APPENDIX A

CHINO CONE TRAIL ANALYSIS

TRAILS ANALYSIS

Preparation of this trails analysis for the proposed Desert Palisades project involved the review of various literature resources, images and consultations with the project developer, project designers and several agencies including the City of Palm Springs, the Agua Caliente Band of Cahuilla Indians and the Tram Authority. Additionally, this analysis was prepared in accordance to the recently adopted City of Palm Springs Ordinance No. 1707 which established the "ESA-SP" Environmentally Sensitive Area Specific Plan Zone. A complete list of resources is provided at the end of the analysis. This Appendix references Exhibits found within the Specific Plan.

A. Background

The City of Palm Springs is located at the westerly end of Coachella Valley, a region within Riverside County, California. The City's natural resources create recreational opportunities that attract City residents and visitors. The San Jacinto Mountain range flanks the westerly edges of the City of Palm Springs, while the Santa Rosa Mountains forms the southern City boundaries. Both mountain ranges provide unique views and dramatic backgrounds and serve as habitats to a well diversified plant and animal life. Urban and undeveloped lands border the City to the east, while unincorporated vacant lands and the Little San Bernardino Mountains frame the northern City limits. Vast acreages of lands located in the northwestern portion of the City of Palm Springs have remained in their natural states for many decades, including the well-known Chino Cone area.

The Chino Cone environment is characterized by desert lands that quickly transition to the rugged terrains of the San Jacinto Mountains. These geological features provide exceptional visual and recreational resources to residents and visitors alike. Recognizing the unique recreational and resort living opportunities offered by the Chino Cone, the City has established development requirements for the Chino Cone which are included in the City General Plan Land Use element. In general, the development requirements are to be respectful and conforming of the special characteristics of the subject area and the City environment as a whole; these General Plan land use policies concerning the Chino Cone have also served as the foundation to the "ESA-SP" Environmentally Sensitive Area Specific Plan Zone which addresses Chino Cone area development requirements in detail.

B. City of Palm Springs "ESA-SP" Environmentally Sensitive Area Specific Plan Zone

On December 20, 2006, the City of Palm Springs adopted Ordinance No. 1707 which established the "ESA-SP" Environmentally Sensitive Area Specific Plan Zone. The policies of the "ESA-SP" zone can be found in its entirety in Chapter 92.00 Zoning Regulations of the Palm Springs Municipal Code. The following policies under Section 92.21.1.00 of the Palm Springs Zoning Code indicate the purpose and intent of the ESA-SP zone:

A. The ESA-SP zone is intended to provide for the development of environmentally sensitive areas of the city in a manner that will preserve the open, rural character of these areas while allowing development of ranchettes and clustered single- and multiple family or resort projects.

B. The purpose of the zone is to facilitate the preservation of open space through the creation and implementation of development review considerations that will ensure the evaluation of the suitability of the land for development in a manner which would preserve the character of the land consistent with the policies in Section 92.21.1.05 of this code.

The ESA-SP zone encompasses the Chino Cone, North Palm Canyon Drive north entry corridor, and other areas which the city council may designate by ordinance. Currently, the ESA-SP zone consists of nine (9) separate Planning Areas. (SP Exhibit 4a "ESA-SP" Environmentally Sensitive Area Specific Plan Zone – Planning Areas 1 thru 9) Proposed development on each of the Planning Areas require the preparation of a specific plan which will provide the standards for proposed uses, densities, distributions, and design. (Please refer to the Desert Palisades Specific Plan).

Trails Analysis
The policies of the ESA-SP Zone include the preparation of a Trails Analysis associated with developments proposed within the ESA-SP planning areas. Palm Springs Zoning Code, Section 92.21.1.05 C states:

> "Concurrent with the submission of any proposed project application for a specific plan, tentative map or building permit, a trails analysis shall be prepared and submitted to the city. The analysis shall include a map and text which identify all existing trails and all proposed trails within the project area. Existing trails shall include public trails established by dedication of easement or similar conveyance and trails established by use."

C. Existing Trails in the City of Palm Springs

Numerous trails, natural and man made, already occur within the corporate limits of the City of Palm Spring. In general these existing trails include the following:

- Alexander Trail
- Araby Trail
- Berns Trail
- Clara Burgess Trail
- Dry Wash Trail
- Dunn Road
- Eagle Canyon Trail
- Fern Canyon Trail

- Garstin Trail
- Goat Trails
- Hahn Buena Vista Trail
- Henderson Trail
- Indian Potrero Trail
- Museum Trail
- North Lykken Trail
- Pacific Crest National Scenic Trail
- Palm Canyon Trail
- Picnic Table Trail
- Potrero Canyon Trail
- Shannon Trail
- Skyline Trail
- South Lykken Trail
- Thielman Trail
- Vandeventer Trail
- Wild Horse Trail

Additionally, the current City General Plan Parks and Recreation Element addresses a comprehensive and safe system of riding and hiking trails that allow hikers and riders to explore Palm Springs and its environment. General Plan bikeways and horse trails are delineated on the City General Plan land use map. A portion of the City General Plan land use map is shown on SP Exhibit 3.

D. Existing Trails in the Chino Cone Area

Very few existing trails in the Chino Cone area have been established by use. Overall, bikers, hikers and pedestrian utilize roadsides, mapped trails such as the North Lykken Trail, with few informal trail in evidence on the alluvial fans of the Chino Cone Area. Other existing trails are well within the rugged terrain or follow the edges of Mount San Jacinto. The recently adopted General Plan depicts an existing north-south trail crossing the Desert Palisades project that is not evident on the ground. An existing east-west trail is shown as connecting the North Lykken Trail with Tram Way. An existing hiking/equestrian trail is shown following the alignment of Tram Way; the trail in that instance is the road surface as no improved trail exists other than the road itself.

E. Proposed Desert Palisades Project

Pursuant to the ESA-SP regulations, a Conceptual Master Plan of trails has been prepared and submitted as part of this analysis with the development application for the Desert Palisades project. The Plan shows the proposed project trail system linking to other existing trails and proposed projects in the vicinity. The Conceptual Master Plan of Trails for the Chino Cone was developed through feedback from neighboring property and area business owners, representatives of the Agua Caliente Band of Cahuilla Indians, as well as the City. See SP Exhibit 12 Conceptual Master Trails Plan.

The Desert Palisades project occurs in the northwestern portion of the City of Palm Springs. The Project is a proposed residential development that will provide a neighborhood of 110 single family homes, privately maintained streets, recreational amenities and open space. The project site is generally rectangular in shape and encompasses approximately 117 gross acres of undeveloped lands. (approximately 103 acres are proposed for development) The northwest corner of the site is a 4+/- acre triangular land separated by Tram Way from the rest of the property. The 110 lots, interior streets, and integrated open space are all to be developed southeast of Tram Way, and no development is currently proposed for the triangular portion of the site which will remain as open space. There is a 5 +/- acre parcel near the southeast corner of the project site which is not owned by the Desert Palisades developer and is not a part of the project. SP Exhibit 5 shows the proposed project Site Plan.

Currently, the property is overlain by large boulders and rocks, scattered desert brush and large intermittent drainages and their tributaries. Undeveloped parcels of land border the property to the north and west, while residential development and DWA water reservoirs occur to the east. The southern portion of the project site contains some mountainous slopes and the toe of slopes of the San Jacinto Mountains. As shown on SP Exhibit 4a, the Desert Palisades project site lies within Planning Area 3 and Planning Area 4 of the ESA-SP zone.

Consistent with the regulations of the ESA- SP zone ordinance, project design involves preservation of natural open space, as well as existing hiking trails onsite and within the vicinity of the Chino Cone. The perimeter of the property will be surrounded by a natural barrier of boulders harvested from the property during excavation for the roads and infrastructure. Approximately 9 acres in the southern portion of the property contains mountain slopes of 30% or more which will remain as permanent open space.

Existing Trails on the Desert Palisades Project Site

Existing trails on the Desert Palisades project site were identified based on field surveys, project specific special studies, aerial photograph, City of Palm Springs General Plan land use map, and USGS map. The City General Plan land use map shows a designated horse trail and bikeway route crossing the southwest corner, as well as the southern portions of the project site. Field surveys, project specific special studies and aerial photograph indicate trails traversing through the Desert Palisades project site and connecting to trails/access currently utilize by pedestrians in the Chino Canyon area. One trail (Old Chino Canyon Road) crosses near the southern portion of the property, while another crosses the northwestern corner of the project site at Tram Way. (See SP Exhibit 12) No trails are delineated on the property according to the USGS topographic map (Palm Springs 7.5 quadrangle). While it is not located within the Desert Palisades project area, the North Lykken Trail, as mapped in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), occurs just to the southeast corner of the subject property.

The historical/archaeological resources survey report prepared for the Desert Palisades project indicates that in the 1890's, an east-west trending road was built across the southern half of the Desert Palisades project site. The road, presently known as the Old Chino Canyon Road, served as a main route in the Chino Canyon for both Native Americans and non-native settlers. Old Chino Canyon Road was abandoned after the completion of the Palm Springs Aerial Tramway and the Tram Way road in 1960-1963. According to the Project archaeologist, a partially paved 8-foot wide road traverses generally east-west across the entire project area, connecting to the terminus of present-day Chino Canyon Road to the east of the project area and to Tram Way to the west. The road is likely the remnant of the original Chino Canyon Road, which was noted at roughly the same location during the historic period, but appears to have undergone a series of alterations. Evidence of pedestrian and bicycle use were observed on the Old Chino Canyon Road during recent site surveys.

Proposed Trails on the Desert Palisades Project Site

Project developer proposes a trails system, approximately one (1) mile in total, within the Desert Palisades project site which is comprised of separate trail segments including the existing Old Chino Canyon Road. Proposed trails are envisioned to be meandering and lined by rocks/boulders from the project site, with varying width and terrain (i.e. some portions wrapping around and through existing rock outcrops).

Concepts for the project trail system include interpretive centers marked by plaques which identify interesting natural features occurring within the Desert Palisades project site. Plaques may provide short narratives describing historical and natural resources (i.e. scientific nomenclature of plants or animals) associated with the project site.

Internal Trails Use/Purpose
In general, the Desert Palisades site design demonstrates that every effort was made to provide unobstructed access to pedestrian oriented pathways and open space. Proposed project internal trail system will link the Desert Palisades residential units to offsite conceptual trail segments including a neighborhood loop system in the Little Tuscany residential area to the east and other proposed trail segments by other projects in the vicinity. Access for pedestrians will also be provided to the external trail system within the Chino Cone via these internal pathways. The pedestrian trails proposed within the project can be used for recreational hiking, along with basic access to different areas of the project. Proposed project trails are accessible to both project residents and to the general public. However, project trails are limited to hiking use only; equestrian, bicycles and motorized vehicles are not permitted uses.

Section 92.21.1.05 of the ESA-SP Zone requires an "interpretive nature center" or "specialty park" for all proposed projects, which will be provided on-site along with the establishment of the interpretive hiking/biking trail system proposed throughout the community. There are a number of potential locations for the interpretive center, which will be accessible by the trail system and will include a small gathering/seating area (in the form of benches and flat-topped rocks), and a series of plaques identifying the native

flora and fauna and other natural features of the Chino Cone area. SP Exhibit 13 shows the potential locations and conceptual renderings of the interpretive center. The trail system itself will also contain benches and plaques at various points on the trail. As the neighborhood develops over time, these trails will also provide the public with an opportunity to view residential architecture harmonious with the natural terrain and unique to this area of Palm Springs.

Internal Trails Construction
Development of the majority of the project trails system will not involve grading or construction. However, trail segments proposed along Tram Way and the project's northern boundary will include some preparation and will be composed of decomposed granite. Other proposed internal trail segments, including the Old Chino Canyon Road will be minimally improved with rock/boulder edge lining and leaving surfaces natural.

The former Chino Canyon Road will be incorporated into the proposed community as a hiking trail and will be left in its existing rustic form. The paved area of this roadway can be described as sporadic and decomposed. Bollards are being proposed at the eastern terminus of the Old Chino Canyon Road to prevent access of motorized vehicles.

Landscape treatments are proposed at designated areas of the trail system, such as where trails and internal street intersect. Landscaping will utilize only native plant species, and will be minimal, to allow for the blending of these pathways with the natural desert landscape, which will not be disturbed. Conceptual landscape designs for the project's internal trail system are illustrated in SP Exhibits 12 and 18 thru 23**.** A detailed narrative of the landscaping treatment for the Project trails, including proposed entries, crossings, linkages, plant palette and surfaces, is provided in Section VI of the Desert Palisades Specific Plan.

Trails Maintenance
Future Desert Palisades home owners association or a designated local trails authority is anticipated to be responsible for the maintenance of the proposed project trails.

F. Resources

92.21.1.00 "ESA-SP" Environmentally Sensitive Area Specific Plan Zone, City of Palm Springs Municipal Code, prepared by the City of Palm Springs , Adopted December 2006

City of Palm Springs General Plan Update, prepared by the City of Palm Springs Planning Department, March 1993 (superseded)

Elements of the City of Palm Springs General Plan Update, prepared by The Planning Center, 2007.

Re-circulated Draft Coachella Valley Multiple Species Habitat Conservation Plan, prepared by Terra Nova Planning & Research, Inc., February 2007

Historical/Archaeological Resources Survey Report the for Pinnacle View Project, prepared by CRM TECH, September 2006.

APPENDIX B

ENVIRONMENTAL ANALYSIS (PROJECT SITE AND 500 FT. SURROUNDING)

I. INTRODUCTION

According to Section 92.21.1.05 (A) of the City of Palm Springs Zoning Ordinance:

> *"Concurrent with the submission of any proposed project application for a Specific Plan, Tentative Map, or building permit application within the ESA-SP Zone an environmental analysis shall be prepared and submitted to the City. The analysis shall include maps and text which identify all major and minor environmental conditions on the subject site and major environmental conditions in the surrounding area, including lands within five hundred (500) feet of the site, with the surrounding area subject to determination by the director of planning services. At a minimum, the analysis shall identify and describe the following subjects:*
>
> 1. *Geologic conditions*
> 2. *Cultural resources*
> 3. *Topographic conditions*
> 4. *Unique rock formations and mineral deposits*
> 5. *Drainage patterns and local watershed boundaries*
> 6. *Minor and major water channels*
> 7. *Significant landscape features, oases, etc.*
> 8. *Flora and fauna*
> 9. *Non-native plant species*
> 10. *Significant animal species*
> 11. *Prior development history*
> 12. *Existing development"*

The required environmental analysis for the Desert Palisades project has been incorporated into this Specific Plan and begins on the following page. The information provided for each of the required topics was gathered by researching appropriate area plans/studies, and the special reports and fieldwork conducted specifically for the Desert Palisades project site (also included in the EIR for the project). Where applicable, exhibits are referenced and can be seen following the discussions that follow.

II. STUDY AREA

The project site and land located 500 feet around the property boundary is the basis for this environmental analysis. As seen in attached Exhibit B-1, the following land uses fall within this additional 500 feet:

North: Vacant land within the Agua Caliente Indian Reservation (ESA-SP Planning Area 3), a portion of the Crescendo project (currently vacant but approved for residential development), and a portion of Tram Way (private road under jurisdiction of the San Jacinto Winter Park Authority).

South: Mountainous terrain exceeding 30% slope – not permitted for development and designated as permanent open space within the City's General Plan.

East: Tuscany Heights project (16 lots currently under construction), two Desert Water Agency (DWA) reservoir tanks, a portion of the Boulders project (currently vacant but approved for residential development, and 18 existing homes within the Little Tuscany and Chino Canyon neighborhoods.

West: Vacant land within the Agua Caliente Indian Reservation (ESA-SP Planning Area 3), a portion of the old Chino Canyon Road (connecting the portions included within the project boundary to Tram Way), and a portion of Tram Way (private road under jurisdiction of the San Jacinto Winter Park Authority).

It should be noted that DWA has a long range master plan to construct two water reservoir tanks and a booster station on the 1+/- acre DWA owned parcel in the southwest corner of the project site. As shown on the Tentative Tract Map for Desert Palisades, access to the proposed tank locations is provided within the design of the subdivision in the form of an easement extending off of Street "D". An agreement is also in place between DWA and the project developer for access rights (via the internal streets) to the water reservoir site for routine inspection and maintenance operations. The Environmental Impact Report prepared for Desert Palisades also has studied the construction of these reservoirs.

Several special studies have been conducted on the Desert Palisades project site, which have been incorporated into the project's Draft EIR. For the areas which fall 500 feet outside of the property boundaries, works consulted include the City of Palm Springs General Plan EIR as well as any other EIR/Environmental Assessment or associated special reports prepared for neighboring projects within the study area along with visual reconnaissance.

III. GEOLOGIC CONDITIONS

III-a) Geologic Setting

Project Site:
The project site is located on the Chino Cone alluvial fan deposit, with the exception of land to the south which is mountainous terrain. The Chino Cone alluvial fan was created by runoff from the San Jacinto Mountains located south and west of the property. The near surface deposits consist of non-stratified to crudely stratified cobbles and boulders in a matrix of silty fine- to coarse-grained sand. The boulders and cobbles exposed at the surface are rounded to sub-rounded, suggesting high energy movement during placement. The Geotechnical Engineer estimates that the earth materials are comprised of an excess of 50% of cobbles and boulders. These materials comprise as much as 90% of the on-site soils (Earth Systems, 2006.)

Surrounding Lands (within 500 ft.):

North, West, and South - For lands that are 500 feet outside of the property boundary, the geologic setting is similar to that observed on the project site (all fall on the Chino Cone alluvial fan). However, land 500 feet to the south includes mountainous terrain which is much rockier than the site itself and includes large outcroppings which are much older in geologic time.

For lands to the north, west, and south the City of Palm Springs General Plan EIR (1993) and General Plan Update EIR (2007) state the following regarding the existing geologic condition:

> "Concentrations of cobble- and boulder-sized rock material are present in some locations, especially in and around alluvial fans, and at the base of hillsides. On the mountain and hill slopes within the City, rock outcrops are exposed at the surface or are covered with a thin mantle of residual soils and/or colluvial materials."
>
> "The coarse, poorly sorted sands and gravels at the base of the mountains and in the canyons that drain the San Jacinto and Santa Rosa Mountains, in the desert washes, are referred to as alluvial fan deposits (Qf). Alluvial fan sediments typically decrease in grain size with distance from the mouth of the canyons."

East – To the east, conditions are similar to the project site, however disturbance to the landscape has occurred as residential neighborhoods developed in these areas, displacing boulders and introducing non-native plant species. The following text comes from the Geotechnical Engineering Report prepared for the EIR for the Boulders and Crescendo projects (Earthsystems Southwest, 2003 and 2004) and is representative of the geologic setting for lands to the east:

> "The field exploration indicates that site materials consist primarily of cobbles and boulders with a soil matrix consisting of silty sand with silt (SP-SM). The boulders observed at the surface were noted to be up to 8 feet in size at different locations across the site. These cobbles and boulders are locally nested, i.e. cobbles and boulders stacked on top of each other void of soil matrix. Some artificial fill exists around the periphery associated with existing improvements such as streets and water tanks. The project site is located on an alluvial fan deposit created by runoff from the San Jacinto Mountains located west of the subject site. The near surface deposits consist of non-stratified to crudely stratified cobbles and boulders in a matrix of silty fine to coarse grained sand. The boulders and cobbles exposed at the surface are rounded to subrounded suggesting high energy movement during displacement. We estimate that the cobbles and boulders comprise in excess of 50% and may be as high as 75% of the alluvial materials. The soil matrix is classified to be in the very low expansion (EI<20) category in accordance with Table 18A-1-B of the California (Uniform) Building Code."

III-b) Seismic Hazards

Project Site:

Several active faults or seismic zones are found between 5 and 62 miles of the project site and surrounding lands. The main seismic hazard to the site and lands 500 feet outside of the property boundary is strong ground shaking from earthquakes along the San Andreas and San Jacinto faults. The Maximum Magnitude Earthquake (Mmax) listed is from published geologic information available for each fault. The Mmax correspond to the maximum earthquake believed to be tectonically possible (Earth Systems, 2006.)

This portion of Riverside County has not been mapped by the California Seismic Hazard Mapping Act. The 2002 Riverside County General Plan does not identify the site as contained within a fault rupture hazard area. The Geotechnical Report states that the site does not lie within a currently delineated State of California, Alquist-Priolo Earthquake Fault Zone. California Geological Survey maps do show well delineated fault lines that cross through this region, however no active faults are mapped in the immediate vicinity of the site. Active fault rupture is unlikely to occur on or around the project site (Earth Systems, 2006.)

Surrounding Lands (within 500 ft.):

The statements above summarize the existing condition for lands 500 feet outside of the project boundary, as they are from local and regional General Plan documents. Seismic discussions for the areas to the east including the Boulders and Crescendo sites are documented in a geotechnical investigation which had conclusions similar to Desert Palisades. They were included in the EIR for both projects and read as follows:

> "No faults are known to pass through the site. Several active faults lie within 62 miles of the project sites, including the San Andreas Fault and the Garnet Fault. The project sites are not located in any Alquist-Priolo special study zones. Due to the distance from any active fault or study zones, on-site fault rupture hazards are unlikely to occur. The City of Palm Springs and its Sphere of Influence area contain active and potentially active faults. The primary seismic hazard to both project sites is strong ground shaking from earthquakes along the San Andreas and San Jacinto Faults."

III-c) Soil Liquefaction

Project Site:

Liquefaction is the loss of soil strength from sudden shock (earthquake shaking) which causes the soil to develop into a fluid mass. Generally, groundwater levels must be within 50 feet of the ground surface elevation and the soils must also be susceptible to liquefaction. The Geotechnical Report for the project (Earthsystems Southwest, 2006) states that the depth to groundwater beneath the site exceeds 100 feet. No free groundwater was encountered in the exploratory borings of the Geotechnical analysis. Additionally, the project is not contained within the Riverside County designated liquefaction hazard zone.

The Technical Background Report to the Safety Element of the Palm Springs General Plan states that shallow ground water may occur locally and briefly in certain portions of the valley along the Whitewater River and lower reaches of the major canyons that drain into the study area following periods of intense of continuous precipitation. Since this condition does not occur often in this area, and rainfall is anticipated to infiltrate the valley sediments quickly, the probability of an earthquake occurring at the same time that near-surface sediments are saturated due to a recent or ongoing rainfall is very low. Plate 1-3 (Liquefaction Susceptibility) of the Safety Element Technical Background report indicates that the project site is located in an area designated to have a "Very Low" Liquefaction Susceptibility further described as "Potentially shallow ground water, but with coarse-grained sediments typically not susceptible to liquefaction".

Surrounding Lands (within 500 ft.):

South – The mountainous terrain to the south has slopes exceeding 30%. These lands are not subject to liquefaction as groundwater levels do not influence this type of terrain.

West – The discussion related to the project site above summarizes the existing condition for lands 500 feet west of the project boundary, as they are from local and regional General Plan documents.

North, East - Plate 1-3 (Liquefaction Susceptibility) of the Safety Element Technical Background report indicates that these areas are designated to have a "Very Low"

Liquefaction Susceptibility further described as "Potentially shallow ground water, but with coarse-grained sediments typically not susceptible to liquefaction".

The Boulders and Crescendo EIR further describes the liquefaction issue representative of lands to the north/east:

> "Liquefaction is a phenomenon that can occur during major seismic events, when water is forced to the surface by seismic shaking, compromising the soils ability to carry the load of a structure. Liquefaction is normally associated with high water tables. In the project area, the depth to the groundwater exceeds 100 feet. According to the *Technical Background Report to the Safety Element of the General Plan for the City of Palm Spring (2005),* the site has a very low potential for seismic-related liquefaction (refer to Plate 1-3 in the *Technical Background Report*). The geotechnical engineer similarly reports that that the liquefaction potential in the general area is low to none. (Most of the City's developed areas are considered to be at moderate risk for liquefaction."

III-d) Ground Subsidence

Project Site:

The potential for seismically induced ground subsidence is considered to be low at the site. Strong earthquake shaking tends to cause dry sands to settle and densify. Relative density of soil, ground motion and earthquake duration determine the amount of subsidence. Seismic induced settlement may occur in uncompacted fill areas.

Plate 1-4 of the Safety Element Technical Background report indicates that the project is located in an area designated to have a low susceptibility to seismically induced settlement.

Surrounding Lands (within 500 ft.):

West – The discussion related to the project site above summarizes the existing condition for lands 500 feet west the project boundary, as they are from local and regional General Plan documents.

South – The mountainous terrain to the south has slopes exceeding 30% and has a higher risk of rockfall than subsidence during an earthquake event. Furthermore, Plate 1-4 of the Safety Element Technical Background report indicates that these lands are located in an area designated to have a low susceptibility to seismically induced settlement

III-e) Slope Instability

Project Site:

The developable portion of the site has substantial change in elevation from the west side to the east side. The extreme southern edge of the site may contain a potential for rock falls during earthquakes.

Potential hazards from slope instability, landslides or debris flows are considered low to moderate. At the time that individual site development plans are available, detailed analysis of site specific geotechnical requirements may be required.

Plate 1-5 of the Technical Report for the Safety Element indicates that the property is located in an area with a moderate susceptibility of being impacted by rock falls and seismically induced landsliding.

Surrounding Lands (within 500 ft.):

West – The discussion related to the project site above summarizes the existing condition for lands 500 feet west of the project boundary, as they are from local and regional General Plan documents.

South - Due to the presence of steep mountain slopes, land to the south of the site contains a potential for rock falls during earthquakes.

North, East – the following discussion on slope instability comes from the Boulders and Crescendo EIR:

> "In steep areas, strong ground shaking can also cause rock falls. In areas where there is development at the base of steep slopes, dislodged boulders can pose a hazard to structures and their inhabitants. According to the *Technical Background Report,* the project sites are in an area of low susceptibility of being impacted by rock falls or seismically induced landslides. However, the southern edge of Boulders is mapped in as an area of moderate susceptibility of being impacted by rock falls or seismically induced landslides, along with the western edge of the existing Chino Canyon neighborhood. The southern edge of the Little Tuscany neighborhood is mapped as high-risk for such impacts."

III-f) Seiche

Project Site:

Ground motion from earthquakes has the potential to cause oscillations in the water contained in enclosed reservoirs. This movement can result in tipping or failure in reservoirs (seiche) that are not constructed to current standards. There are currently no

reservoirs upstream of the project but a number of proposed reservoirs are currently on the Desert Water Agency Master Plan for the Chino Cone. One of these reservoir sites, DWA reservoir site #33, proposes the construction of two reservoir tanks and a booster station. The DWA owned site is approximately 1 acre in size and is located in the southwest corner of the Desert Palisades project boundary, and will be constructed adjacent to future homes in the Desert Palisades subdivision. According to DWA, all reservoir tanks within the City of Palm Springs (many of which are located upstream of residential uses) are constructed to strict standards and are routinely maintained to avoid damage during earthquake events. If seiche related flooding was to occur from this reservoir site, the design of the Desert Palisades project (which includes the conservation of natural terrain across the site) should allow flood waters to be conveyed through the project's inverted streets to the appropriate facility on or off-site. As seen in the discussion for lands to the east below, flooding has occurred in the area in the past but not due to seismic related seiche.

Surrounding Lands (within 500 ft.):

South - The mountainous terrain to the south has slopes exceeding 30%. These lands are not subject to any development including water reservoir tanks.

North, West - The discussion related to the project site above summarizes the existing condition for lands 500 feet north and west of the project boundary, as they are downstream from potential reservoir tanks within the Chino Cone.

East – Lands which are 500 feet to the east of the project site currently contain residential uses (Little Tuscany and Chino Canyon neighborhoods) which are down-gradient of the two existing DWA reservoir tanks immediately east of the Desert Palisades project site. In an earthquake event, these neighborhoods (and the Boulders site) have the potential to be impacted by seiche flooding if these tanks were to fail. According to the Boulders and Crescendo EIR, on at least one occasion (August, 2005), these DWA tanks have overflowed due to a jammed input valve that caused the tank to overfill (DWA, 2005) which caused localized flooding along Chino Canyon Road.

IV. CULTURAL RESOURCES

Project Site:

Within the General Plan EIR (2007), the project site and the majority of the Chino Cone are included in an area likely to have isolated milling features, sparse lithic scatters, and occasional pottery.

The project site was surveyed by CRM Tech between May and September of 2006. The summary of their report delineates a number of prehistoric as well as several historic sites on the entire 117 acre property.

"During the field survey, five prehistoric—i.e., Native American—archaeological sites, three historic-period sites, and three isolates were identified within the project boundaries. The prehistoric sites, designated CA-RIV-8049 through -8053 (33-15137 through -15141), included two bedrock milling features sites, two lithic scatters, and a small cache formed by boulders. The historic-period sites, 33-15109, -15110, and -15271, are all linear features, including a water pipeline, segments of stone-lined ditch, and an abandoned road. The isolates consisted of ceramic sherds and a groundstone fragment. In addition, a number of features of potential Native American cultural interest are identified in the project vicinity by existing ethnohistorical literature. However, despite extensive research and consultation with Native American representatives, the precise locations of these features in relation to the project boundaries remain unclear.

The three isolates found in the project area, by definition, do not qualify as significant archaeological resources due to the lack of contextual integrity and their limited ability to contribute information to the study of prehistory. Therefore, they require no further discussion. Three of the five recorded prehistoric sites, CA-RIV-8050 through -8052, do not demonstrate the potential to meet the criteria for listing in the California Register of Historical Resources, and thus do not qualify as "historical resources" under CEQA. The impacts on these sites by the proposed project would not constitute a significant effect on the environment. Consequently, they, too, require no further study.

Site CA-RIV-8049, the largest and potentially the most important of the five prehistoric sites, contains numerous artifacts and features, and may represent the remains of a food-processing site and lithic workstation. Due to the possibility of subsurface archaeological deposits at this location, the historical significance of Site CA-RIV-8049 and its qualification as a "historical resource," as defined by CEQA, cannot be determined without further investigations. Therefore, if project impacts on this site are unavoidable, CRM TECH recommends that an archaeological testing and evaluation program be implemented to determine the presence or absence of any subsurface archaeological features or artifact deposits at CA-RIV-8049, and thereby to ascertain the significance of the site.

Site CA-RIV-8053, a rather small and inconspicuous site, consists of a stone cache that contains a single ceramic sherd on the surface. The minimal surface components appear to suggest that the site is unlikely to meet CEQA's definition of a "historical resource," but the possibility of finding additional artifacts in a buried deposit within the cache cannot be dismissed. In order to ascertain the nature and extent of this feature, CRM TECH recommends limited archaeological testing procedures to probe the subsurface contents of CA-RIV-8053 before a final determination of site significance is reached.

> The significance evaluation of the three historic-period sites, 33-15109, -15110, and -15271, similarly requires further investigations.
> Because of the limited scope of the present study, the origin and construction dates of these linear features remain uncertain at this time. Based on available historical information, it is possible that the stone-lined ditch segments may be related to Palm Springs' original water supply system, which was built in the late 1880s; the pipeline may date to the early 20th century; and the abandoned road may represent the remains of Old Chino Canyon Road, which is of demonstrated local historical interest. In order to clarify the historical background of these features and facilitate the proper assessment of their potential historic significance, CRM TECH recommends that more focused and in-depth historical research be completed on these three sites.
>
> Regarding the features of potential Native American cultural interest, it is important to determine whether any of them is located within the project boundaries and, if some of them are, whether they retain sufficient traditional cultural value to the local Native Americans to warrant protection under CEQA. In light of the lack of precise locational information from sources available to this study, CRM TECH recommends further consultation with local Native American groups, including site visit by elders or other cultural representatives of the Agua Caliente Band of Cahuilla Indians, specifically to address the uncertainty in the locations and significance of these features.
>
> Further recommendations regarding the final treatment of CA-RIV-8049, CA-RIV-8053, 33-15109, 33-15110, 33-15271 and the features of potential Native American cultural interest will be formulated and presented on the basis of the results of the additional research procedures and the significance evaluation of the sites."

Through the assistance of CRM Tech, MSA Consulting Inc. survey crews were able to catalogue and digitally identify these sites with GPS (Global Positioning System), so that the locations were known during the Desert Palisades site planning process to ensure their avoidance and preservation. Low residential densities and the flexible open-space concept for the project site allowed these cultural resources to be positioned in areas that would not be disturbed during the site's development.

Surrounding Lands (within 500 ft.):

South – Lands within 500 feet of the southern boundary contain mountain slopes in excess of 30%. These areas have never been developed and are not identified within the Palm Springs General Plan EIR as having the potential to contain cultural resources. Cultural resources in the area are more likely located on the valley floor and canyons beneath these mountain slopes.

North, West – For lands to the north and west, which include vacant Agua Caliente Indian Reservation land, a 1+/- acre DWA water reservoir site (formerly Agua Caliente Reservation land), and a portion of the vacant Crescendo project site, the General Plan EIR, historical/archaeological resources reports prepared for the Crescendo site (CRM Tech, 2004) and Shadowrock EIR (1993) were consulted to determine the existing conditions related to cultural resources.

Both the General Plan EIR (1992) and General Plan Update EIR (2007) identify lands to the north and west of the project and the majority of the Chino Cone areas likely to have isolated milling features, sparse lithic scatters, and occasional pottery. The westerly extension of the old Chino Canyon Road to its terminus at Tram Way is located west of the project boundary. This portion is on the Agua Caliente Indian Reservation and measures approximately 400 feet in length. As mentioned in the report prepared by CRM Tech for the project site, this abandoned road is of demonstrated local historical interest. The Desert Palisades project proposes to preserve the alignment of this abandoned road as a recreational trail providing a connection between the residential neighborhoods in the area to Tram Way. This trail has also been included in the Trails Analysis prepared for Desert Palisades and the Chino Cone as a whole, and this off-site segment is expected to be preserved if future development occurs on these lands to the west of the project.

The approved but currently vacant Crescendo residential project site to the north was surveyed for cultural resources in 2004 (CRM Tech). The following results were noted in the report for this site:

> "During the field survey, a segment of riveted steel pipeline, which apparently dates to the historic period, was noted traversing in a northwest-southeast direction across the eastern portion of the project area. The portion of the pipeline within the project area measures approximately 1,300 feet (ca. 420 meters) long and 14 inches (ca. 36 centimeters) in diameter, with the southeast end disappearing below the ground surface near the edge of Racquet Club Road. At the northwest end, the pipeline terminates within the project area, where it has been severed. Thus, the pipeline is currently non-operational. Portions of the pipeline near the northwest end have been replaced with welded-seam pipe. Original footings of stacked rocks are situated beneath the pipe along the line where support is needed. Rust stains have been deposited on the footings over time. The segment lying within the project area was recorded during the survey, and was subsequently designated by the EIC as Site 33-13202 in the California Historic Resource Information System. No other historical/archaeological sites were found within the project area."
>
> "There is no evidence that the pipeline at Site 33-13202 is closely associated with any persons or events of recognized significance in national, state, or local history, nor does the feature hold any particular potential to yield important archaeological information. Therefore, it does not appear eligible for listing in the

California Register of Historical Resources, and does not qualify as a "historical resource" as defined by CEQA."

East – The Little Tuscany and Chino Canyon neighborhoods to the east of the project site contain several historic structures. Slowly growing from a handful of Tuscan style villas built in 1934 to encompass approximately fifty custom residences of various architectural styles, the neighborhood has attracted a very high proportion of well known Twentieth Century architects and residents. Currently, over sixteen homes have been published in international magazines, books and professional journals as being architecturally significant. This is the largest concentration for a community of this size in the resort community and perhaps the state. The homes have ranged from modest winter homes to large mansions. The attraction, over the years, has always been the narrow winding roads and expansive views of both the mountains and the valley below.

Two of the 18 existing residences which fall within 500 feet to the east of the project site are included in the Palm Springs Citywide Historic Resources Survey (2004): The Edris House and the Palevsky Residence.

> The Edris House (1030 W. Cielo Dr.) – Architect E. Stewart Williams was commissioned by friends Marjorie and William Edris in 1954 to design a winter retirement house that became a permanent residence. One of Williams' favorite projects, the house appears to grow out of its site, integrating nature into the architecture.
>
> The Palevsky Residence (1021 W. Cielo Dr.) – Designed in 1970 by architect Craig Elwood for owner Max Palevsky, an art collector, this house benefits from one of Palm Springs most spectacular sites. Oriented toward the southeast and elevated on a rise in the foothills, the site affords sweeping views. The house is constructed of masonry on a steel frame, and though very modern in expression, incorporates the symmetry and balance of classical design theories.

The currently vacant Boulders project site was surveyed for archaeological resources in 2003 (CRM Tech). The following results were noted in the report for the approved but currently vacant Boulders residential project site:

> "During the field survey, a segment of a riveted steel pipeline was noted, along with two other rusted pipeline segments, in the southern half of the project area and within a large east-west trending drainage. This older pipeline, subsequently designated Site 33-12290, is constructed of riveted steel metal, which suggests that it likely dates to the late 19th or early 20th centuries. The recorded segment of the pipeline is approximately 1,385 feet (ca. 420 meters) long and approximately six inches in diameter, with some portions buried. Rusted metal poles with two insulators at the top were observed along the pipeline alignment. Pieces of wire that have been cut are found on each of the insulators, possibly indicating a

former telegraph or similar pole line that ran along the pipeline. No artifacts or other features were observed in association with the pipeline."

"In light of the historical information discussed herein, it can now be concluded that the pipeline segment recorded as Site 33-12290 is not closely associated with any persons or events of recognized significance in national, state, or local history. Since this determination has resolved the last remaining issue in the evaluation of Site 33-12290, it is further concluded that the site does not meet the official definition of a "historical resource" as provided by CEQA."

V. TOPOGRAPHIC CONDITIONS

Project Site and Surrounding Lands :
According to the Geotechnical study (Earthsystems Southwest, 2006), the project site has a topographic high of about 1040 feet above mean sea level and a topographic low of about 840 feet above mean sea level. Because the study area lies on a large alluvial fan, the general trend in elevation for the project site and surrounding lands is a steady gain from east to west. While the steady elevation gain is fairly constant throughout the project site, there are several depressions resulting from drainage courses through the property, some as deep as 25 feet. The drainage pattern through the project site is generally west to east. Drainage channels on surrounding lands 500 feet outside of the project boundary meander in the same general direction, following the contours of the Chino Cone alluvial fan. Refer to the discussion on drainage patterns found in Section VII of this analysis.

SP Exhibit 9 includes photographs of the project site which illustrate the topographic conditions of the site and surrounding lands. There are approximately 9 acres of the project site's gross 117 acres that are not developable due to slopes exceeding 30%. These 9 acres are located on the southern edge of the property and the slopes comprise the foothills of the San Jacinto Mountains. The highest elevation noted in this area is approximately 1100 feet above mean sea level. The highest elevation noted at a distance of 500 feet from the southern boundary is approximately 1,250 feet above mean sea level.

VI. SIGNIFICANT LANDSCAPE FEATURES / UNIQUE ROCK FORMATIONS / MINERAL DEPOSITS

Project Site:
The boulders on the site and throughout the Chino Cone display varying colors that indicate their relative age in terms of when they were deposited on the site. Boulders display a more reddish tone (commonly referred to as "desert varnish" or "patina") the longer they have been stationary at a site, caused primarily by chemical reactions initiated by sunlight. There are many boulders on-site displaying this red coloration, indicating they were deposited much earlier in geologic time than those that are more silver to white in color.

It is the objective of Desert Palisades to preserve as much of the natural landscape found on the project site as possible. Efforts have been made to completely avoid identified cultural resources through the use of a very accurate GPS system. Similar methods were used to identify significant and unique rock formations on the property, and involve these features early in the site planning process to ensure preservation and incorporation into the final look and feel of the project. Refer to SP Exhibit 9 for photographs of the project site that include areas of large rock concentrations and formations. Boulders removed during the excavation and construction of the internal street system will be relocated to the perimeter of the project to create the proposed natural wall and buffer. Excess boulders can also be relocated to certain lots at the discretion of the buyer to further enhance their property.

The project's architectural and landscaping design guidelines (outlined in Sections V and VI of the Specific Plan) encourage the incorporation of significant landscape features such as large boulders and boulder fields into the design of homes and overall aesthetic appeal of the project. Refer to Section V for design objectives and illustrations related to these concepts.

Surrounding Lands (within 500 ft.):

South – Land within 500 feet of the southern boundary contain mountain slopes in excess of 30%. The mountain face contains large and dense rock outcroppings which display the desert varnish or "patina" typical of rocks which have been unmoved for quite some time (see SP Exhibit 9). No development is proposed for this area and all existing rock formations on this hillside will remain.

North, West – The land to the north and west is included in the Agua Caliente Indian Reservation, and also contains a DWA reservoir site as well as portions of Tram Way as it extends from northeast to southwest into Chino Canyon. Boulder conditions are similar to what exists on the project site, and no clear boundary markers currently exist (see SP Exhibit 9). Some grading and excavation was required to clear a right-of-way for Tram Way, which included boulder relocation and berming at the edges of the roadway. The proposed DWA reservoir site near the southwest corner of Desert Palisades includes a grading plan to allow the two proposed water tanks (each 73 feet in diameter) to sit on level terrain. The perimeter will be bermed with the excavated soil and rocks to obscure the tanks from view and also preserve the surrounding mountain view as much as possible.

The majority of the land to the north and west is proposed to be located within ESA-SP Planning Area 3 (through a boundary modification requested within the Desert Palisades Specific Plan), and any development within this area will be required to preserve significant rock formations and natural features as outlined in the ESA-SP Ordinance. An identification of such features on adjacent land was not included in the pre-design field work associated with the Desert Palisades project.

A portion of the Crescendo project lies within the 500 foot boundary to the north, and this property is not included in the Chino Cone ESA-SP Zone. This project (which included an EIR) has been approved with conditions as well as a mitigation monitoring program for the handling of large rocks encountered during construction.

East – The existing architectural character of the Little Tuscany and Chino Canyon neighborhoods includes the incorporation of both relocated and in-situ rocks and boulders into the structural and landscape design of residential lots. In some situations, grading was undertaken to create a flat pad for homes. The Boulders project site, of which a portion is located 500 feet to the east of Desert Palisades, is currently a vacant pocket of land in the middle of these neighborhoods. This site is similar the Desert Palisades and Crescendo properties in terms of rock and boulder composition, however like Crescendo it is not included in the ESA-SP Zone. The project has been approved with conditions as well as a mitigation monitoring program for the handling of rocks encountered during construction.

VII. DRAINAGE PATTERNS / MINOR AND MAJOR WATER CHANNELS

Project Site:
The project site contains several historic drainage channels resulting from runoff originating from the San Jacinto Mountains to the south and west. The project site is located within a vast alluvial fan within which storm water and debris have historically flowed, creating the landscape of meandering channels and boulders evident today. The historic drainage pattern on the property is a meandering west to east flow, which has aided in creating the varying topographic conditions found on the site. The channels through the site range from 5 to 25 feet in depth. The deepest channel is located along the southern edge of the property.

The property is shown on the Flood Insurance Rate Map (FIRM), Community Panel No. 06065C1552G, Map Revised August 28, 2008. The FIRM indicates that the property is split between Flood Zone X, Protected by Levee, outside the 500-year flood zone that covers the northerly portion of the site and Zone D—Undetermined Flood Risk for the southern part of the site. (See SP Exhibit 10). The project site is located at the southerly edge of the Chino Cone alluvial fan whose flows were significantly altered with the construction of the Chino Creek levee approximately 40 years ago..

The Army Corps of Engineers constructed the Chino Canyon Levee in the 1960s to convey large amounts of water from Chino Creek during a significant rainfall event towards the Whitewater River to the northeast, keeping significant runoff away from Tram Way, its intersection with N. Palm Canyon Drive, and residential uses east of the Chino Cone. The construction of this levee has aided in placing most of the project site outside of the 500-year flood, leaving many of the historic drainage channels on the eastern portions of the Chino Cone inactive for decades. As a result, the current storm flows through the property during a major event are considered small in relation to the size of the channels naturally created prior to the levee's construction. The banks and

bottoms of the channels through the property are also overgrown with grasses and shrubs, which is characteristic of a channel in a semi-dormant condition.

SP Exhibit 8a shows the historic drainage channels that currently exist on the project site. Both large and small channels are outlined, along with the direction in which runoff has historically flowed. Refer to SP Exhibit 8b for photographs of the existing conditions of these historic drainage channels. The project site plan has been designed to prohibit the construction of homes immediately adjacent to or incorporated within the major drainage channels. The construction of the Desert Palisades project will begin the process of collecting the storm waters falling on the downstream portion of the Chino Cone that are now tributary to the existing residential neighborhoods of Little Tuscany, Chino Canyon and others which lay to the east of Desert Palisades..

Desert Palisades proposes to begin the implementation of Line 2 of the City's Master Plan of Drainage at the onset of the development of the project's infrastructure. The storm drain line will serve as a temporary detention facility in the following manner: At locations where existing and proposed drainage channels cross Street "A", proposed culverts will be installed to convey runoff into the 63" storm drain pipe. Also, proposed catch basins will capture runoff from the proposed street, which also will be directed into the 63" storm drain. Proposed manholes will be constructed where the culverts and inlets enter the 63" storm drain, with outlet culverts emptying into existing drainage channels east of Street "A". At each of these manholes the downstream connection of the 63" storm drain will be temporarily bulkheaded such that all runoff must discharge through the outlet culvert. In locations where the proposed runoff exceeds existing conditions, the outlet culvert will be sized to limit the outflow to existing flow rates. The runoff detained in these cases will be stored in the 63" storm drain pipe until it is discharged through the outlet culvert.

Upon the completion of Line 2, the storm water will be collected and directed to an outlet into the Whitewater River on the west side of the proposed COD campus, approximately one mile west of Indian Canyon Drive.

Surrounding Lands (within 500 ft.):

West, South – Exhibit B-2 shows the existing hydrology condition for land to the west and south (upstream) of the Desert Palisades project site. These areas are also within the same FEMA flood zone as the northerly portion of Desert Palisades (Zone X). Exhibit B-2 includes watershed boundaries as well as paths of historic drainage flow. As seen within this exhibit, the drainage channels which flow in a west to east manner across the project site originate in areas which are well outside of the 500 foot boundary to the west.

Similar to the proposed project, the construction of the Chino Canyon Levee has reduced storm flow potential for many of these channels which formerly fanned off of Chino Creek, the major outflow from Chino Canyon. For the land that lies within 500 feet of the western boundary, improvements resulting from the construction of Tram Way have

allowed one of the channels to continue beneath this roadway through a culvert prior to entering the project site. In some cases, drainage crosses over Tram Way and sheet flows within the roadway.

Land within 500 feet of the southern boundary contains mountain slopes in excess of 30%. Several drainage channels exist throughout these slopes which convey storm flows down to the valley floor below. According to SP Exhibit 8a, there is one main drainage area on the east side of this slope that conveys storm flows in a southeasterly direction down the slope. Once the water reaches the valley floor, it hugs the mountain slope and continues east along the southern edge of the existing residential neighborhoods to the east.

North – Land 500 feet to the north is in the same FEMA flood zone as the Desert Palisades site (Zone X-Protected by Levee). When developed, the proposed Crescendo Project will result in the conversion of largely pervious undeveloped land, which may allow infiltration of a portion of storm flows, to developed land with a combination of impervious surfaces (such as roads, driveways, patios, pools, and roofs) and pervious surfaces such as desertscape and lawns. Exhibit B-3 shows the existing drainage condition to the north of Desert Palisades (including the Crescendo project site) prior to development. The increase in impervious surfaces will result in an increase in runoff during storm conditions because parts of the site are no longer available to absorb water. The project includes a series of retention basins to hold excess storm flows and reduce storm flows from the site to pre-development levels. Each retention basin is designed to retain the 100 year storm runoff produced from the project site. Environmental impacts related to hydrology were found to be less than significant following mitigation as outlined in the approved EIR for this project.

East – The Little Tuscany and Chino Canyon neighborhoods, as well as the vacant Boulders project, are partially in the same FEMA flood zone as the Desert Palisades site Zone X-Protected by Levee, but primarily Zone X (Minimal Risk). With the exception of some channelized areas at the toe of the slopes to the south, the streets within these existing neighborhoods currently convey most of the storm water which originates from the west and ultimately to the existing storm drain in Vista Chino (approximately one mile to the east). The vacant Boulders project site contains historic drainage channels which more or less continue the flows originating from the Desert Palisades site. Exhibit B-4 shows the existing drainage condition on the Boulders project site prior to development. When developed, the Boulders project includes a retention basin to hold excess storm flows and reduce flows originating from the site to predevelopment levels. The project drainage plan gathers the on-site storm flows in the streets, proposed drainage channels, and underground storm drain system.

Existing flows from the DWA Tank Site on the west are redirected into a new aboveground channel that flows east through the site to the extension of Via Escuela. Flows from the northerly and central lots are also directed toward this channel and Via Escuela. In addition, the project proposes to construct a 24 inch diameter storm drain

under the widened segment of Chino Canyon Road; this storm drain will outfall into a proposed retention basin. Environmental impacts related to hydrology were found to be less than significant following mitigation as outlined in the approved EIR for this project.

VIII. FLORA AND FAUNA / SIGNIFICANT ANIMAL SPECIES

Project Site:
The following discussion on identified flora and fauna on the project site comes from the Biological Assessment and Impact Analysis prepared for the proposed project by James W. Cornett Ecological Consultants, June 26, 2006. Field surveys were performed on site to identify species of plants and animals currently residing on the site or in the vicinity.

> "The fauna of the project site and surrounding vicinity was comprised of species typical of the Colorado Desert of California:
>
> *Invertebrates*
>
> Encountered arthropods included the ground mantid (*Litanentria obscura*), pallid band-winged grasshopper (*Trimerotropis pallidipennis*), eleodes beetle (*Eleodes armata*), and harvester ant (*Pogonomyrmex californicus*).
>
> Two insect species known to occur within the Coachella Valley have been placed on the California Department of Fish and Game's *Special Animals* list. They are the Coachella giant sand treader cricket (*Macrobaenetes valgum*) and Coachella Valley Jerusalem cricket (*Stenopelmatus cahuilaensis*). Neither of these, however, is known to occupy the rocky, upper alluvium fan habitat found on the project site. The United States Fish & Wildlife Service has expressed concern about a third insect species, Casey's June beetle (*Dinacoma caseyi*). This insect has only been found on the valley floor in the Smoke Tree Ranch area more than three miles from the project site. None of these species are currently listed as threatened or endangered (or proposed as candidates for listing) by the State of California or the United States Government.
> *Reptiles*
>
> Encountered reptiles included the side-blotched lizard (*Uta stansburiana*), western whiptail (*Cnemidophorus tigris*), chuckwalla (*Sauromalus obesus*), patch-nosed snake (*Salvadora hexalepis*) and speckled rattlesnake (*Crotalus mitchellii*).
>
> Two lizard species of special concern to state and federal government agencies known to occur within the Coachella Valley are the Coachella Valley fringe-toed lizard (*Uma inornata*) and flat-tailed horned lizard (*Phrynosoma mcalli*). These two species were not detected as they prefer areas of loose, windblown sand. They have never been found on rocky, alluvial fans.

A concerted effort was made to locate sign of the listed desert tortoise (*Goperhus agassizi*). The surveys were done outside the time frame recommended by the U.S. Fish & Wildlife Service for tortoise surveys. (The surveys were done in June.) However, no evidence of the desert tortoise was found and the high density of rocks and boulders on the site would seem to preclude tortoise presence. It would be nearly impossible for a tortoise to move freely over the project site without becoming impeded by walls of boulders. Previous surveys by the report author have also failed to find tortoises on the Chino Canyon alluvial fan. Populations of this species are known to occur to north of the project site, just west of Whitewater Canyon.

Birds

Observed birds within the project area included the black-throated sparrow (*Amphispiza bilineata*), Say's phoebe (*Sayornis* saya), mourning dove (*Zenaida macroura*), rock wren (*Salpinctes obsoletus*), house finch (*Carpodacus mexicanus*), and common raven (*Corvus corax*).

Four, special-status avian species were considered to be possible residents on or near the project site. They were the: prairie falcon (*Falco mexicanus*), burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), and LeConte's thrasher (*Toxostoma lecontei*). Of these four species, only the loggerhead shrike was observed on or near the site. Shrikes were observed on June 14 (two observations) and June 15, 2006. Suitable nesting sites for this species occurred within the site boundaries though no nests were found. The loggerhead shrike has no federal status. The state considers it Species of Special Concern.

Mammals

Detected mammals included the white-tailed antelope squirrel (*Ammospermophilus leucurus*), deer mouse (*Peromyscus maniculatus*), desert cottontail (*Sylvilagus audubonii*) and coyote (*Canis latrans*).

Two individuals of the Palm Springs little pocket mouse, *Perognathus longimembris bangsi*, were live-trapped. The California Department of Fish & Game considers this subspecies of the little pocket mouse a Species of Special Concern.
No individuals of the Coachella Valley ground squirrel (*Spermophilus tereticaudus chlorus*) were observed, trapped or detected. This subspecies of the round-tailed ground squirrel is not normally encountered on the rocky, upper portions of alluvial fans. The Coachella Valley ground squirrel is considered a Species of Special Concern by the state of California and a candidate for listing by the federal government.

Bighorn Sheep

The endangered peninsular bighorn sheep (*Ovis canadensis cremnobates*) has been recorded within the immediate vicinity of the project site (records from the Bighorn Institute, Palm Desert, California). Additionally, the U.S. Fish & Wildlife Service provided records indicating sheep present on and very near the site in 1997.

No bighorn were observed or detected during the field surveys described in the Biological Assessment. The inability to observe or detect bighorn during the current survey likely reflects the dramatic decline in bighorn numbers over the past three decades. In the 1970s Peninsular bighorn numbers hovered around 250 animals in the San Jacinto Mountains. By 2006 the number had dwindled to 23 as a result of the introduction of exotic diseases, possible inbreeding, and habitat loss and fragmentation.

From the historical records and the existence of sheep in the area today, it can be assumed that sheep occasionally traverse the site in search of food. However, no drinking water is available within the project boundaries and the city-facing orientation of the site and its proximity to Tram Way preclude the existence of lambing areas within or immediately adjacent to the valley floor portions of the site. Therefore, there is no evidence that the site is critical to the survival of sheep in the immediate region.

The flora observed on the project site comprises a single plant association or *community*: The Sonoran Creosote Bush Scrub community. This was the only natural community observed in the immediate area.
The Sonoran Creosote Bush Scrub was represented on site by the creosote bush (*Larrea tridentata*), burrobush (*Ambrosia dumosa*), encelia (*Encelia farinosa*) and indigo bush (*Psorothamnus schottii*).”

The property is located within the Tribal Reservation of the Agua Caliente Band of Cahuilla Indians (as fee land), and is considered within the 2007 Tribal Habitat Conservation Plan for the Agua Caliente Indian Reservation (THCP). According to the 2007 THCP, the project site is split between the MCCA and the Valley Floor Conservation Area (VFCA).

As standard procedure, the Tribe will review the project against the Plan (density, open space, etc.) and provide a letter to the City, deferring any mitigation or conditions of approval to the City.

The project site is not designated for conservation purposes within the Coachella Valley Multiple Species Habitat Conservation Plan.

Surrounding Lands (within 500 ft.):

South – The area 500 feet to the south was not surveyed for biological resources due to steep terrain and the fact that no development is proposed for the sloped portions of the site. The General Plan EIR for 1992 and 2007 were consulted for potential plant and animal species in the area.

According to the 2007 General Plan Update EIR, the slopes to the south of the project site are identified as part of the Sonoran Mixed Woody and Succulent Scrub habitat which is found on alluvial fans and rocky, well-drained slopes of the San Jacinto and Santa Rosa Mountains. The EIR also states that the following candidate plant and animal species for federal and state listing may occur on these lands: Ayenia, Ribbed Cryptantha, Winged Cryptantha, Glanduar Ditaxis, California Ditaxis, California Barrel Cactus, Little San Bernardino Gilia, Desert Tortoise, Palm Springs Ground Squirrel, and Peninsular Bighorn Sheep.

Land 500 feet to the south is designated for conservation purposes within the Coachella Valley Multiple Species Habitat Conservation Plan as part of the Santa Rosa/San Jacinto Mountains Conservation Area. The 2007 Tribal Habitat Conservation Plan (THCP) for the Agua Caliente Indian Reservation shows that the project site is adjacent to land designated as a lambing area for bighorn sheep. This area is located in the mountainous slopes to the south which are not proposed for any development, and is also within the Mountains and Canyons Conservation Area of the 2007 THCP.

North – Most of the area 500 feet to the north was not surveyed for biological resources but is expected to contain conditions similar to the project site. The 2007 General Plan EIR was consulted for potential sensitive plant and animal species in the area, and the following species are listed: Ribbed Cryptantha, Salton Milk Vetch, Desert Tortoise, and the Palm Springs Ground Squirrel. For the portion of 500 foot area to the north of the project that is within the Agua Caliente Indian Reservation (west of the Crescendo site), The Tribal Habitat Conservation Plan for the Agua Caliente Indian Reservation shows this area as likely to contain the following species: Desert Tortoise, Burrowing Owl, Coachella Valley Grasshopper, and the Palm Springs Pocket Mouse. The area is shown as Valley Floor Conservation Area (VFCA).

The plant and animal survey results from the Biological Assessment prepared for the Crescendo project site (James W. Cornett Ecological Consultants, 2003) are presented below:

Invertebrates

Encountered invertebrates included the eleodes beetle (*Eleodes armata*), harvester ant (*pogonomyyrmex californicus*) velvet ant (*Dasymutilla satanus*) and Southern California tarantula (*Aphonopelma eutylenum*).

Two insect species known to occur within the Coachella Valley have been placed on Fish and Game's Special Animals list. They are the Coachella giant sand treader cricket (*Macrobaenetes valgum*) and Coachella Valley Jerusalem cricket (*Stenopelmatus cahuilaensis*). The United States Fish & Wildlife Service has expressed concern about a third insect species, Casey's June beetle (*Dinacoma caseyi*). None of these three insect species were found during the course of the surveys. This probably reflects the lack of suitable habitat on and near the project site. The sand treader and Jerusalem crickets are restricted to areas of loose, windblown sand - a habitat not found on or near the project site. Casey's June beetle has only been encountered along the southern edge of the City of Palm Springs, three miles south of the project site. None of these species are currently listed as threatened or endangered (or proposed as candidates for listing) by the State of California or the United States Government.

Vertebrates

Reptiles expected include the ground gecko (*Coleonyx variegatus*), side-blotched lizard (*Uta stansburiana*), western whiptail (*Cnemidophorus tigris*), chuckwalla (*Sauromalus obesus*), desert scaly lizard (*Sceloporus magister*) coachwhip (*Matiscophisflagellum*), and the common kingsnake (*Lampropeltis getulus*).

Frequently seen birds within the project area were the mourning dove (*Zenaida macroura*), black-throated sparrow (*Amphispiza bilineata*), house finch (*Carpodacus mexicanus*), common raven (*Corvus corax*), and red-tailed hawk (*Buteo jamaicensis*).

Detected mammals included the California ground squirrel (*Spermophdus beecheyi*), antelope ground squirrel (*Ammospermophilus leucurus*), desert cottontail (*Sylvilagus auduboni*), desert woodrat (*Neotoma lepida*), and coyote (*Canis latrans*).

The California Department of Fish & Game Special Animals (2000) report and State and Federally Listed Endangered and Threatened Animals of California (2001) list contain five animal species that are known from the region of the project site: the desert tortoise (*Gopherus agassizi*), burrowing owl *(Speotyto cunicularia*), loggerhead shrike (*Lanius ludovicianus*), Palm Springs ground squirrel (*Spermophilus tereticaudus chlorus*) and Palm Springs Pocket Mouse (*Perognathus longimembris bangsi*). Of these five species, only the desert tortoise is officially listed.

A concerted effort was made to locate sign of the desert tortoise. No evidence of this species was found on the project site and therefore it is concluded that the desert tortoise does not occur on the site. The desert tortoise is listed as threatened by the state and federal governments.

No observations were made, or evidence found, of burrowing owls on the project site during the course of the field surveys. The project site is considered too rocky to accommodate this species. The burrowing owl is not presently listed by either the state or federal governments nor is it considered a candidate for listing by either the state or federal governments.

No observations were made of the loggerhead shrike on or near the project site. However, this species is known to hunt and nest in the creosote scrub community and so the entire site can be considered habitat for this species (Cameron Barrows, personal communication). Although the loggerhead shrike is not listed or proposed to be listed by either the state or federal governments, it is considered a sensitive species by both the state and federal governments.

Though extensive trapping was conducted during daylight hours, no individuals of the Palm Springs ground squirrel or Palm Springs pocket mouse were captured. The very rocky habitat of the project site is not considered suitable for these two species and they were not expected. The animals are considered species of concern by both the state and federal governments though they are not presently listed or proposed for listing by either governmental entity."

East – Land 500 feet to the east is mostly developed with residential uses. Research from the General Plan EIR for sensitive plant and animal species shows similar results to what is presented for areas to the north as well as the project site. The plant and animal survey results from the Biological Assessment prepared for the Boulders project site (James W. Cornett Ecological Consultants, 2002) are presented below:

"A single plant association or "community" was found on the site: the creosote bush scrub community as described by Holland (1986).

The Sonoran creosote bush scrub community dominates the vegetation of the entire project site and is the pervasive plant community throughout the Colorado Desert of California. The creosote bush (*Larrea tridentata*) was presumably a common perennial on the site prior to a wildfire that swept through the area at least ten years ago. Burned out creosote root crowns were frequently encountered during the field surveys. Today, however, the most abundant perennial is the encelia (*Enceliafarinosa*), followed by the desert lavender (*Hyptis emoryi*) and sweetbush (*Bebbia juncea*). Other common perennials include the burrobush (*Ambrosia dumosa*), and cat'sclaw (*Acacia greggii*). Each of these species is characteristic of the creosote bush scrub community.

The Inventory of Rare and Endangered Vascular Plants of California, published by the California Native Plant Society (2001), the CNDDB Special Plant List (2001) and the Endangered, Threatened, and Rare Plants of California (2001) list one plant species that could conceivably occur on the project site. The California

Ditaxis (*Ditaxis serrata var. californica*) is a member of the Spurge Family (*Euphorbiaceae*). It is considered a species of concern by the California Native Plant Society though it has no official state or federal status. It is said to occur between elevations of 400 to 3,000 feet within the Creosote Scrub Community. It is known to occur in the vicinity of the San Jacinto Mountains in canyons and rocky hillsides and thus can be expected within the Project Area. A concerted effort was made to locate this species but no specimens were found.

Invertebrates

Encountered invertebrates included the eleodes beetle (*Eleodes armata*), harvester ant (*pogonomyyrmex californicus*) velvet ant (*Dasymutilla satanus*) and Southern California tarantula (*Aphonopelma eutylenum*)

Two insect species known to occur within the Coachella Valley have been placed on the Dept. of Fish and Game's Special Animals list. They are the Coachella giant sand treader cricket (*Macrobaenetes valgum*) and Coachella Valley Jerusalem cricket (*Stenopelmatus cahuilaensis*). The United States Fish & Wildlife Service has expressed concern about a third insect species, Casey's June beetle (*Dinacoma caseyi*). None of these three insect species were found during the course of the surveys. This probably reflects the lack of suitable habitat on and near the project site. The sand treader and Jerusalem crickets are restricted to areas of loose, windblown sand - a habitat not found on or near the project site. Casey's June beetle has only been encountered along the southern edge of the City of Palm Springs, three miles south of the project site. None of these species are currently listed as threatened or endangered (or proposed as candidates for listing) by the State of California or the United States Government.

Vertebrates

Reptiles expected include the ground gecko (*Coleonyx variegatus*), side-blotched lizard (*Uta stansburiana*), western whiptail (*Cnemidophorus tigris*), chuckwalla (*Sauromalus obesus*), desert scaly lizard (*Sceloporus magister*) coachwhip (*Matiscophisflagellum*), and the common kingsnake (*Lampropeltis getulus*).

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The California Department of Fish & Game Special Animals (2000) report and State and Federally Listed Endangered and Threatened Animals of California (2001)list contain five animal species that are known from the region of the project site: the desert tortoise *(Gopherus agassizi*), burrowing owl *(Speotyto cunicularia*), loggerhead shrike (*Lanius ludovicianus*), Palm Springs ground squirrel *(Spermophilus tereticaudus chlorus)* and Palm Springs Pocket Mouse (*Perognathus longimembris bangsi*). Of these five species, only the desert tortoise is officially listed.

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No observations were made, or evidence found, of burrowing owls on the project site during the course of the field surveys. The project site is considered too rocky to accommodate this species. The burrowing owl is not presently listed by either the state or federal governments nor is it considered a candidate for listing by either the state or federal governments.

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Though extensive trapping was conducted during daylight hours, no individuals of the Palm Springs ground squirrel or Palm Springs pocket mouse were captured.

The very rocky habitat of the project site is not considered suitable for these two species and they were not expected. The animals are considered species of concern by both the state and federal governments though they are not presently listed or proposed for listing by either governmental entity."

West – The area 500 feet to the west was not surveyed for biological resources as part of the Desert Palisades proposal. The General Plan EIR for 1992 and 2007 were consulted for potential sensitive plant and animal species in the area, and the following species are listed: Little San Bernardino Gilia, Ribbed Cryptantha, Winged Cryptantha, California Ditaxis, Ayenia, Desert Tortoise, and Palm Springs Ground Squirrel.

In addition, the 2007 Tribal Habitat Conservation Plan (THCP) for the Agua Caliente Indian Reservation shows this area as likely to contain the following species: Desert Tortoise, Burrowing Owl, and the Palm Springs Pocket Mouse. According to the 2007 THCP, the steep slope area within 500 feet to the west of the project sire is located in the

100 % Conservation Area and the portion on the alluvial fan is not within a conservation area and is part of the Valley Floor Conservation Area (VFCA).

Any development proposed for Planning Area 3 of the Chino Cone ESA-SP Zone will be required to prepare an EIR including the results of a biological assessment.

IX. NON-NATIVE PLANTS

Project Site:
A single plant association or *community* is currently found on the site: the Sonoran Creosote Bush Scrub community. According to the Biological Survey (Cornett Ecological Consultants, 2006) this is the only natural community in the immediate area. The Sonoran Creosote Bush Scrub is represented on site by the creosote bush, burrobush, encilia and indigo bush. The project site, along with the majority of the vacant land on the Chino Cone also contains an invasive species of fountain grass which is not native to the area. The primary mode of dispersal for this invasive species is through windblown seeds. According to the project biologist, the biggest concern about this species of grass spreading through the canyon and onto surrounding hillsides is that it is not palatable to the Peninsular Bighorn Sheep. When this species invades other grasses commonly fed on by the sheep, food options become limited. The Desert Palisades project is proposing drought tolerant species native to the habitat which are also readily available in local nursery stocks.

Surrounding Lands (within 500 ft.):

North, West, and South – Similar to the project site, the lands to the north, west, and south contain an abundance of non-native grasses scattered among the boulders and Creosote Bush Scrub habitat common to the area.

East – The vacant Boulders project site contains non-native grasses similar to those on the project site and majority of the Chino Cone alluvial fan. In addition, some of the landscaped areas throughout the residential neighborhoods in these areas contain invasive plant species not native to the Chino Cone or Sonoran Creosote Bush Scrub habitat, including various species of grasses and palm trees.

X. PRIOR AND EXISTING DEVELOPMENT HISTORY

According to historic aerial photographs and the Historical/Archaeological reports prepared for the property as well as adjacent projects (CRM Tech, 2003-2006), the Desert Palisades project site is vacant and appears to have never been developed. Portions of the site have been used to facilitate access to nearby attractions and resources further to the west, such as the unimproved portion of Chino Canyon Road (the original route to access the Aerial Tramway) and the rock-lined irrigation ditch (flume) through the property.

Land within 500 feet of the western and northern boundaries are also vacant and never been developed, with the exception of the construction of Tram Way, the improved private roadway accessing the Palm Springs Aerial Tramway. Desert Water Agency proposes to construct two water reservoir tanks and a booster station on the 1+/- acre at the southwest corner of the project site. As shown on the Tentative Tract Map for Desert Palisades, access to the proposed tank locations is provided within the design of the subdivision in the form of a dirt road easement extending off of Street "D". An agreement is also in place between DWA and the project developer for access rights (via the internal streets) to the water reservoir site for routine inspection and maintenance operations.

Land within 500 feet of the southern boundary consists of steep slopes where no development has occurred.

To the east are the Little Tuscany and Chino Canyon neighborhoods which contain custom homes that date back to the 1950s. Approximately 18 of these homes fall within 500 feet of the eastern boundary of the project. The Tuscany Heights project is currently under construction adjacent to the northeast corner of the project. This project will add 16 homes to the nearby neighborhood. Two DWA water reservoir tanks are adjacent to the eastern boundary of the Desert Palisades project site, which supply water to the neighborhoods to the east. A portion of the Boulders project falls within 500 feet of the eastern boundary of the project site, which is currently vacant land but approved for residential uses.

Resources

92.21.1.00 "ESA-SP" Environmentally Sensitive Area Specific Plan Zone, City of Palm Springs Municipal Code, prepared by the City of Palm Springs , Adopted December 2006

Elements of the City of Palm Springs General Plan, prepared by the City of Palm Springs and Smith, Peroni, and Fox, March 1993 (Superseded)

Elements of the City of Palm Springs General Plan Update, prepared by The Planning Center, 2007.

Elements of the City of Palm Springs Draft General Plan Update EIR, prepared by The Planning Center, 2007.

Tribal Habitat Conservation Plan for the Agua Caliente Indian Reservation, prepared by Helix Environmental Planning, Inc, August 2007.

Recirculated Draft Coachella Valley Multiple Species Habitat Conservation Plan, prepared by Terra Nova Planning & Research, Inc., February 2007

Historical/Archaeological Resources Survey Report the for Pinnacle View Project, prepared by CRM TECH, September 2006.

Biological Assessment and Impact Analysis of the Proposed Desert Palisades Residential Project, Prepared by James W. Cornett, Ecological Consultants (June 2006).

Final EIR and Technical Appendices for the Boulders and Crescendo Projects, prepared by LSA Associates, May 21, 2007.

Exhibit B-1
Environmental Analysis Study Area

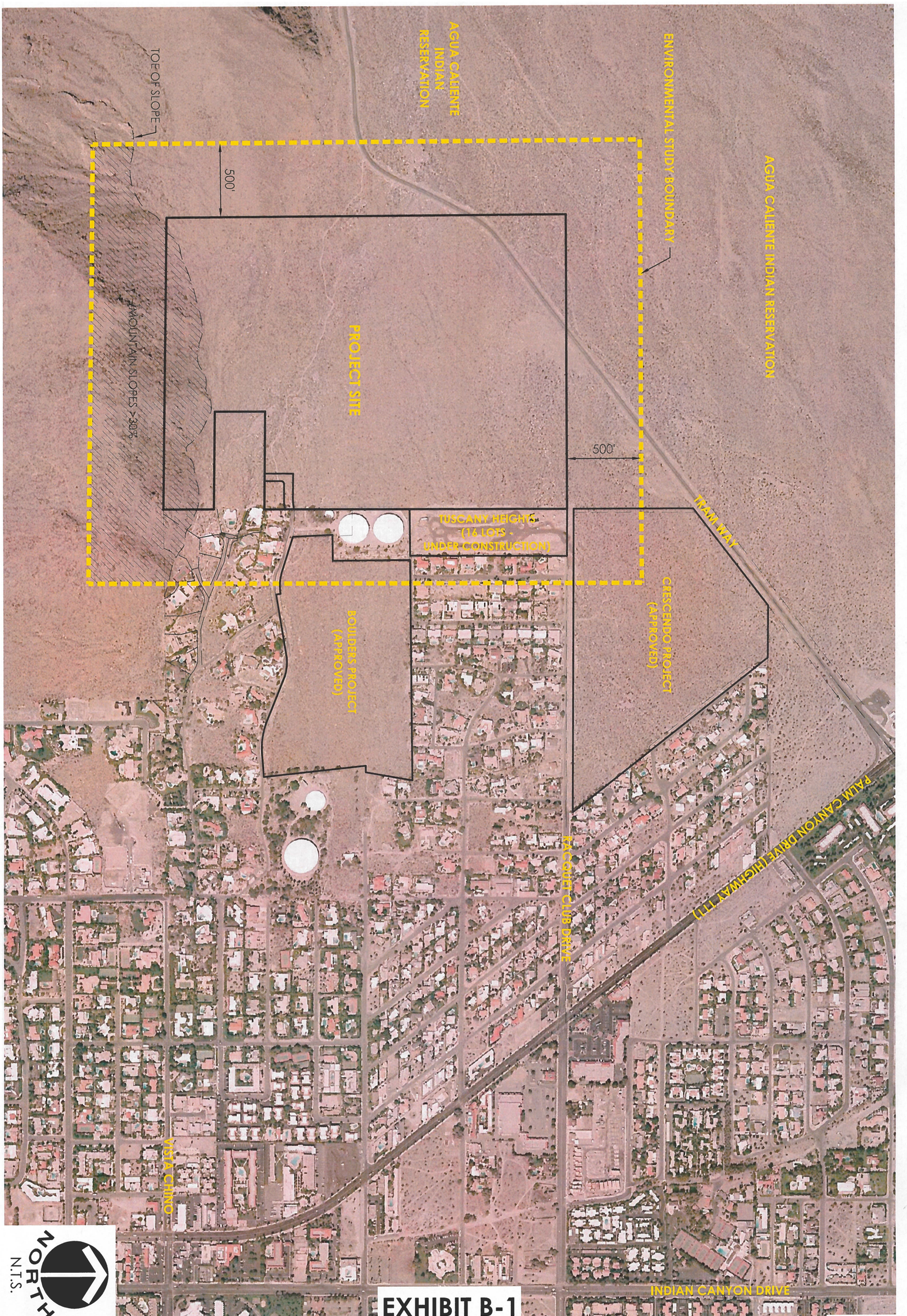

EXHIBIT B-1

Date: 12/17/2009

MSA CONSULTING, INC.
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34200 BOB HOPE DRIVE ■ RANCHO MIRAGE ■ CA 92270
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Environmental Analysis Study Area

DESERT PALISADES - ESA-SP PLANNING AREA #4
SPECIFIC PLAN APPENDIX B - ENVIRONMENTAL ANALYSIS

B-2
Existing Hydrology Map

EXHIBIT B-2

DRAINAGE AREA	UNDEVELOPED CONDITION AREA (AC)	FLOOD VOLUME 24HR STORM P=3.0" (CF)	PEAK FLOW 3HR STORM (CFS)
A	316.5	1,989,951	422.6
B	45.4	141,711	20.7
C	14.0	43,707	20.5
D	3.3	10,302	5.0
E	4.6	14,359	6.8
F	28.1	87,719	40.4
G	2.6	8,118	3.8
H	11.3	35,279	15.1
I	3.2	9,991	4.8
J	1.0	3,123	1.6
K	56.7	176,972	80.8
L	7.9	80,105	14.8
TOTAL	484.6		

LEGEND

- PATH OF DRAINAGE FLOW
- TRIBUTARY AREA BOUNDARY
- SOIL GROUP BOUNDARY
- PROJECT BOUNDARY

A
L=123
A=4.5
DRAINAGE SUB-AREA ID
FLOW TRAVEL LENGTH (FT)
AREA (AC)

NORTH
0' 200' 400' 600' 800'
SCALE 1"=200'

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NOVEMBER, 2009

CITY OF PALM SPRINGS, CALIFORNIA
EXISTING CONDITION HYDROLOGY MAP
TENTATIVE TRACT MAP NO. 35540

NORTH
N.T.S.

Date: 12/17/2009

Existing Hydrology Map

DESERT PALISADES - ESA-SP PLANNING AREA #4
SPECIFIC PLAN APPENDIX B - ENVIRONMENTAL ANALYSIS

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Exhibit B-3
Existing Hydrology – Cresecendo Project

EXHIBIT B-3

Existing Hydrology Exhibit - Crescendo Project

DESERT PALISADES - ESA-SP PLANNING AREA #4
SPECIFIC PLAN APPENDIX B - ENVIRONMENTAL ANALYSIS

Date: 12/17/2007

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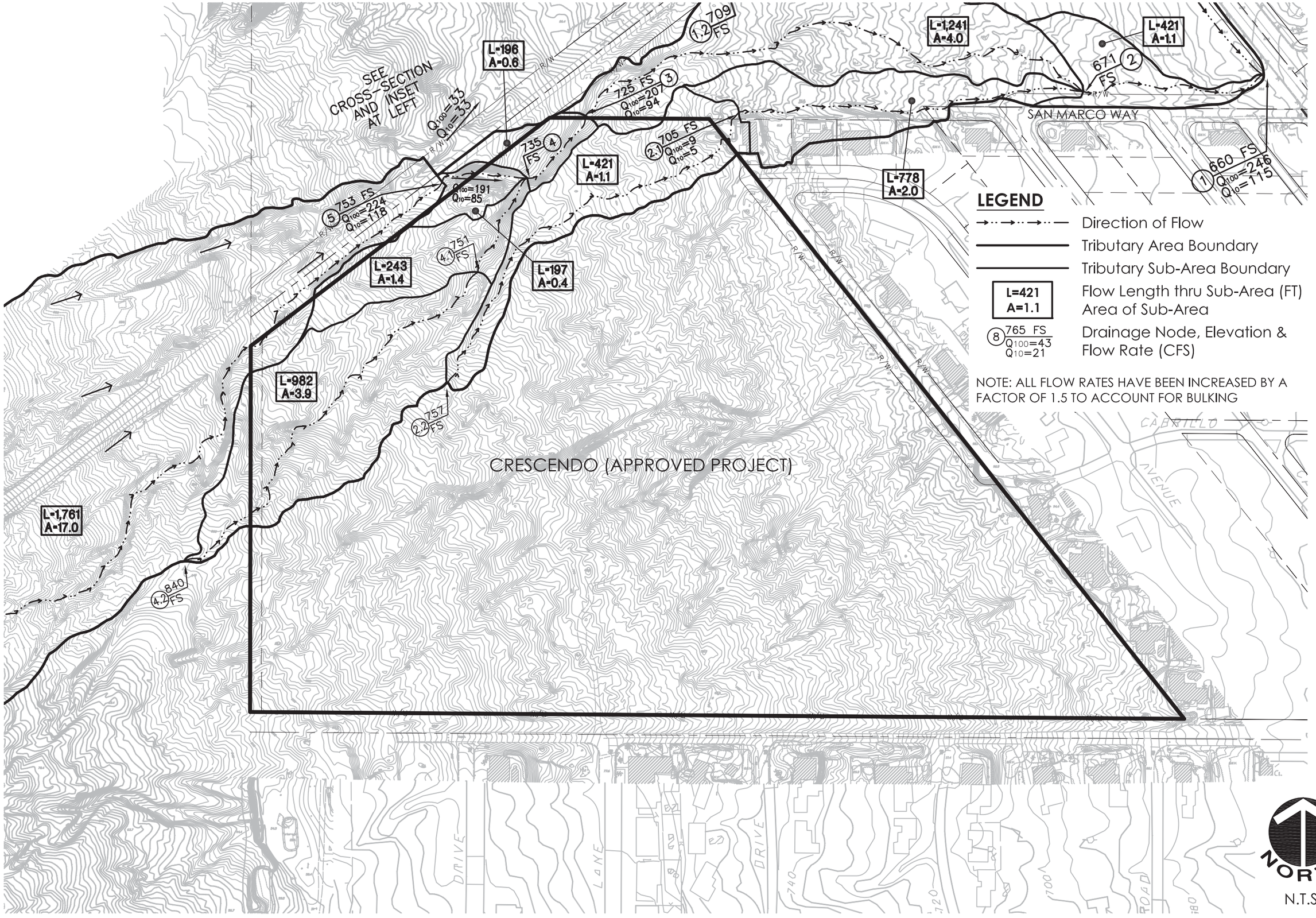


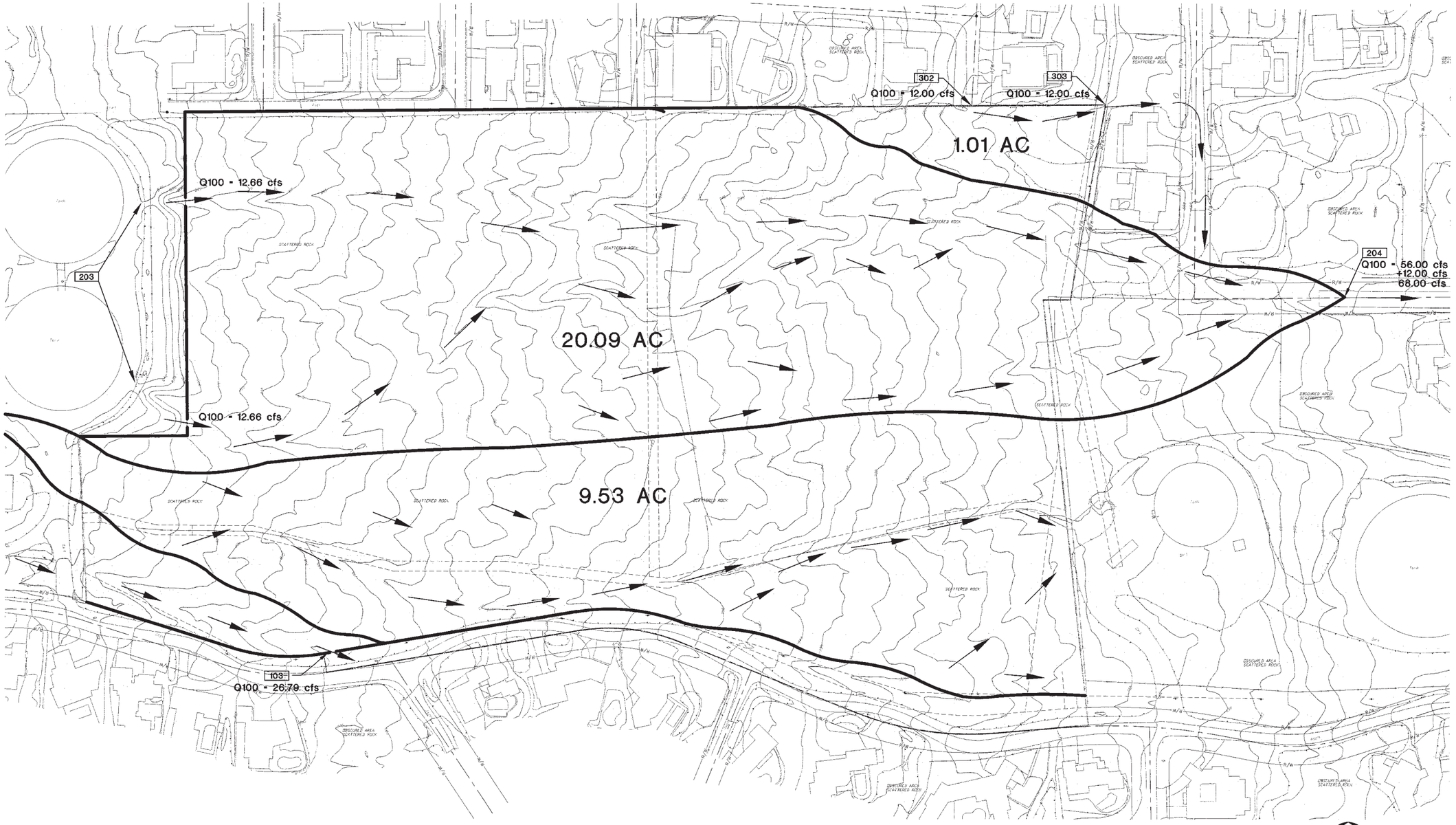
Exhibit B-4
Existing Hydrology – Boulders Map

EXHIBIT B-4

Date: 12/17/2007

Boulders Project Existing Hydrology Map

DESERT PALISADES - ESA-SP PLANNING AREA #4
SPECIFIC PLAN APPENDIX B - ENVIRONMENTAL ANALYSIS



LEGEND

TRIBUTARY BOUNDARY

RUNOFF DIRECTION

LEGEND:

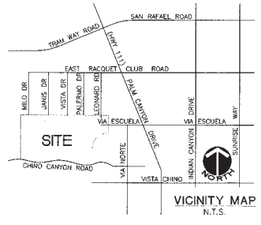
- EXISTING SPOT ELEVATIONS
- EXISTING CONTOURS
- EXISTING EASEMENT DELTA
- E — EXISTING ELECTRIC
- G — EXISTING GAS
- IR — EXISTING IRRIGATION
- T — EXISTING PHONE
- S — EXISTING SEWER
- W — EXISTING WATER
- C — EXISTING CABLE
- R/W — EXISTING RIGHT OF WAY
- EXISTING EASEMENT
- PROPOSED BOUNDARY
- PROPOSED PROPERTY LINE
- PROPOSED CURB
- PROPOSED AND EXISTING CENTER LINE
- PROPOSED RIGHT OF WAY
- PROPOSED EASEMENT

ABBREVIATIONS:

A.C. = ASPHALT
BNDRY = BOUNDARY
C/L = CENTERLINE
E = EAST
E/P = EDGE OF PAVEMENT
EX. = EXISTING
FG = FINISHED GRADE
GB = GRADE BREAK
HP = HIGH POINT
L = LENGTH
LP = LOW POINT
MAX. = MAXIMUM
MIN. = MINIMUM
N = NORTH
N.G. = NATURAL GRADE
PE = PAD ELEVATION
P/P = POWER POLE
PROP. = PROPOSED
P.U.E. = PUBLIC UTILITY EASEMENT
R = RADIUS
R/W = RIGHT OF WAY
S = SOUTH
S.C.E. = SOUTH CALIFORNIA EDISON
S.F./SQ. FT. = SQUARE FOOTAGE
TP = TOP OF PAVEMENT
W = WEST

RATIONAL METHOD DATA TABLE

NODE ROUTE	ELEVATIONS	TRAVEL LENGTH	AREA	Q100	Q10
203-204	839-662	2230'	20.09	56.29	28.46
302-303	714-700	210'	1.01	11.98	6.84



VICINITY MAP
N.T.S.

"EXISTING CONDITIONS"
ON-SITE
HYDROLOGY MAP
FEBRUARY 17, 2005

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MAINIERO, SMITH & ASSOCIATES, INC.
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NORTH
N.T.S.

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APPENDIX C

PROPOSED POLICIES FOR DEVELOPMENT OF TRAM WAY

Proposed Policies for the Development of Tram Way

1. Tram Way shall be designed to the standard shown in Exhibit 1. Construction specifications for sub-base, asphalt and similar improvement requirements shall be consistent with City of Palm Springs Public Works Department specifications.

2. Intersections of Tram Way with project entries, roadways or other vehicular drives shall be designed to the standard shown in Exhibit 2.

3. Parkway landscaping shall be limited to drought tolerant materials. Indigenous species shall be utilized to the greatest extent possible. Prohibited plant species include fountain grass, oleander, and all other species toxic to the Peninsular bighorn sheep.

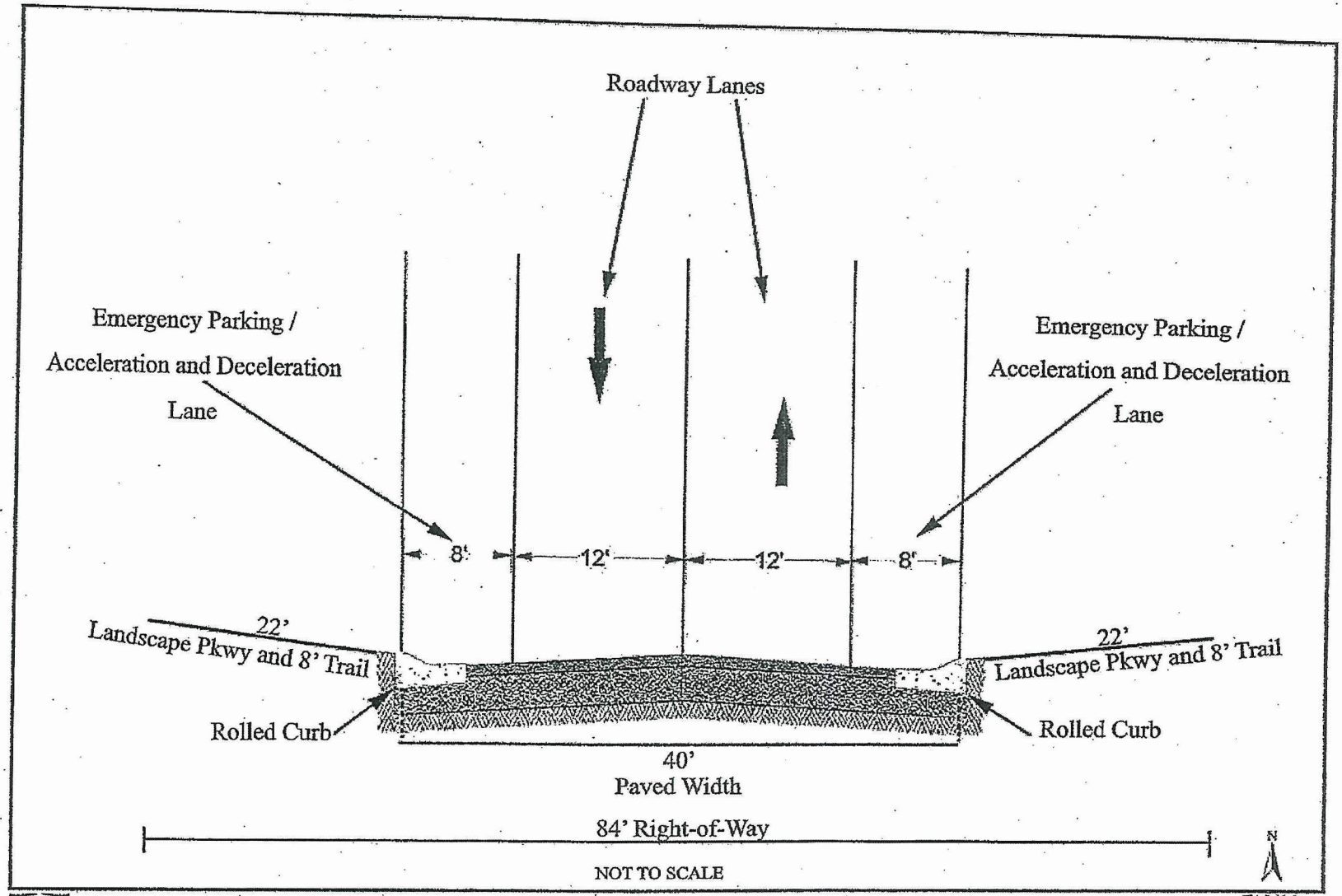
4. Street lighting shall be prohibited, except at intersections with project entries and roadways.

5. All new development projects shall be required to underground overhead utility lines in conjunction with roadway improvements.

6. Monument signage shall be prohibited in the right of way.

7. Project developers shall participate in an assessment district or similar vehicle for the maintenance of roadway improvements, including parkway landscaping, lighting, flood control and other improvements in the public right of way. Maintenance requirements shall be in perpetuity.

8. The Winter Park Authority shall be routed all development and improvement plans for projects adjacent to Tram Way, for review and comment prior to Planning Commission hearing.



TERRA NOVA®
Planning & Research, Inc.

Palm Springs Tram
Tram Way Cross Section
Palm Springs, California

Exhibit
1

APPENDIX D

ADOPTED RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 24891

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AND ADOPTING AN AMENDMENT TO THE DESERT PALISADES SPECIFIC PLAN RELATIVE TO THE ARCHITECTURAL REVIEW PROCESS.

A. On April 8, 2021, the City Council adopted Ordinance No. 2042, amending the architectural review process and other entitlement procedures, and directed staff to pursue amendments to specific plan documents to reflect these revised procedures; and

B. On May 12, 2021, the Planning Commission conducted a duly noticed public hearing to consider a Specific Plan Amendment to the Desert Palisades Specific Plan, and, by a 6 to 0 vote, recommended approval of the Specific Plan Amendment to the City Council; and

C. Notice of a public hearing of the City Council of the City of Palm Springs to consider a Specific Plan Amendment was given in accordance with applicable law; and

D. On May 27, 2021, a duly noticed public hearing on the proposed Specific Plan Amendment was held by the City Council, wherein the City Council carefully reviewed and considered all evidence presented in connection with the hearing, including, but not limited to, the staff report and all written and oral testimony presented; and

E. The proposed Zoning Text Amendment Ordinance is not subject to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.) pursuant to Section 15060(c)(2) of the State Guidelines, because the Zoning Text Amendment will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines. As projects are submitted and reviewed for compliance with this Zoning Text Amendment, the City will conduct CEQA review as required by law; and

F. The City Council finds that approval of the proposed Specific Plan Amendment would:

1. Align the architectural review procedures for the Desert Palisades plan area with the procedures for architectural review as conducted elsewhere in the city of Palm Springs.

2. Provide a streamlined architectural review process while still allowing for public notification and input.

3. Provide consistency with the General Plan relative to the Chino Cone/Snow Canyon Special Policy Area in preserving the rigorous design standards of the specific plan that allow for the sensitive development of the Desert Palisades site.

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

SECTION 1. That the findings and determinations reflected above are true and correct, and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Resolution.

SECTION 2. That the "Review Process" paragraph of Section III of the Desert Palisades Specific Plan document shall be rescinded and replaced as follows:

SECTION III – ESA-SP PLANNING AREA 4 PROPOSED ZONING CODE

REVIEW PROCESS

All new proposed structures, walls, landscaping, and any other changes to property within the subdivision on individual private lots and common area improvements such as final grading, landscaping, lighting, signage, interpretive parks, trails and the like must be approved first by the community's established Homeowner's Association (HOA). After HOA approval, the City's review process requires the proposal be reviewed for compliance with the Specific Plan and applicable Ordinances and Regulations by Staff, the City's Architectural Review Committee and the Planning Commission. Reviews shall be conducted as follows:

1. New single-family residences on individual private lots shall require the submittal of an Architectural Review application, which shall be reviewed and approved by the Architectural Review Committee pursuant to Palm Springs Zoning Code Section 94.04.00. Additions or major alterations to existing single-family residences shall be processed in accordance with Section 94.04.00.

2. Common area improvements, such as final grading, landscaping, lighting, interpretive parks, trails and the like shall require the submittal of a Development Permit application, which shall be reviewed and approved by the Planning Commission pursuant to Palm Springs Zoning Code Section 94.04.01. The Planning Commission may refer common area landscape plans and lighting plans to the Architectural Review Committee for final approval.

Incidental changes that are consistent with the guidelines herein and do not change the intent of the Planned Development District may be approved by the Planning Director. The Specific Plan sets forth the land uses and development standards and review procedures. The City's architectural review process (Section 94.04.00) will be used to evaluate the individual site development proposals for conformance with the Specific Plan and City codes.

SECTION 3. That The proposed Zoning Text Amendment Ordinance is not subject to the California Environmental Quality Act ("CEQA")

(Public Resources Code Section 21000 et seq.) pursuant to Section 15060(c)(2) of the State Guidelines, because the Zoning Text Amendment will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines. As projects are submitted and reviewed for compliance with this Zoning Text Amendment, the City will conduct CEQA review as required by law.

ADOPTED THIS 27TH DAY OF MAY, 2021.

Justin Clifton, City Manager

ATTEST:

Anthony J. Mejia, City Clerk

CERTIFICATION

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

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, hereby certify that Resolution No. 24891 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 May 27, 2021, by the following vote:

AYES:	Councilmember Garner, Kors, Woods, Mayor Pro Tem Middleton, and Mayor Holstege
NOES:	None
ABSENT:	None
ABSTAIN:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 21st day of June, 2021.

Anthony J. Mejia, MMC, City Clerk
City of Palm Springs, California

ORDINANCE NO. 1784

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF AN APPROXIMATELY 12 ACRE PORTION OF PLANNING AREA 4 TO PLANNING AREA 3 IN THE ENVIRONMENTALLY SENSITIVE AREA – SPECIFIC PLAN (ESA-SP) ZONE AND ADOPTING THE DESERT PALISADES SPECIFIC PLAN WHICH MODIFIES THE DENSITY AND DEVELOPMENT STANDARDS FOR PLANNING AREA 4 OF THE ESA-SP ZONE; LOCATED IN THE VICINITY OF TRAM WAY AND WEST OF THE WESTERN TERMINUS OF RACQUET CLUB ROAD, SECTION 4 (IL).

City Attorney's Summary

This Ordinance amends the City's Zoning Map by changing the land use designation of an approximately 12 acre parcel of land in the vicinity of Tram Way and west of the western terminus of Racquet Club Road, from Planning Area 4 to Planning Area 3 in the Environmentally Sensitive Area – Specific Plan (ESA-SP).

WHEREAS, On April 30, 2007, Ed Freeman on behalf of Pinnacle View, LLC (the Applicant) filed an application for a Specific Plan (Case 5.1154) for Planning Area 4, which included a Change of Zone, requesting to change the designation of an approximately 12 acre land area from Planning Area 4 to Planning Area 3 within the ESA-SP zone. The 12 acres is part of a roughly 200 acre parcel, identified as APN 504-020-010; and

WHEREAS, on December 7, 2007, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan; the NOP comment period ran from December 7, 2007 to January 7, 2008; and

WHEREAS, on January 19, 2010 a Notice of Preparation (NOP) was issued to public agencies and interested parties noting a revised EIR would be prepared and a 45-day period was provided for responses to the NOP that ended on March 4, 2010; and

WHEREAS, on January 21, 2010 the DEIR was prepared and circulated for a 45-day public review period which ended on March 8, 2010; and

WHEREAS, all public comments received on the DEIR were reviewed and written responses were provided in a Final EIR (FEIR); and

WHEREAS, on November 1, 2007, notice in accordance with State Governmental Code Section 65352.3, ("SB 18") was provided to Native American Tribal representatives; and

WHEREAS, a public hearing notice to consider Case 5.1154 SP, The Desert Palisades Specific Plan, including the roughly 12-acre Change of Zone request was published in accordance with applicable law; and

WHEREAS, on June 23, July 28, September 1, and October 27, 2010, a public hearing to consider Case 5.1154 SP, The Desert Palisades Specific Plan, which included the roughly 12-acre Change of Zone request was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on October 27, 2010, the Planning Commission adopted Resolution 6161 a recommendation to the City Council to approve Case 5.1154 SP, The Desert Palisades Specific Plan, including the roughly 12-acre Change of Zone; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1154 SP, The Desert Palisades Specific Plan and roughly 12-acre Change of Zone, was given in accordance with applicable law; and

WHEREAS, on January 5, 2011, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and

WHEREAS, pursuant to Section 66412.3 of the Subdivision Map Act, the City Council has considered the effect of the proposed project on the housing needs of the region, and has balanced these needs against the public service needs of residents and available fiscal and environmental resources; and

WHEREAS, a specific plan is a change to the zoning map and the text of the zoning code, in which it changes the density, development standards and procedures for a specific land area; and

WHEREAS, a change of zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1154 SP The Desert Palisades Specific Plan, including the 12-acre Change of Zone; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider said Ordinance adopting Desert Palisades Specific Plan for

Planning area 4 of the ESA-SP zone and the roughly 12-acre Change of Zone, was held by the City Council in accordance with applicable law; and

WHEREAS, at said public hearing the City Council considered the Desert Palisades Specific Plan and associated Change of Zone, including the staff report, the associated EIR, and all written and public testimony related to Case 5.1154 SP.

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

SECTION 1. Certification of the EIR. Pursuant to CEQA, the City Council hereby certifies that the Environmental Impact Report (EIR) for Case 5.1154 SP, CZ adequately describes the environmental setting of the proposed project and its possible impacts. The City Council further finds that with adoption of the proposed mitigation measures, all potentially significant impacts will be reduced to less than significant impacts.

SECTION 2: Change of Zone Findings for the roughly 12-acre parcel. Pursuant to Section 94.07.00 –"the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property":

1. The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.

The project proposes a minor change in the zone boundaries for Planning Area 3 and Planning Are 4 of the ESA-SP zone. Specifically a triangular parcel to the north of the proposed Specific Plan which is presently in Planning Area 4 is proposed to be removed from Planning Area 4 and added to Planning Area 3. This roughly 12-acre triangular parcel is actually part of a larger Indian-owned property that crosses Tram Way, and is proposed to be included in a future Specific Plan for Planning Area 3.

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

The roughly 12-acre parcel proposed to be changed from Planning Area 4 to Planning Area 3 is actually a contiguous part of a larger Indian-owned parcel that is wholly within Planning Area 3. Moving this to Planning Area 3 makes it possible for this parcel to be

incorporated into a logical larger area for a future Specific Plan in Area 3. The change from Planning Area 4 to Planning Area 3 makes the relationship to future planning efforts for this entire Indian-owned parcel feasible and practical.

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

The proposed change of this parcel from Planning Area 4 to Planning Area 3 is proper at this time because it allows the balance of Planning Area 4 to encompass the proposed Specific Plan. The ESA-SP zone notes that Specific Plans should encompass the entire planning area. In this case, the only remaining portion of Planning Area 4 that is not within the proposed Specific Plan is a small, roughly 5-acre parcel that is contiguous to a parcel at 1090 El Cielo Road and both parcels are owned by the same individual. (1090 El Cielo is entirely outside the ESA-SP zone.)

SECTION 3: Findings for adoption of the Specific Plan. Although there are no specific findings outlined in the State of California Governmental Code or the City's General Plan, State Governmental Code Section 65450 requires that Specific Plans be adopted in the same manner as a General Plan and that the following basic components must be in all Specific Plans:

1. The distribution, location, and extent of the uses of land, including open space within the area covered by the plan.

The Desert Palisades Specific Plan (DPSP) identifies the proposed land uses for all areas within the Specific Plan boundaries. These include 110 residential lots, open space, private roadways, and the location of a dual tank Desert Water Agency water reservoir. The extent of the uses (permitted uses) are delineated in the Specific Plan for the lots (single family residential) and the uses for the open space is also identified for public access trails and a network of private roadways.

1. The distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses proposed in the Plan.

The DPSP identifies the location and proposed extent of all roadways, utilities, and other essential facilities and services such as solid waste disposal, domestic water, sewer, electricity, gas and other utilities. The design of all roadways, including surface materials, load capacities and right-of-way dimensions are outlined in the DPSP. The Specific Plan provides a comprehensive plan for all services and infrastructure necessary to support the proposed development.

1. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources.

The DPSP provides a comprehensive set of Design, Architectural, and Landscape Guidelines for the development of the future 110 homesites. The project envisions that each home be customized and constructed by the future owners of the individual lots. The development standards provide for the integration of the future homes into the natural terrain as much as possible, as well as conservation of topography, natural rock outcroppings and vegetative features.

1. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out items 1, 2 and 3 above.

The DPSP provides procedural guidelines for the design review of the future homes to be constructed on the individual lots. The project applicant identifies those portions of the project that will be developed, constructed and/or installed in advance of construction of the individual homesites, this includes roadway and utility infrastructure.

1. The plan shall include a statement of the relationship of the Specific Plan to the General Plan.

The DPSP provides a statement that describes the relationship between the Specific Plan and the City's General Plan. The DPSP is located in the Special Policy Area Land Use designation of the City's General Plan and is consistent with the General Plan's goals and policies for this area. Furthermore, the DPSP is consistent with the densities permitted by the General Plan with the submission of a Specific Plan for this Special Policy Area and with approval of the Specific Plan, becomes an amendment to the City's General Plan.

SECTION 4: Specific Plan – General Plan Findings of Consistency:
In addition, the Desert Palisades Specific Plan must be consistent with the goals and policies of the City's General Plan. The following General Plan policies and action items are applicable to the project:

Policy LU13.1 Require that any development in the Chino Cone be harmonious with and respectful of the area's natural features.

The DPSP provides detailed design guidelines and development standards for structures and landscaping that provides for development that is integrated with the natural conditions of the Chino Cone area.

Policy LU 13.4 Allow for rural street profiles with French drain or similar type of stormwater control features and code-complaint pedestrian accommodations to traditional street standards and design of curbs and

gutters to establish a natural streetscape that visually blends into the surrounding terrain.

The DPSP provides for a rural street profile with a v-profile and a center gutter. Street surfaces are to be precast pavers, (no asphalt) in colors that are harmonious with the local area.

> Action LU13.1 Require preparation of a Specific Plan and associated environmental analysis prior to the approval of any development within the Chino Cone that differ from the residential uses permitted by right (1du/40 acres)

The DPSP provides a comprehensive Specific Plan and Environmental Impact Report in accordance with the PSZC Section 92.21.00 (ESA-SP) and the General Plan. The DPSP proposes a density of just under 1 du/ac, which is within the maximum permissible density of 2du/ac with a Specific Plan for Planning Area 4 of the ESA-SP.

SECTION 5 Specific Plan – Zoning Code Findings .
There are three sets of findings in the Zoning Code that relate to Specific Plans and development within Specific Plans in the ESA-SP zone; they are:

Section 92.21.1.05 (I) "Design Review"
Section 94.04.00 (B) "Architectural Review"
Section 92.21.1.06 (D) "Requirements of a Specific Plan in the ESA-SP"

Pursuant to PSZC Section 92.21.1.05(I) "Design Review" there are ten findings that must be made prior to approval of development within the ESA-SP. Finding 1 is noted below. Findings 2 through 10 of this code section are the same as findings 1 through 9 of Section 92.21.1.06(D) and are made herein.

Section 92.21.1.05(I) states:

> Any application for a development project within the ESA-SP zone may only be approved if, in addition to the findings contained in Section 94.04.00 of the Palm Springs Zoning Code, the following findings are made:
>
> 1. The project demonstrates a complete and integrated vision for design, operation and use through the use of exemplary site planning, architecture, landscape architecture, materials and color principles and techniques.

The Desert Palisades Specific Plan provides a comprehensive set of design guidelines, development standards, landscape guidelines and a plant palette for use in the design of each custom residence. In addition, the roads, trails, entry features, bridges, gates,

buffer features, and interpretative sites are proposed with designs that integrate the natural topography, rock outcroppings, and landscape conditions that are unique to the Chino Cone area. The materials are consistent with the guidelines in the ESA-SP code and are required to blend with the natural colors of the rock and vegetation of the site.

Section 92.21.1.05(I) requires that findings contained in Section 94.04.00 "Architectural Review" be met by this Specific Plan. The "purpose statement" of Section 94.04.00 contains relevant "findings" that are applicable as follows:

1. Recognize the interdependence of land values and aesthetics, and to provide a method by which the city may implement this interdependence to its benefit;

The Desert Palisades Specific Plan proposes a subdivision of roughly 117 acres for 110 homesites, private roadways, public trails, open space, and landscaping for a residential community of custom built homes to be built by individual purchasers of the proposed lots. The DPSP provides for comprehensive design, development standards, and landscape guidelines that promote preservation of land values and aesthetics, and provide a process for review of all subsequent development within the Specific Plan.

2. Encourage development of private and public property in harmony with the desired character of the city and in conformance with the guidelines herein provided with due regard to the public and private interests involved;

The DPSP provides design, development standards, and landscape guidelines and a process for reviewing future development within the Specific Plan area. These standards, guidelines and procedures relate to the guidelines for Architectural Review in the City's Zoning Code. They provide a comprehensive guide to assure future development in the Specific Plan is in character with the community, harmonious with the environment, and takes into account both public and private interests by preserving public access trails, and promoting preservation of viewsheds, privacy for adjoining development and high quality development within the plan area.

3. Foster attainment of those sections of the city's general plan which specifically refer to the preservation and enhancement of the particular character of this city and its harmonious development, through encouraging private interests to assist in their implementation, and assure that the public benefits derived from expenditures of public funds for improvement and a beautification of streets and other public structures and spaces shall be protected by the exercise of reasonable controls over the character and design of private buildings, public buildings, street scapes, and open spaces.

The DPSP is consistent with policies of the General Plan for the Special Policy land use area which encourage the careful development of lands in this part of the City. The

DPSP proposes features that benefit both the future private lot holder through thoughtful and complete design and landscape standards, as well as to ensure preservation of open space and public trails are maintained and improved. The DPSP proposes a set of development standards that require the careful integration of development into the natural topography and terrain of the Chino Cone area. It also provides for public enjoyment of this unique part of the City through the preservation of existing public access trails, establishment of new public access trails, and the physical improvement of these trails through surface improvements, interpretative signage, benches and special landscape treatment.

Pursuant to PSZC Section 92.21.1.06(D), a specific plan for a planning area within the ESA-SP zone may only be approved if, the following nine findings are made (these are the same as findings 2 through 10 of PSZC Section 92.21.1.05(I)):

1. The development provided in the Specific Plan is harmonious with, adapted to, and respectful of, the natural features within minimal disturbance of terrain and vegetation.

As proposed, the Desert Palisades project will respect existing topography and natural features as much as possible. Site disturbance will be limited to the initial grading for street and infrastructure installation, trails, construction of a DWA dual tank water reservoir, and development that will occur in the future as individual owners develop their homesites. The lots range in size from 14,000 to 34,000 square feet. A maximum footprint of 6,000 square feet is permitted for home and accessory building construction for each lot, leaving the remaining portion of each lot undisturbed.

2. The development within the Specific Plan is properly located to protect sensitive wildlife habitat and plant species, and avoids interference with watercourses, arroyos, steep slopes, ridgelines, rock outcroppings and significant natural features.

Existing vegetation will remain in its natural state and any landscaping introduced with future development will be in accordance with the landscape standards of the Specific Plan which encourages native species. The proposed lot lines for each residential lot are separated by common open space between lots that will remain undisturbed. The project is designed to preserve and avoid disturbance of large rock outcroppings as well as sensitive cultural areas. Existing drainage courses have been preserved in the project's design. Bridges or fair-weather crossings will be utilized in street design to span these areas.

1. The development provided in the Specific Plan will be constructed with respect to buildings, accessory structures, fences, walls, driveways, parking areas, roadways, utilities and all other features, with natural materials, or be screened with landscaping, or be otherwise treated so as to blend in with the natural environment.

The architectural and site design guidelines in the Specific Plan address these issues, including acceptable materials, screening requirements, and methods for the blending of building design with the natural environment.

1. The development provided in the Specific Plan utilizes landscaping materials, including berms, boulders and plant materials which, insofar as possible, are indigenous and drought tolerant native species.

All landscaping concepts and proposed perimeter berms/buffers described in the proposed Specific Plan will utilize materials currently found on-site or conducive to the Chino Cone area. Boulders removed during grading will be relocated to perimeter areas to create a natural buffer for adjacent residents and traffic along Tram Way. The proposed plant palette includes plants which are drought tolerant and normally found in undeveloped areas of the desert.

1. The grading of land within the Specific Plan will be terrain sensitive and excessive building padding and terracing is avoided to minimize the scarring effects of grading on the natural environment.

Grading will be required to construct the site's roadways/infrastructure and install utilities. The preliminary grading plan submitted with the Specific Plan is limited to only these roadways and related infrastructure. Once this initial phase of grading is completed, disturbed areas will be re-naturalized and lots will remain undisturbed until individual owners are ready to construct homes. The timing of these subsequent activities will be driven by market conditions and individual preferences. The architectural guidelines provided herein propose various home foundation systems intended to limit development impacts within each homesite. The incorporation of natural terrain and geographic features is also encouraged in home construction pursuant to the design and development standards in the proposed Specific Plan.

1. The Specific Plan preserves open space areas to the maximum extent permitted by the Ordinance and in accordance with the conservation plan, and adequate assurances are provided for the permanent preservation of such areas.

According to the ESA-SP Zoning Ordinance, a minimum of 72% of the Planning Area is required to be left as undisturbed open space. The Desert Palisades project includes approximately 74% open space. This is based on the developable area of 100 acres. When accounting for the gross acreage of the project site (117 acres) the open space percentage is closer to 77%.

Based on the requirements for dwelling size (6,000 square feet), approximately 15 acres of the site would be developed with homes if the maximum buildout of 110 homes is reached. There are approximately 11 acres of private streets and rights-of-way proposed within the project. As a result, approximately 26 acres of the Planning Area

would be disturbed by development. Areas between lots, drainage courses, and the on-site trail system are included in the 54 acres of undisturbed land shown as lots "A" through "I" on Tentative Tract Map 35540. Assigning lots to areas reserved for preservation is in accordance with the provisions of the ESA-SP Ordinance. Prohibiting mass grading of lots, limiting overall lot coverage, and allowing for large separations between home sites is also part of the project's broader goals to keep the site as natural and undisturbed as possible.

2. The Specific Plan provides the maximum retention of vistas and natural topographic features including mountainsides, ridgelines, hilltops, slopes, rock outcroppings, arroyos, ravines, and canyons.

The proposed SP includes a view analysis from various vantage points which has been expanded on in the EIR through a visual simulation that will place homes on the landscape to analyze impacts. Existing topography will be preserved as much as possible with limited grading, and a specific color and material palette is proposed for future homes to minimize the visual impact of development on the site from the surrounding areas of the City. The project is designed to preserve the existing topographic features including rock fields, outcroppings, natural slopes, ravines, and arroyos. There are approximately nine acres of hillside near the southern boundary of the project site on which no development or disturbance of any kind is proposed. Natural vistas and viewsheds will be preserved and development guidelines for the future development of homes are intended to nestle the structures within the topography of the site as much as possible.

3. The development provided in the Specific Plan has been adequately designed to protect adjacent property with appropriate buffers to maximize the enjoyment of property within the Specific Plan and surrounding properties.

The project provides a separation of approximately 100 feet between the easternmost row of homes and the eastern boundary that separates Planning Area 4 from the adjacent Little Tuscany neighborhood. Similar buffers occur along the portion of the project that fronts Tram Way, and the northern boundary of the project. The Tram Way buffer along with the topographic variation that exists between Tram Way and the project site will obscure most of the development from motorists along this roadway. Relocated boulders and scattered plantings will be also incorporated into each buffer area in lieu of a block wall, creating a natural appearance while allowing for privacy and enjoyment of property between neighborhoods. The mountainous terrain adjacent to the southern boundary of the project prohibits any development from taking place.

4. The development provided in the Specific Plan will not have a negative fiscal impact on the City or its citizens.

A fiscal analysis was prepared for the project by Stanley R. Hoffman Associates (March, 2007, revised June 2010), which presents the fiscal impact analysis for the Desert

Palisades Specific Plan. The fiscal impact analysis projects recurring revenues and costs to the City's General Fund. Fiscal impacts were projected in year 2010 constant dollars. According to the report, a recurring surplus of about $583.6 thousand was projected after buildout based on recurring revenues of about $750.8 thousand and recurring costs of $167.3 thousand. The large projected surplus for the proposed Specific Plan is a result of the substantial projected property tax, retail sales tax generated by the residents of the project and property tax in-lieu of vehicle license fees (VLF). Projected property taxes account for about 60 percent of projected recurring revenues, and are the result of the high-value, custom home residential development proposed.

SECTION 6. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of the Desert Palisades Specific Plan and roughly 12-acre change of zone and a thirty-day waiting period before it is effective allowing the approval of Case 5.1154 SP.

SECTION 7. The City Council adopts an ordinance to approve the Desert Palisades Specific Plan and the zone map change moving the roughly 12 acre parcel from Planning Area 4 to Planning Area 3, in conjunction with Case Number 5.1154 SP..

SECTION 8. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 9. Publication: The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED THIS 19TH DAY OF JANUARY, 2011.

Stephen P. Pougnet, Mayor

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, California, do hereby certify that Ordinance No. 1784 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 5th day of January, 2011, and adopted at a regular meeting of the City Council held on the 19th of January, 2011, by the following vote:

AYES:	Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.
NOES:	Councilmember Foat.
ABSENT:	None.
ABSTAIN:	None.

James Thompson, City Clerk
City of Palm Springs, California 01/20/2011

RESOLUTION NO. 22845

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING THE ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND APPROVING A GENERAL PLAN AMENDMENT RELATED TO CASE 5.1154 SP; MODIFYING THE BOUNDARIES OF PLANNING AREA 3 AND PLANNING AREA 4 OF THE SPECIAL POLICY LAND USE AREA OF THE 2007 PALM SPRINGS GENERAL PLAN, ADOPTED BY THE CITY COUNCIL BY RESOLUTION NO. 22077.

WHEREAS, on April 30, 2007, Ed Freeman on behalf of Pinnacle View, LLC ("the applicant") submitted an application for review pursuant to PSZC Sections 92.21.1.00 through 07 ("Environmentally Sensitive Area – Specific Plan"),and State of California Governmental Code Sections 65450 ("General Plan and Specific Plans"). The application includes a General Plan Amendment that proposes to change the boundaries of Planning Areas 3 and 4, of the Special Policy Land Use designation. The project site is located at the western terminus of Racquet Club Road; and

WHEREAS, on November 1, 2007, notice in accordance with State Governmental Code Section 65352.3, ("SB 18") was provided to Native American Tribal representatives; and

WHEREAS, on December 7, 2007, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan; the NOP comment period ran from December 7, 2007 to January 7, 2008; and

WHEREAS, on January 19, 2010 a Notice of Preparation (NOP) was issued to public agencies and interested parties noting a revised EIR would be prepared and a 45-day period was provided for responses to the NOP that ended on March 4, 2010; and

WHEREAS, on January 21, 2010 the DEIR was prepared and circulated for a 45-day public review period which ended on March 8, 2010; and

WHEREAS, all public comments received on the DEIR were reviewed and written responses were provided in a Final EIR (FEIR); and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider a recommendation to the City Council of Case 5.1154 SP, including the General Plan Amendment was given in accordance with applicable law; and

WHEREAS, on June 23, July 28, September 1, and October 27, 2010, a public hearing on Case 5.1154, (The Desert Palisades Specific Plan, Change of Zone and Tentative Tract Map 35540), and associated Final Environmental Impact Report was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on October 27, 2010, the Planning Commission approved Resolution 6161 recommending that the City Council certify the EIR as complete and approve Case 5.1154 SP Desert Palisades Specific Plan, including the General Plan Amendment, subject to Conditions of Approval; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1154 SP, TTM 35540, was given in accordance with applicable law; and

WHEREAS, on January 5, 2011, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and

WHEREAS, at said public hearing the City Council considered the application and the project including the General Plan Amendment, the staff report, the Desert Palisades Specific Plan, the associated EIR, and all written and public testimony related to Case 5.1154 SP and the General Plan amendment.

NOW THEREFORE, THE CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: That the EIR for the subject project is an adequate assessment of the potential adverse impacts of the proposed project under the guidelines of the California Environmental Quality Act (CEQA). That the mitigation measures outlined in the Mitigation Monitoring Plan is sufficient and adequate to reduce any potentially significant impacts to less than significant levels.

SECTION 2: That the proposed Desert Palisades Specific Plan is consistent with the Goals, Policies and Actions outlined in the City of Palm Springs General Plan as follows:

There are no specific findings for the approval of a Specific Plan, however the City Council finds the proposed Specific Plan is harmonious and consistent with General Plan policies and action items that are applicable to the project. The Specific Plan's proposal to amend the General Plan by changing an approximately 12 acre parcel from Planning Area 4 to Planning Area 3 within the Special Policy Area land use designation is consistent with the General Plan because the proposed parcel remains within the Special Policy area and its applicable goals, policies and action items.

Policy LU13.1: Require that any development in the Chino Cone be harmonious with and respectful of the area's natural features.

The DPSP provides detailed design guidelines and development standards for structures and landscaping that provides for development that is integrated with the natural conditions of the Chino Cone area. The proposed change of approximately 12 acres from Planning Area 4 to Planning Area 3 of the Special Policy Area land use designation retains that area within the oversight of the Special Policy Area.

> Policy LU 13.4: Allow for rural street profiles with French drain or similar type of stormwater control features and code-complaint pedestrian accommodations to traditional street standards and design of curbs and gutters to establish a natural streetscape that visually blends into the surrounding terrain.

The DPSP provides for a rural street profile with a v-profile and a center gutter. Street surfaces are to be precast pavers, (no asphalt) in colors that are harmonious with the local area. The proposed General Plan Amendment still requires development of the roughly 12 acre land are to be consistent with this policy of the General Plan that relates to the Special Policy Area.

> Action LU13.1: Require preparation of a Specific Plan and associated environmental analysis prior to the approval of any development within the Chino Cone that differ from the residential uses permitted by right (1du/40 acres)

The DPSP provides a comprehensive Specific Plan and Environmental Impact Report in accordance with the PSZC Section 92.21.00 (ESA-SP) and the General Plan. The DPSP proposes a density of just under 1 du/ac, which is within the maximum permissible density of 2du/ac with a Specific Plan for Planning Area 4 of the ESA-SP. The General Plan Amendment allows the roughly 12 acre land area, which is a contiguous part of a roughly 200 acre parcel in Planning Area 3 to be incorporated into a future Specific Plan for Planning Area 3. It is logical and appropriate that this 12 acre land area be within the same future Specific Plan as the rest of the roughly 200 acre parcel.

THE CITY COUNCIL DOES HEREBY APPROVE THE GENERAL PLAN AMENDMENT, MOVING A ROUGHLY 12 ACRE LAND AREA FROM PLANNING AREA 4 TO PLANNING AREA 3 OF THE SPECIAL POLICY AREA LAND USE DESIGNATION.

ADOPTED THIS 5TH DAY OF JANUARY, 2011.

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, California, do hereby certify that Resolution No. 22845 is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council held on the 5th day of January, 2011, by the following vote:

AYES: Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.
NOES: Councilmember Foat.
ABSENT: None.
ABSTAIN: None.

James Thompson, City Clerk
City of Palm Springs, California 01/10/2011

RESOLUTION NO. 22846

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING THE ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND APPROVING TENTATIVE TRACT MAP 35540 RELATED TO CASE 5.1154 SP; A SUBDIVISION OF APPROXIMATELY 117 ACRES FOR 110 HOMESITES, PRIVATE ROADS, PUBLIC TRAILS, OPEN SPACE, AND AN APPROXIMATELY 1.7 ACRE PARCEL FOR A DESERT WATER AGENCY DUAL TANK RESERVOIR IN PLANNING AREA 4 OF THE ENVIRONMENTALLY SENSITIVE AREA – SPECIFIC PLAN ZONE (ESA-SP). LOCATED AT THE WESTERN TERMINUS OF RACQUET CLUB ROAD; SECTION 4(IL).

WHEREAS, on April 30, 2007, Ed Freeman on behalf of Pinnacle View, LLC ("the applicant") submitted an application for review pursuant to PSZC Sections 92.21.1.00 through 07 ("Environmentally Sensitive Area – Specific Plan"), and a Tentative Tract Map (TTM 35540), that proposes to create a subdivision of 110 residential lots, private roadways, public trails, open space, and an approximately 1.7 acre parcel for a future Desert Water Agency dual tank domestic water reservoir, on an approximately 117-acre site. The project site is located at the western terminus of Racquet Club Road; and

WHEREAS, on November 1, 2007, notice in accordance with State Governmental Code Section 65352.3, ("SB 18") was provided to Native American Tribal representatives; and

WHEREAS, on December 7, 2007, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan and Tentative Tract Map; the NOP comment period ran from December 7, 2007 to January 7, 2008; and

WHEREAS, on January 19, 2010 a Notice of Preparation (NOP) was issued to public agencies and interested parties noting a revised EIR would be prepared and a 45-day period was provided for responses to the NOP that ended on March 4, 2010; and

WHEREAS, on January 21, 2010 the DEIR was prepared and circulated for a 45-day public review period which ended on March 8, 2010; and

WHEREAS, all public comments received on the DEIR were reviewed and written responses were provided in a Final EIR (FEIR); and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider a recommendation to the City Council of Case 5.1154 SP, CZ, & TTM 35540 was given in accordance with applicable law; and

WHEREAS, on June 23, June 28, September 1, and October 27, 2010, a public hearing on Case 5.1154, (The Desert Palisades Specific Plan, including Tentative Tract Map 35540), and associated Final Environmental Impact Report was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on October 27, 2010, the Planning Commission approved Resolution 6161 recommending that the City Council certify the EIR as complete and approve Case 5.1154 SP Desert Palisades Specific Plan, including Tentative Tract Map 35540, subject to Conditions of Approval; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1154 SP, TTM 35540, was given in accordance with applicable law; and

WHEREAS, on January 5, 2011, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and

WHEREAS, at said public hearing the City Council considered the Specific Plan and the Tentative Tract Map No. 35540, including the staff report, the Desert Palisades Specific Plan, the associated EIR, and all written and public testimony related to Case 5.1154 SP and TTM 35540; and

WHEREAS, pursuant to Section 66412.3 of the Subdivision Map Act, the City Council has considered the effect of the proposed project on the housing needs of the region, and has balanced these needs against the public service needs of residents and available fiscal and environmental resources.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: That the EIR for the subject project is an adequate assessment of the potential adverse impacts of the proposed project under the guidelines of the California Environmental Quality Act (CEQA). That the mitigation measures outlined in the Mitigation Monitoring Plan is sufficient and adequate to reduce any potentially significant impacts to less than significant levels.

SECTION 2: That the proposed Tentative Tract Map #35540 is consistent with the required findings of the State of California Subdivision Map Act as follows:

Pursuant to Section 66474 of the Subdivision Map Act of the State of California, the following findings relating to the Tentative Tract Map application apply. In order to

approve any map, the following findings must be affirmatively made:

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

The General Plan designation for the project area is "Special Policy Area". The Chino Cone Special Policy Area has an underlying density of 1 dwelling unit to 40 acres (du/ac), however with the approval of a Specific Plan submitted in conformity with the ESA-SP zone requirements of the Zoning Code, the density can be adjusted. The proposed Specific Plan application amends the General Plan and proposes a density of approximately 1 du/ac which is consistent with the ESA-SP zone which allows up to 2 du/ac with an approved specific plan. Thus, with the approval of SP the project will be consistent with the General Plan and the Specific Plan will become the amended zoning standard for the project area.

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

The subject property is zoned ESA-SP (Environmentally Sensitive Area – Specific Plan). The ESA-SP zone requires the submission of a Specific Plan with full development standards design and landscape standards that preserve and respect the natural environment, open space and rural character of Chino Cone. The design and improvements of the proposed TTM incorporate all the required design, architectural and landscape standards as required by the ESA-SP. The proposed design and improvements are consistent with the zone. Water Storage Facilities as part of the utility infrastructure associated with development within the ESA-SP zone are to be sited to minimize impacts on the surrounding environment and not be located on slopes greater than 3:1. The project is consistent with this guideline.

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

The roughly 117 acre site accommodates the density permitted in the Zoning Ordinance and General Plan and provides comprehensive design, development, architectural and landscape standards in accordance with the ESA-SP. The site is proposed with roadways, trails, and open space that are integrated with the unique terrain and natural features such as drainage patterns and rock outcroppings. The project proposes an approximately 1.7 acre parcel for a future Desert Water Agency dual tank domestic water reservoir that is consistent with that agency's General Plan. Therefore the site is physically suited for this type of development.

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

The proposed tract map would create a subdivision of 110 lots on a site of approximately 117 acres. The site proposes private roadways, public access trails, and open space in addition to the 110 home sites. The project conforms to the density

requirements (roughly 1du/acre) for this land use designation in the Palm Springs General Plan with the application and approval of the associated Specific Plan and conforms to the density of the Zoning Ordinance for the ESA-SP zone for Planning Area 4. The site is therefore physically suited for the proposed density.

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

The project proposes a residential subdivision of 110 lots on roughly 117 acres. It is designed and submitted with a Specific Plan application that includes comprehensive design, architectural, landscape, and development standards consistent with the requirements of the ESA-SP zone. The project proposes development in an environmentally sensitive manner including a landscape palette of native plant species. The design of the subdivision includes appropriate systems for storm water and other municipal services (water, sewer, electricity, etc) to be in underground installations and integrated with the natural surroundings and topography. The EIR for the project has evaluated the environmental impacts of the proposed project and concluded that with the proposed mitigation measures, the projects' impacts are less than significant. Therefore the project conforms to this finding.

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

The subdivision is proposed with all the required public utilities, streets, and trails and provides an orderly system of emergency access to the project site. The adjacent roadway network is predicted in the General Plan Traffic Study to adequately handle the projected vehicular traffic loads contemplated with this density of development. Therefore, there are no serious public health problems that would be created by the proposed tentative tract map or the proposed site improvements. The roughly 1.7 acre parcel proposed for a future Desert Water Agency dual tank reservoir is consistent with that Agency's General Plan and is proposed to be landscaped and painted to blend with the surrounding environment, thereby making its proposed development consistent with the development guidelines for water storage utilities in the ESA-SP zone.

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

The public easements necessary for the subject project for roadway and trail right of ways are proposed to be carefully integrated within this tract map. Roadway width right of way dedications are noted on the tract map and are consistent with the local and state requirements. Trails are proposed that provide public access through the project with minimal disturbance to the proposed residences and are connected with the existing network of trails and public access roads in the vicinity of the project. A condition of approval (ENG 22) is provided to resolve easement issues with an adjacent

5-acre parcel as a condition of the recordation of the Final Tract map.

THEREFORE, THE CITY COUNCIL DOES HEREBY APPROVE CASE 5.1154 SP AND TENTATIVE TRACT MAP 35540 SUBJECT TO THE CONDITIONS OF APPROVAL IN EXHIBIT A.

ADOPTED THIS 5TH DAY OF JANUARY, 2011.

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, California, do hereby certify that Resolution No. 22846 is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council held on the 5th day of January, 2011 by the following vote:

AYES:	Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.
NOES:	Councilmember Foat.
ABSENT:	None.
ABSTAIN:	None.

James Thompson, City Clerk
City of Palm Springs, California 02/10/2011

EXHIBIT A

Case 5.1154 SP Desert Palisades Specific Plan, CZ and TTM 35540
West End of Racquet Club Road near Tram Way

January 5, 2011

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

ADM 1. Project Description. This approval is for the project described per Case 5.1154 SP, CZ, TTM 35540; except as modified with the approved Mitigation Monitoring Program and the conditions below;

ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the recommended specific plan, dated 10-27-10, including site plans, architectural elevations, exterior materials and colors, landscaping, Tentative Tract Map 35540, and grading on file in the Planning Division, Draft Environmental Impact Report dated December 2009, Final EIR with comments dated April, 2010, except as modified by the approved Mitigation Measures and conditions below.

ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.

ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.

ADM 5. Tentative Map. This approval is for Tentative Tract Map 35540, date stamped December 7, 2009. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.

ADM 6. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1154 SP CZ & TTM 35540 The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

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

ADM 8. Time Limit on Approval. Approval of the Tentative Tract Map (TTM) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval.

ADM 9. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ADM 10. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first $100,000 of total

building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

ADM 11. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).

ADM 12. Community Services District. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed $500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

ADM 13. Tribal Fees Required. As the property is Indian reservation land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council, including any applicable habitat conservation plan fees shall be paid prior to consideration of this project by the Planning Commission.

ADM 14. CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be

amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances CC&R's.

ADM 22. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:

a. The document to convey title

b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.

c. Provisions for joint access to the proposed parcels, and any open space restrictions.

d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

e. A provision shall be included establishing and adequate financial reserve fund and assuring the maintenance of all roads and infrastructure from the onset of the development shall be the responsibility of the HOA and that the developer assumes all maintenance responsibilities until such time as the lots have been sold and the HOA turned over to the Association.

f. A provision in the CC&R's shall be included prohibiting open storage of any kind in carports.

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

ADM 23. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of $3,500, for the review of the CC&R's by the City Attorney. A $675 filing fee shall also be paid to the City Planning Department for administrative review purposes.

ADM 24. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ADM 25. Performance Agreement. Pursuant to PSZC Section 92.21.1.05(J) Prior to the issuance of any permit for grading or construction of any improvement on any property within an ESA-SP zone, the developer shall enter into an agreement with the city, in a form approved by the City Attorney, ensuring, should the improvement not be completed as permitted, that the land will be re-naturalized in compliance with the provisions of this section. The obligations of the developer pursuant to such agreement shall be secured in amounts required by the City Engineer necessary to complete such re-

naturalization consistent with the provisions of Chapter 9.65 of the Municipal Code; however, such security shall be in the form of cash, irrevocable letter of credit, assignment of a certificate of deposit, or similar form of security approved by the City Manager and the City Attorney.

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) NOT required.

ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.

ENV 4. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall beemployed to survey the area for the presence of cultural resources identifiable on the ground surface.

ENV 5. Archaeological Monitor(s) shall be present during all ground disturbing activities. Experience has shown that there is always a possibility of encountering buried cultural resources during construction related excavations, or archaeological testing/data recovery. Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the City and the Agua Caliente Tribal Historic Preservation Office.

ENV 6. Native American Monitor(s) shall be present during all ground activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Tribal Historic Preservation Office for additional information on the use and availability of Native American Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Tribal Historic Preservation Office. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Tribal Historic Preservation Office for approval.

PLANNING DEPARTMENT CONDITIONS

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

PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and any state water efficiency ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the Desert Water Agency that they are in conformance with the State Water Efficient Landscape Ordinance. Refer to Chapter 8.60 of the Municipal Code for specific requirements. (See Chapter 8.60.020 for exemptions)

PLN 3. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.

PLN 4. 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 5. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.

PLN 6. Roof-mounted Equipment. Roof mounted mechanical equipment is prohibited.

PLN 7. 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 areas.

PLN 8. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.

PLN 9. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 10. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 11. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:

a. The document to convey title.

b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.

c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

PLN 12 No Mass Grading. Mass grading to create large, single-level flat pads is prohibited.

PLN 13 Building Pad Height Limitations. Pad heights are not significantly raised beyond the natural topography. Any pad height more than two (2) feet above natural topography may be deemed significant.

PLN 14 Drainage. The master plan of drainage shall be implemented.

PLN 15 Retention basins are prohibited where a sufficient master plan of drainage has been implemented. Street and site plan layout shall follow natural terrain.

PLN 16 No asphaltic concrete or grey concrete. Streets and paving areas are paved with decorative or colored concrete or pavers to match color of existing terrain. Asphaltic concrete shall not be allowed.

PLN 17 No street lighting is allowed.

PLN 18 Restore landscaping. Vegetation removed for utility construction or maintenance is replaced with appropriate landscaped areas.

PLN 19 Underground Utility Lines. All utility lines are located underground, except screening from public view in a manner that represents natural desert landscaping may be allowed when undergrounding is not feasible.

PLN 20 Water lines in street right-of-way. All water lines located in public or private street rights-of-way are located within the pavement sections.

PLN 21 Easement for water lines not in street right-of-way. Water lines located outside of rights-of-way require waterline easements.

PLN 22 Blend color of water storage facility. Any visible portion of a water storage facility has an exterior color to match surrounding native stone, soil color or backdrop.

PLN 23 Coordinate with DWA. Location and design of water storage facilities are coordinated in advance with the Desert Water Agency.

PLN 24 Location of water storage facilities. Water tanks are not located on slopes greater than 3:1.

PLN 25 Wastewater lines in street right-of-way. All wastewater lines, including force mains, located in public or private street rights-of-way are located within the pavement sections.

PLN 26 Easement for wastewater lines not in street right-of-way. Wastewater lines located outside of rights-of-way require sewer line easements that include full vehicular and equipment access.

PLN 27 Exterior Building Colors. All exterior colors, materials and finishes blend with the color and texture of surrounding stone or soil.

PLN 28 No Reflective Materials. Reflective building materials are not used. Solar panels shall be non-reflective.

PLN 29 Blend with terrain. The forms of buildings, structures and other improvements are not repetitive, but respect and interpret the forms of the surrounding landscape and present a custom design appearance.

PLN 30 Avoid massive building forms. Stepped elevations and floor levels are used to avoid massive building forms and wall surfaces.

PLN 31 Screen mechanical equipment. All exterior mechanical equipment is screened with material that complements the surrounding structures and environment.

PLN 32 Project gates, if proposed, shall be limited to vehicular access control only.

PLN 33 Project signage shall be designed to blend with the natural environment.

PLN 34 Curbs. No curbs shall be allowed.

PLN 35 Interpretative Center. At least one nature interpretive center in each planning area shall be provided as part of the development of the public trails system, if applicable.

PLN 36 Planning Commission approval required for common area landscaping, boulder berms and interpretative center(s). The design of landscaping in all common areas such as the entry feature, trail heads, perimeter boulder berms and open space, as well as the interpretative center(s) required by the ESA-SP zone development standards, shall be submitted to the Planning Commission for approval prior to submission for building permits. The Planning Commission review and approval shall include all landscaping, boulder berms, grading, proposed trails, interpretative center(s), site furnishings and structures, and construction staging areas. Minor changes to approved grading plans caused by unanticipated field conditions will be processed at the staff level. Major changes in grading will be resubmitted to the Planning Commission for approval.

PLN 37 Maximum lot coverage. The lot coverage for any single lot within the Desert Palisades Specific Plan shall be 6,000 square feet. If two or more lots are merged or combined, the total lot coverage may not exceed 12,000 square feet.

PLN 38 Deleted by Council.

PLN 39 Planning Commission Approval Required Future development applications for individual homes or changes in the common areas of the Desert Palisades Specific Plan shall require Planning Commission approval pursuant to PSZC Section 94.04.00 (Architectural Approval) and

93.13.00 (Hillside Development). Submittals shall include a 3-dimensional representation of the proposed development, either in the form of a model, or computer-generated 3-dimensional simulation and story poles mounted on the site to demonstrate the proposed height of the development.

PLN 40 Tennis Courts. Shall be conditionally permitted subject to conformance with the Design Guidelines of the Desert Palisades Specific Plan and approval by the Planning Commission.

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

GENERAL

ENG 1. The applicant shall comply with all required Standard Conditions and Mitigation Measures identified in the Final Environmental Impact Report, whether or not restated in these conditions of approval. All required plans shall be prepared in conformance with all applicable Standard Conditions and Mitigation Measures.

ENG 2. Development of the site is subject to all applicable provisions of Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, whether or not restated in these conditions of approval. All required plans shall be prepared in conformance with all applicable provisions of the Code.

STREETS

ENG 3. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

ENG 4. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to approval of a final map.

ENG 5. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, streets and paved areas shall be paved with decorative or colored concrete or pavers to match color of existing terrain. Asphaltic concrete shall not be allowed. All exterior colors, materials and finishes shall blend with the color and texture of surrounding stone or soil.

ENG 6. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, project gates, if proposed, shall be limited to vehicular access control only. Pedestrian access into and through the site shall be maintained at all times.

TRAM WAY (PRIVATE)

ENG 7. The applicant shall coordinate with the San Jacinto Winter Park Authority regarding construction scheduling and work occurring on Tram Way.

ENG 8. The applicant shall be responsible for constructing full width improvements to Tram Way within the boundary of the project, consisting of a 40 feet wide street section with rolled curb and gutter, in accordance with a special street section for Tram Way approved by the San Jacinto Winter Park Authority. As an alternative, if approved by the San Jacinto Winter Park Authority, construction of the improvements may be deferred for completion by others on the condition that the applicant pays an in lieu fee to the San Jacinto Winter Park Authority representing the cost of the required improvements (subject to review and approval).

ENG 9. A gated entry for emergency access shall be constructed on Tram Way. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed, meeting the approval of the Fire Marshall.

ENG 10. All broken or off grade street improvements shall be repaired or replaced.

RACQUET CLUB ROAD

ENG 11. Construct an appropriate taper or other transition as approved by the City Engineer, from the end of Racquet Club Road. The gated Main Entry shall be located on-site with an appropriate turn-around area for vehicles. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed, meeting the approval of the Fire Marshall.

ENG 12. All broken or off grade street improvements shall be repaired or replaced.

SANBORN WAY

ENG 13. A gated entry for emergency access shall be constructed on Sanborn Way. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed, meeting the approval of the Fire Marshall.

ENG 14. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE PRIVATE STREETS

ENG 15. All centerline radii shall be a minimum of 130 feet.

ENG 16. Dedicate an easement (40 feet wide) over the private streets to the City of Palm Springs for public utility purposes, with the right of ingress and egress for service and emergency vehicles and personnel.

ENG 17. Dedicate an easement over the emergency access roads to the City of Palm Springs for ingress and egress for service and emergency vehicles and personnel.

ENG 18. The alignment of the ingress and egress lanes of the Main Entry is subject to review and approval by the City Engineer. In accordance with Mitigation Measure (MM) 3.15-3(a) of the Final Environmental Impact Report, the gated access shall include adequate vehicle maneuvering and stacking space to avoid conflicts with internal and external traffic and circulation patterns. Adequate stacking capacity (100 feet minimum) and a turn-around shall be provided in advance of the gate.

ENG 19. Construct a concrete edge band, 12 feet on both sides of centerline along the entire frontages. The on-site streets shall be constructed with an inverted cross-section with a 3 feet wide concrete gutter along centerline. The pavement section shall be constructed using decorative colored concrete or pavers, with a pavement section capable of supporting emergency equipment weighing up to 73,000 pounds. Adjacent 8 feet wide shoulders shall be constructed with crushed native rock.

ENG 20. Construct a concrete edge band, 10 feet on both sides of centerline extending the length of the emergency access roads from Tram Way and Sanborn Way. The emergency access roads shall be constructed with a typical crowned or inverted cross-section with a 3 feet wide concrete gutter along centerline. The pavement shall be constructed using decorative colored concrete or pavers with a pavement section capable of supporting emergency equipment weighing up to 73,000 pounds.

ON-SITE

ENG 21. Dedicate an easement to the City of Palm Springs over the public trails proposed within the project.

ENG 22. Access easement dispute. There is currently a dispute regarding the existence of a road right-of-way over the Applicant's property benefiting the neighboring 5-acre property owned by Mr. Richard Kluszczynski. Prior to recordation of a final map, this dispute shall be resolved, either through mutual agreement of the Applicant and Mr. Kluszczynski or a final judicial determination.

ENG 23. The old Chino Canyon Road alignment shall be protected in place and used as a pedestrian trail connecting the Little Tuscany neighborhood westerly through the project.

ENG 24. Hiking trails shall remain open to the public. Provisions for maintaining public access to hiking trails extending through the project shall be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this project. In accordance with Mitigation Measure (MM) 3.13-4 of the Final Environmental Impact Report, the applicant shall implement additional security measures related to the public trails prior to occupancy of any future homes.

ENG 25. In accordance with Mitigation Measure (MM) 3.4-1 of the Final Environmental Impact Report, the applicant shall dedicate to the City of Palm Springs approximately 9.4 acres of hillside area within the project boundaries as open space for the Mountains and Canyons Conservation Area (MCCA) of the Tribal Habitat Conservation Plan (THCP).

SANITARY SEWER

ENG 26. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this project.

ENG 27. Sewer improvement plans prepared by a California registered civil engineer shall be submitted to and approved by the City Engineer prior to approval of a final map. Sewer design shall meet or exceed public sewer design requirements as established by the City Engineer.

ENG 28. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, all sewer mains located in private street rights-of-way shall be located within the pavement sections. Sewer lines located outside of rights-of-way shall require separate sewer easements that include full vehicular and equipment access.

ENG 29. Construct an 8 inch vitrified clay pipe sewer main within all on-site streets located 5 feet from centerline or as required by the City Engineer and connect to the existing public sewer system at the west end of Racquet Club Road.

GRADING

ENG 30. Mass grading of the site shall be prohibited.

ENG 31. Rock Crushing. Rock crushing operations shall be limited to off-site locations only, as analyzed within the project's EIR. On-site rock crushing for the individual home sites is not permissible under this Specific Plan.

ENG 32. Initial rough grading of the site shall be limited to that which is required for construction of the on-site utility and street infrastructure. In accordance with Mitigation Measure (MM) 3.3-1(a) of the Final Environmental Impact Report, grading of the on-site utility and street infrastructure shall be coordinated with and scheduled not to coincide with grading activities on the Desert Water Agency reservoir site.

ENG 33. A grading plan for the Desert Water Agency reservoir site shall be submitted to and approved by the City Engineer prior to issuance of a grading permit. In accordance with Mitigation Measure (MM) 3.5-1 of the Final Environmental Impact Report, a Phase 2 investigation of certain archaeological sites shall be completed prior to development of the Desert Water Agency reservoir site.

ENG 34. Rough grading of residential lots within the project is subject to separate architectural approvals of each individual lot on a case by case basis, in accordance with the development standards for Planning Area 4 of the ESA-SP Zone, as defined by the Desert Palisades Specific Plan (Case 5.1154).

ENG 35. For the residential portion of the site, the on-site street improvement plans shall identify all required cut and fill slope requirements and shall be used as grading plans for that portion of the site. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, the following principles shall apply to the design of the on-site streets:

a) The vertical profile shall be aligned to closely match the existing natural terrain.

b) Curvilinear alignments and gently rolling profiles shall be consistent with site topography.

c) Excavations and embankments shall be limited to the greatest extent possible. Maximum slope gradients within ten (10) feet of the roadway edge shall not exceed 4:1 for fill slopes and 3:1 for cut slopes.

d) Roadway slopes shall not create a continuous wall or cut/fill condition, but shall vary in height and present an undulating appearance consistent with the natural slope.

e) Slopes shall be rounded to blend into the existing terrain to produce a contoured transition.

ENG 36. The applicant's contractors 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 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's contractor shall provide the Engineering Division with current and valid Certificates 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 plans, which shall be approved by the City Engineer prior to issuance of any permits.

ENG 37. In accordance with Standard Condition (SC) 3.5-1 of the Final Environmental Impact Report, approved Native American cultural resource monitors and archaeological monitors shall be present during all ground disturbing activities. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to coordinate scheduling of monitors prior to construction. No permits shall be issued for ground disturbance activities until evidence is provided to the City Engineer demonstrating that monitoring by approved Native American cultural resource monitors has been coordinated by the applicant.

ENG 38. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 39. 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 40. 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 41. Prior to issuance of any permit for ground disturbance activities, the applicant shall provide verification to the City that applicable fees have been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).

ENG 42. Notice of Intent 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 (Phone No. (760) 346-7491). 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 permit.

ENG 43. Construction of this project must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). Where applicable, the project applicant shall cause the approved final project-specific WQMP 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 44. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars ($2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.

ENG 45. Prior to issuance of any permit within an Environmentally Sensitive Area – Specific Plan (ESA-SP) zone, the applicant shall enter into an agreement with the City, as approved by the City Attorney and City Engineer, ensuring that the land will be re-naturalized should the improvement covered by the permit not be completed, in accordance with the City of Palm Springs Zoning Code Section 92.21.1.05. The agreement shall be secured in amounts required by the City Engineer to complete re-naturalization consistent with the provisions of Chapter 9.65 of the Palm Springs Municipal Code; such security shall be in the form of cash, irrevocable letter of credit, assignment of a certificate of deposit, or similar form of security, as approved by the City Manager and City Attorney.

ENG 46. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the plans for the project. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of any plans.

ENG 47. 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 plans shall be certified by a California registered geotechnical or civil engineer, certifying that all construction 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 final approval will be issued until the required certification is provided to the City Engineer.

WATER QUALITY MANAGEMENT PLAN

ENG 48. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a 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 adjacent properties is prohibited. Construction of operational BMP's shall be incorporated into required plans.

ENG 49. Prior to issuance of any permit, 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 permit.

ENG 50. Prior to any final City approvals, 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 51. The project site design does not provide for retention of the incremental increase of stormwater runoff due to development of the entire site. Grading plans of individual home sites within the project, subject to separate architectural approval

on a case by case basis, and the grading plan for the Desert Water Agency reservoir site, shall incorporate on-site retention as required by the City Engineer.

ENG 52. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, development of the site shall preserve existing drainage patterns, natural streams and local watershed boundaries. Future residential development of individual lots shall be required to preserve existing drainage channels that may extend across the lot. Provisions for protecting existing drainage channels and maintaining natural drainage systems, acceptable to the City Engineer, shall be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this project.

ENG 53. This project includes and is subject to the design and construction of the upper segment of Line 2, as identified on the Master Drainage Plan for the Palm Springs Area. The applicant proposes, subject to Riverside County Flood Control & Water Conservation District (RCFC) approval, to construct that portion of Line 2 extending through the project site as an on-site stormwater detention facility until such time as Line 2 is fully extended in accordance with the Master Drainage Plan. At the time that Line 2 is extended in the future to convey on-site storm water runoff to the Whitewater River, the applicant shall be required to remove and replace, modify or otherwise improve the segment of Line 2 extending through the project site to function as a permanent flood control facility as required by RCFC.

ENG 54. The design and construction of Line 2, as identified on the Master Drainage Plan for the Palm Springs Area, is subject to the review and approval by Riverside County Flood Control & Water Conservation District (RCFC). The alignment of Line 2 shall be revised as required by RCFC, and the northerly end of Line 2 adjacent to Street "A" shall be relocated to the east property line to facilitate future extension of Line 2 as shown on the Master Drainage Plan. Submit storm drain plans prepared by a California registered civil engineer to RCFC for review and approval.

ENG 55. On a final map, the applicant shall provide an irrevocable offer of dedication to the City of Palm Springs for an easement for storm drainage purposes over the alignment of Line 2 as approved by RCFC and the City Engineer. The offer of dedication shall be rejected, and pursuant to California Government Code Section 66477.2 (a), the City shall rescind the rejection and accept the offer of dedication at such time as Line 2 is fully extended in accordance with the Master Drainage Plan, and Line 2 is reverted from use as a privately maintained on-site stormwater detention facility to a publicly maintained storm drain facility.

ENG 56. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff

generated by the development of the property, as described in the Preliminary Hydrology Report for TTM35540, prepared by MSA Consulting, Inc., dated July 1, 2009 (or as may be amended). 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.

ENG 57. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. 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.

ENG 58. Until such time as Line 2 is fully extended in accordance with the Master Drainage Plan, and while Line 2 extending through the project site is used as an on-site stormwater detention facility, Line 2 shall be privately maintained. Provisions for maintenance of Line 2, including obligations to remove and replace, modify or otherwise improve the segment of Line 2 extending through the project site to function as a publicly maintained storm drain facility as required by RCFC, shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.

ENG 59. The project is subject to flood control and drainage implementation fees. The drainage fee at the present time is $6,511.00 per acre per Resolution No. 15189. Costs related to the design and construction of Line 2, if Line 2 will ultimately be operated and maintained by RCFC, may be credited against drainage fees otherwise due.

GENERAL

ENG 60. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional

pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

ENG 61. All proposed utility lines shall be installed underground.

ENG 62. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the south side of Tram Way extending through the project site meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.

ENG 63. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

ENG 64. 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 65. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of

final approvals. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

ENG 66. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

MAP

ENG 67. On the final map, the applicant shall make and provide for all required dedications and easements as required in these conditions of approval.

ENG 68. In accordance with Mitigation Measure (MM) 3.5-1 of the Final Environmental Impact Report, a Phase 2 investigation of certain archaeological sites shall be completed prior to approval of a final map.

ENG 69. A final map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcels and all lots created therefrom, and copies of record documents shall be submitted with the final map to the Engineering Division as part of the review of the final map. The final map shall be approved by the City Council prior to issuance of building permits.

ENG 70. In accordance with Section 66434 (g) of the Government Code, the existing public right-of-way for Chino Canyon Road extending through the property may be abandoned upon the filing of a final map identifying the abandonment of the right-of-way granted to the City of Palm Springs.

ENG 71. In accordance with Mitigation Measure (MM) 3.6-5(b) of the Final Environmental Impact Report, all applicable Standard Conditions and Mitigation Measures related to future individual home construction shall be included in Covenants, Conditions, and Restrictions (CC&R's) required for the project. A copy of draft CC&R's shall be submitted to the City Attorney for review and approval prior to approval of a final map.

ENG 72. In accordance with Standard Condition (SC) 3.13-2(a) and 3.13-11, the applicant shall annex the property into City of Palm Springs Community Facilities District (CFD) 2005-1 to fund future emergency services, in conjunction with the recordation of a final map.

ENG 73. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate

System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

TRAFFIC

ENG 74. Prior to approval of a final map, the applicant shall pay a fair share contribution of $14,610 (equivalent to 4.87%) for design and construction of a future traffic signal at the intersection of N. Palm Canyon Drive and Via Escuela.

ENG 75. 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 September 26, 2006, or subsequent editions in force at the time of construction.

FIRE DEPARTMENT CONDITIONS

These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the preliminary site plan dated received 12/26/07. Additional requirements may be required at that time based on revisions to site plans.

FID 1. Plot Plan: Prior to completion of the project, a 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.

FID 2. Fire Hazard Severity Zone: Applicant's project is located in a Fire Hazard Severity Zone determined by the State of California. Wild land Building Standards and Wild land Urban Interface requirements will need to be included in this project.

FID 3. Secondary Fire Department Access: The secondary access point from Tram Way Road meets fire department requirements.

FID 4. Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with Sections 901 and 902 CFC. (902.1 CFC)

Minimum Access Road Dimensions:

a. The Palm Springs Fire Department requirements for two-way private streets, is a minimum width of 24 feet, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

FID 5. Access Gates: Fire/Police/Ambulance access gates shall be at least 14' in width when in the open position and equipped with a Knox (emergency access) key switch. A Knox key operated switch shall be installed at every automatic gate. Show location of switch on plan. Show requirement in plan notes.

FID 6. Fire Apparatus Access Roads/Driveways: Fire department access roads/driveways shall be provided so that no portion of the exterior wall of the first floor of any building will be more than 150 feet from such roads. (902.2.1 CFC)

FID 7. Vertical Fire Apparatus Clearances: Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 13 feet 6 inches. This will include clearance from vegetation and trees. (902.2.2.1 CFC)

FID 8. Road Design: Fire apparatus access roads shall be designed and constructed as all weather capable and able to support a fire truck weighing 73,000 pounds GVW. (902.2.2.2 CFC) The minimum inside turning radius is 30 feet, with an outside radius of 45 feet.

FID 9. Operational Fire Hydrant(s): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except groundcover plantings. (1001.7.2 CFC)

FID 10. Water Systems and Hydrants: Underground water mains and fire hydrants shall be installed, completed, tested. Installation, testing, and inspection will meet the requirements of NFPA 24 1995 edition. Prior to final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the Fire Department. (9-2.1 NFPA 24 1995 edition)

FID 11. Fire hydrant systems: Following Fire Department selection of hydrant locations, plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. (901.2.2.2 CFC). All fire hydrants shall be installed in accordance with Desert Water Agency specifications and standards. No landscape planting, walls, fences, signposts, or aboveground utility facilities are permitted within 3 feet of fire hydrants, or in line with hose

connections

FID 12. Chemical Rock Splitting. Nonex, along with other "high energy" explosives used for blasting operations is currently prohibited by the Palm Springs Fire Department. The fire department will approve non-explosive methods for rock splitting. Crackamite and Rock Frac have been deemed as acceptable products to perform rock splitting procedures by the Palm Springs Fire Department. There may be others that perform in a similar manner.

END OF CONDITIONS