

RESOLUTION NO.

EXHIBIT A

Case 3.3908 MAJ
Downtown Palm Springs / Block A-1

April 20, 2016

CONDITIONS OF APPROVAL

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

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

PROJECT CONDITIONS

1. This approval is not valid until the effective date of Ordinance 1889.
2. The project, as shown in the approved plans, is consistent with the Downtown Palm Springs Specific Plan (Case 5.1204 SP Amendment-1).
3. The sidewalk design for the project as it relates to hardscape, landscape, lighting and furniture fixtures shall be consistent with the plans conditionally approved by the Planning Commission on November 12, 2015. Should substantial changes be proposed, review and approval by the AAC and Planning Commission is required.
4. Review by the AAC of the detailed landscape plans shall be required prior to the issuance of a building permit.
5. Submission and review by AAC and Planning Commission of a sign program for Block A-1, including any incidental signage for the parking lot.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case No. 3.3948 MAA, except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, including site plan, landscape plan, and

materials and colors on file in the Planning Division, except as modified by the conditions below.

- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 3.3908-MAJ. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of the Minor Architectural Application (MAA) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission

upon demonstration of good cause.

- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being ½% for commercial projects or ¼% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 10. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning or designee for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 2. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. (See condition No. 4 above.)

- PLN 3. Streetscape Treatment. The proposed streetscape (plant materials, hardscape materials, inert groundcover) shall comply with the landscape/hardscape plan approved by the Planning Commission on November 12, 2015. Should substantial changes be proposed, review and approval by the AAC and Planning Commission is required.
- PLN 4. East Buffer Area. The parking lot design shall be revised so that a pedestrian area is provided in between the planters and the parking spaces, consistent with the landscape/hardscape plan approved by the Planning Commission on November 12, 2015.
- PLN 5. Lighting. Per the Conditions of Approval of the landscape/hardscape plan (approved by Planning Commission on November 12, 2015), the applicant shall be required to submit specifications for lighting fixtures to the AAC and Planning Commission for review and approval. A photometric plan shall be submitted for review and approval by the Department of Planning Services prior to the issuance of a building permit; lighting shall comply with the requirements listed in PSZC Section 93.21.00.
- PLN 6. Adjacent Structures. Approval of this application does not include any structures shown adjacent to the Hyatt Hotel building. Any such structures shall comply with the plans approved and conditioned by the AAC in November, 2015.
- PLN 7. Curbing. Continuous concrete curbs shall be installed to serve as wheel stops for cars in accordance with PSZC Section 93.06.00(C)(2)(d).
- PLN 8. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 9. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. The public street improvements outlined in these conditions of approval are intended to convey to the applicant an accurate scope of required improvements, however, the City Engineer reserves the right to require reasonable additional improvements as may be determined in the course of the review and approval of street improvement plans required by these conditions.
- ENG 4. All proposed decorative pavement shall vary from location to location, but shall be the same type as approved by the City Engineer.

BELARDO ROAD

- ENG 5. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-back at the southwest corner of the intersection of Main Street and Belardo Road as required by the City Engineer.
- ENG 6. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match proposed sidewalk) for those portions of sidewalk located outside of the public right-of-way.
- ENG 7. Belardo Road shall have one northbound and one southbound lane, as well as parking on both sides of Belardo Road (except at curb returns) along the Hotel project frontage.
- ENG 8. Construct a 25 foot radius curb return at the southwest corner of the intersection of Belardo Road with Main Street in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

- ENG 9. Construct a Type A curb ramp meeting current California State Accessibility standards at the southwest corners of the intersection of Belardo Road and Main Street, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 10. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, between the edges of proposed gutters on each side of the street along the Belardo Road frontage, in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 11. The intersection of Belardo Road and Main Street, shall be constructed with enhanced or decorative paving (such as decorative pavers).

GRADING

- ENG 12. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.
- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.

b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan or Tentative Parcel Map No. 36446; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Final Water Quality Management Plan

- ENG 13. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 14. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color or be decorative in nature; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 15. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 16. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 17. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.

- ENG 18. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP) for all Blocks of the Downtown Palm Springs project. As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the project applicant shall cause the approved final project-specific Water Quality Management Plan to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 19. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 20. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 21. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 22. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 23. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of

Orange, Riverside, and Los Angeles Counties” (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 24. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).
- ENG 25. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading Plan.
- ENG 26. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-

Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

- ENG 27. Prior to issuance of certificate of occupancy or final City approvals (OR of “final” approval by City), the applicant shall: (a) demonstrate that all structural BMP’s have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP’s included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

- ENG 28. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a single hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.
- ENG 29. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to proposed Main Street, and proposed Belardo Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains. Much of the drainage shall go into the existing public storm drain line in Tahquitz Canyon Way.
- ENG 30. Construct all necessary on-site storm drain improvements, including but not limited to catch basins and storm drain lines, for drainage of site into the on-site underground detention system(s) and other specifications for construction of required on-site storm drainage improvements, as described in a final Hydrology Study for the Downtown Palm Springs project (Tentative Parcel Map No. 36446), reviewed and approved by the City Engineer.

ENG 31. All on-site storm drain systems shall be privately maintained.

ENG 32. The underground stormwater detention system(s) shall be sized to have sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required detention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Maintenance of the underground stormwater detention systems are the sole responsibility of the development owner(s); maintenance and/or replacement of the system(s), will be at the sole expense of the development owner(s). The Final Project-Specific Water Quality Management Plan *Covenant and Agreement* shall reserve the right of the City to inspect and ensure that the underground detention system(s) are operable, and in the event of its failure, shall provide the City the right to advise the owner(s) of the development and require its repair or replacement within 30 days notice, to the satisfaction of the City Engineer.

ENG 33. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit unless developer can provide evidence that fee or a partial fee was paid by the Desert Fashion Plaza in previous years.

GENERAL

ENG 34. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

ENG 35. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled

construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.

- ENG 36. All proposed utility lines shall be installed underground.
- ENG 37. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 38. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 39. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 40. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 41. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

ENG 42. If there are any lights from Lighting District No. 1, existing on Tahquitz Canyon Way along the Tentative Parcel Map (TPM) 36446 frontage, those lights shall be removed in conjunction with this project.

TRAFFIC

ENG 43. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

ENG 44. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 45. Submit traffic striping and signage plans for Main Street and Belardo Road prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.

ENG 46. Install street name signs at all corners of all intersections that are a part of the Downtown Palm Springs project, in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.

ENG 47. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.

ENG 48. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

FID 1 The applicant shall comply with all conditions and code requirements required by the Fire Department.

END OF CONDITIONS

ATTACHMENT #7

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 3.3607 MAJ AMEND, FOR A ONE- AND TWO-STORY BUILDING LOCATED ON BLOCK C OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN AT THE SOUTHWEST CORNER OF PALM CANYON DRIVE AND MAIN STREET, ZONE CBD.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. On December 2, 2009, the City Council made findings, adopted a Mitigation Monitoring and Reporting Program, adopted a Statement of Overriding Considerations, and certified the Museum Market Specific Plan Environmental Impact Report ("Specific Plan EIR") and adopted Ordinance 1764, thereby approving the Museum Market Plaza Specific Plan ("Specific Plan") which covers the land use, development standards and design guidelines for the Specific Plan area.

B. Palm Springs Promenade, LLC, ("Applicant") filed an application with the City, pursuant to the Specific Plan and Section 94.04.00 of the Zoning Code, for an amendment to Major Architectural Application (Case No. 3.3607-MAJ AMEND) for the easterly half of Block C to include a one and two-story building.

C. On April 20, 2016, the Architectural Advisory Committee voted to recommend approval of Case 3.3607 MAJ AMEND to the Planning Commission.

D. On April 20, 2016, a public hearing to consider Case 3.3607 MAJ AMEND was held by the Planning Commission in accordance with applicable law.

E. This proposed project is part of a larger project ("Museum Market Plaza Specific Plan") evaluated and analyzed under the California Environmental Quality Act ("CEQA"). The City certified and Environmental Impact Report (EIR) which analyzed impacts related to the Museum Market Plaza Specific Plan in 2009. Subsequent addenda have been prepared to analyze project changes within the Specific Plan area. The approved application was consistent with the environmental analysis prepared, and the amended application includes a reduction in scope as described in a staff report. The intensity and density of the project will be consistent with the impacts identified in the EIR and Addenda. No changed circumstances, changes in the environment or changes in regulations have occurred since the certification of the EIR or the adoption of the Addenda. Based on the requirements of the Public Resources Code and the CEQA Guidelines, no additional environmental analysis is required for this project and the mitigation measures previously imposed within the EIR will apply.

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

G. Pursuant to Section I.C. of the Downtown Palm Springs Specific Plan, the Planning Commission finds that the project complies with the Specific Plan's guiding principles as

follows:

1. *The highest quality development which provides an exciting and safe living, working and shopping experience for all.*

The proposed building will enhance the experience of those living, working and shopping within the Specific Plan area. Street-lined retail is proposed consistent with the requirements and general vision of the Specific Plan. The use of high-quality materials and contemporary building design will create a vibrant, exciting and safe experience for all.

2. *Connections from the Palm Springs Art Museum to the Resort/Convention Center.*

In order to achieve connections between the Art Museum and Resort/Convention Center, the Specific Plan sets development standards for new developments. The proposed building incorporates large sidewalk areas and building separation space consistent with the Specific Plan. Thus, the project meets the connection requirements envisioned by this finding.

3. *The development of retail commercial development which successfully mixes national and regional chain stores with local businesses, focused on the major roadways which bound the site, including North Palm Canyon, Indian Canyon, Tahquitz Canyon and Belardo.*

The development will allow commercial retail stores on both of its street frontages. Such retail may include national and regional chain stores, as well as local businesses.

4. *A balance of commercial and residential development which assures the success of the area by increasing the number of homes in the downtown, thereby increasing the customer base of the commercial uses.*

As noted above, the project includes retail street frontages. While residential is not permitted on the ground floor, it is allowed on floors above the first floor. The project proposes 6,500-square feet of second floor space, which may be used as residential and increase the number of homes in downtown. Further, there are other locations within the Specific Plan area where residential can still occur. Thus, the project aids in the balance of commercial and residential development and assists in the success of the area.

5. *The development of residential units which relate synergistically to the commercial development around them, and encourage a pedestrian lifestyle with little use for the automobile.*

The proposed residential, if constructed on the second floor, will relate to the surrounding commercial. Outdoor balconies are proposed and create synergy between the ground floor pedestrian experience and the residential outdoor space above.

6. *The development of additional resort hotels which provide luxury accommodations and increase the visitors to the City's downtown.*

The proposed retail space will support shopping and dining activities for visitors staying at hotel properties within the Specific Plan area and elsewhere in the city.

7. *View corridors to the mountains at Main Street and Andreas Road through the site shall be created, while views to the mountains from Tahquitz Canyon Way shall be preserved or enhanced to the greatest extent possible.*

View corridors of the mountains are provided with building separation on Main Street and the proposed low-rise building fronting Palm Canyon Drive. Eighty feet of building separation between the subject building and the building located on Block B will create a view corridor down Main Street. The views will be enhanced by the 26-ft. height of the building adjacent to Palm Canyon Drive.

8. *The Downtown Palm Springs project is pedestrian oriented and all buildings must be sensitively designed to the human scale with active, pedestrian friendly frontages on the ground floor. Structures are to be massed to reduce their visual dominance and preserve view corridors. The built form is to be effectively permeated with public and private open spaces, thereby avoiding the creation of overwhelming and impenetrable mega-blocks.*

The proposed project provides adequate pedestrian space and is sensitively designed to the human scale. The pedestrian experience is provided between the building and street curb in an area ranging from 12 to 70-feet in width, which enables sufficient space for circulation, planters and outdoor dining. The proposed building ranges in height between 23 to 34 feet, and is massed/scaled appropriately for reducing its visual dominance.

H. Pursuant to Section 94.04.00(D) of the Palm Springs Zoning Code, the Planning Commission finds:

The Planning Commission has examined the material submitted with the architectural approval application and has examined specific aspects of the design and determined the proposed development will (1) provide desirable environment for its occupants; (2) is compatible with the character of adjacent and surrounding developments, and (3) aesthetically it is of good composition, materials, textures and colors. Planning Commission's evaluation is based on consideration of the following:

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

The amended project proposes a multi-tenant, mixed-use building with ground floor commercial and upper floor space that may be office, residential or other uses as permitted by the Specific Plan. The portion of the building fronting Palm Canyon Drive is one-story with height variations between 23 and 26-feet. Pedestrian pathways will be separated from vehicular streets with curbs and landscape treatment. Pavers, landscaping and sidewalk furniture will provide an enhanced experience on the site. Sidewalks and other walkways are provided to accommodate the change in topography across the site. Underground parking can be accessed from nearby stairways and elevators via public sidewalks.

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

The buildings are constrained in size by the street grid and proposed courtyard and hotel development so that they remain in scale with the surrounding area. The heights of the building range from approximately 23 to 34 feet and are generally consistent with the development character of the surrounding area, which includes one-, two- and multiple-story buildings.

The proposed architecture is of a contemporary style consistent with surrounding development, but introduces design elements, colors and materials, including patterned block, stumpled brick and stucco walls, exposed steel beams, louvers, board-formed concrete, anodized aluminum and steel storefronts. The selection of design elements differs from those of the adjacent blocks within the Museum Market Plaza Specific Plan area, yet they contribute to the overall identity of an up-scale contemporary center.

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

The proposed building's overall height will range from 23 to 34-feet. Exterior elevations show projections at building edges. Mass is divided with exterior building articulation and height variation. Rooftop mechanical will be concealed from view.

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

The building architecture is contemporary in style, with a color and material palette that introduces muted earth tones, with limited use of accent colors via metal, concrete and glass. Covered walkways for outdoor seating, pedestrian circulation and solar control are integrated into the building design and previously approved landscape plan.

6. *Consistency of composition and treatment;*

The building design uses consistent forms and treatments across each elevation, yet differentiates the design and materials for the different tenants along Palm Canyon. The contemporary elements interact with each other in a consistent and rhythmic manner where appropriate.

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

An overall landscape plan was reviewed and approved for the Museum Market Plaza Specific Plan and no changes or new landscape is proposed under this proposed amendment.

8. *Signs and graphics, as understood in architectural design including materials and colors;*

A sign program has not been submitted to evaluate against this guideline.

THE PLANNING COMMISSION RESOLVES:

Based upon the foregoing, the Planning Commission hereby approves Case 3.3607 MAJ AMEND, for the construction of a one and two-story building on Block C of the Downtown Palm Springs Specific Plan, located at the southwest corner of Palm Canyon Drive and Main Street, subject to the conditions of approval attached herein as Exhibit A.

ADOPTED this 20th day of April, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case 3.3607 MAJ AMEND
Downtown Palm Springs Specific Plan / Block C

April 20, 2016

CONDITIONS OF APPROVAL

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

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

PROJECT SPECIFIC CONDITIONS

1. This approval is not valid until the effective date of Ordinance 1889.
2. Excluded from this approval is the sidewalk design as it relates to landscape, hardscape, furniture, etc. These items shall be submitted for review as outlined in the conditions below.
3. The sidewalk design for the project as it relates to hardscape, landscape, lighting and furniture fixtures shall be consistent with the plans conditionally approved by the Planning Commission on November 12, 2015. Should substantial changes be proposed, the AAC and Planning Commission approval is required.
4. A Land Use Permit shall be obtained for outdoor dining, in accordance with Subsection III.C.1 of the Museum Market Plaza Specific Plan.
5. Review by the AAC of exterior elevations for all individual tenancies, if proposed differences are significant in the opinion of the Director of Planning Services.
6. A sign program shall be submitted for review by AAC and Planning Commission.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 3.3607 – MAJ AMEND, except as modified by these conditions.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, including site plan, architectural elevations and exterior materials and colors on file in the Planning Division,

except as modified by the conditions below.

- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 3.3607-MAJ AMEND. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains' the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of the Major Architectural Application (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being ½% for commercial projects or ¼% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 10. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning or designee for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 2. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. (See condition No. 6 above.)
- PLN 3. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar

reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as beige or tan.

- PLN 4. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 5. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 6. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 7. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. The public street improvements outlined in these conditions of approval are intended to convey to the applicant an accurate scope of required

improvements, however, the City Engineer reserves the right to require reasonable additional improvements as may be determined in the course of the review and approval of street improvement plans required by these conditions.

- ENG 4. All proposed decorative pavement shall vary from location to location, but shall be the same type as approved by the City Engineer.

NEW MAIN STREET

- ENG 5. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-back at the southwest corner of the intersection of New Main Street and Belardo Road.
- ENG 6. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match proposed sidewalk) for those portions of sidewalk located outside of the public right-of-way.
- ENG 7. Main Street shall have one eastbound and one westbound lane, as well as parking on both sides of New Main Street (except at curb returns and curb pop-outs) to Belardo Road as shown on approved site plan.
- ENG 8. Zero curb face curb shall be constructed on the south side of New Main Street from the east property line of the project to proposed Belardo Road in conjunction with the Downtown Palm Springs project.
- ENG 9. Construct sidewalk ranging in width from 8 feet to 15 feet wide along both sides of New Main Street as shown on approved improvement plans, in accordance with City of Palm Springs Standard Drawing No. 210 and the Museum Market Plaza Specific Plan.
- ENG 10. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, between the edges of proposed gutters on each side of the street along the New Main Street, in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 11. The intersection of New Main Street, with Belardo Road, shall be constructed with enhanced or decorative paving.

BELARDO ROAD

- ENG 12. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-back at the southwest corner of the intersection of Main Street and Belardo Road as required by the City Engineer.
- ENG 13. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match proposed sidewalk) for those portions of sidewalk located outside of the public right-of-way.
- ENG 14. Belardo Road shall have one northbound and one southbound lane, as well as parking on both sides of Belardo Road (except at curb returns) along the Hotel project frontage.
- ENG 15. Construct a 25 foot radius curb return at the southwest corner of the intersection of Belardo Road with Main Street in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 16. Construct a Type A curb ramp meeting current California State Accessibility standards at the southwest corners of the intersection of Belardo Road and Main Street, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 17. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, between the edges of proposed gutters on each side of the street along the Belardo Road frontage, in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 18. The intersection of Belardo Road and Main Street shall be constructed with enhanced or decorative paving (such as decorative pavers).

SANITARY SEWER

- ENG 19. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 20. All on-site sewer systems (not located in public streets) shall be privately maintained.
- ENG 21. Submit sewer improvement plans prepared by a California registered civil

engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.

- ENG 22. Construct an 8 inch V.C.P. sewer main across the proposed Belardo Road frontage, located 5 feet from centerline (or as required by the City Engineer), including a sewer lateral for future connection of the on-site sewer system to the public sewer, as required by the City Engineer. The new sewer line shall connect to the manhole located in Tahquitz Canyon Way at the intersection of the proposed Belardo Road.
- ENG 23. Construct an 8 inch V.C.P. sewer main across the proposed New Main Street frontage and west to Museum Drive, located 5 feet from centerline (or as required by the City Engineer), including a sewer lateral for future connection of the on-site sewer system to the public sewer, as required by the City Engineer. The new sewer line shall connect to the proposed manhole located at the intersection of Belardo Road and New Main Street.
- ENG 24. All sewer mains constructed by the developer and to become part of the City sewer system shall be digitally video recorded by the City prior to acceptance of the sewer system for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
- ENG 25. Any sewer connection fees shall be paid at the Building Department counter at time of building permit issuance.
- ENG 26. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING

- ENG 27. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.
- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control

Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related “PM10” Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.

- b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan or Tentative Parcel Map No. 36446; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Final Water Quality Management Plan

ENG 28. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 29. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color or be decorative in nature; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 30. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

ENG 31. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs

Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

- ENG 32. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 33. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP) for all Blocks of the Downtown Palm Springs project. As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the project applicant shall cause the approved final project-specific Water Quality Management Plan to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 34. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 35. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 36. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.

- ENG 37. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 38. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 39. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).
- ENG 40. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading Plan.
- ENG 41. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other

instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

- ENG 42. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

- ENG 43. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a single hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.
- ENG 44. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to proposed Main Street, and proposed Belardo Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains. Much of the drainage shall go into the existing public storm drain line in Tahquitz Canyon Way.

- ENG 45. Construct all necessary on-site storm drain improvements, including but not limited to catch basins and storm drain lines, for drainage of site into the on-site underground detention system(s) and other specifications for construction of required on-site storm drainage improvements, as described in a final Hydrology Study for the Downtown Palm Springs project (Tentative Parcel Map No. 36446), reviewed and approved by the City Engineer.
- ENG 46. All on-site storm drain systems shall be privately maintained.
- ENG 47. The underground stormwater detention system(s) shall be sized to have sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required detention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Maintenance of the underground stormwater detention systems are the sole responsibility of the development owner(s); maintenance and/or replacement of the system(s), will be at the sole expense of the development owner(s). The Final Project-Specific Water Quality Management Plan *Covenant and Agreement* shall reserve the right of the City to inspect and ensure that the underground detention system(s) are operable, and in the event of its failure, shall provide the City the right to advise the owner(s) of the development and require its repair or replacement within 30 days notice, to the satisfaction of the City Engineer.
- ENG 48. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit unless developer can provide evidence that fee or a partial fee was paid by the Desert Fashion Plaza in previous years.

GENERAL

- ENG 49. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected

off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 50. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.
- ENG 51. All proposed utility lines shall be installed underground.
- ENG 52. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 53. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 54. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 55. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers

installed in accordance with City of Palm Springs Standard Drawing No. 904.

- ENG 56. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.
- ENG 57. If there are any lights from Lighting District No. 1, existing on Tahquitz Canyon Way along the Tentative Parcel Map (TPM) 36446 frontage, those lights shall be removed in conjunction with this project.

MAP

- ENG 58. In accordance with Government Code Section 66411.1 (b), the Tentative Parcel Map is a subdivision of five or more lots (parcels), and is subject to construction of all required public improvements. Prior to approval of a Parcel Map, all required public improvements shall be completed to the satisfaction of the City Engineer, or shall be secured by the Project Financing Agreement signed by Palm Springs Promenade, LLC and the City of Palm Springs on September 7, 2011 (in accordance with Government Code Section 66462) as amended. Parcel Map 36446 must be recorded prior to issuance of any grading or construction permits.

TRAFFIC

- ENG 59. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 60. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 61. Submit traffic striping and signage plans for Main Street and Belardo Road prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.
- ENG 62. Install street name signs at all corners of all intersections that are a part of the Downtown Palm Springs project, in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.

- ENG 63. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 64. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated_____. The submitted plans do not provide enough detail. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the 2010 California Fire Code as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- FID 4. **Aerial Fire Access Roads (CFC Appendix D105.1):** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- FID 5. **Aerial Fire Access Road Width (CFC Appendix D105.2):** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet in height.

- FID 6. **Aerial Access Proximity to Building (CFC Appendix D105.3):** At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
- FID 7. **Fencing Requirements (8.04.260 PSMC):** Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall remain intact until buildings are stuccoed or covered and secured with lockable doors and windows.
- FID 8. **Access during Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 9. **Fire Apparatus Access Gates (8.04.260 PSMC):** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock.
- FID 10. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities. Decomposed granite (DG), grass, dirt, sand and other materials that can wash away, develop ruts or be dug up shall not be used. Interlocking pavers, turf block or other similar materials may be allowed, subject to the provision of proper base material and compliance with City Engineering Department compaction requirements. Prior to permit sign-off, compaction test results shall be submitted to the City Engineering Department for approval.
- FID 11. **Turning radius (CFC 503.2.4):** Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 12. **Dead Ends (CFC 503.2.5):** Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 43 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs

Public Works and Engineering Department standard dated 9-4-02.

- FID 13. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

Gate arms securing parking lots and parking structures shall be equipped with a fire department approved dual-keyed Knox key electric switch. When activated, the arm or arms shall open to allow fire and law enforcement access.

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

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

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

- FID 14. **Plot Plan:** Prior to completion of the project, an 8.5"x11" plot plan or drawing, and an electronic version in an industry standard file format capable of being used in a geographical information system (GIS) preferably an ESRI shape file(s) shall be provided to the fire department. The GIS file shall be projected in the California State Plane Zone VI coordinate system and capable of being re-projected into the North American Datum 1983 coordinate system. PDF files by themselves will not meet this requirement. The GIS and ESRI shape file(s) shall clearly show all access points, fire hydrants, KNOX™ box locations, fire department connections, dwelling unit or suite identifiers, main electrical panel location(s), sprinkler riser and fire alarm locations. Industry standard symbols used in emergency management and pre-fire planning are encouraged. Large projects may require more than one page. AutoCAD files

will be accepted but must be approved prior to acceptance.

- FID 15. **Premises Identification (CFC 505.1):** New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high for R-3 occupancies and 6" - 12" for all other occupancies depending on distance from street with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.
- FID 16. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.
- FID 17. **Key Box Contents (CFC 506.1):** The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.
- FID 18. **Water Agency Construction Specifications:** All public water mains, fire hydrants and double check detector assemblies must be installed in accordance with DWA specifications and standards. Private fire hydrants shall be painted OSHA safety red. Public fire hydrants shall be painted equipment yellow.
- FID 19. **Water Plan (CFC 501.3 & 901.2):** A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), public water mains, Double Check Detector Assembly, Fire Department Connection and associated valves.
- FID 20. **Required Water Supply (CFC 507.1):** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
- FID 21. **Fire Hydrant Flow (CFC 507.3):** Fire flow requirements for buildings or portions of buildings and facilities are shall be determined by Appendix B.
- FID 22. **Fire Hydrant Systems (CFC 507.5):** Fire hydrant systems shall comply with

Sections 507.5.1 through 507.5.6 and Appendix C.

- FID 23. **Operational Fire Hydrant(s) (CFC 507.1, 507.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 24. **Water Systems and Hydrants (CFC 507.1, 507.2, 507.4, 901.5 & 1412.1):** Underground private fire service mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC) Installation, testing, and inspection will meet the requirements of NFPA 24, 2010 Edition. Prior to final approval of the installation, contractor shall submit a completed Contractors Material & Test Certificate for Underground Piping to the Fire Department. (NFPA 24: 10.10, 2010 Edition).
- FID 25. **Fire Command Center (CFC 508.1):** Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code and as amended by the Palm Springs Municipal Code for buildings between 60 to 75 feet in height to the top of the structure, a fire command center for fire department operations shall be provided. The fire command center shall be located adjacent to the main lobby and shall be accessible from fire department vehicular access or as approved by the Fire Chief.

The fire command center shall be separated from the remainder of the building by not less than a 2-hour fire barrier constructed and in accordance with section 706 of the California Building Code or horizontal assembly constructed in accordance with section 711 of the California Building Code, or both.

The room shall provide direct access from the building exterior at the lowest level of fire department access and be a minimum of 96 square feet with a minimum dimension of eight feet. A layout of the fire command center and all features required by this section to be contained therein shall be submitted for approval prior to installation. The fire command center shall comply with NFPA 72 and the applicable provisions of the Electrical Code, and shall contain the following features:

1. The emergency voice/alarm communication units shall comply with section 907.2.12.2 of the California Fire Code.
2. The fire department communication system.
3. Fire-detection and alarm system annunciator system.
4. Annunciator visually indicating the location of the elevators and whether they are operational.

5. Survivability. Interconnecting cables between the Fire Command Center and the remote control equipment within evacuation signaling zones, and notification appliance control equipment within notification zones shall be protected from attack by fire.
6. The fire-fighter's control panel required by Section 909.16 for smoke control systems installed in the building.
7. Controls for unlocking stairway doors simultaneously.
8. Sprinkler valve and water-flow detector display panels.
9. Emergency and standby power status indicators.
10. A telephone for fire department use with controlled access to the public telephone system.
11. Fire pump status indicators.
12. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire protection systems, fire-fighting equipment and fire department access.
13. Work table.
14. Generator supervision devices, manual start and transfer features.
15. Public address system, where specifically required by other sections of this code.
16. Fire command centers shall not be used for the housing of any boiler, heating unit, generator, combustible storage, or similar hazardous equipment or storage.

- FID 26. **Fire Command Center Identification (CFC 508.2):** The fire command center shall be identified by a permanent, easily visible sign stating "Fire Department Command Center", located on the door to the fire command center.
- FID 27. **Identification (CFC 509.1):** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
- FID 28. **Radio Communications:** Must install an in-building Public Safety Radio Communications Coverage System composed of a radiating cable system or an internal multiple antenna system with FCC-certified bi-directional 800 MHz and 150 MHz (as required to meet the two indicated 150 MHz frequencies) amplifier(s), distribution system, and subcomponents shall be required for all buildings in excess of three stories, or has subterranean floors, or subterranean parking. This system must meet the City of Palm Springs Public Safety Radio System Coverage Specifications.
- FID 29. **Emergency Responder Radio Coverage in Buildings (CFC 510.1):** All buildings shall have *approved* radio coverage for emergency responders

within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

- FID 30. **Radio Signal Strength (CFC 510.2):** The building shall be considered to have acceptable emergency responder radio coverage when signal strength measurements in 95 percent of all areas on each floor of the building meet the signal strength requirements of Sections 510.2.1 and 510.2.2.
- FID 31. **Minimum Signal Strength into the Building (CFC 510.2.1):** minimum signal strength of -95 dBm shall be receivable within the building.
- FID 32. **Minimum Signal Strength Out of the Building (CFC 510.2.2):** minimum signal strength of -100 dBm shall be received by the agency's radio system when transmitted from within the building.
- FID 33. **Elevator Recall Required (CFC 607.1):** Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3. **New elevators** shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1 (*California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders*).
- FID 34. **Elevator Stretcher Requirement (CBC 3002.4):** Elevators shall be designed to accommodate medical emergency service. The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 84 inches in the horizontal position. The elevator entrance shall have a clear opening of not less than 42 inches wide or less than 78 inches high. The elevator car shall be provided with a minimum clear distance between walls or between walls and door excluding return panels not less than 80 inches by 54 inches, and a minimum distance from wall to return panel not less than 51 inches with a 42 inch side slide door.
- FID 35. **Fire Dampers (CMC 606.2):** They shall be provided where air ducts penetrate fire-rated walls or ceilings.
- FID 36. **Maintenance of Fire-Resistance-Rated Construction (CFC 703.1):** The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be properly repaired, restored or replaced when damaged, altered, breached or penetrated. Openings made therein for the passage of pipes,

electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

- FID 37. **Interior Finish, Decorative Materials and Furnishings (CFC 801.1):** The provisions of this chapter shall govern interior finish, interior trim, furniture, furnishings, decorative materials and decorative vegetation in buildings. Section 803 shall be applicable to existing buildings. Sections 804 through 808 shall be applicable to new and existing buildings.
- FID 38. **Decorative Materials Other Than Decorative Vegetation In New and Existing Buildings (CFC 807.1):** In occupancies in Groups A, E, I and R-1 and dormitories in Group R-2, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807.2 or be noncombustible. Provide samples and documentation to submit to the Palm Springs Fire Department to prove conformance with the above criteria above.
- FID 39. **Acceptance Criteria and Reports (CFC 807.2):** Where required to be flame resistant, decorative materials shall be tested by an approved agency and meet the flame propagation performance criteria of NFPA 701, or such materials shall be noncombustible. Reports of test results shall be prepared in accordance with NFPA 701 and furnished to the fire code official.
- FID 40. **NFPA 13 Fire Sprinkler System is Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2010 Edition and using Cp of 0.74 and I/r Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (NFPA 13: Figure 24.1)
- FID 41. **Floor Control Valves (CFC903.3.8 & Ordinance 1781: Item 42):** Floor control valves and waterflow detection assemblies shall be installed at each floor in buildings three or more stories in height. Valve locations will be determined and approved by the fire code official.
- FID 42. **Fire Alarm System:** Fire alarm system shall comply with the requirements of NFPA 72, 2010 Edition.
- FID 43. **Fire Sprinkler Supervision and Alarms System (CFC 903.4/4.1):** All valves controlling the water supply for automatic sprinkler systems, pumps, tanks,

water levels and temperatures, critical air pressures and water-flow switches on all fire sprinkler systems shall be electrically supervised by a listed Fire Alarm Control Unit (FACU). The listed FACU alarm, supervisory and trouble signals shall be distinctly different and shall be monitored at a UL listed central station service. The fire sprinkler supervision and alarms system shall comply with the requirements of NFPA 72, 2010 Edition. All control valves shall be locked in the open position.

- FID 44. **Central Station Protective Signaling Service (CFC 903.4.1):** A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.
- FID 45. **Audible Water Flow Alarms (CFC 903.4.2 & Appendix K: 4.3):** An approved audible sprinkler flow alarm (Wheelock horn/strobe with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be outdoor rated. A second horn/strobe shall be installed in the interior of the building in a normally occupied location. In multiple suite buildings, additional interior horn/strobes shall be installed in all suites with 50 or more occupant load. Power shall be provided from a fire alarm control unit. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.
- FID 46. **Fire Hydrant & FDC Location:** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases. A field analysis of existing hydrants has not been conducted to verify hydrant location or availability. This comment is included to make you aware that additional fire hydrants may be required.
- FID 47. **Fire Department Connections:** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
- FID 48. **Location of Fire Department Connections:** The connection inlets must face the street, and be located on the street side of the building. The face of the inlets shall be 18 inches horizontal from the back edge of sidewalk (or back of curb, if no sidewalk), and shall be 36 to 44 inches in height to center of inlets above finished grade. No landscape planting, walls, or other obstructions are permitted within 3 feet of Fire Department connections. The FDC and supporting piping shall be painted OSHA safety red.

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

F. D. C. SERVES
123 N. P. C.
ALL BLDGS. IN COMPLEX.

- FID 49. **Standpipe Systems Required (CFC 905.3):** Class I Standpipe system is required in addition to the automatic sprinkler system. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.10.1 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems are allowed to be combined with *automatic sprinkler systems*.
- FID 50. **Fire Extinguisher Requirements (CFC 906):** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.
- FID 51. **HVAC Duct Smoke Detection/Shut Down with a Fire Sprinkler Supervision & Alarm System or Fire Alarm System (CFC 907.4.1, CMC 609.0 & NFPA 72):** All HVAC systems supplying greater than 2,000 CFM shall require a duct detector and HVAC shut down when smoke is detected. HVAC shut down shall be on an individual basis, not global. These systems shall supervise the Duct Detectors and activate the notification appliances. An accessory module shall be installed for each unit, including alarm LED, pilot LED and key-operated test/reset switch.
- FID 52. **Posting of Occupant Load (CFC 1004.3):** Every room or space that is assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.
- FID 53. **Means of Egress Illumination (CFC 1006.1 & 2):** Any time a building is occupied, the means of egress shall be illuminated at an intensity of not less than 1 foot-candle at the floor level.
- FID 54. **Means of Egress Illumination Power Supply (CFC 1006.3):** The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an

emergency electrical system shall automatically illuminate in defined areas listed in the CFC.

- FID 55. **Required Exit Signs (CFC 1011.1):** Exits & exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. Access to exits shall be marked by readily visible exit signs in cases where the exit or path is not immediately visible to occupants. No point in the corridor shall be more than 100 feet or the listed viewing distance for the sign, whichever is less, from the nearest visible sign.
- FID 56. **Exit Sign Illumination (CFC 1011.2, 4 & 5):** Exit signs shall be internally or externally illuminated. When the face of an exit sign is illuminated from an external source, it shall have an intensity of not less than 5 foot-candles from either of two electric lamps. Internally illuminated signs shall provide equivalent luminance and be listed for the purpose.

END OF CONDITIONS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 3.3908 MAJ, A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A SIX STORY RESORT HOTEL WITH 142 ROOMS WITHIN THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN LOCATED AT THE NORTHEAST CORNER OF BELARDO ROAD AND MAIN STREET, ZONE CBD.

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

A. On December 2, 2009, the City Council made findings, adopted a Mitigation Monitoring and Reporting Program, adopted a Statement of Overriding Considerations, and certified the Museum Market Specific Plan Environmental Impact Report ("Specific Plan EIR") and adopted Ordinance 1764, thereby approving the Museum Market Plaza Specific Plan ("Specific Plan") which covers the land use, development standards and design guidelines for the Specific Plan area.

B. On January 13, 2016, February 3, 2016, March 2, 2016, April 6, 2016 the City Council considered amendments to the Specific Plan, including changing the document name to "Downtown Palm Springs Specific Plan", modifications of land uses within the different Blocks, adjustments to building heights and other various amendments and changes.

C. Palm Springs Promenade, LLC, ("Applicant") has filed an application with the City, pursuant to the Specific Plan and Section 94.04.00 of the Zoning Code, for a Major Architectural Application (Case No. 3.3908-MAJ) to allow the construction of a six-story, 112,862-square foot building with 142-room resort hotel and ground floor commercial-retail on Specific Plan Block B-1 located at the northeast corner of Belardo Road and Main Street (new).

D. On October 12, 2015, the Architectural Advisory Committee voted 4-2 to recommend conditional approval of Case 3.3908 MAJ to the Planning Commission.

E. On October 28, 2015, November 12, 2015, December 9, 2015, January 13, 2016, and April 20, 2016 a public hearing to consider Case 3.3908 MAJ was held by the Planning Commission in accordance with applicable law.

F. On April 20, 2016, the Planning Commission held a public hearing receiving testimony and made a recommendation of approval to the City Council for Case 3.3908 MAJ.

G. The proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") and EIR Addendum No. 2 has been

prepared to analyze impacts related to the project. The analysis shows that the project is within the scope of the original Specific Plan EIR adopted and none of the circumstances triggering further environmental review have occurred since the adoption of the EIR and subsequent Addenda.

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

I. Pursuant to Section I.C. of the Downtown Palm Springs Specific Plan, the City Council finds that the project complies with the Specific Plan's guiding principles as follows:

1. *The highest quality development which provides an exciting and safe living, working and shopping experience for all.*

The proposed building will enhance the experience of those living, working and shopping within the Specific Plan area. Amenities such as dining, meeting space and lounge areas are proposed. Commercial space provides excitement along street frontages and the pedestrian paseo, Market Street. A high-end hotel brand will operate the property. Consequently, the development will be of high-quality and provide an exciting and safe living, working and shopping experience for all.

2. *Connections from the Palm Springs Art Museum to the Resort/Convention Center.*

In order to achieve connections between the Art Museum and Resort/Convention Center, the Specific Plan sets development standards for new developments. The proposed building incorporates adequate sidewalk areas and building separation space consistent with the Specific Plan requirements. Thus, the project meets connections requirements envisioned by this finding.

3. *The development of retail commercial development which successfully mixes national and regional chain stores with local businesses, focused on the major roadways which bound the site, including North Palm Canyon, Indian Canyon, Tahquitz Canyon and Belardo.*

The development will allow commercial retail stores on street frontages and provide overnight accommodations for tourists and visitors to the City. The hotel operator is a national brand that will enhance the development. Other commercial space within the building may be operated by regional chains or a local business.

4. *A balance of commercial and residential development which assures the success of the area by increasing the number of homes in the downtown, thereby increasing the customer base of the commercial uses.*

The proposed commercial use provides overnight, short-term accommodations for tourists and visitors. Such guests are expected to increase customer base of commercial uses downtown. While no residential is proposed on this block, it may be permitted in other locations within the Specific Plan area. Thus, the project aids in the balance of commercial and residential development and assists in the success of the area.

5. *The development of residential units which relate synergistically to the commercial development around them, and encourage a pedestrian lifestyle with little use for the automobile.*

No residential is proposed. However, the hotel will have overnight guests that relate synergistically to the surrounding commercial development. With the location in the heart of downtown, it is expected that these guests will walk to their destinations and avoid automobile use when unnecessary.

6. *The development of additional resort hotels which provide luxury accommodations and increase the visitors to the City's downtown.*

The proposed resort hotel will provide luxury accommodations and increase the visitors to the City's downtown. With international recognition, the operator is expected to attract greater activity to the area and would be the first location for its brand in the Coachella Valley.

7. *View corridors to the mountains at Main Street and Andreas Road through the site shall be created, while views to the mountains from Tahquitz Canyon Way shall be preserved or enhanced to the greatest extent possible.*

View corridors of mountains are provided with building separation on Main Street and Andreas Road. With varying widths along Main Street, there will be at least 70-feet between buildings to enhance mountain views. Additionally, the 69-foot building is setback from Palm Canyon Drive, which will further preserve views.

8. *The Downtown Palm Springs project is pedestrian oriented and all buildings must be sensitively designed to the human scale with active, pedestrian friendly frontages on the ground floor. Structures are to be massed to reduce their visual dominance and preserve view corridors. The built form is to be effectively permeated with public and*

private open spaces, thereby avoiding the creation of overwhelming and impenetrable mega-blocks.

The proposed project provides adequate pedestrian space and is sensitively designed to the human scale. The pedestrian experience is provided between the building and street curb in an area ranging from 12 to 28-feet in width, which enables sufficient space for circulation, planters and outdoor dining. The proposed building reaches height of 69-feet, and is massed/scaled appropriately from Palm Canyon to ensure it does not create an overwhelming and impenetrable mega-block.

J. Pursuant to Section 94.04.00(D) of the Palm Springs Zoning Code, the City Council finds:

The City Council has examined the material submitted with the architectural approval application and has examined specific aspects of the design and determined the proposed development will (1) provide desirable environment for its occupants; (2) is compatible with the character of adjacent and surrounding developments, and (3) aesthetically it is of good composition, materials, textures and colors. City Council evaluation is based on consideration of the following:

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

The project proposes a new six-story building with pedestrian circulation around all sides. Pedestrian pathways will be separated from vehicular streets with curbs and landscape treatment. Pavers, landscaping and sidewalk furniture will provide an enhanced experience on the site. Sidewalks and other walkways are provided to accommodate the change in topography across the site. Pedestrian access is provided to the underground parking via stairways and elevators.

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

The proposed structure is an L-shaped configuration surrounding a second floor pool deck. The height is lower than the hotel to the south. The proposed architecture is of a contemporary style consistent with surrounding development, but introduces design elements, colors and materials of a higher quality than the existing development in the vicinity. The selection of design elements differs from those of the adjacent blocks within the Museum Market Plaza Specific Plan area, yet they contribute to the overall identity of an up-scale contemporary center.

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

The proposed building's overall height will be 69-feet. Exterior elevations show projections at building edges. Mass is divided with exterior building articulation. A large void above the second floor pool deck reduces overall building bulk. Rooftop mechanical will be concealed from view.

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

The building architecture is contemporary in style, with a color and material palette that introduces muted color tones, with limited use of accent colors via metal, concrete and glass. Covered walkways for outdoor seating, pedestrian circulation and solar control are integrated into the building design.

6. *Consistency of composition and treatment;*

The building design uses consistent forms and treatments across each elevation. The contemporary elements interact with each other in a consistent and rhythmic manner.

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

A landscape plan has been submitted and includes a mix of common tree and plant materials used in drought tolerant environments, as well as some identified by Table III-5, *Landscape Palette*, of the Specific Plan.

8. *Signs and graphics, as understood in architectural design including materials and colors;*

A sign program has not been submitted to evaluate against this guideline.

THE CITY COUNCIL RESOLVES:

Based upon the foregoing, the City Council hereby approves Case 3.3908 MAJ, for the construction of a six-story commercial building with 142-room resort hotel and ground floor commercial on Block B-1 of the Downtown Palm Springs Specific Plan, located at the northeast corner of Belardo Road and Main Street, subject to the conditions of approval attached herein as Exhibit A.

ADOPTED this 20th day of April, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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

RESOLUTION NO.

EXHIBIT A

Case 3.3908 MAJ
Downtown Palm Springs / Block B-1

April 20, 2016

CONDITIONS OF APPROVAL

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

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

PROJECT CONDITIONS

1. This approval is not valid until the effective date of Ordinance 1889.
2. The project, as shown in the approved plans, is consistent with the Downtown Palm Springs Specific Plan (Case 5.1204 SP Amendment-1), including an increase in allowable height for a hotel on Block B-1.
3. A development agreement shall be approved by City Council, prior to submittal for Building Permit.
4. Excluded from this approval is the sidewalk design as it relates to landscape, hardscape, furniture, etc. These items shall be submitted for review as outlined in the conditions below.
5. The sidewalk design for the project as it relates to hardscape, landscape, lighting and furniture fixtures shall be consistent with the plans conditionally approved by the Planning Commission on November 12, 2015. Should substantial changes be proposed, the AAC and Planning Commission approval is required.
6. A Land Use Permit shall be obtained for outdoor dining, in accordance with Subsection III.C.1 of the Downtown Palm Springs Specific Plan.
7. Review by the AAC and Planning Commission of conceptual landscape plan at time of pre-construction drawing review, with AAC review of detailed plans to follow.

8. Submission and review by AAC and Planning Commission of a sign program for Block B-1.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 3.3908 – MAJ, except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, including site plan, architectural elevations and exterior materials and colors on file in the Planning Division, except as modified by the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 3.3908-MAJ. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and

property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

- ADM 7. Time Limit on Approval. Approval of the Major Architectural Application (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being ½% for commercial projects or ¼% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 10. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning or designee for review and approval prior to the issuance of a

building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.

- PLN 2. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. (See condition No. 7 above.)
- PLN 3. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 4. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 5. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 6. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 7. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. The public street improvements outlined in these conditions of approval are intended to convey to the applicant an accurate scope of required improvements, however, the City Engineer reserves the right to require reasonable additional improvements as may be determined in the course of the review and approval of street improvement plans required by these conditions.
- ENG 4. All proposed decorative pavement shall vary from location to location, but shall be the same type as approved by the City Engineer.

NEW MAIN STREET: BLOCK F (LOT 5)

- ENG 5. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-back at the southwest corner of the intersection of New Main Street and Belardo Road.
- ENG 6. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match proposed sidewalk) for those portions of sidewalk located outside of the public right-of-way.
- ENG 7. Main Street shall have one eastbound and one westbound lane, as well as parking on both sides of New Main Street (except at curb returns and curb pop-outs) to Belardo Road as shown on approved site plan.
- ENG 8. Zero curb face curb shall be constructed on the south side of New Main Street from the east property line of the project to proposed Belardo Road in conjunction with the Downtown Palm Springs project.
- ENG 9. Construct sidewalk ranging in width from 8 feet to 15 feet wide along both sides of New Main Street as shown on approved improvement plans, in

accordance with City of Palm Springs Standard Drawing No. 210 and the Museum Market Plaza Specific Plan.

- ENG 10. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, between the edges of proposed gutters on each side of the street along the New Main Street , in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 11. The intersection of New Main Street, with Belardo Road, shall be constructed with enhanced or decorative paving.

BELARDO ROAD

- ENG 12. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-back at the southwest corner of the intersection of Main Street and Belardo Road as required by the City Engineer.
- ENG 13. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match proposed sidewalk) for those portions of sidewalk located outside of the public right-of-way.
- ENG 14. Belardo Road shall have one northbound and one southbound lane, as well as parking on both sides of Belardo Road (except at curb returns) along the Hotel project frontage.
- ENG 15. Construct a 25 feet radius curb return at the southwest corner of the intersection of Belardo Road with Main Street in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 16. Construct a Type A curb ramp meeting current California State Accessibility standards at the southwest corners of the intersection of Belardo Road and Main Street, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 17. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, between the edges of proposed gutters on each side of the street along the Belardo Road frontage, in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. If an

alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 18. The intersection of Belardo Road and Main Street, shall be constructed with enhanced or decorative paving (such as decorative pavers).

SANITARY SEWER

ENG 19. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

ENG 20. All on-site sewer systems (not located in public streets) shall be privately maintained.

ENG 21. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.

ENG 22. Construct an 8 inch V.C.P. sewer main across the proposed Belardo Road frontage, located 5 feet from centerline (or as required by the City Engineer), including a sewer lateral for future connection of the on-site sewer system to the public sewer, as required by the City Engineer. The new sewer line shall connect to the manhole located in Tahquitz Canyon Way at the intersection of the proposed Belardo Road.

ENG 23. Construct an 8 inch V.C.P. sewer main across the proposed New Main Street frontage and west to Museum Drive, located 5 feet from centerline (or as required by the City Engineer), including a sewer lateral for future connection of the on-site sewer system to the public sewer, as required by the City Engineer. The new sewer line shall connect to the proposed manhole located at the intersection of Belardo Road and New Main Street.

ENG 24. All sewer mains constructed by the developer and to become part of the City sewer system shall be digitally video recorded by the City prior to acceptance of the sewer system for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.

ENG 25. Any sewer connection fees shall be paid at the Building Department counter at time of building permit issuance.

ENG 26. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING

ENG 27. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.
- b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan or Tentative Parcel Map No. 36446; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Final Water Quality Management Plan

ENG 28. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal

monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

- ENG 29. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color or be decorative in nature; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 30. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 31. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 32. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 33. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP) for all Blocks of the Downtown Palm Springs project. As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the project applicant shall cause the approved final project-specific Water Quality Management Plan to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 34. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for

mitigation measures for erosion/blowsand relating to this property and development.

- ENG 35. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 36. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 37. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 38. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 39. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES

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

- ENG 40. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading Plan.
- ENG 41. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.
- ENG 42. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

- ENG 43. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer.

For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a single hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.

- ENG 44. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to proposed Main Street, and proposed Belardo Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains. Much of the drainage shall go into the existing public storm drain line in Tahquitz Canyon Way.
- ENG 45. Construct all necessary on-site storm drain improvements, including but not limited to catch basins and storm drain lines, for drainage of site into the on-site underground detention system(s) and other specifications for construction of required on-site storm drainage improvements, as described in a final Hydrology Study for the Downtown Palm Springs project (Tentative Parcel Map No. 36446), reviewed and approved by the City Engineer.
- ENG 46. All on-site storm drain systems shall be privately maintained.
- ENG 47. The underground stormwater detention system(s) shall be sized to have sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required detention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Maintenance of the underground stormwater detention systems are the sole responsibility of the development owner(s); maintenance and/or replacement of the system(s), will be at the sole expense of the development owner(s). The Final Project-Specific Water Quality Management Plan *Covenant and Agreement* shall reserve the right of the City to inspect and ensure that the underground detention system(s) are operable, and in the event of its failure, shall provide the City the right to advise the owner(s) of the development and require its repair or replacement within 30 days notice, to the satisfaction of the City Engineer.

ENG 48. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit unless developer can provide evidence that fee or a partial fee was paid by the Desert Fashion Plaza in previous years.

GENERAL

ENG 49. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

ENG 50. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.

ENG 51. All proposed utility lines shall be installed underground.

- ENG 52. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 53. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing “as-built” information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 54. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 55. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 56. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.
- ENG 57. If there are any lights from Lighting District No. 1, existing on Tahquitz Canyon Way along the Tentative Parcel Map (TPM) 36446 frontage, those lights shall be removed in conjunction with this project.

MAP

- ENG 58. In accordance with Government Code Section 66411.1 (b), the Tentative Parcel Map is a subdivision of five or more lots (parcels), and is subject to construction of all required public improvements. Prior to approval of a Parcel Map, all required public improvements shall be completed to the satisfaction of the City Engineer, or shall be secured by the Project Financing Agreement signed by Palm Springs Promenade, LLC and the City of Palm Springs on September 7, 2011 (in accordance with Government Code Section 66462) as amended. Parcel Map 36446 must be recorded prior to issuance of any grading or construction permits.

TRAFFIC

- ENG 59. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 60. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 61. Submit traffic striping and signage plans for Main Street and Belardo Road prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.
- ENG 62. Install street name signs at all corners of all intersections that are a part of the Downtown Palm Springs project, in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 63. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 64. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

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

1. These conditions are subject to final plan check and review. Initial fire

department conditions have been determined from the preliminary plans stamped received September 10, 2015. Additional requirements will be required at that time based on receipt of actual plans.

2. Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Four (4) complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
3. **Plans and Permits (CFC 105.1):**

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

Plans shall be submitted to:

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

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

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

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

4. **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'-6". Fire Department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.
5. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to

within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

6. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
7. **Aerial Fire Access Roads (CFC Appendix D105.1):** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
8. **Aerial Fire Access Road Width (CFC Appendix D105.2):** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet in height.
9. **Aerial Access Proximity to Building (CFC Appendix D105.3):** At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
10. **Fire Lane Marking (CFC 503.3):** Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
11. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. Secured automated vehicle gates or entries shall utilize a combination of a Tomar Strobeswitch™, or approved equal, and an approved Knox key electric switch. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

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

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

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

Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to association or facility locks. The nominal height of Knox lock box installations shall be 5 feet above grade. Location and installation of Knox key boxes must be approved by the fire code official.

Key Box Contents (CFC 506.1): The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.

13. **Premises Identification (CFC 505.1):** New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high for R-3 occupancies and 6" - 12" for all other occupancies depending on distance from street with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.
14. **Required Water Supply (CFC 507.1):** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

15. **Water Agency Construction Specifications:** All public water mains, fire hydrants and double check detector assemblies must be installed in accordance with DWA specifications and standards. Private fire hydrants shall be painted OSHA safety red. Public fire hydrants shall be painted equipment yellow.
16. **Water Plan (CFC 501.3 & 901.2):** A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), public water mains, Double Check Detector Assembly, Fire Department Connection and associated valves.
17. **Fire Hydrant Flow (CFC 507.3):** Fire flow requirements for buildings or portions of buildings and facilities are shall be determined by Appendix B.
18. **Fire Hydrant Systems (CFC 507.5):** Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C.
19. **Operational Fire Hydrant(s) (CFC 507.1, 507.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
20. **Fire Hydrant & FDC Location (CFC 912.2):** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.
21. **Location of Fire Department Connections:** The connection inlets must face the street, and be located on the street side of the building. The face of the inlets shall be 18 inches horizontal from the back edge of sidewalk (or back of curb, if no sidewalk), and shall be 36 to 44 inches in height to center of inlets above finished grade. No landscape planting, walls, or other obstructions are permitted within 3 feet of Fire Department connections. The FDC and supporting piping shall be painted OSHA safety red.

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

F. D. C. SERVES
123 N. P. C.

ALL BLDGS. IN COMPLEX

22. **Water Systems and Hydrants (CFC 507.1, 507.2, 507.4, 901.5 & 1412.1):** Underground private fire service mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC) Installation, testing, and inspection will meet the requirements of NFPA 24, 2013 Edition. Prior to final approval of the installation, contractor shall submit a completed Contractors Material & Test Certificate for Underground Piping to the Fire Department. (NFPA 24: 10.10, 2013 Edition).
23. **Identification (CFC 509.1):** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
24. **Fire Department Connections (CFC 912.2.1 & 912.3):** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at (760) 323-8186 for a KNOX application form.
25. **Standpipe Systems Required (CFC 905.3):** Class I Standpipe system is required in addition to the automatic sprinkler system. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.10.1 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems are allowed to be combined with *automatic sprinkler systems*.
26. **NFPA 13 Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13, 2013 Edition, as modified by local ordinance.
27. **NFPA 13R Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13R, 2013 Edition, as modified by local ordinance.
28. **Fire Sprinkler Supervision and Alarms System (CFC 903.4/4.1):** All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all fire sprinkler systems shall be electrically supervised by a listed Fire Alarm Control Unit (FACU). The listed FACU alarm, supervisory and trouble signals

shall be distinctly different and shall be monitored at a UL listed central station service. The fire sprinkler supervision and alarms system shall comply with the requirements of NFPA 72, 2013 Edition. All control valves shall be locked in the open position.

29. **Central Station Protective Signaling Service (CFC 903.4.1):** A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.
30. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2013 Edition.
31. **HVAC Duct Smoke Detection/Shut Down with a Fire Sprinkler Supervision & Alarm System or Fire Alarm System (CFC 907.4.1, CMC 609.0 & NFPA 72):** All HVAC systems supplying greater than 2,000 CFM shall require a duct detector and HVAC shut down when smoke is detected. HVAC shut down shall be on an individual basis, not global. These systems shall supervise the Duct Detectors and activate the notification appliances. An accessory module shall be installed for each unit, including alarm LED, pilot LED and key-operated test/reset switch.
32. **Smoke Alarm or Detector Locations - R-1 Occupancy (CFC 907.2.11.1):** Single or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:
 1. In sleeping areas.
 2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
33. **Groups R-1 and R-2.1 Accessibility Requirements (CFC 907.6.2.3.3):** Group R-1 and R-2.1 dwelling units or sleeping units in accordance with Table 907.6.2.3.3 shall be provided with a visible alarm notification appliance, activated by both the in room smoke alarm and the building fire alarm system. Also comply with Section 1111B.4.5, Table 11B-3, and Table 11B-4 of the California Building Code.
34. **Audible Water Flow Alarms (CFC 903.4.2 & Appendix K: 4.3):** An approved audible sprinkler flow alarm (Wheelock horn/strobe with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be outdoor rated. A second horn/strobe shall be installed

in the interior of the building in a normally occupied location. In multiple suite buildings, additional interior horn/strobes shall be installed in all suites with 50 or more occupant load. Power shall be provided from a fire alarm control unit. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

35. **Fire Extinguisher Requirements (CFC 906):** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.

Portable Fire Extinguishers for Food Processing Equipment (CFC 906.1 & 4): In addition to the fixed system, a fire extinguisher listed and labeled for Class K fires shall be installed within 30 feet of commercial food heat processing equipment, as measured along an unobstructed path of travel. The preferred location is near the exit from the cooking equipment area.

36. **Elevator Emergency Operation (CFC 607.1):** Existing elevators with a travel distance of 25 feet or more shall comply with the requirements in Chapter 46. New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders and NFPA 72.
37. **Elevator Keys (CFC 607.4):** Keys for the elevator car doors and fire-fighter service keys shall be kept in an approved location for immediate use by the fire department.
38. **Elevator System Shunt Trip (CFC 607.5):** Where elevator hoistways or elevator machine rooms containing elevator control equipment are protected with automatic sprinklers, a means installed in accordance with NFPA 72, Section 21.4, Elevator Shutdown, shall be provided to disconnect automatically the main line power supply to the affected elevator prior to the application of water. This means shall not be self-resetting. The activation of sprinklers outside the hoistway or machine room shall not disconnect the main line power supply.
39. **Fire Sprinklers at Bottom of Elevator Pit (NFPA 13: 8.15.5.1):** Sidewall spray sprinklers shall be installed at the bottom of each elevator hoistway not more than 2 feet above the floor of the pit.
40. **Elevator Hoistways and Machine Rooms (NFPA 13: 8.15.5.3):** Automatic fire sprinklers shall be required in elevator machine rooms, elevator machinery spaces, control spaces, or hoistways of traction elevators.

41. **Fire Sprinklers at the Top of Elevator Hoistways (NFPA 13: 8.15.5.6):** The sprinkler required at the top of the elevator hoistway by 8.15.5.5 shall not be required where the hoistway for passenger elevators is noncombustible or limited-combustible and the car enclosure materials meet the requirements of ASME A17.1, Safety Code for Elevators and Escalators.
42. **Elevator Recall for Fire Fighters' Service with Automatic Fire Detection (NFPA 72: 21.3.3):** Unless otherwise required by the authority having jurisdiction, only the elevator lobby, elevator hoistway, and elevator machine room smoke detectors, or other automatic fire detection as permitted by 21.3.9, shall be used to recall elevators for fire fighters' service.
Exception: A water-flow switch shall be permitted to initiate elevator recall upon activation of a sprinkler installed at the bottom of the elevator hoistway (the elevator pit), provided the water-flow switch and pit sprinkler are installed on a separately valved sprinkler line dedicated solely for protecting the elevator pit, and the water-flow switch is provided without time-delay capability.
43. **Elevator Recall with Fire Sprinkler in Elevator Pit (NFPA 72: 21.3.7):** When sprinklers are installed in elevator pits, automatic fire detection shall be installed to initiate elevator recall in accordance with 2.27.3.2.1(c) of ANSI/ASME A.17.1/CSA B44, Safety Code for Elevators and Escalators, and the following shall apply:
 - (1) Where sprinklers are located above the lowest level of recall, the fire detection device shall be located at the top of the hoistway.
 - (2) Where sprinklers are located in the bottom of the hoistway (the pit), fire detection device(s) shall be installed in the pit in accordance with Chapter 17.
 - (3) Outputs to the elevator controller(s) shall comply with 21.3.14.
44. **Elevator Systems Automatic Detection (NFPA 72: 21.3.9):** If ambient conditions prohibit installation of automatic smoke detection, other automatic fire detection shall be permitted.
45. **Detector Annunciation at the Building Fire Alarm Control Unit (NFPA 72: 21.3.10):** When actuated, any detector that has initiated fire fighters' recall shall also be annunciated at the building fire alarm control unit, or other fire alarm control unit as described in 21.3.2, and at required remote annunciators.
46. **Elevator Stretcher Requirement (CBC 3002.4):** Elevators shall be designed to accommodate medical emergency service. The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 84 inches in the horizontal position. The elevator entrance shall have

a clear opening of not less than 42 inches wide or less than 78 inches high. The elevator car shall be provided with a minimum clear distance between walls or between walls and door excluding return panels not less than 80 inches by 54 inches, and a minimum distance from wall to return panel not less than 51 inches with a 42 inch side slide door.

47. **Fire Dampers (CMC 606.2):** Shall be provided where air ducts penetrate fire-rated walls or ceilings.

48. **“Exit Analysis Plan” required (CFC 104.7.2):** All assembly areas shall require an approved exit analysis plan prepared, stamped and signed by a state licensed architect in ¼” = 1’ scale. The floor plan shall address the following for a Group A-2 occupancy:

Provide **net** occupant load calculations for interior and any proposed outdoor patios. The occupant load determination shall be made by the Fire Marshal Seating/table diagram with compliant aisle widths

Minimum required egress width to accommodate occupant load

Exit access travel distance

Egress paths to public way

Means of egress illumination locations

Illuminated EXIT sign locations

Compliant exit doors/gates and door/gate hardware (panic hardware)

Elevation changes in the exit discharge

Locations of fire extinguishers (minimum rating 2A-10BC).

49. **Posting of Occupant Load (CFC 1004.3):** Every room or space that is assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.

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

Pool Chemicals – dedicated, compliant storage cabinets, rooms, or areas required

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

51. **Emergency Responder Radio Coverage in Buildings (CFC 510.1):** All buildings shall have *approved* radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Radio Signal Strength (CFC 510.2): The building shall be considered to have acceptable emergency responder radio coverage when signal strength measurements in 95 percent of all areas on each floor of the building meet the signal strength requirements of Sections 510.2.1 and 510.2.2.

Minimum Signal Strength into the Building (CFC 510.2.1): A minimum signal strength of -95 dBm shall be receivable within the building.

Minimum Signal Strength Out of the Building (CFC 510.2.2): A minimum signal strength of -100 dBm shall be received by the agency's radio system when transmitted from within the building.

52. **Stationary Storage Battery Systems Scope (CFC 608.1):** Stationary storage battery systems having an electrolyte capacity of more than 50 gallons for flooded lead-acid, nickel cadmium (Ni-Cd) and valve-regulated lead-acid (VRLA), or 1,000 pounds for lithium-ion and lithium metal polymer, used for facility standby power, emergency power or uninterrupted power supplies shall comply with this section and Table 608.1.

53. **Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement HMIS)** The HMMP and HMIS shall be submitted to and approved by Riverside County Health Department. Palm Springs Fire Department shall receive an approved copy of the above plan and statement. The HMMP shall comply with Health and Safety Code, Chapter 6.95, Sections 25500 through 25545, and Title 19, Division 2, Chapter 4. (CFC 5001.5.1) The HMIS shall comply with Health and Safety Code, Chapter 6.95, Sections 25500 through 25545, and Title 19, Division 2, Chapter 4. (CFC 5001.5.2) Palm Springs Fire Department Permits. Permits shall be required as set forth in Chapter 1, Sections 105.6 and 105.7. (CFC 5001.5)

END OF CONDITIONS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 3.3948 MAA, A MINOR ARCHITECTURAL APPLICATION TO CONSTRUCT A 70-SPACE PARKING LOT LOCATED ON BLOCK A-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN AT THE NORTHEAST CORNER OF BELARDO ROAD AND ANDREAS ROAD, ZONE CBD. (CASE 3.3948 MAA)

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. On December 2, 2009, the City Council made findings, adopted a Mitigation Monitoring and Reporting Program, adopted a Statement of Overriding Considerations, and certified the Museum Market Specific Plan Environmental Impact Report ("Specific Plan EIR") and adopted Ordinance 1764, thereby approving the Museum Market Plaza Specific Plan ("Specific Plan") which covers the land use, development standards and design guidelines for the Specific Plan area.

B. On October 28, 2015, November 12, 2015, December 9, 2015, and January 13, 2016, the Planning Commission considered amendments to the Specific Plan, including changing the document name to "Downtown Palm Springs Specific Plan", modifications of land uses within the different Blocks, adjustments to building heights and other various amendments and changes.

C. Palm Springs Promenade, LLC, ("Applicant") has filed an application with the City, pursuant to the Specific Plan and Section 94.04.00 of the Zoning Code, for a Minor Architectural Application (Case No. 3.3948-MAA) to allow the construction of a 60 space temporary parking lot on Specific Plan Block A-1 located at the northeast corner of Belardo Road and Andreas Road.

D. On April 20, 2016 a public hearing to consider Case 3.3948 MAA was held by the Planning Commission in accordance with applicable law. At this meeting, the Planning Commission recommended approval to the City Council.

E. On April 20, 2016 a public hearing to consider Case 3.3948 MAA was held by the City Council in accordance with applicable law

F. The proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") and EIR Addendum No. 2 has been prepared to analyze impacts related to the project. The analysis shows that the project is within the scope of the original Specific Plan EIR adopted and none of the circumstances triggering further environmental review have occurred since the adoption of the EIR and subsequent Addenda.

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

H. Pursuant to Section I.C. of the Downtown Palm Springs Specific Plan, the Planning Commission finds that the project complies with the Specific Plan's guiding principles as follows:

1. *The highest quality development which provides an exciting and safe living, working and shopping experience for all.*

The proposed parking lot will assist in providing a high-quality environment in that it will increase the number of parking spaces available for the development, provide convenient access to nearby stores and restaurants, and result in the installation of streetscape and landscape plantings that will provide a desirable environment for patrons.

2. *Connections from the Palm Springs Art Museum to the Resort/Convention Center.*

While the site is not in direct alignment between the Art Museum and the Convention Center, the project will result in the development of a sidewalk and streetscape along Andreas Road, one of several pedestrian connections between the two areas.

3. *The development of retail commercial development which successfully mixes national and regional chain stores with local businesses, focused on the major roadways which bound the site, including North Palm Canyon, Indian Canyon, Tahquitz Canyon and Belardo.*

No retail development is proposed as part of this request,

4. *A balance of commercial and residential development which assures the success of the area by increasing the number of homes in the downtown, thereby increasing the customer base of the commercial uses.*

The parking lot will support both commercial and residential development within the Specific Plan area.

5. *The development of residential units which relate synergistically to the commercial development around them, and encourage a pedestrian lifestyle with little use for the automobile.*

The proposed parking lot is located towards the interior of the site, and does not interrupt the important pedestrian frontages along Palm Canyon or Main Street.

6. *The development of additional resort hotels which provide luxury accommodations and increase the visitors to the City's downtown.*

The proposed parking lot will serve visitors to the downtown area.

7. *View corridors to the mountains at Main Street and Andreas Road through the site shall be created, while views to the mountains from Tahquitz Canyon Way shall be preserved or enhanced to the greatest extent possible.*

As no physical structures are intended to be built upon Block A-1, views of the mountains from the Andreas Road corridor will not be impacted.

8. *The Downtown Palm Springs project is pedestrian oriented and all buildings must be sensitively designed to the human scale with active, pedestrian friendly frontages on the ground floor. Structures are to be massed to reduce their visual dominance and preserve view corridors. The built form is to be effectively permeated with public and private open spaces, thereby avoiding the creation of overwhelming and impenetrable mega-blocks.*

The sidewalks and landscaping that abut the proposed parking lot will enhance the pedestrian environment. The block is small in scale, and contributes to walkable environment.

I. Pursuant to Section 94.04.00(D) of the Palm Springs Zoning Code, City Council finds:

The Planning Commission has examined the material submitted with the architectural approval application and has examined specific aspects of the design and determined the proposed development will (1) provide desirable environment for its occupants; (2) is compatible with the character of adjacent and surrounding developments, and (3) aesthetically it is of good composition, materials, textures and colors. Planning Commission's evaluation is based on consideration of the following:

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

The site layout is generally consistent with the Specific Plan and the approved landscape/hardscape plan; however, the location of the parking spaces on the east side of the lot will need to be adjusted to increase the pedestrian area on Market Street (the pedestrian paseo) for consistency with the approved landscape/hardscape plans. Definition between the pedestrian and vehicular areas is provided through paving materials, raised landscape planters, or

landscape buffer areas.

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

The proposed parking lot is harmonious in its relationship with the adjacent commercial development.

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

4. Building design, materials and colors to be sympathetic with desert surroundings; and

5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously;

No physical structures or walls are proposed as part of the parking lot development.

6. Consistency of composition and treatment;

The landscape plantings are generally consistent as proposed for the parking lot area.

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

The proposed planting materials are generally consistent with the approved landscape/hardscape plan and appropriate for desert climate conditions. Minor modifications in the placement and type of proposed street trees will need to be made for consistency with the approved landscape/hardscape plan. Irrigation plans have not been provided, but will be required as part of a building permit application for the project.

8. Signs and graphics, as understood in architectural design including materials and colors;

No signage is proposed as part of this application.

THE CITY COUNCIL RESOLVES:

Based upon the foregoing, the City Council hereby approves Case 3.3948 MAA, for the construction of a 70-space parking lot Block A-1 of the Downtown Palm Springs Specific Plan, located at the northeast corner of Belardo Road and Andreas Road, subject to the conditions of approval attached herein as Exhibit A.

ADOPTED this 20th day of April, 2016.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

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

RESOLUTION NO.

EXHIBIT A

Case 3.3908 MAJ
Downtown Palm Springs / Block A-1

April 20, 2016

CONDITIONS OF APPROVAL

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

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

PROJECT CONDITIONS

1. This approval is not valid until the effective date of Ordinance 1889.
2. The project, as shown in the approved plans, is consistent with the Downtown Palm Springs Specific Plan (Case 5.1204 SP Amendment-1).
3. The sidewalk design for the project as it relates to hardscape, landscape, lighting and furniture fixtures shall be consistent with the plans conditionally approved by the Planning Commission on November 12, 2015. Should substantial changes be proposed, review and approval by the AAC and Planning Commission is required.
4. Review by the AAC of the detailed landscape plans shall be required prior to the issuance of a building permit.
5. Submission and review by AAC and Planning Commission of a sign program for Block A-1, including any incidental signage for the parking lot.

ADMINISTRATIVE CONDITIONS

ADM 1. Project Description. This approval is for the project described per Case No. 3.3948 MAA, except as modified by the conditions below.

ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, including site plan, landscape plan, and

materials and colors on file in the Planning Division, except as modified by the conditions below.

- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 3.3908-MAJ. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of the Minor Architectural Application (MAA) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission

upon demonstration of good cause.

- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being ½% for commercial projects or ¼% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 10. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning or designee for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 2. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. (See condition No. 4 above.)

- PLN 3. Streetscape Treatment. The proposed streetscape (plant materials, hardscape materials, inert groundcover) shall comply with the landscape/hardscape plan approved by the Planning Commission on November 12, 2015. Should substantial changes be proposed, review and approval by the AAC and Planning Commission is required.
- PLN 4. East Buffer Area. The parking lot design shall be revised so that a pedestrian area is provided in between the planters and the parking spaces, consistent with the landscape/hardscape plan approved by the Planning Commission on November 12, 2015.
- PLN 5. Lighting. Per the Conditions of Approval of the landscape/hardscape plan (approved by Planning Commission on November 12, 2015), the applicant shall be required to submit specifications for lighting fixtures to the AAC and Planning Commission for review and approval. A photometric plan shall be submitted for review and approval by the Department of Planning Services prior to the issuance of a building permit; lighting shall comply with the requirements listed in PSZC Section 93.21.00.
- PLN 6. Adjacent Structures. Approval of this application does not include any structures shown adjacent to the Hyatt Hotel building. Any such structures shall comply with the plans approved and conditioned by the AAC in November, 2015.
- PLN 7. Curbing. Continuous concrete curbs shall be installed to serve as wheel stops for cars in accordance with PSZC Section 93.06.00(C)(2)(d).
- PLN 8. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 9. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. The public street improvements outlined in these conditions of approval are intended to convey to the applicant an accurate scope of required improvements, however, the City Engineer reserves the right to require reasonable additional improvements as may be determined in the course of the review and approval of street improvement plans required by these conditions.
- ENG 4. All proposed decorative pavement shall vary from location to location, but shall be the same type as approved by the City Engineer.

BELARDO ROAD

- ENG 5. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-back at the southwest corner of the intersection of Main Street and Belardo Road as required by the City Engineer.
- ENG 6. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match proposed sidewalk) for those portions of sidewalk located outside of the public right-of-way.
- ENG 7. Belardo Road shall have one northbound and one southbound lane, as well as parking on both sides of Belardo Road (except at curb returns) along the Hotel project frontage.
- ENG 8. Construct a 25 feet radius curb return at the southwest corner of the intersection of Belardo Road with Main Street in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

- ENG 9. Construct a Type A curb ramp meeting current California State Accessibility standards at the southwest corners of the intersection of Belardo Road and Main Street, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 10. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, between the edges of proposed gutters on each side of the street along the Belardo Road frontage, in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 11. The intersection of Belardo Road and Main Street, shall be constructed with enhanced or decorative paving (such as decorative pavers).

GRADING

- ENG 12. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

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

b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan or Tentative Parcel Map No. 36446; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Final Water Quality Management Plan

- ENG 13. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 14. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color or be decorative in nature; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 15. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 16. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 17. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.

- ENG 18. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP) for all Blocks of the Downtown Palm Springs project. As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the project applicant shall cause the approved final project-specific Water Quality Management Plan to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 19. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 20. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 21. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 22. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 23. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of

Orange, Riverside, and Los Angeles Counties” (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 24. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).
- ENG 25. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading Plan.
- ENG 26. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-

Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

- ENG 27. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

- ENG 28. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a single hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.
- ENG 29. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to proposed Main Street, and proposed Belardo Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains. Much of the drainage shall go into the existing public storm drain line in Tahquitz Canyon Way.
- ENG 30. Construct all necessary on-site storm drain improvements, including but not limited to catch basins and storm drain lines, for drainage of site into the on-site underground detention system(s) and other specifications for construction of required on-site storm drainage improvements, as described in a final Hydrology Study for the Downtown Palm Springs project (Tentative Parcel Map No. 36446), reviewed and approved by the City Engineer.

ENG 31. All on-site storm drain systems shall be privately maintained.

ENG 32. The underground stormwater detention system(s) shall be sized to have sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required detention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Maintenance of the underground stormwater detention systems are the sole responsibility of the development owner(s); maintenance and/or replacement of the system(s), will be at the sole expense of the development owner(s). The Final Project-Specific Water Quality Management Plan *Covenant and Agreement* shall reserve the right of the City to inspect and ensure that the underground detention system(s) are operable, and in the event of its failure, shall provide the City the right to advise the owner(s) of the development and require its repair or replacement within 30 days notice, to the satisfaction of the City Engineer.

ENG 33. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit unless developer can provide evidence that fee or a partial fee was paid by the Desert Fashion Plaza in previous years.

GENERAL

ENG 34. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

ENG 35. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled

construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.

- ENG 36. All proposed utility lines shall be installed underground.
- ENG 37. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 38. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 39. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 40. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 41. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

ENG 42. If there are any lights from Lighting District No. 1, existing on Tahquitz Canyon Way along the Tentative Parcel Map (TPM) 36446 frontage, those lights shall be removed in conjunction with this project.

TRAFFIC

ENG 43. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

ENG 44. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 45. Submit traffic striping and signage plans for Main Street and Belardo Road prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.

ENG 46. Install street name signs at all corners of all intersections that are a part of the Downtown Palm Springs project, in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.

ENG 47. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.

ENG 48. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

FID 1 The applicant shall comply with all conditions and code requirements required by the Fire Department.

END OF CONDITIONS

ATTACHMENT #8

The Annex

A Mixed Use Project
Downtown Palm Springs, CA



CHRIS PARVO DESIGN
STUDIO
122 Archibald Pl. S.
Suite 100 West
105 N. Palm Canyon Drive
Palm Springs, CA
760.325.1100
www.chrisparvodesign.com

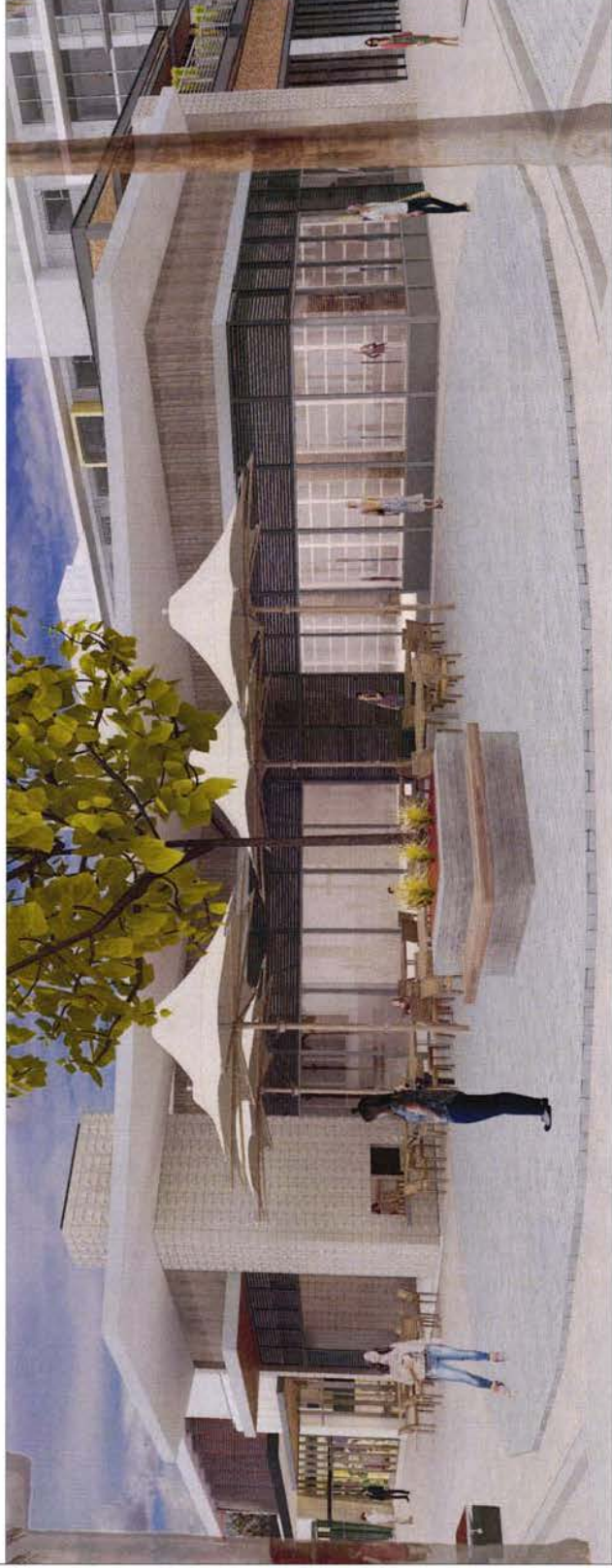
Annex
Palm Springs, CA

SCHEMATIC DESIGN

NO DATE
NO. 1.00 - DESCRIPTION
NO. 2.00 - DATE
NO. 3.00 - DATE
NO. 4.00 - DATE

Cover
Sheet

CS1.0



April 20th, 2016

1/11



CHRIS PARBO DESIGN

101 Robinson PI B

Sausalito CA 94965

415.455.1000

1000 N. Fair Canyon Drive

Suite 200

Palo Alto CA

www.chrisparbo.com

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DATE: 06/20/14

Annex

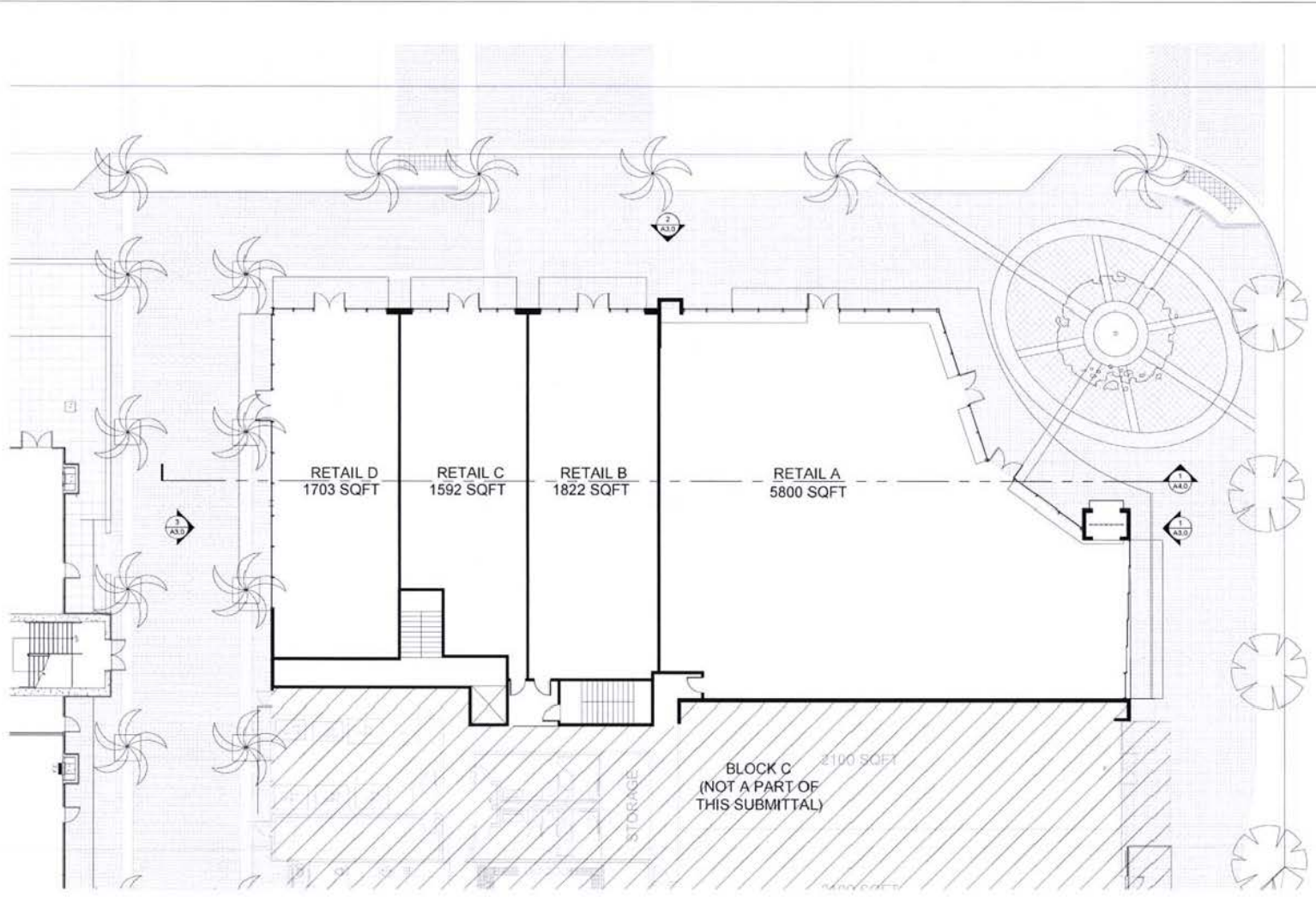
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No.	Date	Description
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2	06/20/14	Final

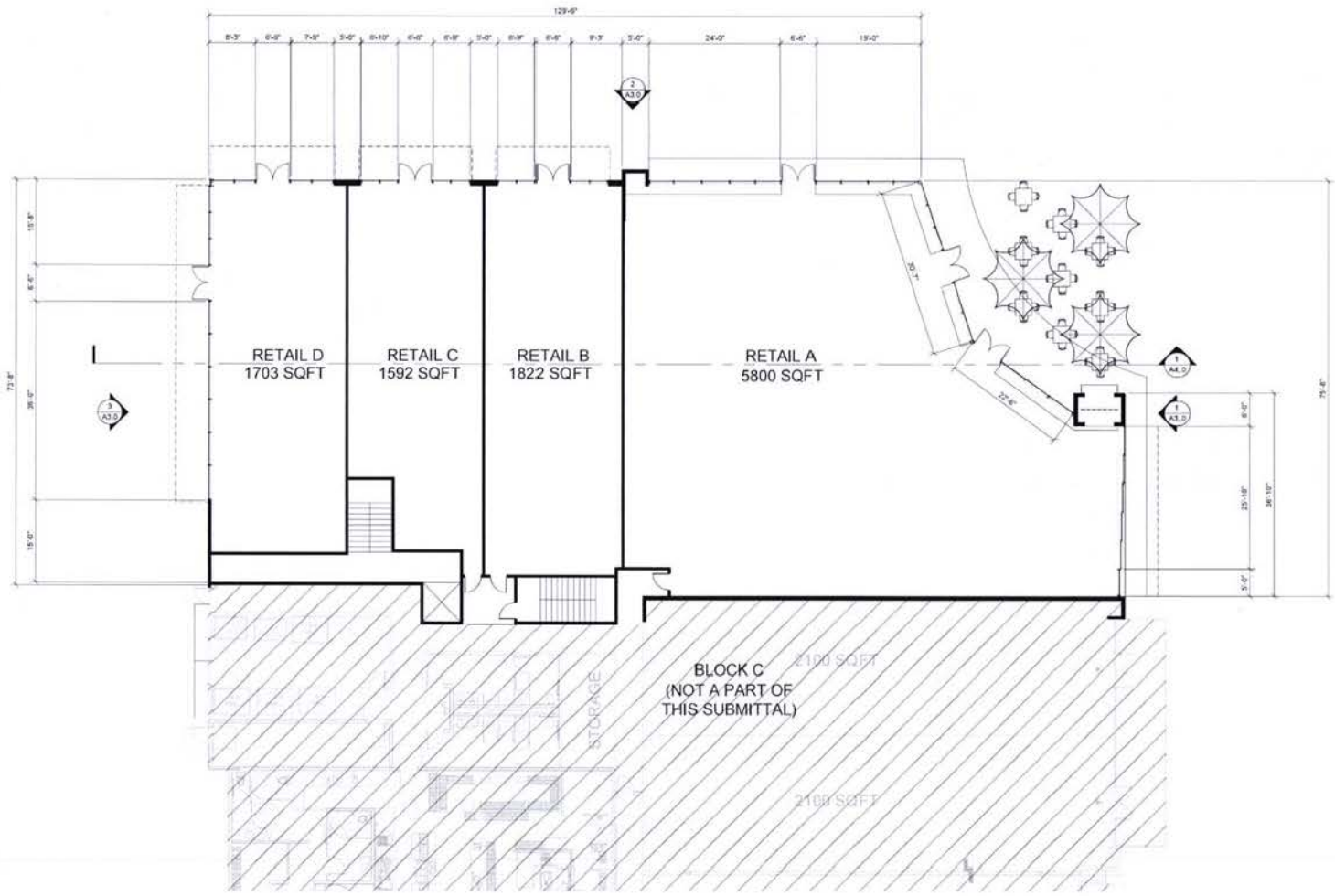
Site Plan

DATE: 06/20/14

A1.0



1 Site Plan
Scale 1/8" = 1'-0"



1 Floor Plan
Scale 1/8" = 1'-0"



CHRIS PARO DESIGN
ARCHITECTS INC.

121 Woodside Pl. E.
Suite 104
1000 N. Palm Canyon Drive
Suite 200
Palm Springs, CA
www.chrisparodesign.com

Annex
Palm Springs, CA

SCHEMATIC DESIGN

NO.	DATE	DESCRIPTION
1	03.04.18	ISSUE
2	03.20.18	MEP

Floor Plan
Ground Level

DATE: 03.20.18

A2.0



CHRIS PARDO DESIGN

1217 Parkside Pl S
Suite 100
1000 N. 44th Street
Phoenix, AZ 85018

PHOTOGRAPHY BY
CHRIS PARDON

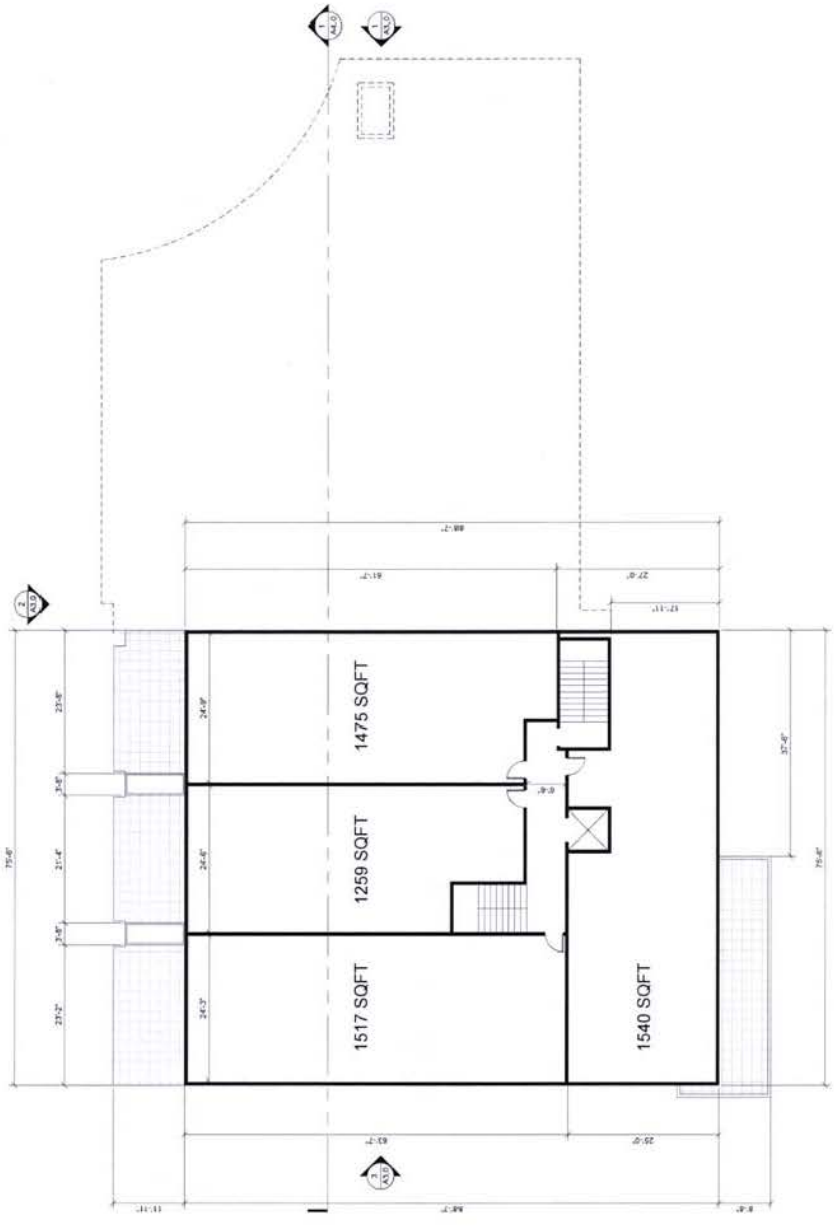
Annex

SCHEMATIC DESIGN

THE CLIENT: [REDACTED]
THE ARCHITECT: [REDACTED]
DATE: [REDACTED]

Floor Plan
Second Story

A2.1



1 Floor Plan - second
Scale 1/8" = 1'-0"



CHRIS PASSO DESIGN
ARCHITECTURAL STUDIO

1517 Piedmont Hills Blvd.
Suite 100, San Jose, CA
1000 N. First Street, Suite 200
Palo Alto, CA

ARCHITECT
REGISTERED ARCHITECT
CALIFORNIA LICENSE NO. 10000

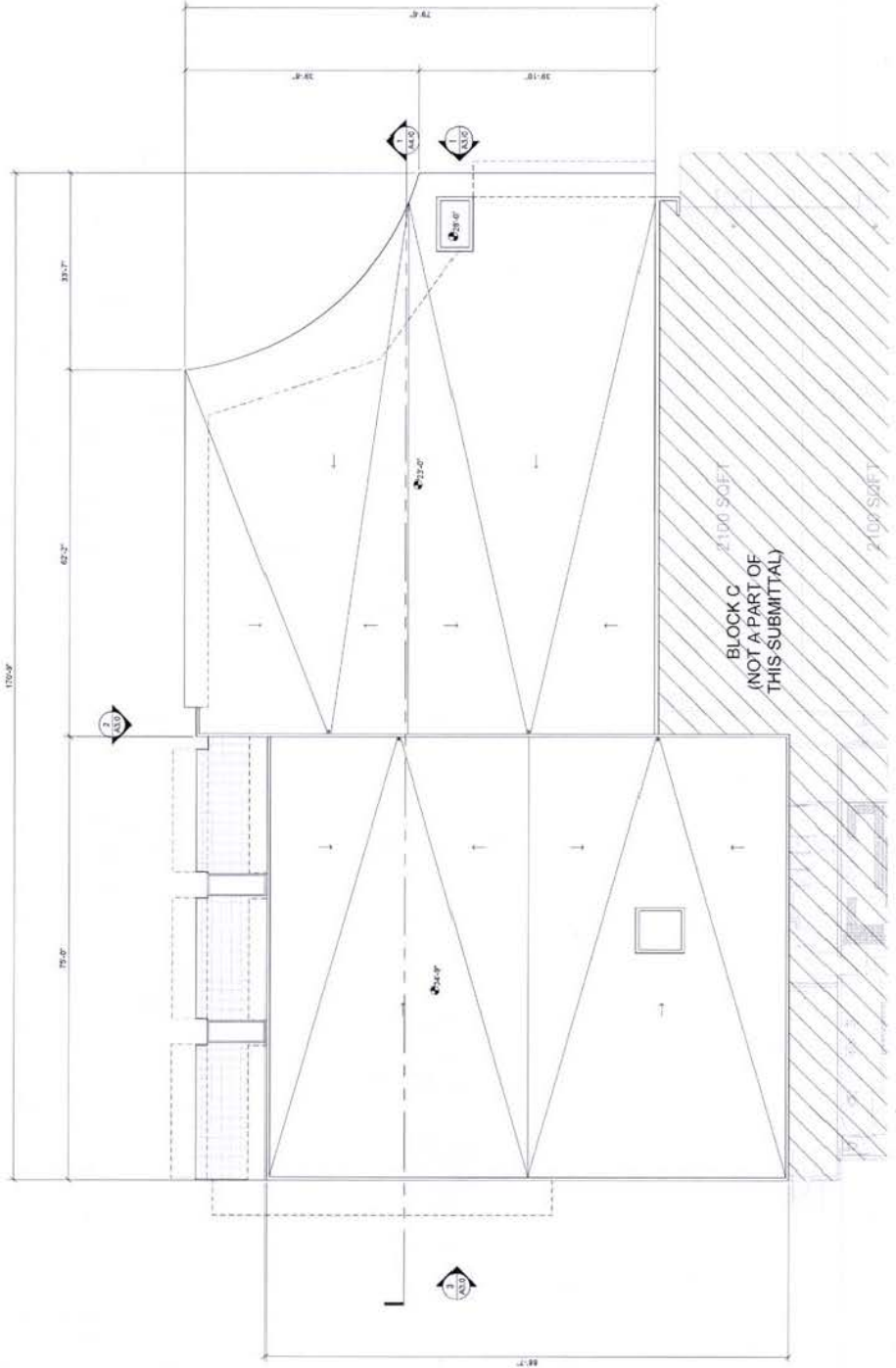
Annex
Project No. 15-01

SCHEMATIC DESIGN

DATE: 10/15/15
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
PROJECT NO.: 15-01

Roof Plan
of
Second Story

A2.2



① Roof Plan
Scale 1/8" = 1'-0"



CHRIS PARO DESIGN
ARCHITECTS

221 PALMVIEW PL. S.
SANTA MONICA, CA 90404
(310) 316-1933
1055 N. Palm Canyon Drive
Suite C 202
Palm Springs, CA
www.chrisparo.com

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Annex
Palm Springs, CA

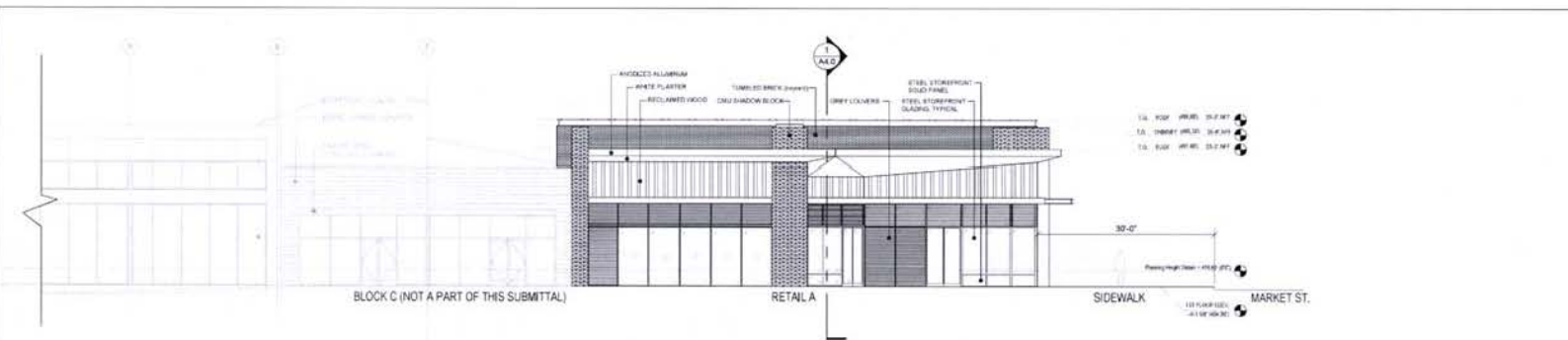
SCHEMATIC DESIGN

NO.	DATE	DESCRIPTION
1	03.06.18	ISSUE
2	04.02.18	ISSUE

Elevations:
One Story

DATE: 06.06.18

A3.0



1 East Elevation
Scale 1/8" = 1'-0"



2 North Elevation
Scale 1/8" = 1'-0"



3 West Elevation
Scale 1/8" = 1'-0"



CHRIS PARO DESIGN

127 Philadelphia Pl. S.
 Duarte, CA 91010
 909.255.5555
 1025 N. Palm Canyon Drive
 Suite 200
 Palm Springs, CA
 www.chrisparodesign.com

ARCHITECT: CHRIS PARO
 PROJECT NO. 18-0001
 DATE: 08/20/18
 SHEET NO. 01-01
 PROJECT NAME: 187 FLOOR BLDG.
 411 N. PALM ST.

Annex
 Palm Springs, CA

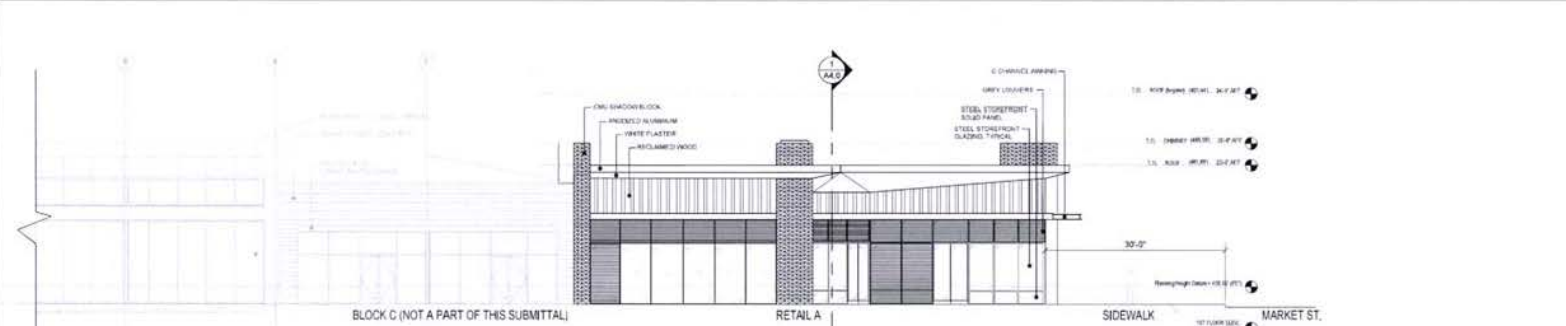
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100	08/20/18	ISSUED FOR PERMITS

Elevations:
 Two Story

DATE: 08/20/18

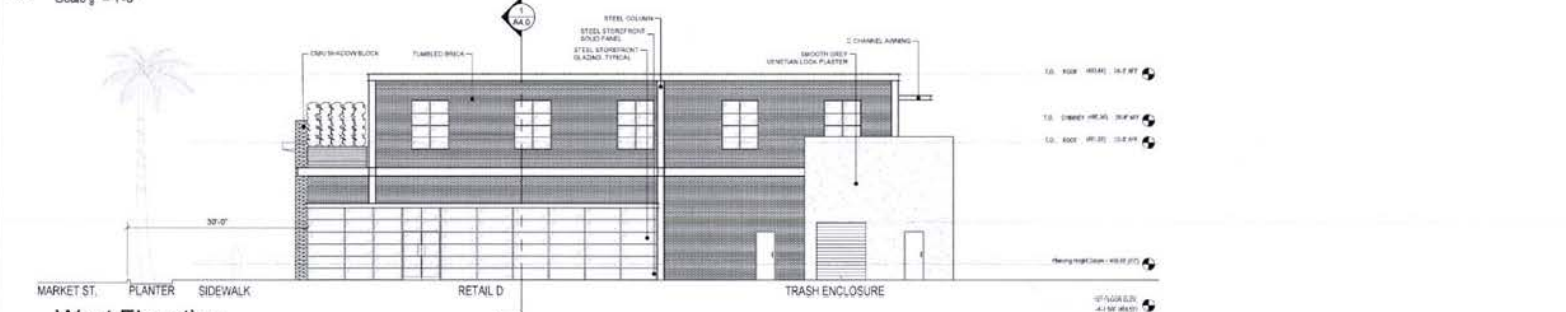
A3.1



1 East Elevation
 Scale 1/8" = 1'-0"



2 North Elevation
 Scale 1/8" = 1'-0"



3 West Elevation
 Scale 1/8" = 1'-0"



CHRIS PARDO DESIGN

127 Palmdale Blvd.
Palmdale, CA 93550
1001 N. Palm Canyon Drive
Palmdale, CA 93550

Phone: 805.251.1111
Fax: 805.251.1112
www.chrispardo.com

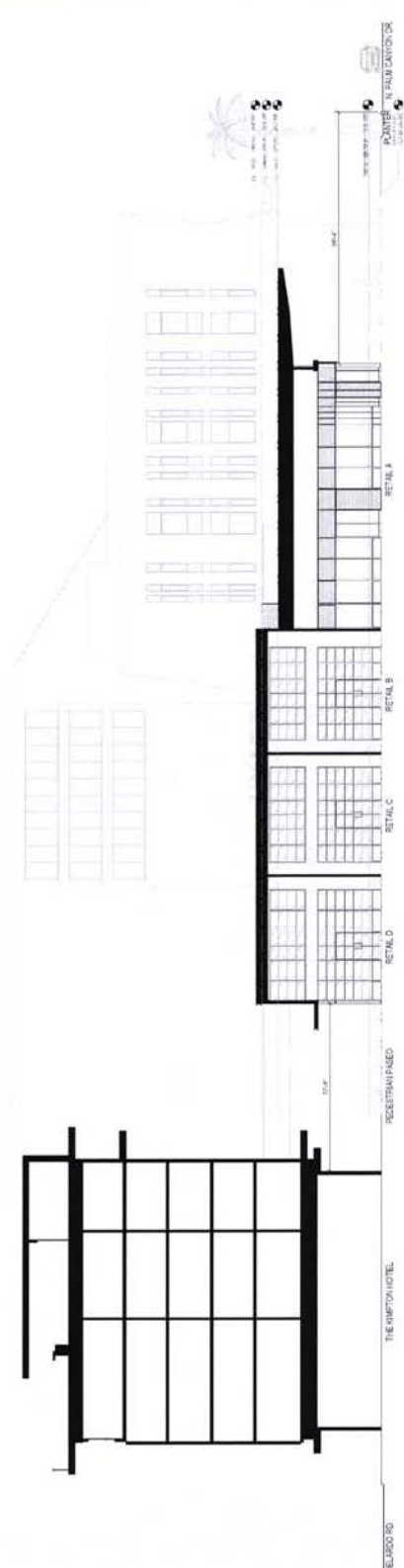
Annex

SCHEMATIC DESIGN

NO. DATE
1 10/10/10
2 10/10/10
3 10/10/10

Site Section
One-Story
Option

A4.0



1 Site Section (looking North)
Scale 3/32" = 1'-0"



CHRIS PARIZO DESIGN

127 Palmdale Pl. S.
Palmdale, CA 93550
Phone: 805.255.1111
www.chrisparizodesign.com

Architectural Services
Interior Design
Landscape Architecture
Civil Engineering

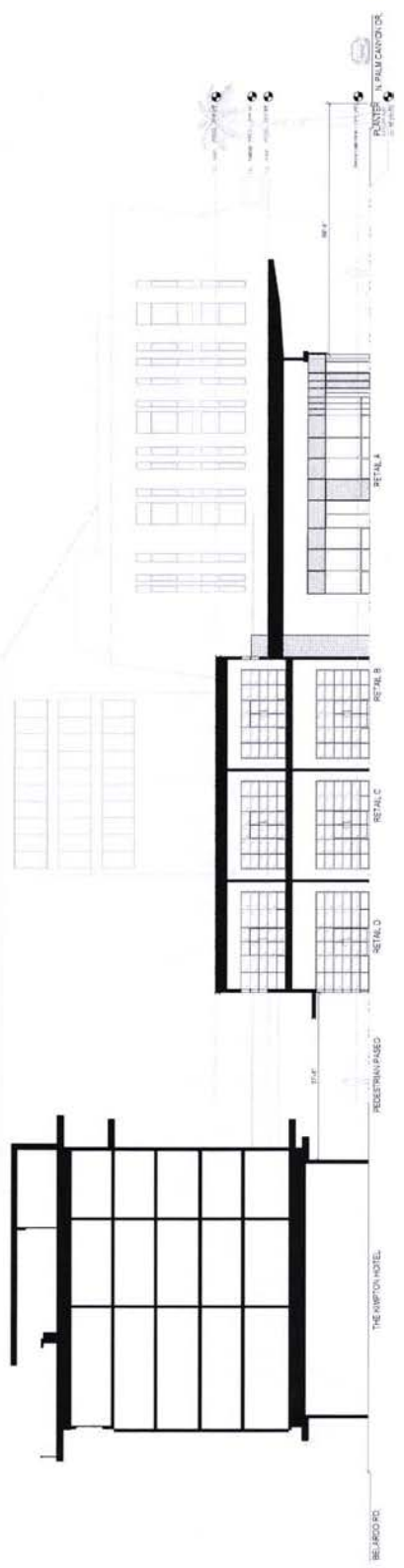
Annex
Palmdale, CA

SCHEMATIC DESIGN

NO. OF SHEETS	1
NO. OF SHEETS USED	1
NO. OF SHEETS LEFT	0
NO. OF SHEETS TOTAL	1

Site Section
Two Story
Option

A4.1



① Site Section (looking North)
Scale 3/32" = 1'-0"



CORES PARSONS DESIGN

127 Peachtree St. N.E.
Suite 1000
Atlanta, GA 30309
Phone: 404.524.2200
Fax: 404.524.2201

100 Peachtree St. N.E.
Suite 1000
Atlanta, GA 30309
Phone: 404.524.2200
Fax: 404.524.2201

Annex

SCHEMATIC DESIGN

DATE: _____
BY: _____
CHECKED BY: _____
APPROVED BY: _____

Shade Study
One Story

DATE: _____

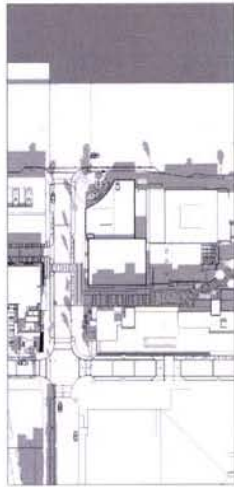
A5.0



① Shade Study : 6.21 8am
Scale 1/8" = 1'-0"



② Shade Study : 6.21 12pm
Scale 1/8" = 1'-0"



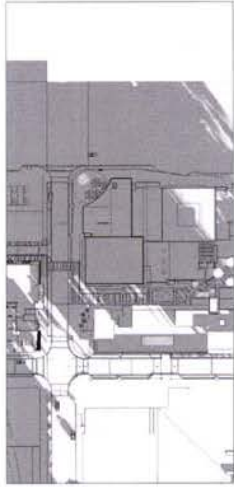
③ Shade Study : 6.21 4pm
Scale 1/8" = 1'-0"



④ Shade Study : 12.21 8am
Scale 1/8" = 1'-0"



⑤ Shade Study : 12.21 12pm
Scale 1/8" = 1'-0"



⑥ Shade Study : 12.21 4pm
Scale 1/8" = 1'-0"



CHRIS MARTINO DESIGN
ARCHITECTS

127 Palisades Blvd.
Troy, NY 12180
10315 Park Center Circle
Rochester, NY 14623
716.243.1234
www.chrismartinodesign.com

ARCHITECT: CHRIS MARTINO
PROJECT MANAGER: JESSICA WILSON
DESIGNER: JESSICA WILSON
DATE: 08/20/14

Annex
1700 N. York St.

SCHEMATIC DESIGN

NO. DATE DESCRIPTION
1. 12/14/13 Schematic
2. 02/14/14 Schematic
3. 03/14/14 Schematic

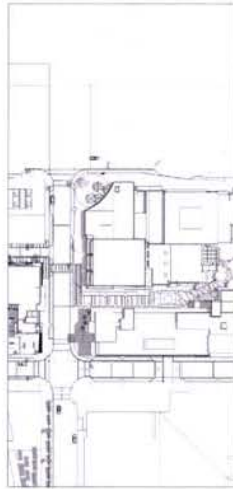
Shade Study
Two Story

DATE: 08/20/14

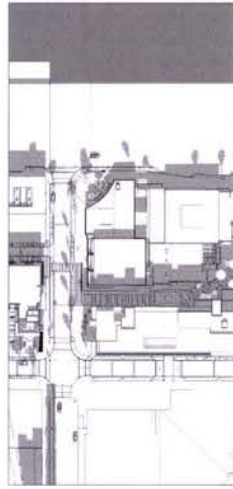
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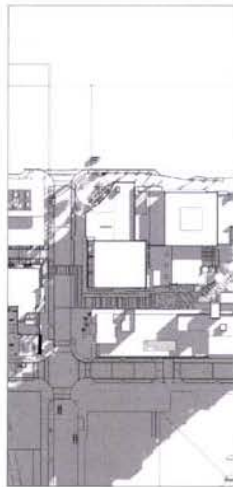
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Scale 1/8" = 1'-0"



② Shade Study : 6.21 12pm
Scale 1/8" = 1'-0"



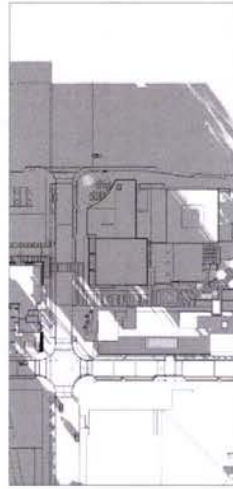
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Scale 1/8" = 1'-0"



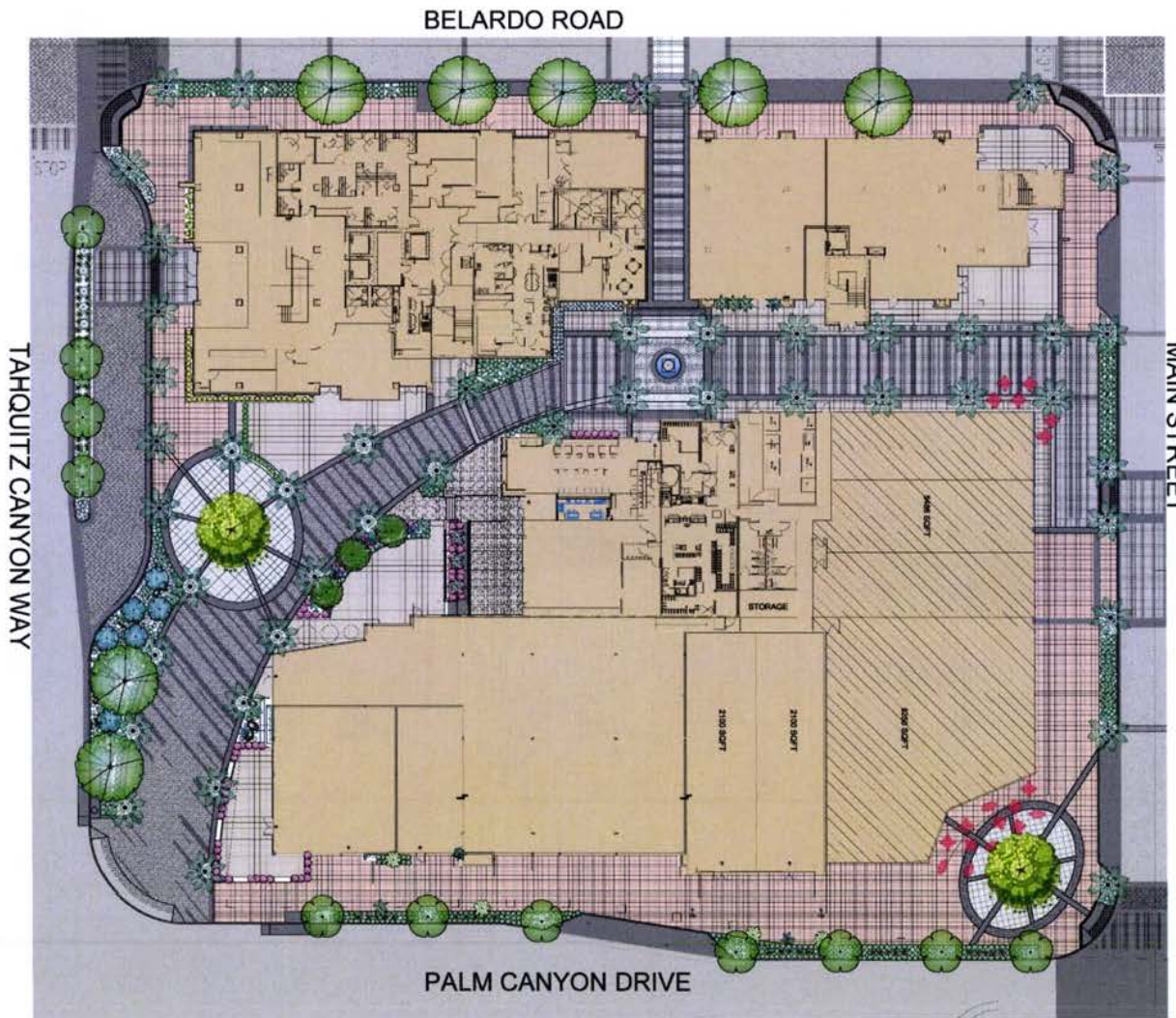
④ Shade Study : 12.21 8am
Scale 1/8" = 1'-0"



⑤ Shade Study : 12.21 12pm
Scale 1/8" = 1'-0"



⑥ Shade Study : 12.21 4pm
Scale 1/8" = 1'-0"



PLANT SCHEDULE BLOCK C

TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT
	4	<i>Brabeia amata</i> / Mexican Blue Palm	36"box
	2	<i>Cercidium praecox</i> 'AZT' / 'AZT' Sonoran Palo Verde Standard Trunk	12"box
	46	<i>Phoenix dactylifera</i> / Date Palm	16" BTH
	7	<i>Phoenix roebelenii</i> / Figny Date Palm Multi-Trunk	15 gal
	7	<i>Tipuana tipu</i> / Tipu Tree	48"box
PALM TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT
	41	<i>Chamaerops humilis</i> / Mediterranean Fan Palm	36"box
	3	<i>Geijera parviflora</i> / Australian Willow	36"box
	11	<i>Washingtonia filifera</i> / California Fan Palm	Existing
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
	113	<i>Bougainvillea</i> x 'Do-La-La' TM / Do-la-la Bougainvillea	5 gal
	148	<i>Cordia macrocarpa</i> 'Boxwood Bty.' / Natal Plum	5 gal
	3	<i>Cereus peruvianus</i> / Peruvian Apple Cactus Multi-trunk	5 gal
	4	<i>Cordia boissieri</i> / Small-Leaf Gaiertree	15 gal
	364	<i>Daniellia revoluta</i> / Baby Bliss	5 gal
	48	<i>Echinocactus grusonii</i> / Golden Barrel Cactus	5 gal
	14	<i>Equisetum hyemale</i> / Horsehair Reed Grass	5 gal
	64	<i>Hesperaloe parviflora</i> 'Perpa' / Brakelights Red Yucca	5 gal
CACTI	QTY	BOTANICAL NAME / COMMON NAME	SIZE
	6	<i>Agave desmetiana</i> / Dwarf Century Plant	15 gal
	5	<i>Yucca rostrata</i> / Beaked Yucca	6" H Trunk Multi



SCALE: 1"=20'-0"
0 20' 40' 60'



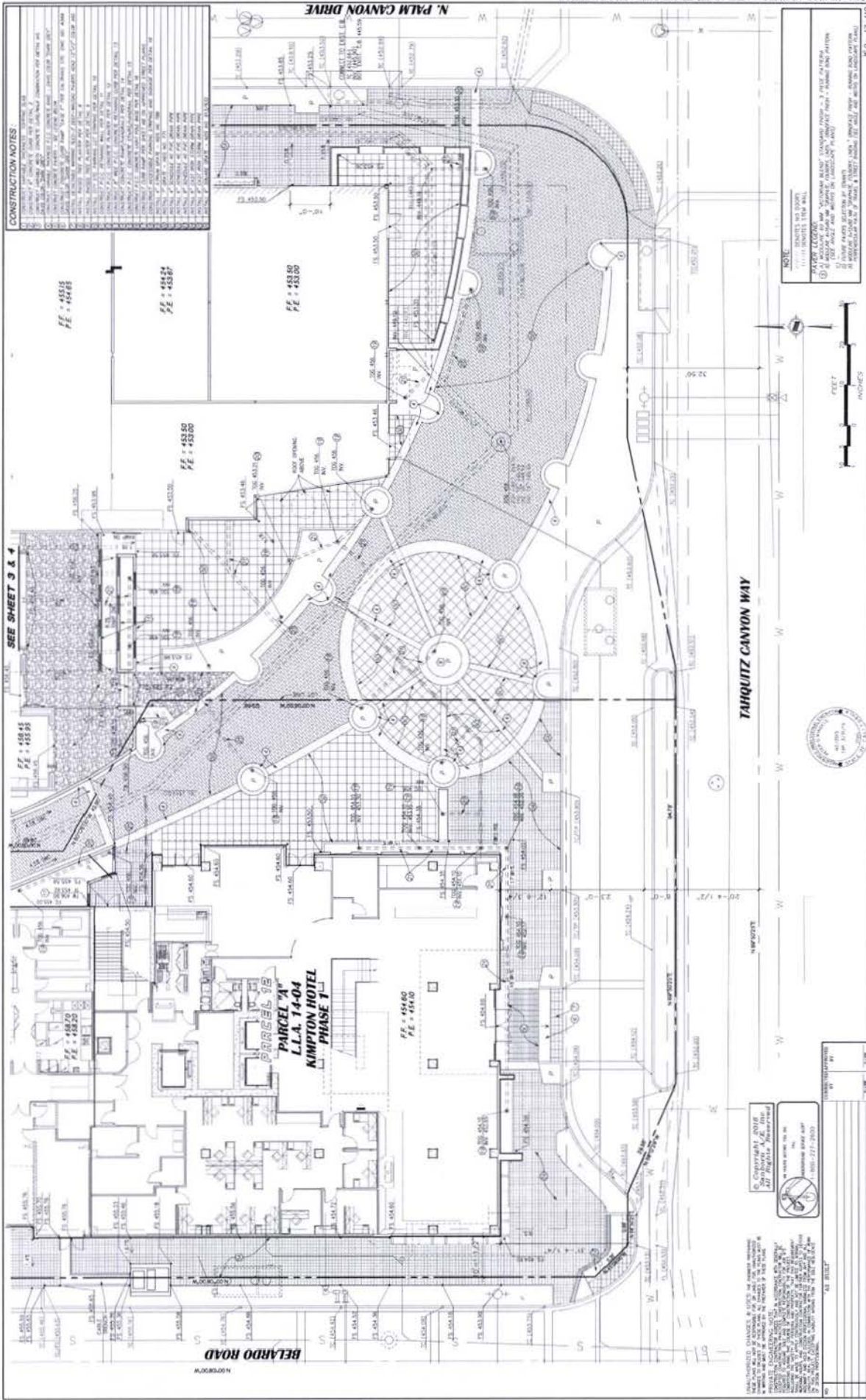
DOWNTOWN PALM SPRINGS

PALM SPRINGS, CALIFORNIA
BLOCK C CONCEPT PLAN



TKD ASSOCIATES, INCORPORATED
LAND PLANNING · LANDSCAPE ARCHITECTURE
WATER CONSERVATION
71-711 San Jacinto Drive, Suite C
RANCHO MIRAGE, CALIFORNIA 92270
Phone: (760) 778-1751
Fax: (760) 778-1753
Email: tkd@tkdinc.com

MARCH 31, 2016



CONSTRUCTION NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALM SPRINGS SPECIFICATIONS AND STANDARDS.
2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
3. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
4. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF PALM SPRINGS SPECIFICATIONS AND STANDARDS.
5. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL CONSTRUCTION SHALL BE MAINTAINED AND PROTECTED.
7. ALL CONSTRUCTION SHALL BE MAINTAINED AND PROTECTED.
8. ALL CONSTRUCTION SHALL BE MAINTAINED AND PROTECTED.
9. ALL CONSTRUCTION SHALL BE MAINTAINED AND PROTECTED.
10. ALL CONSTRUCTION SHALL BE MAINTAINED AND PROTECTED.

FF = 4515
FE = 4485

FF = 4424
FE = 4387

FF = 4510
FE = 4500

FF = 4540
FE = 4440

SEE SHEET 3 & 4

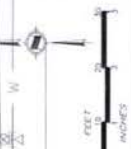
PARCEL A
L.A. 14-04
KIMPTON HOTEL
PHASE 1

BELARDO ROAD

TAHQUITZ CANYON WAY

NOTE:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PALM SPRINGS SPECIFICATIONS AND STANDARDS.
2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
3. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
4. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF PALM SPRINGS SPECIFICATIONS AND STANDARDS.
5. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL CONSTRUCTION SHALL BE MAINTAINED AND PROTECTED.
7. ALL CONSTRUCTION SHALL BE MAINTAINED AND PROTECTED.
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9. ALL CONSTRUCTION SHALL BE MAINTAINED AND PROTECTED.
10. ALL CONSTRUCTION SHALL BE MAINTAINED AND PROTECTED.



FOOT

INCHES



PREPARED UNDER THE DIRECT SUPERVISION OF

SANBORN A/E Inc.

201 WEST 1ST STREET
PALM SPRINGS, CA 92262

PROJECT NO. 451-202

DATE 10/15/2013

BY [Signature]

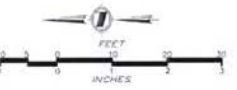
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PROJECT NO.	451-202	SHEET NO.	2
DATE	10/15/2013	SCALE	AS SHOWN
BY	[Signature]	DATE	10/15/2013
CITY OF PALM SPRINGS, CALIFORNIA		PARCEL NO.	PM 36448
PREPARED UNDER THE DIRECT SUPERVISION OF		SECTION NO.	15-01
SANBORN A/E Inc.		SECTION NO.	15-01
201 WEST 1ST STREET		SECTION NO.	15-01
PALM SPRINGS, CA 92262		SECTION NO.	15-01

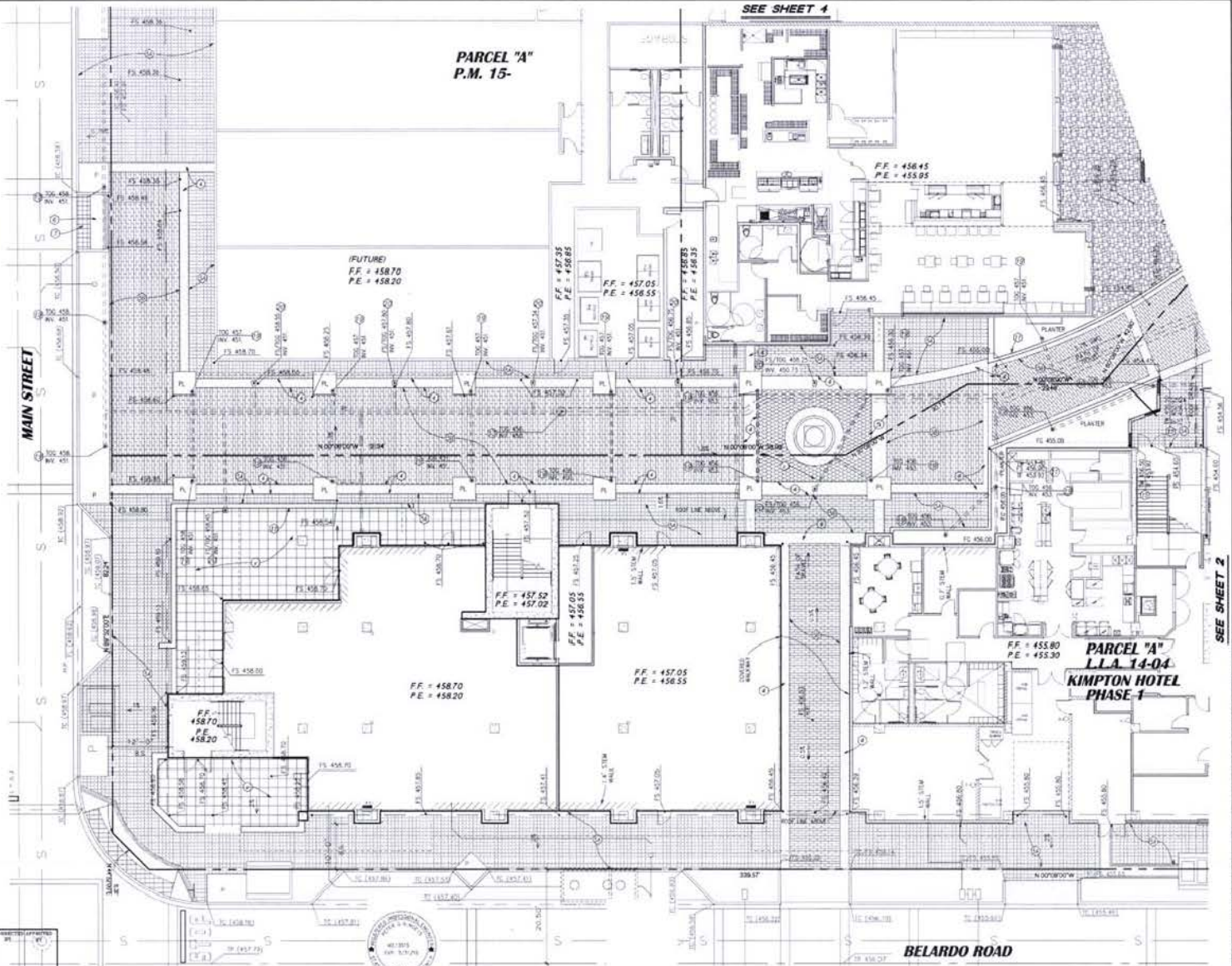
- CONSTRUCTION NOTES:**
- CONSTRUCT VARIABLE THICKNESS STOPPING SLAB
 - CONSTRUCT 6" CONCRETE CURB PER DETAIL 2
 - CONSTRUCT VARIABLE WIDTH CONCRETE CURB/WALK COMBINATION PER DETAIL NO. 10. COLOR: "DARK GREY"
 - CONSTRUCT VARIABLE THICKNESS P.C.C. CONCRETE BAND - DRAVE COLOR "DARK GREY"
 - CONSTRUCT CONCRETE PAVERS - SEE LEGEND BELOW
 - CONSTRUCT CONCRETE CURB RAMP "CASE 7" PER CALTRANS STD. DIMS. NO. 188B. FINISH COLOR: "DARK GREY"
 - INSTALL DETECTABLE WARNING TILES-3 DEEP-VARIABLE PAVERS ADD 12"x12" COLOR AND FINISH COLOR: "DARK GREY"
 - INSTALL RAISED WALK PLANKER PER DETAIL 8
 - INSTALL RAISED WALK PLANKER PER DETAIL 9
 - INSTALL DTY STD. PARKING LOT STRIPING FOR DETAIL 10
 - CONSTRUCT P.C.C. RETAINING WALL PER DETAIL 11
 - CONSTRUCT P.C.C. CONCRETE PLANKER PER DETAIL 12
 - CONSTRUCT 6" WIDE P.C.C. CONCRETE RETAINING CURB PER DETAIL 13
 - CONSTRUCT CONCRETE RAMP/PAVING PER DETAIL 14
 - CONSTRUCT P.C.C. CONCRETE STAIR/STAIRCASE PER DETAIL 15
 - CONSTRUCT P.C.C. CONCRETE LIGHT POLE BASE PER DETAIL 16
 - CONSTRUCT CURB RAMP PER SHEET B8 ON APPROVED STREET PLANS
 - CONSTRUCT ACCESSIBLE PARKING STRIPING AND SIGNAGE PER DETAIL 18
 - INSTALL #4 STEEL GRATE - NOS. 501
 - INSTALL #4 SCHEDULE 40 PVC DRAIN PIPE
 - INSTALL #6 SCHEDULE 40 PVC DRAIN PIPE
 - INSTALL #8 SCHEDULE 40 PVC DRAIN PIPE
 - INSTALL #6 CAST IRON STORM DRAIN PIPE
 - INSTALL #8 CAST IRON STORM DRAIN PIPE
 - INSTALL #4 SIKANE GRADE - NOS. 101, 911, 912

- PAVER LEGEND:**
- 1 MORGAN 80 MM "VICTORIAN BLEND" STANDARD FINISH - 3 FEET PATTERNS
 - 2 MORGAN 80MM 8MM "GRANITE" FINISH LINE 1" CONTACT FINISH - RUNNING BOND PATTERN (SEE ANGLE AND MOTHIS ON LANDSCAPE PLANS)
 - C1
 - 2 FUTURE PAVY SELECTION BY STAIRS
 - 3 MORGAN 80MM 8MM "GRANITE" FINISH LINE 1" CONTACT FINISH - RUNNING BOND PATTERN (PERPENDICULAR PAH OF STRIPS & STREET BANDING SEE LANDSCAPE PLANS FOR LAYOUT & MOTHIS)



**PARCEL "A"
P.M. 15-**

SEE SHEET 4



SEE SHEET 2

**PARCEL "A"
L.I.A. 14-04
KIMPTON HOTEL
PHASE 1**

BELARDO ROAD

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 800-227-2600

SANBORN A/E, Inc.
 71740 MAIN STREET, SUITE 100
 SANBORN, CALIFORNIA 92578
 714-278-1100

PREPARED UNDER THE DIRECT SUPERVISION OF:
GEOFF A. CHRISTENSEN A.C.E. 90090

DRAWN BY:
G.A.S.

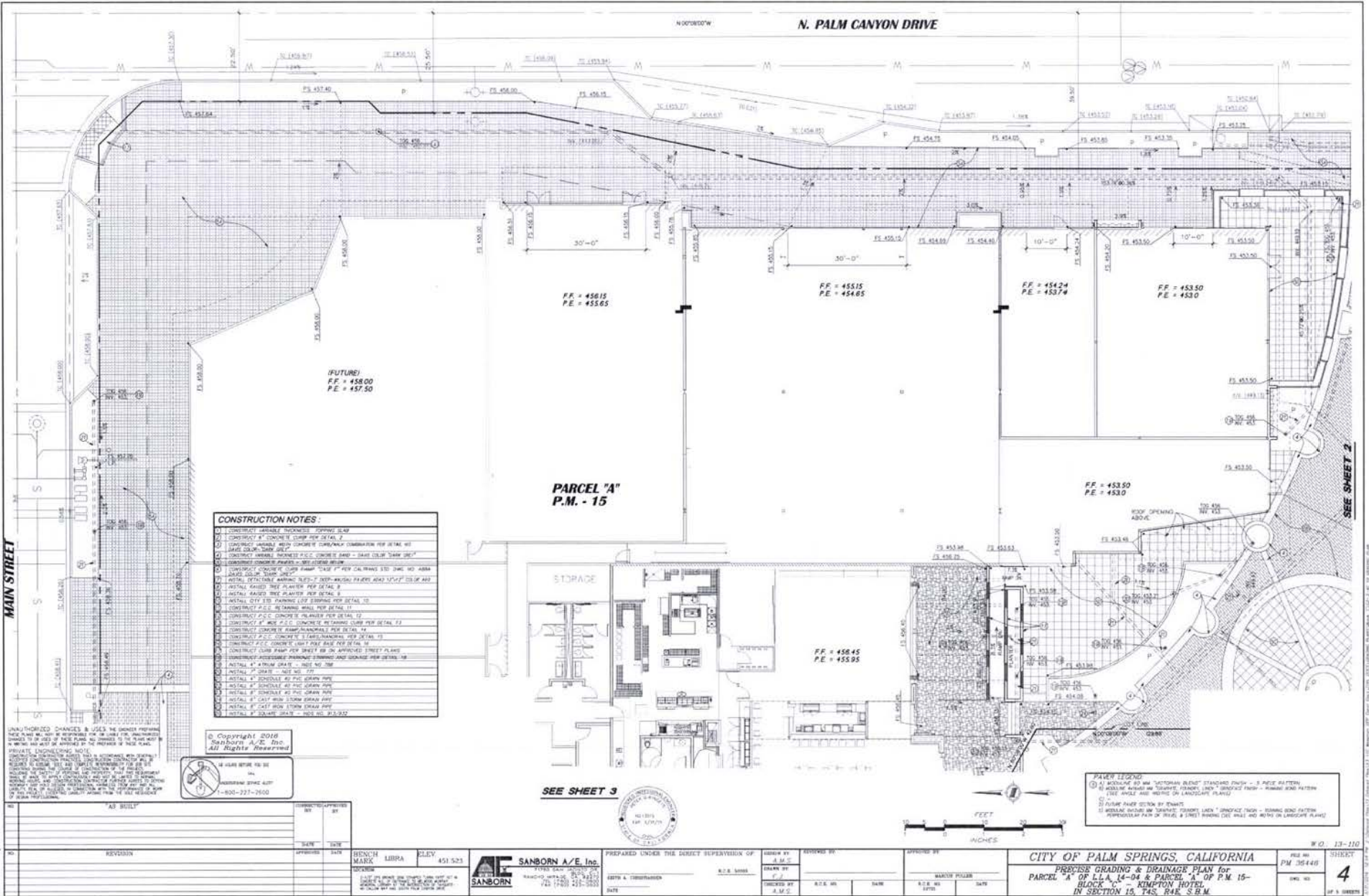
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G.A.S.

DATE: _____

APPROVED BY:
 [Signature]

CITY OF PALM SPRINGS, CALIFORNIA
 PRECISE GRADING & DRAINAGE PLAN for
 PARCEL "A" OF L.I.A. 14-04 & PARCEL "1" OF P.M. 15-
 BLOCK "C" - KIMPTON HOTEL
 IN SECTION 15, 14S, R4E, S.B.M.

PG. NO. PM 36440
 SHEET **3**
 OF 3 SHEETS
 W.G. 13-110



CONSTRUCTION NOTES:

- 1) CONSTRUCT VARIABLE THICKNESS ZIPPING SLAB
- 2) CONSTRUCT 4" CONCRETE SLAB PER DETAIL 2
- 3) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 4) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 5) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 6) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 7) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 8) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 9) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 10) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 11) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 12) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 13) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 14) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 15) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 16) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 17) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 18) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 19) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6
- 20) CONSTRUCT 2" BENCH MARK CONCRETE COMBINATION PER DETAIL 6

PAVEMENT LEGEND

- 1) 4" BOLLING 50 MIL "VICTORIAN BUILT" STANDARD FINISH - 5 PACE PATTERN
- 2) 4" BOLLING 50 MIL "VICTORIAN BUILT" STANDARD FINISH - 5 PACE PATTERN
- 3) 4" BOLLING 50 MIL "VICTORIAN BUILT" STANDARD FINISH - 5 PACE PATTERN

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1-800-227-7600

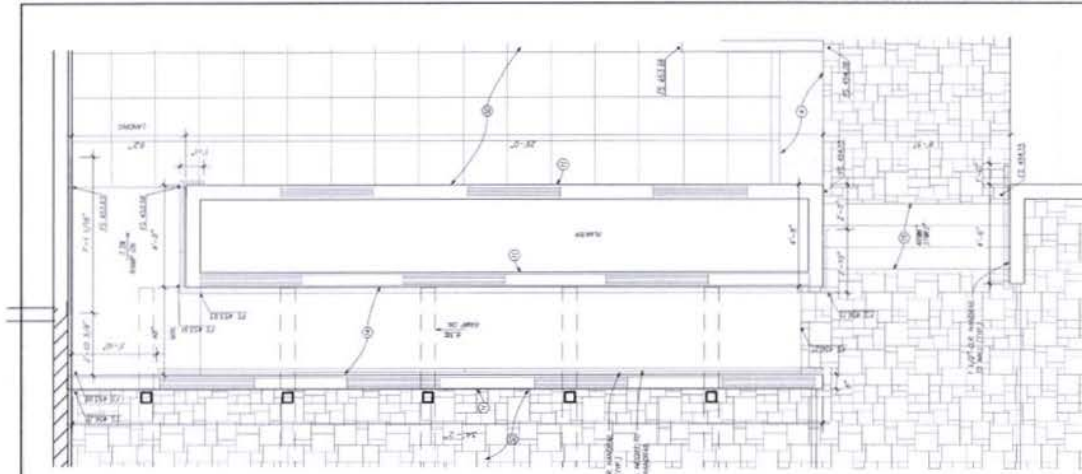
NO.	REVISION	DATE	BY	APPROVED BY

SANBORN A/E, Inc.
 17705 BAYVIEW DRIVE
 SAN DIEGO, CALIF. 92128
 TEL: (619) 451-5533

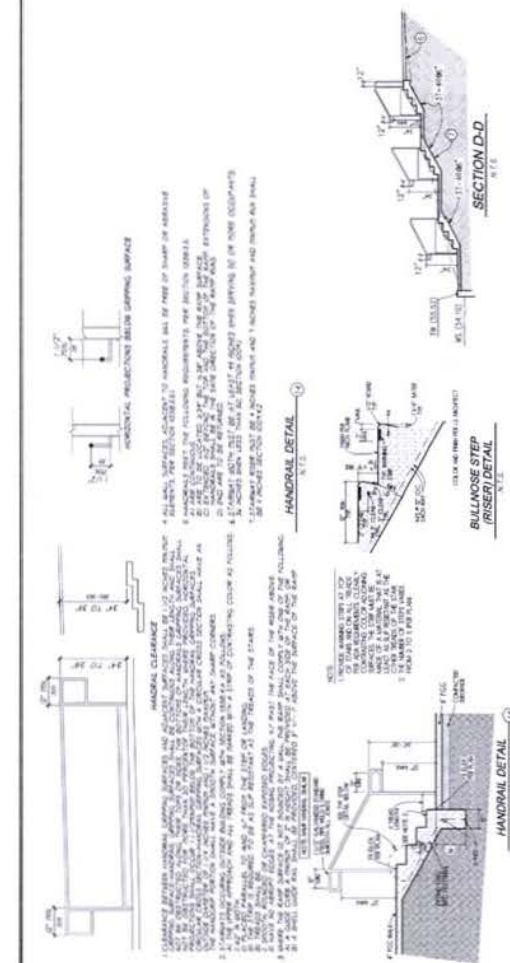
PREPARED UNDER THE DIRECT SUPERVISION OF
A.E. SHERS
 REGISTERED PROFESSIONAL ENGINEER
 NO. 12875
 STATE OF CALIFORNIA

CITY OF PALM SPRINGS, CALIFORNIA
 PRECISE GRADING & DRAINAGE PLAN FOR
**PARCEL "A" OF L.L.A. 14-04 & PARCEL "A" OF P.M. 15-
 BLOCK "C" - KIMPTON HOTEL
 IN SECTION 15, T4S, R4E, S.B.M.**

FILE NO. PM 3544B
 SHEET NO. 4
 OF 5 SHEETS



STAIR PLAN
RAMP PLAN
SCALE: 1/4" = 1'-0"



HANDRAIL CLEARANCE
 1. HANDRAILS SHALL BE PLACED AT 36" TO 42" ABOVE FINISHED FLOOR LEVEL.
 2. HANDRAILS SHALL BE PLACED AT 30" TO 36" ABOVE FINISHED FLOOR LEVEL.
 3. HANDRAILS SHALL BE PLACED AT 24" TO 30" ABOVE FINISHED FLOOR LEVEL.
 4. HANDRAILS SHALL BE PLACED AT 18" TO 24" ABOVE FINISHED FLOOR LEVEL.
 5. HANDRAILS SHALL BE PLACED AT 12" TO 18" ABOVE FINISHED FLOOR LEVEL.
 6. HANDRAILS SHALL BE PLACED AT 6" TO 12" ABOVE FINISHED FLOOR LEVEL.

HANDRAIL DETAIL
 1. HANDRAILS SHALL BE PLACED AT 36" TO 42" ABOVE FINISHED FLOOR LEVEL.
 2. HANDRAILS SHALL BE PLACED AT 30" TO 36" ABOVE FINISHED FLOOR LEVEL.
 3. HANDRAILS SHALL BE PLACED AT 24" TO 30" ABOVE FINISHED FLOOR LEVEL.
 4. HANDRAILS SHALL BE PLACED AT 18" TO 24" ABOVE FINISHED FLOOR LEVEL.
 5. HANDRAILS SHALL BE PLACED AT 12" TO 18" ABOVE FINISHED FLOOR LEVEL.
 6. HANDRAILS SHALL BE PLACED AT 6" TO 12" ABOVE FINISHED FLOOR LEVEL.

BLANKET STEP / RISER DETAIL
 1. BLANKET STEPS SHALL BE PLACED AT 36" TO 42" ABOVE FINISHED FLOOR LEVEL.
 2. BLANKET STEPS SHALL BE PLACED AT 30" TO 36" ABOVE FINISHED FLOOR LEVEL.
 3. BLANKET STEPS SHALL BE PLACED AT 24" TO 30" ABOVE FINISHED FLOOR LEVEL.
 4. BLANKET STEPS SHALL BE PLACED AT 18" TO 24" ABOVE FINISHED FLOOR LEVEL.
 5. BLANKET STEPS SHALL BE PLACED AT 12" TO 18" ABOVE FINISHED FLOOR LEVEL.
 6. BLANKET STEPS SHALL BE PLACED AT 6" TO 12" ABOVE FINISHED FLOOR LEVEL.

REVISION

NO.	DATE	DESCRIPTION
1		
2		
3		

DATE PREPARED

BY

CHECKED

APPROVED

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SANSORN A/E Inc.
 451 522
 1025 S. GARDEN AVENUE, SUITE 101
 ANAHEIM, CA 92805
 TEL: (714) 211-2821
 FAX: (714) 211-2822

PROJECT

CITY OF PALM SPRINGS, CALIFORNIA
 BLOCK "A" OF L.L. & W. W. BLOCK "A" OF P.M. IS-
 BLOCK "C" - KEMPON HOTEL
 IN SECTION 15, P.ES. 265, 266, 267

DATE

SCALE

FIGURE NO.

SHEET NO.

TOTAL SHEETS

DATE

PROJECT NO.

SCALE

FIGURE NO.

SHEET NO.

TOTAL SHEETS

ATTACHMENT #9

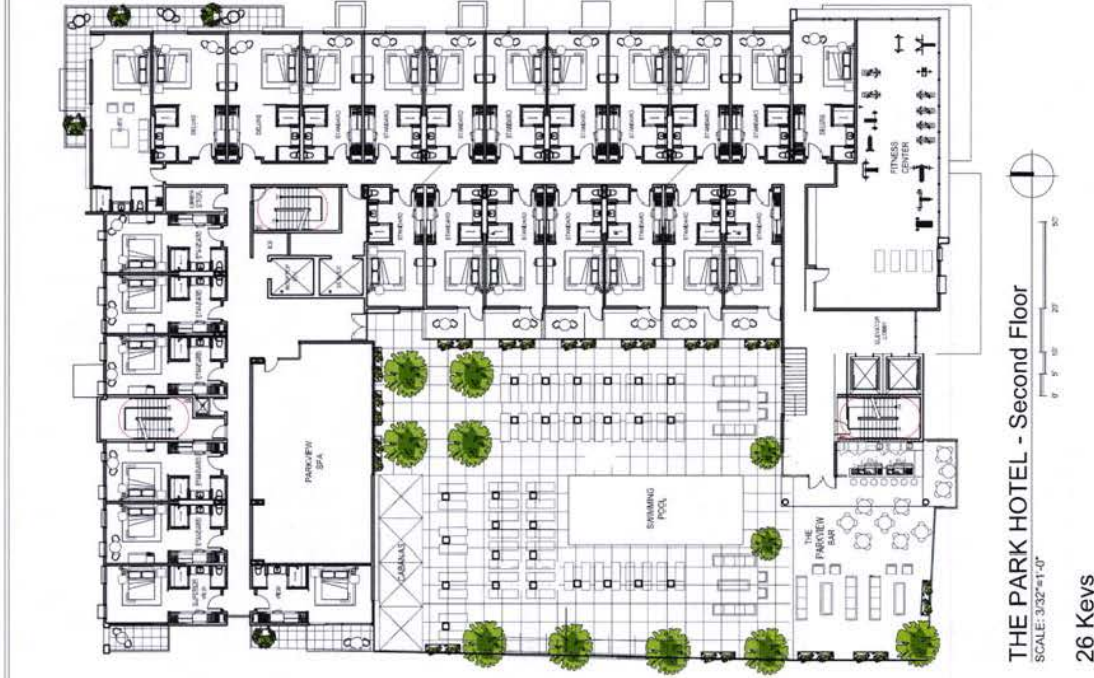


CROSS PARKS DESIGN
 1275 N. ...
 ...
 ...

The Park Hotel
 ...

Ground Floor & Second Floor

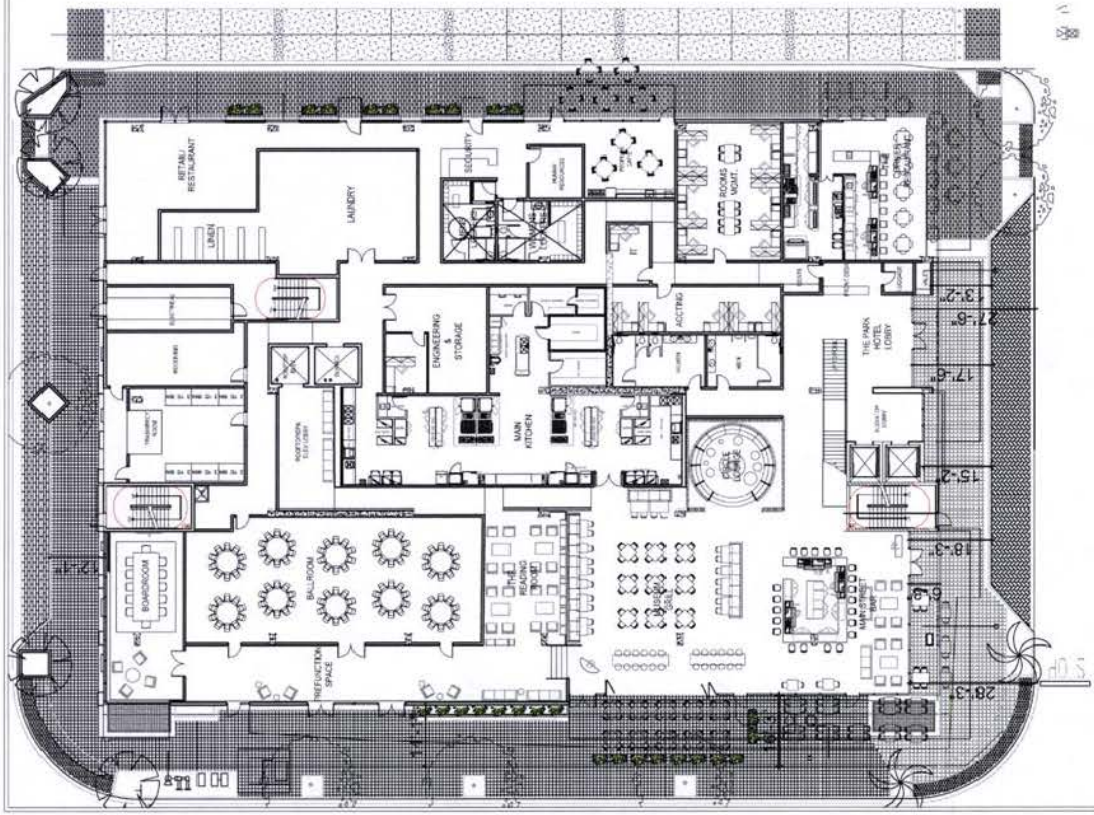
A2.0



THE PARK HOTEL - Second Floor

SCALE: 3/32"=1'-0"

26 Keys



THE PARK HOTEL - Ground Floor

SCALE: 3/32"=1'-0"

26 Keys



CHRIS PARDO DESIGN

121 Photogenic Pl. E.
Seattle, WA 98104
(206) 325-1634
15308 N. Palm Canyon Drive
Palm Springs, CA

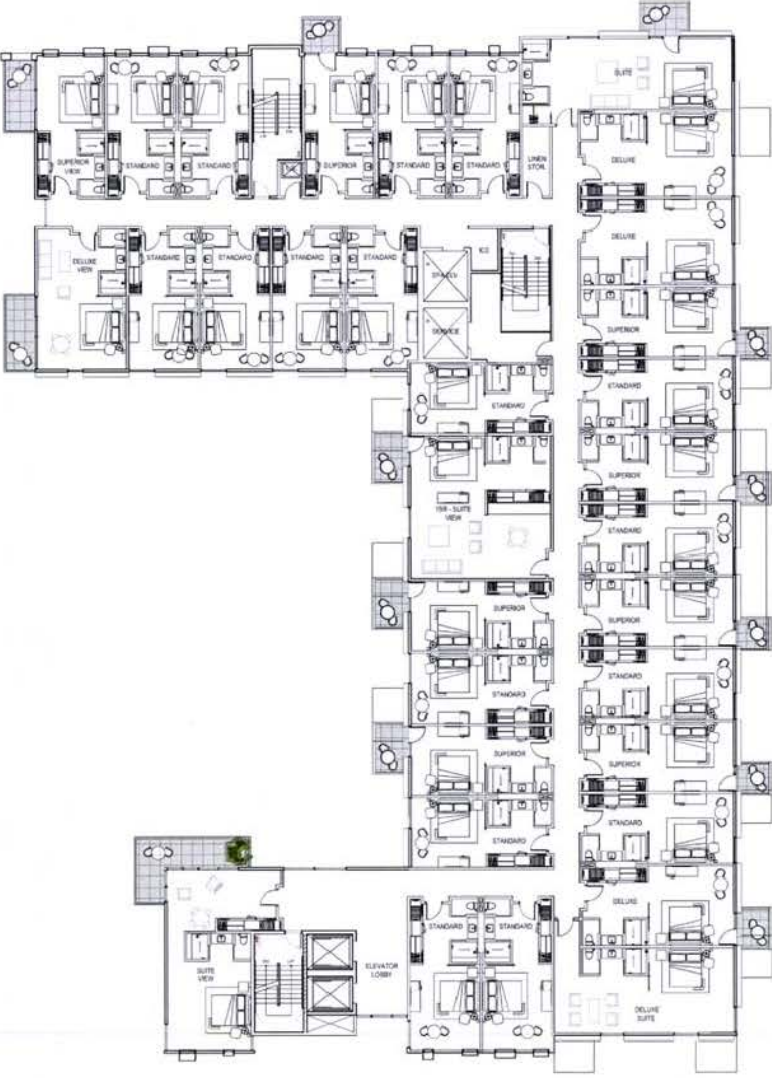
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The Park Hotel
Palm Springs, CA

No. Draw Issue
1 08/08/13 AAC

Fourth Floor
Fifth Floor
&
Six Floor

A2.1

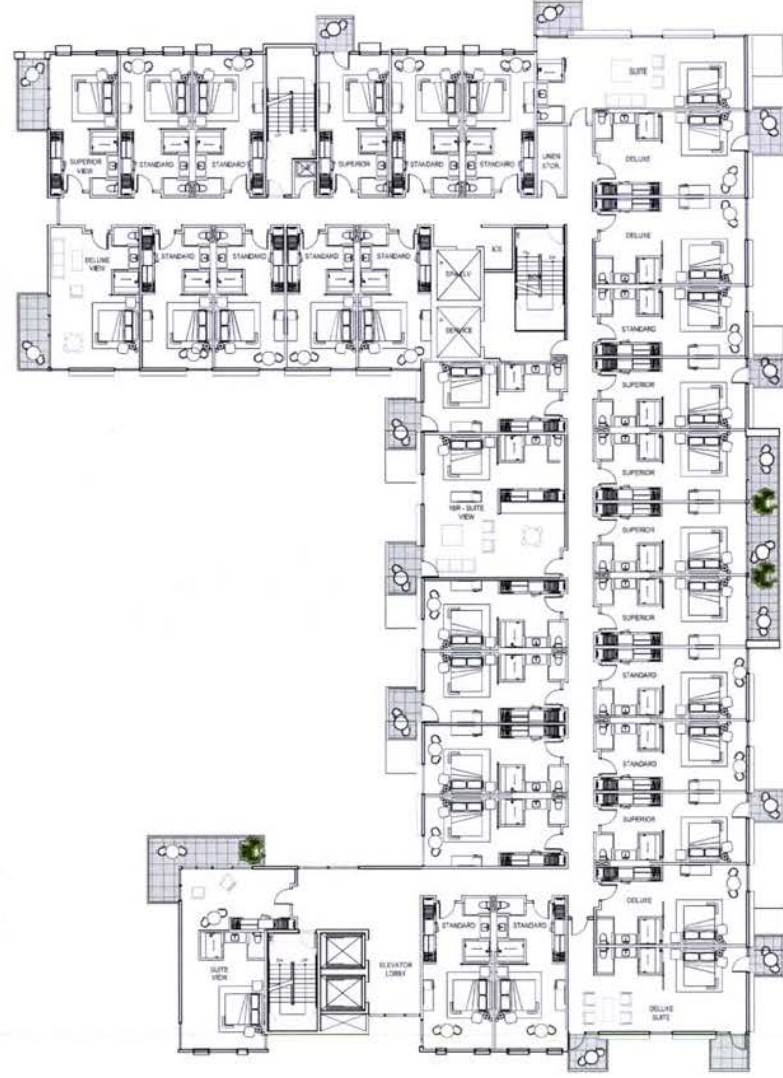


THE PARK HOTEL - Third Floor

SCALE: 3/32"=1'-0"



33 Keys
18,312 SQFT

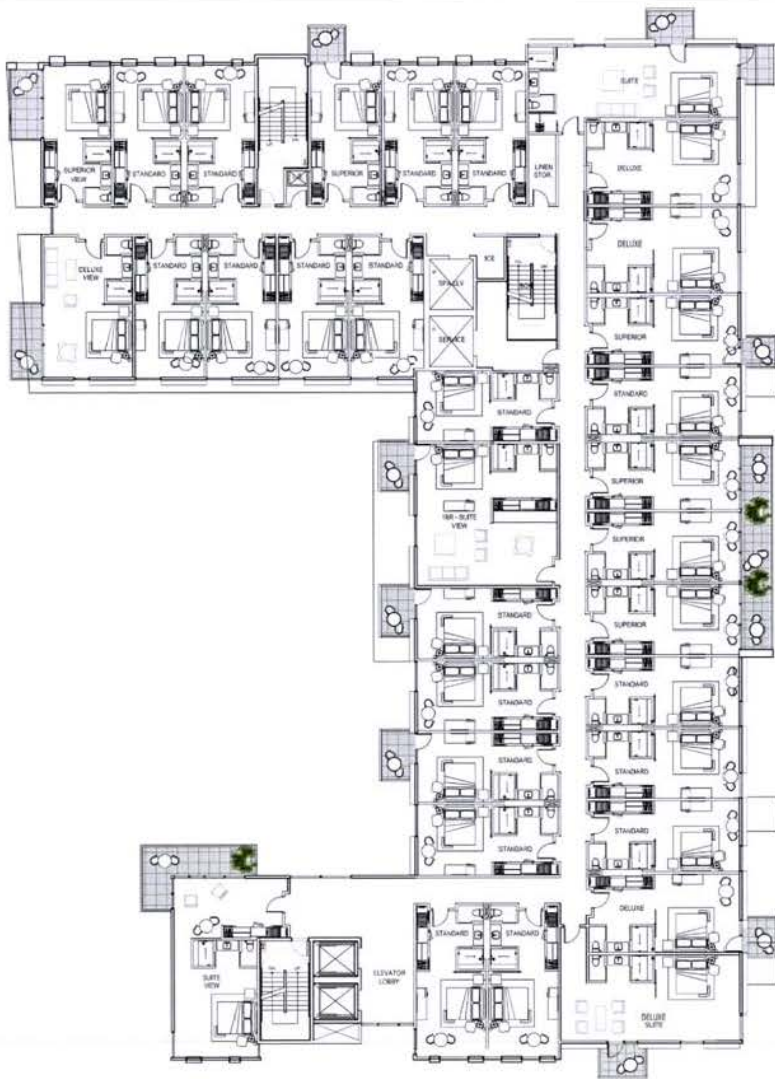


THE PARK HOTEL - Fourth Floor

SCALE: 3/32"=1'-0"



33 Keys
18,312 SQFT



THE PARK HOTEL - Fifth Floor

SCALE: 3/32"=1'-0"



33 Keys
18,312 SQFT



THE PARK HOTEL - Sixth Floor

SCALE: 3/32"=1'-0"



17 Keys
14,920 SQFT



CHRIS PARDO DESIGN
ARCHITECTS

121 Piedmonte Pl. S.
Suite 100
DORIS 325-1604

1506 N. Palm Canyon Drive
Palm Springs, CA

www.chrispardo.com

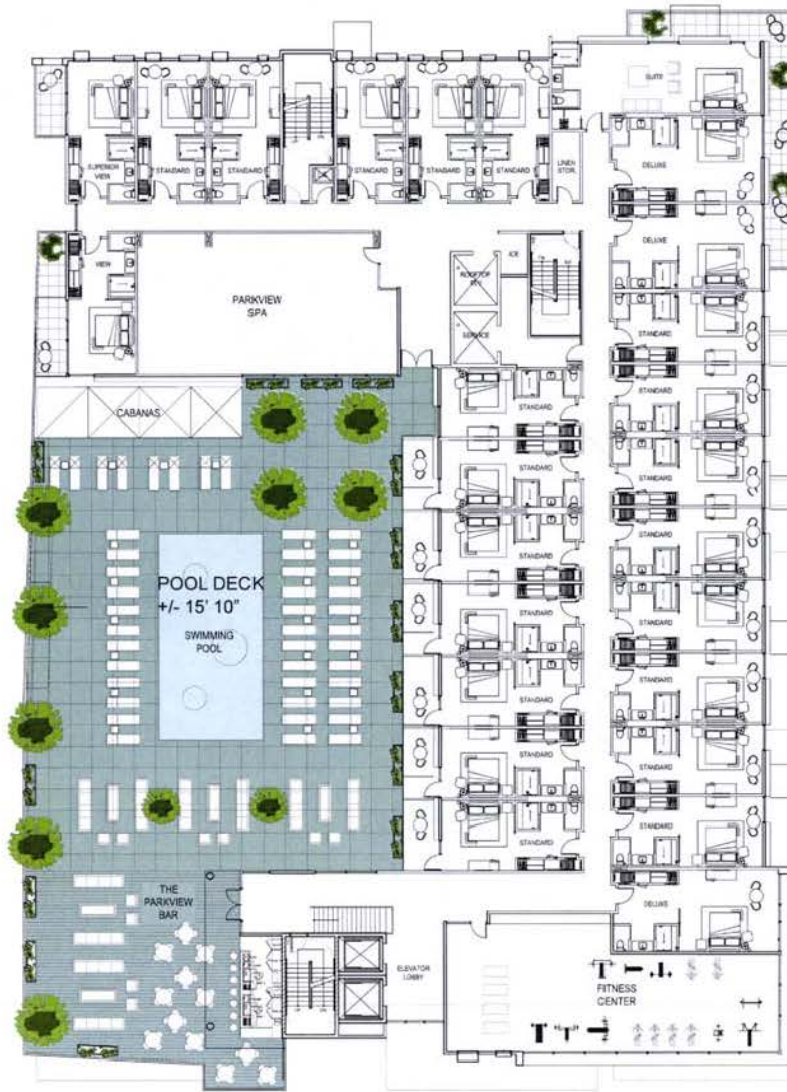
4100 Park Road, Suite 100
Palm Springs, CA 92262
Phone: 325-1604
Fax: 325-1605

The Park Hotel
Palm Springs, CA

No. Date Issued
BY: BROWNE, AAL

Third Floor
&
Fourth Floor

A2.2

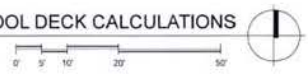


HEIGHT KEY

■ POOL AREA
 +/- 15' 10"
 9284 S.F.

THE PARK HOTEL - POOL DECK CALCULATIONS

SCALE: 3/32"=1'-0"



CHRIS PARODI DESIGN
 LLC

121 Piedmonte Pk. E.
 South, WA 98104
 (206) 329-1664
 1596 N. Palm Canyon Drive
 Palm Springs, CA

Chris Parodi, AIA, LEED AP
 Chris Parodi, AIA, LEED AP
 Chris Parodi, AIA, LEED AP
 Chris Parodi, AIA, LEED AP
 Chris Parodi, AIA, LEED AP

The Park Hotel
 Palm Springs, CA

Rev. 004 - Book
 1 - 09-08-19 - A4C

Pool Deck
 Calculations

A2.4



ZINBY PARSONS DESIGN
ARCHITECTS

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SAN FRANCISCO, CA 94102
TEL: 415.774.9000
WWW.ZINBYPARSONSD.COM

ARCHITECTS

1155 MARKET STREET, SUITE 200
SAN FRANCISCO, CA 94102
TEL: 415.774.9000
WWW.ZINBYPARSONSD.COM

The Park Hotel
ARCHITECTS

THE ARCHITECT

THE ARCHITECT

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THE ARCHITECT

THE ARCHITECT

THE ARCHITECT

THE ARCHITECT

THE ARCHITECT

Elevations

A3.0



West Elevation

SCALE: 1/32"=1'-0"



East Elevation

SCALE: 1/32"=1'-0"



CHRIS PARDO DESIGN

121 Phelanpark Pl. S.
Scottsdale, AZ 85254
(480) 329-1654

1556 N. Palm Canyon Drive
Palm Springs, CA
www.chrispardo.com

The Park Hotel
Palm Springs, CA

No. Date Issue
1 08/01/15 AAC

Elevations

A3.1



PARK HOTEL: NORTH ELEVATION
SCALE: 1/8" = 1'-0"

ANDREAS ROAD (FACING SOUTH)



PARK HOTEL: SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

MAIN STREET (FACING NORTH)



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ARCHITECTS

121 Philadelphia Pl. E.
Suite 100
Durham, NC 27704
(919) 286-1884

1505 N. Palm Canyon Drive
Palm Springs, CA

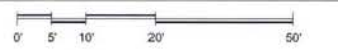
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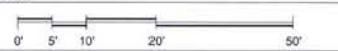
The Park Hotel
Palm Springs, CA



PARK HOTEL: NORTH SECTION / ELEVATION
SCALE: 1/8" = 1'-0"



PARK HOTEL: SOUTH SECTION / ELEVATION
SCALE: 1/8" = 1'-0"



Rev. Date: Issued
1 19/08/15 - ANC

Section
Elevations

Rev. 0/0

A3.2



CHRIS PARDO DESIGN

1215 Pennsylvania St. SE
Seattle, WA 98104
206.451.1004
10300 NE Palm Canyon Drive
Bellevue, WA 98004
206.451.1004

The Park Hotel
Bellevue, WA

NO. DATE
1 1/2013

Eye Level
Height Study

A5.1



EYE LEVEL HEIGHT STUDY FROM PALM CANYON



EYE LEVEL HEIGHT STUDY FROM PARK

1/2013



WHITE STUCCO



WHITE STUCCO



RESYSTA SIDING



RESYSTA CEILING



RESYSTA ROOF DECK



CHRIS PARDO DESIGN

ARCHITECTS

1211 Phoenician Pl. S.
San Jose, CA 95128
(408) 298-1884

1108 N. Main Campus Drive
Palo Alto, CA

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Palo Alto, CA



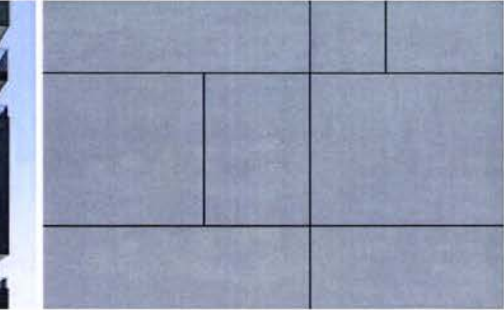
EQUITONE PANEL FACADE



EQUITONE PANEL FACADE



EQUITONE PANEL FACADE



EQUITONE PANEL FACADE



ALUMINUM WINDOW BOXES



ALUMINUM WINDOW BOXES



MERIDIAN STEEL DOORS



MERIDIAN STEEL DOORS



Rev. Date Issue
1 2016/11 001

Material Board

A6.0

08/17



STEEL DOOR



BLACK ALUMINUM DOORS



BOXED CORRUGATED GRAY METAL SIDING



BOXED CORRUGATED GRAY METAL SIDING



ALUMINUM BLACK SLIDING DOOR



FROSTED GLASS



FROSTED GLASS



LOUVERED AWNING OPTION 1



LOUVERED AWNING OPTION 2



LOUVERED AWNING OPTION 3



CONCRETE PODIUM



ROOF DECK PAVERS



RESYSTA WOOD ROOF DECK INFILL PANELS



CONCRETE DECK PAVERS



CHRIS PARDO DESIGN

ARCHITECTS

1215 Phoenician, Pt. St. George, FL 33434
305.374.1834

11006 N. Palm Canyon Drive
Palm Springs, CA

www.chrispardo.com

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The Park Hotel
Palm Springs, CA

No. Date Issue
1 08/08/15 AAC

Material Board

No. 1/20

A6.1

08/17



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ARCHITECTURAL CONSULTANTS

1211 Pennsylvania St. E.
Suite 1000 - Mesa, AZ 85204
480.941.1100
www.cursepiazzo.com

1500 N. McDowell Blvd., Suite 100
Mesa, AZ 85201

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The Park Hotel
Mesa, Arizona, U.S.A.

NO. 2016 - 1004
1 - 00000001 - 000

Rendering

R1.5

1/11/15



Looking West down Main St. - Block "B" along Palm Canyon w/ The Park Hotel in the Background



CHARLES PARDO DESIGN
ARCHITECTS / INTERIORS

1217 Parkview Blvd. SE
Atlanta, GA 30316
(404) 525-1100
www.charlespardo.com

1000 Peachtree Street, NE
Atlanta, GA 30309
(404) 525-1100
www.charlespardo.com

The Park Hotel
Atlanta, GA, USA



Mr. Chen
2017-18 AIA
2017-18 AIA

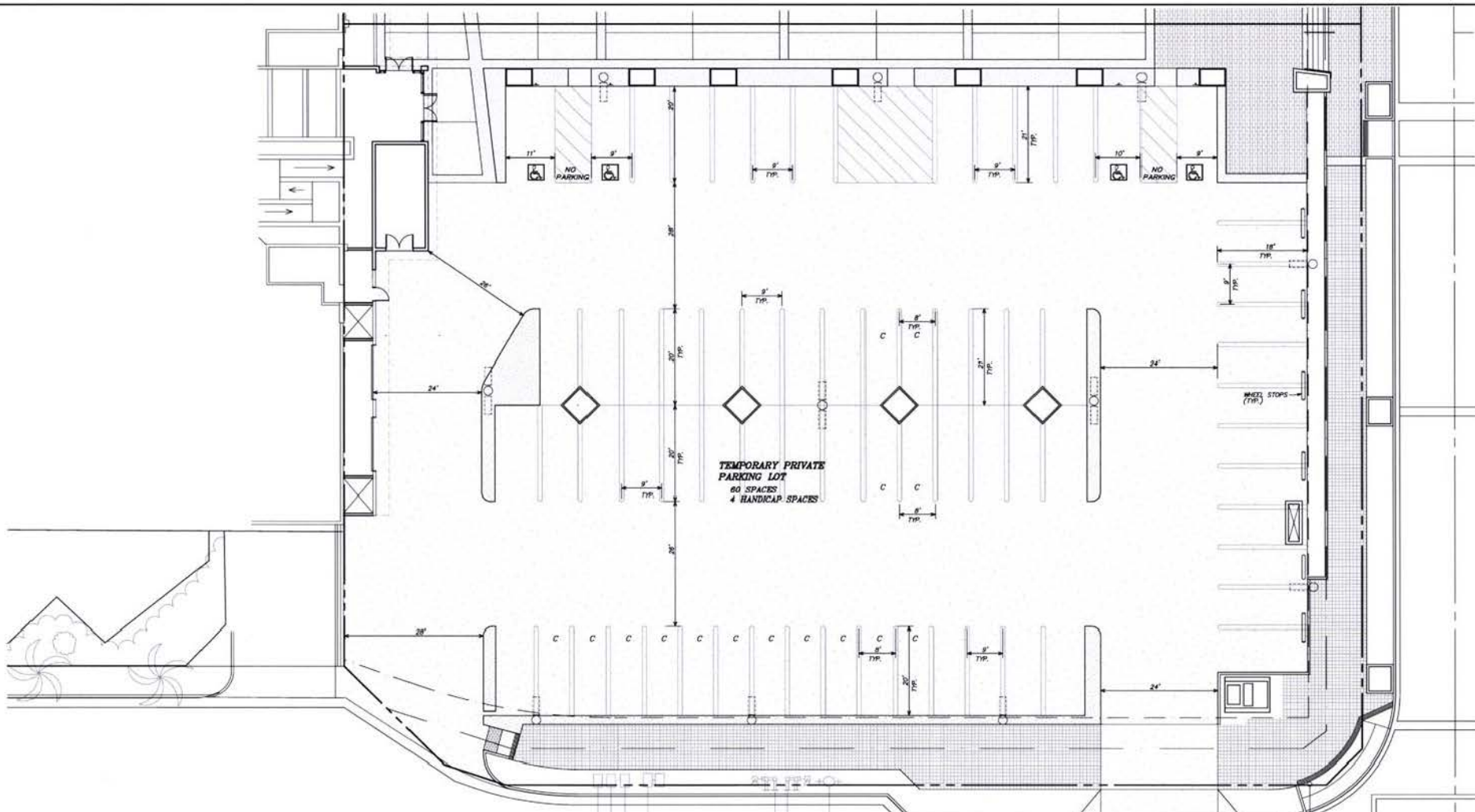
Rendering

R1.7

Pedestrian Paseo (Market St.) between Block "B" and The Park Hotel

10/11/17

ATTACHMENT #10

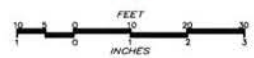


TEMPORARY PRIVATE
PARKING LOT
60 SPACES
4 HANDICAP SPACES

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APR 13 2016
PLANNING SERVICES
DEPARTMENT

NO.	REVISION	DATE	APPROVED BY	DATE

BENCH MARK	LIBRA	ELEV.	401.523
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SANBORN A/E, Inc.
71780 SAN JACINTO DR.
RANCHO MESA VISTA, CA 92678
TEL: (714) 431-1100
FAX: (714) 431-1000

PREPARED UNDER THE DIRECT SUPERVISION OF:
S.C.E. NO. 0083
DATE

DESIGN BY: A.M.S.
DRAWN BY: P.J.
CHECKED BY: A.M.S.
DATE









APPROVED BY:
S.C.E. NO. DATE

CITY OF PALM SPRINGS, CALIFORNIA
PRECISE GRADING & DRAINAGE PLAN for
PARCEL 1 OF COC 15-02A & PARCEL 2 OF COC 15-02B - BLOCK 'A'
IN SECTION 15, T4S, R4E, S8M.

W.O.: 13-110
FILE NO: PM 38448
SHEET 3
DWG. NO. OF 7 SHEETS

C:\Users\palm\Documents\Projects\13-110\13-110.dwg: 2/15/2016 1:12 PM

PLANT SCHEDULE BLOCK "A1"

TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT.
	7	Tipuana tipu / Tipu Tree	36" box
	1	Tipuana tipu / Tipu Tree	48" box
PALM TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT.
	7	Chamaerops humilis / Mediterranean Fan Palm	36" box
	6	Geijera parviflora / Australian Willow	36" box
	7	Washingtonia filifera / California Fan Palm	Existing
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
	209	Carissa macrocarpa "Boxwood Bty." / Natal Plum	5 gal
	87	Daniella revoluta / Baby Bliss	5 gal
	14	Hesperaloe parviflora "Perpa" / Brakelights Red Yucca	5 gal
		5/8" Desert Gold Crushed Rock	

PARKING STRUCTURE SHADE CALCULATIONS

		% of total
TOTAL AREA OF PARKING STALLS	13,420 SQ.FT.	
- SHADE COVERAGE BY TREES	2,600 SQ.FT.	21%

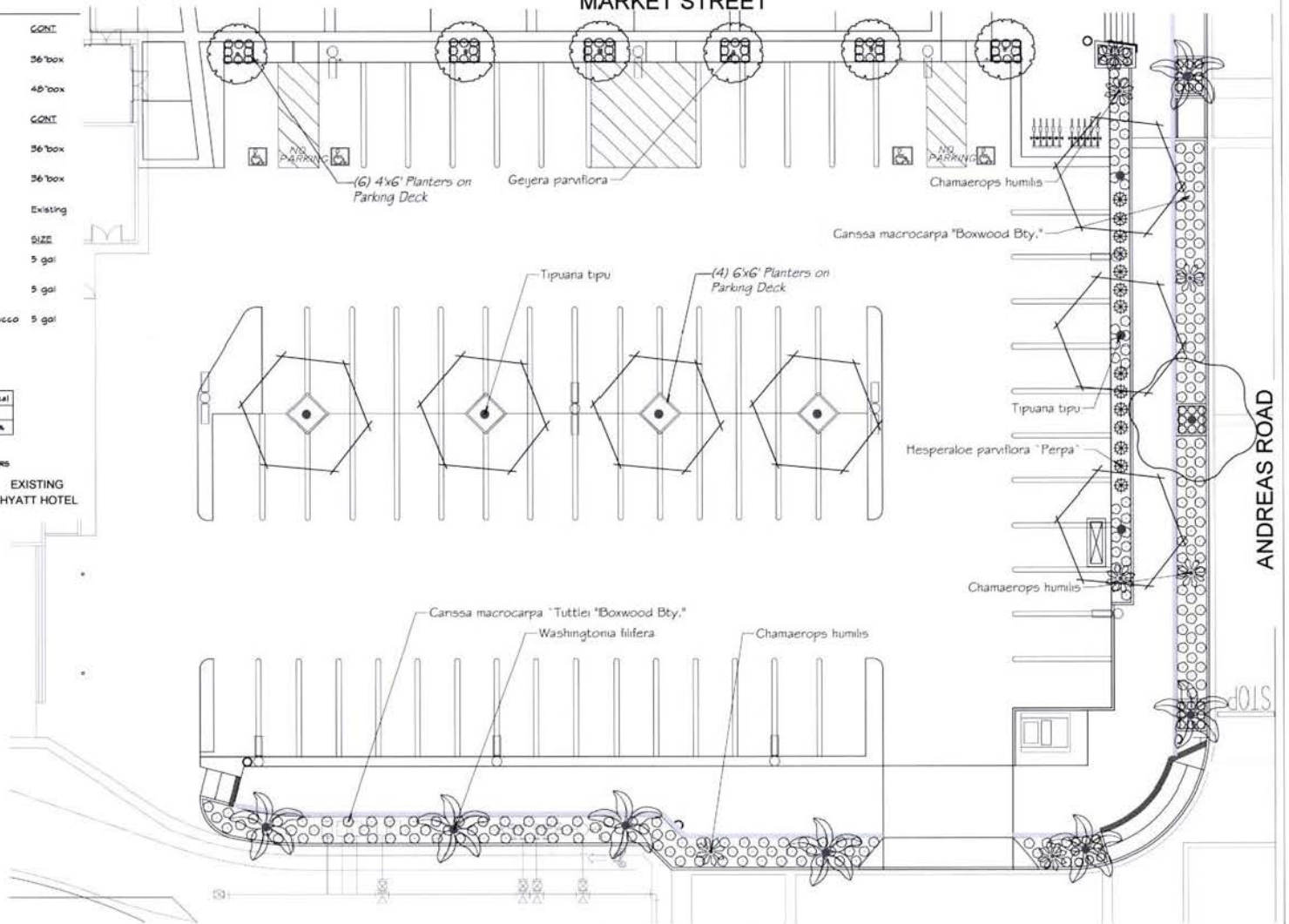
NOTES:
 - PLANTING AREAS LIMITED DUE TO PARKING STRUCTURE
 - TREES SHOWN WITHIN PARKING AREA SHALL BE INSTALLED IN RAISED PLANTERS

EXISTING
HYATT HOTEL


MARKET STREET

ANDREAS ROAD


BELARDO ROAD



NO.	REVISION	DATE	APPROVED BY
1	"AS BUILT"		
2			
3			
4			

CONTRACT APPROVED BY: 

DATE: _____

APPROVED BY: 

DATE: _____

BENCH MARK LIBRA ELEV. 451.523

LOCATION: _____

DATE: _____

T.K.D. ASSOCIATES, INC.
 LAND PLANNING • LANDSCAPE ARCHITECTURE

7075 SAN VICENTE DR. SUITE C
 VANOC, CALIFORNIA 94134
 TEL: 415-750-1951 FAX: 415-750-1952

PREPARED UNDER THE DIRECT SUPERVISION OF:

DESIGNED BY: **TKD**

DRAWN BY: **TKD**

CHECKED BY: **TKD**

DATE: _____

REVIEWED BY: _____

APPROVED BY: _____

DATE: _____

DATE: _____

BLOCK "A1" PLANTING PLAN
 SCALE: 1"=10'

CITY OF PALM SPRINGS, CALIFORNIA
 PLANTING PLAN for
 PARCEL MAP NO. 36446 - BLOCK "A"
 IN SECTION 15, T4S, R4E, S.B.M.

FILE NO. PM 36446
 SHEET L-1
 DATE 4-11-16
 OF SHEETS

PLANT SCHEDULE BLOCK "A1"

TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT.
	7	Tipuana tipu / Tipu Tree	36"box
	1	Tipuana tipu / Tipu Tree	48"box
PALM TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT.
	7	Chamaerops humilis / Mediterranean Fan Palm	36"box
	6	Geijera parviflora / Australian Willow	36"box
	1	Washingtonia filifera / California Fan Palm	Existing
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
	204	Canissa macrocarpa "Boxwood Bty." / Natal Plum	5 gal
	87	Daniella revoluta / Baby Bliss	5 gal
	14	Hesperaloe parviflora "Perpa" / Brakelights Red Yucca	5 gal
		3/8" Desert Gold Crushed Rock	

PARKING STRUCTURE SHADE CALCULATIONS

TOTAL AREA OF PARKING STALLS	13,420 SQ.FT.	% of total
- SHADE COVERAGE BY TREES	2,820 SQ. FT.	2%

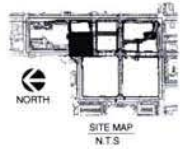
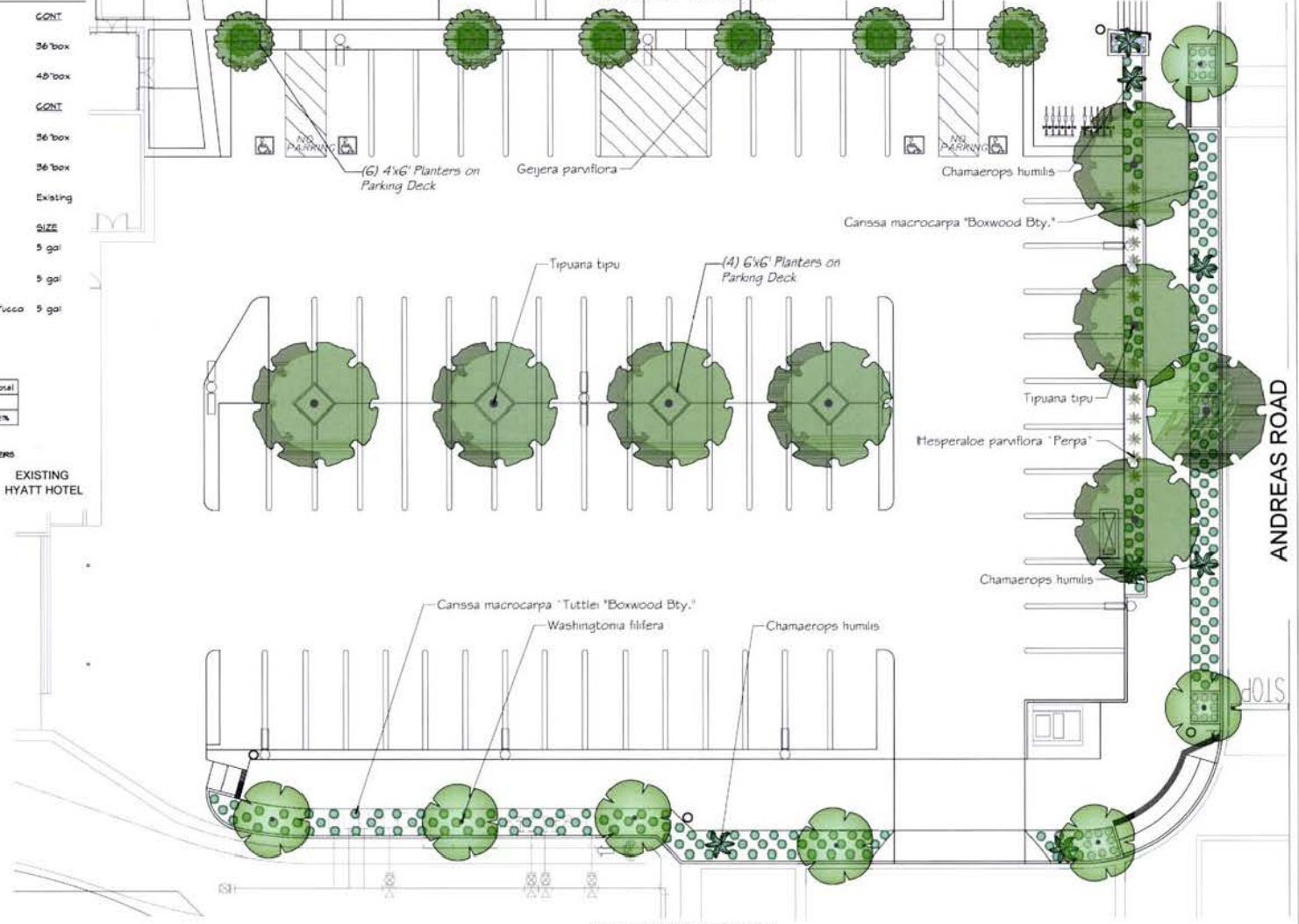
NOTES:
 - PLANTING AREAS LIMITED DUE TO PARKING STRUCTURE
 - TREES SHOWN WITHIN PARKING AREA SHALL BE INSTALLED IN RAISED PLANTERS

EXISTING
HYATT HOTEL

MARKET STREET

ANDREAS ROAD

BELARDO ROAD



NO.	"AS BUILT"	DESIGNED BY	DATE
NO.	REVISION	APPROVED BY	DATE



T. K. D. ASSOCIATES, INC.
 LAND PLANNING - LANDSCAPE ARCHITECTURE
 2701 SAN JACINTO DR.
 ANAHEIM, CALIFORNIA 92805
 TEL: 714.944.1100 FAX: 714.944.1101

PREPARED UNDER THE DIRECT SUPERVISION OF:
 THOMAS K. BOGERT #2379
 DATE

DESIGN BY: TKO
 DRAWN BY: TKO
 CHECKED BY: TKO

REVIEWED BY:
 APPROVED BY:
 MANICHE PILLER
 R.C.E. NO. DATE

BLOCK "A1" PLANTING PLAN
 SCALE: 1"=10'

CITY OF PALM SPRINGS, CALIFORNIA
 PLANTING PLAN for
 PARCEL MAP NO. 36446 - BLOCK "A"
 IN SECTION 15, T4S, R4E, S.B.M.

FILE NO. PM 36446
 SHEET L-1
 DATE 4-11-16
 OF SHEETS 27



ATTACHMENT #11

FREE RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

THE CITY OF PALM SPRINGS
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
Attention: City Clerk

(Space Above This Line for Recorder's Office Use Only)

AMENDED AND RESTATED
OPERATIONS COVENANT

THIS AMENDED AND RESTATED OPERATIONS COVENANT AND DECLARATION OF COVENANTS AND RESTRICTIONS ("Agreement" or "Covenant") is made and entered into this 20TH day of April, 2016, by and between the City of Palm Springs, a municipal corporation and charter city ("City"), and Palm Springs Promenade, LLC, a California limited liability company ("Owner" or "Participant").

RECITALS:

A. The City of Palm Springs adopted Chapter 5.26 of its Municipal Code in December, 2007 to provide a Hotel Operations Incentive Program ("Program") for the operation, maintenance and expansion of the inventory of quality and first class hotels within the City that enhance the tourist and travel experience for visitors to the City, maximize the use of the City's Convention Center, provide attractive and desirable visitor serving facilities and experiences, and assist the City in achieving its tourism goals. (Chapter 5.26 of the Municipal Code is incorporated herein by reference and defined terms therein shall, unless otherwise indicated, have the same meanings herein.)

B. On December 30, 2014, City and Owner entered into an Operations Covenant for an AC Hotel for Block F on the Site Plan attached hereto as Exhibit "A", and legally described as Parcel 5 on the Legal Description attached hereto as Exhibit "B". The Parties desire to amend this Operations Covenant to transfer the rights and obligations of the Parties for this Operations Covenant from the AC Hotel on Block F to another property within the Site Plan.

C. Owner also holds fee title to certain real property ("Site"), which is depicted as Block B-1 on the Site Plan attached hereto as Exhibit "A", and legally described as Parcel 3 on the Legal Description attached hereto as Exhibit "B". The Site, which is located in the downtown area of the City of Palm Springs, California, is fully entitled for development of a first class new Virgin Hotel to contain approximately 142 hotel rooms ("Hotel" or "Project"). The Parties acknowledge that the Virgin Hotel, as entitled and approved and when completed and under operation, will qualify as a new first class hotel and be entitled to benefits thereof under and pursuant to provisions of Chapter 5.26 of the Municipal Code and this Agreement.

C. City and Owner now desire to place restrictions upon the use and operation of the Project, in order to ensure that the Project shall be operated continuously as a first class hotel available for short-term rental for the term of this Agreement.

D. City and Owner also agree that in return for participation in the Program, Owner shall agree to operate the Project as a hotel; participate in the Palm Springs Convention Center's Committable Rooms Program; and provide City with a minimum of six (6) room-nights per month for official City use; and, City agrees to share a percentage of Transient Occupancy Tax Increment with Owner pursuant to the Program guidelines.

E. The City finds that no further environmental review is required in connection with the approval of this Covenant in that in connection with City approval of entitlements, finding were made that the Project would be consistent with the approved Specific Plan and certified EIR and that neither a subsequent EIR, supplemental EIR, or EIR Addendum would be necessary.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Participant hereby conveys to the City the Operating Covenants described herein and City hereby agrees to provide Participant with funds as provided under the Program and as set forth hereinafter.

ARTICLE 1

STATEMENT OF OPERATING COVENANTS

1.1. OPERATION AND USE COVENANT. Upon occupancy, Owner covenants to operate, maintain, and use the Virgin Hotel in accordance with this Agreement. All uses conducted on the Site, including, without limitation, all activities undertaken by the Owner pursuant to this Agreement shall, in all material respects, conform to requirements of this Agreement and Palm Springs Municipal Code.

1.2. HOTEL USE. The Owner hereby agrees that the Project is to be owned, managed, and operated as a Virgin Hotel in a first-class manner, and the Project's participation in the Program shall continue in accordance with the terms of the Program, for a term equal to thirty years commencing upon the date Owner first receives from the City the Owner's share of transient occupancy tax revenues pursuant to the Program, or until Owner has received from the City the total sum of fifty million dollars if that occurs prior to the expiration of said thirty years, unless Owner's participation in the Program is terminated prior thereto in accordance with this Agreement (the "Term"). Subject to Palm Springs Municipal Codes Section 5.26.040(a) and Sections 7.9, 7.11, and 7.16 of this Covenant, during the Term, City shall pay to Owner, within thirty days after receipt from Owner of each monthly payment made by Owner to the tax administrator per Section 3.24.080 of the Municipal Code, an amount equal to seventy-five percent of each such payment. City acknowledges and agrees that City has reviewed proposed development and operational plans for the Hotel and concluded that such plans are in substantial compliance with and will satisfy first class Hotel requirements of the City and Chapter 5.26 of the Municipal Code.

1. Housing Uses Prohibited. None of the rooms in the Project will at any time be utilized as a non-transient residential property including dormitory, fraternity or sorority house, rooming house, nursing home, hospital, sanitarium, or trailer court or park without the City's prior consent which consent may be given or withheld in its sole and absolute discretion.

2. Conversion of Project. No part of the Project will at any time be owned by a cooperative housing corporation, nor shall the Owner take any steps in connection with the conversion to such ownership or uses to condominiums, or to any other form of ownership, without the prior written approval of the City Council which approval may be given or withheld in its sole and absolute discretion.

ARTICLE 2

WARRANTIES AND COVENANTS

2.1. WARRANTIES AND COVENANTS. For the Term of this Agreement, the Owner hereby represents, covenants, warrants and agrees as follows:

1. Owner has completed the City's application for the Hotel Operations Incentive Program. Since the Hotel will be a new hotel, City has determined the Transient Occupancy Tax Base to be used to calculate the Transient Occupancy Tax Increment shall be zero, and the Owner accepts such Transient Occupancy Tax Base.

2. Owner hereby agrees to subscribe to the Palm Springs Convention Center's Committable Rooms Program or any similar successor program as identified by the City Manager without being obligated to incur any additional costs or expenses.

3. Upon City's prior request, Owner shall provide the City at no cost six (6) rooms for one (1) night (or 3 rooms for 2 nights) other than Friday or Saturday nights each month for use for City purposes as approved or designated by the City Manager, provided that such use by the City shall be subject to the rooms being available at the time of the City's request. Such accommodations shall include all services and amenities for which the Owner would normally collect transient occupancy taxes but will not include services and amenities that are optional to the transient and for which the transient is not required to pay a transient occupancy taxes. City shall be responsible for any transient occupancy taxes for any occupancy provided to City under the provisions of this paragraph. Notwithstanding anything in this Agreement to the contrary, if the City does not use rooms during any month, then its right to use rooms with respect to that month shall expire at the end of that month and shall not accrue; provided, however, if the City was unable to use rooms solely because Owner's Hotel had no rooms available when the City requested a room in accordance with this Section 2.1.3, then, the City's right to use rooms shall not expire and may be used by the City in a subsequent month.

ARTICLE 3

MAINTENANCE

3.1. MAINTENANCE.

1. Maintenance Obligation. Owner, for itself and its successors and assigns, hereby covenants and agrees to maintain and repair or cause to be maintained and repaired the Site and all related on-site improvements and landscaping thereon, including, without limitation, buildings, parking areas, lighting, signs and walls in a first class condition and repair, free of rubbish, debris and other hazards to persons using the same, and in accordance with all applicable laws, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction, at Owner's sole cost and expense. Such maintenance and repair shall include, but not be limited to, the following: (i) sweeping and trash removal; (ii) the care and replacement of all shrubbery, plantings, and other landscaping in a healthy condition; and (iii) the repair, replacement and restriping of asphalt or concrete paving using the same type of material originally installed, to the end that such paving at all times be kept in a level and smooth condition. In addition, Owner shall be required to maintain the Project in such a manner as to avoid the reasonable determination of a duly authorized official of the City that a public nuisance has been created by the absence of adequate maintenance such as to be detrimental to the public health, safety or general welfare or that such a condition of deterioration or disrepair causes appreciable harm or is materially detrimental to property or improvements within one thousand (1,000) feet of such portion of the Site. The foregoing notwithstanding, Owner shall not be obligated to maintain any street or sidewalk areas, or landscaping therein, which are to be maintained by the City pursuant to a Project Financing Agreement executed by the City (as amended).

2. Parking and Driveways. The driveways and traffic aisles on the Site shall be kept clear and unobstructed at all times.

3. Right of Entry. In the event Owner fails to maintain the Site in the above-mentioned condition, and satisfactory progress is not made in correcting the condition within thirty (30) days from the date of written notice from City (such notice shall reasonably identify the required maintenance), City may, at City's option, and without further notice to Owner, declare the unperformed maintenance to constitute a public nuisance. Thereafter, either City or its employees, contractors, or agents, may cure Owner's default by entering upon the Site and performing the necessary landscaping and/or maintenance in accordance with Section 3.1.1 above. The City shall give Owner, its representative, or the residential manager reasonable notice of the time and manner of entry, and entry shall only be at such times and in such manner as is reasonably necessary to carry out this Agreement. Owner shall pay such costs as are reasonably incurred by City for such maintenance, including attorneys' fees and costs.

4. Lien. If any costs incurred by City under Section 3 above are not reimbursed within thirty (30) days after Owner's receipt of City's written request for reimbursement, the same shall be deemed delinquent, and the amount thereof shall bear

interest thereafter at a rate of the lower of ten percent (10%) per annum or the legal maximum until paid. Any and all delinquent amounts, together with said interest, costs and reasonable attorney's fees, shall be an obligation of Owner as well as a lien and charge, with power of sale, upon the property interests of Owner, and the rents, issues and profits of such property. City may bring an action at law against Owner obligated to pay any such sums or foreclose the lien against Owner's property interests. Any such lien may be enforced by sale by the City following recordation of a Notice of Default of Sale given in the manner and time required by law as in the case of a deed of trust; such sale to be conducted in accordance with the provisions of Section 2924, et seq., of the California Civil Code, applicable to the exercise of powers of sale in mortgages and deeds of trust, or in any other manner permitted by law.

Any monetary lien provided for herein shall be subordinate to any bona fide mortgage or deed of trust covering an ownership interest or leasehold or subleasehold estate in and to any portion of the Site, and any purchaser at any foreclosure or trustee's sale (as well as any deed or assignment in lieu of foreclosure or trustee's sale) under any such mortgage or deed of trust shall take title free from any such monetary lien, but otherwise subject to the provisions hereof; provided that, after the foreclosure of any such mortgage and/or deed of trust, all other assessments provided for herein to the extent they relate to the expenses incurred subsequent to such foreclosure, assessed hereunder to the purchaser at the foreclosure sale, as owner of the subject Site after the date of such foreclosure sale, shall become a lien upon such Site upon recordation of a Notice of Assessment or Notice of Claim of Lien as herein provided. In the event of any such foreclosure, City (or successor) agrees to and shall recognize and honor any existing commercial (non-transient occupancy) leases in effect with respect to portions of the Project, provided that commercial tenants of such leases agree to subordinate and attorn to City (or successor) as the new landlord with respect to such leases.

ARTICLE 4

COMPLIANCE WITH LAWS

4.1. COMPLIANCE WITH LAWS. Owner shall comply with all ordinances, regulations and standards of the City and City applicable to the Site. Owner shall comply with all rules and regulations of any assessment district of the City with jurisdiction over the Site.

ARTICLE 5

NONDISCRIMINATION

5.1. NONDISCRIMINATION. There shall be no discrimination against or segregation of any person, or group of persons, on account of race, color, creed, religion, gender, sexual orientation, marital status, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Site, or any part thereof, nor shall Owner, or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of guests or vendees of the Site, or any part thereof.

ARTICLE 6

COVENANTS TO RUN WITH THE LAND

6.1. COVENANTS TO RUN WITH THE LAND. Owner hereby subjects the Site to the covenants, reservations, and restrictions set forth in this Agreement. City and Owner hereby declare their express intent that all such covenants, reservations, and restrictions shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors in title to the Site; provided, however, that on the termination of this Agreement said covenants, reservations and restrictions shall expire. All covenants without regard to technical classification or designation shall be binding for the benefit of the City, and such covenants shall run in favor of the City for the entire term of this Agreement, without regard to whether the City is or remains an owner of any land or interest therein to which such covenants relate. Each and every contract, deed or other instrument hereafter executed covering or conveying the Site or any portion thereof shall conclusively be held to have been executed, delivered and accepted subject to such covenants, reservations, and restrictions, regardless of whether such covenants, reservations, and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants set forth herein touch and concern the land in that Owner's legal interest in the Site is rendered less valuable thereby. City and Owner hereby further declare their understanding and intent that the benefit of such covenants touch and concern the land by enhancing and increasing the enjoyment and use of the Project by the intended beneficiaries of such covenants, reservations, and restrictions, and by furthering the public purposes for which the City was formed.

Owner, in exchange for the City entering into this Agreement, hereby agrees to hold, sell, and convey the Site subject to the terms of this Agreement. Owner also grants to the City the right and power to enforce the terms of this Agreement against the Owner and all persons having any right, title or interest in the Site or any part thereof while such party owns the Site. No party shall have any liability or obligation in connection with any breach occurring while such party is not the owner of the Site.

Within fifteen (15) business days after request of Owner, City shall execute and provide to Owner an estoppel certificate, in the form approved by the City Attorney of the City, confirming whether or not Owner is in breach of any obligations under this Agreement and identifying any required cure.

ARTICLE 7

INDEMNIFICATION

7.1. INDEMNIFICATION. Owner agrees for itself and its successors and assigns to indemnify, defend, and hold harmless City and its respective officers, members, officials, employees, agents, volunteers, and representatives from and against any loss, liability, claim, or judgment to or by any third party relating to development and/or operation of the Project by Owner, excepting only any such loss, liability, claim, or judgment arising solely out of the

intentional wrongdoing or gross negligence of City or its respective officers, officials, employees, members, agents, volunteers, or representatives. Owner, while in possession of the Site, and each successor or assign of Owner while in possession of the Site, shall remain fully obligated for the payment of property taxes and assessments in connection with the Site. The foregoing indemnification, defense, and hold harmless agreement shall only be applicable to and binding upon the party then owning the Site or applicable portion thereof.

7.2. ATTORNEYS' FEES. In the event that a party to this Agreement brings an action against the other party hereto by reason of the breach of any condition, covenant, representation or warranty in this Agreement, or otherwise arising out of this Agreement, the prevailing party in such action shall be entitled to recover from the other reasonable expert witness fees, and its reasonable attorney's fees and costs. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, including the conducting of discovery.

7.3. AMENDMENTS. This Agreement shall be amended only by a written instrument executed by the parties hereto or their successors in title, and duly recorded in the real property records of the County of Riverside.

7.4. NOTICE. Any notice required to be given hereunder shall be made in writing and shall be given by personal delivery, certified or registered mail, postage prepaid, return receipt requested, at the addresses specified below, or at such other addresses as may be specified in writing by the parties hereto:

City:	City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs, CA 92262 Attn: City Manager
Copy to:	City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs, CA 92262 Attn: City Attorney
Owner:	John Wessman 555 South Sunrise Way, Suite 200 Palm Springs, CA 92264

The notice shall be deemed given three (3) business days after the date of mailing, or, if personally delivered, when received.

7.5. SEVERABILITY/WAIVER/INTEGRATION

1. Severability. If any provision of this Agreement or portion thereof, or the application to any person or circumstances, shall to any extent be held invalid, inoperative, or unenforceable, the remainder of the provisions, or the application of such provision or portion thereof to any other persons or circumstances, shall not be affected thereby; provided, that if any material terms or provisions of these Operating Covenants

are rendered invalid, void and/or unenforceable, or due to changes in the law such terms or provisions would materially alter the terms of the transactions contemplated herein, the parties agree to meet and negotiate in good faith to attempt to reform these Operating Covenants to accomplish the intent of the parties.

2. Waiver. A waiver by either party of the performance of any covenant or condition herein shall not invalidate this Agreement nor shall it be considered a waiver of any other covenants or conditions, nor shall the delay or forbearance by either party in exercising any remedy or right be considered a waiver of, or an estoppel against, the later exercise of such remedy or right.

3. Integration. This Agreement contains the entire Agreement between the parties and neither party relies on any warranty or representation not contained in this Agreement.

4. Third Parties. No third party beneficiaries are intended, and the only parties who are entitled to enforce the provisions of these Operating Covenants are the City, Mortgagees, Participant and their respective successors and assigns.

7.6. GOVERNING LAW. This Agreement shall be governed by the laws of the State of California and is subject to the provisions of Government Code Section 53083.

7.7. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall constitute one original and all of which shall be one and the same instrument.

7.8. TERMINATION. This Agreement may be terminated only (i) by and upon expiration of the Term, (ii) by mutual written agreement of the parties, and (iii) by and pursuant to the provisions of Section 7.9 or 7.10 below. In the event of any such termination, Owner (or its successor, as applicable) shall not be obligated to return any amounts previously paid to it by the City pursuant to the Program.

7.9 DEFAULT BY OWNER. If at any time during the Term, City contends that Owner has committed a material default with respect this Agreement, e.g., by failing to operate the Hotel as a first class hotel, City shall deliver to Owner written notice of default which specifies in detail all facts alleged by City to constitute such default. For a period of thirty days thereafter, Owner will have the right to commence and complete cure of the alleged default; provided, however, if the alleged default is of such a nature as to reasonably require more than sixty days to cure, and the Parties so agree, Owner will have such addition time as is reasonably necessary to complete such cure. Subject to Section 7.11 below, if Owner fails to timely cure such default, City shall then have the right to terminate this Agreement. (To the extent of any inconsistency between the provisions of this Section 7.9 and the provisions of Section 3.1 above, the provisions of this Section 7.9 shall prevail.)

7.10 DEFAULT BY CITY. If at any time during the Term, Owner contends that City has committed a material default with respect this Agreement, Owner may deliver to City written notice of default which specifies in detail all facts alleged by Owner to constitute such default.

For a period of thirty days thereafter, City will have the right to commence and complete cure of the alleged default; provided, however, if the alleged default is of such a nature as to reasonably require more than sixty days to cure, and the Parties so agree, City will have such addition time as is reasonably necessary to complete such cure. Subject to Section 7.11 below, if City fails to timely cure such default, Owner shall then have the right to terminate this Agreement or exercise any and all other rights and remedies available at law and in equity, and each of such rights and remedies shall be cumulative and not exclusive.

7.11 MORTGAGE PROVISIONS. Anything in this Agreement to the contrary notwithstanding, with respect to any recorded mortgage or deed of trust given in good faith and for value and encumbering the Hotel (“Mortgage”), any holder thereof that has delivered to City a copy of such recorded Mortgage and current contact information (“Mortgagee”) will be entitled rights and benefits in accordance with the following:

1. City acknowledges and agrees that the rights and obligations of Owner under this Agreement may, with or without approval by City, be conditionally assigned by Owner to any Mortgagee as security for performance of Mortgage obligations.
2. While any Mortgage remains in effect, City will not amend or modify this Agreement in any material respect without receiving prior written approval from Mortgagee, which approval may not be unreasonably withheld, delayed or conditioned; provided, however, failure by Mortgagee to provide written approval or disapproval (and if disapproval the reasons therefor) within thirty days of delivery of request therefor shall be deemed to constitute approval by Mortgagee.
3. While any Mortgage remains in effect, in the event City delivers to Owner of any notice of default as referenced in either Section 3.1 or 7.9 above, City shall concurrently deliver a copy thereof to Mortgagee.
4. Delivery of any such notice of default notwithstanding, City will not terminate or initiate or pursue any action to terminate this Agreement as long as Mortgagee diligently (i) declares a default by Owner under the Mortgage, (ii) pursues foreclosure and/or other appropriate actions under the Mortgage, (iii) pays to City all amounts that would otherwise have been payable by Owner to City, and (iv) cures non-monetary defaults.

7.12 Operator Provisions. City acknowledges and agrees that operational obligations of Owner may, with or without consent of City, be assigned by Owner to any entity owned or wholly controlled by Owner or its Members or the Virgin Hotel or with the consent of City to a Hotel Operator of Owner’s choice, and, in connection therewith, such Hotel Operator may assume all or part of Owner’s Hotel operation obligations under this Agreement; provided, however, Owner shall retain ultimate responsibility for such Hotel operation obligations. City agrees that while any Hotel Operator agreement is in effect, and provided that City has been put on notice of such agreement and received contact information for such Operator, in the event City delivers to Owner of any notice of default as referenced in either Section 3.1 or 7.9 above, City shall concurrently deliver a copy thereof to the Operator.

7.13 RESERVED.

7.14 Cooperation. Each party agrees to and shall do and perform such other and further acts and properly execute and deliver such other and further documents as may be reasonably necessary, expedient or convenient to implement and/or effectuate the intents and purposes hereof. City and Owner agree to cooperate with each other and/or with any Mortgagee or proposed Mortgagee, in a manner consistent with concepts and principles of good faith, fair dealing and commercial reasonableness, with respect to consideration, implementation and execution of any modification(s) to this Agreement reasonably requested by the City, Owner, Mortgagee or proposed Mortgagee.

7.15 Reasonable Approvals. Whenever this Agreement requires or calls for the approval or consent of any party hereto, such approval shall not be unreasonably withheld, delayed or conditioned.

7.16 Binding Arbitration. In the event of any dispute or controversy arising out of or relating to this Agreement, or the breach or performance of it, the parties shall reasonably attempt to resolve such dispute or controversy without resort to third party review or resolution. The parties shall first meet and confer on any such dispute or controversy. Such meeting(s) shall include any principal of the Owner and, at the discretion of the City, may include the City Manager and/or the City Council, either as a whole or through an ad hoc subcommittee designated by the City Council. Upon a determination by the parties that they are or will be unable to resolve the dispute or controversy on their own, then the parties shall submit the dispute, controversy or any remaining unresolved matter to binding arbitration, to be held in the Coachella Valley, and be conducted pursuant to the Commercial Arbitration Rules of the American Arbitration Association.

7.17 Incorporation of Recitals and Exhibits. Each of the recitals set forth above and each of the exhibits attached hereto are agreed to and made part of this Agreement.

7.18 Authority. Each party represents and warrants to the other that such party has full right, power and authority to sign, execute and enter into this Agreement.

IN WITNESS WHEREOF, the City and Owner have executed this Operations Covenant by duly authorized representatives on the date first written hereinabove.

"CITY"

THE CITY OF PALM SPRINGS,
a municipal corporation and charter city

By: _____

City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

WOODRUFF, SPRADLIN & SMART

By: _____
Douglas C. Holland, Esq.
City Attorney

"OWNER"

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

[END OF SIGNATURES]

ACKNOWLEDGMENT

State of California)
County of _____)

On _____, before me, _____,
(insert name of notary)

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

ACKNOWLEDGMENT

State of California)
County of _____)

On _____, before me, _____,
(insert name of notary)

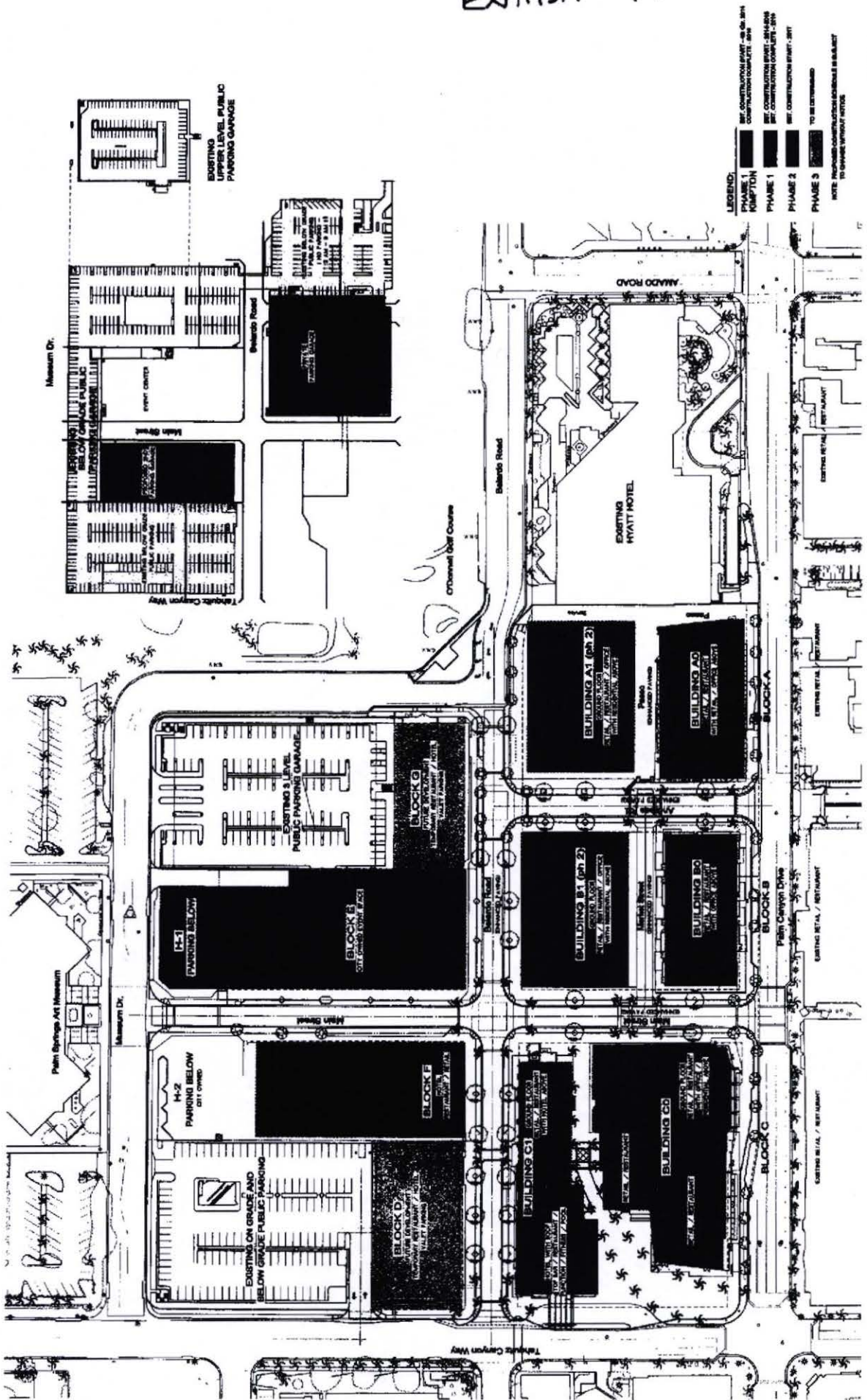
Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)



DOWNTOWN PALM SPRINGS - PHASING - EXHIBIT 'A'

WESMAN DEVELOPMENT
 Prepared by WESMAN U.S. INC. - ARCHITECTURAL ENGINEERS-SURVEYORS - A/E-C/E/S

EXHIBIT B

**LEGAL DESCRIPTION FOR PARCEL 3
(BLOCK B-1)**

Parcel 3 as shown on Parcel Map No. 36446, filed for record on the 15th day of December, 2014, in Book 238 of Maps, at pages 31-34, inclusive, Official Records of Riverside County, California.

Note: It is expected that certain boundaries of said Parcel 3 will be adjusted by a Lot Line Adjustment ("LLA") Application filed with and to be approved by the City of Palm Springs pursuant to Government Code Sections 66412, et seq., and implementing rules, regulations and ordinances of the City. Upon approval and recordation of said LLA, the boundaries of Parcel 3 will be adjusted to be in general conformity with the boundaries of Block B-1, as indicated on the Site Plan attached as Exhibit A to the Operations Covenant.

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**



Date: April 20, 2016
Subject: Major Architectural Applications by Palm Springs Promenade, LLC

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on April 9, 2016.

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

Kathie Hart
Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on April 7, 2016.

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

Kathie Hart
Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on April 7, 2016, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.
(198 notices)

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

Kathie Hart
Kathie Hart, MMC
Chief Deputy City Clerk

11-15

NOTICE OF PUBLIC HEARING
JOINT MEETING OF THE CITY COUNCIL, PLANNING COMMISSION AND
ARCHITECTURAL ADVISORY COMMITTEE
CITY OF PALM SPRINGS

ARCHITECTURAL APPLICATIONS BY PALM SPRINGS PROMENADE, LLC
CASE 3.3908 MAJ - PARK HOTEL, NORTHEAST OF MAIN STREET AND BELARDO ROAD &
CASE 3.3607 MAJ - BLOCK C ANNEX, SOUTHWEST CORNER OF MAIN STREET AND PALM
CANYON DRIVE

CASE 3.3605 MAA - BLOCK A PARKING LOT, NORTHEAST CORNER OF BELARDO ROAD AND
ANDREAS ROAD

NOTICE IS HEREBY GIVEN that the City Council, Planning Commission and Architectural Advisory Committee of the City of Palm Springs, California, will hold a public hearing at its joint meeting of April 20, 2016. The meeting begins at 6:00 p.m at the Palm Springs Convention Center, 277 North Avenida Caballeros, Palm Springs.

The purpose is to consider three Major Architectural Applications by Palm Springs Promenade, LLC:

- Case 3.3908 MAJ – A request to construct a 6-story mixed-use building totaling 112,862 square feet in size and consisting of a 142-room resort hotel and ground floor commercial/retail space. The building is proposed at 69-feet in height and located on Block “B-1” of the Museum Market Plaza Specific Plan (MMPSP) at the northeast corner of (new) Main Street and the new extension of Belardo Road, Zone CBD.
- Case 3.3607 MAJ – A request to construct a 2-story mixed-use building totaling 18,215-square feet in size with ground floor commercial. The building is proposed at 34-feet in height and situated on Block “C” of the MMPSP at the southwest corner of Main Street and Palm Canyon Drive, Zone CBD.
- Case 3.3605 MAA – A request to construct surface parking lot on Block “A-1” of the MMPSP located at the northeast corner of the new extension of Andreas Road and the new extension of Belardo Road, Zone CBD.

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (EIR) was certified in 2009 for the Museum Market Plaza Specific Plan, in accordance with the provisions of the California Environmental Quality Act (CEQA) guidelines. An addendum to the EIR was prepared and addressed impacts associated with amendments to the Museum Market Plaza Specific Plan in 2016. Review of the proposed applications is within the scope of the Specific Plan EIR, including subsequent addendum, and none of the circumstances triggering further environmental review have occurred since the certification and adoption of these environmental documents. Members of the public may view these documents at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs between the hours of 8:00 a.m. to 6:00 p.m. Monday through Thursday and submit written comments at, or prior to, the joint meeting.

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

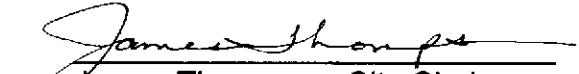
COMMENTS: Response to this notice may be made verbally at the public hearing and/or in writing before the hearing. Written comments may be made to the City Council, Planning Commission and Architectural Advisory Committee by letter (for mail or hand delivery) to:

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 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 David Newell, Associate Planner, Planning Services Department, at (760) 323-8245.

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


James Thompson, City Clerk



CITY OF PALM SPRINGS

Department of Planning Services

Vicinity Map

