	As a 1 lot map, the front yard is that which fronts Palm Canyon Drive. Roughly 5ft PL to face of casitas.	Requires approval of the PDD to conform
Side	RGA-6: 10% of lot width, 20% on street side yards	Varies	Requires approval of

			PDD to conform
Rear	RGA-6:20ft	Varies	Requires approval of PDD to conform.
Distance between buildings	RGA-6: Where one (1) building is placed adjacent to and substantially parallel to another building, there shall be a minimum distance between the buildings of fifteen (15) feet for each ten (10) feet of building height. In no case shall one (1) building be closer than fifteen (15) feet to any other building.	6 feet	Requires approval of PDD to conform.
Lot Coverage	RGA-6: 50% usable landscaped open space	54%	Conforms
Trash Enclosure	Per PSZC 93.07.02	Per PSZC 93.07.02; 2 provided	Yes
Off-street Parking	Per PSZC 93.06: In PDDs; 3 bdrm units require 2.25 spaces or 104 spaces for the units, plus guest parking 1 space for every 4 units, or 12 spaces; total 116 spaces required	2 covered spaces are provided with each of the 46 units (92 spaces) + 25 guest parking spaces are proposed; total 117 spaces	Yes

Analysis of the project against Zoning Code Section 94.04 (Architectural Review):

The application includes a Major Architectural Application (Case 3.3742 MAJ) which articulates the architecture and landscape architecture for the proposed project. The AAC recommended the final landscape plan be reviewed by an AAC subcommittee for recommendation to staff prior to plan check / building permit for a more detailed review of plant types, quantities, and location, articulation of perimeter wall, etc.

PSZC 94.04.D. Planning Commission Architectural Advisory Committee Review Guidelines. The planning commission architectural advisory committee... examined the material submitted with the architectural approval application and specific aspects of design to determine whether the proposed development will provide desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:

Item	Guideline	Conforms?	Staff Evaluation:
1	Does the proposed development provide a desirable environment for its occupants?	Partially	<p>The proposed project provides mostly three bedroom detached homes with individual private outdoor patios.</p> <p>The space between the homes is quite narrow compared to their height.</p> <p>Back yards are small and A/C condensing units and pool pumps will require split face block enclosures to reduce noise impacts onto private patios.</p> <p>Back yards facing Palm Canyon may also be quite noisy from road impacts.</p>
2	Is the proposed development compatible with the character of adjacent and surrounding developments?	Partially	<p>Existing development in the project vicinity is mostly larger residential detached units on larger lots. Architectural styles are eclectic.</p>
3	Is the proposed development of good composition, materials, textures, and colors?	Partially	<p>The 46 homes are all "shed-roofed" two story structures clad in stucco with blue, yellow and orange accent colors. The units are repetitive in their massing. The color variation helps reduce the monotonous appearance. Some units are staggered on the lots to attempt to break up the monotony of the wall of garage doors, but this is limited in its success.</p>
4	Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas	Partially	<p>The units are extremely close to one another creating "canyon like" space between at the front entries.</p> <p>Due to the site design, open space is limited at each home and there is virtually no front yard due to the placement of the 2-car garages.</p> <p>There is no separation of pedestrian and vehicular movement, since sidewalks have not been provided.</p> <p>Back yards are nicely oriented toward views, however back yards facing Palm Canyon will likely have road noise impacts.</p> <p>The sides of several end units are only a foot or two from the private roadways.</p> <p>The units along the east-west private street would be enhanced by providing guest parking in closer proximity to these units.</p>

5	Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted	No	The units in the proposed development are very repetitive, despite the introduction of various color combinations. Architecture in the surrounding neighborhood is mostly traditional ranch style homes with clay tile roofs. The architectural style of the units in the proposed development is modern.
6	Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment	No	The proposed homes do not conform and the PDD is proposing its own set of development standards in terms of lot size, setbacks, lot coverage, open space, and building height.
7	Building design, materials and colors to be sympathetic with desert surroundings	Conforms	The buildings are proposed in neutral colors complementary of the desert surroundings with lively accent colors.
8	Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously	Conforms	The proposed materials, colors and other components of the buildings are very basic in appearance, but lively accent colors help reduce the repetitiveness of the unit volumes.
9	Consistency of composition and treatment	Conforms	There is consistency in the composition and treatment of the buildings as proposed.
10	Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials	Conforms	The proposed landscape plans are consistent with desert appropriate trees and plants.
11	Signs and graphics, as understood in architectural design including materials and colors;	N/A	Signs will be submitted under a separate application.

FINDINGS:

The project was evaluated against the findings for the Planned Development District in lieu of Change of Zone pursuant to PSZC 94.03 and 93.07 (Zone Change) and for the Tentative Tract Map pursuant to Municipal Code Section 9.62 (Maps), and the Resort Combining Zone pursuant to PSZC 92.25.00 and 94.02 (Conditional Use Permit) as well as the Architectural Review Guidelines of PSZC 94.04. Based on the applicant's conversion of the tract map to a one-lot map for condominium purposes, several of the findings for the project were slightly revised and are presented in full for the Planning Commissions consideration as follows:

Planned Development in lieu of Change of Zone Findings:

The commission in recommending and 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 proposed project is located in the Mixed-use / Multi-use land use designation of the General Plan. This designation allows residential uses to a maximum density of 30 du/ac with approval of a Planned Development District. The underlying zone is RGA-6. The density for the RGA-6 zone is 6du/ac. The project proposes roughly 9du/ac and thus conforms in terms of density even though the proposed density is 50% greater than the underlying RGA-6 zone (with approval of the PDD).

The General Plan notes that the Mixed-use / Multi-use designation

"...should promote civic activity, define neighborhood character, and provide places for people to meet and socialize, enhancing the area's overall quality of life. These areas are intended to provide services and distinct gathering places and activity centers for surrounding neighborhoods and businesses."

The General Plan also notes for this specific Mixed Use area (called "Artist Colony"):

"Overall, the northern end of the City lacks distinct gathering places, with residents and businesses relying mainly upon Downtown to serve this need. The Artist Colony provides opportunity to introduce housing along Palm Canyon Drive and to provide much-needed neighborhood-serving commercial uses and gathering spaces."

Staff believes the proposed project is limited in its success at promoting civic activity, and in providing places for people to meet and socialize. Aside from the small accessory structures that face Palm Canyon that might be used as home-based businesses, the project does little to provide "much needed neighborhood serving commercial uses". The project is proposed as a gated community that separates itself from the existing surrounding neighborhood. The project turns back yards toward the public streets, provides no internal sidewalks and creates a "wall of garage doors" facing the internal private streets instead of porches, yards, or other architectural features that would promote more "eyes on the streets" and that might encourage community interaction. The small "oasis" for bicyclists at the corner of Palm Canyon Drive and Alvarado provides little in the way of amenities to encourage civic activity, or community

gathering and is separated with walls and gates from the rest of the proposed development. Aside from the perimeter walls and narrow strips of landscaping, places that would contribute to creating an appealing "character" for this neighborhood are lacking in this proposal, however many of staff's recommendations would address many of these issues and enable the project to be deemed consistent with this finding.

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

The proposed project is located in the C-1/RGA-6 Zones with the Resort Combining Zone Overlay. The PDD is proposed to change the split zoning to a single residential zone with its own unique development standards. The project considerably denser than the existing large lot, single family development in the vicinity of the project, however the detached residential uses proposed are suitable and similar to the single family detached residential uses in the vicinity. Although the project has frontage along Palm Canyon Drive, it is suitable and appropriate that vehicular access to the project is proposed from the adjacent collector street rather than Palm Canyon Drive. Thus the project conforms to this finding.

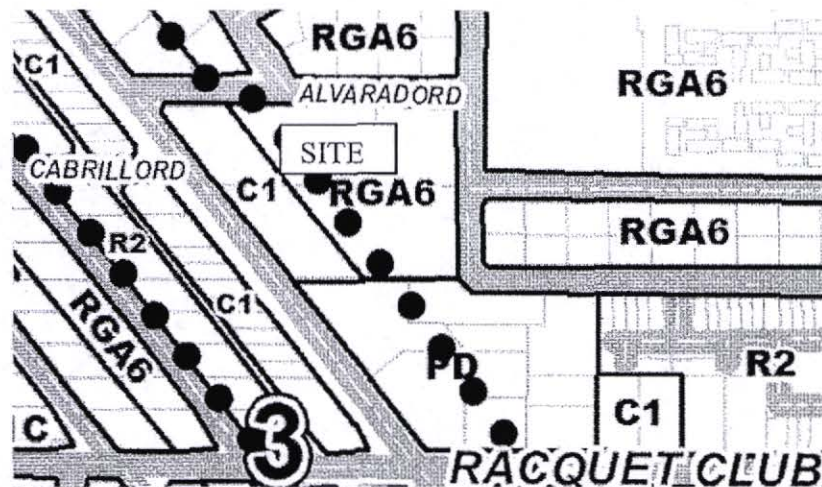
3. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.

Proposing residential uses for the subject site is appropriate given that the general development pattern in the vicinity is also residential. The General Plan promotes the concept of "Mid-block residential" along major thoroughfares, which encourages clustering of commercial / retail uses at the major intersections within walking distance to residential areas, rather than as a long commercial strip that relies more heavily on vehicular movement. The project conforms to this finding.

Resort Combining Zone Findings (PSZC Section 92.25.00):

The "R" resort overlay zone is intended primarily to provide for accommodations and services for tourists and visitors while guarding against the intrusion of competing land uses.

The Resort Combining Zone runs along Palm Canyon Drive for nearly its entire length through the City and aligns on the subject site roughly along the boundary between the C-1 and RGA-6 zones. As noted, it is intended to protect the City's "main street" from uses that would detract from the tourist resort nature of the City. The detached residential (SFR) units in the proposed project are a prohibited use in the underlying C-1 zone, thus approval of the PDD in lieu of a Change of Zone is necessary to establish them as a permitted use.



PORTION OF ZONING MAP
THE RESORT COMBINING ZONE IS THE AREA BETWEEN THE ROWS OF DOTS
AND ALIGNS ROUGHLY WITH THE COMMERCIAL / MULTI-FAMILY ZONES
ALONG BOTH SIDES OF PALM CANYON RIVE

The zoning code notes that:

Uses shall be as provided in the underlying zone with which the "R" zone is combined, except that: ...All multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit (CUP).

The project proposes detached residential uses within a condominium form of home ownership with common areas and an HOA that would be established to maintain and manage the common areas of the development. As such the project is evaluated against the findings for a CUP herein¹ and the resort combining finding as follows:

Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone.

The proposed use, detached residential units, is generally compatible with the surroundings in the vicinity which are also mostly single family residential detached units in character. The near north side of the City has essentially only two commercial corridors to serve the residential population in this part of the City: North Palm Canyon Drive and North Indian Canyon Drive. The scattering of existing commercial uses along this segment of Palm Drive are mostly local-serving businesses and a few older small hotels. The underlying C-1 zone would allow commercial uses, but continuing a pattern of a long string of commercial uses along Palm Canyon is not consistent with the General Plan vision of concentrating commercial

¹ Pursuant to PSZC 94.02.00.A.4 (CUP); the CUP may be incorporated into the PDD without the need for a separate application. Thus the CUP findings of PSZC 94.02 and the Zone Change findings of PSZC 93.07 are both evaluated as integral parts of the PDD application.

uses at major thoroughfares to encourage community gathering and less reliance on vehicular trips. Staff believes the proposed project is consistent with this finding.

Conditional Use Permit Findings:

In addition to the findings for the PDD in lieu of a change of zone (from PSZC Section 93.07), the PDD incorporates the findings of the CUP (PSZC 94.02.00) for condominiums in the Resort Combining Zone as follows:

The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

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

The proposed detached residential use is permitted in the RGA-6 zone subject to the R-1-C standards. The Zoning Code allows deviations in these standards via approval of a PDD. The project proposes a PDD in lieu of a change or zone, with unique development standards for residential uses within a condominium form of ownership. With approval of the PDD, the project is consistent with this finding.

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

Development of the subject site with detached residential uses structured in a condominium form of ownership is desirable as a means of bringing a variety of housing choices to the community. The project is consistent with the General Plan Mixed Use / Multi Use land use designation in terms of density and with policies of the General Plan that encourage mid-block residential along major thoroughfares. The residential uses are not detrimental to existing or future uses because the primary zoning and general plan land use designation for most areas in the vicinity of the project are also residential in nature. The project therefore conforms to this finding.

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

The roughly 5.23-acre site is proposed with 46 residential detached dwelling units structured in a condominium form of ownership. With the approval of the PDD in lieu of a change of zone, the City would be establishing the PDD as a separate zone with its own unique development standards and the project would be deemed in conformance with this finding.

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

The project proposes to take vehicular access off Alvarado Road which is a local street and emergency access from De Anza which is a collector. This arrangement is appropriate for carrying the type and quantity of traffic generated by the proposed use and thus the project conforms to this finding.

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

A set of draft conditions of approval are proposed and attached to this staff report as Exhibit "A".

Tentative Tract Map Findings:

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

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

The TTM proposes a single lot subdivision for condominium purposes with open space, common area, forty-six (46) detached residential units and private streets. The proposed density is within the range specified by the Mixed-use / Multi-use General Plan land use designation. The project proposes private streets that are not consistent with the General Plan, however a condition of approval requiring street configuration consistent with the General Plan is included that if approved, the project would be consistent with this finding. No specific plans are associated with the subject property.

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

The proposed project design and improvements are generally not consistent with the C-1 / RGA-6 zone in which the property is located. The PDD in lieu of a zone change proposes residential uses structured in a condominium form of ownership. The PDD proposes residential detached uses with development standards that do not conform to the standards of the zone, and proposes a density that is greater than the maximum allowable for the RGA-6 zone. With the approval of the PDD in lieu of a change of zone, the project will be established as its own unique zone and can be deemed consistent with its own zoning development standards and density.

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

The project site will be graded to accommodate the proposed development. Site modifications include new private driveways to individual residential units from a network of proposed private streets. As currently configured the site is not adequate for the type of development proposed because the proposed private streets do not conform to the General Plan. With approval of the proposed condition requiring conformance with the General Plan on street width; the project can be found consistent with this finding. The residential units do not conform to the development standards for the zone; however with approval of the proposed PDD the site would be deemed physically suitable for this type of development.

Each unit is proposed as a detached two-story residential unit structured within a condominium form of ownership. A total of 46 residences are proposed on the 5.23-acre site. The site has adequate vehicular access with primary access taken from Alvarado Road, a local street, and emergency access onto De Anza Road which is a collector street. The General Plan EIR studied projected traffic and service levels on the surrounding network of public streets and the project density at roughly 9du/ac is less than the maximum allowed for the Mixed-Use / Multi-use designation and thus the site is physically suited for this type of development.

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

The General Plan Mixed-Use / Multi-Use Land Use designation in which the project is sited allows up to 30 du/ac with approval of a PDD. The underlying RGA-6 zone allows 6 du/ac. The PDD in lieu of a change of zone proposes roughly 9du/ac; a density greater than the underlying zone, but less than the maximum allowable by the General Plan. As noted above, although proposed street widths are not consistent with the General Plan, with incorporation of the condition requiring conformance with the General Plan street width, the project can be found consistent with this finding. With approval of the PDD as a change of zone, the project would be consistent with both the General Plan and Zoning in terms of suitability for the proposed density.

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

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The project will therefore not damage or injure fish, wildlife or their habitats.

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

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each detached residential unit however street width and separation of vehicular and pedestrian movement as

proposed are not consistent. With incorporation of a condition requiring General Plan street dimensions and separation of vehicular and pedestrian movement, the project can be found consistent with this finding. No serious public health problems are anticipated.

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

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

ENVIRONMENTAL ANALYSIS:

The proposed development is a project as defined by the California Environmental Quality Act (CEQA). An initial study was conducted which considered all required CEQA issues, including but not limited to air quality, traffic, land use compatibility and hydrology, and the analysis was available for public comment for a 20-day period from September 3, 2014 to September 23, 2014. Public comment letters were received which are attached to this staff report. Through the public comment period, no new information was found that would require recirculation or further analysis of the project's impacts under CEQA. A Mitigated Negative Declaration is proposed. The owner has agreed in writing to implement all of the required mitigation measured identified.

NOTIFICATION

A public hearing notice was mailed to all property owners and occupants within 500 feet of the site and published in the local paper. Correspondence received is attached to this staff report.



Ken Lyon, RA
Associate Planner



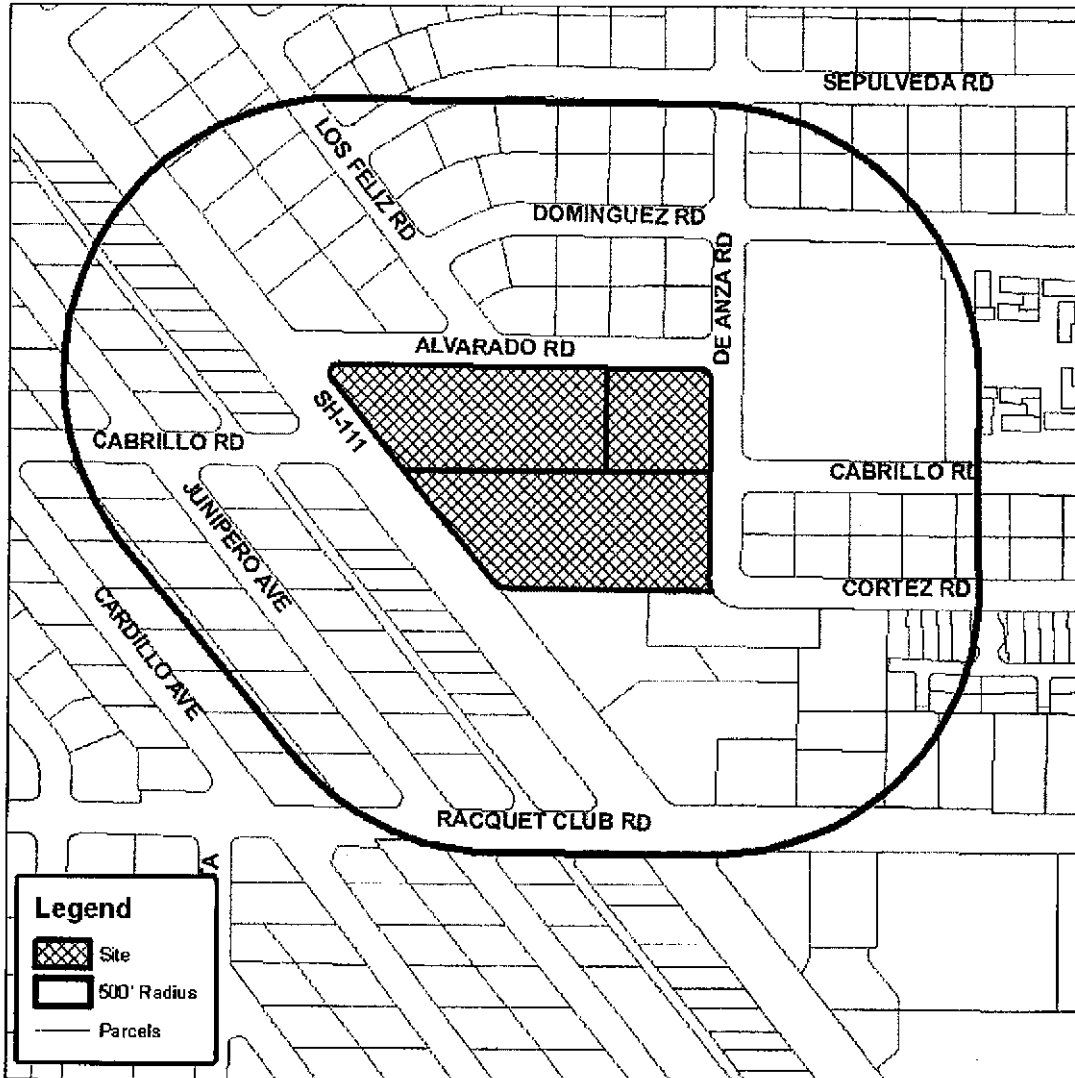
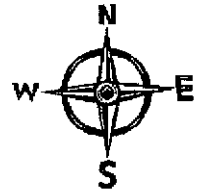
Flinn Fagg, AICP
Director of Planning Services

Attachments:




1. Vicinity Map
2. Draft Resolution
3. Draft Conditions of Approval
4. Applicant resubmittal letter dated October 29, 2014
5. Minutes of Planning Commission meeting of October 8, 2014
6. Minute Excerpts of the AAC meeting of August 11, 2014
7. Applicant Revised Justification Letter dated July 31, 2014
8. Exhibit Revisions: Site Plan, Landscape Plan, Perspective Images, and Tentative Tract Map date stamped 10-29-14



Department of Planning Services
Vicinity Map



Legend

-  Site
-  500' Radius
-  Parcels

CITY OF PALM SPRINGS

CASE NO:
5.1340 PDD 370 CUP / TTM 36725 /
3.3742 MAJ

APPLICANT:
West Coast Housing Partners on
behalf of The Eric Brandenburg
Separate Property Trust

DESCRIPTION: A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A CONDITIONAL USE PERMIT, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES, PROPOSING A DEVELOPMENT OF 46 SINGLE FAMILY DETACHED UNITS, COMMON PRIVATE STREETS AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ((CASE 5.1340 PDD 370 CUP / 3.3742 MAJ / TTM 36725). (APN'S 504-074-001, 002 & 008)

RESOLUTION NO. _____

**EXHIBIT A
CONDITIONS OF APPROVAL**

Case 5.1340 PDD 370 CUP / 3.3742 MAJ / TTM 36725 - "Alvarado"
(Southeast corner of North Palm Canyon Drive and Alvarado Road)

(November 19, 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 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 (5.1340 PDD 370 CUP / 3.3742 MAJ / TTM 36725); except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (October 29, 2014), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Tentative Map. This approval is for Tentative Tract Map 36725 located at the southwest corner of North Palm Canyon Drive and Alvarado Road, date stamped October 29, 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 5.1340 PDD 370 CUP / 3.3742 MAJ / TTM 36725. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

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

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

Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.

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

- 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. Maintenance of Outdoor Seating and structures at the Corner "Oasis". Periodic cleaning of the "oasis" at the corner of North Palm Canyon Drive and Alvarado Road shall be the responsibility of the project's homeowners' association (HOA).
- ADM 13. CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances

CC&R's.

ADM 14. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:

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

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

ADM 15. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.

ADM 16. CC&R's Noise Disclosure. The CC&R's shall have a disclosure statement regarding the location of the project relative to roadway noise, City special events, roadway closures for special events and other planned activities which may occur in the public right-of-way.

ADM 17. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ADM 18. Community Facilities District. The project will bring additional residents, visitors and activities to the community that will potentially impact the needs for public safety services beyond the City's ability to provide such services; and because such services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic and other safety services, and recreation, library, cultural services are near capacity, the City has established a Community Facilities District to which this project shall be annexed, subject to conditions of approval; and

Prior to recordation of the final map or, at the City's option, prior to issuance of certificate of occupancy, the developer agree to support formation of or annexation into a Community Facilities District (CFD) to include the project

site. Developer further agrees to waive any right of protest or contest such formation or annexation, provided that the amount of any assessment for any single family dwelling unit (or the equivalency thereof when applied to multiple family, commercial or industrial) as established through appropriate study shall not exceed \$500 annually per dwelling unit or dwelling unit equivalency unit, subject to an annual consumer price index escalator. Prior to sale of any lots, or prior to the issuance of any certificate of occupancy, or prior to any approval of the Building Official that will allow the premises to be occupied, the CFD shall be formed, the annexation thereto shall occur, or at the option of the City Manager and Building Official, a covenant agreement may be recorded against any affected parcel(s) with the project, evidencing the Owner's binding consent, approval, and waiver of rights as provided in this condition of approval.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.
- ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the CEQA Evaluation and summarized here as follows:
- ENV 4. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any

construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.

ENV 5. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities.

a). A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in the area is required.

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

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

PLANNING DEPARTMENT CONDITIONS

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

PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00 and Chapter 11.06) of the Palm Springs Municipal Code and all other relevant water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal.

Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the City's Water Efficient Landscape Ordinances.

- PLN 3. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
- a. The project's final landscape plan shall be submitted for review by the AAC subcommittee (Purnell, Fredricks, Cassady) for recommendation for approval to the Director of Planning prior to issuance of building permits.
- PLN 4. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median.
- 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. The applicant shall submit a sign permit/program to the Department of Planning Services prior to the issuance of building permits.
- 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. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 10. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 11. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

- PLN 12. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 13. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 14. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.
- PLN 15. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
 - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 16. 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 17. Open Space. Provide at least ten feet between the sides of units.
- PLN 18. Streets and sidewalks to conform to General Plan. Revise the widths of the private streets to conform to the General Plan and/or provide separate sidewalks distinct from the vehicular travelway on the private streets.
- PLN 19. Live/Work Units on lots backing onto Palm Canyon Drive. The accessory units developed as part of this approval may not be rented separately from the main dwelling units to which they are assigned. CC&R's shall reflect this restriction. Architectural Review Required of the accessory "live/work" units that back onto Palm Canyon Drive by the AAC with a recommendation to staff

on providing variety to the Palm Canyon facades of these units prior to submittal of building permits.

- PLN 20. Provide pedestrian gates at all rear yards facing a public street to interconnect the development with the surrounding community.
- PLN 21. Shade Structure Option for Buyers. Develop a design for shade structures in the back yards that integrates with the architecture of the complex that buyers could include as a purchase option; review design with Director of Planning for design approval.
- PLN 22. Provide 'smart controllers' for all irrigation systems.
- PLN 23. Pre-wire all units for photovoltaic rooftop units.
- PLN 24. 48 inch box shade trees. Provide at least 48 inch box shade trees for corner public open space. Select an alternative to the Shoestring Acacia species with greater shade canopy.
- PLN 25. Landscape Design Review by AAC. The landscape design and perimeter walls for the entire project are to be reviewed by the AAC subcommittee (Purnell, Fredricks, Cassady) for recommendation of approval to staff prior to issuance of building permits. Perimeter wall design should incorporate "open pedestrian access".
- PLN 26. (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Applicant shall obtain State permits and approval of plans for any work done on State Highway 111. A copy of an approved Caltrans encroachment permit shall be provided to the City Engineer prior to the issuance of any grading or building permits if there is any work being done in the public right-of-way on State Highway 111.
- ENG 3. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.

ALVARADO ROAD

- ENG 4. Construct a 6 inch curb and gutter, 18 feet south of centerline along the entire frontage, with a 35 feet radius curb return and spandrel at the southeast corner of the intersection of Alvarado Road and North Palm Canyon Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 5. Construct a 42 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 6. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 7. Construct a Type A curb ramp meeting current California State Accessibility standards at the southeast corner of the intersection of Alvarado Road and North Palm Canyon Drive in accordance with City of Palm Springs Standard Drawing No.212.
- ENG 8. Construct pavement with a minimum pavement section of 2.5 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 centerline along the entire Alvarado Road frontage in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel

lane.) 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 9. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

DE ANZA ROAD

- ENG 10. Construct a 6 inch curb and gutter, 20 feet west of centerline along the entire frontage, with a 25 feet radius curb return and spandrel at the southwest corner of the intersection of Alvarado Road and De Anza Road in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 11. Construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 12. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 13. Construct a Type A curb ramp meeting current California State Accessibility standards at the southwest corner of the intersection of Alvarado Road and De Anza Road in accordance with City of Palm Springs Standard Drawing No.212.
- ENG 14. Construct pavement with a minimum pavement section of 2.5 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 centerline along the entire De Anza Road frontage in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) 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 15. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

NORTH PALM CANYON DRIVE (HIGHWAY 111)

ENG 16. Contact the Director of Parks and Recreation to determine if the existing palm trees, irrigation, and street lights along the North Palm Canyon Drive frontage will have to be replaced in conjunction with this project.

ENG 17. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

ENG 18. The on-site layout of streets (or drive aisles) and parking spaces is subject to further review and approval by the City Engineer. Adjustment of proposed street alignments, and deletion or relocation of proposed parking spaces may be required during review and approval of construction plans for on-site improvements, as required by the City Engineer. Approval of the preliminary site plan does not constitute approval of the on-site layout of streets and parking spaces as proposed.

ENG 19. The minimum pavement section for all on-site pavement (specify drive aisles, parking spaces, etc.) shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 20. All on-site private streets (or drive aisles) shall be two-way with a minimum 28 feet wide travelway (as measured from face of curb) where no on-street parking is proposed.

ENG 21. On-site drive aisles (or parking lot) shall be constructed with curbs, gutters, and cross-gutters, as necessary to accept and convey street surface drainage of the on-site streets to the on-site drainage system, in accordance with applicable City standards.

SANITARY SEWER

ENG 22. All sanitary facilities shall be connected to the public (or private) sewer system (via the proposed on-site private sewer system). New laterals shall not be connected at manholes.

ENG 23. 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.

- ENG 24. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 25. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING

- ENG 26. 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 27. 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 28. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 29. (Temporary dust control) perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 30. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 31. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.

- ENG 32. This project requires preparation and implementation of a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the approved final project-specific Water Quality Management Plan shall be incorporated by reference or attached to the SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 33. 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 (if there is disturbance of 5,000 square feet or more) at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 34. 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 35. 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).

WATER QUALITY MANAGEMENT PLAN

- ENG 36. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be

required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

- ENG 37. 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 within the underground parking garage and the on-site private drive aisles. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- a. 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 Water Quality Management Plan (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.
 - b. 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 BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

- c. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall:
- d. Demonstrate that all structural BMPs have been constructed and installed in conformance with approved plans and specifications;
- e. Demonstrate that applicant is prepared to implement all non-structural BMPs included in the approved Final Project-Specific Water Quality Management Plan (WQMP), conditions of approval, or grading/building permit conditions; and
- f. Demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

ENG 38. 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. Provide a hydrology study 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 hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. 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

ENG 39. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to North Palm Canyon Drive, Alvarado Road or De Anza Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.

ENG 40. 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.

ENG 41. The project is subject to flood control and drainage implementation fees pursuant to Resolution 14082. The acreage drainage fee at the present time is \$ 6511.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

ENG 42. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.

GENERAL

ENG 43. 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 44. 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.
- ENG 45. All proposed utility lines shall be installed underground.
- ENG 46. All proposed utility lines shall be installed underground. The applicant shall coordinate with Southern California Edison to install underground conduit for future underground service from the street, for use at such time as the existing overhead utilities in the neighborhood are converted to an underground system.
- ENG 47. 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 48. 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 49. 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 50. 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.

MAP

- ENG 51. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the (Parcel/Final) Map to the Engineering Division as part of the review of the Map. The (Parcel/Final) Map shall be approved by the City Council prior to issuance of building permits.
- ENG 52. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final (Parcel) Map by the City Council, or in the absence of a Final (Parcel) Map, shall be submitted and approved by the City Attorney prior to issuance of Certificate of Occupancy.
- ENG 53. Upon approval of a final (parcel) map, the final (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, 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 54. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 55. 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 56. Submit traffic striping and signage plans for Alvarado Road and De Anza Road prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.
- ENG 57. 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 (MUTCD), dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 58. 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.

- FID1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan received and dated November 4, 2014. Additional requirements may be required at that time based on revisions to site plans.
- FID2 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.

FID3 PLANS AND PERMITS

Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain 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. Inspection fees are charged at the fully burdened hourly rate of the fire inspector. These fees are established by Resolution of the Palm Springs City Council.

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

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

FID4 **Street Widths (CFC Appendix L; PSMC § 8.04.500; Palm Springs 2007 General Plan):** Private streets in any residential or mixed use land use designation may be reduced to a minimum of 28 feet (curb face to curb face) provided that (1) additional off street parking is provided as determined by the City Engineer, the Fire Chief and Director of Planning, (2) rolled or wedge curb is provided such that vehicles may park partially out of the traveled way, and (3) pedestrian pathways or sidewalks, if located along the street, separated from the curb by a minimum five-foot parkway are provided.

Any street not designated by the fire department as a "fire lane" shall comply with the above requirements.

FID5 **Fire Apparatus Access Roads (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.

Fire Apparatus Access Road (CFC 202 Definitions) – A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Dimensions (CFC 503.2.1): Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (*for designated fire lanes*) except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.

FID6

Fire Lanes (CFC 202 Definitions): A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus. A “fire lane” is a component of a “fire apparatus access road”.

Designation of Fire Lanes (CVC 22500.1): Only the fire department with jurisdiction over the area in which the place is located can designate a fire lane.

Designated Fire Lanes in private developments shall be not less than 24 feet wide (curb face to curb face) with no parking on either side. Wedge, or rolled curbing contained within a 24 foot fire lane shall be capable of supporting 73,000 pound GVW fire apparatus.

Fire Lane Marking (CFC 503.3): Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

FID7

Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 45 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9/4/2002.

FID8

Surface (CFC 503.2.3): Fire apparatus access roads shall be designed and

maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

FID9 Traffic Calming Devices (CFC 503.4.1): Traffic calming devices shall be prohibited unless approved by the fire code official.

FID10 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. Secured automated vehicle gates or entries shall utilize a combination of a Tomar Strobeswitch™, or approved equal, and an approved Knox key electric switch. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

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

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

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

FID11 Fire Hydrant Flow and Number of Fire Hydrants (CFC 508.5): Fire hydrants shall be provided in accordance with CFC Appendix B, Fire Flow Requirements for Buildings, for the protection of buildings, or portions of buildings, hereafter constructed. The required fire hydrant flow for this project is 750 gallons per minute (with fire sprinklers) (CFC Appendix B) and one available fire hydrant must be within 250 feet from any point on lot street frontages. (CFC Appendix C)

FID12 Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings

FID1 NFPA 13D Fire Sprinklers Required: An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2013 Edition, as modified by local ordinance.

FID 14 PROJECT NOTES:
Designated Fire Access Road depicted at the east side of the complex shall meet fire apparatus access road requirements above. Bocce Ball Court shall not interfere with the road level.

END OF CONDITIONS

Vice-Chair Klatchko acknowledged the death of former City employee, Martha Edgmon, who was Executive Assistant to the Mayor and City Council prior to her retirement and worked in the Planning Department. She will be greatly missed.

1. PUBLIC HEARINGS:

THIS ITEM WAS HEARD OUT OF ORDER.

1B. WEST COAST HOUSING PARTNERS ON BEHALF OF THE PROPERTY OWNER, THE ERIC BRANDENBURG SEPARATE PROPERTY TRUST, FOR APPROVAL OF A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE TRACT MAP PROPOSING A DEVELOPMENT OF 46 SINGLE FAMILY DETACHED UNITS, COMMON PRIVATE STREETS AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO (CASE 5.1340 PDD 370, 3.3742 MAJ, TTM 36725). (KL)

Associate Planner Lyon presented the changes made to the project as outlined in the staff report.

Commissioner Calderine asked about bus routes in the vicinity and suggested thinking about a more transit oriented development.

Commissioner Middleton questioned (page 3 of 17, #4.) if the Planning Commission in advance of a homeowners decision has the authority to place a restriction on a development to prohibit them as rental units.

Commissioner Weremiuk recalls that this issue was with the casitas facing Palm Canyon Drive and not with a requirement for the HOA placed in the CC&R's.

Staff concurred that the Commission's concern was not to allow the casitas to be rented separately from the main home. The Commission agreed.

Commissioner Weremiuk expressed concern with vehicles backing out of their garage.

Associate Planner Lyon noted that the streets are very short and as long as people back up in a safe manner staff was not concerned about this issue.

Chair Hudson opened the public hearing portion of the meeting:

WHIT HOLLIS, West Coast Housing Partners, thanked the Commission for holding a special meeting to hear this project and introduced the development team.

KRYSTAL NAVARO, Moditive, provided details pertaining to the zoning designation of the site, project amenities including the benefits of permeable paving for public streets (shared among pedestrians, cyclists and vehicles). Ms. Navaro spoke about the side-yard setbacks, pedestrian gate at the corner oasis, new parking spaces, variety of garage doors and roof slopes for effective solar panel installation.

MARVIN ROOS, MSA Associates, provided further details of the project and was available for questions pertaining to the engineering aspects.

STEPHEN HESTER, West Coast Housing Partners, commented that they tried to address all of the Commission's issues while retaining the economic viability of the project. They feel this development will help revitalize the area and requested approval of project as submitted.

There being no further appearances the public hearing was closed.

Commissioner Calderine noted that the similar developments on Baristo Road and Racquet Club work well and believes this is the right location for density and transit. He said in more normal times this project would have been built as townhouses attached on both sides with zero feet separation. He does not have a concern with the 6 foot building separation.

Chair Hudson said he likes the Woonerf concept; it makes a lot of sense in private communities and requires a bit more articulation to make it work in a safe fashion.

Vice-Chair Klatchko said his comments were similar to Commissioner Calderine's; if the project were done in a different configuration units would have common walls and less open space. He said he does not have a problem with the density and feels comfortable with the changes made to the project.

Commissioner Roberts agrees that he likes the paver concept as it will bring a warmer and more inviting project. However, he expressed concern with the 6 foot building separation and prefers a minimum of 10 feet. He would like to see the gates eliminated and more architectural diversity.

STEPHEN HESTER, requested action be taken today and they are not comfortable with a 10 foot separation because it would not be economically feasible; too many units would be lost.

Commissioner Roberts said he thinks this a good project but it needs more work.

Commissioner Weremiuk said she is not comfortable with the revised project; she expressed concern with the street width, 6 foot building separation and the architecture feels like a canyon of garage doors that are very repetitive.

Commissioner Middleton said she is struggling with this project; she likes a lot of elements of the projects - the pavers are a great addition and the shade and quality of trees are great; however, she does not like the density and building separation.

Chair Hudson commented that he is not opposed to the density when properly designed esp. along Palm Canyon. However, he would like to see greater variation of unit types that respond better to the adjacent single-family homes. He referenced similar developments noting that they are successful because the architecture is fairly significant. The project is too porous with the rows of garage doors - this project needs to tie-in to the neighborhood.

ACTION: Approve, subject to conditions, as amended:

1. Delete - condition PLN. 17 pertaining to the 10 ft. side yard setbacks.
2. Delete PLN. 18 - require color different pavers to delineate the pedestrian and vehicular area.
3. Revise PLN. 25 - to add additional design review by the AAC with direction for more articulation and more variations along to the casita frontage (using the balcony areas).
4. Add new condition - to eliminate all pedestrian and vehicular gates.

Commissioner Weremiuk proposed an amendment that the architecture returns to the Commission and not the AAC and a requirement to install solar panels on the units for public benefit. The Motion makers agreed.

Commissioner Roberts said he would prefer to send this back to allow the applicant to work on the concerns addressed by the Commission.

Motion: Commissioner Calderine, seconded by Vice-Chair Klatchko and motion failed 3-4 on a roll call vote.

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

ACTION: To refer back to the applicant and allow the applicant to make changes more satisfactory to the Commission.

Motion: Commissioner Middleton, seconded by Commissioner Weremiuk and carried 5-2-0 on a roll call vote.

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

**NOTICE OF INTENT
TO ADOPT A MITIGATED NEGATIVE DECLARATION
"ALVARADO IN THE ART COLONY"
Case 5.1340, PDD 370 / 3.3742 MAJ / TTM 36725**

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

CONTACT PERSON: Ken Lyon, RA Associate Planner (760) 323-8245

PROJECT TITLE: Alvarado in the Art Colony
Case 5.1340, PDD 370 / 3.3742 MAJ / TTM 36725

PROJECT LOCATION: East side of North Palm Canyon Drive, south of Alvarado Road, west of De Anza Road, and north of the Northgate 111 shopping center.

PROJECT DESCRIPTION: The applicant proposes the construction of a gated community of 46 detached single-family residential units on a ±5.23-acre vacant site located on the east side of North Palm Canyon Drive, south of Alvarado Road, west of De Anza Road, and north of the Northgate 111 shopping center. The minimum lot size proposed is 2,775 square feet, and the average lot size 3,161 square feet. Structures will be two stories in height with a maximum height of 24 feet. The project includes private internal streets, private yards, attached 2-car garages, and swimming pools on each residential lot. An open space component will be located along the southerly boundary and will serve as both passive open space/recreation and a storm water retention basin. Open space is also proposed on the northwestern corner of the property, at the intersection of North Palm Canyon Drive and Alvarado Road. The main gated entrance will be located just east of the intersection of Alvarado Road and Los Felices Road. A Planned Development District (PDD) in lieu of a zone change will be required to address modifications to permitted land uses and development standards. A Tentative Tract Map (TTM 36725) is proposed to subdivide the property into 46 lots, as well as lots for interior streets and open space. The Major Architectural Application (MAJ) seeks approval of the proposed architectural and landscape design.

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

PUBLIC REVIEW PERIOD: A 20-day public review period for the Draft Mitigated Negative Declaration will commence at 8:00 a.m. on September 3, 2014 and end on September 23, 2014 at 5:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address: Ken.Lyon@palmsprings-ca.gov Copies of the Mitigated Negative Declaration and Initial Study are available for review at the above address and at the City library.

PUBLIC MEETING: This matter has been set for public hearing before the Planning Commission on October 8, 2014. City Council consideration is tentatively expected at a public hearing on November 11, 2014, but please confirm the date with the City Clerk's office



CITY OF PALM SPRINGS

3200 E. Tahquitz Canyon Way
Palm Springs, California 92262
Phone: (760) 323-8245

ENVIRONMENTAL INITIAL STUDY

Project Title: Alvarado in the Art Colony

City Project No: Case 5.1340, PDD 370, TTM 36725

Assessor's Parcel No. APN 504-074-001, -002, and -008

**Lead Agency
Name and Address:** City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, California 92262
Phone: (760) 323-8245

Applicant: West Coast Housing Partners, LLC

Representative: MSA Consulting
34200 Bob Hope Drive
Rancho Mirage, CA 92270

**Contact Person:
And Phone Number:** Ken Lyon, RA Associate Planner
(760) 323-8245

Project Location: East side of North Palm Canyon Drive, south of Alvarado Road, west of De Anza Road, and north of the Northgate 111 shopping center, Palm Springs, CA 92262; Portion of the North ½ of Section 3, Township 4 South, Range 4 East, San Bernardino Base and Meridian.

General Plan Designation: Mixed Use/Multi-Use

Zoning Designation: Retail Business Zone (C1) and Cluster Residential Zone (RGA-6) with Resort Combining Zone

PROJECT DESCRIPTION

The applicant proposes the construction of a gated community of 46 detached single-family residential units on a ±5.23-acre vacant site located on the east side of North Palm Canyon Drive, south of Alvarado Road, west of De Anza Road, and north of the Northgate 111 shopping center. The minimum lot size proposed is 2,775 square feet, and the average lot size 3,161 square feet. Structures will be two stories in height with a maximum height of 24

feet. The project includes private internal streets, private yards, attached 2-car garage, and swimming pools on each residential lot. An open space component will be located along the southerly boundary and will serve as both passive open space/recreation and a storm water retention basin. Open space is also proposed on the northwestern corner of the property, at the intersection of North Palm Canyon Drive and Alvarado Road.

The main gated entrance will be located just east of the intersection of Alvarado Road and Los Felices Road. A second access for emergency access and resident use only is proposed south of the intersection of Cabrillo Road and De Anza Road.

A Planned Development District (PDD) in lieu of a zone change will be required to address modifications to permitted land uses and development standards. A Tentative Tract Map (TTM 36725) is proposed to subdivide the property into 46 lots, as well as lots for interior streets and open space.

Land Use and Setting

North: residential (single-family/low density), vacant land to northwest
South: commercial retail (Northgate 111 shopping center)
East: residential (single-family/low density)
West: commercial retail, residential, vacant land

Exhibit 1: Regional Map

Exhibit 2: Vicinity Map

Exhibit 3: Project Aerial

Exhibit 4: Project Site Plan

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)
 On the basis of this initial evaluation:

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

Signature: Ken Lyon, RA, Associate Planner City of Palm Springs	Date:
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Environmental Checklist and Discussion:

The following checklist evaluates the proposed project's potential adverse impacts. For those environmental topics for which a potential adverse impact may exist, a discussion of the existing site environment related to the topic is presented followed by an analysis of the project's potential adverse impacts. When the project does not have any potential for adverse impacts for an environmental topic, the reasons why there are no potential adverse impacts are described.

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

Source: Palm Springs General Plan 2007.

- a) **Less Than Significant Impact.** The City of Palm Springs is located in the valley floor of the Coachella Valley and is surrounded by views of the San Jacinto Mountains to the south and west; by open desert and the City of Cathedral City to the east; and the Little San Bernardino Mountains to the north. These mountain ranges provide a dramatic backdrop that is visible from virtually any point in the City. Other scenic resources in the City include the Whitewater wash on the northern and eastern border of the city, and Chino, Tahquitz, and Andreas Canyons at the southern end of the City.

The proposed project will result in the development of 46, 2-storied single-family homes. Views in all directions of the subject property are already obstructed to an extent by single-family homes, condominiums, and commercial retail development (Northgate 111 shopping center). Although some properties to the north and west are vacant, the project area is in general, developed with a mix of residential and commercial projects. The proposed project will be developed with residential units that are generally of a similar scale and mass as existing development in the area.

Due to the height of the proposed units, the project will partially obstruct views of scenic vistas from the surrounding residential developments; however, the mountains to the west will still be visible above the rooflines, resulting in less than significant impacts.

- b) **No Impact.** The proposed project is not located near an existing or proposed state scenic highway. There are no scenic resources, including trees, rock outcroppings, or historical buildings located onsite. The site has been previously disturbed with signs of off-road vehicle use and only vegetation re-growth is present. There will be no impact to scenic resources.
- c) **Less than Significant Impact.** The area surrounding the project site can be characterized as largely developed with residential development to the north and west, single-family residential development to the east, commercial retail to the south. Vacant land occurs to the northwest, along North Palm Canyon Drive. The subject property itself is currently vacant, but has been previously disturbed and contains re-growth of native desert vegetation.

The site is located along North Palm Canyon Drive, which is designated as a scenic corridor within the General Plan. As previously stated, the project will partially obstruct views of scenic vistas from the surrounding residential developments due to the height of the proposed units; however, the mountains will still be visible above the rooflines, resulting in less than significant impacts. On-site residences will be limited to two-story structures, with mass and density requirements that are consistent with the requirements of the Palm Springs Zoning code, the proposed Planned Development District and with the character of the existing mixed commercial and residential development in the area. The homes will be at a somewhat higher density than the existing residential development to the north and east. The character of North Palm Canyon Drive in this area, however, also includes a commercial component whose mass is more intense than the single family development to the north and east.

Future landscaping will be limited to an approved plant palette in keeping with the surrounding desert environment.

Impacts to the visual character of the area are, therefore, expected to be less than significant.

- d) **Less than Significant Impact.** The proposed project will result in 46 single-family homes. Lighting will be generated by vehicle trips, building and landscaping lighting, and is expected to be similar to that generated by existing residential developments to the north and east. Given the highly developed nature of the area, and the high levels of evening activities associated with North Palm Canyon Drive, vehicle headlights from the proposed project are not expected to significantly increase lighting on the streets in the area.

The proposed project will be required to abide by City of Palm Springs building codes and its lighting ordinance, which requires proper shielding of light sources and prohibits light spillage on adjacent properties. A lighting plan will be submitted and approved prior to development, and all required mitigation measures will be applied. With implementation of screening measures and compliance with City lighting standards, lighting impacts associated with the proposed project are expected to be less than significant.

Mitigation: None required

Monitoring: None required

2. AGRICULTURE AND FORESTRY RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Palm Springs General Plan 2007, California Department of Conservation; Farmland Mapping & Monitoring Program. 2001.

a-c) **No Impact.** The subject property is located in an urbanized area of the City and consists of relatively flat and sandy soils. The property is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance by the California Department of Conservation. There are no agricultural activities on or adjacent to the project site. It will not conflict with zoning for agricultural uses or a Williamson Act contract. It will not involve other changes that could result in the conversion of farmland to non-agricultural uses. No impacts associated with agricultural resources are anticipated.

Mitigation: None required

Monitoring: None required

3. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: CalEEMod Version 2013.2.2. ; SCAQMD AQMP, 2012. Coachella Valley PM₁₀ SIP, 2003;

Background:

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

The proposed project will be developed in accordance with all applicable air quality management plans. The AQMP is a comprehensive plan that establishes control strategies and guidance on regional emission reductions for air pollutants. It was based, in part, on the land use plans of the jurisdictions in the region. The project would result in residential development intensities that are consistent with the current General Plan land use designation, and therefore, is consistent with the intent of the AQMP and will not impact air quality management planning.

- b,c) **Less Than Significant Impact.** An impact is potentially significant if concentration of emissions exceed the State or Federal Ambient Air Quality Standards. The two primary pollutants of concern in the Coachella Valley including the City of Palm Springs are ozone (O₃) and particulate matter (PM₁₀ and PM_{2.5}).

Ozone (O₃) is formed when byproducts of combustion react in the presence of ultraviolet sunlight. This process occurs in the atmosphere where oxides of nitrogen combine with reactive organic gases, such as hydrocarbons, in the presence of sunlight. Although also produced within the Coachella Valley, most ozone pollutants are transported by coastal air mass from the Los Angeles and Riverside/San Bernardino air basins, thereby contributing to occasionally high ozone concentrations in the Valley. The Coachella Valley has a history of exceeding regulatory ozone standards, although the number of days and months the Federal one-hour standard is exceeded has dropped steadily over the past decade.

Particulate Matter (PM10 and PM2.5) consist of fine suspended particles of ten microns or smaller in diameter, and are the byproducts of road dust, sand, diesel soot, windstorms, and the abrasion of tires and brakes. The elderly, children and adults with pre-existing respiratory or cardiovascular disease are most susceptible to the effects of PM. Elevated PM₁₀ and PM_{2.5} levels are also associated with an increase in mortality rates, respiratory infections, occurrences and severity of asthma attacks and hospital admissions. The SSAB is a non-attainment area for PM₁₀ and is classified as attainment/unclassifiable for PM_{2.5}.

South Coast Air Quality Management District (SCAQMD), in conjunction with the Coachella Valley Association of Governments (CVAG), Riverside County and local jurisdictions, prepared the "2003 Coachella Valley PM10 State Implementation Plan," which includes PM10 control program enhancements and requests an extension of the region's PM10 attainment date. The Coachella Valley is designated as a serious non-attainment area for PM10 and is subject to the 2003 State Implementation Plan (SIP) and local dust control regulations and guidelines. A State Implementation Plan that addresses how Southern California will meet federal standards for finer particulate matter (PM2.5) was adopted in 2007. The Coachella Valley is designated as unclassifiable/attainment for PM2.5.

Air Quality Pollutant Emission Projections

Construction Emissions

To estimate the potential emissions of criteria pollutants associated with construction of the Alvarado residential project, CalEEMod, Version 2013.2.2 was used. For analysis purposes, it is assumed the subject project will develop over a one-year construction period beginning in 2015. The project's area of disturbance is approximately 5.23 acres. It is assumed that 5,460 cubic yards of cut will be generated and 4,896 cubic yards of fill will be used onsite during grading, resulting in a total export of 565 cubic yards. It should be noted that cut and fill estimates do not include import of construction materials such as aggregate base and asphalt.

Short-term emissions of pollutants would occur during site preparation/grading, building construction, and internal roadway paving. Sources of construction related emissions include the operation of construction equipment, soils exports, delivery of materials, off gassing from asphalt, as well as vehicles transporting workers to and from the project site. Construction emissions were calculated based upon the daily use of various types of construction equipment to be used throughout the entire construction period. It should be noted that not all equipment will be used every day, and various construction activities generate different quantities of emissions.

The Construction Emission Summary (Table 1), below, provides the projected maximum daily emissions across all construction activities. Construction related air quality impacts are short-term and will occur only during the construction phase of the project.

**Table 1
 Alvarado Construction Emission Summary**

(lbs./day)

	CO	NOx	ROG	SOx	PM ₁₀	PM _{2.5}
Maximum Emissions	43.29	56.95	29.90	0.04	21.24	12.79
SCAQMD Threshold	550.0	100.0	75.0	150.0	150.0	55.0
Significant	No	No	No	No	No	No

Source: CalEEMod Version 2013.2.2.

Emissions represent average summer and winter, unmitigated.

As shown in Table 1, construction related activities for the project are projected to remain below established daily thresholds for all criteria pollutants. Construction PM₁₀ and PM_{2.5} fugitive dust emissions are minimized through adherence to SCAQMD Rule 403, which requires the application of

dust control plan and dust suppression techniques during all phases of construction. The City will impose these requirements as conditions of approval to the project. Therefore, Project construction is not anticipated to violate State or Federal air quality standards or contribute to existing air quality violation in the air basin.

Operational Emissions

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

Table 2
Alvarado Operation-Related Emissions
 (lbs./day)

	CO	NOx	ROG	SOx	PM ₁₀	PM _{2.5}
Maximum Emissions	32.75	6.84	8.57	0.36	2.85	1.22
SCAQMD Threshold	550.0	100.0	75.0	150.0	150.0	55.0
Significant	No	No	No	No	No	No

Source: CalEEMod Version 2013.2.2.

Emissions represent average summer and winter, unmitigated.

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

Conclusion

As shown above, the proposed project will have less than significant impacts to air quality during construction and operational phases. Also, results of the analysis demonstrate that localized levels would not violate air quality standards, and therefore do not present a significant cumulative impact. Overall impacts to air quality from project construction and operation are therefore expected to be less than significant.

- d) **Less than Significant Impact.** To determine if the proposed project has the potential to generate significant adverse localized air quality impacts, the 5-acre mass rate LST Look-Up Table for SRA 30 (Coachella Valley) was utilized. The nearest sensitive receptors are the single-family residences located immediately north and east of the proposed site along Alvarado Road and De Anza Road, respectively. Based on aerial mapping, the nearest residence is within 25 meters from the project area boundary. Therefore, LSTs are summarized in the table below for sensitive receptors located approximately 25 meters from the emission source. Emission estimates reflect all phases of construction including site preparation, grading, building construction and paving; however, actual emissions will be lower because phases such as grading and paving will not overlap. As shown in Table 3 below, LST thresholds will not be exceeded during construction of the project. Impacts will be less than significant. It should be noted that mitigated emissions are provided for PM₁₀ and PM_{2.5} to better reflect reductions as result of implementation of the dust control management plan which will be required by the City.

Table 3
Localized Significance Thresholds
 (lbs./day)

	CO	NO _x	*PM ₁₀	*PM _{2.5}
Project Emissions	43.29	56.95	10.22	6.74
LST	2,292	304	14	8
Exceed?	No	No	No	No

Source: Road Construction Emissions Model, Version 7.1.2.

Emissions shown are the maximum daily emission during all phases of construction.

*Mitigated conditions, including implementation of a dust control management plan.

- e) **Less than Significant.** The proposed project has the potential to result in short term odors associated with diesel exhaust from heavy equipment and paving that may be detectable by nearby development during the construction phase of the project. These potential impacts will be temporary and infrequent, and will only occur for a short duration. Over the long term, the proposed single-family project is not expected to generate objectionable odors.

Mitigation: None required

Monitoring: None required

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

Sources: CVMSHCP, 2007 General Plan, project materials.

- a) **Less than Significant Impact.** The project site is vacant and contains vegetation typical of vacant lands in the City. The site is isolated and surrounded by single-family residences to the north and east, commercial retail to the south, and mixed use to the west. The site appears to have been previously disturbed by off road use. No sensitive or special status species are mapped for this area of the City. Species occurring on the project site are likely to be common species typical of the area. Impacts to sensitive species are expected to be less than significant.
- b,c) **No Impact.** There is no riparian habitat or other native community on the site. No wetlands occur on the property. No impacts associated with such features are anticipated.
- d) **No Impact.** The site is not within a migratory corridor, nor is it suitable for a wildlife corridor, as an isolated property.
- e)-f) **Less than Significant Impact.** The proposed project will not interfere with any City policies regarding the preservation of plants or animals. The City of Palm Springs is a participant in both the CVMSHCP and the Tribal HCP, and the project site is located within the Plans' boundaries. The project site is not identified as a conservation area, nor is it identified as harboring sensitive species in either of the Plans. The project is subject to payment of the THCP Valley Floor Planning Area fee, which mitigates potential impacts to covered sensitive species resulting from project development. This standard requirement will assure that impacts associated with conservation plans are reduced to less than significant levels.

Mitigation: None required

Monitoring: None required

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

Sources: 2007 General Plan, project materials.

- a-c) **Less Than Significant Impact with Mitigation Incorporated.** The project site is vacant and has been impacted by surrounding development and off-road vehicle use. There are no historic structures on the site. No impacts to historical resources are expected.

According to the 2007 General Plan (Figure 5-6), the project site is not located in an area of known historic or archaeological sites, and has a low probability of harboring such sites.

It is possible that cultural resources occur below the surface on the site. The disturbance of such buried resources would constitute a potentially significant impact, which requires mitigation. As described below, should cultural resources be encountered during the construction of the proposed project, work shall immediately cease and a qualified archaeologist shall be contacted to evaluate the significance of the materials. Any significant findings shall be documented and presented to the State Historic Preservation Office (SHPO), the Tribe and the City, and resolved to their satisfaction. The implementation of this mitigation measure will assure that impacts are reduced to less than significant levels.

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

- d) **No Impact.** The proposed site is not located on or within proximity to a known cemetery. It is not anticipated that any human remains will be encountered during construction of the proposed project because the site and surrounding area have been previously disturbed. In the event of human remains being discovered during project development, the State of California requires a coroner be contacted and all activities cease to assure proper handling of the remains. No impacts are expected.

Mitigation 5:

- A. Should construction activities uncover artifacts or cultural resources, all construction on the site shall be halted, and a qualified archaeologist shall be called to the site to identify the resource and recommend mitigation in the event of the resource's cultural significance.

Monitoring 5:

- A. The applicant shall assure that any cultural resource identified during land disturbing activity will result in the stopping of all construction activities until a qualified archaeologist is retained. The archaeologist will be empowered to request that destructive construction halt in the event that cultural deposits are

encountered, and to investigate and, if necessary, prepare a mitigation plan for submission to the Agua Caliente Tribal Historic Preservation Officer and the City.

Responsible Party: Project Manager; Approved Native American Cultural Monitors, Qualified Archeologist.

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

Sources: Palm Springs General Plan 2007

- a) i. **No Impact.** This site is not located within an Alquist-Priolo Fault Zone, nor are there active faults located on-site. The nearest known fault is located approximately 0.5 miles north of the project site. This fault is concealed and fault rupture is not expected to occur.
- ii. **Less than Significant Impact.** The City of Palm Springs is located in an area where numerous active faults are present. This makes the city highly susceptible to sizable seismic hazards. The Banning and Garnet Hill faults run through parts of the City north of the project site, and have the potential to cause damage related to strong seismic ground shaking. Surrounding faults in the region, including the San Andreas, San Geronio Pass, and San Jacinto faults are also capable of producing strong seismic shaking in Palm Springs. As a standard requirement, the project shall be designed and constructed to conform to the California Building Code (CBC) requirements for Seismic Zone 4. The implementation of these codes will assure that construction at the site mitigates potential impacts associated with ground shaking. The impacts associated with seismic ground motion are considered to be less than significant.
- iii. **Less than Significant Impact.** Specific areas in Palm Springs have a low possibility of being affected by liquefaction. According to the General Plan (Figure 6-1: Seismic Hazards), the project area is located in an area of low liquefaction susceptibility. Site conditions are characterized by fine-grained sediments with groundwater depths greater than 50 feet, resulting in less than significant impacts due to liquefaction.

- iv. **No Impact.** According to Figure 6-2: Landslide Susceptibility of the 2007 General Plan, the project site is not located in an area prone to landslides and/or rock falls. There will be no impacts associated with landslides.
- b) **Less than Significant Impact.** Most of Palm Springs is located in an area that is highly susceptible to erosion. The San Gorgonio Pass creates a tunneling effect, and brings heavy gusts of air through and on to the Coachella Valley. This process generates strong winds that can damage land, vegetation, and has a negative impact on air quality, thus creating health hazards. Standard City grading and erosion control requirements will be required of the applicant as conditions of approval. As described in the Air Quality section above, the applicant will also be required to submit a dust control and management plan as part of the permitting process to ensure that impacts related to loss of top soil and soil erosion are less than significant.
- c,d) **Less than Significant Impact.** The project site is flat and does not include any known fills or imports. The City will require geotechnical analysis and structural engineering to accompany building plans for the proposed homes. These analyses will include requirements for excavation, re-compaction and fill at the project site. These standard requirements are expected to assure that impacts associated with soil stability are less than significant.
- e) **No Impact.** Wastewater collection and treatment services will be provided to the subject property by the Desert Water Agency (DWA). The project shall be required to connect to existing sewer lines in Palm Canyon Drive, immediately adjacent to the western property boundary. No septic systems are planned, and no impacts are anticipated.

Mitigation: None required

Monitoring: None required

7. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: CalEEMod Version 2013.2.2, project materials.

a,b) **Less than Significant Impact.** Construction activities will generate short-term GHG emissions during site preparation, grading, paving, building activities, and application of architectural coatings. Additionally, the proposed project will result in the emission of greenhouse gases through the combustion of fossil fuels during operation of vehicles, the use of electricity, combustion of natural gas, disposal of solid waste, and the conveyance and treatment of water for onsite use. The table below provides the projected GHG emissions from both construction and operation of the proposed project.

Table 4
GHG Emissions from Construction and Operation
(metric tons)

	CO2	CH4	N2O	CO2e
Construction Activities	335.46	0.08	0.00	337.11
Operational Activities	720.73	0.79	0.00	739.08

CalEEMod. Values shown represent the total GHG emission projections for construction and operation of the proposed project.

There are currently no adopted thresholds of significance for GHG emissions for construction or operation of regional commercial developments. It is recognized that GHG impacts are intrinsically cumulative. Project construction and operation will be conducted in a manner that is consistent with applicable rules and regulations pertaining to the release and generation of GHG's. Statewide programs and standards will further reduce GHG emissions generated by the project, including new fuel-efficient standards for cars, newly adopted Building Code Title 24 standards, and increases in the renewable energy portfolio. The proposed project will have a less than significant impact on the environment from the emission of GHG's and will not conflict with any applicable GHG plans, policies or regulations.

Mitigation: None required

Monitoring: None required

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

Source: CA EPA Cortese List. EnviroStor; 2007 General Plan

a)-b) **Less than Significant Impact.** The proposed project will result in 46 single-family residential units. This residential development will not create a significant hazard to the public related to the transportation of hazardous materials. Small amounts of chemicals for household cleaning may be transported or stored by residents; however, they will be minimal and cause similar risks as those associated with existing residential uses in the area. Impacts associated with transportation, use or storage of these materials are expected to be less than significant.

The City contracts with Palm Springs Disposal Services for the disposal of household hazardous waste. In addition, regional-household hazardous waste programs are held throughout the year in various Coachella Valley cities. These existing programs will assure that household hazardous waste is disposed of properly, and that potential impacts associated with these materials are less than significant.

c) **No Impact.** There are no schools located or planned within one-quarter mile of the project site. The nearest school is Vista Del Monte Elementary School located approximately 0.6 miles east of the project site. Further, the residential units within the project are not expected to store or use significant quantities of hazardous materials. There will be no impact to schools.

- d) **No Impact.** The project site is not located on or near a site included on a list of hazardous materials sites compiled by the California Department of Toxic Substances Control pursuant to Government Code Section 65962.5 (Cortese List) and thus, will not create a significant hazard to the public or environment.
- e)-f) **No Impact.** The Palm Springs International Airport is located 1.6 miles southeast of the project site. The project site is located in Zone E, "other airport environs", of the Airport Compatibility Plan. The land use and zoning designations for the project site are consistent with the Airport Compatibility Plan, and there therefore will have no impact. There are no private airstrips in Palm Springs. Impacts are not anticipated.
- g) **No Impact.** The proposed project will not physically interfere with local or regional roadway networks or implementation of an emergency response or evacuation plan. The project occurs on a well established roadway system, and does not propose to change that roadway system. The Fire Department will review on-site circulation to assure that internal drives are adequate for emergency vehicles. No impact is expected.
- h) **No Impact.** The site is located in a highly developed area of Palm Springs. It is not located in a wildfire hazard area as mapped by the California Department of Forestry. The project will not expose people or structures to wildfire hazards.

Mitigation: None required

Monitoring: None required

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

Source: 2007 General Plan, project materials.

- a) **Less than Significant Impact.** The proposed project will not violate any water quality standards or waste discharge requirements. The proposed project will be connected to existing sewer lines, and wastewater will be transported to and processed at the City's Wastewater Treatment Plant. The City contracts with Veolia Water North America to operate the plant, which implements the requirements of the Regional Water Quality Control Board as they relate to wastewater discharge requirements and water quality standards.

Construction at the site would be subject to all applicable water quality standards or waste discharge requirements. A Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan will be prepared in compliance with the U.S. EPA Construction General Permit (CGP) and the current California CGP to facilitate the implementation of Best Management Practices (BMPs) to reduce project related impacts to hydrology including pollution reduction, and groundwater protection. Compliance with existing regulations and requirements will result in a less than significant impact on water quality standards and waste discharge requirements.

- b) **Less than Significant Impact.** Domestic water for the proposed project will be supplied by the Desert Water Agency (DWA). DWA has prepared an Urban Water Management Plan, which is a long-term planning document that helps DWA plan for current and future water demands. The Plan demonstrates that the District has available, or can supply, sufficient water to serve the proposed project and other projects in the future as they occur, based on anticipated General Plan land use patterns.

The proposed project includes on-site retention areas, which will collect runoff and facilitate groundwater recharge. In addition, the City requires the implementation of water conserving measures in all new development. These standards and policies will help to reduce potential impacts on water resources. Impacts are expected to be less than significant.

- c-e) **Less than Significant Impact.** The subject property does not contain any streams or rivers, and storm water issues associated with this development will be limited to local drainage. The proposed project will be required to retain the increased storm water runoff generated by development of the proposed project on site. Onsite drainage will be managed through retention areas with a total storage capacity of 37,792 cubic feet.

The City Engineer will review the SWPPP, WQMP and NPDES best management practices to assure that storm flows do not exceed current volumes, and are not polluted. These standard conditions of approval will assure that impacts associated with storm flows are reduced to less than significant levels.

- f-h) **No Impact.** According to the General Plan, the project site is not located within an area subject to flooding. The subject property is designated Zone X on FEMA's Flood Insurance Rate Maps, which is defined as an area of moderate to low risk of flood hazard. The proposed project will not place housing within the boundaries of the 100-year flood hazard area.

The proposed project will require the City Engineer's approval to ensure that storm water generated on the site does not impact downstream facilities. No other water quality issues are expected to result from implementation of the proposal. With the implementation of standard conditions of approval, there will be no impacts associated with implementation of the proposed project.

- i, j) **No Impact.** The project site is not in the vicinity of a levee or dam. The City is not located in the vicinity of a body of water which could be subject to either seiche or tsunami. The project site is not subject to hazards associated with mudflows. No impacts are expected.

Mitigation: None required

Monitoring: None required

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

Source: Palm Springs General Plan 2007

- a) **No Impact.** The project site is currently vacant and will not divide an established community. Land uses bordering the subject site include North Palm Canyon Drive to the west, commercial buildings to the south, and single-family residential to the north and east. The project proposes land uses consistent with existing development. No impact is expected.
- b) **No Impact.** According to the General Plan, the project site is designated for mixed used/multi-use development that allows for a maximum of 15 dwelling units per acre. The project will result in 46 residential units on 5.23 acres, which is equivalent to 8.79 dwelling units per acre. The proposed project is therefore consistent with the land use designation and will not conflict with any land use plan, policy or regulation. The proposed project includes a Planned Development Permit, which allows for the modification of zoning standards as prescribed in the Zoning code. The implementation of the Planned Development is consistent with the City's zoning requirements. No impact is expected.
- c) **No Impact.** The City of Palm Springs participates in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and the Agua Caliente Tribal Habitat Conservation Plan. According to the General Plan the project site does not conflict with any applicable habitat conservation areas. However, the property is within the boundaries of the Plans, and therefore, the project proponent will be required to pay a mitigation fee as mitigation for any potential impacts to sensitive biological species. No conflict is expected with provisions of the Plans.

Mitigation: None required

Monitoring: None required

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

Source: Soils Survey of Riverside County, California, Coachella Valley Area," U.S. Soil Conservation Survey, September, 1980.

a,b) **No Impact.** According the Palm Springs General Plan and the California Division of Mines and Geology the Alvarado project area is located in Mineral Resource Zone MRZ-3, which indicates an area where the significance of mineral deposits cannot be determined from the available data. The site occurs in a heavily urbanized area of the City, and is not near any existing mineral resource extraction area. Development of the proposed project will not result in a loss of availability of a locally important mineral resource.

Mitigation: None required

Monitoring: None required

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

Source: Palm Springs 2007 General Plan, Palm Springs Municipal Code.

a) **Less than Significant Impact.** The main source of off-site exterior noise impacting the project will be generated from traffic along North Palm Canyon Drive. According to the General Plan (Exhibit 8-5), future noise levels along project specific portions of North Palm Canyon drive are projected to range from 65-70 CNEL.

Development of the site will also result in short term impacts associated with construction noise. These impacts are temporary and will cease when in operation. Construction noise is regulated by the Municipal Code to occur during the noisier daytime hours, which helps to lower the potential impacts.

Permanent increases in ambient noise levels will be less than significant during operation of the project. The City will require compliance with Building Code standards for interior noise levels, including the preparation of noise analyses to demonstrate that interior noise levels will meet these requirements. The proposed project includes a perimeter wall which will be sufficient to reduce exterior noise levels to the City's required 65 dBA CNEL on lots whose back yards abut North Palm Canyon Drive.

Noise levels generated by project activities will be consistent with a medium-density residential neighborhood, and permanent noise sources will be limited to typical household appliances, landscape maintenance equipment, and vehicles accessing the property. Long-term noise impacts are expected to be less than significant

b) **Less than Significant Impact.** Development of the proposed project will temporarily generate noise and groundbourne vibrations through construction related activities, but these will cease once in operation. The project is isolated by existing roadways, which will provide distance from existing residential development to the north and east. This distance will reduce noise levels to neighboring homes. In addition, the proposed project will be required to comply with construction hours as provided in the Municipal Code. Construction hours are limited to the less sensitive daytime hours, further reducing

potential impacts associated with groundborne noise and vibration. Impacts are therefore expected to be less than significant.

- c) **Less than Significant Impact.** Permanent increases in ambient noise levels will be less than significant during operation of the project. The City will require compliance with Building Code standards for interior noise levels, including the preparation of noise analyses to demonstrate that interior noise levels will meet City requirements. Noise levels generated by project activities will be consistent with the surrounding residential neighborhoods, and permanent noise sources will be limited to typical household appliances, landscape maintenance equipment, and vehicles accessing the property. Long-term noise impacts are expected to be less than significant.
- d) **Less than Significant Impact.** The construction of the proposed project will result in temporary increases in noise levels associated with construction activities. The contractor, however, will be required to conform to the City's construction hour restrictions, as described above. The project is isolated by existing roadways, which will provide distance from existing residential development to the north and east. This distance will reduce noise levels to neighboring homes. It is expected that temporary noise impacts will be less than significant.
- e,f) **No Impact.** The proposed project is not located within noise contour boundaries of the Palm Springs International Airport (Figure 8-6 General Plan) and therefore will not expose future residents to excessive airport related noise levels. There are no private airstrips in Palm Springs.

Mitigation: None required

Monitoring: None required

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

Source: Palm Springs 2007 General Plan

- a) **Less than Significant.** The proposed project will result in the development of 46 detached single-family residential units. According to the California Department of Finance, the 2014 household size in Palm Springs is 1.98¹ persons. Based on this factor, the project would add approximately 91 additional persons to the City's population. Although the project will directly result in population growth, it is consistent with the city's General Plan and zoning designations assigned to the site, and the increase will be absorbed by anticipated growth in the City. Impacts to population will be less than significant.
- b,c) **No Impact.** The subject property is currently vacant. The project will not displace existing housing or people and replacement housing will not be required elsewhere. The project will result in no impact relating to displacement of people or housing.

Mitigation: None required

Monitoring: None required

¹ "E-5 Population and Housing Estimates for Cities, Counties, and the State 2011-2014", prepared by CA Dept. of Finance, accessed August 8, 2014.

14. PUBLIC SERVICES –	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Palm Springs General Plan 2007

a) **Less than Significant Impact.**

Fire: There are five fire stations located in Palm Springs. Station #3 would be the closest to the project site and the first to respond to an incident. Station #3 is located approximately 0.9 miles east of the project site at 590 East Racquet Club Road. The fire department provides full-service emergency response on a 24-hour basis, seven days per week, and keeps a total of 16- 18 firefighters on duty each day. The fire department is considered an all-risk response force and is able to provide fire and rescue operations, paramedic emergency medical service, heavy rescue, swift water rescue, trench rescue, and hazardous materials incident response and decontamination. The proposed project will generate a marginal additional need for fire protection; however, the addition of 46 single family homes in an already urbanized area of the City will not be a significant impact.

Police: The Palm Springs Police Station is located 4.6 miles from the project site. The City's Police Department provides law enforcement services to Palm Springs residents. As stated in the General Plan, the Palm Springs Police Department offers response service, criminal investigation, traffic enforcement and preventive patrol for the City. Desired response time for priority one calls (emergencies) and priority two calls (non-emergencies) are 5 minutes and 30 minutes. It is recommended that there be at least one sworn police officer per 1,000 residents in Palm Springs. Because of the size of the project area, population increase is not expected to have a significant impact on police resources.

Schools: Palm Springs Unified School District (PSUSD) provides public education services for grades K-12. Palm Springs High School is located 4.7 miles away from the project site, Raymond Cree Middle School is located approximately 1.5 miles away and Vista Del Monde Elementary School is 1.1 miles away. All levels of public education will be available to project residents. The proposed project will be required to pay the mandated school fees established by the State. These fees are designed to mitigate potential impacts to school facilities. Impacts will therefore be less than significant.

Parks: There are 10 parks within the city limits of Palm Springs, one of them being a dog park. The closest park to the project site, located only 0.9 miles away is Gateway Park. The other parks in Palm Springs are located within 10 minutes of the site. The Quimby act requires developers to dedicate or pay

for five acres of developed parkland for every new 1,000 residents that will live in proposed residential subdivisions. Given the size of the project area there will not be any impact to the surrounding parks.

Mitigation: None required

Monitoring: None required

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

Sources: Palm Springs 2007 General Plan

- a) **No Impact.** The development consists of a gated community of 46 detached single-family residential units. Open space is being provided within the project area. The addition of 91 new residents will not significantly increase the use of parks or recreation facilities, nor will it require the construction of new facilities. No impact is expected.

Mitigation: None required

Monitoring: None required

16. TRANSPORTATION/TRAFFIC – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Palm Springs 2007 General Plan, General Plan Update Traffic Analysis, Parsons Brinckerhoff Quade & Douglas, Inc., May 2007, "Palm Springs General Plan Update Peak Hour Intersection Level of Service Analysis Technical Memorandum," Endo Engineering, September 20, 2006.

a,b) **Less than Significant Impact.** The City measures traffic impacts based on Level of Service (LOS) for roadway segments and intersections. The minimum acceptable LOS for roadway segments and intersections is LOS "D." The Circulation Element Traffic Analysis of the 2007 General Plan was used to determine future impacts to roadways and intersections. According to General Plan Buildout Forecasts for 2025, the North Palm Canyon Drive roadway segment between San Rafael Road and Racquet Club Road is expected to operate at LOS "F" without mitigation.

Table 4.4 of the Traffic Analysis indicates that mitigation for the above mentioned roadway segment would be met through the critical intersection mitigation requirements provided in the Palm Springs General Plan Update Peak Hour Intersection Level of Service Analysis Technical Memorandum. The proposed mitigation measures include the following:

Intersection	Mitigation
Palm Canyon Drive @ Vista Chino	Add a second southbound left-turn lane
	Add two westbound left-turn lanes

The proposed project is consistent with land use designations of the General Plan. The traffic analysis within the General Plan provides recommendations to ensure that traffic conditions for the study area remain at satisfactory levels. These improvements will be undertaken by the City as impacts from all projects in the area increase traffic volumes. With implementation of the improvements described above, the proposed project is expected to have a less than significant impact on City roadways.

- c) **No Impact.** The proposed project is not located within proximity to an airport and will not impact air traffic patterns.
- d) **No Impact.** The proposed project is required to meet Development Code standards for roadway and intersection designs, and is not expected to significantly impact traffic safety. The majority of project related roadway work will be limited to internal circulation. The proposed project will not create a substantial safety hazard due to a design feature or incompatible uses. The project does not include sharp curves or dangerous intersections. Proposed residential land uses are compatible with existing residential and commercial development in the project vicinity.
- e) **Less than Significant Impact.** The currently proposed project will have no impact on safety or emergency access. Primary emergency access to the project will be from Alvarado Road. All automated vehicular gates will be outfitted with approved access switches for use by emergency personnel. Buildings will have approved address numbers for easy identification during emergency situations. The Fire Department will review development plans to assure that adequate turnaround space for emergency vehicles is provided. No adverse impacts are anticipated.
- f) **No Impact.** The proposed project will provide the required amount of parking consistent with the Palm Springs Municipal Code for Planned Development Districts (PDD). Conformance to these standards will assure that no impacts occur.
- g) **No Impact.** SunLine Transit Agency currently operates bus service on North Palm Canyon Drive, and has bus stops in close proximity to the project on both sides of the street. No change in service is expected, so the new residents will have access to transit services. The proposed project will have no impact on alternative transportation.

Mitigation: None required

Monitoring: None required

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

Source: Palm Springs 2007 General Plan, project materials.

a) **No Impact.** Wastewater discharge requirements for the Coachella Valley, including the subject property, are administered by the Colorado River Basin Regional Water Quality Control Board. All development within the proposed project will be connected to existing sewer lines in adjacent roadways, including North Palm Canyon Drive. Desert Water Agency (DWA) implements all the requirements of the Regional Water Quality Control Board as they relate to wastewater discharge requirements and water quality standards. The proposed project will marginally increase wastewater flows to the treatment plant, but it will not adversely impact water quality standards or waste discharge requirements. The proposed project will be required to pay connection fees to hook into the existing lines. The project will not impact wastewater treatment requirements.

b, c) **Less than Significant Impact.** The proposed project will be able to connect to existing domestic water lines in adjacent roadways. These improvements may require construction within and adjacent to public rights-of-way and existing and/or proposed easements. The project will connect to existing facilities and pay connection fees as required by DWA. As described above in the Hydrology section, DWA's Urban Water Management Plan indicates that there is sufficient water available to service the proposed project and other development in the City in the future.

The project will include three onsite retention basins with a total storage capacity of 37,792 cubic feet. The City Engineer will require the preparation of a final hydrology study when final plans for the project

are submitted as a condition of approval to assure that the site's storm water retention system meets all City standards. Impacts are expected to be less than significant.

- d), e) **No Impact.** DWA has prepared an Urban Water Management Plan, which is a long-term planning document that helps it plan for current and future water demands. The Plan demonstrates that the District has available, or can supply, sufficient water to serve goals set forth in the General Plan, including the proposed project. The project will be able to connect to existing domestic water lines in adjacent roadways. The project will also be required to implement water conservation programs, including a drought tolerant landscaping plan and the CalGreen Building Code, which requires that high efficiency fixtures be used.
- f), g) **Less than Significant Impact.** Palm Springs Disposal Service provides solid waste disposal services for the project site, with waste hauled to facilities including the Badlands Landfill and the Lambs Canyon Landfill, both of which have adequate capacity to accommodate the proposed project. Impacts are expected to be less than significant.

Mitigation: None required

Monitoring: None required

18. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Less than Significant with Mitigation.** The proposed project does not have the potential to significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, because the site is physically isolated, has been significantly impacted and does not contain significant habitats or species of concern.

No known historic or paleontological resources occur on the site. The project is required to undertake cultural resource analysis if buried resources are identified on the site, thereby reducing potential impacts to less than significant levels.

b) **No Impact.** The proposed project is consistent with the General Plan designation for the site and is developing below the allowable densities in these designations. Therefore, the proposed project is expected to result in lower cumulative impacts than those previously analyzed for the General Plan.

c) **Less than Significant Impact.** As demonstrated in this Initial Study, the proposed project will have a less than significant impact on humans as they relate to environmental effects, particularly those effects associated with air quality and noise, which are expected to be less than significant.

REFERENCES

Palm Springs 2007 General Plan

Palm Springs Municipal Code

CalEEMod Version 2013.2.2

General Plan Update Traffic Analysis, Parsons Brinckerhoff Quade & Douglas, Inc., May 2007.

"Palm Springs General Plan Update Peak Hour Intersection Level of Service Analysis Technical Memorandum," Endo Engineering, September 20, 2006.

California Department of Conservation; Farmland Mapping & Monitoring Program. 2001.

SCAQMD AQMP, 2012.

Coachella Valley PM₁₀ SIP, 2003;

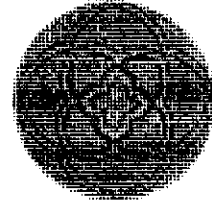
CA EPA Cortese List. EnviroStor, accessed August 2014.

"E-5 Population and Housing Estimates for Cities, Counties, and the State 2011-2014", prepared by CA Dept. of Finance, accessed August 8, 2014.

Soils Survey of Riverside County, California, Coachella Valley Area," U.S. Soil Conservation Survey, September, 1980.

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-004-2014-043

September 08, 2014

[VIA EMAIL TO:Ken.Lyon@palm Springs-ca.gov]
Palm Springs
Mr. Ken Lyon
3200 Tahquitz Canyon Way
Palm Springs, CA 92263

Re: Case 5.1340, PD 370, TTM 36725 Mitigated Negative Declaration

Dear Mr. Ken Lyon,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Case 5.1340, PD 370, TTM 36725 project. The project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area (TUA). A records check of the ACBCI registry indicates this area has not been surveyed for cultural resources. For this reason, the ACBCI THPO requests the following:

*A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in this area.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6829. You may also email me at keskew@aguacaliente.net.

Cordially,

Handwritten signature of Katie Eskew in cursive script.

Katie Eskew
Archaeologist
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS



AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

RECEIVED

SEP 22 2014

PLANNING SERVICES
DEPARTMENT

September 22, 2014

CHAIR
Simon Housman
Rancho Mirage

Mr. Ken Lyon, Associate Planner
City of Palm Springs Department of Planning Services
3200 East Tahquitz Canyon Way
Palm Springs CA 92262

VICE CHAIRMAN
Rod Ballance
Riverside

COMMISSIONERS

RE: City Planning Case Nos. 5.1340, PDD 370, 3.3742 MAJ, TTM 36725 ("Alvarado in the Art Colony")

Arthur Buffer
Riverside

Dear Mr. Lyon:

John Lyon
Riverside

Thank you for providing the Riverside County Airport Land Use Commission (ALUC) with a copy of the Notice of Intent to Adopt a Mitigated Negative Declaration for this project, which includes the formation of a Planned Development District and a Tentative Tract Map for the development of 46 detached small-lot single-family residential units on 5.23 acres.

Glen Holmes
Hemet

Greg Pattis
Cathedral City

Richard Stewart
Moreno Valley

ALUC's statutory responsibilities include review of proposals for amendments to general plans, specific plans, zoning ordinances, and building regulations applicable within Airport Influence Areas. As noted on page 24 of the Draft Initial Study/Mitigated Negative Declaration, this project is located within Airport Compatibility Zone E of the Palm Springs International Airport Land Use Compatibility Plan (PSIALUCP).

STAFF

Director
Ed Cooper

The City of Palm Springs has not applied for, or received, a determination from this Commission that its General Plan is consistent with the Compatibility Plan, as adopted in 2005. Consequently, pursuant to Section 21676.5(a) of the California Public Utilities Code, this project is subject to ALUC review. Accordingly, please advise the applicant for this project to submit this project to ALUC for a determination as to consistency with the Palm Springs International Airport Land Use Compatibility Plan. Application forms are available at www.rcaluc.org, click Forms.

John Guerin
Russell Brady
Barbara Santos

County Administrative Center
4080 Lemon St., 14th Floor
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

Additionally, please be advised that the proposed project requires notification to the Federal Aviation Administration Obstruction Evaluation Service through the Form 7460-1 process. Such review is required for projects when the elevation at the highest point (top of structures) would exceed the elevation of the nearest runway greater than 3,200 feet in length by more than one foot for every 100 feet of distance from the runway to that structure.

The elevation of the primary runway at Palm Springs International Airport at its northerly terminus is 474.4 feet above mean sea level. The project site is approximately 11,200 feet from the runway. Based on the 1:100 slope formula, any structure whose top point exceeds 586.4 feet in elevation above mean sea level at this location would require such notice to the FAA. As the ground elevation at the site exceeds 586.4 feet in elevation, this notice requirement applies to structures of any height at this location.

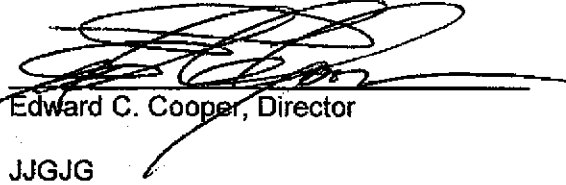
Please be advised that the FAA notification requirement is independent of ALUC action and whether or not an Airport Influence Area has been established pursuant to California state law.

AIRPORT LAND USE COMMISSION

September 22, 2014

Thank you for the opportunity to provide comments. If you have any questions, please contact John Guerin of ALUC staff at (951) 955-0982.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

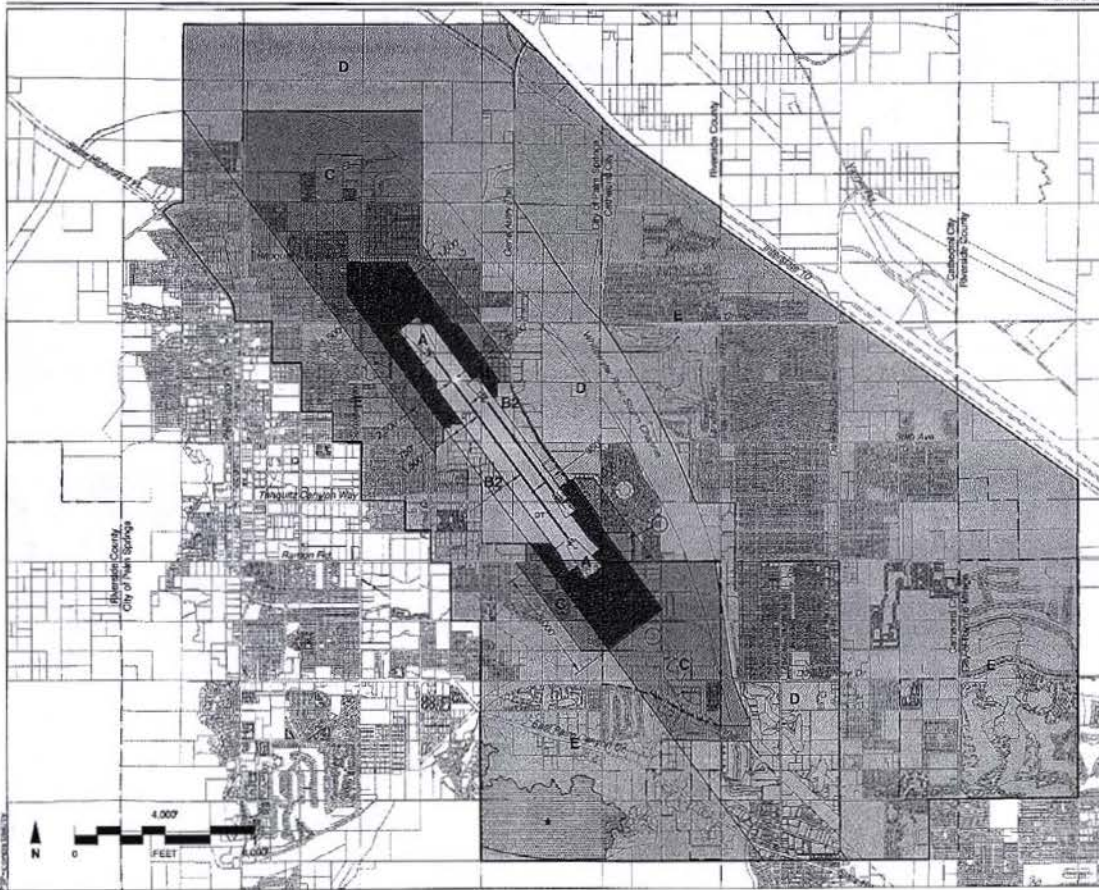


Edward C. Cooper, Director

JJGJG

cc: Thomas Nolan, Executive Director, Palm Springs International Airport
ALUC Staff

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Legend

- Compatibility Zones**
- Airport Influence Area Boundary
 - Zone A
 - Zone B1
 - Zone B2
 - Zone C
 - Zone D
 - Zone E
 - Ⓢ Flight Review Overlay Zone

- Boundary Lines**
- Airport Property Line
 - - - City Limits

- Notes**
- All dimensions measured from runway ends and centerlines.
 - DT = Displaced Threshold
 - See Chapter 2, Table 2A for compatibility criteria associated with DTs.
 - Ⓢ See Policy PS.2.1.

Riverside County
 Airport Land Use Commission
Riverside County
Airport Land Use Compatibility Plan
Policy Document
 (Adopted March 2005)

Map PS-1

Compatibility Map
 Palm Springs International Airport



PLANNING COMMISSION STAFF REPORT

DATE: October 8, 2014

PUBLIC HEARING

SUBJECT: WEST COAST HOUSING PARTNERS ON BEHALF OF THE OWNER THE ERIC BRANDENBERG SEPARATE PROPERTY TRUST FOR APPROVAL OF A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE PARCEL MAP FOR DEVELOPMENT OF 46 TWO-STORY, SINGLE FAMILY DETACHED UNITS ON ROUGHLY 5.23 ACRES AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD (CASE 5.1340 PDD 370 CUP, 3.3742 MAJ, TTM 36725) (ZONE C-1/RGA-6 / RESORT COMBINING ZONE). (APN's 504-074-001, 002 & 008) (KL)

FROM: Department of Planning Services

SUMMARY

The project is comprised of the following:

- A PD in lieu of a zone change. The PD is proposing:
 - To change the zoning on the parcel from C-1 & RGA-6 to PD 370,
 - To add 46 single family residences to the permitted uses for this parcel,
 - To seek relief from the development standards of the underlying zone and the R-1 zone standards in terms of lot size, lot coverage, lot dimensions, setbacks and building height.
 - To seek greater density from 6du/ac for RGA-6 to 9du/ac as proposed.
- A Major Architectural Application seeking approval of the architecture and landscape for the subject project.
- A Conditional Use Permit (via the PDD) for approval of condominium type residential units in the Resort Combining Zone.
- A Tentative Tract Map (TTM) seeking to subdivide the roughly 5.23-acre parcel into 46 lots, private streets, and common open space
- The applicant is seeking approval of both the preliminary and final PDD with this submittal.

RECOMMENDATION:

1. Open the public hearing and take testimony.

2. Close the public hearing and adopt the Mitigated Negative Declaration as an adequate analysis of the project's environmental impacts under the guidelines of the California Environmental Quality Act (CEQA).
3. Adopt Resolution #_____, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION UNDER CEQA, APPROVING TENTATIVE PARCEL MAP TTM 36725, CASE 5.1340 PDD 370 CUP, A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE AND CONDITIONAL USE PERMIT FOR CONDOMINIUM TYPE USES IN THE RESORT COMBINING ZONE, AND CASE 3.3742 MAJ, A MAJOR ARCHITECTURAL APPLICATION FOR A PROPOSED GATED COMMUNITY COMPRISED OF 46 SINGLE FAMILY RESIDENTIAL UNITS ON INDIVIDUAL LOTS, PRIVATE STREETS AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD; (APN's 504-074-001, 002 & 008) AND RECOMMENDING APPROVAL OF THE SAME BY THE PALM SPRINGS CITY COUNCIL, SUBJECT TO CONDITIONS OF APPROVAL".

ISSUES:

1. Gated development is prohibited by Policy CD14.6 of the General Plan.
2. Twenty-four foot wide (24') private roadways with no provision for sidewalks are inconsistent with the General Plan profile for private streets in PDD's.
3. The proposed single family units do not conform to the minimum development standards in terms of lot size, density, lot dimensions, lot coverage, setbacks, and building height
4. The PDD seeks a density of 9 dwelling units per acre (du/ac) which is greater density than permitted by the underlying RGA-6 zone (6 du/ac).
5. The project would be enhanced with more guest parking that is better distributed throughout the project for pool service vehicles and visitors.
6. The long, visually monotonous rows of garage doors facing internal private streets would be reduced slightly by turning the garage access 90 degrees at the units on the corner lots, angling the units, or both.
7. Widening the distance between homes from five feet to ten feet would enhance the sense of open space within the development.
8. Requiring pedestrian gates at all yards adjacent to public streets would enhance connectivity with the surrounding community.
9. Providing fully enclosed conditioned accessory structures with the capability of serving as true "live/work" units at all back yards facing Palm Canyon Drive would provide a better buffer from the traffic noise on Palm Canyon Drive.

BACKGROUND:

The site is comprised of three vacant parcels totaling roughly 5.23 acres. It is located on the north side of the City in a developed area with a scattering of vacant parcels. Existing development in the vicinity is mostly low density single family residential units with some commercial and small hotel uses along Palm Canyon Drive. The site is generally flat, sloping downward from west to east with a scattering of scrub vegetation.

The applicant is proposing a gated development with 46 two-story, detached single family residential units on small lots each with its own private swimming pool and two-car garage. The development is proposed to take vehicular access off Alvarado with a second egress only / emergency access point proposed onto De Anza Road. The development is proposed with private streets and common open space. Eight (8) of the homesites backing onto North Palm Canyon Drive are proposed with accessory structures that could be used as a guest unit, pool cabana, or home office. Two other homesites within the development are shown as having optional accessory structures also.

The project has frontage on North Palm Canyon Drive which is a major thoroughfare on the City's General Plan Circulation Plan, Alvarado Road, which is a local street and De Anza which is a collector street.

The architecture of the proposed homes is contemporary and is comprised of simple rectilinear volumes painted in neutral tones with highlights of orange, blue and yellow accent colors.

ANALYSIS:

The project is evaluated for consistency / conformity with the 2007 General Plan, the Municipal Code and the Zoning Code.

TABLE 1. Most Recent Change of Ownership	
March 2004	Purchase by present owner.

TABLE 2. Neighborhood Meeting	
April 24, 2014	Neighborhood meeting held at Dickie O'Neal's Restaurant; Notices mailed to the following Neighborhood Organizations: Chino Canyon NO, Racquet Club West NO, Desert Highland Gateway Estates Community Action Association, Racquet Club Estates NO.

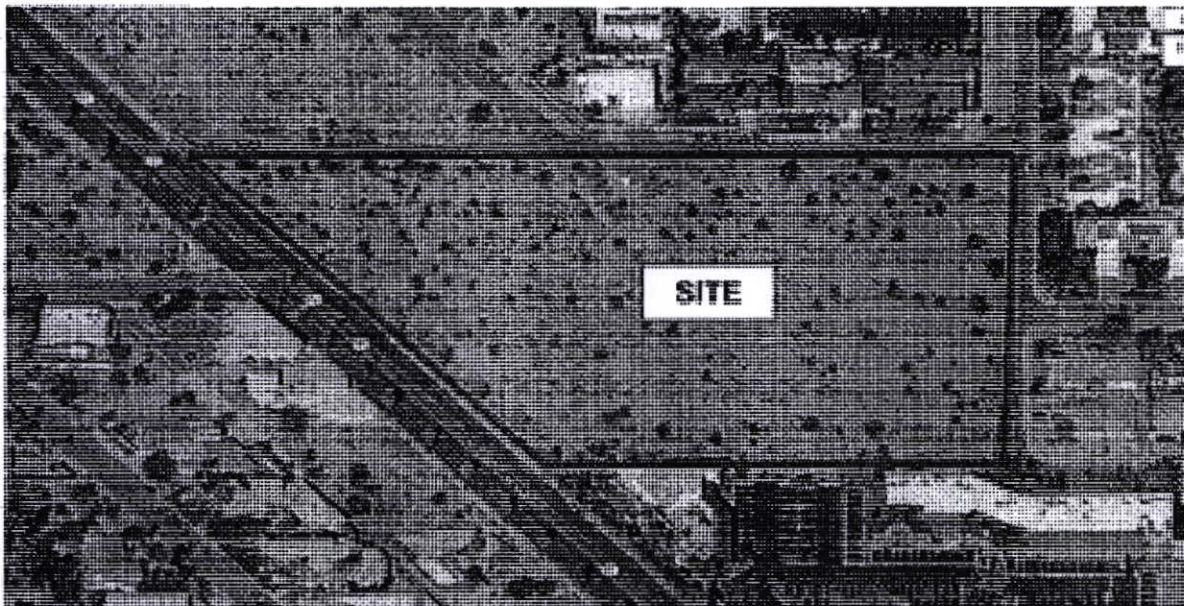
TABLE 3. Recent past actions by the City	
August 11, 2014	AAC reviewed the project and voted 5-0-1-1 (Song abstained, Secoy-Jenson absent) recommending approval of the project by the Planning Commission as proposed and

	appointed a subcommittee (Purnell/Fredricks/Cassidy) to review the final landscape submission at plan check.
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TABLE 4: Field Check	
July 2014	Site inspection by Planning Staff.

TABLE 5: Site Area	
Net Area	5.23 acres

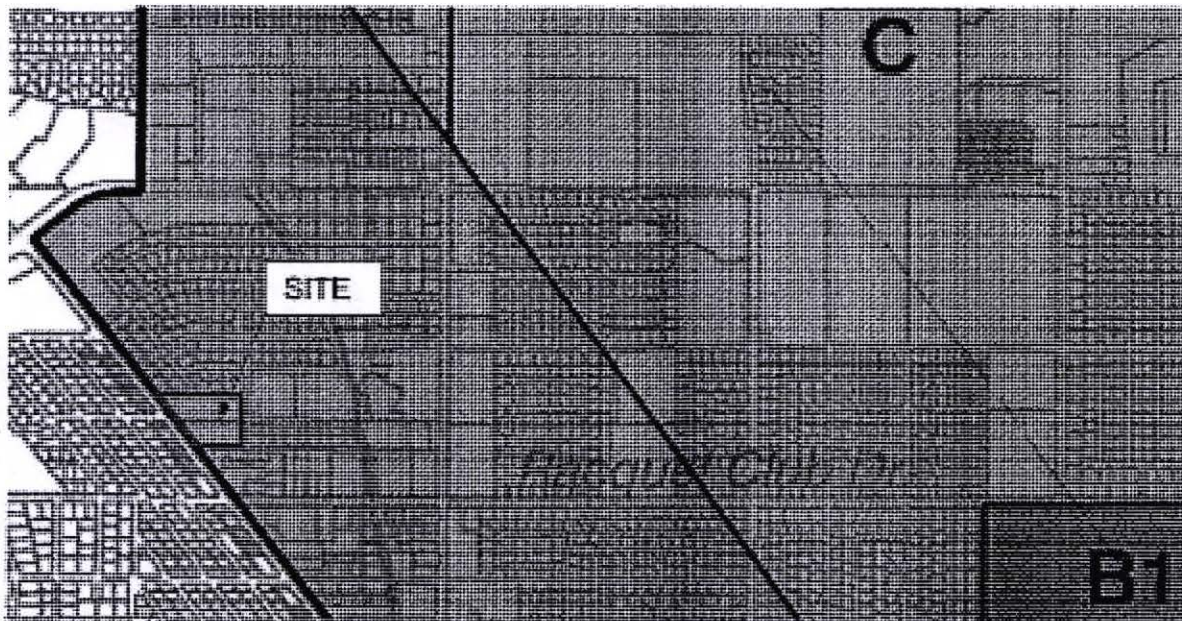
TABLE 6: Sign Posting of Pending Project	
June 4, 2014	Affidavit of on-site sign posting



SUBJECT SITE:

TABLE 7: General Plan, Zoning and Land Uses of Site & Surrounding Areas			
	<i>Existing General Plan Designations</i>	<i>Existing Zoning Designation</i>	<i>Existing Land Use</i>
Site	(MU) Mixed Use / Multi Use	C-1 / RGA-6 / Resort Combining Zone	Vacant
North	MU	C-1 / RGA-6 / Resort Combining Zone	Vacant / Single Family Residential
South	MU	PD	Neighborhood Shopping Center
East	LDR (Low Density Residential (4-6 du/ac)	RGA-6	Single & Multi Family Residential
West	MU	C-1	Vacant/Commercial

Specific Plan	None	
Design Plan	None	
Airport Overlay	YES	Parcel lies within Zone E of the Airport Land Use Compatibility Master Plan. (see portion of map attached). ¹
Indian Land	No	



PORTION OF AIRPORT LAND USE COMPATIBILITY MASTER PLAN MAP SHOWING THE SITE IN THE "E" ZONE.

TABLE 9: General Plan

General Plan Topic	Section/Issue	Request	Compliance
Land Use Designation: Mixed-Use / Multi-Use ("Artist Colony")	0.5 FAR / 15 du/ac (up to 30 du/ac w/PDD)	9du/ac	Yes
Mid-block residential	Goal CD20	Mid block resid. w/ accessory live work along Palm Canyon	Yes
Gated Communities	CD14.6: Prohibited	Gated requested	No
Pedestrian-oriented Design	CD19.7 Sidewalks, shade trees, sitting areas	No sidewalks, common open space	Partially

¹ The applicant will be required to review the project with the Riverside County Airport Land Use Compatibility Commission (ALUC) for conformance with the ALUC master plan for the Palm Springs Airport.

Well-connected communities w/pedestrian and bicycle design	CD22.7	Corner "oasis", perimeter walls, no sidewalks	Partially
Minimum 28 foot street width in private developments	Page 4-5 Circulation Element	24 feet	No

TABLE 10: Zoning

Permitted Uses: Single family residential units are permitted in the RGA-6 zone subject to the R-1-C development standards. Single family residential is prohibited in the C-1 zone. The PDD has been submitted in lieu of a change of zone to seek City approval of single family residential units with development standards that differ from the City's R-1 standards with smaller lots, reduced minimum setbacks, greater lot coverage and height.

Development Standards:

	C-1/RGA-6 Requirements	Proposed Project	Conform
Lot Standards	Lot standards for RGA-6 are noted. SFR's in the RGA-6 zone are to conform to the R-1-C standards. The project is evaluated against both standards.		
Min. Area	C-1 20,000 SF RGA-6: 2 acres R-1-C: 10,000 SF	Vary between 2,775sf and 4,422sf; average approximately 3,100 sf	Requires approval of PDD to comply
Min. Width	RGA-6: 165ft R-1-C: 100ft	28ft average	Requires approval of PDD to comply
Min. Depth	RGA-6: 165ft R-1-C 100ft	110ft average	Requires approval of PDD to comply
Building Height	RGA-6: 15ft, 24ft & 2 stories provided bldg. areas over 15ft in height NTE 50% of enclosed ground floor area R-1-C: 1 story and 18ft	24ft and 2 stories	Requires approval of PDD to comply No, per PDD
Density	RGA-6du/ac R-1-C: 4du/ac	9 du/ac	Requires approval of PDD to comply No, per PDD
Yard Setbacks			
Front	RGA-6: 25ft	At driveways: vary from 5ft to 8ft	Requires

	R-1-C: 25ft	to face of garage	approval of PDD to comply No, per PDD
Side	RGA-6:10% of lot width, 20% on street side yards R-1-C 10ft; 20ft on corner lot	6ft between two story residences.(Avg 3ft to common side PL) 0 ft at casita, 0 ft at one side of homes.	Requires approval of PDD to comply
Rear	RGA-6:20ft R-1-C: 15ft	5.5ft at casitas, Vary between 25 and 35ft in most instances	Partially
Lot Coverage	RGA-6: 50% usable landscaped open space R-1-C: 35% lot coverage (65% open space)	Usable open space: varies between 45 and 55%	Requires approval of PDD to comply No, per PDD
Trash Enclosure	Per PSZC 93.07.02	Per PSZC 93.07.02; 2 provided	Yes
Off-street Parking	Per PSZC 93.06: In PDDs; 3 bdrm units require 2.25 spaces or 104 spaces for the units, plus guest parking 1 space for every 4 units, or 12 spaces; total 116 spaces required	2 covered spaces are provided with each of the 46 units (96 spaces) +. 21 guest parking spaces are proposed; total 117 spaces	Yes

Discussion of Public Benefit:

Pursuant the City Council 2008 policy on Public Benefit on Planned Developments, the applicant is to propose some form of public benefit *"proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code"* and may only be considered a public benefit *"when it exceeds the level of improvement needed to mitigate a project's environmental impacts or comply with dedication or exactions which are imposed on all projects such as Quimby Act, public art fees utility undergrounding, etc."*

The applicant has proposed

- "An oasis for pedestrians and bicyclists" at the corner of North Palm Canyon Drive and Alvarado Road. It features landscaping, a bike rack, seating area, a bicycle "fix-it" station, and a drinking fountain.
- The project itself, creating a buffer from Palm Canyon and the prevailing winds and the residents to the east, added residents, increased property values, short term construction-related employment and other items as outlined in the attached Justification letter.

Staff believes the level of deviation sought through the PDD application is not proportionate to the degree of relief being sought via the PDD.

Analysis of the project against Zoning Code Section 94.04 (Architectural Review):

The application includes a Major Architectural Application (Case 3.3742 MAJ) which articulates in detail the architecture and landscape architecture for the proposed project. The AAC recommended the final landscape plan be reviewed by an AAC subcommittee at the time of submission for plan check / building permit for a more detailed review of plant types, quantities, and location.

PSZC 94.04.D. Planning Commission Architectural Advisory Committee Review Guidelines.

The planning commission architectural advisory committee... examined the material submitted with the architectural approval application and specific aspects of design to determine whether the proposed development will provide desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:

Item	Guideline	Conforms?	Staff Evaluation
1	Does the proposed development provide a desirable environment for its occupants?	Partially	The proposed project provides mostly three bedroom homes on small lots. The space between the homes is quite narrow compared to their height. Back yards are small and A/C condensing units and pool pumps will likely cause noise impacts. Back yards facing Palm Canyon may also be quite noisy.
2	Is the proposed development compatible with the character of adjacent and surrounding developments?	Partially	Existing development in the project vicinity is mostly larger single family detached units on larger lots. Architectural styles are eclectic.
3	Is the proposed development of good composition, materials, textures, and colors?	Partially	The 46 homes are all "shed-roofed" two story structures clad in stucco with blue, yellow and orange accent colors. The units are repetitive in their massing. The color variation helps reduce the monotonous appearance. Some units are staggered on the lots to attempt to break up the monotony of the wall of garage doors, but this is limited in its success.

4	Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas	Partially	<p>The units are extremely close to one another creating "canyon like" space between at the front entries.</p> <p>Due to the very small lot sizes, open space is limited at each home and there is virtually no front yard due to the placement of the 2-car garages. There is no separation of pedestrian and vehicular movement, since sidewalks have not been provided.</p> <p>Back yards are nicely oriented toward views, however back yards facing Palm Canyon will likely have un-mitigatable road noise.</p> <p>The sides of several end units are only a foot or two from the private roadways.</p> <p>The units along the east-west private street would be enhanced by providing guest parking in closer proximity to these units.</p>
5	Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted	No	<p>The units in the proposed development are very repetitive, despite the introduction of various color combinations. Architecture in the surrounding neighborhood is mostly traditional ranch style homes with clay tile roofs. The architectural style of the units in the proposed development is modern.</p>
6	Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment	No	<p>Single Family Homes are a permitted use in the RGA-6 zone, subject to the standards of R-1-C. The proposed homes do not conform and the PDD is proposing its own set of development standards in terms of lot size, setbacks, lot coverage, open space, and height.</p>
7	Building design, materials and colors to be sympathetic with desert surroundings	Conforms	<p>The buildings utilize neutral colors complementary of the desert surroundings with lively accent colors.</p>
8	Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously	Conforms	<p>The proposed materials, colors and other components of the buildings are very basic in appearance, but lively accent colors help reduce the repetitiveness of the unit volumes.</p>
9	Consistency of composition and treatment	Conforms	<p>There is consistency in the composition and treatment of the buildings as proposed.</p>

10	Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials	Conforms	The proposed landscape plans are consistent with desert appropriate trees and plants.
11	Signs and graphics, as understood in architectural design including materials and colors;	N/A	Signs will be submitted under a separate application.

In addition to the guidelines of PSZC 94.04, staff offers the following recommendations to enhance the project's livability and integration into the surrounding community. The Planning Commission may choose to include any of these recommendations as conditions of approval of the project.

1. Provide at least ten feet between the sides of units.
2. Revise the streets to include sidewalks on at least one side on private streets.
3. Revise the widths of the private streets to conform to the General Plan.
4. Require accessory "live/work" units at all yards that back onto Palm Canyon Drive as noise buffers and to provide more opportunities for home-based businesses and provide more architectural variety in the street-facing facades of these units.
5. Provide shade structure and individual seating (not benches) at the corner "oasis".
6. Revise the configuration of end units at street corners turning the garage door orientation to the side to relieve the long monotonous row of garage doors facing the private streets.
7. Provide pedestrian gates at all rear yards facing a public street to interconnect the development with the surrounding community.
8. Develop a design for shade structures in the back yards that integrates with the architecture of the complex that buyers could include as a purchase option.
9. Angle and stagger more of the units on the lots similar to units 15 through 18 to reduce the long flat plane of garage doors facing the streets.
10. Relocate pool equipment and air conditioning condensing units to roofs or side yards to reduce noise impacts of this equipment on the small back yards.
11. Provide more guest parking better distributed through the project for service vehicles and guests.
12. Design active gathering, event and play areas in the common open space within the development that the community could use for programmed activities (examples might be a defined dog walking area, volley ball, bocce or horseshoe court(s), picnic area and/or shade shelter, and/or small community "coffee hut" similar to that provided in the "SOL" development.)

Analysis of the project for conformity with Section 94.03.00.C (Planned Development Property Development Standards)

"The planning commission and the city council shall establish a full range of development standards appropriate to the orderly development of the site which shall include the following:"

1. Building heights shall conform to the requirements of the underlying zoning district.

The RGA zone denotes that "...buildings and structures may have a height not to exceed twenty-four (24) feet and two (2) stories; provided that, the second story and the area of the buildings with a height over fifteen (15) feet does not exceed more than fifty (50) percent of the enclosed ground floor area. The purpose of this section is to provide a variety of building heights for design purposes. All buildings that exceed fifteen (15) feet in height or one (1) story shall be set back from all property lines a distance equal to or greater than its height and shall be set back from all single-family zones a minimum of two hundred (200) feet."

The project proposes two story, single family homes with zero side yard setbacks and roughly six feet between structures and thus does not conform.

2. Parking and loading requirements shall be subject to the requirements of Sections 93.06.00 and 93.07.00, respectively. The planning commission and the city council may modify such requirements based upon the submittal of a specific parking plan.

Single family homes require two covered parking spaces. Guest parking is required at a ratio of one space for every four units. The project proposes 64, two-car garages for each unit and twenty-one (21) guest parking spaces and thus conforms.

3. Front yard setbacks compatible with the existing or potential development adjacent and/or opposite from existing development shall be required to provide for an orderly and uniform transition along the streetscape to preserve, protect and enhance the properties adjacent to the proposed PD. Nonperipheral areas of the PD shall not be subject to this requirement but shall be determined by approval of the preliminary development plan by the planning commission.

The project proposes front yards of roughly five feet while surrounding residential development has 25 foot front yards, however setbacks at the perimeter of the project roughly proportionate to those of the surrounding development and thus conforms.

4. Minimum lot frontage not less than that of existing lots adjacent and/or opposite from existing developments shall be required to provide for an orderly and uniform transition along the streetscape to preserve, protect and enhance the properties adjacent to a proposed PD. Nonperipheral areas of the PD shall not be subject to this requirement but shall be determined by approval of the preliminary development plan by the planning commission.

The project proposes roughly twenty-eight foot wide lots, while the surrounding development is comprised of lots ranging from roughly 7,500 square feet to over 10,000 square feet and with typical 75 to 100 foot frontages, and thus does not conform.

5. Open space for planned districts shall be equal to or greater than the minimum open space requirement for the zone in which the planned district is located, unless otherwise approved by the planning commission and city council. Recreational areas, drainage facilities and other man-made structures may be considered to meet a part of the open space requirements.

a. Protection of natural landscape features such as watercourses, hillsides, sensitive land area, existing vegetation, wildlife, unique topographical features, and views shall be encouraged. Open spaces shall be integrated into the overall design of the project.

b. Open space for commercial, industrial and mixed uses shall be determined by the development plan approved by the planning commission and city council.

The project site is surrounded by various zones with open space varying from 35% for R-1 areas to 50% usable open space required for RGA-zoned areas. The proposed open space on each individual lot varies between 41% and 63%. In addition there are common open space areas at the perimeter of the project as well as within the perimeter walls. Staff believes the project conforms to this development standard.

FINDINGS:

The project was evaluated against the findings for the Planned Development District in lieu of Change of Zone pursuant to PSZC 94.03 and 93.07 (Zone Change) and for the Tentative Tract Map pursuant to Municipal Code Section 9.62 (Maps), and the Resort Combining Zone pursuant to PSZC 92.25.00 and 94.02 (Conditional Use Permit) as follows:

Planned Development in lieu of Change of Zone Findings:

The commission in recommending and 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 proposed project is located in the Mixed-use / Multi-use land use designation of the General Plan. This designation allows residential uses to a maximum density of 30 du/ac. The project proposes roughly 9du/ac and thus conforms in terms of density even though the proposed density is 50% greater than the underlying RGA-6 zone.

The General Plan notes that the Mixed-use / Multi-use designation "...should promote civic activity, define neighborhood character, and provide places for people to meet and socialize, enhancing the area's overall quality of life. These areas are intended to provide services and distinct gathering places and activity centers for surrounding neighborhoods and businesses."

The General Plan also notes for this specific Mixed Use area (called "Artist Colony"):
"Overall, the northern end of the City lacks distinct gathering places, with residents and businesses relying mainly upon Downtown to serve this need. The Artist Colony provides opportunity to introduce housing along Palm Canyon Drive and to provide much-needed neighborhood-serving commercial uses and gathering spaces."

Staff believes the proposed project is limited in its success at promoting civic activity, and in providing places for people to meet and socialize. Aside from the small accessory structures that face Palm Canyon that might be used as home-based businesses, the project does little to provide "*much needed neighborhood serving commercial uses*". The project proposes a gated community that separates itself from the existing surrounding neighborhood. The project turns back yards toward the public streets, provides no internal sidewalks and creates a "wall of garage doors" facing the internal private streets instead of porches, yards, or other architectural features that would promote more "eyes on the streets" and that might encourage community interaction. The small "oasis" for bicyclists at the corner of Palm Canyon Drive and Alvarado provides little in the way of amenities to encourage civic activity, or community gathering. Aside from the perimeter walls and narrow strips of landscaping, places that would contribute to creating an appealing "character" for this neighborhood are lacking in this proposal, however many of staff's recommendations would address many of these issues and enable the project to be deemed consistent with this finding.

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

The proposed project is located in the C-1/RGA-6 Zones with the Resort Combining Zone Overlay. The PDD is proposed to change the split zoning to a single residential zone with its own unique development standards. The project considerably more dense than the existing large lot, single family development in the vicinity of the project, however the residential uses proposed are suitable and similar to the residential uses in the vicinity. Although the project has frontage along Palm Canyon Drive, it is suitable and appropriate that vehicular access to the project is proposed from the adjacent collector street rather than Palm Canyon Drive. Thus the project conforms to this finding.

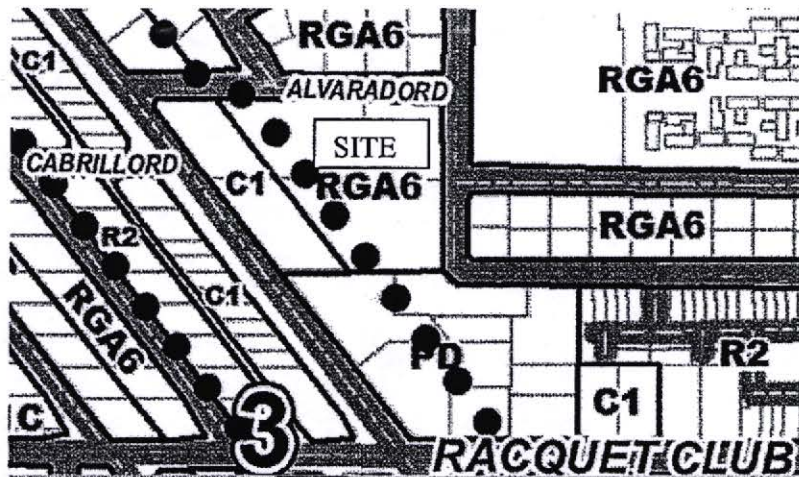
3. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.

Proposing residential uses for the subject site is appropriate given that the general development pattern in the vicinity is also residential. The General Plan promotes the concept of "Mid-block residential", which encourages clustering of commercial / retail uses at the major intersections within walking distance to residential areas, rather than as a long commercial strip that relies more heavily on vehicular movement. The project conforms to this finding.

Resort Combining Zone Findings (PSZC Section 92.25.00):

The "R" resort overlay zone is intended primarily to provide for accommodations and services for tourists and visitors while guarding against the intrusion of competing land uses.

The Resort Combining Zone runs along Palm Canyon Drive for nearly its entire length through the City and aligns on the subject site roughly along the boundary between the C-1 and RGA-6 zones. As noted, it is intended to protect the City's "main street" from uses that would detract from the tourist resort nature of the City. The single family residential (SFR) units in the proposed project are a prohibited use in the underlying C-1 zone, thus approval of the PDD in lieu of a Change of Zone is necessary to establish them as a permitted use.



PORTION OF ZONING MAP
THE RESORT COMBINING ZONE IS THE AREA BETWEEN THE ROWS OF DOTS
AND ALIGNS ROUGHLY WITH THE COMMERCIAL / MULTI-FAMILY ZONES
ALONG BOTH SIDES OF PALM CANYON DRIVE

The zoning code notes that:

Uses shall be as provided in the underlying zone with which the "R" zone is combined, except that:...All multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit (CUP).

The proposed development will have a Homeowners Association (HOA) that will function much like a condominium association to maintain the common areas of the development. As such the project is evaluated against the findings for a CUP herein² and the resort combining finding as follows:

Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone.

The proposed use, single family units on individual lots within a gated community is compatible with the surroundings in the vicinity which are also mostly residential in character. The scattering of commercial uses along this segment of Palm Drive are mostly local-serving businesses and a few older small hotels. The underlying C-1 zone would allow commercial uses, but continuing a pattern of a long string of commercial uses along Palm Canyon is not consistent with the General Plan vision of concentrating

² Pursuant to PSZC 94.02.00.A.4 (CUP); the CUP may be incorporated into the PDD without the need for a separate application. Thus the CUP findings of PSZC 94.02 and the Zone Change findings of PSZC 93.07 are both evaluated as integral parts of the PDD application.

commercial uses at major thoroughfares to encourage community gathering and less reliance on vehicular trips. Staff believes the proposed project is consistent with this finding.

Conditional Use Permit Findings:

In addition to the findings for the PDD in lieu of a change of zone (from PSZC Section 93.07), the PDD incorporates the findings of the CUP (PSZC 94.02.00) for condominium uses in the Resort Combining Zone as follows:

The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

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

The proposed single family residential use is permitted in the RGA-6 zone subject to the R-1-C standards. The Zoning Code allows deviations in these standards via approval of a PDD. The project proposes a PDD in lieu of a change or zone, with unique development standards for single family uses. With approval of the PDD, the project is consistent with this finding.

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

Development of the subject site with single family uses is desirable as a means of bringing a variety of housing choices to the community. The project is consistent with the General Plan Mixed Use / Multi Use land use designation in terms of density and with policies of the General Plan that encourage mid-block residential along major thoroughfares. The residential uses are not detrimental to existing or future uses because the primary zoning and general plan land use designation for most areas in the vicinity of the project are also residential in nature. The project therefore conforms to this finding.

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

The roughly 5.23-acre site is proposed with 46 single family dwelling units on small lots. With the approval of the PDD in lieu of a change of zone, the City would be establishing

the PDD as a separate zone with its own unique development standards and the project would be deemed in conformance with this finding.

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

The project proposes to take vehicular access off Alvarado Road which is a local street and emergency access from De Anza which is a collector. This arrangement is appropriate for carrying the type and quantity of traffic generated by the proposed use and thus the project conforms to this finding.

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

A set of draft conditions of approval are proposed and attached to this staff report as Exhibit "A".

Tentative Tract Map Findings:

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

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

The TTM proposes individual residential lots with open space, common area and private streets. The proposed density is within the range specified by the Mixed-use / Multi-use General Plan land use designation. The project proposes private streets that are not consistent with the General Plan, however a condition of approval requiring street configuration consistent with the General Plan is included that if approved, the project would be consistent with this finding. No specific plans are associated with the subject property.

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

The proposed project design and improvements are generally not consistent with the C-1 / RGA-6 zone in which the property is located. The PDD in lieu of a zone change proposes single family uses not otherwise permitted in the underlying C-1 zone and a set of development standards unique to this development with smaller lot area, lot

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: SEPTEMBER 24, 2014

ACTION: Approved, as submitted (Vice-Chair Klatchko abstained).

Motion: Commissioner Roberts, seconded by Commissioner Calderine and carried 6-0-1 on a roll call vote.

AYES: Commissioner Calderine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Chair Hudson

ABSTAIN: Vice-Chair Klatchko

2. PUBLIC HEARING:

2A. WEST COAST HOUSING PARTNERS ON BEHALF OF THE PROPERTY OWNER, THE ERIC BRANDENBERG SEPARATE PROPERTY TRUST, FOR APPROVAL OF A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE TRACT MAP PROPOSING A DEVELOPMENT OF 46 SINGLE FAMILY DETACHED UNITS ON INDIVIDUAL LOTS, COMMON PRIVATE STREETS AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO (CASE 5.1340 PDD 370, 3.3742 MAJ, TTM36725). (KL)

Associate Planner Lyon presented the proposed project as outlined in the staff report. Mr. Lyon pointed out that the applicant is seeking approval of both the preliminary and final PDD with this submittal. He noted that the applicant has reviewed this project with the neighborhood association.

Vice-Chair Klatchko asked staff to clarify the applicant's responses/comments to the staff report. Associate Planner Lyon provided a summary of staff's responses.

Commissioner Middleton asked where the existing and future planned bike lanes are in this area. Assistant Director of Public Works Khamphou responded that bike lanes are planned for Racquet Club and North Palm Canyon (Tramway Road connecting to downtown) will tie-in to the Coachella Valley Link. He described the Class 2 and 3 bike routes.

Chair Hudson opened the public hearing:

WHITT HOLLIS, West Coast Housing Partners, LLC, commented that staff's response to their comments was submitted at this meeting and they have not had time to review

it. Mr. Hollis spoke about their work on the analysis of the market, design team and communication with staff.

KRYSTAL NAVAR, Modative (project architect), spoke about history of architecture in the city and they have applied the principles of mid-century architecture to the project. She commented that they considered the many physical factors of the site including solar orientation, access to views, noise, privacy concerns, vehicular and pedestrian access, building separation, side-yards, wall articulation, driveways and desert landscaping.

ROB PARKER, RGA Landscape Architects, provided details on the proposed bike oasis, available space for dog park, open space and the Palm Canyon Drive frontage.

MARVIN ROOS, MSA Consulting, Inc., commented that did not agree with the staff report and stated that a PDD is necessary to conform to the General Plan. He noted that this site is an intense Palm Canyon frontage and provided further explanation to their responses/comments to the staff report.

GARY LEE SMITH, resides at 43 @ Racquet Club, spoke in favor of the project; noting that it will eliminate the blight in this area. He does not find the building separation as problematic (project similar to 43 @ Racquet Club) and prefers a gated community.

RANDY SMITH, spoke in opposition of the 2-story building height and driveway entrance directly in front of his house.

MARVIN ROOS, applicant response, stated that both zones and the multi-use allow for 2 story buildings and addressed the driveway entrance.

There being no further appearances the public hearing was closed.

Vice-Chair Klatchko made the following comments:

- Likes many aspects of the project - such as the angular placement of the buildings and the entrance on Alvarado.
- Concern with the lack of sidewalks - although the wide paseos allow pedestrian friendly pathways.
- Lack of guest parking.
- No concern with zero lot line development.

Commissioner Middleton concurred with Vice-Chair Klatchko and appreciated the neighborhood outreach. She made the following comments:

- Concern with the density of the project.
- Units are too close together.

- Likes the colors.
- A few more windows are needed; particularly above the garage area.
- Additional space may be needed for bike lanes on Palm Canyon.
- Lack of guest parking.
- Additional shade trees.

Commissioner Weremiuk made the following comments:

- Lack of guest parking.
- Project is too dense.
- Building separation is not sufficient and should be a minimum of 10 feet for side-yards.
- Applicant's opposition to install smart water controllers.

Commissioner Roberts made the following comments:

- Project has good qualities - the accessory structures on the Palm Canyon elevation work aesthetically.
- Project is requesting too much deviation with minimum public benefit.
- Project too dense.
- Lack of guest parking spaces.
- Insufficient building separation - minimum of 10 ft. side-yard setbacks.
- Insufficient parking for service trucks etc.
- Gated development should be more open and accessible.

Commissioner Calderine commented that he is not opposed to the density of this project. He said that there are several developments that are similar to this project and would like to see a comparison. He noted that this is not the typical multi-family development and the variety on Palm Canyon is acceptable. Commissioner Calderine suggested adding public pedestrian access to the interior streets. And a pedestrian access from the site to the plaza.

Commissioner Roberts commented that the repetition of the garage doors feels like a back alley and the 2nd floor is repetitive. Staff has an on-going list of public benefits for the community and encouraged the applicant to take a look at this.

Chair Hudson made the following comments:

- The site has two different zones.
- Concern with the row of 14 houses along North Palm Canyon; and the two-car garage doors house on the interior street with 6 ft. separations - a larger space is needed between houses.
- Flexibility for the one-story accessory units along North Palm Canyon.

- Landscape design is the better aspect of the project.
- As a community amenity the plaza becomes more developed.
- Prefers shade trees instead of a shade structure.
- Encourage the applicant to provide a few more boulders for seating.
- Building separation is too close.
- Concern with gated communities.
- A controlled vehicular access makes sense.
- More use of speed bumps and articulation of the interior streets to slow down traffic.
- Increase permeable surfacing for paving.
- Increase more shared parking.
- The architecture does not respond to the site. (Roofs not oriented for solar collectors).


ACTION: Table with specific direction to the applicant to revise the project and re-submit.

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

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

The Commission provided the following direction for the applicant make revisions to the project:

- Item 1: Provide at least 10 feet between units for more usable open space and less density. (This was noted as both an open space issue and a density issue).
- Item 2: Revise the site concept to provide better accommodation for pedestrian circulation within the project to provide sidewalks along 1 side of the streets or by other creative means, taking into consideration workmen and guests as well as residents. [Staff Note: Reference PSZC 94.04 Architectural Review guideline D.1 which notes, "...Definition of pedestrian and vehicular areas; i.e. sidewalks as distinct from parking lot areas;" (e.g. vehicular travel ways) and note additional PC comment #14 below on paving differentiation].
- Item 3. If sidewalks are not provided along streets, then revise widths of private streets to conform to General Plan, (especially in lieu of sidewalks, must have one or the other).
- Item 4. Provide live/work as proposed by the applicant on the site plan, allow for variety in the architectural composition of these units, without kitchens (do not allow them to become rental units).

- 
- Item 5. Provide 48 inch minimum box size for shade trees as shown on the landscape plan at the corner oasis. Select species suitable for the windy conditions at the site in lieu of structures for shade at that corner and provide more individual seating.
 - Item 6. Reduce the monotony of the wall of garage doors by either turning the corner unit garage doors to the sides or revise the site plan in some other way to eliminate the repetitive monotonous nature of the row of garage doors along the interior streets.
 - Item 7. Provide perimeter pedestrian gates at all units backing onto the public streets and also provide doorbell systems to allow visitors to access units from these gates.
 - Item 8. Provide optional back yard shade structures for prospective buyers that complement the architecture of the homes.
 - Item 9. Utilize angling or other design solutions to relieve the long planar walls of the garage doors along the interior streets.
 - Item 10. Create a better solution to reduce noise dramatically from the pool and HVAC units or move these mechanical units away from the back yards to eliminate noise impacts on those yards.
 - Item 11. Provide more guest parking within the project (no specific quantity was stated). Also, regarding guest access, provide means at the main entry gates and along the perimeter public streets for open pedestrian access (i.e. vehicular gates may be retained, but allow open pedestrian access from the perimeter of the project for guest/neighborhood connectivity that does not require keys or controlled access intercom, etc.).
 - Item 12. Provide active gathering amenities in the common open space (i.e. development has central open space for gathering, community interaction etc.).

Other specific requests/direction for design revision made as a part of the Planning Commission motion includes:

- A.) Orient roof slopes to make future installation of solar feasible (i.e. roof slopes should face south);
- B.) Provide prewire for photovoltaic solar panels.
- C.) Enhanced interior pavement – no asphalt, integrate pavers at private streets to perhaps aid in demarcating separation of pedestrian way from vehicular travel way.
- D.) Pedestrian open access if there is to be vehicular gates. Research new technology entry gate systems with second arms, camera systems, no -back up systems, etc. that allows controlled vehicular access but free pedestrian access.
- E.) Propose additional public benefits (review suggestions from staff or other; see comment below).

- F.) Provide at least the hand tire pump and water bottle filling as a minimum set of amenities at the corner oasis.
- G.) Wash down of the amenities at the corner is not required.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

Commissioner Roberts wanted to make sure that the City Council is clear on their recommendations beyond the action minutes on the Lawrence Rael project which is on appeal and other large projects.

Director Fagg responded that the City Attorney attorney's response was that the action by the Planning Commission is the record on the item. Mr. Fagg indicated that the summary and findings provided to the City Council give a basis for the way the Planning Commission voted on the item.

Commissioner Roberts requested a study session for the aforementioned item and also to discuss with staff how to better provide information to the applicants when seeking relief from the Zoning Code and General Plan such as Variances and PDD's.

Commissioner Weremiuk noted that a subcommittee (Calerdine, Roberts and Weremiuk) previously worked on establishing small lot subdivision guidelines. Director Fagg recommend that this subcommittee could start up again to continue their work. The subcommittee members agreed.

PLANNING DIRECTOR'S REPORT:

Director Fagg commented that a study session will be held next month to discuss the items requested by the Commission.

ADJOURNMENT:

The Planning Commission adjourned at 3:24 pm to Wednesday, October 22, 2014, at 1:30 pm, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.


Flinn Fagg, AICP
Director of Planning Services

BOARD MEMBER FAUBER asked for clarification on whether calculation of area was based on the merged lot. (yes)

BOARD MEMBER FREDRICKS inquired about plant type and sizes. (noted on the drawings)

BOARD MEMBER SONG inquired about window frame color, material and detailing (same as rest of Luminaire).

APPLICANT'S ARCHITECT clarified the windows are only slightly recessed because of limit of wall thickness.

M/S/C (Hirschbein/Cassady, 6-0-1 absent/Secoy-Jensen) Recommend approval to the Planning Commission as submitted.

4. **THE ERIC BRANDENBERG SEPARATE PROPERTY TRUST FOR APPROVAL OF A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE TRACT MAP PROPOSING A GATED COMMUNITY OF 46 TWO-STORY, SINGLE FAMILY DETACHED UNITS ON INDIVIDUAL LOTS, COMMON PRIVATE STREETS AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD (CASE 5.1340 PDD 370, 3.3742 MAJ, TTM 36725). (KL)**

BOARD MEMBER SONG recused herself and left the room.

ASSOCIATE PLANNER LYON summarized the staff report.

BOARD MEMBER HIRSCHBEIN inquired about discrepancy between General Plan and Zoning densities and standards. (differing zones may exist in a single General Plan land use designation; PD used to increase density over underlying zone.)

BOARD MEMBER HIRSCHBEIN asked about casitas for commercial uses, parking, and signage. (same as underlying C-1 and home occupancy; parking available along Palm Canyon, signs pursuant to the zoning ordinance and home occupancy ordinance).

BOARD MEMBER HIRSCHBEIN inquired about noise mitigation. (casitas function to mask some road noise from Palm Canyon).

BOARD MEMBER FREDRICKS asked about removing gates (applicant/market desire gates on the development).

BOARD MEMBER CASSADY asked about whether all Palm Canyon backing units

could have casitas. (yes)

CHAIR FAUBER asked whether casitas could be constructed on other sites. (yes, 2 to 3 more could be located within)

CHAIR FAUBER asked about deleting gates, but also prefers if walls are to be provided, that the pedestrian gates are important. He also asked about triangular open space within the development (open common area for residents).

CHAIR FAUBER asked about amount of green shown on drawings. (desert scape is proposed)

BOARD MEMBER HIRSCHBEIN asked about open space along south side of project. (retention and not connected to public way to avoid homeless problems.)

CHAIR FAUBER opened the item for public comment.

BOARD MEMBER CASSADY expressed positive opinion about the project and that as a gated community it was acceptable to him.

BOARD MEMBER PURNELL expressed positive opinion about the project including architecture and mixed use/live work along Palm Canyon and the general landscape concept.

CHAIR FAUBER asked about areas within the complex for dog walking (retention basin).

VICE-CHAIR FREDRICKS expressed positive opinion including it being proposed as gated.

M/S/C (Fredricks/Cassady, 5-0-1-1 abstained/Song, absent/Secoy-Jensen) Recommend approval by the Planning Commission as proposed and appoint landscape subcommittee (Purnell/Fredricks/Cassady) to review final landscape plan check submission.

BOARD MEMBER Song returned to the meeting.

- ~~5. THE PALM SPRINGS ART MUSEUM REQUESTING APPROVAL OF A SIGN VARIANCE FOR THE MUSEUM'S ARCHITECTURE + DESIGN CENTER (AKA THE SANTA FE FEDERAL SAVINGS & LOAN BUILDING), A CLASS 1 HISTORIC SITE LOCATED AT 300 SOUTH PALM CANYON DRIVE (ZONE CBD) (HSPB 54 / CASE 8.259 VAR (KL))~~

ASSOCIATE PLANNER LYON summarized the staff report.

West Coast Housing Partners, LLC

VIA EMAIL

July 31, 2014

Mr. Ken Lyon
Associate Planner
City of Palm Springs Planning Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Subject: Revised Justification Letter for "Alvarado in the Art Colony"
Applications, **Planned Development District, Tentative Tract Map
& Major Architectural Approval**

Dear Mr. Lyon:

Reference is made to MSA Consulting Inc's May 15, 2014 Justification Letter (Roos). As a result of subsequent discussions with the City, West Coast Housing Partners, LLC would like to provide this **Revised Letter of Justification**.

Detailed Project Description

Applications: The Project proposal involves a **Planned Development District in lieu of a Change of Zone, a Tentative Tract Map and a Major Architectural Approval.**

Location: The Alvarado in the Art Colony project is located on 5.23 net acres of land on the east side of North Palm Canyon Drive, south of Alvarado Road, West of De Anza Road, and north of the Northgate 111 shopping center. The property is in Section 3, T.4S R.4E.

Property Configuration and General Plan/Zoning: The 5.23 acre site fronts three streets including North Palm Canyon Drive and is located one-third of a mile SW of the Palm Springs Visitor Center at Tram Way. The property has a single General Plan land use of Mixed Use/Multi Use and split zoning with the frontage zoned C-1 (General Commercial) to a depth of 200 feet parallel to NPCD and the remainder zoned R-G-A-(6) (Residential Garden Apartments—6 d.u./acres). In addition, the property has the Resort Overlay Zone that covers only the C-1 portion of the site.

Site History: The site appears from older aerial photos to have had a small structure at the NW corner of what would have been Cabrillo Road (extended) at North Palm Canyon Drive. Both Cabrillo Road and Cortez Road were anticipated at one time to be extended westerly to intersect with North Palm Canyon Drive but both streets were vacated through the subject property by past city actions. Whatever structure may have been there has been long removed. No previous entitlements are known for the site.

Westlake Park Place / 3027 Townsgate Road, Suite 250 / Westlake Village, CA 91361
805.409.0220 Fax 805.370.1822

Surrounding Uses: Property to the south of the site is a developed commercial center (PDD); property to the north is vacant between Palm Canyon Drive and Los Felices and has the same 200 foot deep C-1 zoning with the remainder zoned R-G-A (6). From Los Felices easterly the property north of the subject property is developed single family with the same R-G-A (6) zoning and easterly of the project, properties on the east side of De Anza are fully developed with a combination of garden condominiums and single family homes, all with R-G-A (6) zoning and all single-story. Across Palm Canyon Drive there are two single-story commercial buildings and several vacant parcels.

Development Proposal: The Project is a 46-lot detached single-family residential development on approximately 5.23 acres of vacant land. The project will be gated with the main entrance being located just east of the intersection of Alvarado Road and Los Felices Road. A second access, located just southerly of the intersection of Cabrillo, is proposed for resident's egress only while also providing access for emergency vehicles. Each of the parcels contains a single, two-story unit with an attached 2 car garage and a private swimming pool. Eight units facing North Palm Canyon Drive and two additional interior units have the option of building a small structure adjacent to the street that could be a pool cabana, a casita or a home office.

Each unit facing Palm Canyon Drive and Alvarado Road will have a private, gated personal entrance providing direct access to the street. At the intersection of Alvarado Road and North Palm Canyon Drive there will be a publicly accessible "Corner Plaza" that will be a strong visual entry welcome for vehicular traffic entering Palm Springs. The major open space component of the project will be located along the southerly boundary and will serve dual use as passive open space/recreation and retention of storm water. North Palm Canyon Drive will include a dynamic streetscape afforded by the twenty-eight foot wide parkway found in this stretch of North Palm Canyon Drive. The landscape scheme will incorporate the existing Washingtonia Robusta palm trees but replace the existing old sidewalk with an inviting new public walk along with landscape elements and entries to the new homes along Palm Canyon. Along De Anza Road, the new homes will be setback 130 feet or more from existing single family residences and views to the San Jacinto Mountains will be substantially maintained.

Construction schedule: The proposed construction schedule is as follows:

- | | |
|-------------------------|------------------------------|
| ▪ Rough Grading | Late 4 th Q, 2014 |
| ▪ Infrastructure | 1 st Q, 2015 |
| ▪ Building Construction | 1 st Q, 2015 |
| ▪ Start of Home Sales | 4 th Q, 2015 |
| ▪ Buildout | 1 st Q, 2017 |

Potential Public Benefits: The proposed Alvarado in the Art Colony project will have the following public benefits:

- The development of the project will be a major addition to the North Palm Canyon Drive entry sequence and consistent with the new General Plan (2007) mixed use/multi use category. The Palm Canyon Drive/Alvarado Road corner of the site is proposed as a publically accessible "Corner Plaza" with a generous landscape including native Washingtonia Filifera palms, shade trees and drought tolerant landscape and possibly a public art installation.
- The "Corner Plaza" proposed for the Southeast corner of Alvarado and North Palm Canyon Drive shall have a "Bike Oasis", consisting of a bicycle repair stand, hand operated air pump, water bottle filler, bike racks and shaded seating. The "Corner Plaza" will encourage the connection of Alvarado in the Art Colony with the surrounding neighbors, the future CV Link, and the Downtown.
- The neighborhood to the east of the subject property will be better buffered from noise emanating from traffic on Palm Canyon Drive and also from prevailing winds which will lift over the new development.
- There will be an increase in the number of new residents which will support the commercial uses in the vicinity as well as the city overall and add to the "eyes on the street" and improve overall public safety in the area.
- Planned communities reduce the amount of landscaped and irrigated open space vs. low density residential development and cut the amount of potable water needed on a per unit basis. In this instance, the average open space per unit is approximately 2,400 s.f./unit whereas the old standard 10,000 s.f. R-1-C lot had up to 6,500 s.f. per home.
- There should be an increase in real estate values in the area with a solution to the problems caused by vacant land.
- The proposed Planned Development District (in lieu of a Change of Zone) will allow the surrounding neighbors to know more precisely what can be constructed on the now vacant property.
- The new development will produce a higher revenue stream to all agencies. These include a substantial boost in property taxes, payment of CVMSHCP fees, school impact fees, Acreage Drainage fees, Quimby fees, and TUMF fees among others.

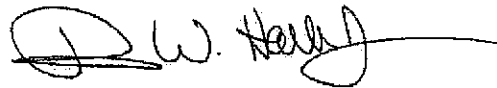
- The development of the property will provide quality employment for the construction industry through the estimated two or so years of development.

Findings: The following Findings are presented in support of the multiple applications needed for the Alvarado in the Art Colony project:

- The proposed development of the property including a Planned Development District (in lieu of a Change of Zone), a Tentative Tract Map, and a Major Architectural Approval represent a specific development solution to a 5.23 acre infill site where the new General Plan (2007) category of Mixed Use/Multi Use needs a PDD to develop specific standards for consistency.
- The current zoning designations on the property (200' deep C-1 zoning parallel with North Palm Canyon Drive and the remainder being R-G-A (6) while potentially consistent with the new General Plan would also act to extend the strip commercial nature of Highway 111 thus the project, providing an integrated plan for the entire property, will better implement the General Plan.
- The size and shape of the property, which both abuts and surrounds existing single family, condominium, and commercial uses, and is well suited for use as an infill residential community that is similar to and compatible with those existing nearby uses.

We look forward to working with the City as the project moves forward.

Very Truly Yours,
WEST COAST HOUSING PARTNERS, LLC



By:

R. W. (Whitt) Hollis, Jr.
Vice President of Land Acquisition

Cc: Steve Hester, West Coast Housing Partners, LLC
Krystal Navar, Modative
Marvin D. Roos, MSA Consulting, Inc.
Ester Wang, RGA Landscape Architects, Inc.

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



Date: January 7, 2015

Subject: Alvarado

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on December 27, 2014.

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

K. Hart

Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on December 23, 2014.

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

K. Hart

Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on December 23, 2014, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.
(212 notices)

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

K. Hart

Kathie Hart, MMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE: 5.1340 PDD 370 / 3.3742 MAJ / TTM 36725
"ALVARADO"

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of January 7, 2015. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The project is a request by West Coast Housing Partners on behalf of the property owner, The Eric Brandenburg Separate Property Trust for approval of a preliminary and final Planned Development District in lieu of a change of zone, a Major Architectural application, and a Tentative Tract Map proposing a gated development of 46 detached residential units, common private streets and open space and a tract map for condominium purposes on a roughly 5.23 acre site located at the southeast corner of North Palm Canyon Drive and Alvarado Road (Case 5.1340 PDD 370, 3.3742 MAJ, TTM 36725). General Plan land use designation is Mixed-Use (Maximum of 15 dwelling units per acre for residential use and a maximum of a 0.50 FAR for non-residential uses).

ENVIRONMENTAL DETERMINATION: An initial study was conducted and a Mitigated Negative Declaration (MND) is proposed for this project under the guidelines of the California Environmental Quality Act (CEQA). Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, and submit written comments at, or prior to, the City Council hearing.

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

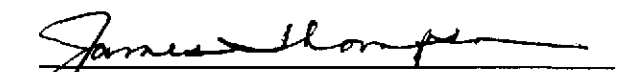
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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

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

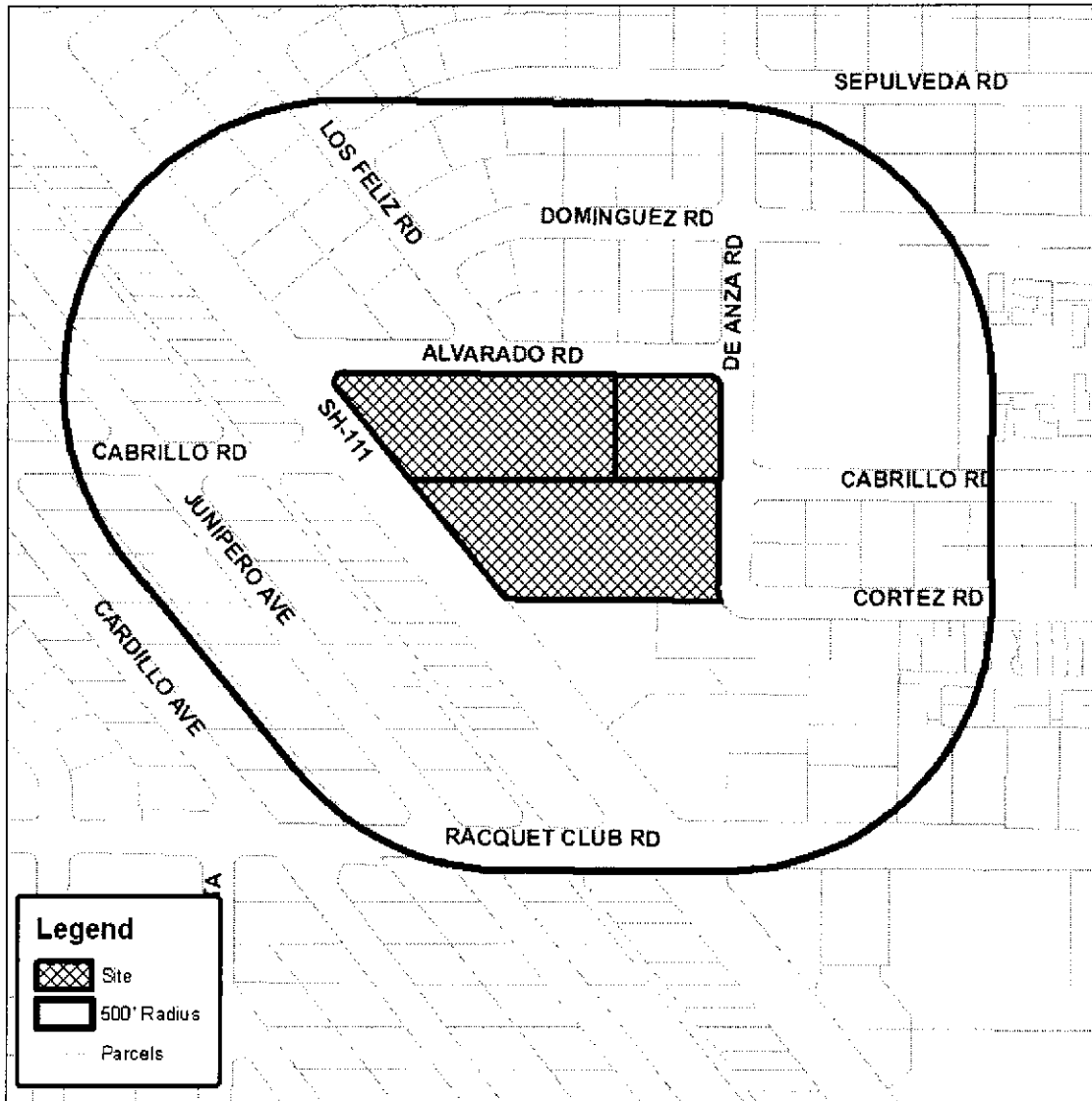
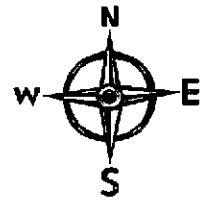
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, Associate Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253.


James Thompson, City Clerk



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO:

5.1340 PDD 370 CUP / TTM 36725 /
3.3742 MAJ

APPLICANT:

West Coast Housing Partners on
behalf of The Eric Brandenburg
Separate Property Trust

DESCRIPTION: A PROPOSED DEVELOPMENT OF 46 SINGLE FAMILY
DETACHED UNITS, COMMON PRIVATE STREETS, AND OPEN SPACE ON
A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF
NORTH PALM CANYON DRIVE (SH 111) AND ALVARADO
CASE 5.1340 PDD 370 CUP / 3.3742 MAJ / TTM 36725
APN'S 504-074-001, 002 & 008

Kathie Hart

From: Joanne Bruggemans
Sent: Tuesday, December 23, 2014 7:29 AM
To: Little Tuscany; Racquet Club West; Desert Highland Estates; Racquet Club Estates
Cc: Ken Lyon; Kathie Hart
Subject: Case 5.1340 PD 370 - Alvarado
Attachments: 5.1340 PDD 370 PHN CC.pdf

Morning –

Please find the attached Public Hearing Notice of the City Council for January 7, 2015 of the proposed project within a ½ mile of your neighborhood organization.

Thank you and have a wonderful holiday season.

Joanne

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