



# CITY COUNCIL STAFF REPORT

DATE: April 6, 2016

PUBLIC HEARING

SUBJECT: APPEAL BY DAN DORADO OF THE PLANNING COMMISSION DECISION TO DENY A LAND USE PERMIT FOR TEMPORARY AUTOMOBILE SALES IN AN EXISTING RETAIL PARKING LOT AT 5601 EAST RAMON ROAD, ZONE M-1 (CASE NO. LUP 16-016).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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## SUMMARY

The City Council will consider an appeal by Daniel Dorado of the decision by the Planning Commission on February 24, 2016, to deny a Land Use Permit (LUP 16-016) for temporary automobile sales over a four-day period in the parking lot of the Wal-Mart store at 5601 E. Ramon Road.

## RECOMMENDATION:

1. Open the public hearing receive public testimony.
2. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION TO DENY A REQUEST FOR A LAND USE PERMIT TO ALLOW TEMPORARY AUTOMOBILE SALES IN AN EXISTING RETAIL PARKING LOT AT 5601 EAST RAMON ROAD, ZONE M-1."

## BACKGROUND INFORMATION:

<b>Related Relevant Actions by Planning, Building, Fire, etc.</b>	
04/17/04	The City Council approved a Tentative Parcel Map (TPM 30745) and a street vacation application for the Destination Ramon (Wal-Mart) project.
04/28/04	The Planning Commission approved a Conditional Use Permit (Case No. 5.0957 CUP) and Major Architectural Application for the Destination Ramon (Wal-Mart) development.
02/24/16	The Planning Commission denied a request for temporary automobile sales at the subject site by a vote of 6-0-1 (Weremiuk absent).

ITEM NO. 16

The appellant, Daniel Dorado, submitted a Land Use Permit application to the Department of Planning Services, requesting approval of temporary automobile sales in the Wal-Mart parking lot at 5601 E. Ramon Road. The automobile sales would be conducted over a four-day period in June 2016, and would be situated in the northeast corner of the existing parking lot adjacent to one of the undeveloped pad sites. Approximately 100 new and used vehicles would be on display in the parking lot, and a 60' by 60' tent would be erected to provide shade for sales staff and patrons.

The Land Use Permit for temporary automobile sales was forwarded to the Planning Commission for a determination at their meeting of February 24, 2016. The Planning Commission reviewed the regulations pertaining to permanent and temporary uses in the M-1 (Service/Manufacturing) zoning district, as well as the specific conditions of the Conditional Use Permit (5.0957 CUP) that was issued for the site. The Planning Commission noted that automobile sales are permitted as a permanent use in the M-1 zoning district, provided at least 50% of the vehicles displayed are new vehicles. In addition, they reviewed the allowance for special events on the site as permitted by the approved CUP, and noted the prohibition against used vehicle sales. While it was identified that the site was adequate for the proposed use, one of the commissioners stated that the conditions of the CUP should be narrowly interpreted, and moved to deny the permit. The commission voted 6-0-1 (absent – Weremiuk) to deny the request.

#### STAFF ANALYSIS:

On February 29, 2016, Daniel Dorado filed an appeal of the decision of the Planning Commission. The following is a summary of issues raised by the appellant and staff's response to those issues.

Appellant: The appellant states that temporary automobile sales will provide significant benefits to the City. The following excerpt notes the key benefits to the City:

*“The point of sale for every automobile sold at the Walmart location will be the City of Palm Springs. As a result, the City will receive the sales tax benefits of the automobile sales estimated to be approximately \$60,000-\$75,000 over the four-day event. Each of the dealerships that participate in the event will obtain City business licenses, appropriate liability insurance, and comply with all applicable City requirements.”*

Staff Response: The fiscal benefits associated with the issuance of a Land Use Permit are not identified as a basis for granting the permit. Permits and entitlements are reviewed for conformity with the General Plan, the Zoning Code, and any applicable Conditions of Approval that may be applicable to the subject site.

**Appellant:** The appellant states that the Planning Commission denied the LUP because of a misapplication of the zoning code and Wal-Mart's conditions of approval. The following excerpts list the key points of the appellant's argument:

*"LUP's are governed by Municipal Code Section 94.02.01...The City allows temporary sales activities with a LUP. As such, the City has the discretion under the code to issue a LUP if it so desires.*

*Walmart's CUP allows up to six special outdoor events annually at the property, with each event not lasting longer than two weeks. Each outdoor special event is required to obtain an LUP...*

*The Planning Commission misapplied and misinterpreted these conditions in denying the applicant's LUP...The March 24, 2004, Planning Commission staff report approving the Walmart project clarifies any ambiguity. Referring to 'Parking Lot Activities' the staff report states: 'Since used car sales are not permitted unless in conjunction with new car sales, staff recommends prohibition of used car sales.' The applicant's proposal is for the sale of new cars, cars that have been used as management company cars but were never previously registered or sold, and factory certified pre-owned cars that meet new car standards. The applicant's LUP does not propose to sell only used vehicles...Therefore, there was no justification in the CUP for the Planning Commission to deny the applicant's LUP."*

**Staff Response:** The Palm Springs Zoning Code (PSZC) allows automobile sales as a permanent use of land in the M-1 (Service/Manufacturing) zoning district, provided that at least 50% of the vehicles are new vehicles. The code does not specifically permit the use as a temporary use; historical records do not indicate that the department has approved any vehicle sales as a temporary use previous to this request.

The Conditional Use Permit (CUP) that was approved for the site in April 2004 allows up to six special events annually at the property, with each event lasting not longer than two weeks, and requiring that a Land Use Permit (LUP) be issued for each event. The CUP specifically prohibits used car sales, but does not identify if new car sales would be permitted. The applicable conditions of approval are listed below:

*Condition #11. A Land Use Permit is required for all outdoor special events. A maximum of six special events, lasting two weeks in duration, may be held per year. Additionally, special events for Halloween and Christmas, and other events as may be permitted for extended time periods, per approval by the City. These include, but are not limited to tree sales, car washes, plant sales, furniture sales, and other unspecified outdoor events on site, shall be submitted for review and approval by the*

*Director of Planning and Zoning, prior to issuance of a certificate of occupancy. Any outdoor future food use associated with the major tenant shall be subject to consideration of a land use permit. See Condition #32 for prohibited uses.*

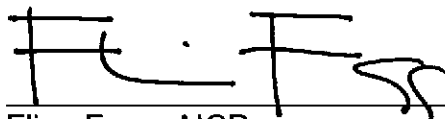
*Condition #32. On site camping, car camping and RV camping and the sales of used cars on site are prohibited.*

The appellant contends that while the CUP restricts used car sales as a stand-alone use, it does not prohibit the sale of used vehicles in conjunction with new vehicles as a special event.

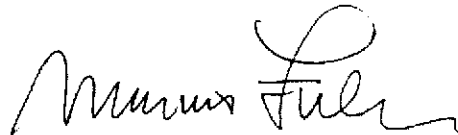
While the CUP allows for a certain degree of latitude in the activities that may be permitted under a special event, it also expressly prohibits certain uses. On that basis, the Planning Commission denied the request, making a finding that used vehicle sales were inconsistent with the CUP.

CONCLUSION:

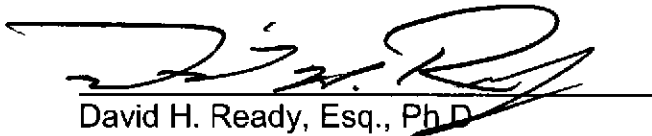
While the site area is adequate for the proposed temporary use, there is inadequate support in the zoning code or the CUP for the temporary sale of new and used vehicles. Consequently, it is recommended that the City Council support the decision of the Planning Commission to deny the Land Use Permit.



Flinn Fagg, AICP  
Director of Planning Services



Marcus L. Fuller, MPA, P.E., P.L.S.  
Assistant City Manager/City Engineer



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

Attachments:

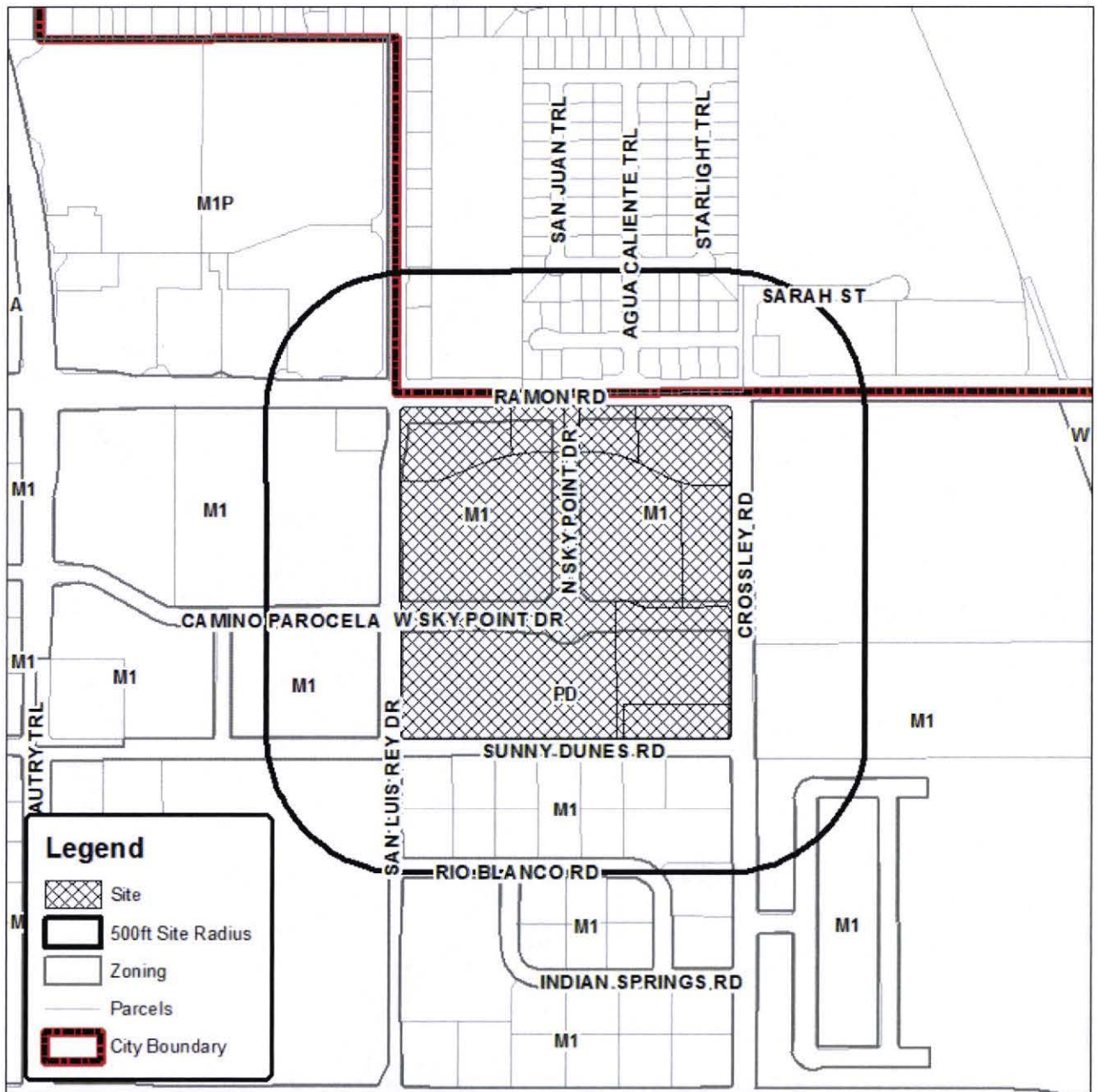
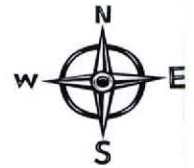
1. Vicinity Map
2. Draft Resolution
3. Appeal Letter
4. Planning Commission Minutes – February 24, 2016
5. Staff Report – February 24, 2016
6. Land Use Permit Application (LUP 16-016)
7. Staff Report to Planning Commission – Case No. 5.0975 CUP (March 24, 2004)
8. Conditions of Approval – Case No. 5.0975 CUP (April 28, 2004)

5. Staff Report – February 24, 2016
6. Land Use Permit Application (LUP 16-016)
7. Staff Report to Planning Commission – Case No. 5.0975 CUP (March 24, 2004)
8. Conditions of Approval – Case No. 5.0975 CUP (April 28, 2004)

# **Attachment 1**



# Department of Planning Services Vicinity Map



**Legend**

-  Site
-  500ft Site Radius
-  Zoning
-  Parcels
-  City Boundary

CITY OF PALM SPRINGS

# **Attachment 2**



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION TO DENY A REQUEST FOR A LAND USE PERMIT TO ALLOW TEMPORARY AUTOMOBILE SALES IN AN EXISTING RETAIL PARKING LOT AT 5601 EAST RAMON ROAD, ZONE M-1.

**The City Council of the City of Palm Springs finds:**

- A. Daniel Dorado, of Daniel Dorado & Associates, Inc., filed a Land Use Permit (Case No. 16-016 LUP) application for temporary automobile sales over a four-day period in the parking lot of the Wal-Mart store at 5601 E. Ramon Road.
- B. The application was forwarded to the Planning Commission in February 2016 for a determination on the proposed temporary use.
- C. The Planning Commission considered the Land Use Permit request at its public meeting of February 24, 2016, and denied the request upon making a finding that the proposed use was inconsistent with the Palm Springs Zoning Code and the Conditions of Approval that were approved for the site as part of a Conditional Use Permit application (Case No. 5.0957 CUP), which conditions prohibit the sales of used cars on the subject site.
- D. On February 29, 2016, Daniel Dorado filed an appeal of the Planning Commission decision to deny the Land Use Permit pursuant to Chapter 2.05 and Section 94.02.01(D)(4) of the Palm Springs Municipal Code.
- E. On April 6, 2016, the City Council held a public hearing to consider the appeal of the Planning Commission's action to deny the Land Use Permit.
- F. At its public hearing conducted on April 6, 2016, the City Council has carefully reviewed and considered all of the evidence presented in connection with the appeal, including, but not limited to, the staff report, and all written and oral testimony presented in conjunction with the hearing.

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

SECTION 1. The above findings are all true and correct.

SECTION 2. The City Council hereby denies the appeal submitted by Daniel Dorado, and upholds the Planning Commission's denial of a request for a Land Use Permit (Case No. 16-016 LUP) to allow temporary automobile sales in an existing retail

parking lot at 5601 E. Ramon Road.

ADOPTED THIS 6TH DAY OF APRIL, 2016.

\_\_\_\_\_  
David H. Ready, City Manager

ATTEST:

\_\_\_\_\_  
James Thompson, City Clerk

CERTIFICATION

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

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

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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

# Attachment 3

Daniel Dorado  
Daniel Dorado & Associates  
5721 La Jolla Boulevard  
La Jolla, California 92037

February 29, 2016

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

RECEIVED  
CITY OF PALM SPRINGS  
2016 MAR -7 AM 8:23  
JAMES THOMPSON  
CITY CLERK

**VIA OVERNIGHT MAIL (w/check) & EMAIL (cityclerk@palmsprings-ca.gov)**

Subject: Appeal to City Council Re: February 24, 2016 Planning Commission Denial of a Land Use Permit to Allow Temporary Automobile Sales in an Existing Retail Parking Lot at 5601 East Ramon Road, Zone M-1 (Case No. 16-016 LUP)

Dear Mr. Thompson:

This letter serves as the applicant's appeal to the City Council of the Planning Commission's February 24, 2016 decision to deny a Land Use Permit (LUP) to allow a *temporary* automobile sales event in an existing retail parking lot at the Walmart located at 5601 East Ramon Road. The temporary sales event would be held from June 16-19, 2016, and would include the display of up to 100 vehicles at a time. The Director of Planning Services determined that there are adequate parking spaces to accommodate the temporary vehicle sales as the property has 195 parking spaces in excess of code requirements. (See Planning Commission Staff Report, p. 4.) The temporary automobile sales event provides the City with significant benefits, but has been wrongly denied because of a misapplication and misinterpretation of the code and Walmart's conditional use permit (CUP). The applicant is requesting that the City Council approve the LUP. Please provide a copy of this letter appeal to each of the City Councilmembers.

**1. The Temporary Automobile Sales Provides Significant Benefits to the City.**

The point of sale for every automobile sold at the Walmart location will be the City of Palm Springs. As a result, the City will receive the sales tax benefits of the automobile sales estimated to be approximately \$60,000-\$75,000 over the four-day event. Each of the dealerships that participate in the event will obtain City business licenses, appropriate liability insurance, and comply with all applicable City requirements.

The discretionary money that Walmart receives from the dealerships participating in the sale will be given to Walmart employees working at this location. A total of \$2,000 in Walmart

gift cards will be distributed to automobile sales customers that can only be spent at this Walmart location.

The sale will draw business to the City from the entire Coachella Valley area, as 80% of \$50,000 advertising budget will be spent outside of the City's jurisdiction. There are expected to be secondary economic benefits to the City as potential automobile sales customers may spend money at this Walmart location, and patronize local restaurants and other businesses, that these customers would not otherwise do.

**2. The LUP was Denied Because of a Misapplication of the Code and Walmart's CUP.**

LUPs are governed by Municipal Code, section 94.02.01. According to the Code: "The intent and purpose of a land use permit is to provide a means to review the impact of proposed land uses and to impose such conditions to the proposed use as are necessary to insure that these uses are compatible with adjacent properties and the community." There are no standards or findings required in order to be granted a LUP. The City allows temporary sales activities with a LUP. (See Planning Commission Staff Report, p. 3.) As such, the City has the discretion under the code to issue a LUP if it so desires.

Walmart's CUP allows up to six special outdoor events annually at the property, with each event not lasting longer than two weeks. Each outdoor special event is required to obtain an LUP. Condition No. 11 governs the issues of an LUP for special events:

Condition # 11. [*LUP requirement*] A Land Use Permit is required for all outdoor special events. A maximum of six special events, lasting two weeks in duration, may be held per year. [*Holiday special event requirements*] Additionally, special events for Halloween and Christmas, and other events as may be permitted for extended time periods, per approval by the City. These include, but are not limited to tree sales, car washes, plant sales, furniture sales, and other unspecified outdoor events on site, shall be submitted for review and approval by the Director of Planning and Zoning, prior to issuance of a certificate of occupancy. [*LUP requirement*] Any outdoor future food use associated with the major tenant shall be subject to consideration of a land use permit. [*Ambiguous requirement*] See Condition # 32 for prohibited uses.

Condition # 32. On site camping, car camping and RV camping and the sales of used cars on site are prohibited.

The Planning Commission misapplied and misinterpreted these conditions in denying the applicant's LUP. Only the first two sentences of Condition No. 11, and the second to last sentence address the LUP requirement. The applicant's requested temporary automobile sales comply with the CUP requirements of Condition No. 11. The sentence in Condition No. 11 addressing additional special events that may be permitted for extended times, meaning longer

than the two weeks reserved for special events, are approved by a process other than the LUP. The appropriate application of the final sentence referring to seeing Condition # 32 for prohibited uses appears ambiguous. The March 24, 2004, Planning Commission staff report approving the Walmart project clarifies any ambiguity. Referring to "Parking Lot Activities" the staff report states: "Since used car sales are not permitted unless in conjunction with new car sales, staff recommends prohibition of used car sales." The applicant's proposal is for the sale of new cars, cars that have been used as management company cars but were never previously registered or sold, and factory certified pre-owned cars that meet new car standards. The applicant's LUP does not propose to sell only used vehicles which Condition #32 was addressing. Therefore, there was no justification in the CUP for the Planning Commission to deny the applicant's LUP.

**3. The Applicant Requests the City Council Approve the LUP.**

As discussed above, the approval of the LUP will provide the City with significant benefits. The code and CUP allow the sale of new cars and factory certified pre-owned cars together. Therefore, the applicant requests the City Council approve the LUP.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Dorado", with a long horizontal flourish extending to the right.

Daniel Dorado

# REQUEST FOR TREASURER'S RECEIPT

TO: FINANCE DEPARTMENT, CASHIER

DATE: 3.7.2016

FROM: CITY CLERK'S OFFICE

PLEASE ACCEPT \$ 881.<sup>00</sup>

FROM: D Dorado

RE: Appeal PC 2-24-16 decision Re: Case 16-016 LUP

MAPS & PUBLICATIONS - 001-34106

OTHER CHARGES - CURRENT SERVICE - 001-34110

CREDIT ACCOUNT NO. CIRCLED ABOVE BY ORDER OF VD:

<b>DANIEL DORADO</b> <b>DANIEL DORADO &amp; ASSOCIATES</b> 5721 LA JOLLA BLVD LA JOLLA, CA 92037-7302		<b>1013</b> 16-24/1220 4420 1127315778
<u>2/29/2016</u> <small>Date</small>		
Pay to the Order of	<u>City Clerk of Palm Springs</u>	<u>\$ 881.<sup>00</sup></u>
<u>Eight Hundred Eight One Dollars</u>		<input type="checkbox"/> <small>Pay to the Order of Payee</small>
<b>WELLS FARGO</b> <small>Wells Fargo Bank, N.A. California wellsfargo.com</small>	<u>City Council Appeal</u>	<u>[Signature]</u>

# **Attachment 4**



Associate Planner Lyon presented the proposed gatehouse at the Desert Palisades development.

Commissioner Donenfeld thinks it's a great project with the AAC conditions

Chair Klatchko questioned if the applicant is willing to comply with the AAC's recommendation pertaining to the concrete blending in with the pavers.

ED FREEMAN, owner, explained that throughout the project the curbs are flush with the pavers except for three locations for water drainage. Mr. Freeman said he prefers the flush designs but is willing to go by the Engineering Department's recommendation.

SEAN LOCKYER, project architect, provided details pertaining to the size of the entry and exit points, a water fountain for the structure at the trailhead and the "eternal flame" fire feature. He indicated that they do not want to extend the overhang further on the boulder in order to give trucks clearance.

Discussion occurred on the construction gate for this project.

**ACTION:** Approve with conditions and subject to the AAC's recommendations as follows:

1. Consider rolled curb or colored concrete to blend better with the precast pavers subject to approval by the Engineering Dept.
2. Consider further protection of the proposed fire feature from wind.
3. Provide more detail on the bike storage structure and add a drinking fountain.
4. AAC subcommittee to (Song, Secoy-Jensen, Fauber) to review the fire feature detail.

**Motion:** Commissioner Donenfeld, seconded by Commissioner Lowe and unanimously carried 6-0-1 on a roll call vote.

**AYES:** Commissioner Calderine, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Lowe, Commissioner Middleton, Chair Klatchko

**ABSENT:** Commissioner Weremiuk

**3B. DANIEL DORADO, APPLICANT, FOR A LAND USE PERMIT TO ALLOW TEMPORARY AUTOMOBILE SALES IN AN EXISTING RETAIL PARKING LOT AT 5601 EAST RAMON ROAD, ZONE M-1 (CASE NO. 16-016 LUP). (FF)**

Planning Director Fagg presented the proposed request to allow temporary automobile sales as outlined in the staff report.

The Commission requested clarification and/or commented on:

- Could the context of this prohibition be referring to individual owners selling used cars as opposed to a car dealer on the lot?
- McCormick Classic cars sales are allowed - what is the zoning?
- (Middleton) Licensed dealers sell used cars on their lots and would be open for an allowance for a small percentage of used car sales in conjunction with a much larger percentage of new car sales.
- Prohibiting used cars as opposed to new cars.

DAN DORADO, applicant, provided details on the type of automobiles - "certified pre-owned" vehicles and taxation. He indicated approval has been received from Wal-Mart and all the permits have been taken out.

Commissioner Donenfeld noted the site has a CUP that states prohibition of used cars and spoke in opposition of the proposed request.

Commissioner Calderline noted that used car sales are excluded and new car sales are not mentioned.

Planning Director Fagg explained the Commission's role is to make a determination if this use is permissible for this site.

Commissioner Middleton questioned what the process is to modify the conditions of approval that were granted for this property in 2004.

Commissioner Donenfeld noted that the underlying ordinance is the M-1 zone and the CUP expands the use beyond the code and should be read narrowly.

ALENE TABER, certified land use planner and attorney specializing in land development, stated that the CUP alters the underlying zoning and the Commission has the opportunity to do an interpretation.

Commissioner Hirschbein asked the applicant if they would be willing to restrict this to new car sales.

Commissioner Middleton noted that this event is tentatively scheduled for June 16th - 19th which provides time for the applicant to come back to ask for an amendment on the CUP.

**ACTION:** Denial.

**Motion:** Commissioner Donenfeld, seconded by Chair Klatchko and unanimously carried 6-0-1 on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Lowe, Commissioner Middleton, Chair Klatchko

**ABSENT:** Commissioner Weremiuk

#### 4. OTHER BUSINESS:

##### 4A. ELECTION OF VICE-CHAIR

Chair Klatchko opened the nominations for Vice-Chair. Commissioner Lowe nominated Commissioner Calerdine. Commissioner Middleton seconded the nomination. No other nominations were made. By acclamation Commissioner Calerdine was nominated as Vice-Chair.

#### PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

The Commission commented on:

- Commissioner Middleton volunteered as a representative of the Planning Commission for "The Green Program" through the Sustainability Commission.
- The upcoming study session on the Serena Park development.
- Status of the Cameron project.

#### PLANNING DIRECTOR'S REPORT:

Planning Director Fagg reviewed the changes for the Museum Market Plaza Specific Plan as discussed by the City Council. Mr. Fagg provided an update on the number of applications processed by the Planning Department.

#### ADJOURNMENT:

There being no further comment the Planning Commission meeting adjourned at 4:07 pm to 1:30 pm, Wednesday, March 9, 2016, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

  
Flinn Fagg, AICP  
Director of Planning Services

# **Attachment 5**



## **PLANNING COMMISSION STAFF REPORT**

**DATE:** February 24, 2016 **NEW BUSINESS**

**SUBJECT:** DANIEL DORADO, APPLICANT, FOR A LAND USE PERMIT TO ALLOW TEMPORARY AUTOMOBILE SALES IN AN EXISTING RETAIL PARKING LOT AT 5601 EAST RAMON ROAD, ZONE M-1 (CASE NO. 16-016 LUP). (FF)

**FROM:** Department of Planning Services

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### **PROJECT DESCRIPTION**

This is a request for a Land Use Permit to allow temporary automobile sales over a four-day period in the parking lot of the Wal-Mart store at 5601 E. Ramon Road. The temporary sales event would be held from June 16-19, 2016, and would include up to 100 new and used vehicles on display in conjunction with the event.

Land Use Permits are a ministerial process, and are approved by the Director of Planning Services. However, Section 94.02.01(D)(3) of the Palm Springs Zoning Code (PSZC) allows Land Use Permits to be referred to the Planning Commission where further scrutiny of the application may be required.

### **ISSUES**

- Automobile sales are permitted as a permanent use of land in the M-1 (Service/Manufacturing) zoning district, subject to the requirement that at least 50% of the inventory must be new vehicles.
- Temporary sales activities are not specifically permitted by the Palm Springs Zoning Code (PSZC).
- The Conditional Use Permit (CUP) that was approved for the Wal-Mart property allows temporary sales events, but specifically prohibits used car sales. The CUP does not specifically state whether new car sales may be permitted as a temporary event.

### **RECOMMENDATION**

Deny the Land Use Permit request, as the proposed use is not specifically permitted by the zoning code or the Conditional Use Permit that is in place for the property.

**BACKGROUND INFORMATION**

<b>Related Relevant Actions by Planning, Building, Fire, etc.</b>	
04/17/04	The City Council approved a Tentative Parcel Map (TPM 30745) and a street vacation application for the Destination Ramon (Wal-Mart) project.
04/28/04	The Planning Commission approved a Conditional Use Permit (Case No. 5-0957 CUP) and Major Architectural Application for the Destination Ramon (Wal-Mart) development.

<b>Field Check</b>	
02/19/16	Staff visited the site and observed that the parking lot area is adequate to serve the proposed use.

**DETAILS OF APPLICATION REQUEST**

<b>Site Area</b>	
Net Acres	31.12 Acres

<b>Surrounding Property</b>	<b>Existing Land Use Per Chapter 92</b>	<b>Existing General Plan Designation</b>	<b>Existing Zoning Designation</b>
Subject Property	Retail Use	RC (Regional Commercial)	M-1 (Service/Manufacturing), PD (Planned Development)
North (Cathedral City)	Retail Use, Restaurant Use, Automobile Repair Use, Multifamily Residential Use	CG (General Commercial), RM (Medium Density Residential)	PCC (Planned Community Commercial), R-2 (Multiple Family Residential)
South	Undeveloped	IND (Industrial), NCC (Neighborhood/Community Commercial)	M-1 (Service/Manufacturing)
East	Parking Lot, Undeveloped	RC (Regional Commercial)	M-1 (Service/Manufacturing)
West	Retail Use	RC (Regional Commercial)	M-1 (Service/Manufacturing)

**ANALYSIS**

The proposed temporary sales event will be held in the northeast corner of the Wal-Mart parking lot, adjacent to one of the undeveloped pad sites, with approximately 100

vehicles on display for sale. In addition to the sales of new and used vehicles, the applicant is proposing to install a 60' by 60' tent, which will provide a shaded area for sales staff and patrons. The parcel has a total of 1,434 parking spaces on site, which provides 195 spaces in excess of the 1,239 spaces required by code. Consequently, the temporary activity could be conducted without impacting the required parking spaces for uses that are already in operation at the site.

Automobile sales as a permanent use of land are permitted by right in the M-1 (Service/Manufacturing) zoning district, provided that at least 50% of the vehicles are new vehicles. The code does not specifically permit the use as a temporary use.

PSZC Section 94.02.01 identifies certain temporary uses that may be permissible upon approval of a Land Use Permit. These uses include temporary parking lots, temporary RV (recreational vehicle) parking, and carnivals and circuses. The zoning code does not specifically address temporary sales activities; however, the department has previously allowed Christmas tree sales and other similar temporary sales activities via the Land Use Permit process, finding that the temporary sales activities are similar to a carnival use. Historical records do not indicate that department has approved any vehicle sales as a temporary use previous to this request.

The Conditional Use Permit (CUP) that was approved for the site in April 2004 allows up to six special events annually at the property, with each event lasting not longer than two weeks, and requiring that a Land Use Permit be issued for each event. The CUP specifically prohibits used car sales as a special event, but does not identify if new car sales would be permitted. The applicable conditions of approval are listed below:

*Condition #11. A Land Use Permit is required for all outdoor special events. A maximum of six special events, lasting two weeks in duration, may be held per year. Additionally, special events for Halloween and Christmas, and other events as may be permitted for extended time periods, per approval by the City. These include, but are not limited to tree sales, car washes, plant sales, furniture sales, and other unspecified outdoor events on site, shall be submitted for review and approval by the Director of Planning and Zoning, prior to issuance of a certificate of occupancy. Any outdoor future food use associated with the major tenant shall be subject to consideration of a land use permit. See Condition #32 for prohibited uses.*

*Condition #32. On site camping, car camping and RV camping and the sales of used cars on site are prohibited.*

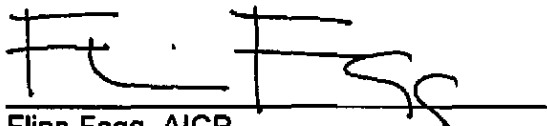
If the Land Use Permit were to be approved, the applicant would be limited to the display and sales of new vehicles only, based upon the restrictions of the CUP that is in place for the parcel.

## **FINDINGS – LAND USE PERMIT**

Section 94.02.01 of the Palm Springs Zoning Code (PSZC) does not specifically identify any required findings for the approval of Land Use Permits, but does require conformance to zoning requirements in the district where the use is proposed, and allows the Director of Planning Services to impose conditions of approval as may be necessary to protect public health, safety and welfare. Please note the following findings related to conformance to zoning requirements:

1. Automobile sales are permitted as a permanent use in the M-1 (Service/Manufacturing) zoning district.
2. The code does not specifically identify if automobile sales may be permitted as a temporary use. The only temporary use activities permitted by the zoning code in the M-1 district are temporary parking lots, carnivals, and circuses.
3. The CUP allows up to six special events per year, and specifically excludes used car sales from the list of permitted events. The CUP does not identify if new car sales may be permitted as a special event.
4. There are adequate parking spaces to accommodate the temporary vehicle sales use; the property has 195 parking spaces in excess of code requirements.

Based on these findings, there is inadequate support to allow automobile sales as a temporary use of land. However, the site is adequate to support the proposed temporary use with little impact to adjacent properties.



Flinn Fagg, AICP  
Director of Planning Services

### **Attachments:**

1. Vicinity Map
2. Land Use Permit Application (LUP 16-016)
3. Staff Report to Planning Commission – Case No. 5.0975 CUP (March 24, 2004)
4. Conditions of Approval – Case No. 5.0975 CUP (April 28, 2004)



# **Attachment 6**



# CITY OF PALM SPRINGS

Department of Planning Services  
3200 East Tahquitz Canyon Way, Palm Springs, CA 92262  
Phone: 760-323-8245 ~ Fax: 760-322-8360

## LAND USE PERMIT # 16-016

Applicant: <b>Daniel Dorado</b>		Mailing Address: <b>5721 LA JOLLA BL. LA JOLLA, CA 92037</b>	Phone: <b>626-786-6386</b> Fax: <b>949-487-2685</b> E-Mail: <b>DDANDA@SOCIATEL.COM</b>
Business Name: <b>TOYOTA OF THE DESERT</b>		Site Address: <b>5601 RAMON RD. W. MART PALM SPRINGS, CA</b>	
APN:	Zone/GP:	Section, Township, Range:	

**PROCEDURE:** An application for a Land Use Permit shall be submitted to the Department of Planning Services, and shall be accompanied by the following:

1. A Processing Fee of \$696.00.  
For a Minor Land Use Permit and Transfer of Land Use Permit the Fee is \$122.00.
2. A floor plan and/or site plan displaying the layout of the proposal. Outdoor seating that encroaches into the public right-of-way will require an encroachment agreement or license, subject to the approval of the Director of Planning Services.
3. Such other information as the Director of Planning Services may require, including, but not limited to adjacent uses, photographs, building elevations, landscape plans, design studies, furniture information, etc.

**STATEMENT OF ACTIVITY:** Applicant shall submit a statement of the use, expected size, volume, hours, and length of operations; information relating to sanitation, noise, air pollution, vehicle parking, traffic circulation, and any other information of the proposed project.

**PARKING lot TENT Sales New ? USED to 2006. 65.  
Hours: 10-8 - 4/DAYS. JUNE 16, 17, 18, 19-20 16 DD  
NO MORE THAN THE APPROVED 100 PARKING SPACES  
DOES NOT ENCR OACH ON ANY ACCESS AREAS.**

**CONDITIONS:** (see attached)

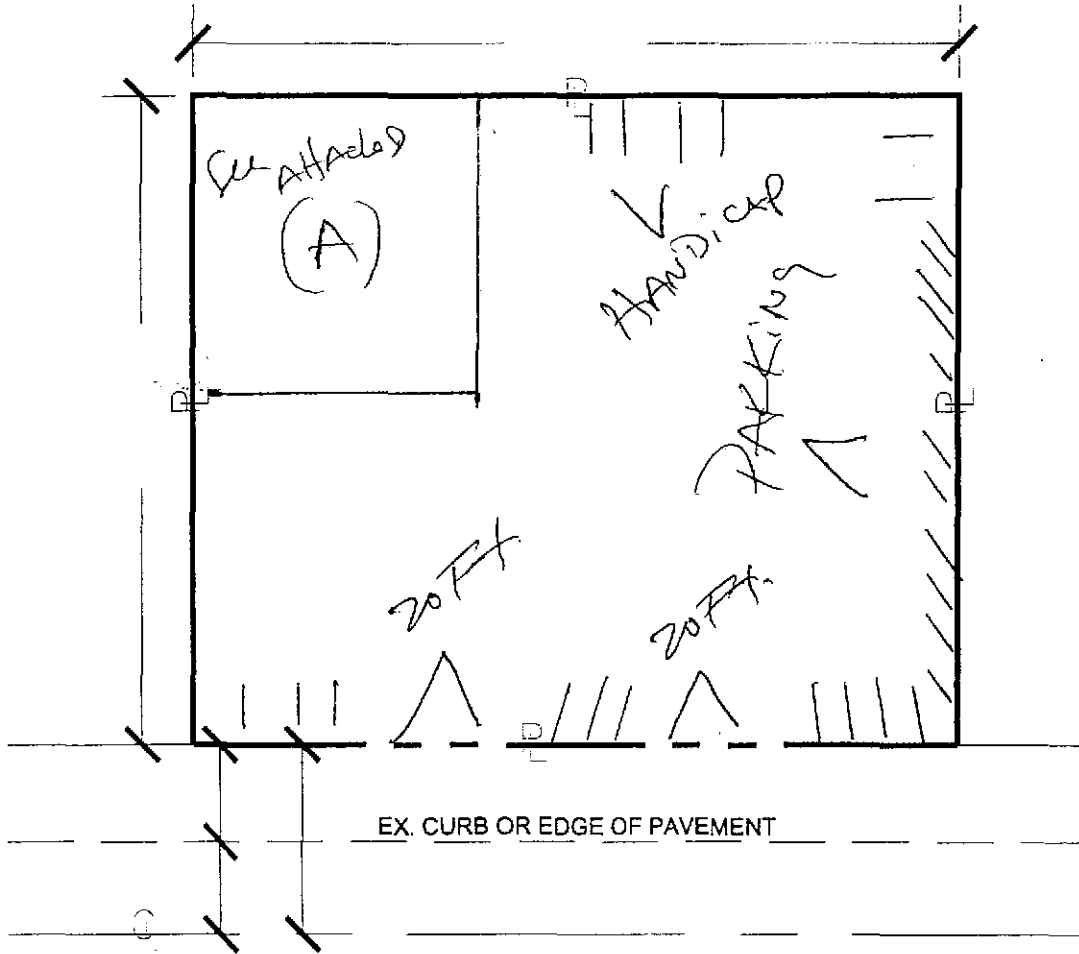
**TRANSFER:** Transfer of Land Use Permit to another applicant is subject to review and approval by the Director of Planning Services.

**REVOCAATION:** The Director of Planning Services may revoke any Land Use Permit that does not meet or comply with conditions and requirements of this permit.

Applicant's Signature 	Date <b>6/1/15</b>
---------------------------	-----------------------

**DANIEL DORADO**

LAND USE PERMIT # \_\_\_\_\_



### SITE PLAN

Please include locations of tables & chairs, fencing, on-site parking, proximity parking, sign location, and all other applicable structures (temporary or permanent).

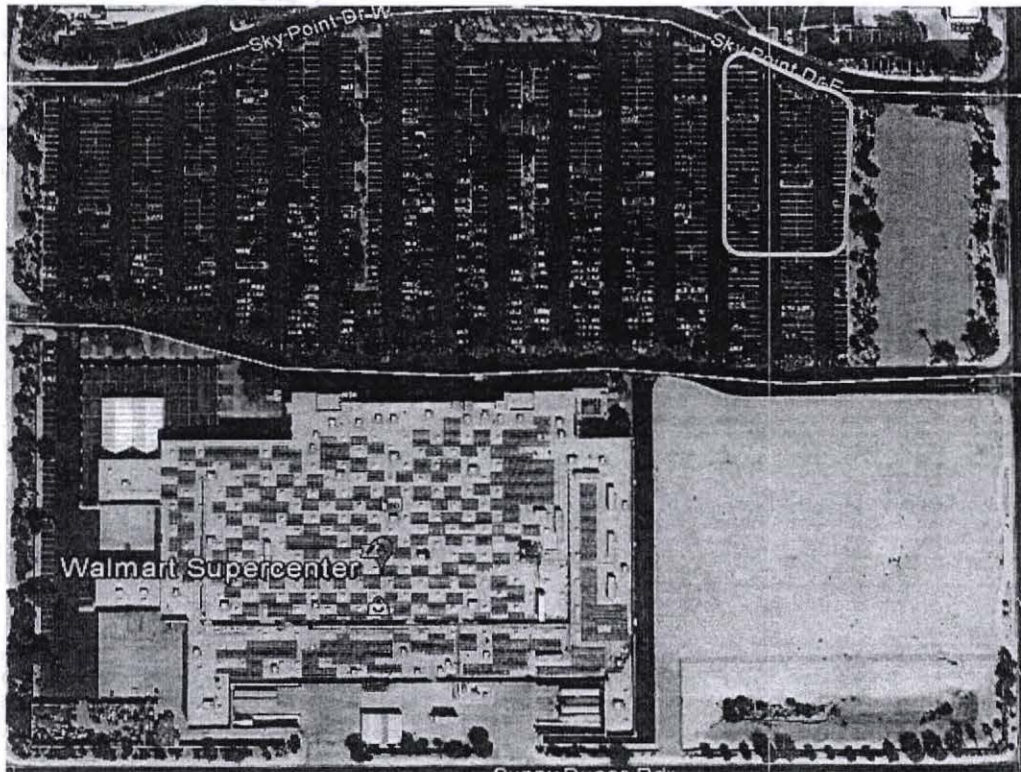
BUSINESS NAME: Toyota of the Desert

SITE LOCATION: WALWART - 5601 RAMON RD.  
PALM SPRINGS, CA.

TELEPHONE: 626-786-6386 FAX: 949-487-2685

E-MAIL: DDANDASSOCIATES@COX.NET

## Parking Lot Promotion Location/Set-up Area



# WAL-MART

Store # 1832

Palm Springs, CA 92264

Anna Gutierrez

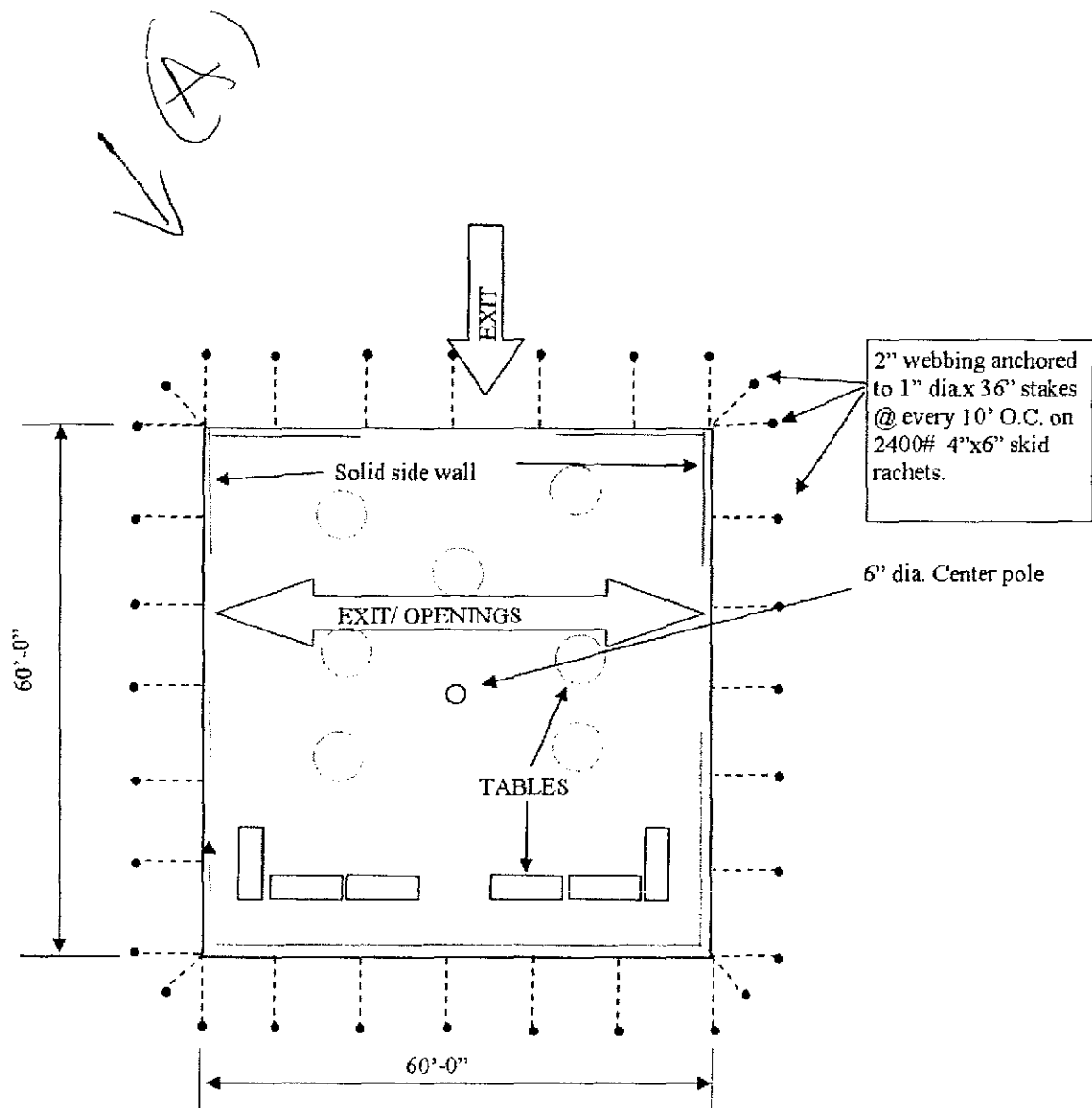
Presented By:

# VPA

## Lot Promotions

Parking lot promotions at Wal-Mart store locations are coordinated by VPA Lot Promotions, a subsidiary of Value Partner Advisors (VPA) the supplier for Wal-Mart Stores Inc of Bentonville, AR 72712

NOTICE REGARDING THIS IMAGE: This image provides a general guideline as to inventory placement for parking lot promotions held at the respective Wal-Mart location. Each parking space is approximately 9' x 20' in size and the number of spaces provided to the promotion is as noted on the "Lot Agreement" for the respective promotion. In setting up the promotion, the dealership must ensure that all components to the promotion (inventory, tent, etc.) is contained within the designated area as shown and must not disrupt or impede any fire lanes, egress points, drive lanes, traffic flow, and /or customer parking patterns. Should questions arise, please contact VPA Lot Promotions Dept at the following email address: [lotevents@vpapromotions.com](mailto:lotevents@vpapromotions.com) or fax # 1-888-494-9329 or your personal representative.





RE: Authorization to Dealer for Offsite Wal-Mart Parking Lot Event

Chevrolet Cadillac of La Quinta  
79225 Hwy 111  
La Quinta, CA 92253

To whom this may concern:

Please be advised that the lot event scheduled for the dates of October 14<sup>th</sup> – October 18<sup>th</sup>, 2015 at the WAL-MART #1832 located at 5601 E. Ramon Rd Palm Springs, CA has been approved by the WAL-MART Home Office, the local store manager, and VPA Promotions (the exclusive lot promoter for WAL-MART Stores, Inc.)

This event has been approved for the number of parking spaces as noted within the executed "Lot Agreement" which thereby provides permission for the above noted dealership to conduct such event on the designated WAL-MART lot. Further, use of the indoor restroom and other sanitary facilities within the WAL-MART store are granted and available to the dealership staff, and to the like, also to customers coming on the WAL-MART lot during the event. The dealership may setup their inventory display the day before the aforementioned dates, and remove the inventory the evening of the end date or morning thereafter.

Further, we require the dealership provide a copy (or copies) of all applicable permits that may be required to be in compliance with any city, county, state, or municipality laws for the dealership to hold such an offsite event. Copies of such permits may be faxed to our offices directly at 1-888-494-9329 or emailed to lotevents@vpapromotions.com

Please note, use of a "tent" for event is allowable on the lot, although, the use of tent stakes or any drilling into the Wal-Mart parking lot is strictly prohibited, but use of sand bags, water barrels or concrete blocks are an acceptable alternative.

We appreciate your business with VPA Promotions - Please don't hesitate to contact me if you have any questions.

Sincere thanks,

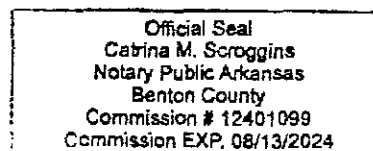
  
Rachael Driggs

VPA Promotions WAL-MART Lot Team  
888-705-4872

Sworn to and subscribed before me  
this 25<sup>th</sup> day of August, 2015

  
Notary Public

My commission expires: 8/13/24



VPA Promotions  
820 S. Walton Blvd. Ste. 11  
Bentonville, AR 72712  
Tel 888-705-4872 Fax 888-494-9329  
lotevents@vpapromotions.com  
www.vpapromotions.com



MARCH 8, 2016

To whom it may concern

VPA Promotions is an authorized vendor managing excess tenant space for Walmart. The tenant space agreement is used for conducting offsite tent sales for Automotive and Recreational dealerships where allowed by city and state laws. The dealerships are allowed to bring new or used vehicles to the tent sale for display or sale purposes after contracting with VPA Promotions and obtaining the proper permits and insurance requirements.

Thank you in advance

A handwritten signature in black ink, appearing to read 'Terri Russo', written in a cursive style.

Terri Russo

National Sales Manager

# **Attachment 7**



DATE: March 24, 2004  
TO: Planning Commission  
FROM: Director of Planning and Zoning

CASE NO. 5.0975-CUP AND TENTATIVE PARCEL MAP NO. 30745 - AN APPLICATION BY ROTHBART DEVELOPMENT, DESTINATION RAMON, LLC, FOR THE DESTINATION RAMON PROJECT, FOR A CONDITIONAL USE PERMIT TO ALLOW DEVELOPMENT OF 277,000 SQUARE FEET OF RETAIL DEVELOPMENT, SIGN PROGRAM, PARKING LOT LIGHTING IN EXCESS OF EIGHTEEN (18) FEET IN HEIGHT, AND THE DEVELOPMENT OF FUTURE DRIVE-THROUGH FACILITIES AS PART OF THIS PROJECT, FINDING THAT THE VACATION OF THE SKY POINT DRIVE EAST, WEST AND NORTH RIGHTS OF WAY IS CONSISTENT WITH THE GENERAL PLAN CIRCULATION ELEMENT, AND RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE PARCEL MAP 30745, FOR A 31.12 ACRE SITE LOCATED AT 5601 RAMON ROAD EAST, ON APN # 680-170-025, 680-170-026, 680-170-027, 680-170-028, 680-170-029, 680-170-030, 680-170-031, 680-170-032, 680-170-048 AND 680-170-050, ZONE W.M-11.L., SECTION 20.

RECOMMENDATION:

The Planning Commission recommend that the City Council:

- Adopt the Statement of Facts and Findings, Statement of Overriding Considerations, Mitigation Monitoring Program and Certify the Final Environmental Impact Report; and
- Approve Tentative Tract Map 30745, subject to conditions contained in the attached resolution.

That the Planning Commission:

- Find that vacation of the right-of-way of Sky Point Drive East, West and North is consistent with the Circulation Element of the General Plan; and
- Approve the Conditional Use Permit for an automobile service station, various drive-through uses, and related architectural approvals, which are final with the Conditional Use Permit, subject to conditions contained in the attached resolution. Recommendations on the sign program and parking lot lighting will be presented at the meeting.

BACKGROUND:

The project is an application by Destination Ramon, LLC, for a 277,000 square foot retail shopping center. The principal is Stan Rothbart. The project includes a 225,000 square foot retail store, an associated free-standing gas station with 900 square foot office and convenience mart, and four additional retail commercial pads totaling up to 51,000 square feet. The proposed project also includes:

- A tentative parcel map (TPM 30745) for the subdivision of approximately 31.12 acres into 7 parcels, ranging in size from 22.02 acres to 0.92 acres;

- Architectural , site plan, landscape and sign program review and approval;
- A General Plan consistency finding that the vacation of the right-of-way of Sky Point Drive East, West and North, is consistent with Circulation Element of the General Plan;
- Approval of free-standing light fixtures in excess of eighteen (18) feet to thirty (30) feet in height;
- Sign program and relief from the certain provisions of the sign ordinance; and
- A conditional use permit which addresses drive through operations for various out-pad uses proposed within the project site, and an automobile service station, to include eight (8) pumps, (16 fueling positions) and a 900 square foot kiosk.

Destination Ramon Development, LLC. has entered into an agreement with American Realty Trust to purchase the lease-hold interest. American Realty Trust currently has a lease agreement for the 31.12 acre site with the current property owner, a member of the Agua Caliente Band of Cahuilla Indians. The BIA has approved the lease agreement in form and content. The BIA will not approve the lease until the project has been entitled and the transfer is ready. The Destination Ramon site is generally bounded by Ramon Road, San Luis Rey Drive, Sunny Dunes Road and Crossley Road.

The Conditional Use Permit and related architectural approval application consists of a building footprint of 225,011 square feet, with a general retail store, a grocery store and an automobile repair shop. The project also includes an outdoor garden area of 22,775 square feet. Six additional pad include buildings ranging in size from 900 square feet to 15, 570 square feet, for a total of 277,00 square feet of building area on the 31.12 acre site. The proposal includes 1,434 parking spaces on-site (1,239 are required), with a total of five vehicular ingress/egress points to serve the facility. Two additional driveways provide access for loading. The building is oriented toward the southern end of the property, to allow for easier access to the parking areas from Ramon Road, Crossley Road, and San Luis Rey Drive and to lessen the apparent bulk and height of the building from this scenic vehicular corridor. The majority of the building will be constructed at a height of approximately 22-28 feet above finished grade, with the architectural element over the main entrances reaching approximately 42 feet at the highest point. Truck wells and outdoor staging areas are located behind the building, screened from Ramon Road by the building and from other areas by eight foot tall decorative screen walls that are integrated with the architecture of the building. The Conditional Use Permit and related architecture approval is final with the Planning Commission. The vacation of Sky Point Drive rights of way and the Tentative Parcel Map must be approved by the City Council

As part of this project, Rothbart Development has also submitted an application for a Tentative Parcel Map to initiate the development of the project on the south side of Ramon Road, between Crossley Road and San Luis Rey Drive. The proposed subdivision is intended to create seven parcels, ranging in size from a 1.09 acre parcel to a 22.03 acre parcel, on 31.12 acres. On the south east corner of the project site is a 3.7 acre parcel, identified on the Parcel Map as #8, which was previously approved for use as a mini-storage facility. Lot #7 will provide for on-site retention of storm flows.

The site is currently void of any structures and consists of compacted dirt and native scrub vegetation, and street improvements (Sky Point Drive) and utility improvements. These improvements were installed as part of an auto dealership project which did not proceed. The entire site has been previously graded. The site slopes minimally from northwest to southeast. Curb, gutter and sidewalk exists along Ramon Road and Crossley Road and curb and gutter exist along San Luis Rey Drive and Sunny Dunes Road. The Ramon Road/Crossley Road and Ramon Road/San Luis Rey Drive intersections currently have traffic signals located within the public rights-of-way adjacent to the site.

#### GENERAL PLAN ANALYSIS:

The site of the proposed project is designated IND (Business/Industrial) per the City of Palm Springs General Plan Land Use Map. The objective of the Business/Industrial General Plan Designation is to allow business and industrial development as an essential companion of population growth, through the development of planned business/industrial districts, small to medium-sized industries and corporate centers. One of the objectives of the Business/Industrial District is to promote the development of support service industries for commercial and hotel uses, which the proposed use clearly addresses. According to the applicant, the project is anticipated to add approximately 442 new jobs to the employment base for the City. Therefore, based upon a review of the General Plan, the proposed Tentative Parcel Map does not conflict with any goals, objectives or policies pertaining to Business/Industrial land uses in the City's General Plan.

#### ZONING ANALYSIS:

The proposed Tentative Parcel Map is contemplated on property zoned M-1 per the City of Palm Springs Zoning Ordinance. The purpose of the M-1 zone is to provide for the development of service industries for commercial and hotel uses and for industrial uses which include fabrication, manufacturing, assembly, or processing of materials that are in already processed for and which do not in their maintenance, assembly, manufacture, or plant operation create smoke, gas, odor, dust, sound, vibration, soot, glare, or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other zone. In addition, the site has adequate vehicular access and is located in a manner which would not create a land use transition impact to adjacent properties or uses.

Pursuant to Section 92.17.03 of the Zoning Ordinance, the M-1 zone required 25' front setbacks, 20' side and rear setbacks. Minimum setbacks to buildings are proposed at 35' on Ramon Road, 21.2' on San Luis Rey, 48' on Crossley and 20' to the edge of the loading docks on Sunny Dunes Road. Staff recommends that all buildings have a 25' minimum setback adjacent to streets, with the exception of the loading docks. The maximum building height ranges between 22'8" and 32'8". Architectural elements of the building measure up to 41'8", and comply with provisions of the code requiring a one foot setback to one foot of rise for portions of buildings over 30' in height and high-rise ordinance (Section 93.04.00) provisions which require 1.5 of setback for each foot of vertical rise. The architectural elements in excess of 30 feet in height are set back 720 feet from the front setback on Ramon Road. All portions of the buildings in excess of 30 feet in height are set back a minimum of 30 feet from the property lines.

As for the balance of the property within the boundaries of the Tentative Map area, the future uses and design considerations will be governed by the Business/Industrial General Plan provisions and the development standards of the M-1 zone. The subject site is surrounded by lands zoned for commercial, industrial and multi-family land use. Potential future uses include office, retail and/or light industrial development, all of which can be integrated easily for a compatible land use transition between future uses and the home improvement center.

## SITE ISSUES

Key site issues include outdoor storage through the use of an on-site cargo container storage area located in the south west corner of the site. Containers also eight (8') feet in height. This area will be adequately walled and screened by a combination decorative eight (8') foot block wall, gates and iron fencing and landscaped to minimum off-site visibility.

## LIGHTING

The applicant has requested consideration of an increase in the height of the parking lot light fixtures from eighteen (18') to thirty (30') feet in height. The project is designed with metal halide lights, with eighteen foot tall fixtures located in the parking areas adjacent to Ramon Road and thirty foot lights located behind the primary driveway in the middle of the project. The applicant contends that the increased light fixture height will reduce the overall number of fixtures required and provide for a more even lighting of the site. Staff is concerned that increasing the fixture height will create additional glare in the area and detract from the night skies. The Planning Commission is authorized to allow freestanding lights up to the forty (40) foot (Section 93.21.00). Building mounted lights may be mounted no higher than eighteen (18) feet and must be a full cutoff. Lighting may not be mounted above the roof-line. High pressure sodium lighting is required by code. Staff recommends approving a lighting plan, which complies with and all ordinance requirements and General Plan, which states that the community finds it desirable to keep ambient lighting as low as possible to enhance the City's character. During review of the Lowe's project located immediately to the west of the subject property, a similar request was made. The Planning Commission limited lighting height to 18' on the Lowe's project. The options to be discussed with the Design Review Board include 18' maximum height, 18' around the perimeter within 150' feet of the property lines, with 30' lighting on the interior of the large parking area, and the applicants proposal. The subject property is significantly larger than the Lowe's site. Based upon community values, the Design Review Committee will make a recommendation on the lighting program.

Staff also recommends the use of decorative bollard lighting adjacent to the perimeter sidewalk, and driveways, along all four street frontages, to enhance pedestrian safety.

## SIGN PROGRAM

The tables below summarizes the proposed sign program.

### Walmart, Major "1" Building

Sign and page of program	Type	Text	Area	Permitted by Code
A (Page 9)	Wall mounted	Walmart	389	Yes. Max 125
B (Page 9)	Wall mounted	Always (2)	2@145=291	Yes. Max 3
C (Page 9)	Wall mounted	Retail	87	Yes. Allowed for grocery stores.
D (Page 9)	Wall mounted	Retail	50	Yes. *

E (Page 9)	Wall mounted	Retail	11	Yes. *
F (Page 9)	Wall mounted	Retail	6	Yes. *
G (Page 9)	Wall mounted	Retail	5	Yes. *
H (Page 9)	Wall mounted	Retail	10	Yes. *
I (Page 9)	Wall mounted	Retail	68	Yes. *
J (Page 9)	Wall mounted	Retail	44	Yes. *
K (Page 9)	Wall mounted	Retail	16	Yes. *
L (Page 9)	Wall mounted	Retail	14	Yes. *
M (Page 9)	Wall mounted	Retail	10	Yes. *
N (Page 9)	Wall mounted	Retail	95	Yes. *
O (Page 10)	Wall mounted	Retail	2 @ 3= 6	Yes. *
P (Page 10)	Wall mounted	Retail	8	Yes. *
Q (Page 10)	Wall mounted	Retail	92	Yes. *
R (Page 11)	Wall mounted	Retail	2@ 3 = 6	Yes. *
S (Page 11)	Wall mounted	Retail	8	Yes. *

\* Yes, allowed for grocery stores, but number of signs seem excessive.

#### Fueling Station and Tenant Signs

Sign and page of program	Type	Text	Area	Permitted by Code
Fuel "A" (Page 12)	Mounted on Canopy	Fueling Station signage two proposed	48 sq.ft. (96 sq.ft.)	Yes, max 10 sq.ft. affixed to building
Fuel "B" (Page 12)	Mounted on Canopy	Gas Pricing sign	27 sq.ft. (54 sq.ft.)	No
Fuel "C" (Page 12)	Gas kiosk	Gas brand	18 sq.ft.	No

Tenant/ Pad Buildings (Page 13)	---	Proposed at 2 square foot per lineal foot of building frontage, with signs on all four building elevations	n.a.	Yes. Max 50 square feet per code. One (1) square foot per linear foot of building frontage.
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### Monument Signs

Sign and page of program	Type	Text	Area	Permitted by Code
A1, A2, A3 (Page 14)	Monument	Destination Ramon, Major, two tenants	235 sq.ft.	Yes. Max 50 sq.ft., Max eight (8) feet in height, Major, tenant identification.
B1, B2, B3, B4 (Page 15)	Monument	Destination Ramon, pad tenant	130 sq.ft.	No. Replicates building signage
C (Page 16)	Monument	Fuel logo and prices	144 sq.ft.	Yes, max 36 sq.ft., per side, max eight feet in height

From a strict code perspective, the following signs are permitted by right of zone:

- Three monument signs, A-2, A-3, listing "Walmart" only, (max. of 50 square feet), additional tenants are permitted space on the monument sign if they exceed 20,000 square feet. None of the proposed tenants meet this criteria. On recent projects, the Planning Commission has allowed tenants to be listed on a monument sign when tenants do not meet the 20,000 sq.ft. criteria;
- One fuel monument sign, (36 sq ft.);
- One fuel canopy sign (10 sq.ft.);
- Two "Walmart" signs over entries (north elevation), a maximum of 125 square feet (250), maximum height of 28 feet; and
- One Auto service signs (25 sq.ft.).

The applicant has submitted an attractive, well-designed sign program, which is architecturally integrated with the overall design theme of the project. At the neighboring Lowe's project, the Planning Commission required the use of halo illumination signs on the building. On Sunrise Ralph's, the applicant was allowed both face and halo illuminated signs. The Design Review Committee will review the overall sign program for conformity with community values, project size and scale and make a recommendation to the Planning Commission on the sign program, regarding allowable sign area and height for monument signs, the formula for pad/tenant signs, and

major tenant building signs

The Planning Commission has allowed property owners to designate "key" tenants on monuments with flexibility on size criteria. Staff supports the listing of up to two tenants on the monument signs as a reasonable request.

#### PARKING LOT ACTIVITIES

Walmart is recognized as a retailer that conducts special events in the parking lot. These events can include tree sales, flower sales, car washes and other special events. Staff recommends regulation of these special events through the land use permit process, and allowing for four events annually. Since used car sales are not permitted unless in conjunction with new car sales, staff recommends prohibition of used car sales.

#### PROPERTY DEVELOPMENT ANALYSIS:

1. Tentative Parcel Map: The application includes a request to subdivide the 31.12 acre site into seven parcels for the development of the Destination Ramon project. In reviewing the development standards for the M-1 zone, each lot shall have a minimum lot size of 20,000 square feet, except lots that front on major thoroughfares, which shall have a minimum lot size of 40,000 square feet and minimum lot width and depth dimensions of 200 feet. Parcels 4 and 5, which are located directly on Ramon Road, do not meet the minimum lot depth and dimensional criteria of M-1 zone. Both lots do meet the minimum size requirements. Because the entry driveway is curved and has been designed to moderate traffic speeds and evenly distribute traffic throughout the project, these two parcels do meet the minimum 200' required depth. Both lots do comply with minimum width and area requirements. However, lot sizes can vary from these standards through the approval of a Master Plan. The preliminary site plan indicates that buildings and parking are proposed on Parcels 4 and 5 in addition street side landscape and wall improvements are proposed on these parcels. Since these parcels are shown as an integrated part of the on-site improvements for the Destination Ramon project, the proposed site plan qualifies as a Master Plan and the minimum lot size and dimension standards can be waived in this situation. When specific buildings are proposed on Parcels 4 and 5, their development will be subject to consideration of the Planning Commission and, if required by the Zoning Ordinance, the City Council.

In conclusion, the proposed subdivision will not create any substandard development conditions as it relates to the development of the home improvement center and will still allow for the future development of the remainder parcel in an orderly and efficient manner. Vehicular and pedestrian access will not be limited by the subdivision of the land in the manner proposed by the Tentative Parcel Map.

#### ZONING / LAND USES:

North: Planned Community Commercial, and Medium Density Residential(Cathedral City zone)/ Subway restaurant, multi family residential, retail and industrial uses

South: M-1 zone/ Vacant Land

East: M-1 zone/ Vacant Land

West: M-1 zone/ Lowe's and vacant land

# **Attachment 8**



RESOLUTION NO.

EXHIBIT A

CASE NO. 5.0957-CUP

DESTINATION RAMON, LLC.

5601 RAMON ROAD

APRIL 28, 2004

**LEGISLATIVE DRAFT 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 and Zoning, 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.

**PROJECT SPECIFIC CONDITIONS**

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 5.0957-CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgement 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, 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. The project is located in an area defined as having an impact on fish and wildlife as defined in Section 711.4 of the Fish and Game Code and an Environmental Impact Report is being prepared on the project; therefore a fee of \$914.00 plus an administrative fee of \$50.00 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to Council action on the project. This fee shall be submitted by the City to the County Clerk and State Clearinghouse with the Notice of Determination.
5. Prior to issuance of a building permit, Fringe Toed Lizard Mitigation fees shall be paid to the Coachella Valley Association of Governments (CVAG).
6. 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 feeing 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. Any on-site public art shall reflect the culture and traditions of the Agua Caliente Band of Cahuilla Indians.
7. As the property is Indian trust land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council shall be paid prior to consideration of this project by the Indian Planning Commission.

#### CEQA

8. The Mitigation measures are contained in the Mitigation Monitoring Program, which is hereby incorporated by reference, and are adopted as conditions of approval by City Council Resolution No (20902).

#### CC&R's

9. The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning and Zoning for approval in a form to be approved by the City Attorney, ~~to be recorded prior to approval of a~~ **with recordation of the** final map. Provisions pertaining to maintenance in 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 **by one maintenance entity.**

10. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$2,500, for the review of the CC&R's by the City Attorney. A \$250 filing fee shall also be paid to the City Planning Department for administrative review purposes.

#### Additional Permits

11. A Land Use Permit is required for all outdoor special events. A maximum of six special events, lasting two weeks in duration, and may be held per year. Additionally, special events for Halloween and Christmas, and other events as may be permitted for extended time periods, per approval by the City. These include, but not limited to tree sales, car washed, plant sales, furniture sales, and other unspecified outdoor events on site, shall be submitted for review and approval by the Director of Planning and Zoning, prior to issuance of a certificate of occupancy. Any outdoor future food use associated with the major tenant shall be subject to consideration of a land use permit. See Condition # 35 for prohibited uses.
12. The applicant/developer/property owner shall be required to design and construct a custom bus shelter, which is consistent with the project architecture. The bus shelter design shall comply with Sunline Transit bus shelter design criteria and shall be submitted to Sunline Transit for review and comment prior to City review and approval. The property owner shall maintain the bus shelter for the life of the project, unless a separate maintenance agreement between the property owner and Sunline Transit is entered into.

#### Cultural Resources

13. To ensure that any cultural information is current, the Agua Caliente TPHO requires that an archeologist qualifies according to the Secretary of the Interior's standards and Guidelines will perform a record search and a Phase 1 Field survey of the area prior to initiation of construction. If the area has been previously surveyed and the survey report is up to date (January 2000), then no additional survey is required. The record search should include contacting the Eastern Information Center at the University of California, Riverside and the Agua Caliente Register in Palm Springs, California. 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.
14. Given that portions of the project area are within an alluvial formation, the possibility of buried resources is increased. A Native American Monitor shall be present during all ground-disturbing activities.

- a). Experience has shown that there is always a possibility of buried cultural resources in a project area. Given that, 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 and Zoning and after the consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to investigate and, 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 and Zoning Department prior to issuance of a certificate of occupancy.

#### Final Design

- 15. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning and Zoning prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal.
- 16. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor April 23, 2004 Lighting Standards, shall be submitted for review and approval by the Director of Planning & Zoning 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.
- 17. Project shall have minimum 25' setbacks to all streets, with the exception of the loading docks.
- 18. Design Review recommendations or other conditions related to final project design/construction.
  - A. Large pieces of stone shall be incorporated into the leger stone.
  - B. The horizontal element of the main structure shall be incorporated into the gas station canopy to streamline its visual appearance.
  - C. Shopping cart storage shall be indoors, or fully screened if located outside of the building. Shopping cart storage areas in parking areas shall match shopping cart storage as constructed at Lowe's or equivalent design.

D. The outside rear column shall pierce the horizontal plan at the entry.

## Lighting

19. Light bollards, spaced at a minimum of fifty (50) feet on center shall be required along all perimeter sidewalks, in order to provide for adequate pedestrian night lighting.
20. The parking lot lighting program shall be designed according to Section 93.21.00 (Outdoor lighting standards). All lighting shall be
  - a. Architecturally integrated with the character of the associated structures, site design and landscape;
  - b. Directed downward and shielded, or specifically directed to walls, landscape elements or other similar features, so that light is confined within the boundaries of the subject parcel;
  - c. Installed so that lights do not blink, flash or be of unusually high intensity or brightness. All light fixtures shall have flat lenses.;
  - d. Installed in conformance with the provisions of this section, the building code, the electrical code, and under appropriate permit and site inspection.
  - e. **Parking Area Illumination Levels.** The minimum maintained illumination requirement is one-half (.5) footcandles in the general parking areas. "General parking areas" are defined as being eighty (80) percent of a parking lot excluding entrances or traffic lanes directly in front of store entrances for commercial zones. The maximum to minimum footcandle ratios shall not exceed 16:1, with a maximum of eight (8) footcandles and an average not to exceed three (3) footcandles, in general parking areas. Lighting plans should be designed so that higher traffic areas have sufficient lighting. Vertical lamps shall be utilized for lights on poles. Wall mounted lights may utilize horizontal lamps, provided they are fully shielded. Lenses shall not protrude below the lamp screening material, that is sag lenses are not permissible.
  - f. **That the Planning Commission approve the preliminary, lighting program, subject to review of a final parking lot lighting plan and photometric study, which includes photometric studies of the entire parking lot, with fixtures at 18' in height in areas adjacent to street frontages, and up to 25' in height in the interior of the parking lot, with specific wattage to approved as part of final plan check.**

## Screening of Parking Area and Drive-Through Facilities

21. The entire parking lot and all drive-through facilities must adequately screened by 4'-0" tall decorative walls, berms, landscaping or a combination thereof. These walls should include decorative block, cap and pilasters and berms architecturally integrated with the major tenant building. In addition, this screening must include and landscaping, including trees and shrubs.

## Signage

22. The following sign program shall be deemed approved:
- a. Three monument signs, with three tenants to be approved by the developer, are approved, 12' in height on Ramon Road, 8' in height along Crossley Road and San Luis Rey. ~~The third horizontal bar is to be deleted from the monument signs.~~ Individual monument signs for the pad buildings are not permitted. Vacu-form letters are not permitted.
  - b. The entire WalMart building sign program, signs A-R, is approved.
  - c. Corner buildings shall be allowed a maximum of 1.5 square feet of signage per linear frontage, up to 75% of the fascia.
  - d. Multi-tenant and fast food signage is permitted per Section 93.20.00 of the Sign Ordinance, at a rate of one **and half (1.5)** ~~(1.0)~~ square foot of signage per one (1) linear foot of frontage, with a maximum of 50 square feet.
  - e. A single tenant building shall be permitted signs at a rate of 1.5 square feet per foot of frontage, up to a maximum of 75% of the fascia.
  - f. The gas station monument sign **face** shall be a maximum of thirty-six (36) square feet.
  - g. No roof top or roof mounted signs shall be permitted.
23. Separate permits shall be required for all signs. A revised final detailed sign program shall be submitted for review and approval by the Director of Planning and Zoning prior to issuance of building permits. Architectural approval applications for all free-standing buildings shall include a sign program.

## Biological

24. The applicant shall ensure that all Burrowing Owls must be surveyed for in suitable habitat no later than 30 days prior to ground disturbance. If burrowing owls are detected during the nesting period (February 1 - August 31), the following must occur:
- a. A 75 meter buffer zone around active nests must occur; and
  - b. Relocation of birds if no eggs/incubation occurring.
25. If relocation is to occur, every effort shall be made to relocate owls using a passive method of one way traps and to comply with the requirements of the Tribal Habitat Conservation Plan.

## Landscape

26. Landscaping shall include a mixture of 24" and 36" box size trees, or greater. All trees shall be allowed to grow to full form and height and shall not be topped or excessively trimmed.
27. The retention basin shall be fully landscaped, including trees, shrubs and ground cover.

#### General Operations

28. Merchandise shall not be stored or displayed outdoors, unless permitted through the Land Use Permit Process.
29. Outdoor storage in the garden area shall not exceed the height of the perimeter screen fence/walls of this area.
30. Outdoor storage in the cargo container storage area, must be stored entirely within the cargo containers, and shall not exceed the height of the perimeter screen fence/walls of this area. Container storage outside of the designated area is prohibited.
31. The shipping container storage area shall be walled, screened and heavily landscaped along both perimeter streets. No cargo or other shipping containers shall be allowed to be parked or stored in any other locations on site.
32. On-site camping, car camping and RV camping and the sales of used cars on site are prohibited.

#### GENERAL CONDITIONS/CODE REQUIREMENTS

33. The Conditional Use Permit approval shall be valid for a period of three (3) years. Once constructed, the conditional use permit, provide all conditions of approval have been complied with, does not have a time limit. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
34. The appeal period for a Conditional Use Permit application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.
35. Prior to issuance of a building permit, the applicant must provide a standard avigation easement and non-suit covenant in a form prescribed and approved by the City Attorney, with reference to present and future owners of the parcel. The avigation and non-suit covenant shall be recorded against all parcels.
36. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning and Zoning for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
37. 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.
38. 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.

39. All materials on the flat portions of the roof shall be cream tone in color.
40. All roof mounted mechanical equipment shall be screened from all adjacent at grade vantage points both existing and future per Section 9303.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(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. Parapet walls shall be at least 6" above the tallest piece of roof mounted equipment for the purpose of screening. Cross sections of the parapet walls and manufacturers cut sheets for each piece of roof mounted mechanical equipment shall be required prior to issuance of building permits.
41. 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.
42. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 9302.00.D.
43. 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.
44. The street address numbering/lettering shall not exceed eight inches in height.
45. Submit plans meeting City standard for approval on the proposed trash and recyclable materials enclosure prior to issuance of a building permit.
46. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
47. No outside storage of any kind shall be permitted except the container storage area approved as a part of the proposed plan.
48. The project shall comply with the City of Palm Springs Transportation Demand Management (TDM) Ordinance which establishes transportation demand management requirements for the City of Palm Springs. Refer to Chapter 8.4 of the Municipal Code for specific requirements. This must be submitted for approval sixty a minimum of (60) days prior to issuance of the certificate of occupancy and must be approved prior to opening.
49. 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.
50. The applicant shall provide all tenants with Conditions of Approval of this project.
51. Loading space facilities shall be provided in accordance with Section 9307.00 of the Zoning Ordinance. Said facilities shall be indicated on the site plan and approved prior to issuance of building permits. Eight foot decorative screen walls are permitted along Sunny Dunes



Road, at the loading docks.

52. Standard parking spaces shall be 17 feet deep by 9 feet wide at a minimum; 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".
53. 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.
54. Compact and handicapped spaces shall be appropriately marked per Section 93.06.00.C.10.
55. 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.
56. Deleted.
57. 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.
58. Shading requirements for parking lot areas as set forth in Section 9306.00 of the Zoning Ordinance shall be met. Details to be provided with final landscape plan. A minimum 50% of the parking area must be shaded, as provided by code.
59. Parking stalls shall be delineated with a 4 to 6 inch double stripe - hairpin or elongated "U" design. Individual wheel stops shall be prohibited.
60. 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.
61. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.

#### POLICE DEPARTMENT

62. Developer shall comply with Section II of Chapter 8.04 of the Palm Springs Municipal Code.

#### BUILDING DEPARTMENT

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

## ENGINEERING

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

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

## STREETS

64. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
65. Any improvements within Cathedral City require issuance of an encroachment permit and/or other approvals from the City of Cathedral City.
66. Submit street improvement plans prepared by a Registered Civil Engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any grading or building permits.
67. Abandonment of existing public rights-of-way and easements are required to facilitate the proposed development application. Abandonment of public right-of-way for Sky Point Drive North, Sky Point Drive West and Sky Point Drive East (shown as Lots D and E on Tract Map No. 19544) and a 50 feet wide landscape easement (shown as Lots A and B on Tract Map No. 19544) will be necessary. The developer shall be responsible for coordinating approval of the abandonment of the public rights-of-way with all public utility agencies. Developer shall coordinate final relocation, adjustment or abandonment of all utilities with the respective utility agencies; and shall coordinate demolition of all existing improvements, reconstruction of affected intersecting streets, as appropriate, with the Engineering Division.

## RAMON ROAD

68. Dedicate an easement for sidewalk and bicycle path purposes along the entire Ramon Road frontage as required for those portions of the meandering sidewalk and bicycle path that encroach onto private property.
69. Dedicate additional right-of-way concentric with the back of sidewalk along the bus turn-out to be located at the southeast corner of the intersection of Ramon Road and San Luis Rey Drive.
70. Construct a 160-foot long by 12-foot wide bus turn out at the southeast corner of the intersection of Ramon Road and San Luis Rey Drive. The configuration shall be approved by the City Engineer in coordination with SunLine Transit Agency. Contact SunLine Transit Agency for details regarding bus stop furniture and bus shelter requirements. A bus stop shelter and required furniture, lighting, and other improvements required by SunLine Transit Agency shall be constructed.

71. Construct a 72 feet wide (or narrowed, as required by the City Engineer) driveway approach (Main Entrance) in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach (Main Entrance) shall be located approximately 630 feet west of the centerline of Crossley Road as shown on the approved site plan. Access shall be limited to right-turn in, right-turn out, and left-turn in only; left-turn egress shall be prohibited. The egress lane shall be narrowed to allow for one right-turn lane only.
72. The proposed site plan indicates a new meandering sidewalk along the Ramon Road frontage. If a new meandering sidewalk and bicycle path are proposed, the existing sidewalk and bicycle path shall be removed and a new 12 feet wide Class I meandering combination sidewalk and bicycle path (Caltrans Design Manual, Chapter 1000 - Bikeway Planning and Design) shall be constructed along the entire frontage as proposed on the site plan. 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.

OR

at the developer's option, the existing 5 feet wide sidewalk shall be protected in place, and construct a separate 8 feet wide Class I meandering bicycle path (Caltrans Design Manual, Chapter 1000 - Bikeway Planning and design) shall be constructed along the Ramon Road 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. The concrete shall receive a broom finish.

73. Construct Type C curb ramps at the driveway approach (Main Entrance) meeting current California State Accessibility standards in accordance with City of Palm Springs Standard Drawing No. 214.
74. The existing curb and gutter shall remain in place except for a curb cut necessary for the proposed driveway approach and as necessary for construction of the required bus turn-out.
75. Construct a 14-foot wide raised, landscaped median island as specified by the City Engineer from San Luis Rey Drive to Crossley Road. Median landscaping shall be designed consistent with median landscaping within the existing Ramon Road medians, subject to the approval of the Director of Planning and Zoning. The median nose width shall be constructed 4 feet wide and have cobblestone paving. The left turn pockets shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual, in coordination with requirements included in the Destination Ramon Project Traffic Impact Study prepared by Endo Engineering, dated August 2003 (as amended), and as approved by the City Engineer. Design and construction of the landscaped median island shall be coordinated with the City of Cathedral City, as required.
76. All broken or off grade street improvements shall be repaired or replaced.

## CROSSLEY ROAD

77. Dedicate an easement for sidewalk and bicycle path purposes along the entire Crossley Road frontage as required for those portions of the meandering sidewalk and bicycle path that encroach onto private property.
78. Protect the existing sidewalk in place and construct a separate 8 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. The concrete shall receive a broom finish.

OR

at the developer's option, if a new meandering combination sidewalk and bicycle path is proposed, the existing sidewalk shall be removed and a new 12 feet wide Class I meandering combination sidewalk and bicycle path (Caltrans Design Manual, Chapter 1000 - Bikeway Planning and Design) shall be constructed 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. The concrete shall receive a broom finish.

79. Construct a 40 feet wide driveway approach (South Entrance) in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 765 feet south of the centerline of Ramon Road as shown on the approved site plan. The driveway approach shall provide one ingress lane, and two egress lanes, as required by the Traffic Impact Study.
80. Construct a 36 feet wide driveway approach (North Entrance) in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway shall be located approximately 365 feet south of the centerline of Ramon Road as shown on the approved site plan. The driveway approach shall provide one ingress lane, and two egress lanes, as required by the Traffic Impact Study.
81. Construct Type C curb ramps meeting current California State Accessibility standards either side of each driveway approach in accordance with City of Palm Springs Standard Drawing No. 214.
82. The existing curb and gutter shall remain in place except for curb cuts necessary for driveway approaches.
83. Remove the existing traffic striping improvements and install new traffic striping improvements to provide two (2) through traffic lanes each direction and a 12 feet wide painted center two-way left-turn lane from Ramon Road to Sunny Dunes Road. Provide appropriate traffic striping and signage along the entire Crossley Road frontage, as required by the City Engineer.
84. All broken or off grade street improvements shall be repaired or replaced.

## SUNNY DUNES ROAD

85. Construct a 60 feet wide driveway approach (West Entrance) in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 425 feet east of the centerline of San Luis Rey Drive as shown on the approved site plan.
86. Construct a 60 feet wide driveway approach (Central Entrance) in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 660 feet east of the centerline of San Luis Rey Drive as shown on the approved site plan.
87. Deleted.
88. Construct Type C curb ramps meeting current California State Accessibility standards either side of each driveway approach in accordance with City of Palm Springs Standard Drawing No. 214.
89. The existing sidewalk, curb and gutter shall remain in place except for curb cuts necessary for the commercial driveway approaches.
90. All broken or off grade street improvements shall be repaired or replaced.

## SAN LUIS REY DRIVE

91. Construct a 36 feet wide driveway approach (South Entrance) in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located a minimum of 150 feet north of the centerline of Camino Parocela. The driveway approach shall provide one ingress lane, and two egress lanes, as required by the Traffic Impact Study.
92. Construct a 36 feet wide driveway approach (North Entrance) in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway shall align with the existing commercial driveway on the west side of San Luis Rey Drive, located approximately 345 feet south of the centerline of Ramon Road. The driveway approach shall provide one ingress lane, and two egress lanes, as required by the Traffic Impact Study.
93. Construct Type C curb ramps meeting current California State Accessibility standards at either side of each driveway approach in accordance with City of Palm Springs Standard Drawing No. 214.
94. Remove the existing traffic striping improvements and install new traffic striping improvements to provide one (1) through traffic lane each direction and a 12 feet wide painted center two-way left-turn lane as specified by the City Engineer from Ramon Road to Camino Parocela. Provide appropriate traffic striping and signage along the entire San Luis Rey Drive frontage, as required by the City Engineer.
95. The existing sidewalk, curb and gutter shall remain in place except for curb cuts necessary for proposed driveway approaches.

96. All broken or off grade street improvements shall be repaired or replaced.

#### SKY POINT DRIVE (NORTH, EAST, AND WEST)

97. Remove all abandoned street improvements, underlying utilities, and other improvements in accordance with requirements of the affected utility companies and the City Engineer. Removals shall occur upon approval of a Parcel Map of the subject property, formally vacating and abandoning the existing public rights-of-way.

#### SANITARY SEWER

98. All sanitary facilities shall be connected to the public sewer system. Laterals shall not be connected at manholes.

#### GRADING

99. Submit a Precise Grading Plan prepared by a California registered Civil Engineer or qualified Architect to the Engineering Division for review and approval. A PM 10 (dust control) Plan shall be submitted to and approved by the Building Department prior to approval of the Precise Grading plan. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of any grading or building permits.

Minimum submittal includes the following:

- A. Copy of signed Conditions of Approval from Planning Department.
  - B. Copy of Site Plan stamped approved and signed by the Planning Department.
  - C. Copy of current Title Report
  - D. Copy of Soils Report
  - E. Copy of Hydrology Study/Report
100. Drainage swales 3 feet wide and 6 inches deep shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
101. A National Pollutant Discharge Elimination System (NPDES) stormwater permit, issued from the California Regional Water Quality Control Board (Phone No. 760-346-7491) is required for the proposed development. A copy of the executed permit shall be provided to the City Engineer prior to approval of a Grading Plan.
102. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), a cash bond of two thousand dollars (\$2,000.00) per acre shall be posted with the City for mitigation measures of erosion/blowsand relating to his property and development.

103. A soils report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the soils report shall be submitted to the Building Department and to the Engineering Division prior to approval of the Grading Plan.
104. Contact the Building Department to get information regarding the preparation of the PM10 (dust control) plan requirements.
105. 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. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### DRAINAGE

106. All stormwater runoff passing through and falling onto the site shall be accepted and conveyed to an on-site retention/detention basin approved by the City Engineer as proposed in the Conceptual Hydrology Report for Destination Ramon Tentative Parcel Map No. 30745 prepared by Development Resource Consultants. Final detention/retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of a final 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.
107. An easement shall be reserved, granted or otherwise dedicated over the property as necessary to provide a retention basin as required by a final hydrology study approved by the City Engineer. The property, identified as Parcel 7 on the Tentative Parcel Map, shall be limited to flood control purposes only, and shall not be allowed for building or development purposes.
108. 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 street through parkway or under sidewalk drains.
109. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

## ON-SITE

110. The minimum pavement section for all general access and parking areas shall be 2½ inch asphalt concrete pavement over 4-inch aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, or as required in the geotechnical study. For heavy commercial traffic access and delivery truck loading areas, the minimum pavement section shall be determined by a Soils Study prepared for this project. 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.

## 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.
112. All proposed utility lines shall be installed underground.
113. All existing utilities shall be shown on the grading/street plans. The existing and proposed service laterals shall be shown from the main line to the property line.
114. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
115. Nothing shall be constructed or planted in the corner cut-off area of any 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.
116. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Standard Drawing No. 904.

## TRAFFIC

117. Based on the Destination Ramon Project Traffic Impact Study prepared by Endo Engineering, dated August 2003 (as amended or updated), the following mitigation measures shall be required prior to issuance of a building permit:
  - A. Payment in the amount of \$2,677.30 (6.53% of \$41,000 estimated cost) shall be made to the City for the developer's fair share to install traffic striping and traffic signal modification improvements to provide an additional southbound left-turn lane at the intersection of Ramon Road and Farrell Drive.



- B. Payment in the amount of \$6,813.90 (20.34% of \$33,500 estimated cost) shall be made to the City for the developer's fair share to install traffic striping and traffic signal modification improvements to provide an additional northbound left-turn lane, southbound left-turn lane, and split-phasing of the traffic signal at the intersection of Ramon Road and San Luis Rey Drive.
  - C. Payment in the amount of \$4,944.10 (10.09% of \$49,000 estimated cost) shall be made to the City for the developer's fair share to install traffic striping and traffic signal modification improvements to provide a northbound right-turn lane at the intersection of Ramon Road and Crossley Road.
  - D. Payment in the amount of \$14,244.00 (11.87% of \$120,000 estimated cost) shall be made to the City for the developer's fair share to install a traffic signal at the intersection of Sunny Dunes Road and Crossley Road.
  - E. Payment in the amount of \$22,044.00 (18.37% of \$120,000 estimated cost) shall be made to the City for the developer's fair share to install a traffic signal at the intersection of Mesquite Avenue and San Luis Rey Drive.
  - F. Payment in the amount of \$849.00 (14.15% of \$6,000 estimated cost) shall be made to the City for the developer's fair share to install traffic striping to provide for an additional southbound left-turn lane, southbound through/right-turn lane, and a northbound through/right-turn lane at the intersection of Mesquite Avenue and Crossley Road.
  - G. Payment in the amount of \$32,928.00 (27.44% of \$120,000 estimated cost) shall be made to the City for the developer's fair share to install a traffic signal at the intersection of Crossley Road and the "South Entrance".
  - H. Payment in the amount of \$84,500.30, representing the developer's total fair share cost of future traffic mitigation measures, shall be made to the City prior to issuance of a building permit.
125. A minimum of 48 inches of sidewalk clearance shall be provided around all street furniture, fire hydrants and other above-ground facilities for handicap accessibility. The developer shall provide same through dedication of additional right-of-way and widening of the sidewalk or shall be responsible for the relocation of all existing poles, conduit, pull boxes and appurtenances.
  126. All damaged, destroyed, or modified pavement legends and striping associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
  127. Submit traffic striping plans prepared by a California registered Civil Engineer to the Engineering Division for review and approval. All required traffic striping 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.

128. A 36 inch stop sign (and standard stop bar and legend) shall be installed at all non-signalized driveway locations in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
129. Construction signing, lighting and barricading shall be provided 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, or subsequent additions in force at the time of construction.
130. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of a building permit.

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

APPEAL OF CASE LUP #16-016 FOR TEMPORARY AUTOMOBILE SALES  
AT 5601 EAST RAMON ROAD

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of April 6, 2016. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an appeal by Daniel Dorado regarding the Planning Commission's decision on February 24, 2016, to deny a Land Use Permit for temporary automobile sales over a four-day period in the parking lot of the Wal-Mart store. The subject site is located at 5601 E. Ramon Road, and is zoned M-1.

**ENVIRONMENTAL DETERMINATION:** The issuance of a Land Use Permit is a ministerial action. Pursuant to Section 15268 of the Guidelines for the California Environmental Quality Act, ministerial projects are exempt from the requirements of CEQA.

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

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

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

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

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Flinn Fagg, Director, Planning Services Department at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera (760) 323-8253.

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James Thompson, City Clerk