



Planning Commission Memo

DATE: June 24, 2015

PUBLIC HEARING

SUBJECT: REQUEST BY GANDO PROPERTIES FOR A MAJOR ARCHITECTURAL APPROVAL AND A VARIANCE APPLICATION TO CONSTRUCT AN APPROXIMATELY 96,445-SQ. FT. OFFICE SPACE, WAREHOUSE AND SELF STORAGE FACILITY ON AN APPROXIMATELY 4.5-ACRE PARCEL LOCATED AT THE SOUTH EAST CORNER OF GENE AUTRY TRAIL & TACHEVAH DRIVE, ZONE M-1-P, (3.3830-MAJ & 6.542-VAR) (ER).

FROM: Planning Services Department

SUMMARY:

On April 22, 2015, the Planning Commission considered the above-referenced proposal and after deliberations continued the hearing to the meeting of May 13, 2015. The Commission then directed the applicant to revise the site plan with 50 feet setbacks on the east and south sections and 25 feet setback on the building abutting Tachevah Drive. At the meeting of June 10, 2015, the revised plan with 50 setback to the east, 40 feet to the south and 25 feet along Tachevah Drive was presented to the Commission.

The Commission deliberated on the revised project on June 10, 2015, and continued the hearing to the meeting of June 24, 2015, with directions to the applicant to install story poles at the site to show the proposed height of the buildings.

On June 17, 2015, the applicant informed staff that the story poles were being installed and would be ready for inspections on June 18, 2015 by the Commissioners.

RECOMMENDATION:

That the Planning Commission grant the variance request and approve the major architectural application as recommended by staff and the Architectural Advisory Committee (AAC).

Edward Robertson
Principal City Planner

Flinn Fagg, AICP
Director of Planning Services

Attachments:

- Planning Commission's Staff Report dated June 10, 2015
- Draft PC Resolution and Conditions of Approval
- Draft PC Minutes from the meeting of June 10, 2015.



PLANNING COMMISSION STAFF REPORT

DATE: June 10, 2015

OLD BUSINESS

SUBJECT: REQUEST BY GANDO PROPERTIES FOR A MAJOR ARCHITECTURAL APPROVAL AND A VARIANCE APPLICATION TO CONSTRUCT AN APPROXIMATELY 103,943 SQUARE-FOOT OFFICE SPACE, WAREHOUSE AND SELF-STORAGE FACILITY ON AN APPROXIMATELY 4.5-ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF GENE AUTRY TRAIL & TACHEVAH DRIVE, ZONE M-1-P, (3.3830-MAJ & 6.542-VAR), (ER/FF).

FROM: Department of Planning Services

PROJECT DESCRIPTION

This is a request for the Planning Commission to consider a major architectural approval and a variance application to construct office space, a warehouse and a self-storage facility. The 103,943 square-foot complex will be located on the undeveloped parcel at the southeast corner of Tachevah Drive and Gene Autry Trail. Please note that this site plan has been modified from the version presented to Planning Commission at the 22 April 2015 meeting to increase the building setbacks from the north, east, and south property lines.

The following applications have been filed in conjunction with this request:

- Case 3.3830 MAJ: Major architectural application for approval of an office and mini-warehouse development.
- Case 6.542 VAR: Variance application to allow a 50-foot rear yard setback along the east property line where a 100-foot setback is required, and to allow a 40-foot side yard setback along the south property line where a 100-foot setback is required.

ISSUES

- Buildings C and D do not meet the required setback requirements; if the variance application for the setback reduction is not approved, the buildings will need to be relocated to conform to the required setbacks.

RECOMMENDATION

That the Planning Commission grants the variance request and approves the major

architectural application as recommended by staff and the Architectural Advisory Committee (AAC).

BACKGROUND INFORMATION

| Related Relevant Actions by Planning, Building, Fire, etc. | |
|---|--|
| 02/27/07 | The Architectural Advisory Committee (AAC) reviewed a proposed project consisting of three commercial/industrial buildings and recommended approval to the Planning Commission. |
| 03/28/07 | The Planning Commission approved a major architectural application to develop three commercial/industrial buildings with off-street parking and associated landscaping at the site. The entitlement expired on March 28, 2010. |
| 03/09/15 | The AAC reviewed the proposed project and recommended approval to the Planning Commission with comments. |
| 04/22/15 | The Planning Commission reviewed the proposed project, and voted to continue the item to the 13 May 2015 meeting with direction to the applicant to redesign the project to address setbacks, building articulation, and sidewalk issues. The case was subsequently continued to the 10 June 2015 meeting. |

| Most Recent Change of Ownership | |
|--|---|
| 05/01/08 | Knollwood Partnership Palm Springs, LLC |

| Neighborhood Meeting | |
|-----------------------------|--|
| N/A | A neighborhood meeting is not required for this application. |

| Field Check | |
|--------------------|--|
| 03/02/15 | Staff visited the site to observe existing conditions. |

DETAILS OF APPLICATION REQUEST

| Site Area | |
|------------------|------------|
| Net Acres | 4.51 Acres |

| Surrounding Property | Existing Land Use Per Chapter 92 | Existing General Plan Designation | Existing Zoning Designation |
|-----------------------------|---|--|---|
| Subject Property | Undeveloped | IND (Industrial) | M-1-P (Planned Research and Development Park) |
| North | Office Use | IND (Industrial) | M-1-P (Planned Research and Development Park) |

| Surrounding Property | Existing Land Use Per Chapter 92 | Existing General Plan Designation | Existing Zoning Designation |
|-----------------------------|---|--|------------------------------------|
| South | Undeveloped (Escena Development) | MDR (Medium Density Residential) | PDD-231 |
| East | Undeveloped (Escena Development) | MDR (Medium Density Residential) | PDD-231 |
| West | Undeveloped | IND (Industrial) | A (Airport) |

| Master Plan Areas | Compliance |
|--|-------------------|
| N/A | N/A |
| Special Purpose and Overlay Districts | Compliance |
| Airport Land Use Compatibility Area | Y |

DEVELOPMENT STANDARDS

Pursuant to Section 92.16.00, the following standards apply:

| Standard | Required/ Allowed | Provided | Compliance |
|----------------------|--|----------------------|-------------------|
| Min. Lot Size | 60,000 SF | 197,751 SF | Y |
| Min. Lot Width | 200 Feet | 390 Feet | Y |
| Min. Lot Depth | 200 Feet | 497 Feet | Y |
| Min. Setbacks | | | |
| • Front (west) | 25 Feet | 68 Feet | Y |
| • Side (north) | 25 Feet | 25 Feet | Y |
| • Side (south) | 100 Feet | 40 Feet | N* |
| • Rear (east) | 100 Feet | 50 Feet | N* |
| Max. Lot Coverage | No requirement | 41% | N/A |
| Max. Building Height | 40 Feet | 21'-3" | Y |
| Trash Enclosure | Screened 6' High (bin) 3'-6" High (cans) | (Not shown on plans) | N |
| Mechanical Equipment | Screened | Screened | Y |

*A variance application has been submitted to request a reduction in the required setbacks.

Pursuant to Section 93.06.00, the following parking standards apply:

| Parking Requirement | | | | | | | |
|----------------------------|-------------------------|----------------------|-----------------|------------------|-----------------|------------------|--------------|
| Use | SF or # of Units | Parking Ratio | Required | | Provided | | Comp. |
| | | | Reg. | Handi-cap | Reg. | Handi-cap | |
| Office – Bldg. A | 3,936 SF | 1/200 SF | 20 | | | | |

| | | | | | | | |
|---|----------|----------|----|---|----|---|---|
| Warehouse – Bldg. A | 9,208 SF | 1/800 SF | 12 | | | | |
| Mini-Warehousing | N/A | 6 | 6 | | | | |
| TOTAL SPACES REQUIRED | | | 38 | | 39 | | Y |
| Regular and Handicap Spaces Req. | | | 36 | 2 | 37 | 2 | Y |

ANALYSIS

The proposed development consists of an office/warehouse building (Building A) and parking area along the Gene Autry Trail frontage of the property, with four mini-warehouse buildings (Buildings B, C, D, and E) located to the side and rear of the property. Principal access to the site is from a single driveway on the Gene Autry frontage; a second gated access point is provided along the Tachevah Drive frontage. Internal gates are also provided to separate the mini-warehouse functions from the office/warehouse building and parking area. The proposed buildings are generally one story in height, with the exception of Building E, which includes a partial second story.

The application includes a request for a variance from the required 100-foot side and rear yard setbacks along the east and south property lines; the development as proposed will include a 50-foot setback from the east property line and a 40-foot setback from the south property line. The 100-foot setback is required in the M-1-P zoning district due to the fact that the property abuts land designated for residential development. The buildings proposed along the east and south property lines will be a maximum of 10 feet in height, with shed roofs sloping down to 8'-6" in height nearest to the proposed setback, which assists in reducing impacts to views. While the project site is slightly elevated above the abutting residential property, the combination of the proposed setback distance and minimal building height lessen the impacts of the proposed development. The majority of the setback area will be utilized for a retention basin, with the area closest to the buildings utilized for a required landscape buffer which includes shade trees planted at approximately 30 feet on center. While parking areas would be permitted within the 100-foot setback area, the site plan does not provide any active uses along these frontages and has faced the buildings away from the abutting residential property so as to minimize any potential impact. Please note that the previous version of the site plan included a request for a 10-foot building setback from Tachevah Drive where a 25-foot setback is required, and a 20-foot setback along the east and south property lines where a 100-foot setback is required.

The proposed development conforms to all other setback requirements. The buildings range from 8'-6" in height to 21'-3" in height, and are well below the 40-foot height limit allowed in the M-1-P zoning district. The proposed development will provide the required number of standard and handicap parking spaces. The plans indicate that both parapet walls and metal screens will be utilized to screen rooftop mechanical equipment in accordance with code requirements. The plans do not indicate a location for a trash enclosure; a condition of approval has been added to require that a trash

enclosure be provided on site. Fencing materials used for screening the on-site retention area and for gated access to the mini-warehouse areas shall conform to the requirements of PSZC Section 93.02.00.

The proposed landscaping utilizes a variety of drought-tolerant trees and shrubs in all buffer areas, and no turf grass is proposed for the site. Per the recommendation of the AAC, the proposed trees along the east and south property lines should be increased from a 24" box size to a 36" box to enhance the screening from the abutting residential zone. To conform to the parking lot shading requirements in PSZC Section 93.06.00(C)(3)(a), an additional tree will be required in the landscape island adjacent to the south parking spaces along the Building A frontage. Conditions of approval have been added to address these landscaping issues.

The subject property falls within the Airport Land Use Compatibility Plan Area, and is subject to review by the Riverside County Airport Land Use Commission (ALUC). The applicant submitted a required application for an action review to ALUC on March 18, 2015; after a preliminary review by ALUC staff, it was determined that the project was exempt from a public hearing and could be approved administratively by ALUC staff.

The AAC reviewed the project on March 9, 2015, and recommended approval of the project to the Planning Commission with comments and suggestions. The AAC comments and conditions are as follows:

- Consider better building massing and composition of the Tacheva building elevation and match landscape accordingly;
- Increase the sizes of some of the accent plants from 5 gallon to 15 gallon size;
- Consider the location of the site relative to wind issues;
- Increase tree sizes to 36" and 48" box size for all trees and increase the tree count;
- Add articulation to wall masses and match the design elements in Building A;
- Add trees along the Tachevah frontage in front of Building B to mitigate the reduced setback; and
- Consider raising the height of Building B to assure the screening of Building E.

The project has been revised to incorporate most of the recommendations of the AAC.

FINDINGS – MAJOR ARCHITECTURAL APPLICATION (Case 3.3830-MAJ)

Section 94.04.00(D) of the Palm Springs Zoning Code (PSZC) requires that the project be evaluated based on consideration of the following:

1. **Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking areas.**

The site layout, orientation, and location of the proposed structures relate well to

one another based on the configuration of the site. There is adequate definition of pedestrian and vehicular areas, and a safe pedestrian route is provided between the public sidewalk on Gene Autry Trail to the entrances of Building A.

- 2. Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted.**

The immediate lands around the subject site are undeveloped, however, the proposed development is generally consistent with the character that is typical for the M-1-P (Planned Research and Development Park) zone. The architectural detailing of the proposed buildings offers adequate variety and generally avoids monotonous repetition.

- 3. Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment.**

The height of the proposed buildings is well below what is allowed by code, and the massing is appropriate for the site. The building setbacks meet or exceed the required minimums along the west and north property lines. While a variance is being requested from setback requirements along the east and south property lines, the site plan indicates that there will be adequate separation and screening from the adjoining property. Building parapets and metal screens will be utilized to conceal mechanical equipment.

- 4. Building design, materials and colors to be sympathetic with desert surroundings; and**
- 5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously; and**
- 6. Consistency of composition and treatment.**

The building design, materials and colors are sympathetic with desert-appropriate designs. The proposed architecture is appropriate to the site and proposed use. The proposed materials include a combination of smooth and split-face concrete block, stucco, project metal awnings, and solar-tinted glazing; the materials are harmonious and appropriate for the desert climate. There is consistency in the treatment of the various buildings on the site. The mini-warehouse buildings vary in the level of architectural expression based on visibility from adjacent streets or properties, so that greater detail and variation in elements is utilized on those elevations that are visible to the general public.

- 7. Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper**

irrigation to ensure maintenance of plant materials.

The proposed conceptual landscape plans and plant materials are generally appropriate for the desert climate, and no turf is being proposed as a water conservation measure. Landscape and irrigation installation will be subject to the requirements of PSMC Chapter 8.60, "Water Efficient Landscaping," as a means to reduce water usage and runoff while still providing adequate shading and buffering.

FINDINGS – VARIANCE APPLICATION (Case 6.542-VAR)

Section 94.06.00 of the Palm Springs Zoning Code (PSZC) requires that the following conditions be met in order to approve a Variance application:

- 1. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classification.**

The unique characteristics of the proposed mini-warehouse use and location of the property relative to other similarly designated properties support a justification for the reduced setbacks along the east and south property lines.

- 2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.**

The building use, building orientation, site layout, and proposed buffers are consistent with the intent of the setback requirement to which other properties in the zone are subject.

- 3. The granting of the variance will not be materially detrimental to the public health, safety, convenience or welfare or injurious to property and improvements in the same vicinity and zone in which the subject property is situated.**

Adequate measures have been taken in the design of the proposed project to reduce any impacts to abutting properties. No active uses are proposed along the east and south property lines, the building height has been reduced to the minimum height necessary so as to minimize impacts to views, and a landscape buffer has been provided to screen the buildings from abutting properties.

- 4. The granting of such variance will not adversely affect the general plan of the city.**

The proposed use is consistent with the general plan and assists in implementing Goal LU3 (*Attract and retain high-quality industrial and business park development*) of the Land Use Element. Adequate buffering is provided in accordance with Action 3.1 of Goal LU3.

ENVIRONMENTAL ANALYSIS

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15332 "In-Fill Development Projects," Class 32 projects consist of developments that are consistent with the applicable general plan designation and applicable zoning designation; located within city limits on sites of no more than five acres substantially surrounded by urban uses; are not located on sites that have value as habitat for endangered, rare or threatened species; do not result in any significant impacts relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. Therefore, in accordance with Section 15332, staff has determined that the proposed development is considered categorically exempt from CEQA and a Notice of Exemption will be prepared and filed with the Riverside County Clerk.

CONCLUSION

Staff recommends that the Planning Commission make the required findings and grant the variance request and approved the proposed project subject to the attached conditions of approval.



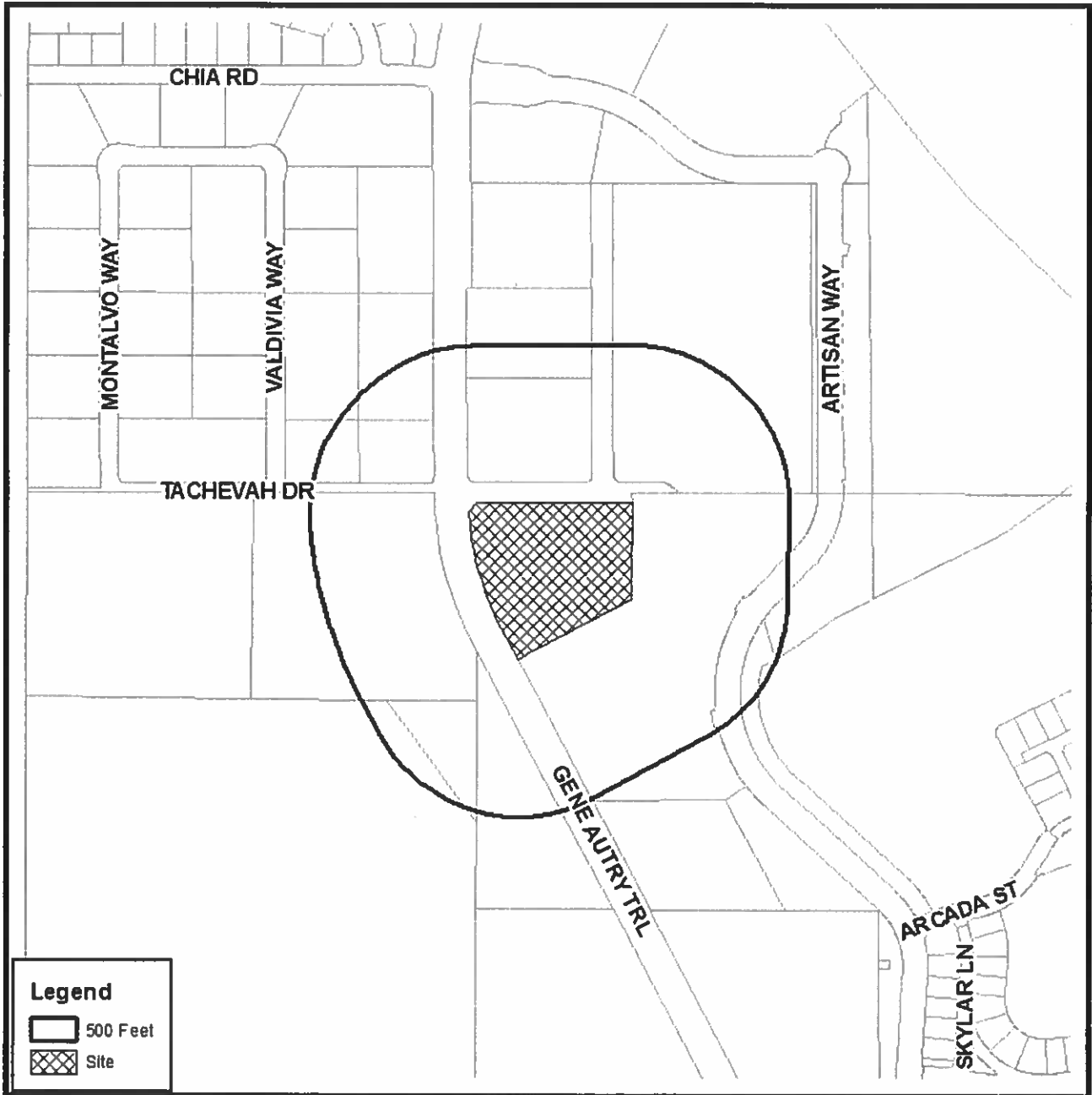
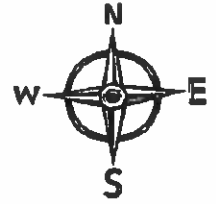
Finn Fagg, AICP
Director of Planning Services

Attachments:

1. Vicinity Map
2. Draft Resolution
3. Exhibit A, Draft Conditions of Approval
4. AAC Minutes – March 9, 2015
5. Planning Commission Minutes – April 22, 2015
6. Site plans, floor plans, landscape plan, elevations



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 3.3830-MAJ AND 6.542-VAR; A MAJOR ARCHITECTURAL APPROVAL AND VARIANCE REQUEST TO CONSTRUCT AN APPROXIMATELY 104,000 SQUARE FOOT OFFICE, WAREHOUSE AND SELF STORAGE FACILITY ON A 4.5-ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF GENE AUTRY TRAIL & TACHEVAH DRIVE, ZONE M-1-P.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

- A. Gando Properties, ("Applicant") filed an application with the City of Palm Springs pursuant to Zoning Code Section 94.04 ("Architectural Review") and Section 94.06 ("Variance") for a proposed self storage facility comprised of approximately 104,000-square feet of warehouse, mini storage and office on a 4.51 acre parcel located at the southeast corner of North Gene Autry Trail and East Tachevah Drive.
- B. On March 9, 2015, the Architectural Advisory Committee met and voted 7-0 to recommend approval of the project to the Planning Commission.
- C. On April 22, 2015, a meeting was held by the Planning Commission in accordance with applicable law.
- D. At said meeting the Planning Commission considered Case 3.3830 MAJ / 6.542 VAR and voted 7-0 to continue the matter to a date certain of May 13, 2015 to allow the applicant time to (1) review the project with adjacent property owners, (2) revise the setbacks to 50 feet for Buildings C and D, (3) revise the setbacks to 25 feet at Building B, along Tachevah Drive, (4) provide greater articulation of the building elevations facing adjacent residential areas and the public streets, and (5) Show the connection of the meandering sidewalk along Gene Autry Trail from the frontage of the project to the Desert Sun property.
- E. The applicant requested the matter be continued to a date certain of June 10, 2015 to allow more time to implement the items proposed by the Planning Commission.
- F. On June 10, 2015, a meeting was held by the Planning Commission in accordance with applicable law to consider Case 3.3830-MAJ / 6.542-VAR.
- G. At the said meeting the Planning Commission considered the revised project and voted 6-0 to continue the hearing to the meeting of May 24, 2015, and directed the applicant to install story poles at the highest points of buildings C, D and E.
- H. On June 24, 2015, a meeting was held by the Planning Commission in accordance with applicable law to consider Case 3.3830-MAJ and 6.542-VAR.

I. The proposed development is considered a “project” pursuant to the guidelines of the California Environmental Quality Act (“CEQA”). The City has evaluated the proposal and determined the project to be Categorically Exempt from further review under CEQA pursuant to Section 15332 (In-Fill Development).

J. The Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

K. Pursuant to Section 94.04.00 of the Zoning Code (Architectural Review), the Planning Commission finds:

Section 94.04.00(D) of the Palm Springs Zoning Code (PSZC) requires that the project be evaluated based on consideration of the following:

- 1. Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking areas.**

The site layout, orientation, and location of the proposed structures relate well to one another based on the configuration of the site. There is adequate definition of pedestrian and vehicular areas, and a safe pedestrian route is provided between the public sidewalk on Gene Autry Trail to the entrances of Building A.

- 2. Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted.**

The immediate lands around the subject site are undeveloped, however, the proposed development is generally consistent with the character that is typical for the M-1-P (Planned Research and Development Park) zone. The architectural detailing of the proposed buildings offers adequate variety and generally avoids monotonous repetition.

- 3. Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment.**

The height of the proposed buildings is well below what is allowed by code, and the massing is appropriate for the site. The building setbacks meet or exceed the required minimums along the west and north property lines. While a variance is being requested from setback requirements along the east and south property lines, the site plan indicates that there will be adequate separation and screening from the adjoining property. Building parapets and metal screens will be utilized to conceal mechanical equipment.

4. **Building design, materials and colors to be sympathetic with desert surroundings; and**
5. **Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously; and**
6. **Consistency of composition and treatment.**

The building design, materials and colors are sympathetic with desert-appropriate designs. The proposed architecture is appropriate to the site and proposed use. The proposed materials include a combination of smooth and split-face concrete block, stucco, project metal awnings, and solar-tinted glazing; the materials are harmonious and appropriate for the desert climate. There is consistency in the treatment of the various buildings on the site. The mini-warehouse buildings vary in the level of architectural expression based on visibility from adjacent streets or properties, so that greater detail and variation in elements is utilized on those elevations that are visible to the general public.

7. **Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to ensure maintenance of plant materials.**

The proposed conceptual landscape plans and plant materials are generally appropriate for the desert climate, and no turf is being proposed as a water conservation measure. Landscape and irrigation installation will be subject to the requirements of PSMC Chapter 8.60, "Water Efficient Landscaping," as a means to reduce water usage and runoff while still providing adequate shading and buffering.

L. Pursuant to Zoning Code Section 94.06 ("Variance") the Planning Commission finds:

Section 94.06.00 of the Palm Springs Zoning Code (PSZC) requires that the following conditions be met in order to approve a Variance application:

1. **Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classification.**

The unique characteristics of the proposed mini-warehouse use and location of the property relative to other similarly designated properties support a justification for the reduced setbacks along the east and south property lines.

2. **Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of**

special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

The building use, building orientation, site layout, and proposed buffers are consistent with the intent of the setback requirement to which other properties in the zone are subject.

- 3. The granting of the variance will not be materially detrimental to the public health, safety, convenience or welfare or injurious to property and improvements in the same vicinity and zone in which the subject property is situated.**

Adequate measures have been taken in the design of the proposed project to reduce any impacts to abutting properties. No active uses are proposed along the east and south property lines, the building height has been reduced to the minimum height necessary so as to minimize impacts to views, and a landscape buffer has been provided to screen the buildings from abutting properties.

- 4. The granting of such variance will not adversely affect the general plan of the city.**

The proposed use is consistent with the general plan and assists in implementing Goal LU3 (*Attract and retain high-quality industrial and business park development*) of the Land Use Element. Adequate buffering is provided in accordance with Action 3.1 of Goal LU3.

THE PLANNING COMMISSION RESOLVES:

1. To approve Case 6.542 VAR to grant a variance for the reduction of required side yard setback along the south property line from 100 feet to 40 feet; and on the rear yard setback along the east property line from 100 feet to 50 feet.
2. To approve Case 3.3830-MAJ to develop an office, warehouse and self-storage facility of roughly 104,000 square feet on a 4.51 acre parcel located at the southeast corner of East Tachevah Drive and North Gene Autry Trail (APN 677 260 054) subject to conditions set forth in Exhibit "A".

ADOPTED this twenty-fourth day of June, 2015.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

GENE AUTRY SELF STORAGE
1066 Gene Autry Trail
Case 3.3830-MAJ & 6.542-VAR

June 24, 2015

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 3.3830-MAJ & 6.542-VAR; except as modified with the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped June 1, 2015, 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. 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 3.3830-MAJ & 6.542-VAR. 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 6. 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 7. Time Limit on Approval. Approval of the Major Architectural Application (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.
- ADM 8. 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 9. 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 10. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.

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 file a Notice of Determination (NOD). Required filing 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 a filing and fee is paid.
- ENV 3. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 4. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)
- a. A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
 - b. Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section

93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.

- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 3. 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 program to the Department of Planning Services prior to the issuance of building permits.
- PLN 4. 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 5. 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 6. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 7. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 8. Pre-wiring for Installation of Photo-voltaic systems. If the project does not include photo-voltaic system(s) for electrical production, "pre-wiring" and appropriate configuration of electrical panels and conduit must be provided to accommodate the future installation of such equipment on rooftops of structures within the proposed development.
- PLN 9. Additional Parking Spaces. Any increase in the amount of office space uses on the subject site over the currently proposed 3,936 square feet will require the provision of additional parking spaces pursuant to Zoning Code Section 93.06.00D.

- PLN 10. Dumpster / Trash Enclosure. Provide a trash / recycling enclosure pursuant to Zoning Code Section 93.07.
- PLN 11. Walls and Fences. Perimeter walls and fences shall conform to Zoning Code Section 93.02.
- PLN 12. Tree sizes and locations. Trees along the east and south property lines shall be minimum 36 inch box trees. An additional shade tree shall be provided in the landscape island adjacent to the south parking spaces along the Building "A" frontage to conform to the Zoning Code shade requirements for parking areas.

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.

FIRE DEPARTMENT CONDITIONS

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

- FID 1 These conditions are subject to final plan check and review. Initial Fire Department conditions have been determined from the site plan received and dated January 19, 2015. Additional requirements may be required at that time based on revisions to site plans.
- FID 2 Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Four (4) complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.

FID 3 PLANS AND PERMITS

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.

FID 4 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.
- **Project Note:** 30 foot road widths will not allow for parking on either side of the road. Fire lane width of 24 feet must remain unobstructed. Increase road width to 32 feet for parking on one side.

FID 5 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.
- **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.

FID 6 **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

FID 7 **Traffic Calming Devices (CFC 503.4.1):** Traffic calming devices shall be prohibited unless approved by the fire code official.

FID 8 **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire code official. 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.

FID 9 Fire hydrant systems (CFC 507.5): Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 *and Appendix C, or by an approved method.*

- **507.5.1 Where required (CFC 507.5.1):** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

FID 10 NFPA 13 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 13, 2013 Edition, as modified by local ordinance.

FID 16 Key Box Required (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.

FID 17 Hazardous Materials (CFC 5004.1): Storage of hazardous materials in amounts exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001, 5003 and 5004. Storage of hazardous materials in amounts not exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001 and 5003. Retail and wholesale storage and display of nonflammable solid and nonflammable and noncombustible liquid hazardous materials in Group M occupancies and Group S storage shall be in accordance with Section 5003.11.

- Pool Chemicals – dedicated, compliant storage cabinets, rooms, or areas required
- Liquid Petroleum Gas (LPG) – dedicated, compliant storage cabinets, rooms, or areas required

ENGINEERING DEPARTMENT CONDITIONS: (Previously approved Conditions; some may have already been met)

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.

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.

TACHEVAH DRIVE

- ENG 4. Remove the existing asphalt curb located 25 feet south of centerline and replace with 6 inch curb and gutter located 25 feet south of centerline along the entire frontage to match up with the existing curb return located at the southeast corner of the intersection of Gene Autry Trail and Tachevah Drive in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 5. Construct a 35 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 6. Construct a 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 7. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.
- ENG 8. Construct pavement with a minimum pavement section of 2 ½ 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 clean sawcut edge of pavement along the entire 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.

GENE AUTRY TRAIL (HIGHWAY 111)

ENG 10. Dedicate an easement for sidewalk purposes as needed for those portions of meandering bicycle path located outside of the public right-of-way.

ENG 11. Construct a 35 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201. An on-site vehicular turnaround (hammerhead or similar configuration) shall be constructed, in accordance with Zoning Code 93.06.00 C (8).

ENG 12. Construct a 12 feet wide Class I meandering bicycle path (Caltrans Design Manual, Chapter 1000 - Bikeway Planning and Design) along the entire frontage. The bicycle path shall be constructed of colored Portland cement concrete. The admixture shall be Desert Sand, Palm Springs Tan, or approved equal color by the Engineering Division.

ENG 13. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

ENG 14. The minimum pavement section for all on-site pavement (drive aisles and parking spaces) 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 15. On-site drive aisles or parking lots 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.

ENG 16. A clearly designated pedestrian walkway of adequate width shall be provided to centralize a location for pedestrians entering or leaving the retail areas and accessing the retail parking. A pedestrian walkway shall be designated along the west and south sides of the ground floor parking level. Traffic signage, lighting, pavement markings, and/or other visual cues shall be incorporated in the design of the ground floor parking level to support the use of the walkway by pedestrians and alert vehicles of the potential for crossing pedestrians.

SANITARY SEWER

ENG 17. All sanitary facilities shall be connected to the public sewer system (via the proposed on-site private sewer system). New laterals shall not be connected at manholes.

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

GRADING

ENG 19. 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 20. 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 ACBCI-THPO@aguacaliente.net 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 21. 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 22. 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 23. 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 24. 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 25. 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 26. 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 27. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 28. 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 29. 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 30. 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).
- g. For industrial facilities subject to the General Permit for Stormwater Discharges Associated with Industrial Activity as defined by the Standard Industrial Classification (SIC) code, prior to issuance of certificate of occupancy (OR of "final" approval by City), the applicant shall demonstrate that General Permit coverage has been obtained by providing a copy of the Notice of Intent submitted to the SWRCB and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing.

DRAINAGE

- ENG 31. 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 32. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Gene Autry Trail Tachevah Drive. 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 33. 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 34. The project is subject to flood control and drainage implementation fees pursuant to Resolution 14082. The acreage drainage fee at the present time is \$ 4117.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

- ENG 35. 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 36. All proposed utility lines shall be installed underground.
- ENG 37. 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 38. 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 39. 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 40. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 41. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 42. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation Fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

TRAFFIC

- ENG 43. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 44. 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 45. 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 November 7, 2014, or subsequent editions in force at the time of construction.
- ENG 46. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

END OF CONDITIONS

~~GERGIS YOUSEF, applicant, said he cares about the building and would like to improve it.~~

There being no further speakers the public hearing was closed.

Commissioner Weremiuk verified the applicant's willingness to comply with the HSPB recommendations.

Commissioner Roberts noted the importance of historic resources in the city; but realizes building needs change and spoke in favor of the remodel.

Approve, with the Historic Site Preservation Board recommendations and consider the original paint color for the exterior to the satisfaction of the Planning Director.

ACTION: Approve, subject to the HSPB recommendations and applicant to consider original paint color for the exterior building to the satisfaction of the Planning Director.

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

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

2B. CONT'D - GANDO PROPERTIES FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT AN APPROXIMATE 103,943 SQUARE FEET OFFICE SPACE, WAREHOUSE AND A SELF-STORAGE FACILITY ON AN APPROXIMATE 4.6-ACRE PARCEL AND A VARIANCE APPLICATION SEEKING FOR THE REDUCTION OF SIDE-YARD SETBACKS LOCATED AT THE SOUTH EAST CORNER OF GENE AUTRY TRAIL AND TACHEVAH DRIVE, ZONE M-1-P (CASE 3.3830 MAJ / 6.542 VAR). (ER) (BUILDING SIZE INCORRECTLY NOTED AS 96,445 SQ. FT.)

A recess was taken @ 1:57 pm.

The meeting reconvened at 2:00 pm.

Principal Planner Robertson summarized the modifications made to the proposed project.

Commissioner Weremiuk provided explanation that she does not have a property or financial conflict of interest and will continue with deliberations on this matter.

Commissioner Calderine requested an update on the hydrology report on the site.

Assistant Director of Public Works Khamphou provided an overview on the hydrology study and concluded that the applicant has exceeded the requirements.

Vice-Chair Klatchko opened the public hearing:

DAVID GANDALFO, applicant, commented that they spent lots of time, money and energy on this project to make it look great from the rear including removal of all of the exterior roll-up doors on Building E (backside facing Escena).

BRUCE FAMILIAN, property owner, spoke about the adjoining property owner's intent to purchase this property to develop it for their own use.

THOM GOTTBURG, representing Mr. Familian, said they worked very hard to make it what it is and noted that this is a great use with no noise problems.

ARIEL VALLI, Valli Architectural Group, was available for questions from the Commission.

DAVID PICK, self-storage consultant, pointed out that setting back two perimeter buildings 40 - 50 feet will provide a sound and visual barrier for the property owners.

There being no further speakers the public hearing was closed.

Commissioner Roberts disclosed that he met with the applicant about the changes made to the project. He agreed this will be a relatively quiet use; however expressed concern with the potential loss of view from the Escena neighborhood. He suggested using story poles to determine if the height will block the view from the Escena neighbors.

Commissioner Middleton concurred with the use of story poles to see what view what will be impacted; pointing out the roof lines and where the walls began. She expressed appreciation to the applicant for taking more steps than normally seen.

Commissioner Caldine and Vice-Chair Klatchco spoke in favor of the project but will go with forward with the majority if they feel it's necessary to put up the story poles.

ACTION: Continue to a date certain of June 24, 2015 with direction to the applicant to:

Provide a minimum of six (6) story poles at the following locations on the site:

- The two (2) highest points on the corners of Building E;
- The two (2) highest points on the corners of Building C;
- The two (2) highest points on Building D.
- Coordinate story poles for a 48 hour period.

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

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

~~2C. CONT'D - NEW CHURCH II, LLC FOR A GENERAL PLAN AMENDMENT, PLANNED DEVELOPMENT DISTRICT, CONDITIONAL USE PERMIT AND ARCHITECTURAL REVIEW APPLICATIONS TO RENOVATE EXISTING HISTORIC STRUCTURES AND CONSTRUCT A BANQUET SPACE AND THREE-STORY HOTEL TO OPERATE A 93-ROOM HOTEL WITH RESTAURANT AND ACCESSORY COMMERCIAL USES ON 3.1-ACRES LOCATED AT THE NORTHWEST CORNER OF BARISTO ROAD AND BELARDO ROAD, ZONE R-3 (CASE 5.1345 GPA, PD-372, CUP AND 3.0678 MAJ). (DN)~~

~~ACTION: Table the project indefinitely with direction to prepare an Environmental Impact Report (EIR).~~

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

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

~~2D. CONT'D - JONATHAN WASSER ON BEHALF OF PLAZA INDIAN AVENUE INC. FOR A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW AMPLIFIED ENTERTAINMENT, ADD A DANCE FLOOR AND MODIFY THE HOURS OF OPERATION FOR AN EXISTING COCKTAIL LOUNGE (CHILL BAR) LOCATED AT 212 AND 216 SOUTH INDIAN CANYON DRIVE, ZONED LSC BY SECTION 14 SPECIFIC PLAN (CASE 5.1320 CUP). (DN)~~

~~City Attorney Michael Daudt addressed legal correspondence received regarding the incorrect applicant name and noted the correct name as: JayDubya Entertainment, LLC.~~

~~Associate Planner Newell summarized the proposed changes to a Conditional Use Permit as outlined in the staff memorandum.~~

~~The Commission had the following technical questions:~~

- ~~• Condition relating to "bass levels at reasonable levels";~~