



# CITY COUNCIL STAFF REPORT

DATE: January 21, 2009

CONSENT AGENDA

SUBJECT: CASE TTM 28308 – AN APPLICATION BY SOUTHWEST REAL ESTATE HOLDINGS, LLC, FOR TENTATIVE TRACT MAP 28308 TO SUBDIVIDE A PORTION OF A 3.2 ACRE PARCEL FRONTING SUNNY DUNES ROAD INTO SEVEN RESIDENTIAL LOTS, SECTION 23, TOWNSHIP 4, RANGE 4.

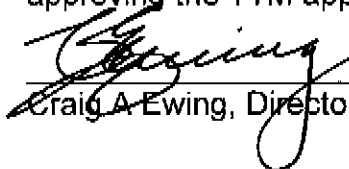
FROM: David H. Ready, City Manager

BY: Craig A. Ewing, AICP, Director of Planning

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## SUMMARY

At the regularly scheduled City Council meeting of December 17, 2008, at the public hearing on the subject case, the City Council voted to deny the application. At the meeting of January 7, 2009, in review of the final draft resolution, the Council acted to separate the TTM application from the denial of the GPA and CZ and agreed to approve the TTM request. Attached is the draft resolution reflecting the Council's action approving the TTM application.

  
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Craig A. Ewing, Director of Planning

Attachment:

Draft Resolution to Approve TTM 28308

ITEM NO. 28

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 28308; SECTION 23, TOWNSHIP 4, RANGE 4.

WHEREAS, Southwest Real Estate Holdings, LLC. (the "Applicant") has filed a request for a Tentative Tract Map 28308 to create seven single family residential lots on a portion of a parcel fronting Sunny Dunes Road; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1175 GPA CZ TTM 28308, was given in accordance with applicable law; and

WHEREAS, on October 22, 2008, a public hearing on the application for Case 5.1175 GPA CZ TTM 28308 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, said public hearing was continued to a date certain of November 12, 2008 at which time the Planning Commission considered all oral and written testimony presented and voted unanimously to recommend certification of the environmental Negative Declaration, and to recommend approval by the City Council of Case 5.1175 GPA, CZ, TTM 28308, subject to conditions of approval, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1175 GPA CZ TTM 28308 was given in accordance with applicable law; and

WHEREAS, on December 17, 2008, a public hearing on the application was held by the City Council in accordance with applicable law; and

WHEREAS at said meeting the City Council voted 5-0-0 to deny the GPA and CZ; and

WHEREAS, at said meeting the City Council voted 5-0-0 to approve Tentative Tract Map application 28308, subject to the attached conditions of approval, and

WHEREAS, on January 21, 2009, the City Council considered Tentative Tract Map 28308 and associated conditions of approval for a 7-lot residential subdivision of a portion of a lot at Sunny Dunes Road and Sunrise Way, and

WHEREAS, pursuant to Government Code Section 66412.3, the City Council has considered the effect of the proposed Subdivision, Tentative Tract Map 28308, on the housing needs of the region in which Palm Springs is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources; and

WHEREAS, the approval of the proposed Subdivision represents the balance of these respective needs in a manner which is most consistent with the City's obligation pursuant to its police powers to protect the public health, safety, and welfare; and

WHEREAS, pursuant to Section 15332 of the California Environmental Quality Act ("CEQA") guidelines, the action is considered a Project and an initial study was conducted. A Notice of Intent to adopt a Negative Declaration was prepared and circulated for public review and comment for a period of 20 days from September 10, 2008 until September 30, 2008; and

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

WHEREAS, the findings for approving a Tentative Tract Map are found within Section 66426 et seq of the State of California Subdivision Map Act and are as follows;

1. *The proposed Tentative Map is consistent with applicable general and specific plans.*

The General Plan designation for the portion of the site where the seven residential lots are proposed is VLDR which allows 2.1 to 4.0 du/acre. The proposed parcels would conform to that density because they are all less than one quarter acre lots.

2. *The design of improvement of the proposed subdivision is consistent with the General Plan and any applicable Specific Plan.*

Pursuant to Government Code Section 66473.5, staff believes that the proposed subdivision and the provisions for its design and improvement are compatible with the objectives, polices, and general land uses provided in the City's General Plan because the seven proposed lots along Sunny Dunes Way reflect the Very Low Density designation of the General Plan. All street and other improvements are subject to the Conditions of Approval associated with TTM 28308.

3. *The site is physically suitable for the type and density of development contemplated by the proposed subdivision.*

The proposed development has all the necessary street frontages, lot depths and dimensions required by the zones proposed or existing therein. The density as noted above is consistent with the General Plan. The site is physically suitable for the creation of lots that conform to the minimum size and dimensions required for the zone(s).

4. *The design of the proposed subdivision or the proposed improvements is not likely to cause substantial environmental*

*damage or substantially and unavoidably injure fish or wildlife or their habitat.*

The project site is surrounded by urban development on all four sides. The site has not been previously identified as a habitat area. The design of the proposed subdivision or the proposed improvements will not cause environmental damage or injure fish or wildlife or their habitat because it is an infill lot that is not within any recognized habitat or conservation area.

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

The proposed subdivision is designed to meet or exceed City Standards. The proposed residential lots meet or exceed City Development Codes. Therefore, the project will not cause public health problems.

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

There are no known public easements or existing access across the property, therefore the design of the subdivision will not conflict with easements for access through or use of the subject property. There would be direct access to all lots proposed from a public street.

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

Section 1: The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA), and a determination has been made that the project impacts would be less than significant and therefore the City Council adopts the Negative Declaration for TTM 28308.

Section 2: The request for Tentative Tract Map 28308 to subdivide a portion of the 3.7 acre parcel fronting Sunny Dunes Road into 7 residential lots is hereby approved, subject to attached conditions of approval.

ADOPTED, this 21st day of January, 2009.

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

ATTEST:

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

CERTIFICATION:

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on December 17, 2008, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California

RESOLUTION NO. 7181

EXHIBIT A

CASE TTM 28308

NORTHWEST CORNER SUNNY DUNES ROAD AND SOUTH SUNRISE WAY  
APN# 508-231-005 and 508-240-010

ZONE R-1-C/RMHP, SECTION 23,

January 21, 2009

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

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

**PROJECT SPECIFIC CONDITIONS**

**Administrative**

- ADM 1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
- ADM 2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case TTM 28308. 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 3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 4. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in-lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being ½% for commercial projects or 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 5. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland.
- ADM 6. The final development plans shall show seven (7) residential lots and one remainder lot.
- ADM 7. Perimeter walls shall be designed, installed and maintained in accordance with the corner cutback requirements as required in Section 93.92.00D. At the time of development of structures on the individual lots, a six foot decorative block wall shall be required to separate the individual residential lots, commercial lot and the mobile home park, and between the commercial lot and the residential lots.

ADM 8. This project is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid at or before Certificate of Occupancy or Final Inspection.

#### **CC&R's**

ADM 9. The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning and Zoning for approval in a form to be approved by the City Attorney, to be recorded prior to approval of a final map. The CC&R's shall be enforceable by the City, shall not be amended without City approval, shall require maintenance of all property in a good condition and in accordance with all ordinances.

ADM 10. At the time of filing of the CC&R's, the applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3500, for the review of the CC&R's by the City Attorney. An additional filing fee shall also be paid to the City Planning Department for administrative review purposes.

#### **Cultural Resources**

ADM 11. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.

ADM 12. Given that portions of the project area are within an alluvial formation, the possibility of buried resources is increased. A Native American Monitor shall be present during all ground-disturbing activities.

- a. Experience has shown that there is always a possibility of buried cultural resources in a project area. Given that, a Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning and Zoning and after the consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to investigate and, if necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.



- b. Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning and Zoning Department prior to final inspection.

## **PLANNING CONDITIONS**

### **Final Design - Commercial (remainder) Lot**

- PLN 1. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning and Zoning prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal.
- PLN 2. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning & Zoning prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized.

### **Final Design - Residential Lots**

- PLN 3. Architectural approval is not required for the single family lots.
- PLN 4. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
- PLN 5. The design, height and texture and color of the buildings, fences and walls shall be submitted for review and approval prior to issuance of building permits. A six foot decorative block wall shall be constructed along the property line with the mobile home park and between the residential units. Walls separating the project site from the mobile home park along the entire north property line shall be constructed at the time of the construction of the subdivision improvements. Individual side property line walls may be constructed with individual buildings.
- PLN 6. The street address numbering/lettering shall not exceed eight inches in height.

## GENERAL CONDITIONS/CODE REQUIREMENTS

- PLN 7. Tentative Tract Maps shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- PLN 8. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
- PLN 9. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
- PLN 10. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
- PLN 11. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
- PLN 12. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.

## ENGINEERING

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

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

## STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.

#### SUNNY DUNES ROAD

- ENG 3. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 4. All broken or off grade street improvements shall be repaired or replaced to the satisfaction of the City Engineer.

#### CALLE AMIGOS

- ENG 5. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 6. All broken or off grade street improvements shall be repaired or replaced to the satisfaction of the City Engineer.

#### SANITARY SEWER

- ENG 7. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

#### GRADING

- ENG 8. Submit a Grading Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted

to and approved by the Engineering Division prior to approval of the Grading plan. The Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

a. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Tentative Tract Map or site plan, a copy of current Title Report; and a copy of Soils Report.

- ENG 9. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 10. 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 11. 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 12. 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 13. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 14. A Notice of Intent to Comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) 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 number shall be provided to the City Engineer prior to issuance of a grading permit.

- ENG 15. 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 16. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 17. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 18. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### DRAINAGE

- ENG 19. 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, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

- ENG 20. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

#### GENERAL

- ENG 21. 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 22. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of

the applicant to coordinate and arrange payment of any required fees for the utility companies.

- ENG 23. All proposed utility lines shall be installed underground.
- ENG 24. 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 property 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 25. 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 26. 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 27. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 28. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to

maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

- ENG 29. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

#### MAP

- ENG 30. 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 parcel 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 Map. The Final Map shall be approved by the City Council prior to issuance of building permits.

- ENG 31. 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 32. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 33. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, and striping associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.



- ENG 34. Construction signing, lighting and barricading shall be provided for on all projects as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 2006, or subsequent additions in force at the time of construction.
- ENG 35. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

**END OF CONDITIONS**