



Planning Commission Staff Report

DATE: July 8, 2015

SUBJECT: WESSMAN HOLDINGS, REQUESTING A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED 54,122-SQUARE FOOT RETAIL AND OFFICE CENTER KNOWN AS THE CROSSLEY POINTE LOCATED AT THE NORTHWEST CORNER OF EAST SUNNY DUNES ROAD AND CROSSLEY ROAD, (CASE 5.1164 / PDD 343) (ER)

FROM: Department of Planning Services

SUMMARY

The Planning Commission to consider a request by Wessman Holdings, for a one-year time extension for a previously approved Planned Development District (PD 343). Case 5.1164 PDD 343 was originally approved by the Planning Commission on September 12, 2007, and by the City Council on October 3, 2007, for the development of approximately 54,122-square feet of commercial retail and office space on approximately 3.8-acre site located at the northwest corner of Crossley Road and East Sunny Dunes Road.

RECOMMENDATION:

Consider a one-year time extension for Case No. 5.1164 / PD 343, from October 2, 2015 to October 1, 2016, based on a demonstration of good cause subject to the attached conditions of approval.

ISSUES:

- This project has been granted six (6) one-year extensions beginning from 2009.

BACKGROUND:

<i>Related Relevant City Actions</i>	
9/12/2007	The Planning Commission adopted a Categorical Exemption and approved the preliminary PDD 343 and recommended approval to the City Council
10/3/2007	City Council adopted a Categorical Exemption and approved Planned Development District 343 to develop the project.
7/22/2009	Planning Commission granted a one-year time extension for Case 5.1164-PD 343
7/14/2010	Planning Commission granted a one-year time extension for Case 5.1164-PD 343.

7/27/2011	Planning Commission granted a one-year time extension for Case 5.1164–PD 343.
7/11/2012	Planning Commission granted a one-year time extension for Case 5.1164–PD 343.
9/25/2013	Planning Commission granted a one-year time extension for Case 5.1164–PD 343.
7/23/2014	Planning Commission granted a one-year time extension for Case 5.1164–PD 343.

Most Recent Ownership	
2004	Wessman Holdings

Site Area	
Project Area	3.8-Acres

BACKGROUND AND SETTING

The previously approved project is to construct a mixed-use development consisting of approximately 54,122 square feet of retail and office uses on an approximately 3.8-acre site located at the northwest corner of East Sunny Dunes Road and Crossley Road. The project includes a one-story major retail building containing approximately 9,430 square feet (Building "A"); a two-story building containing approximately 13,975 square feet of retail uses on the first floor and approximately 14,587 square feet of office space on the second floor (Building "B"); a one-story building containing approximately 8,920 square feet of retail uses (Building "C") and a one-story building containing approximately 7,210 square feet of retail uses (Building "D"). The project includes associated surface parking and landscaping.

ANALYSIS

According to Section 94.03.00(H) of the Palm Springs Zoning Code, extensions of time for Planned Development Districts may be allowed by demonstration of good cause. The City's Ordinance has no specific findings for extension of time for previously approved projects; in the letter of time extension request dated May 27, 2015, the applicant stated that *"the economic statistics in the Ramon Crossley corridor still reflect a large amount of unoccupied residential and commercial spaces and will not support our project at this time, which is the reason for a request to extend the PD"*. The Municipal Code does limit all time extensions to a maximum of one-year.

Staff evaluated the status of the entitlement since the last extension and provided an analysis of the time extension request. The analyses below are meant to help the Planning Commission determine the appropriateness of the time extension request.

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

The project's overall plan remains the same as was previously approved almost eight years ago. The site configuration, size and architectural design remain the same.

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

According to the applicant, the developer is “in the process of bidding site work and utilities”. No permits have been approved nor have any plans been submitted for building permit review.

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

The vacancies at the Springs Shopping Center which is anchored by The Home Depot are being filled with new tenants; this according to the developer “helps the overall corridor and should support their efforts to attract potential tenants”. There are no new developments or capital projects approved or built in the area.

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

Staff has reviewed the project, surrounding area and underlying zoning regulations and determined that no significant changes have occurred that would suggest that the project is no longer in keeping with the neighborhood or the City’s development policies and standards. If the time extension request is granted, final development plans are still required to be submitted for review and recommendation by the AAC for final approval by the Planning Commission.

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

There are no off-site improvements or installation of other types of infrastructure within the site or within 400 feet radius of the project site. However, the applicant indicated that they are in the process of bidding site work and utilities.

ENVIRONMENTAL DETERMINATION:

A time extension request is considered a “project” pursuant to the terms of the California Environmental Quality Act (“CEQA”). A Categorical Exemption was previously adopted pursuant to Section 15332 when the project was originally approved on September 12, 2007. A subsequent environmental assessment for the time extension request is not necessary since the circumstances surrounding the project has not changed.

NOTIFICATION

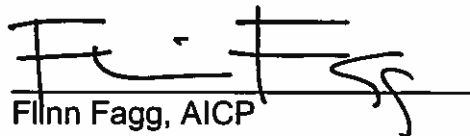
A hearing notice is not required for a time extension request.

CONCLUSION:

Previously, this entitlement has been granted six one-year time extensions mostly due to economic circumstances and hardship that impacted commercial development activities in the City over the last six years. In 2014, the applicant made a “realistic projection of possible commencement time of this development”. No permits have been issued and no plans have been submitted for the project.



Edward Robertson
Principal City Planner



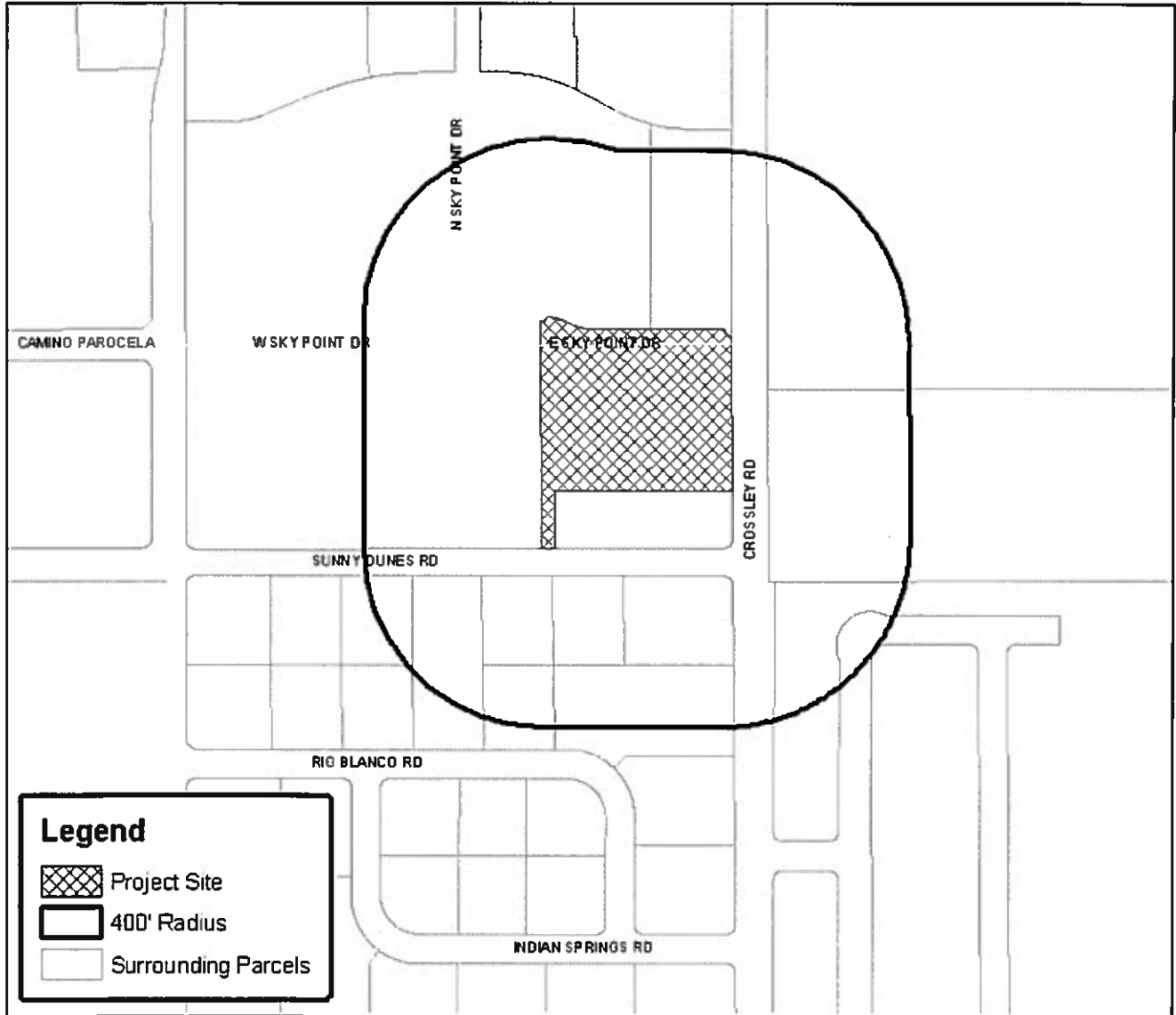
Filnn Fagg, AICP
Director of Planning Services

Attachments:




- Vicinity Map
- Letter Requesting Time Extension
- Draft Resolution
- Conditions of Approval
- Planning Commission Minutes of 7/23/2014
- Original Planning Commission Staff Report
- Reduced Site Plan



Department of Planning Services Vicinity Map



Legend

-  Project Site
-  400' Radius
-  Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: 5.1164 / PD 343

APPLICANT: Crossley Partners, LLC

DESCRIPTION: An application by Crossley Partners LLC, for a one-year time extension of a previously approved mixed-use development at the northwest corner of Crossley Road and East Sunny Dunes Road.

Wessman Holdings, LLC
555 Sunrise Way, Suite 200
Palm Springs, CA 92264

City of Palm Springs
Planning Department of Palm Springs
Edward Robertson
P.O. Box 2743
Palm Springs, 92263

May 27, 2015

Attention: Edward Robertson

Re: PD-343 / TTM Case 5.1164 Crossley Extension

Dear Edward:

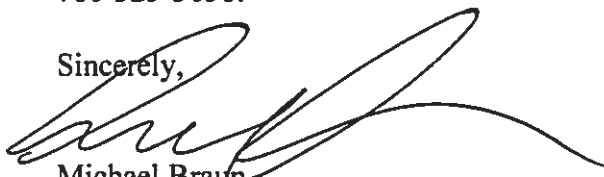
We would like to extend PD - 343 associated with our TTM Case 5.1164 for 12 months from October 2, 2015 to October 1, 2016.

The economic development statistics in the Ramon Crossley corridor still reflect a large amount of unoccupied residential and commercial spaces and will not support our project at this time, which is the reason for a request to extend the PD.

Please let us know when we can expect to be scheduled for a Planning Commission hearing in this matter. Enclosed please find a check in the amount of \$881.00 to process the requested extension.

If you should have any question please do not hesitate to contact myself or Jeanette Sanborn at 760-325-3050.

Sincerely,



Michael Braun
Senior Vice President

RECEIVED

JUN 04 2015

**PLANNING SERVICES
DEPARTMENT**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR THE APPROVAL OF A ONE-YEAR TIME EXTENSION FROM OCTOBER 2, 2015 TO OCTOBER 1, 2016, FOR CASE NO. 5.1164 / PD 343 CROSSLEY PARTNERSHIP, LLC, LOCATED AT THE NORTHWEST CORNER OF CROSSLEY ROAD AND EAST SUNNY DUNES ROAD, ZONED M-1 SECTION 20.

WHEREAS, Wessman Holdings, ("Applicant") has filed an application with the City pursuant to Section 94.02.00(F) of the Zoning Ordinance for an extension of time for Case No. 5.1164 / PD 343.

WHEREAS, on September 13, 2007, the Planning Commission voted to approve the project; and

WHEREAS, on October 3, 2007, the City Council approved the Planned Development District application.

WHEREAS, on July 8, 2015, a public hearing on the time extension request was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered an "In-Fill Development" pursuant to the terms of the California Environmental Quality Act ("CEQA"), a categorical exemption was previously adopted for Case No. 5.1164; and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the requirements of Section 94.02.00(F), the Planning Commission finds:

1. The applicant has requested an extension of time in accordance with the requirements of the City Municipal and Zoning Codes.
2. A demonstration of good cause has been established and that the Conditions of Approval ensure that the developer will pursue the project in good faith.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension for Case No. 5.1164 / PD 343 from October 2, 2015, to October 1, 2016, subject to the attached revised conditions of approval.

ADOPTED this 8th day of July 2015.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Flinn Fagg, AICP
Director of Planning Services

**RESOLUTION NO.
EXHIBIT A**

**5.1164 – PDD343
Crossely Pointe**

Northwest Corner of Sunny Dunes Road and Crossley Road

REVISED CONDITIONS OF APPROVAL

July 8, 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 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

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1164 – PDD 343. 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.
3. That the property owner(s) and successors and assignees in interest shall

maintain and repair the improvements including and without limitation sidewalks, bikeways, parkways, 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.

4. Pursuant to Fish and Game Code Section 711.4 a filing fee of \$1,800.00 plus \$64.00 recording fee is required. This application shall not be final until such fee is paid and the Certificate of Fee Exemption is filed. Fee shall be in the form of a money order or cashier's check payable to Riverside County.
5. 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 or industrial projects, 1/4% for new residential subdivisions, or 1/4% for new individual single-family residential units constructed on a lot located in an existing subdivision 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 Services 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.
6. The applicant prior to issuance of building permits shall submit three (3) sets of a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning Services for approval in a form to be approved by the City Attorney, to be recorded prior to certificate of occupancy. The CC&Rs shall be submitted with a list of the adopted conditions of approval and an indication of where applicable conditions are addressed in the CC&Rs. The CC&R's shall 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.
7. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3500, for the review of the CC&R's by the City Attorney. A filing fee of \$631, in accordance with the fee schedule adopted by the City Council, shall also be paid to the City Planning Services Department for administrative review purposes.

8. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developers operations and activities for compliance with all applicable dust and noise operations, and cultural resource mitigation. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

CULTURAL RESOURCES

9. 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.

FINAL DESIGN

10. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
11. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

GENERAL CONDITIONS/CODE REQUIREMENTS

12. Architectural approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause. .
13. The appeal period for a Major Architectural application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.
14. The project is subject to the City of Palm Springs Water Efficient

Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning Services for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.

15. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
16. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
17. Separate architectural approval and permits shall be required for all signs.
18. All materials on the flat portions of the roof shall be earth tone in color.
19. All awnings shall be maintained and periodically cleaned.
20. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening.

Parapets shall be at least 6" above the equipment for the purpose of screening.

21. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
22. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.
23. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
24. The street address numbering/lettering shall not exceed eight inches in height.

25. Submit plans meeting City standard for approval on the proposed trash and recyclable materials enclosure prior to issuance of a building permit.
26. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
27. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
28. 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.
29. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.
30. The applicant shall provide all tenants with Conditions of Approval of this project.
31. Loading space facilities shall be provided in accordance with Section 93.07.00 of the Zoning Ordinance. Said facilities shall be indicated on the site plan and approved prior to issuance of building permits.
32. Standard parking spaces shall be 17 feet deep by 9 feet wide; compact sized spaces shall be 15 feet deep by 8 feet wide. Handicap parking spaces shall be 18 feet deep by 9 feet wide plus a 5 foot walkway at the right side of the parking space; two (2) handicap spaces can share a common walkway. One in every eight (8) handicap accessible spaces, but not less than one (1), shall be served by an 8 foot walkway on the right side and shall be designated as "van accessible".
33. Handicapped accessibility shall be indicated on the site plan to include the location of handicapped parking spaces, the main entrance to the proposed structure and the path of travel to the main entrance. Consideration shall be given to potential difficulties with the handicapped accessibility to the building due to the future grading plans for the property.
34. Compact and handicapped spaces shall be appropriately marked per Section 93.06.00.C.10.
35. Curbs shall be installed at a minimum of five (5) feet from face of walls,

fences, buildings, or other structures. Areas that are not part of the maneuvering area shall have curbs placed at a minimum of two (2) feet from the face of walls, fences or buildings adjoining driveways.

36. Parking lot light fixtures shall align with stall striping and shall be located two to three feet from curb face.
37. Islands of not less than 9 feet in width with a minimum of 6 feet of planter shall be provided every 10 parking spaces. Additional islands may be necessary to comply with shading requirements.
38. Shading requirements for parking lot areas as set forth in Section 93.06.00 of the Zoning Ordinance shall be met. Details to be provided with final landscape plan.
39. Parking stalls shall be delineated with a 4 to 6 inch double stripe - hairpin or elongated "U" design. Individual wheel stops shall be prohibited; a continuous 6" barrier curb shall provide wheel stops.
40. Concrete walks with a minimum width of two (2) feet shall be installed adjacent to end parking spaces or end spaces shall be increased to eleven (11) feet wide.
41. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.

POLICE DEPARTMENT

42. Developer shall comply with Article II of Chapter 8.04 of the Palm Springs Municipal Code.

BUILDING DEPARTMENT

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

ADA

SITE PLAN:

44. All new curb ramps that intersect with vehicular traffic serving this development shall provide detectable warnings in the form of truncated domes to comply with **CBC 1127B.5.8**.
45. The site plan indicates pedestrian walkways contiguous to Crossley Road that include ramps as well as curb ramps. All **ramps** shall comply with **CBC 1133B** in terms of running slope (8.33% max.) and cross slope(2.0% max.), width requirements (48 inches minimum measured form handrail to handrail), handrails, and level landings at both the top

and bottom of the ramp. The bottom area of each ramp shall provide a minimum 72 inch long level landing area. This is especially important since these ramps lead into curb ramps that lead into vehicular traffic areas.

46. All locations on the plan designated as “**articulated paving**” shall comply with **CBC 1133B.7.1** and be made of a material that is stable, firm and slip resistant. The use of decorative pavers that create a “cobble stone” affect shall not be applied as they present a hazardous environment for wheelchair users.
47. The disabled parking space located next to the “MAJOR “A” building will need to provide a minimum 5 foot wide access aisle on the passenger side of this parking space. The site plan indicates a 5 food aisle on the driver’s side which leads up to a curb ramp.
48. All Disabled parking spaces shall provide appropriate signage to comply with **CBC 1129B.5**.

FIRE DEPARTMENT

49. **Plot Plan:** Prior to completion of the project, a 8.5”x11” plot plan and an electronic CAD version shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.
50. **Premises Identification:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. (901.4.4 CFC) Show location of address on plan elevation view. Show requirement and dimensions of numbers in plan notes. Numbers shall be a minimum 4 inches, and of contrasting color to the background.
51. **Fire Department Access:** Fire Department Access Roads shall be provided and maintained in accordance with Sections 901 and 902 CFC. (902.1 CFC)
52. **Minimum Access Road Dimensions:**
Maintain minimum of 24’ width in the parking area for fire department access.
53. **Fire Extinguisher Requirements:** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. (1002.1

CFC) Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is along the path of exit travel or near an exit door. Extinguishers located outdoors must be installed in weather and vandal resistant cabinets approved for this purpose.

54. **Fire Sprinklers Required:** An automatic fire sprinkler system is required by local ordinance for both buildings.
55. **Fire Department Connections:** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All

FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.

56. **Location of Fire Department Connections:** The connection inlets must face the street, and be located on the street side of the building. The face of the inlets shall be 18 inches horizontal from the back edge of sidewalk (or back of curb, if no sidewalk), and shall be 36 to 44 inches in height to center of inlets above finished grade. No landscape planting, walls, or other obstructions are permitted within 3 feet of Fire Department connections. The FDC and supporting piping shall be painted OSHA safety red.

The address of the building served shall be clearly indicated on the Fire Department Connection (FDC). A sign with this information shall be placed on or near the FDC. The sign shall be constructed of metal. The sign face, lettering, and attachment shall be made of weather and vandal resistant materials. Sign background will be bright red. Letters will be bright white. Sign format will be substantially as follows:

F. D. C. SERVES
425 S. SUNRISE WAY
ALL BLDGS. IN COMPLEX

57. **Required Signs:** All fire sprinkler valves shall have a permanently affixed sign indicating the valve function and area served. The address of the building served shall be clearly indicated on the Fire Department Connection (FDC).
58. **Valve and water-flow monitoring:** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored where the number of sprinklers is one hundred or more. (Twenty or more in Group I, Divisions 1.1 and 1.2 occupancies.) All control valves shall be locked in the open position. Valve and water-

flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station. (1003.3.1 CFC)

59. **Inspector's Test Valve:** Provide an inspector's test valve from a remote portion of the system. Where sprinklers used in the system have a nominal K factor smaller than 5.6, the inspector's test shall have the same size orifice as the smallest sprinkler.
60. **Audible water flow alarms:** An approved audible sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. (904.3.2 CBC)
61. **Fire Alarm System:** Fire Alarm System is required and installation shall comply with the requirements of NFPA 72.
62. **Audible Water Flow Alarms:** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location. (904.3.2 CBC)
63. **Water Systems and Hydrants:** Where underground water mains are to be provided, they shall be installed, completed and in service with fire hydrants or standpipes (Or combinations thereof located as directed by the Fire Department) not later than the time when combustible materials are delivered to the construction site. (Sec. 903 CFC)
64. **Operational Fire Hydrants:** An operational fire hydrant(s) shall be installed within 250' of all combustible construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except groundcover plantings. (1001.7.2 CFC)
65. **Fire Flow:** Fire flow with the installation of fire sprinklers is estimated at:
 - Major "A" 9,430 sq ft = 1500 GPM
 - Major "B" 33,062 sq ft = 1500 GPM
 - Shops "C" 8,100 sq ft = 1500 GPM
 - Retail "D" 6,412 sq ft = 1500 GPM
66. **Emergency Key Box:** A Knox key box is required for access to the fire sprinkler riser. Box shall be mounted at 6 feet above grade, adjacent to

the main entrance. Contact the Fire Department at 760-323-8186 for a Knox application form. (902.4 CFC)

67. **Key Box Contents:** The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.
68. **Road Design or parking lot surface:** Fire apparatus access roads shall be designed and constructed as all weather capable and able to support a fire truck weighing 73,000 pounds GVW. (902.2.2.2 CFC)
Driveway turnarounds shall have inside turning radius of not less than 30 feet and outside turning radius of not less than 45 feet.
69. **Fire Apparatus Access Roads/Driveways:** Fire department access roads/driveways shall be provided so that no portion of the exterior wall of the first floor of any building will be more than **150 feet** from such roads. (902.2.1 CFC)
70. **Vertical Fire Apparatus Clearances:** Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 13 feet 6 inches. This will include clearance from vegetation and trees. (902.2.2.1 CFC)
71. **High Piled Storage:** If materials to be stored are anticipated to exceed 12 feet in height, additional requirements will be required. Contact the fire department plans examiner for more detailed requirements.

Construction site Security and Protection:

72. **Fencing Required:** Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall remain intact until buildings are stuccoed or covered and secured with lockable doors and windows. (8.04.260 PSMC)
73. **Fire Apparatus Access Gates:** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock. (8.04.260 PSMC)
74. **Access Gate Obstructions:** Entrances to roads, trails or other access ways, which have been closed with gates and barriers, shall be maintained clear at all times. (902.2.4.1 CFC).

75. **Access During Construction:** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. (Sec. 902 CFC)

ENGINEERING DEPARTMENT:

STREETS

76. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
77. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
78. The applicant shall be required to construct asphalt concrete paving for streets in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete, as may be determined by the City Engineer. Paving of streets in one lift prior to completion of on-site construction will not be allowed, unless prior authorization has been obtained from the City Engineer. Completion of asphalt concrete paving for streets prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs, as required by the City Engineer.
79. When public dedications of easements or rights-of-way over Tribal Allottee land are required, the applicant shall be responsible for compliance with all Bureau of Indian Affairs (B.I.A.) requirements, including payment of any BIA fees, obtaining appraisals and payment of just compensation to the underlying owner. It is the applicant's responsibility to determine what additional costs or other requirements may be necessary to obtain any required public dedications as identified by the City for this development. Required public dedications for easements or rights-of-way are "without limitation as to tenure"; easements granted with a defined term, or made in connection with an underlying Indian Land Lease, shall not be accepted. ~~Term easements may only be accepted by the City Engineer, if prior to final map approval, the City Council establishes a formal policy for acceptance of term easements, and the applicant complies with the provisions of such~~

~~policy, including payment to the City of any fees, deposits, or other securities necessary to acquire a future public easement.~~

80. Upon completion of required improvements by the applicant, and as a condition of acceptance by the City Engineer, the applicant shall prepare for the City Engineer's approval, an Affidavit of Completion in accordance with Section 169.16, Title 25, of the Code of Federal Regulations, for any improvements constructed by the applicant for which an easement was dedicated to the City through the Bureau of Indian Affairs. The Affidavit of Completion shall be provided to and approved by the City Engineer prior to final acceptance of the project, including issuance of a final certificate of occupancy. The applicant shall be responsible for obtaining the necessary form for the Affidavit of Completion from the Palm Springs Agency of the Bureau of Indian Affairs, and for having it completed as necessary by the applicant's Engineer of Record.

CROSSLEY ROAD

81. Remove the existing street improvements as necessary to construct a driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 320 feet north of the centerline of Sunny Dunes Road as shown on the approved site plan. Left-turn egress shall be prohibited; the driveway access shall be revised to eliminate the eastbound left-turn exit lane.
82. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
83. Remove existing pavement as necessary to construct a raised median island along the entire Crossley Road frontage from Sunny Dunes Road to the southern Walmart driveway access, as approved by the City Engineer. Provide a 50 feet long northbound left-turn pocket at the project entrance, with a 60 feet long bay taper; provide a 100 feet long northbound left-turn pocket at the southern Walmart entrance, with a 60 feet long bay taper; and provide a 100 feet long southbound left-turn lane, with a 60 feet long bay taper, at the intersection of Crossley Road and Sunny Dunes Road. Median bay tapers lengths may be increased to 90 feet if approved by the City Engineer. The left turn pockets shall be

designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual, as approved by the City Engineer.

- 83a. Engineering Division recommends deferral of a restricted access median opening across from the project access on Crossley Road, until such time that the City Engineer feels that the traffic volumes or accident rates warrant an eastbound left turn egress restriction from the Crossley Road project access. The owner shall execute a street improvement covenant agreeing to construct a small "pork chop" island at the project access that would provide a channelized eastbound right turn lane, while restricting eastbound left turn egress from the driveway access. The covenant shall be submitted with the Grading Plan, and shall be executed prior to approval of the Grading Plan or issuance of grading or building permits. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.
84. The raised median shall be constructed with decorative hardscape, decomposed granite and boulders, stamped concrete, or other materials, as approved by the City Engineer. ~~and the Director of Parks and Recreation.~~
85. All broken or off grade street improvements shall be repaired or replaced.

SUNNY DUNES ROAD

86. Remove the existing street improvements as necessary to construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 460 feet west of the centerline of Crossley Road as shown on the approved site plan. It will be a full-access driveway.
87. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
88. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

89. A non-exclusive 30 feet wide access right-of-way (recorded as Instrument No. 2004-1034352) exists benefiting the Walmart shopping center. Appropriate access from the Walmart shopping center across the project site shall be provided for operation and maintenance of the adjacent stormwater retention basin located on APN 680-170-061. The applicant shall provide the City Engineer with concurrence from the adjacent property owners of on-site improvements providing the required access.
90. The minimum pavement section for all on-site pavement shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

SANITARY SEWER

91. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

GRADING

92. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at

www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving Plan.

- a. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report; and a copy of the associated Final Project-Specific Water Quality Management Plan.
93. Prior to issuance of a grading permit, the applicant shall provide verification to the City that the ~~-\$2,731.00 per acre~~ fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).
 94. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer, ~~Richard Begay (760-669-6907)~~, or the Tribal Archaeologist, ~~Patty Tuck (760-669-6907)~~ 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.
 - 96A. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
 - 96B. 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 96C. 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.

95. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 98. A Notice of Intent (NOI) to comply with the California Statewide General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009 ~~99-08-DWQ as modified December 2, 2002~~) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system (Phone No. ~~(760) 346-7404~~). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.
- 98A. Projects causing soil disturbance of one acre or more, must comply with either the General Permit for Stormwater Discharges Associated with Construction Activity or the General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the project applicant shall cause the approved final project-specific Water Quality Management Plan to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
99. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h) ~~8.50.025 ©~~, the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
99. 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.
- 100A. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of

occupancy will be issued until the required certification is provided to the City Engineer.

ENG100B. The applicant shall provide pad (or finish floor) elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.

100. 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

101A. A project-specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

101B. 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 project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in Property Owner Association Conditions, Covenants and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

101C. Prior to issuance of certificate of occupancy, 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 project-specific WQMP, conditions of approval, or grading/building permit conditions: and,
- c) Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/occupants (where applicable).

DRAINAGE

- 101. 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, as described in the Preliminary Hydrology Study for Wessman Development Walmart Center Palm Springs, prepared by A/E Sanborn, Inc. dated July, 2007. Final on-site underground retention pipe sizing, catch basin sizing, and other specifications for construction of required on-site storm drainage improvements shall be finalized in the final hydrology study and approved by the City Engineer.
- 102. The existing off-site stormwater retention basin located on the property identified by APN 680-170-061 shall not be used for release of on-site stormwater runoff from this site. All on-site stormwater runoff shall be detained on-site as required by the City Engineer.
- 103. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Crossley Road or Sunny Dunes 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.
- 104. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.
- 105. Construct storm drain improvements, including but not limited to catch basins, storm drain lines and underground retention system, for drainage of on-site stormwater runoff into the on-site underground retention system, as described in the Preliminary Hydrology Study for Wessman Development Walmart Center Palm Springs, prepared by

A/E Sanborn, Inc. dated July, 2007. The hydrology study for this development shall be amended to include catch basin sizing, storm drain pipe sizing, and underground retention system sizing calculations and other specifications for construction of required on-site storm drainage improvements.

106. The proposed underground retention system shall be installed on-site and not within the public right-of-way. The underground stormwater retention system shall be sized to have a sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required retention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour.
107. This project ~~may~~ will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, ~~may~~ will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat 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. ~~If required, such~~ 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.~~
109. This project ~~shall~~ ~~may~~ 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~~ ~~may~~ 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).

110. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of building permits.

GENERAL

111. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
112. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer, ~~Richard Begay~~ (760-669-6907), or the Tribal Archaeologist, ~~Patty Tuck~~ (760-669-6907) at (760) 699-6800 or any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.
113. All proposed utility lines shall be installed underground.

114. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
115. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
116. 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.
117. 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.
118. 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.
- ~~118A. 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 119. As determined by the Crosse Pointe Traffic Impact Study submitted by Endo Engineering (as amended on July 31, 2007), traffic mitigation measures are required. For each item identified below, the applicant shall provide a conceptual geometric plan of the intersection improvements, identifying existing and future improvements, and any necessary right-of-way acquisition. The applicant shall submit an estimate for the cost to construct the required improvements, including associated relocation/modification of existing traffic signal improvements and acquisition of additional right-of-way (if necessary), for review and approval by the City Engineer. The following mitigation measures will be required prior to issuance of a building permit:

- a) Pay a fair share proportion of 1.74% of the cost to add a second northbound left-turn lane, a second southbound left-turn lane (in conjunction with north/south left-turn signal phasing), and restripe westbound right-turn lane to a through lane, at the intersection of San Luis Rey Drive and Ramon Road.
- b) Pay a fair share proportion of 3.40% of the cost to add a northbound left-turn lane, and a northbound right-turn lane at the intersection of Crossley Road and Ramon Road.
- c) Pay a fair share proportion of 4.07% (or \$8,140) of the cost to signalize the intersection of Gene Autry Trail and Mission Drive.
- d) Pay a fair share proportion of 9.10% (or \$18,200) of the cost to signalize and to restripe the intersection to provide east/west left-turn lanes at the intersection of Gene Autry Trail and Sunny Dunes Road.
- e) Pay a fair share proportion of 15.61% (or \$31,220) of the cost to signalize and restripe the intersection to provide a northbound left-turn lane and a shared through/right-turn lane at the intersection of San Luis Rey Drive and Sunny Dunes Road.
- f) Pay a fair share proportion of 4.42% (or \$8,840) of the cost to signalize as well as widen and realign the intersection to provide north/south through lanes at the intersection of San Luis Rey Drive and Dinah Shore Drive.
- g) Pay a fair share proportion of 12.78% (or \$25,560) of the cost to signalize and restripe the intersection to provide a northbound left-turn lane, restripe a southbound left-turn lane, and to restripe an eastbound left-turn lane, at the intersection of Crossley Road and Sunny Dunes Road.
- h) Pay a fair share proportion of 7.47% to add a northbound through lane, and add a southbound through lane at the intersection of Crossley Road and Dinah Shore Drive.
- i) Install a 30 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at each of the two driveway access points on Crossley Road and Sunny Dunes Road, in accordance with City of Palm Springs Standard Drawing No. 620 through 625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.
- j) Install traffic striping and signage improvements to provide a two-way left turn lane on Sunny Dunes Road along the project frontage. Submit traffic striping plans, 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 120. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the Crossley Road and Sunny Dunes Road frontages of the subject property.
- ENG 121. 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 121. Construction signing, lighting and barricading shall be provided during all phases of construction ~~for on all projects~~ as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with ~~State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996~~ Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012 ~~September 26, 2006~~, or subsequent editions ~~additions~~ in force at the time of construction.
- ENG 122. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

END OF CONDITIONS

~~3B. DAVID SALYER, OWNER FOR A NEW 502-SQUARE FOOT GARAGE ADDITION ON A HILLSIDE LOT AT 925 PANORAMA ROAD, ZONE R-1-A, SECTION 3. (CASE 3.3740 MAJ).~~

COMMISSIONER ROBERTS recused himself and left the Council Chamber at 4:10 pm.

ASSOCIATE PLANNER NEWELL presented the proposed project as outlined in the staff report.

COMMISSIONER LOWE commented that he sat through the AAC meeting when this project was heard and they reviewed it extensively.

ACTION: Approve with the Architectural Advisory Committee conditions.

MOTION: Commissioner Weremiuk, seconded by Vice-Chair Klatchko and carried on 6-0-1 roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Klatchko and Chair Hudson

~~**ABSTAIN:** Commissioner Roberts~~

3C. WESSMAN HOLDINGS, REQUESTING A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED 54,122-SQUARE FOOT RETAIL AND OFFICE CENTER NAMED CROSSLEY POINTE LOCATED AT THE NORTHWEST CORNER OF EAST SUNNY DUNES ROAD AND CROSSLEY ROAD, (CASE 5.1164 / PD 343)

ASSOCIATE PLANNER NEWELL presented the proposed project as outlined in the staff report.

ACTION: Approve.

MOTION: Commissioner Calerdine, seconded by Commissioner Weremiuk and unanimously carried on 7-0 roll call vote.

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

~~**3D. WESSMAN HOLDINGS, REQUESTING A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT FOR A 79-LOT SINGLE-FAMILY RESIDENTIAL LOT SUBDIVISION ON APPROXIMATELY 42-ACRE SITE KNOWN AS**~~



Planning Commission Staff Report

Date: September 12, 2007
Case No.: 5.1164- PDD 343
Application Type: A Planned Development District
Location: East Ramon Road and Crossley Road
Applicant: Crossley Partners, LLC
Zone: W-M-1 (Service / Manufacturing)
General Plan: IND (Industrial)
APN: 680-170-062
From: Craig Ewing, AICP, Director of Planning Services
Project Planner: Fred Lowndes, Associate Planner

PROJECT DESCRIPTION

The project is a proposal by Crossley Partners, LLC, to construct a mixed-use development consisting of approximately 54,122 square feet of retail and office uses on an approximately 3.8-acre site located at the northwest corner of East Sunny Dunes Road and Crossley Road. The proposal includes a one-story major retail building containing approximately 9,430 square feet (Building "A"); a two-story building containing approximately 13,975 square feet of retail uses on the first floor and approximately 14,587 square feet of office space on the second floor (Building "B"); a one-story building containing approximately 8,920 square feet of retail uses (Building "C") and a one-story building containing approximately 7,210 square feet of retail uses (Building "D"). The project includes associated surface parking and landscaping.

PLANNED DEVELOPMENT DISTRICT

000032

RECOMMENDATION:

- That the Planning Commission approve the project Architecture.
- That the Planning Commission recommend approval of PDD 343 to the City Council, for the construction of a mixed-use development consisting of approximately 39,535 square feet of retail and approximately 14,587 square feet of office space with the attached conditions of approval.

PRIOR ACTIONS:

On July 9, 2007, the Architectural Advisory Committee (AAC) reviewed the proposed project architectural and landscape designs; and by a vote of 5-0-1 (Jurasky abstained) recommended approval to the Planning Commission with the recommendation that the angled parking at the entrance off Crossley Road be deleted and provide a minimum of 12 feet of landscaping on both sides of the driveway.

On August 20, 2007, the Architectural Advisory Committee (AAC) reviewed the revised project plans and by a vote of 6-0 recommended approval to the Planning Commission.

BACKGROUND AND SETTING

The proposed project site is approximately 3.8 acres of vacant Indian land located on the west side of Crossley Road approximately 130 feet north of Sunny Dunes Road. The subject property is surrounded by existing and future commercial uses. To the north of the site, is the Wal-Mart parking lot, PetSmart and Bank of America; to the east is Crossley Road and undeveloped land and to the west is the existing Wal-Mart. The parcel to the south is the storm water retention pond for the Wal-Mart development. There are existing streets and sidewalks to the north, south and east of the proposed site.

The project area is a rectangular shaped lot with proposed access along Crossley Road to the east and Sunny Dunes Road to the south. The proposed project will consist of four detached buildings, totaling approximately 39,535 square feet of retail and approximately 14,587 square feet of office. The site design includes pedestrian walkways and parking spaces that are evenly distributed within the site.

ANALYSIS

General Plan and Zoning

The General Plan designation of the site is IND (Industrial); the Zoning designation is W-M-1 (Service/manufacturing). General Plan Policy 3.30.6. States... *"Allow for the development of storage, distribution, assembly, service commercial and research office facilities"*.

The proposed retail commercial and office complex is consistent with the above General Plan policy.

Pursuant to Section 92.17.01(A)1. Of the Palm Springs Zoning Code, all uses permitted in the "C-1", "C-2", and "C-M" and "M-1-P" zones are permitted in the M-1 zone. Retail commercial uses and offices are listed as permitted uses in the C-1 zone, therefore; the proposed uses are permitted in the M-1 zone.

Table 1: Surrounding land uses, General Plan, Zoning

Site	Land Use	General Plan	Zoning
	Vacant	IND (Industrial)	W-M-1 (Service Manufacturing)
North	Wal-Mart parking lot, bank and pet shop	IND (Industrial)	W-M-1 (Service Manufacturing)
East	Crossly Road and undeveloped	IND (Industrial)	W-M-1 (Service Manufacturing)
South	Storm water retention pond	IND (Industrial)	W-M-1 (Service Manufacturing)
West	Commercial / Retail (Wal-Mart)	IND (Industrial)	W-M-1 (Service Manufacturing)

Development Standards:

The W-M-1 zone establishes property development standards for all new development detailed in Table 2 below.

Table 2: Property Development Standards of the W-M-1 Zone

	W-M-1 (Service Industrial)	Proposed Project
Lot Area	Minimum lot size; 60,000 ft.	3.8 acres
Lot Width	200 feet	Approximately 365 feet
Lot Depth	200 feet	Approximately 415 feet
Building Height	Not greater than 40 feet. Buildings in excess of 30 feet shall setback 1 foot from any property line for every 1 foot of vertical rise.	Varies in height from 28 feet to 40 feet
	W-M-1 (Service Industrial)	Proposed Project
Building Coverage	60%	22%
Landscape Coverage	No Minimum Requirement	10%
Front Yard Setback:	25 Varied	See Below
Side and Rear Setbacks	Equal to the vertical height when height exceeds 30 feet.	See Below

PLANNED DEVELOPMENT DISTRICT

Planned Development District

Under the provisions of section 92.17.03 (C.) 1. of the Palm Springs Zoning Code (PSZC), any portion of buildings in excess of 30 feet shall setback one foot from any property line for every one foot of vertical rise. The proposed buildings vary in height from 24 feet to 40 feet and the applicant is requesting the Planned Development to establish specific design standards relating to building setbacks as shown in Table 3 below:

Table 3: Property Setback Standards

Building Identity	Building Height	Required Setback	Proposed Setback
"A"	Varies from 28 feet to 31 feet.	31 feet from western and northern property lines.	30 feet from western property line and 18 feet from the northern property line.
"B"	Varies from 28 feet to 40 feet.	31 feet to 40 feet from northern property line.	18 feet from northern property line.
"C"	Varies from 28 feet to 33 feet.	25 feet to 33 feet from the northern property line and Crossley Road.	18 feet from the northern property line and 21 feet from Crossley Road.
"D"	Varies from 24.5 feet to 33 feet	25 feet to 33 feet from Crossley Road.	21.83 feet from Crossley Road.

The applicant is requesting that the Planning Commission approve the above setbacks as part of the Planned Development District.

Site Plan

The proposed site is an approximately 3.8-acre parcel basically flat and devoid of any vegetation located at the northwest corner of Crossley Road and Sunny Dunes Road. As designed, the site plan will consist of four structures totaling approximately 39,535 square feet of retail and 14,587 square feet of office space. The site will be accessed from Crossley Road (the main entrance) and Sunny Dunes Road with circulation being accomplished by a ring road that feeds all parking areas of the site. The pedestrian circulation pattern provides for handicap ramps and walkways for easy access to all of the buildings. There is one loading space provided for the major tenant store "A". The project proposes to landscape the perimeter of the site; no fencing or walls are proposed. Storm water retention will be handled by a retention basin in the northwest corner of the site and by an underground system at the southern portion of the property.

PLANNED DEVELOPMENT DISTRICT

Access:

There are two points of access to the proposed mixed use development: Crossley Road; the main entrance, with a right turn in and out and a left in only. Sunny Dunes Road, provides for a right turn in and out and a left turn in and out movements. Delivery trucks going into the shopping center will do so through the two points of access.

Architecture and Landscaping:

The proposed architectural design harmonizes with the existing Walmart shopping center, by taking design cues from various architectural details and building proportions. Volumes and planes, arranged in a linear, orthogonal manner, set a contemporary tone for each of the buildings. The use of glass curtain walls, multi-banded split-face CMU block, and a stucco color palette (all in desert tones), elevate the buildings' aesthetic to reflect the upscale tenant the applicant plans to attract.

In a gesture toward the projects' second story office use, the two story building (Building B), adds a central entry stair and elevator lobby, open to at each end. The lobby design allows natural light to enter from both North and South entry facades, as well as from transom windows above. Each office suite offers plenty of natural light and views of the mountains to the south and north. Various overhangs, and recessed window openings help control direct sunlight, yet allow daylight to effectively penetrate the building. Skylights installed above the inner corridor offer daylight to penetrate this typically dark area.

Finally, the landscape design blends harmoniously with the desert aesthetic by using drought tolerant planting materials,

Parking:

The parking ratio outlined in Section 93.06.00 D. 19. of the Zoning Code requires one parking space for every two hundred fifty square feet of floor area devoted to office use and one parking space for every 300 square feet of retail space. Based on this requirement, a total of 192 parking spaces are required. The applicant has designated 192 parking spaces, which consists of 45 compact spaces and 8 handicap spaces.

A letter dated July 26, 2007 from the owner of the Wal-Mart property (copy attached) indicates there are no reciprocal parking easements in favor of the proposed project.

REQUIRED FINDINGS

Planned Development District

Findings can be made in support of establishing the proposed Planned Development District as follows:

PLANNED DEVELOPMENT DISTRICT

- a. *The proposed planned development is consistent and in conformity with the general plan pursuant to Sections 94.07.00 (A)(1) and 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

The proposed request is consistent with the General Plan, specifically Objectives 3.10 and 3.13 as they relate to intermixing commercial and office uses.

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

The project site is suitable for the development of a mixed use development. The location is relatively flat and in close proximity to the intersection of a secondary road and a major thoroughfare.

- c. *The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

The establishment of the proposed planned development district is necessary to provide commercial and office spaces. This project is a continuation of the existing commercial uses to the north and west designed to serve the everyday needs of the residential area.

- 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 subject site is located along the west side of Crossley Road (Secondary Thoroughfare) just south of East Ramon Road (Major Thoroughfare). The existing road network is designed for commercial and industrial development.

ARCHITECTURAL REVIEW GUIDELINES:

Pursuant to Section 94.04.00 of the Zoning Ordinance, Staff has reviewed the project in light of the Architectural Review Guidelines, as follows:

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 lot areas;*

Access throughout the proposed project is designed according to the requirements of the Uniform Building Code and ADA rules, including accessible pathways, handicapped parking spaces and vehicular access. The buildings are oriented on the site in a balanced manner to allow for a good traffic flow pattern. The pedestrian circulation pattern provides for handicap ramps and walkways for easy access to all of the buildings.

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 proposed architectural design harmonizes with the existing Walmart shopping center, by taking design cues from various architectural details and building proportions. Volumes and planes, arranged in a linear, orthogonal manner, set a contemporary tone for each of the buildings. The use of glass curtain walls, multi-banded split-face CMU block, and a stucco color palette (all in desert tones), elevate the buildings' aesthetic to reflect the upscale tenant the applicant plans to attract.

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 building is proposes various heights from 24 feet to 40 feet which is consistent with the General Plan and Zoning. The Planned Development establishes setbacks that compliment the varying heights of the buildings. The parapet screening wall will conceal any 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;

The proposed architectural design harmonizes with the existing Walmart shopping center, by taking design cues from various architectural details and building proportions. Volumes and planes, arranged in a linear, orthogonal manner, set a contemporary tone for each of the buildings. The use of glass curtain walls, multi-banded split-face CMU block, and a stucco color palette (all in desert tones).

6. Consistency of composition and treatment;

The building is consistent in style, colors and design features to the adjacent Walmart and other buildings to the north of the site. The buildings are oriented to compliment the slightly rectangular shape of the site.

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 insure maintenance of all plant materials;

The landscape design blends harmoniously with the desert aesthetic by using drought tolerant planting materials.

CONCLUSION

The project is consistent with the land use and development standards of the applicable zone and has received a recommendation of approval from the Architectural Advisory Committee. Staff is recommending approval of Case No. 5.1164 Planned Development District 343 subject to the attached conditions of approval.

ENVIRONMENTAL ASSESSMENT

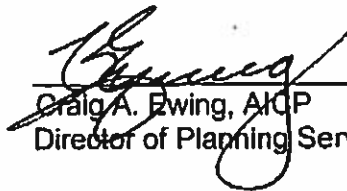
The project qualifies as a Categorical Exempt development pursuant to Section 15332 In-Fill Development Projects of the California Environmental Quality Act.

NOTIFICATION

A public hearing notice was advertised and was mailed to all property owners within 400 square feet radius of the subject property/adjacent property owners. As of the writing of this report, staff has not received any comment.



Fred Lowndes
Associate Planner



Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS

1. Vicinity Map
2. Draft Resolution
3. Conditions of Approval
4. Reduced Site Plan and Elevations
5. Letter dated July 26, 2007 from Stanley Rothbart
6. Landscape Covenant Agreement

PLANNED DEVELOPMENT DISTRICT



PROJECT DATA

LEGAL DESCRIPTION:
 Parcel 4 of Parcel Map No. 20045 as Shown in Parcel Map Book 210 Pages 31 and 32, Riverside County, California

REQUIRED PARKING:
 RETAIL - 40,000 SF @ 200 = 100 PMS
 OFFICE - 14,000 SF @ 200 = 70 PMS
 TOTAL - 54,000 SF @ 200 = 170 PMS

PROVIDED PARKING:
 AVAILABLE SPACES @ 200 = 104 PMS
 HANDICAP SPACES = 6 PMS
 COMPACT SPACES = 6 PMS
 TWO ENTRANCES: ONE CITY OF CORONA, ONE AT SUNNY DUNES RD.

TERRAIN: ALL SITE IMPROVEMENTS & BUILDING CONSTRUCTION TO BE COMPLETED IN ONE PHASE.

BUILDING COVERAGE TO LOT (3.75 ACRES):
 LOT: 188,078 SQ. FT.
 RELIG. COVERAGE: 37,917 SQ. FT.
 TOTAL: 20%
 PARKING & DRIVEWAYS: 14,078 SQ. FT.
 LOT: 14,078 SQ. FT.
 TOTAL: 8%
 OPEN SPACE: 136,083 SQ. FT.
 LANDSCAPE: 38,100 SQ. FT.
 WALKWAYS: 38,100 SQ. FT.
 TOTAL: 28%

(E) WALMART SIDEWALK
 (E) WALMART SHOPPING CART STORAGE
 (E) ONE-STORY WALMART BUILDING ZONE 19-WA11-L

(E) WALMART REAR LOADING

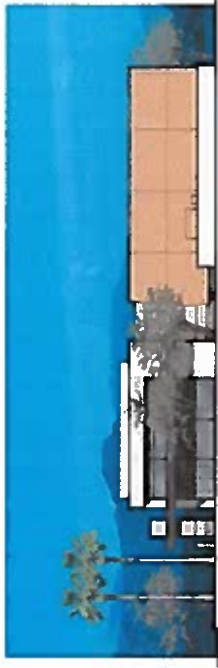
FIRST FLOOR & SITE PLAN



SOUTH ELEVATION BLDG. A, B, C



EAST ELEVATION BLDG. A



WEST ELEVATION BLDG. A



NORTH ELEVATION BLDG. C

NORTH ELEVATION BLDG. B

NORTH ELEVATION BLDG. A



WEST ELEVATION BLDG. B



EAST ELEVATION BLDG. B

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