



CITY COUNCIL STAFF REPORT

DATE: September 21, 2016

PUBLIC HEARING

SUBJECT: WOODBRIDGE PACIFIC GROUP ON BEHALF OF PALM CANYON 65, LLC. FOR A PLANNED DEVELOPMENT IN LIEU OF ZONE CHANGE, TENTATIVE TRACT MAP AND MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A RESIDENTIAL PROJECT CONSISTING OF (56) SINGLE-FAMILY RESIDENCES AND (25) MULTI-FAMILY RESIDENTIAL CONDOMINIUMS ON A 12.38-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE, ZONE C-1 & R-3 (CASE NOS. 5.1378 PD-379 ZC, 3.3876 MAJ AND TTM 36914).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

On July 6, 2016, the City Council reviewed a residential project for the former Rock Garden Café site and surrounding vacant land. The Council directed the applicant to make project revisions for review with an ad hoc City Council subcommittee. The applicant made changes to the project, including relocation of the primary entry, replacement of one residence with common park space, revised building architecture and landscaping, and the installation of street chokers. The subcommittee reviewed these changes on two occasions and provided positive feedback. The Council will now consider taking action on the revised project.

ISSUES:

- **Gated project.** The applicant still proposes both vehicular and pedestrian gates. While the Planning Commission recommended against this request, the applicant seeks approval to gate the project.
- **Rock crushing.** It is the applicant's desire to crush rock during construction. The Planning Commission was opposed to this activity, and the applicant still wishes to conduct this activity to reduce truck haul trips to and from the site.
- **Plan revisions.** At the request of the subcommittee, the applicant has agreed to provide a plan with larger rear yard space for the homes along the Belardo Road. While not shown in attached plans, these will be provided prior to Council review of the project.

ITEM NO. 2A

RECOMMENDATION:

1. Open the hearing and receive public testimony;
2. Adopt Resolution No. ____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CASE NOS. 5.1378 PD-379 ZC, 3.3876 MAJ AND TTM 36914 FOR A RESIDENTIAL DEVELOPMENT AND SUBDIVISION CONSISTING OF (56) SINGLE-FAMILY RESIDENTIAL DWELLINGS, (25) MULTI-FAMILY RESIDENTIAL DWELLINGS, OPEN SPACE AND PRIVATE STREETS ON A 12.38-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE."
3. Waive reading and introduce by title only for first reading Ordinance No. ____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNED DEVELOPMENT 379 IN LIEU OF A CHANGE OF ZONE FOR A 12.38-ACRE SITE ADDRESSED AT 777 SOUTH PALM CANYON DRIVE AND BOUNDED BY PALM CANYON DRIVE TO THE EAST, TAHQUITZ CREEK (WASH) TO THE NORTH, BELARDO ROAD TO THE WEST AND PRIVATE PROPERTY TO THE SOUTH.

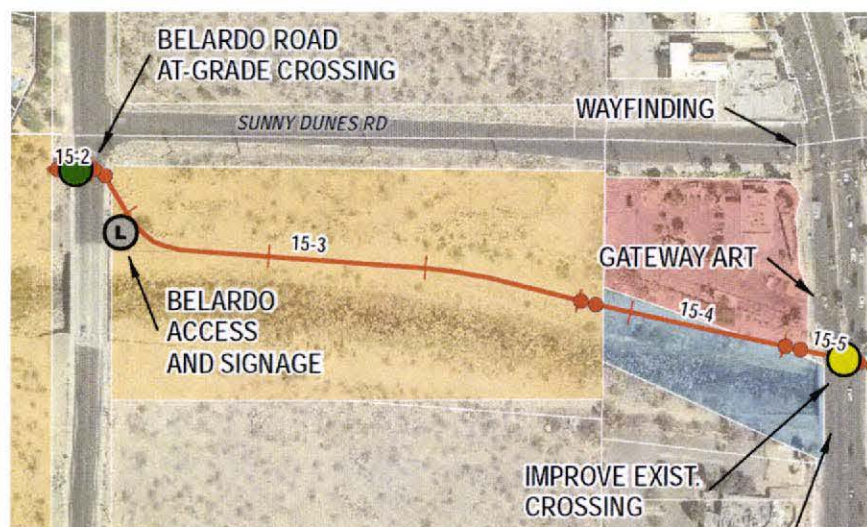
BACKGROUND AND ANALYSIS:

A complete background and analysis of the submitted applications is provided in the staff report from the July 6, 2016 City Council meeting and is included as Attachment #3 to this report. At its July 6, 2016 meeting, the Council held a public hearing on the project and requested the applicant make revisions to the project. Among the requests were comments related to the architecture, open space/park and street layout. Staff has summarized the comments and the applicant's response below:

- **Architecture.**
 - **Multi-family Residences.** A majority of the Council was in favor of the folded plate roof on the multi-family buildings at the project corners; thus the applicant proposes this element as a part of the project. Further, to respond to a request for variety along Palm Canyon Drive, the applicant provided three different elevations for this frontage. The buildings at the corners of the site will include the folded plate roof line that wraps around the site and the interior buildings will have a mix of folded plate and flat roof planes.
 - **Single-family Residences.** Some Councilmembers made comments on enhancing the single-family homes and creating "four-sided architecture." The applicant has enhanced the side and rear elevations of all three floor plans by incorporating additional overhangs, colors and building forms, and reducing monotony on these elevations. Another comment by Council related to creating a floor plan with a larger

rear yard for the homes adjacent to Belardo Road. The applicant intends on providing such plan, which will be provided prior to the Council meeting.

- **Landscape.**
 - **Rear patios.** There were suggestions made on creating an alternate design for the back yard walls/fences facing Tahquitz Creek and internal pedestrian pathways. The applicant proposes a mix of different size walled patio areas at the rear of the homes, which adds visual interest and creates more usable rear yard space than previously proposed.
 - **Sycamore trees.** The Council expressed concern with the use of Sycamore species in the landscape plan; however, the applicant proposed this species along the Tahquitz Creek trail to be consistent with the guidelines approved for Master Plan (see attachment 7, Master Plan page 62). This species is not proposed on-site in other landscape areas.
 - **Design along Palm Canyon Drive.** The Council commented on the repetitive landscape design along the Palm Canyon corridor. In response, the applicant redesigned the tree layout to be more organic with trees having greater separation and more informal planting patterns (except the street-lined palm trees).
- **Open space/park.** The Council asked for additional open space within the project and suggested a park space at the CV link terminus, which is planned near the northwest corner of the site. To enhance the on-site open space, the applicant replaced a single-family home at this corner of the site with a 9,706-square foot park space. The preliminary design includes a passive park space with shade trees and seating space. In addition, a 3,253-square foot lot at the northeast corner of the site will accommodate on-site seating space and walking paths.
- **Street Layout.** In response to comments on open space, the applicant relocated the project entry further north along Belardo Road, creating a lush entry to the project. Additionally, the applicant proposes street chokers to reduce on-site pavement and increase internal landscape space. On-street parking spaces will still be available on internal streets in between the proposed chokers.
- **CV Link.** There were questions on the location of the Coachella Valley (CV) Link adjacent to the project site. The original CV Link Master Plan indicates the path aligned along the north side of the Tahquitz Creek channel with an undercrossing at S. Palm Canyon Dr., shown here:



In conversations with CVAG staff, should this project be approved and construct improvements consistent with the CV Link Master Plan along the south side of Tahquitz Creek, the CV Link alignment will be shown extending along the south side with the proposed undercrossing at S. Palm Canyon Dr. to align with the CV Link identified along the north side of Tahquitz Creek east of S. Palm Canyon Dr.

The Council subcommittee reviewed the above changes on two occasions and provided favorable comments on the revisions. Staff has prepared a draft resolution and ordinance for approval and updated the project Conditions of Approval to reflect Council direction. Items that still require Council determination include the allowance of project gates and permission to crush rock during construction. The Council discussed these matters on July 6th, but hadn't provided direction on preference. Should the Council choose to allow either or both of these, the conditions in the draft resolution would have to be modified (see conditions PCC 7 and PLN 18 for gates, and PCC 1 & PLN 19 for rock crushing).

CONCLUSION:

The applicant has worked with staff and the subcommittee to improve the project based on direction provided at the July 6, 2016 Council meeting. These changes involved improving building and landscape architecture, providing additional open space thru the removal of one unit and enhancing the design of internal streets. After making a determination on rock crushing and project gates, the Council may approve the proposal as presented in the attached draft resolution and ordinance.

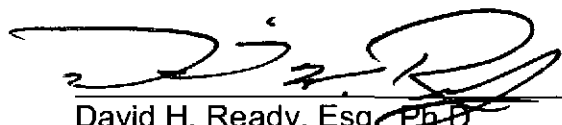
SUBMITTED:



Flinn Fagg, AICP
Director of Planning Services



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



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

Attachments:

1. Vicinity Map
2. Draft Resolution with Conditions & Draft Ordinance
3. City Council Staff Report of July 6, 2016
4. City Council Meeting Minutes of July 6, 2016 (excerpt)
5. Planning Commission Meeting Minutes of May 25, 2016 (excerpt)
6. Planning Commission Resolution 6570
7. Tahquitz Creek Trail Master Plan (Applicable Sections)
8. Applicant Letter & Public Comment Letters
9. Memorandum from Terra Nova Planning & Research, Inc.
10. Initial Study/Mitigated Negative Declaration
11. Project Plans

Attachment 1

Attachment 2

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CASE NOS. 5.1378 PD-379 ZC, 3.3876 MAJ AND TTM 36914 FOR A RESIDENTIAL DEVELOPMENT AND SUBDIVISION CONSISTING OF (56) SINGLE-FAMILY RESIDENTIAL DWELLINGS, (25) MULTI-FAMILY RESIDENTIAL DWELLINGS, OPEN SPACE AND PRIVATE STREETS ON A 12.38-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE.

WHEREAS, Woodbridge Pacific Group on behalf of Palm Canyon 65, LLC ("Applicant") filed an application with the City pursuant to Sections 94.03.00 and 94.07.00 of the Palm Springs Zoning Code for a Planned Development District in Lieu of Change of Zone, Case 5.1378 PD-379 ZC (including Preliminary Development Plans) to establish (56) detached and (25) attached residential dwellings, open space and streets at the subject property; and

WHEREAS, the Applicant filed an application with the City pursuant to Title 9 of the Palm Springs Municipal Code, for Tentative Tract Map 36914, seeking approval to subdivide the 12.38-acre project site into 57 residential lots, one of which being proposed for condominium purposes, as well as common area parcels for streets and open space at the subject property; and

WHEREAS, on November 18, 2015 and April 13, 2016, the Planning Commission reviewed previous iterations of the project at public meetings and provided comments to the Applicant; and

WHEREAS, On May 2, 2016, the subject project was reviewed by the City's Architectural Advisory Committee (AAC), which voted to recommend conditional approval of the project; and

WHEREAS, the proposed project associated with the above applications ("Project") is considered a "project" pursuant to the terms of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. ("CEQA"); and

WHEREAS, pursuant to the CEQA Guidelines, 14 California Code of Regulations Section 15000 et. seq., an initial study was prepared. The initial study concluded that all of the project's potentially significant impacts will be less than significant with the incorporation of mitigation. On this basis, a Mitigated Negative Declaration was prepared and circulated for a 20-day public review and comment period from May 4, 2016 to May 24, 2016, in accordance with Section 15073 of the CEQA Guidelines; and

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs to consider the Project, including Case Nos. 5.1378 PD-379 ZC, 3.3876 MAJ and TTM 36914, was given in accordance with applicable law for the regular meeting of May 25, 2016; and

WHEREAS, on May 25, 2016, the Planning Commission held a public hearing on the applications in accordance with applicable law and adopted Resolution No. 6570; unanimously recommending City Council adopt a Mitigated Negative Declaration and approve the Project, including Case Nos. 5.1378 PD 379 ZC, 3.3876 MAJ and TTM 36914; and

WHEREAS, a notice of public hearing of the City Council of the City of Palm Springs, California to consider the above-mentioned applications was given in accordance with applicable law; and on July 6, 2016, the City Council held a public hearing in accordance with applicable law and directed the Applicant to make revisions for review with a City Council ad hoc subcommittee and then return the project back to Council for decision; and

WHEREAS, a notice of public hearing of the City Council of the City of Palm Springs, California to consider the above-mentioned applications was given again in accordance with applicable law; and on September 21, 2016, the City Council held a public hearing in accordance with applicable law; 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.

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

SECTION 1. CEQA: The City Council independently reviewed and considered the information contained in the Mitigated Negative Declaration (MND) and subsequent environmental analysis. The MND reflects the City's independent judgment and analysis. The City Council finds, on the basis of the whole record before it, including the Initial Study and comments received, that with the incorporation of mitigation measures, the project will not have a significant effect on the environment. Therefore, the City Council adopts a Mitigated Negative Declaration as a complete and adequate evaluation of the project pursuant to CEQA.

SECTION 2. Resort Overlay Zone: The "R" (resort) overlay zone is intended primarily to provide for accommodations and services for tourists and visitors while guarding against the intrusion of competing land uses, as described below.

Uses shall be as provided in the underlying zone with which the "R" zone is combined, except that all multiple-family dwellings (including, but not

limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit (CUP). Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone.

The development proposes residential uses in an area that is compatible with its surroundings. The site abuts a watercourse channel to the north and streets on two sides. To the east is the Cameron project, which is under construction and primarily consists of residential with some live/work and commercial spaces fronting the street. South of the site is a vacant property with remnants of a razed commercial property. Properties in the vicinity include vacant sites, commercial stores, single-family and multi-family residential, and mobile home and RV parks. Therefore, the site is not appropriate for other transient or accommodation services for tourists, which are allowed by right within the underlying zone, because much of the commercial already exists in nearby areas and residential patterns have been established in surrounding neighborhoods.

Pursuant to PSZC 94.02.00(A)(4) of the Zoning Code, the CUP may be incorporated as part of the PD application without the need for a separate application. Thus, the CUP findings are evaluated below as an integral part of the PD application.

SECTION 3. Planned Development District. Pursuant to Section 94.03.00(E) “Planned Development Districts” of the Zoning Code, a Planned Development District in lieu of a Change of Zone may be established in accordance with the procedures required by Section 94.07.00 of the Zoning Code. A PD may be approved in lieu of a change of zone if both findings for the PD and Change of Zone are made by the City Council. An analysis of all required findings for a PD in lieu of zone change is provided below:

a. The proposed planned development is consistent and in conformity with the general plan and report.

The proposed project is located in the Mixed-Use / Multi-Use (MU/MU) land use designation of the 2007 General Plan, allowing a mix of office, retail and residential uses. For residential projects, a density of up to 15 dwelling units per acre is permitted (or up to 30 d.u. per acre with PD approval). The project proposes 6.5 residential dwelling units per acre, which is consistent with MU/MU land use designation.

In addition, the project complies with the following General Plan Policies:

- CD19.7 – *Design new development with the pedestrian in mind by including wide sidewalks, shade street trees, sitting areas, and clearly defined pedestrian routes.*

As shown on the landscape plans, the project will include pedestrian amenities, such as walking paths that are landscaped with shade trees and clearly defined routes. The project is conditioned to provide at least two pedestrian sidewalks, which will further enhance the pedestrian routes to the site.

- CD20.1 – *Create a pedestrian-friendly environment along midblock corridor residential development through the use of landscaping, shade trees, special paving, pedestrian-scaled lighting, and small gathering spaces.*

Pedestrian-friendly environment proposed between clusters of multi-family buildings with walking paths and shade trees.

- Policy CD.22.7 *Ensure that residential communities are well connected with each other and with nearby commercial uses through the inclusion of pedestrian and bicycle friendly design feature such as trails, paths, and pedestrian oriented streets in the neighborhood's design.*

The proposed development will have one primary site access point and a secondary emergency access point. Pedestrian pathways are proposed between homes through-out the site. The Tahquitz Creek will be improved with an additional off-site trail, which will further enhance access around the site. These design features provide a pedestrian oriented design and augments connections for the proposed community and others in the surrounding areas.

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

The current zoning of the project site is C-1 and R-3. In accordance with Section 94.03.00 of the Palm Springs Zoning Code, the applicant has requested a PD in lieu of zone change to establish PD-379 with specific permitted uses and development standards. The proposed uses for PD-379 include 81 attached and detached residential dwellings. Detached residences will be constructed on lots ranging from 5,000-square feet to 7,700-square feet in size, which is adequate for the dwelling, garage, driveway and private yard space. The attached units are proposed on a nearly 2-acre parcel, affording area for the dwellings, garages, landscape, and common open space.

All units will have adequate vehicular and pedestrian access. Primary vehicular access is provided from Belardo Road. At widths of 37-feet, internal streets are wide enough to accommodate travel lanes and street parking. Pedestrian access is provided throughout the site with pedestrian paseos. Linkages to the Tahquitz Creek trail are also proposed on the north side of the site.

The scale and size of the project is consistent with other residential projects in the City. Eighty-one units across the 12.38-acre site equates to 6.5-dwelling units per acre, or 6,658-square feet of gross lot area per residence. Properties in the vicinity include higher density projects, such as the mobile home park to the southwest, and lower density projects, like single-family homes in the Canyons at 3.2-units/acre to the northwest. In addition, to the east, the Cameron project involves a mix of residential, live/work and commercial space at a density of 9.5-units/acre. Therefore, the subject property is suitable for the permitted and proposed uses in PD-379.

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

The project is adjacent to two streets and a watercourse. To the south of the site are remnants of a demolished automobile dealership. At the northeast corner of the project site is a derelict commercial property. The proposed land use will improve the Palm Canyon corridor and will remove an unsightly condition on-site. Therefore, the proposal is not likely to be detrimental to the adjacent properties and residents, and will enhance redevelopment of all properties and improve activity of corridor.

In addition to the above, required findings outlined in Section 94.02.00 *Conditional Use Permit* apply to Planned Developments. The project as it relates to these findings is found below:

a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;

As part of the proposed project, a change of zone from "R-3" and "C-1" to PD-379 has been requested to allow the proposed residential development. Section 94.03.00(B)(1) of the Zoning Code specifically allows a multiplicity of housing types, such as single-family and multi-family dwellings within the same project site. Therefore, the use applied for at the subject location is properly one for which PD is authorized by the Zoning Code.

b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;

The proposed use is residential – single-family and multi-family. The proposed small lot single-family residential has been constructed elsewhere in Palm Springs, including surrounding areas of the project, wherein smaller lots

exceeding 5,000 square feet accommodate a moderate dwelling size. Each site will contain a one- to two-story residence with garage and private yard space. The multi-family residential will create desirable condominium units that have garage space, private patio/balcony areas and access to a common pool area. Development of the subject site with a mix of single-family and multi-family uses is desirable as a means of bringing a variety of housing choices to the community, and providing a transition between Palm Canyon Drive and residential areas to the west.

The land use designation of the site is MU/MU, which allows a variety of uses including residential. Residential development at a maximum density of 15 units per acre is permitted. At 6.5-units per acre, the project is significantly lower than the density permitted for the 12.38-acre site. Thus, the use is consistent with the general plan.

The project will consist of one- and two-story residential buildings on undeveloped land which will be re-zoned to PD-379. No other uses are permitted within this zone. Should alternate uses be proposed, an amendment to the PD would be required. Consequently, the use is not detrimental to the existing uses or to future uses specifically permitted in the zone (PD-379).

c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;

The project consists of a grouping of parcels to form the overall 12.38-acre site with internal private streets, privately owned units and both private and common open spaces. The PD will establish all development standards for each residential parcel to accommodate typical single-family and multi-family residential products with open space and outdoor living (yards, patio space, landscape, etc.). Therefore, the site for the intended residences is adequate in size and shape to adjust such use to those existing and future permitted uses of land in the neighborhood.

d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;

The project proposes primary vehicular access from Belardo Road. Identified as a Collector Street by the General Plan, Belardo Road is improved with a travel lane in each direction. The Belardo bridge to the northwest of the site was recently constructed and extends traffic north of the site towards downtown. An emergency vehicle access point is proposed on Palm Canyon Drive.

Existing General Plan conditions indicate that Belardo Road and Palm Canyon Drive are operating at Level of Service (LOS) A. Future General Plan build out condition (2025) indicate that Belardo Road and Palm Canyon Drive will continue to operate at LOS A. The density analyzed by the General Plan for the subject property was up to 15 units per acre. With the project build out, density will be 6.5 units per acre, causing less impact than that which was analyzed by the General Plan. Thus, the project will be adequately served by the adjacent streets, which are properly designed and improved to carry the type and quantity of traffic generated.

e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.

A set of draft conditions of approval are proposed and attached to this staff report as Exhibit "A" to ensure the public health, safety and general welfare are protected.

SECTION 4. Public Benefit. In accordance with the City Council Policy on Planned Development, the identified public benefits include two components:

- a. *The project as a Public Benefit* – The project fulfills key General Plan objectives for community beautification and improved circulation, as follows:
 - i. Improve and landscape the Tahquitz Creek trail in accordance with the Tahquitz Creek Trail Master Plan;
 - ii. Providing internal pedestrian sidewalk paseos that are separate from the street;
 - iii. Enhancing circulation with the trail improvement; and
 - iv. Providing park space at the northwest and northeast corners of the site.
- b. *Off-site Improvements* – The project includes off-site improvements, including the south side of the Tahquitz Creek. The developer will pursue permitting with Riverside County Flood Control, improve pathways and install landscape consistent with the Master Plan.

SECTION 5. Tentative Tract Map: Findings are required for the proposed subdivision pursuant to Section 66474 of the Subdivision Map Act. These findings and a

discussion of the project as it relates to these findings follow:

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

The land use designation of the site is MU/MU, which allows a variety of uses including residential. Residential development at a maximum density of 15 units per acre is permitted. At 6.5-units per acre, the project is consistent with the density permitted for the 12.38-acre site.

Street circulation will be consistent with the General Plan Circulation Element. Dedication of right-of-way is provided along Palm Canyon Drive to accommodate the westerly half street width necessary for a Major Thoroughfare, pursuant to Figure 4-2 of the Circulation Element. Internal streets will be improved to thirty-seven feet, which complies with minimum requirements for private streets according to the Circulation Element. Consequently, the project is consistent with the General Plan.

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

The proposed project includes a change of zone to PD-366, and seeks a specific development plan for the 126-acre site. There will be 429 residences with improved street access, utilities and other typical services provided to residential development. Developable lots are required to be at least 5,000 or 8,000 square feet in size. The PD also proposes a set of development standards and design details with specific standards.

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

The existing site conditions consist of low vegetation, boulders and native soil. The site slopes from the northwest corner to the east, southeast and south sides of the property. Site elevations range from 452 to 485 above mean sea level, a 33-ft variation over a 900-ft east-west span. This equates to an average slope of less than 4%.

The site will be graded to accommodate the proposed development. Such grading is designed to follow existing sloped patterns on-site. Each developable lot will be designed to accommodate a detached residence, multi-family buildings or accessory structures. Therefore, the site is physically suited for this type of development and is proposed with adequate access to the network of public streets.

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

The project proposes an overall site density of 6.5 dwelling units per acre,

which is consistent with the General Plan land use designation of MU/MU. The 12.38-acre site abuts improved public streets with existing utilities and with right of way widths that are projected in the City's 2007 General Plan to operate at normal LOS. Consequently, the site is physically suited for the proposed density of development.

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

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The project will therefore not damage or injure fish, wildlife or their habitats.

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

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot. The subdivision is proposed with sidewalks along private open spaces. No serious public health problems are anticipated.

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.

Public easements will be provided to accommodate needed utilities, as well as a master drainage line that will be constructed at a future time. There are no other easement conflicts known with the design of the proposed subdivision. Therefore, the design of the subdivision will not conflict with easements for access through or use of the property.

SECTION 6. Architectural Review: Pursuant to Section 94.04.00(D) of the Palm Springs Zoning Code, the City Council finds:

1. The proposed development provides a desirable environment for its occupants.

The proposed project includes a mix of single-family residential and multi-family residential units. Homes are one- and two-stories in size and include private open space and garages for covered parking. A common pool area will be accessible for the residents and their visitors.

2. The proposed development compatible with the character of adjacent and surrounding developments.

The project is adjacent to the Tahquitz Creek to the north and remnants of a demolished commercial site to the south. West of the project site is vacant land and east of the site is a mixed use project under construction with commercial space, live/work and residential. The proposed one- and two-story residential project will be compatible with the character of adjacent and surrounding developments.

3. The proposed development is of good composition, materials, textures, and colors.

Preliminary designs include a mix of one- and two-story structures designed in a contemporary modern vernacular with flat, folded plate and sloped roofs. Residences consist of stucco as the primary application with stone or concrete veneers on the front elevation.

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

Single-family homes are designed and plotted such that one side yard provides privacy to the adjacent property. Although small in size, the private yard spaces and rooftop decks are nicely oriented toward the westerly mountain views. The Multi-family portion provides good pedestrian connections with landscape and pool amenities.

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

The architectural style of the units in the proposed development is modern. The development under construction opposite of Palm Canyon is also modern. However, the neighborhood includes a mix of Spanish and modern styles.

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

The proposed buildings conform to the height limits of the R-3 and C-1 zones and will have three and seven foot side yard setbacks for the single-family

properties, allowing a larger usable side yard. Equipment will be screened per the zoning code requirements.

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

Neutral colors are proposed and consistent with the surrounding desert environment.

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

Three floor plans with two elevation options each are proposed for the single-family residences. This allows a mix of good composition along the internal streets and the Tahquitz Creek. The multi-family residential buildings include a mix of flat and folded plate roof lines and decorative block.

9. Consistency of composition and treatment

There is consistency in the composition and treatment of the buildings as proposed.

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

The proposed landscape plans are consistent with desert appropriate trees and plants.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby adopts a Mitigated Negative Declaration and approves Case Nos. 5.1378 PD-379 ZC, 3.3876 MAJ and TTM 36914; to establish (56) single-family dwellings and (25) multi-family residences, open space and streets on a 12.38-acre site, which includes a subdivision of 57 residential lots, one of which being proposed for condominium purposes, as a well as common area parcels for streets and open space, subject to conditions of approval attached herein as Exhibit A.

ADOPTED THIS 21ST DAY OF SEPTEMBER, 2016.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT A

Case No. 5.1378 PD-379, 3.3876 MAJ and TTM 36914

Planned Development District Major Architectural Application and Tentative Tract Map
12.38-acres on west side of South Palm Canyon Drive, south of Tahquitz Creek and
East of Belardo Road
777 South Palm Canyon Drive

September 21, 2016

CONDITIONS OF APPROVAL

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

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

ADDED (PLANNING COMMISSION) CONDITIONS:

- PCC 1. No rock/boulder crushing on-site (see also PLN 19).
- PCC 2. A 50/50 mix of one- and two-story homes shall be provided on northerly and westerly edges of the site. Where two-story homes are constructed in these locations, they shall be limited to the product type that has the second story near the internal streets.
- PCC 3. Rentals of homes, including casitas, are permitted for no less than a 30-day rental period. Casitas shall not be rented separately as a vacation rental.
- PCC 4. Wall design facing Tahquitz Creek to return to AAC for review.
- PCC 5. Privacy and orientation of second floor space to be considered when determining final product types for each single-family home site.
- PCC 6. Developer to landscape/improve south side of Tahquitz Creek. Developer to provide cash bond for construction of Palm Canyon Drive undercrossing, consistent with the Tahquitz Creek Master Plan.
- PCC 7. Vehicular gates are not allowed (see also PLN 18).

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case (5.1378 PD 379 ZC / 3.3876 MAJ / TTM 36914), 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 approved plans, including site plans, tentative tract maps, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division 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 36914, date stamped September 12, 2016. 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 5.1378 PD 379 ZC / 3.3876 MAJ / TTM 36914. 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 or 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 Planned Development District (PD), Tentative Tract Map (TTM) and Major Architectural Applications (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time for the PD and MAJ may be granted by the Planning Commission upon demonstration of good cause.

Extensions of time for the TTM 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 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. 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

ADM 13. 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.

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 14. 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 \$1,165 filing fee shall also be paid to the City Planning Department for administrative review purposes.

ADM 15. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ADM 16. Community Facilities District. The project will bring additional residents, visitors and activities to the community that will potentially impact the needs for public safety services beyond the City's ability to provide such services; and because such services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic and other safety services,

and recreation, library, cultural services are near capacity, the City has established a Community Facilities District to which this project shall be annexed, subject to conditions of approval; and

Prior to recordation of the final map or, at the City's option, prior to issuance of certificate of occupancy, the developer shall agree to support formation of or annexation into a Community Facilities District (CFD) to include the project site. Developer further agrees to waive any right of protest or contest such formation or annexation, provided that the amount of any assessment for any single family dwelling unit (or the equivalency thereof when applied to multiple family, commercial or industrial) as established through appropriate study shall not exceed \$500 annually per dwelling unit or dwelling unit equivalency unit, subject to an annual consumer price index escalator. Prior to sale of any lots, or prior to the issuance of any certificate of occupancy, or prior to any approval of the Building Official that will allow the premises to be occupied, the CFD shall be formed, the annexation thereto shall occur, or at the option of the City Manager and Building Official, a covenant agreement may be recorded against any affected parcel(s) with the project, evidencing the Owner's binding consent, approval, and waiver of rights as provided in this condition of approval.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Multi-species Habitat Conservation Fees. The project is within the boundaries of the both the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and the Tribal Habitat Conservation Plan (THCP). The applicant shall pay applicable development mitigation fees, prior to the issuance of grading permit for THCP and prior to certificate of occupancy for CVMSHCP.
- 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 (City Council decision). 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. Mitigation measures are defined in the Project Mitigated Negative Declaration and summarized here as follows:

AIR QUALITY:

Mitigation Measures III (b):

The following measures will further reduce emission of potentially harmful pollutants and should be included in project grading and dust control plans, as well as in construction and construction traffic staging:

1. *Construction equipment, delivery trucks, worker vehicles, and haul trucks will limit idling time to no more than 5 minutes.*
2. *The grading contractor shall certify in writing that all construction equipment is properly serviced and maintained in good operating conditions. Certification shall be provided to City Engineer for review and approval.*
3. *Diesel-powered construction equipment shall utilize aqueous diesel fuels, and be equipped with diesel oxidation catalysts.*
4. *A fugitive dust plan shall be prepared for the proposed project and shall be approved by the City Engineer. Said plan shall include but not be limited to the following best management practices:*
5. *Chemically treat soil where activity will cease for at least four consecutive days;*
6. *All construction grading operations and earth moving operations shall cease when winds exceed 25 miles per hour;*
7. *Water site and equipment morning and evening and during all earth-moving operations;*
8. *Operate street-sweepers on paved roads adjacent to site;*
9. *Establish and strictly enforce limits of grading for each phase of development; and/or*
10. *Stabilize and re-vegetate areas of temporary disturbance needed to accomplish each phase of development.*
11. *Wash off trucks as they leave the project site as necessary to control fugitive dust emissions.*
12. *Cover all transported loads of soils, wet materials prior to transport, provide adequate freeboard (space from the top of the material to the top of the truck) to reduce PM10 and deposition of particulate matter during transportation.*
13. *Use track-out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.*
14. *Construction equipment and materials shall be sited as far away from residential and park uses as practicable.*
15. *The following Best Control Measures (BCM) shall be utilized by the contractor, as required, to limit impacts to air quality:*
 1. *BCM-1: Further Control of Emissions from Construction Activities: Watering, chemical stabilization, wind fencing, revegetation, and track-out control.*
 2. *BCM-2: Disturbed Vacant Lands: Chemical stabilization, wind fencing, access restriction, and revegetation.*

3. *BCM-3: Unpaved Roads and Unpaved Parking Lots: Paving, chemical stabilization, access restriction, and revegetation.*
4. *BCM-4: Paved Road Dust: Minimal track-out, stabilization of unpaved road shoulders, and clean streets maintenance.*
16. *Existing power sources should be utilized where feasible via temporary power poles to avoid on-site power generation.*
17. *Imported fill and paving materials, as well as any exported material, shall be adequately watered prior to transport, covered during transport, and watered prior to unloading.*
18. *Each portion of the project to be graded shall be pre-watered prior to the onset of excavation, grading or other dust-generating activities.*
19. *On-going watering soil stabilization of disturbed soils, especially in the staging area, shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.*
20. *SCAQMD Rule 403 shall be adhered to, ensuring the clean-up of construction-related dirt on approach routes to and from the site.*
21. *All grading activities shall be suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.*
22. *SCAQMD Rule 1113 shall be adhered to, ensure low VOC paints/architectural coatings are used on all surfaces.*

Monitoring III (b):

- A. *Prior to the issuance of grading permits and authorization to proceed, the City Engineer shall review and approve project staging and detailed dust management plans. The dust control plan or equivalent documentation shall also address issues of construction vehicle staging and maintenance. Implementation of these mitigation measures will ensure that impacts associated with PM₁₀ are mitigated to a less than significant level.*

Responsible Parties: City Engineer, General Contractor

- B. *The City or its designee shall conduct daily inspections of the project and intervene when contractor deviates from City-approved plans. Daily logs shall be maintained on the activities and their conformance to the project's dust control plan.*

Responsible Parties: City Engineer staff or designee

BIOLOGICAL:

- MM IV.1** *Any ground disturbing activity proposed for the period from February 1 to August 31 shall be preceded by a nesting bird survey performed by a qualified biologist. The biologist shall perform the survey within 30 days of the initiation of activities, and provide mitigation measures*

should nesting birds be identified. A report of findings shall be provided to the City prior to the initiation of ground disturbing activities..

CULTURAL RESOURCES:

MM V-1 *The applicant/developer shall provide evidence to the City of Palm Springs Planning Department that a certified archaeologist has been contracted to implement a Cultural Resource Impact Mitigation Plan (CRMMP) to mitigate potential impacts to 33-9196/CA-RIV-45 and undiscovered buried archaeological resources associated with this project. The CRMMP shall be completed to the satisfaction of the Agua Caliente THPO.*

The CRMMP shall include, but shall not be limited to, the following guidelines:

- (1) Prior to grading, the entire project area including site 33-9196/CA-RIV-45, shall be systematically graded in a controlled manner. If buried features are discovered these will be assessed for significance and considered for inclusion on the Tahquitz Canyon National Register Site 33-9196. The Project Archaeologist, in consultation with the City Planning Department and Agua Caliente THPO, shall determine the significance of the discovered resources.*
- (2) The applicant/developer shall contract with the Agua Caliente THPO for the grading monitoring program.*
- (3) The project archaeologist/Historian and THPO shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.*
- (4) The project archaeologist shall monitor all areas identified for development including off-site improvements.*
- (5) Prior to grading the applicant/developer is responsible for the completion of analysis, reporting and curation of previously incomplete archaeological work started by ASM Affiliates.*
- (6) Prior to grading the applicant/developer's archaeologist must submit a plan for inadvertent discover of human remains.*
- (7) Prior to grading the City, applicant/developer and the THPO must agree upon potential preservation area(s) for reburial of human remains.*
- (8) An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.*
- (9) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the THPO and project archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features.*

The frequency and location of inspections will be determined in consultation with the project archaeologist, the THPO and City.

- (10) Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.*
- (11) In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The project archaeologist shall contact the THPO and the City Planning Department at the time of discovery. The project archaeologist, in consultation with the City and the THPO, shall determine the significance of the discovered resources. The City and the THPO must concur with the evaluation before construction activities will be allowed to resume in the affected area.*
- (12) Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. In consultation with the THPO and the City, the project archaeologist shall determine the amount of material to be recovered for an adequate artifact sample for analysis.*
- (13) In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at facility agreed upon by the City and THPO, that meets federal standards per 36 CFR Part 79. The collections and associated records shall be transferred, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation. Title of the collection will be granted to the Agua Caliente Band of Cahuilla Indians. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.*

Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

MM V-2 *Prior to the issuance of rough grading permits, a qualified archaeologist (pursuant to the Secretary of the Interior's standards and guidelines) shall be retained by the applicant/developer. The developer shall submit a copy of a signed contract between the project archaeologist and the developer/permit holder for the monitoring of the project, and which addresses the treatment of cultural resources, to the Planning Department. The Archaeological Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow recovery of cultural resources.*

MM V-3 *Prior to the issuance of grading permits, the developer/permit applicant shall enter into a contract with a Tribal monitor(s) from the Agua*

Caliente Band of Cahuilla Indians Tribal Historic Preservation Office (THPO) who, at the tribe's discretion, shall be on-site during ground disturbing activities. The developer shall submit a copy of a signed contract between the THPO and the developer/permit holder for the monitoring of the project, and which addresses the treatment of cultural resources, to the Planning Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow recovery of cultural resources. Native American groups shall be given a minimum notice of two weeks that a monitor is required. If a monitor is not available, work may continue without the monitor. The project archaeologist shall include in the Phase IV Archaeological Monitoring report any concerns or comments that the monitor has regarding the project and shall include as an appendix any written correspondence or reports prepared by the Native American monitor.

a) Native American monitoring does not replace any Archaeological monitoring required by an approved Archaeologist, but rather serves as a supplement for coordination and advisory purposes for the Tribes' interests only.

b) The developer/permit applicant shall not be required to further pursue any agreement for Native American monitoring of this project if after 60 days from the initial attempt to secure an agreement the developer/permit applicant, through demonstrable good faith effort, has been unable to secure said agreement from the Tribe. A good faith effort shall consist of no less than 3 written attempts from the developer/permit applicant to the tribe to secure the required special interest monitoring agreement and appropriate e-mail and telephone contact attempts. Documentation of the effort made to secure the agreement shall be submitted to the Planning Department for review and consideration.

c) Should repatriation of collected cultural items be preferred, it shall not occur until after the Phase IV monitoring report has been submitted to the Planning Department. Should curation be preferred, the developer/permit applicant is responsible for all costs and the repository and curation method shall be described in the Phase IV monitoring report.

MM V-4 *Prior to brush clearing and/or earth moving activities, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. A sign-in sheet signed by all attendees of the aforementioned training shall be included in the Phase IV Monitoring Report.*

MM V-5 *Prior To Grading Certification: The developer shall submit the archaeologist's final report, including one (1) wet-signed paper copy and (1)*

CD of a Phase IV Cultural Resources Monitoring Report that complies with the requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the Archaeological Resources Management Report format. The Planning Department and THPO shall review the report to determine adequate compliance with the approved conditions of approval. Upon determining the report is adequate, the Planning Department shall clear this condition.

MM V-6 *Prior To Grading Certification, the developer/ applicant shall provide evidence to the satisfaction of the Planning Department and THPO that all archaeological materials recovered during archaeological investigations have or will be curated at a curation facility, agreed upon between the City and the THPO, that meets federal standards per 36 CFR Part 79. The collection and associated records shall be transferred and are to be accompanied by payment of the fees necessary for permanent curation. Title shall be transferred to the Agua Caliente Band of Cahuilla Indians. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.*

MM V-7 Removal of Human Remains. *Should human remains be uncovered, California law requires that all development activity be suspended, and that the procedures established in Public Resources Code 5097.94 be followed to determine the disposition of the remains. Compliance with the law will reduce potential adverse impacts to less than significant levels.*

NOISE:

MM XII-1 *The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment in the Palm Springs Municipal Code.*

MM XII -2 *Haul routes shall not pass sensitive land uses or residential dwellings and should avoid using alleyways adjacent to said uses.*

MM XII -3 *The project contractor shall use power construction equipment with state of the art noise shielding and muffling devices.*

MM XII -4 *During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.*

MM XII -5 *The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise*

sources and noise sensitive receptors nearest the project site during all project construction.

MM XII -6 *The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.*

MM XII -7 *A six-foot high barrier should be constructed to lower exterior noise levels. Masonry wall and acoustical fencing portions of the proposed barrier should descend all the way to the ground and contain no holes or openings.*

MM XII -8 *The project developer must show evidence that wall assembly construction of rooms being utilized for residential purposes will provide an adequate exterior to interior noise reduction to achieve interior noise levels of no more than 45 dBA CNEL.*

ENV 4. Reimburse City for Monitoring Expenses. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developer's operations and activities for compliance with all applicable mitigation measures. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

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 ordinance, 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 and Chapter 11.06) of the Palm Springs Municipal Code and all other relevant water efficient landscape 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 local water agency that they are in conformance with the water agency's and the City's Water Efficient Landscape Ordinances.

- PLN 3. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median. The existing Robusta / Mexican Fan Palms at the Palm Canyon Drive frontage shall be replaced with California Fan Palms.
- PLN 4. 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 permit/program to the Department of Planning Services prior to the issuance of building permits.
- PLN 5. Flat Roof Requirements. Roof materials on flat roofs (less than 2:12) must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 or a minimum SRI of 64 and a three-year aged solar reflectance of 0.55 or greater. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 6. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 7. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 8. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 9. 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 10. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 11. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 12. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.

- PLN 13. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and visitors. Location and design shall be approved by the Director of Planning.
- PLN 14. Update of City's Zoning Map. Upon approval of the proposed Change of Zone, Tract Map and/or Planned Development District, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.
- PLN 15. Provide 'smart controllers' for all irrigation systems.
- PLN 16. Public Benefit. Prior to approval of the Final Map and the issuance of any grading or other permit, the applicant shall obtain approval from Riverside County Flood Control for improving and landscaping the south side of the adjacent Tahquitz Creek trail in accordance with the Tahquitz Creek Master Plan. With the exception of the underground passage, the improvements shall occur prior to certificate of approval.
- PLN 17. Pedestrian Connections to Palm Canyon. The applicant shall provide at least two pedestrian connections from the Multi-family portion of the site direct to the sidewalks on Palm Canyon Drive.
- PLN 18. Vehicular Entry Gate(s). In accordance with General Plan Policy CD14.4, the primary vehicular access point from Belardo shall not be gated. The proposed gates shall be removed from the project.
- PLN 19. Boulder/Rock Crushing. This activity is prohibited on-site.
- PLN 20. Development Standards.

Standards	
Lot Standards	
Min. Area	Multi-Family (MFR): ~85,248 SF Single Family Residential (SFR): 5,000 SF
Min. Width	MFR: 640ft min. SFR: 53ft min.
Min. Depth	MFR: 130ft. min. SFR: 95ft min.
Building Height	MFR: 24ft. max. SFR: 15ft to 24 ft. max.
Density	6,658 SF of lot area per unit including both MFR and SFR dwellings
Yard Setbacks	
Garage	MFR: Garages accessed via motor court SFR: 18 ft. min.
Front	MFR: 30ft from Palm Canyon Drive SFR: 10ft from internal street

Side	MFR: 12ft from North P/L and 30ft from South P/L SFR: 7ft and 3ft for each lot
Rear	MFR: 600ft+ from Belardo SFR: 5ft from property line at back of house
Pools/Spas	SFR: 2ft. from side or rear property lines
Distance Between Bldgs.	MFR: 20ft separation, 28-40ft on interior motor court SFR: 10ft separation

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.

All Grading Plans, Improvement Plans, Required Studies and Documents listed below, must be submitted to Engineering Services Department for review and approval.

STREETS

Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit. All improvements are subject to inspection and a 24 to 48 hour inspection notification is required.

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

SOUTH PALM CANYON DRIVE

ENG 1. Dedicate an additional 10 feet to provide the ultimate half street right-of-way width of 50 feet along the entire frontage.

- ENG 2. Remove the existing curb located 32 feet west of centerline and replace with an 8 inch curb and gutter located 38 feet west of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 3. Construct a driveway approach (for emergency purposes) located at the southeast property line in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 4. Construct an 8 foot wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 5. The existing palm trees located along the South Palm Canyon Drive frontage shall be relocated and transplanted by the applicant in conjunction with the associated street widening; or the applicant may furnish and install new *Washingtonia filifera* palm trees along the South Palm Canyon Drive frontage, at equal spacing (Min height of 18' feet with 75% of trunk skinned). The applicant shall be responsible for installation of a new irrigation and electrical system in accordance with City of Palm Springs Standard Drawing No. 904, 1101 and 1102 for the palm trees to the satisfaction of the City Engineer.
- ENG 6. New or transplanted palm trees shall be guaranteed for a period of one year from the date of acceptance by the City Engineer. Any palm trees that fail during the one-year landscape maintenance period shall be replaced with a new palm tree of similar trunk diameter and height to the satisfaction of the City Engineer, and shall be subject to a subsequent one-year landscape maintenance period.
- ENG 7. Applicant shall enter into a reimbursement agreement with the developer of TM 33575 for 50% of the costs associated with design and construction of the off-site 14-foot wide raised landscaped median island along the entire frontage of the project.
- ENG 8. Construct pavement with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire South Palm Canyon Drive frontage in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 9. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

BELARDO ROAD

- ENG 10. Remove portions of existing curb, gutter and sidewalk to construct a 25 feet radius curb return, spandrel on both sides of the intersection of Belardo Road and "A" Street in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 11. Construct a 6 feet wide cross gutter at the intersection of Belardo Road and "A" Street with a flow line parallel with and located 20 feet east the centerline of Belardo Road in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 12. Construct Type A curb ramps meeting current California State Accessibility standards on both sides of the intersection of Belardo Road and "A" Street in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 13. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement in the intersection of Belardo Road and "A" Street in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 14. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

- ENG 15. All on-site private streets shall be two-way with a minimum 29 feet wide travelway (as measured from top of curb) where no on-street parking is proposed.
- ENG 16. All on-site private streets shall be two-way with a minimum 37 feet wide travelway (as measured from top of curb) where on-street parallel parking is proposed.

SANITARY SEWER

- ENG 17. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 18. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 19. Construct an 8 inch V.C.P. sewer main along all on-site street frontages located 5 feet from centerline or as required by the City Engineer and connect to the existing public sewer system in South Palm Canyon Drive. All sewer mains constructed by the applicant and to become part of the public sewer system shall be digitally video recorded by the City prior to acceptance of the sewer system for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
- ENG 20. Remove and relocate the existing sewer main from easement along the frontage of subject property to South Palm Canyon Drive right-of-way as required by the City Engineer. When the relocation of sewer main has been completed and accepted by the City of Palm Springs, a summary vacation of the sewer easement will be required.
- ENG 21. All sewer mains constructed by the developer and to become part of the City sewer system shall be digitally video recorded (Developer shall contact City treatment plant facility for acceptable digital video format) and submitted to the City for review prior to acceptance of the sewer system for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
- ENG 22. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING

- ENG 23. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.
- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to

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

b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study and a copy of the project-specific Final Water Quality Management Plan.

ENG 24. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at ACBCI-THPO@aguacaliente.net 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 25. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed at the limits of grading and/or disturbed areas. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 26. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the

perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

- ENG 27. 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 28. Prior to issuance of grading permit, the applicant shall provide verification to the City that the Tribal Habitat Conservation Plan (THCP) fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the THCP.
- ENG 29. A Notice of Intent (NOI) to comply with the California General Construction Storm water Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 30. This project requires preparation and implementation of a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the approved final project-specific Water Quality Management Plan shall be incorporated by reference or attached to the 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 31. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre (if there is disturbance of 5,000 square feet or more) at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 32. 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 33. The applicant shall provide pad (or finish floor) elevation certifications for all building (or structure) pads in conformance with the approved grading plan (if

required), to the Engineering Division prior to construction of any building (or structure) foundation.

- ENG 34. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 35. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).
- ENG 36. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from within the underground parking garage and the on-site private drive aisles. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- ENG 37. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the

requirement to implement the approved Final Project-Specific Water Quality Management Plan (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&Rs); 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 issuance of any grading or building permits.

- ENG 38. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

- ENG 39. The applicant shall accept and convey all stormwater runoff across the property and conduct the runoff to an approved drainage system. On-site retention may be allowed on that portion of the property where historically, stormwater runoff is conveyed. The incremental increase of stormwater runoff due to development of the property shall be retained on-site to the satisfaction of the City Engineer.
- ENG 40. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to South Palm Canyon Drive. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 41. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$7271.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.
- ENG 42. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.

- ENG 43. Construct storm drain improvements which include but not limited to the interception of the existing storm drain lines crossing Belardo Road between Mesquite Avenue and the Tahquitz Creek Flood Control Channel, extending applicable storm drain lines within the existing right-of-way south along frontage of Belardo Road to Mesquite Avenue, and East on Mesquite Avenue to the Intersection of Random Road and connect to Line 29. In the event that the portion of Line 29 in Random Road extending from Tahquitz Creek is not constructed, developer shall be obligated to construct all of the Line 29 storm drain improvements.
- ENG 44. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 45. The proposed underground retention system(s) shall be installed on-site and not within the public right-of-way. The underground stormwater retention system shall be sized to have a sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required retention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Provisions for maintenance of the underground stormwater retention system(s) shall be included in Covenants, Conditions, and Restrictions (CC&R's) for the Home Owners Association (HOA), including reference to the fact that maintenance and/or replacement of the system may require removal of existing landscaping improvements within the landscape parkway at the sole expense of the HOA. The CC&R's shall reserve the right of the City to inspect and ensure that the underground retention system is operable, and in the event of its failure, shall provide the City the right to advise the HOA and require its repair or replacement to the satisfaction of the City Engineer.

GENERAL

- ENG 46. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt

concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

ENG 47. 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 48. All proposed utility lines shall be installed underground.

ENG 49. 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 running along the westerly property line 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 50. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 51. Upon approval of any improvement plan (if required) 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 by the City Engineer.
- ENG 52. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 53. 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 54. 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 55. The developer shall apply for an annexation to the City of Palm Springs Community Facilities District established for public safety services and submit required applications, waivers, and consent forms to the annexation prior to approval of a final map. Payment of an annexation fee \$7,500 and shall be made at the time of the application.
- ENG 56. 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 57. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions

related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final Map by the City Council, or in the absence of a Final Map, shall be submitted and approved by the City Attorney prior to issuance of Certificate of Occupancy.

ENG 58. 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, 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.

ENG 59. Acceptance of public improvements required of this development shall be completed by resolution of the City Council to release the faithful performance bond and acceptance of replacement maintenance bond to be held for one year. An inspection will be performed nine months after said acceptance as part of the notice of completion process, a notice of completion will be filed certifying the improvements are complete.

TRAFFIC

ENG 60. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks or pedestrian paths of travel shall be provided by (either an additional dedication of a sidewalk easement if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the Belardo Road and South Palm Canyon frontages of the subject property.

ENG 61. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 62. The applicant shall install a Type R6-1 "One Way" sign within the South Palm Canyon Median, opposite the driveway located near the south property lines along south palm canyon drive, as required by the City Engineer.

- ENG 63. Install a stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of Belardo Road and "A" Street, and proposed driveway located at the south end of the proposed parking lot with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 64. Install a street name sign at the intersection of Belardo Road and "A" Street in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625 and the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 65. 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 (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.
- ENG 66. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

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

- FID 1 These conditions are subject to final plan check and review. Initial Fire Department conditions have been determined from the plans received and dated April 25, 2016. Additional requirements may be required at that time based on revisions to site plans.
- FID 2 Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Three (3) complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal. No deferred submittals accepted.
- FID 3 **PLANS AND PERMITS (CFC 105.1):**

Permits and scaled drawings are required for this project. Plan reviews can take up to 20 working days. Submit a minimum of three (3) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

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

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

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

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

Plans shall include all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supporting data, (calculations and manufacturers technical data sheets) including fire flow data, shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

- FID 4 **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 5 **Traffic Calming Devices (CFC 503.4.1):** Traffic calming devices shall be prohibited unless approved by the fire code official.
- FID 6 **Security Gates (CFC 503.6):** If approved, the installation of security gates across a fire apparatus access road shall also receive approval by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. Secured automated vehicle gates or entries shall utilize a combination of a Tomar Strobeswitch™, or approved equal, and an approved Knox key electric switch. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

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

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

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

FID 7 Key Box Required (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.

FID 8 Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings

FID 9 NFPA 13R Fire Sprinklers Required: An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13R, 2013 Edition, as modified by local ordinance.

- NFPA 13R system required for condominiums
- Shall comply with Palm Springs Fire Code Appendix L

FID 10 NFPA 13D Fire Sprinklers Required: An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2013 Edition, as modified by local ordinance.

- NFPA 13D system required for single family dwellings
- Shall comply with Palm Springs Fire Code Appendix L

FID 11 Single- and Multiple-Station Smoke Alarms (CFC 907.2.11): Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.4 and NFPA 72.

- Exception: For Group R occupancies. A fire alarm system with smoke

detectors located in accordance with this section may be installed in lieu of smoke alarms. Upon actuation of the detector, only those notification appliances in the dwelling unit or guest room where the detector is actuated shall activate.

- FID 12 Audible Residential Water Flow Alarms - NFPA 13D & 13R Fire Sprinklers & Household Fire Alarm System (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe with WBB back box or equal) shall be provided on the exterior of the building in an approved location. It shall be powered by the household fire alarm system. The horn/strobe shall be outdoor rated.

END OF CONDITIONS

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PD-379) IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 12.38-ACRE SITE LOCATED WEST OF SOUTH PALM CANYON DRIVE, SOUTH OF THE TAHQUITZ CREEK WATERCOURSE AND EAST OF BELARDO ROAD (777 SOUTH PALM CANYON DRIVE).

City Attorney's Summary

This Ordinance approves a planned development district in lieu of a zone change to accommodate the development of 56 detached residential units and 25 attached multi-family units on 12.38+/- acres of land generally located southwest of Palm Canyon Drive and the Tahquitz Creek watercourse channel.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:

A. Woodbridge Pacific Group on behalf of Palm Canyon 65, LLC. ("Applicant") filed an application pursuant to Palm Springs Zoning Code Section 94.07.00 (*Zone Map Change / Change of Zone*) and Section 94.03.00 (*Planned Development District*) seeking approval of a Planned Development District in lieu of a Change of Zone (Case 5.1378 PD-379) to construct 56 detached residential dwellings and 25 attached residential dwellings with private streets and open space on 12.38-acres of land located at 777 South Palm Canyon Drive.

B. The Applicant submitted related applications, including a Tentative Tract Map application (Case TTM 36914) to subdivide the project land into 57 residential lots and common area parcels for private streets and open space pursuant to Title 9 of the Palm Springs Municipal Code and a Major Architectural application (Case 3.3876 MAJ) to review proposed architecture pursuant to Section 94.04.00 of the Zoning Code.

C. A notice of a public hearing of the Planning Commission of the City of Palm Springs, California to consider the above-mentioned applications was given in accordance with applicable law; and on May 25, 2016, the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report, and all written and oral testimony presented, and voted 6-0 to recommend approval of the subject project.

D. A notice of public hearing of the City Council of the City of Palm Springs, California to consider the above-mentioned applications was given in accordance with applicable law; and on July 6, 2016, the City Council held a public hearing in accordance with applicable law and directed the Applicant to make revisions for review

with a City Council ad hoc subcommittee and then return the project back to Council for decision.

E. The Council ad hoc subcommittee reviewed changes to the project and provided direction to the Applicant.

F. A notice of public hearing of the City Council of the City of Palm Springs, California to consider the above-mentioned applications was given again in accordance with applicable law; and on September 21, 2016, the City Council held a public hearing in accordance with applicable law.

G. 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, the Mitigated Negative Declaration, and all written and oral testimony presented and finds that the Project complies with the requirements of Section 94.07.00 of the City's Zoning Code. The City Council makes the following specific findings based on specific evidence as described after each finding:

- 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 proposed project is located in the Mixed-Use / Multi-Use (MU/MU) land use designation of the 2007 General Plan, allowing a mix of office, retail and residential uses. For residential projects, a density of up to 15 dwelling units per acre is permitted (or up to 30 d.u. per acre with PD approval). The project proposes 6.5 residential dwelling units per acre, which is consistent with MU/MU land use designation.

In addition, the project complies with the following General Plan Policies:

CD19.7 – Design new development with the pedestrian in mind by including wide sidewalks, shade street trees, sitting areas, and clearly defined pedestrian routes.

CD20.1 – Create a pedestrian-friendly environment along midblock corridor residential development through the use of landscaping, shade trees, special paving, pedestrian-scaled lighting, and small gathering spaces.

Policy CD.22.7 Ensure that residential communities are well connected with each other and with nearby commercial uses through the inclusion of pedestrian and bicycle friendly design feature such as trails, paths, and pedestrian oriented streets in the neighborhood's design.

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 current zoning of the project site is C-1 and R-3. In accordance with Section 94.03.00 of the Palm Springs Zoning Code, the applicant has requested a PD in lieu of zone change to establish PD-379 with specific permitted uses and development standards. The proposed uses for PD-379 include 81 attached and detached residential dwellings. Detached residences will be constructed on lots ranging from 5,000-square feet to 7,700-square feet in size, which is adequate for the dwelling, garage, driveway and private yard space. The attached units are proposed on a nearly 2-acre parcel, affording area for the dwellings, garages, landscape, and common open space.

All units will have adequate vehicular and pedestrian access. Primary vehicular access is provided from Belardo Road. At widths of 37-feet, internal streets are wide enough to accommodate travel lanes and street parking. Pedestrian access is provided throughout the site with pedestrian paseos. Linkages to the Tahquitz Creek trail are also proposed on the north side of the site.

The scale and size of the project is consistent with other residential projects in the City. Eighty-one units across the 12.4-acre site equates to 6.5-dwelling units per acre, or 6,658-square feet of gross lot area per residence. Properties in the vicinity include higher density projects, such as the mobile home park to the southwest, and lower density projects, like single-family homes in the Canyons at 3.2-units/acre to the northwest. In addition, to the east, the Cameron project involves a mix of residential, live/work and commercial space at a density of 9.5-units/acre. Therefore, the subject property is suitable for the permitted and proposed uses in PD-379.

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 project is adjacent to two streets and a watercourse. To the south of the site are remnants of a demolished automobile dealership. At the northeast corner of the project site is a derelict commercial property. The proposed land use will improve the Palm Canyon corridor and will remove an unsightly condition on-site. Therefore, the proposal is not likely to be detrimental to the adjacent properties and residents, and will enhance redevelopment of all properties and improve activity of corridor.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1: CEQA.

The City Council independently reviewed and considered the information contained in the Mitigated Negative Declaration (MND) and subsequent environmental analysis. The

MND reflects the City's independent judgment and analysis. The City Council finds, on the basis of the whole record before it, including the Initial Study and comments received, that with the incorporation of mitigation measures, the project will not have a significant effect on the environment. Therefore, the City Council adopts a Mitigated Negative Declaration as a complete and adequate evaluation of the project pursuant to CEQA.

SECTION 2: Preliminary PD in lieu of a Zone Change.

The City Council approves PD 379 in lieu of a Change of Zone (Case 5.1378) as conditioned by City Council Resolution No. _____ for Case 5.1378 PD-379 ZC / 3.3876 MAJ / TTM 36914.

SECTION 3. Zoning Map change.

The City Council approves the zone map change from "C-1" and "R-3" to PD 379 for a roughly 12.38-acre site generally located southwest of Palm Canyon Drive and the Tahquitz Creek watercourse channel, currently addressed at 777 South Palm Canyon Drive, in conjunction with Case Nos. 5.1378 PD-379 ZC / TTM 36914 / 3.3876 MAJ.

SECTION 4. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 5. Expiration.

If the entitlement granted under City Council Resolution No. _____ expires, this Ordinance shall automatically expire without notice, and the site shall revert to its previous zoning designations of "C-1" and "R-3".

SECTION 6. 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 21st day of September, 2016.

MAYOR

ATTEST:

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. ____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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

Attachment 3



CITY COUNCIL STAFF REPORT

DATE: July 6, 2016

PUBLIC HEARING

SUBJECT: WOODBRIDGE PACIFIC GROUP ON BEHALF OF PALM CANYON 65, LLC. FOR A PLANNED DEVELOPMENT IN LIEU OF ZONE CHANGE, TENTATIVE TRACT MAP AND MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A RESIDENTIAL PROJECT CONSISTING OF (57) SINGLE-FAMILY RESIDENCES AND (25) MULTI-FAMILY RESIDENTIAL CONDOMINIUMS ON A 12.38-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE, ZONE C-1 & R-3 (CASE NOS. 5.1378 PD-379 ZC, 3.3876 MAJ AND TTM 36914).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will review the following development applications related to a 12.38-acre site located at 777 South Palm Canyon Drive:

- A Planned Development District (PD) in-lieu of zone change to establish the project site plan, permitted uses and development standards. The development includes:
 - 57 one- and two-story single-family residences ranging in size from 2,179-square feet to 2,574-square feet on lots averaging 5,362-square feet in size;
 - 25 multi-family residences within five two-story buildings fronting Palm Canyon Drive. Units range in size from 1,650-square feet to 2,200-square feet in size;
 - Private streets and common open space, including one dedicated lot for a joint-use pool area.
- Major Architectural Application to review the proposed architectural designs. Final Development Plans will be submitted at a later time.
- A Tentative Tract Map (TTM) to subdivide the roughly 12.38-acres into 58 residential lots, one of which will be for condominium purposes for the 25-unit multi-family residences, and common area parcels for streets and open space.

RECOMMENDATION:

1. Open the hearing and receive public testimony;
2. Review applicant's objections on certain conditions of approval (PCC 1/PLN 19, PCC 8 and PCC 10/PLN 18) and make determination on including or excluding from final approval;
3. ADOPT RESOLUTION NO. ____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CASE NOS. 5.1378 PD-379 ZC, 3.3876 MAJ AND TTM 36914 FOR A RESIDENTIAL DEVELOPMENT AND SUBDIVISION CONSISTING OF (57) SINGLE-FAMILY RESIDENTIAL DWELLINGS, (25) MULTI-FAMILY RESIDENTIAL DWELLINGS, OPEN SPACE AND PRIVATE STREETS ON A 12.38-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE."
4. Waive reading and introduce by title only for first reading Ordinance No. ____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNED DEVELOPMENT 379 IN LIEU OF A CHANGE OF ZONE FOR A 12.38-ACRE SITE ADDRESSED AT 777 SOUTH PALM CANYON DRIVE AND BOUNDED BY PALM CANYON DRIVE TO THE EAST, TAHQUITZ CREEK (WASH) TO THE NORTH, BELARDO ROAD TO THE WEST AND PRIVATE PROPERTY TO THE SOUTH.

ISSUES:

- The project is inconsistent with General Plan Policy prohibiting gated communities.
- Applicant opposed to certain conditions of approval of the Planning Commission.

BACKGROUND AND SETTING:

The project is comprised of five parcels totaling roughly 12.38 gross acres in size and bounded by South Palm Canyon Drive to the east, remnants of the "Mac Magruder" automobile dealership to the south, Belardo Road to the west and the Tahquitz Creek (waterway) to the north. The "Rock Garden Café" building has been removed from the project site at the northeast corner of the property. The remaining parcels are undeveloped and contain numerous boulders as a part of the Tahquitz Canyon alluvial fan.

The proposed project has changed since originally submitted for review in June 2015. The applicant first proposed a mixed-use project with 20 live/work units and 60 single family residences in a similar layout as currently shown. The AAC and Planning

Commission expressed concern with the retail space and parking lot, so the applicant revised the project to remove the commercial component and proceed with a residential development.

Related Relevant City Actions by Planning, Fire, Building, etc...	
Aug. 10, 2015	<p>The Architectural Advisory Committee (AAC) tabled the original mixed-use project, which involved single-family and live/work units. The AAC made the following comments and recommendations:</p> <ol style="list-style-type: none"> 1. Project design at rear (Belardo) and Tahquitz Creek side is important. Greater setback and design attention should be considered for the architecture along the Tahquitz Creek. Consider using fence instead of wall along Creek and orienting roof deck toward open space. Avoid blank elevations and walls facing Creek. 2. Trail improvement excellent opportunity for public benefit. Connectivity important and would like to see exhibit showing how project relates to its surroundings (i.e. trail and bike system, crosswalks, Cameron project, etc.). 3. Provide clarification on live/work building materials. Enhance north side architecture. Provide 3-D exhibits. 4. Provide pool building(s) elevations. 5. Study the continuation of Street "F" as alternate to the street shown between Lots 59 and 60. 6. Use desert native plants as opposed to sub-tropical plants. 7. Narrower streets with no parking or one-sided parking may be better alternative for providing additional open space. Reducing width of "B" street would create more buffer between Creek and new homes adjacent. 8. Reduce fascia depth/roof line proportions for both live/work buildings and single-family homes. 9. Most members were not in favor of gates, but if one is approved prefer the westerly side of project only. 10. Use landscaping recommended by Trail Master Plan. Some trees need to be replaced with more desert native species. 11. Provide overall project elevations along Belardo and Tahquitz Creek. 12. Submit sample materials that reflect those used on buildings.
Sept. 8, 2015	<p>The AAC reviewed a revised proposal and tabled the item with the following direction to the applicant:</p> <ol style="list-style-type: none"> 1. Return with entrance/sequence element at the northeast corner of project. 2. Use additional area gained from street reduction for landscape buffer on the north side of the project. 3. Retail units should be developed such that they can be divisible retail spaces, instead of live/work.
Sept. 21, 2015	<p>The AAC recommended approval of the revised project, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Northeast corner treatment is a continuation of the overhang on South Palm Canyon Drive.

	<ol style="list-style-type: none"> 2. Option A is used to provide 12' of open-space at the north property line (no private patios). 3. One gate on Belardo (instead of 2 vehicular gates). 4. North wall include some variation in material.
Nov. 18, 2015	The Planning Commission reviewed the project and provided comments on the live/work component and the location of buildings versus parking spaces along the frontage of Palm Canyon Drive.
April 13, 2016	The Planning Commission reviewed two site plan options, and recommended the applicant pursue the residential only layout. The Commission continued the item and recommended AAC review the revised project.
May 2, 2016	<p>The AAC recommended approval of the revised residential project, subject to a subcommittee review of the following items:</p> <ol style="list-style-type: none"> 1. Design of multi-family buildings fronting Palm Canyon to be simplified. 2. All plant material to be a minimum of 5-gallon sizes. 3. Final gate designs.
May 25, 2016	<p>The Planning Commission recommended approval of the revised residential project, subject to the following additional conditions:</p> <ol style="list-style-type: none"> 1. The Mitigated Negative Declaration is an adequate environmental document addressing project impacts subject to no rock crushing / boulder crushing on-site (see also PLN 19). 2. A 50/50 mix of one- and two-story homes shall be provided on northerly and westerly edges of the site. Where two-story homes are constructed in these locations, they shall be limited to the product type that has the second story near the internal streets. 3. Rentals of homes, including casitas, are permitted for no less than a 30-day rental period. Casitas shall not be rented separately as a vacation rental. 4. Wall design facing Tahquitz Creek to return to the Architectural Advisory Committee for review. 5. Lot 1 of TTM (additional 5,000-sq. ft. lot adjacent to pool area) to be used as open space. 6. Privacy and orientation of second floor space to be considered when determining final product types for each single-family home site. 7. Single family lots to have shared use easement (with setbacks as opposed to zero lot line) for side yards. The intent of this condition is to allow building openings for natural light on all sides of the homes. 8. Public benefit to include additional open space within the project site. Such open space shall be available to the public and include Lot 37 of the TTM and the space where the 5-unit building is shown at the northeast corner of the site. HOA to maintain on-site public park areas. 9. Developer to landscape/improve south side of Tahquitz Creek. Developer to provide cash bond for construction of Palm Canyon Drive undercrossing, consistent with the Tahquitz Creek Master Plan. 10. Vehicular gates are not allowed (see also PLN 18).

Most Recent Change of Ownership

Mar 2014 | Parcels purchased by Palm Canyon 65 LLC

Planning Areas

Specific Plan	None	
Design Plan	Yes	Project adjacent to Tahquitz Creek Trail Master Plan
Airport Overlay	None	
Indian Land	None	

Site Area

Gross Area | 12.38 acres

Neighborhood Meeting

7/15/2015 | Developer held a neighborhood meeting with about 25 attendees. Staff was present to observe the applicant's presentation and community input.

Sign Posting of Pending Project

June 22, 2015 | Affidavit of on-site sign posting submitted.

Field Check

June 2015 | Site inspection by Planning Staff.

General Plan, Zoning and Land Uses of Site & Surrounding Areas

	Existing General Plan Designations	Existing Zoning Designation	Existing Land Use
Site	MU / MU (Mixed Use / Multi-Use)	C-1 (Retail Business) and R-3 (Multiple Family and Hotel)	Vacant
North	OS - W (Open Space - Water)	W (Watercourse)	Tahquitz Creek
South	MU / MU	C-2 (General Commercial) and R-3	Vacant
East	MU / MU	C-1 with PD-314 Overlay	Mixed use (residential, live/work and commercial) under construction
West	HDR (High Density Residential)	R-3	Vacant

Aerial View of Site



SUBJECT SITE

PROJECT DESCRIPTION:

The applicant is proposing a gated residential development with 57 detached single family residential units and 25 multi-family residences. The one- and two-story single-family homes will be built on lots ranging from 5,000 square feet to 7,700 square feet in size. Three floor plans are proposed with one single story product (Plan 1, 2,063-sq.ft.) and (2) two-story products (Plan 2 at 2,465-sq.ft. and Plan 3 at 2,385-sq. ft.). Roof decks are proposed on Plans 2 and 3. Each residence will include an attached

accessory living space, two-car garage and private yard space. A pool will provided as an option to homebuyers, according to the applicant.

The multi-family portion of the project fronts Palm Canyon Drive and includes five two-story buildings, each containing five dwelling units. The homes range in size from 1,650 square feet to 2,200 square feet, and a two-car garage is provided for all homes. Each unit is accessible from the garage and a separate entry around the perimeter of the building.

Common areas will include a variety of enhancements. A community pool space will be built within the project and have parking, landscape, fencing and restrooms for residents and their visitors. Internal pathways are proposed between the rear yards of homes for east-west pedestrian access through the site. The north side of the project abuts the Tahquitz Creek, and an on-site 12-ft landscape buffer will allow additional separation between adjacent homes and the Creek pathway.

ANALYSIS:

Land Use Element	Request	Comply?
MU / MU land use designation allows 0.50 FAR and 15 dwelling units per acre (or up to 30 d.u. per acre with PD approval). This designation is <i>“envisioned as a mixed-use area creating an office, retail, and residential node just south of Downtown. This mix of uses will complement the hotel uses along East Palm Canyon Drive by providing a concentrated commercial and office base in close proximity to visitor accommodations. Preferred mix of uses: 30–50 percent commercial, 30–50 percent office; 15–20 percent residential”</i>	The project proposes two forms of residential uses. A total of 82 residences over 12.38 acres equates to 6.6 dwelling units per acre, which is less than the 15 units/acre permitted by the General Plan. The preferred mix of uses for this area exceeds anticipated residential uses of 20% (For the overall +/- 46-acre area designated MU/MU, 20% consists of 9.2-acres, which was exceeded by the Cameron project to the east).	Yes Not conforming to preferred mix
Community Design Element - Goals and Policies	Evaluation of Project’s Conformance	Comply?
CD14.4 – <i>Prevent long and monotonous walls and fencing through undulation, modulation, surface articulation, and landscaping.</i>	Long monotonous walls are avoided with the undulating walls on both street frontages, as well as along the Tahquitz Creek wash.	Yes
CD14.6 – <i>Prohibit gated community entries and perimeter walls around entire neighborhoods. Instead, provide privacy through design features such as meandering streets, ample landscaping, and house placement that provides privacy and exclusivity.</i>	The project is proposed to be gated at the primary vehicular entry.	No, suggest modifying project
CD19.7 – <i>Design new development with the pedestrian in mind by including wide sidewalks, shade street trees, sitting areas, and clearly defined pedestrian routes.</i>	As shown on the landscape plans, the project will include pedestrian amenities, such as walking paths that are landscaped with shade trees and clearly defined routes.	Yes

CD20.1 – Create a pedestrian-friendly environment along midblock corridor residential development through the use of landscaping, shade trees, special paving, pedestrian-scaled lighting, and small gathering spaces.	Pedestrian-friendly environment proposed between clusters of multi-family buildings with walking paths and shade trees.	Yes
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Zoning

Permitted Uses:

The project site is split-zoned with roughly 3.55-acres fronting Palm Canyon Drive zoned C-1 and the remaining 8.83-acres zoned R-3. Multi-family residential is permitted in the C-1 district and subject to the R-3 Zone development standards. Single-family residential units are prohibited in the R-3 and C-1 zones. Thus, the applicant has submitted a PD-in-lieu of zone change to change the entire site's zone to PD-379. In accordance with section 94.03.00(B)(1) of the Zoning Code, Planned Developments may specifically allow a multiplicity of housing types, such as single-family and multi-family dwellings within the same project site. Therefore, the proposed uses are consistent with the zoning code.

Development Standards:

	C-1 / R-3 Requirements	Proposed Project	Conform?
Lot Standards	Lot standards for C-1 and R-3 are noted.		
Min. Area	C-1 20,000 square feet (SF) R-3: 20,000 SF	Multi-Family (MFR): ~85,248 SF Single Family Residential (SFR): Lots vary between 5,000 SF and 7,700 SF	Yes No. PD proposes to set standard
Min. Width	C-1: 100ft R-3: 130ft (interior lot) 140ft (siding local st.)	MFR: 640ft min. SFR: 53ft min.	Yes No. PD proposes to set standard
Min. Depth	C-1: 150ft R-3: 150ft	MFR: 130ft. min. SFR: 95ft min.	No. PD proposes to set standard
Building Height	C-1: 30ft, except high-rise buildings R-3: 2 stories and 24ft, except high-rise buildings	MFR: 24ft. max. SFR: 15ft to 24 ft. max.	Yes Yes
Density	C-1: Same as R-3 R-3: 2,000 SF of lot area per unit.	6,576 SF of lot area per unit including both MFR and SFR dwellings	Yes
Yard Setbacks			
Garage	C-1: None R-3: 25ft	MFR: Garages accessed via motor court SFR: 18 ft. min.	No. PD proposes to set standard
Front	C-1: 5ft R-3: 30ft facing major thoroughfare	MFR: 30ft SFR: 10ft	Yes No. PD proposes to set standard

Side	C-1: None R-3: 10ft, except structures exceeding 12ft in height shall have setback equal to height of building 20ft side yard abutting street	MFR: 24ft required due to height. Proposed: 25ft from North P/L and 30ft from South P/L SFR: 7ft and 3ft for each lot	Yes No. PD proposes to set standard
Rear	C-1: None R-3: 10ft, except structures exceeding 12ft in height shall have setback equal to height of building	MFR: 24ft require due to height. Proposed: 600ft+ from Belardo SFR: 5ft	Yes No. PD proposes to set standard
Distance Between Bldgs.	C-1: None R-3: 15ft when bldgs. are substantially parallel, or 30ft when opposite court	MFR: 15ft separation, 28-40ft on interior motor court SFR: 10ft separation	No. PD proposes to set standard
Lot Coverage	C-1: None R-3: Min. of 45% of site area to be developed as usable landscape open space	48% of project is developed as open space (not including roof decks and balconies)	Yes
Trash Enclosure	Per PSZC 93.07.02	Proposed for MFR. Individual containers to be provided for SFR.	Yes
Off-street Parking	PSZC 93.06.00(D)(29), residential in PDs: 3 bedroom units require 2.25 spaces or 139.5 spaces for the 62, 3-bedroom units; and 2 bedroom units require 1.5 spaces or 30 spaces for the 20, 2-bedroom units. Additionally, guest parking is required at 1 space for every 4 units, or 20.5 spaces. Total Required: 190 spaces	SFR: 2 covered spaces are provided within each of the 57 units (114 spaces) + two driveway spaces for SFR's (114 spaces) = 228 spaces. Additional parking provided on private streets. MFR: 2 covered spaces are provided within each of the 25 units (50 spaces) + 25 spaces behind MFR units = 75 spaces. Total Provided: 303 spaces (excludes available parking on internal SFR streets)	Yes

Site Grading:

The existing natural topography will be graded to accommodate the proposed project. Currently, the site slopes downward from its northwest corner to the south, southeast and east portions of the property, and a ravine exists along the east side of Belardo Road. The proposed improvements will create a stepped pad design, consistent with the existing topography patterns, particularly in the east-west direction from Belardo Road to Palm Canyon Drive. The pads for the homes adjacent to Belardo are lower

than the existing street grades and will drop by fourteen feet from north to south. The building pads from east to west will drop by more than thirty feet.

The project is proposed to be mass graded and completed in one phase. The entire site will be rough graded, establishing building pads, drainage patterns, retention basins, and the installation underground utilities. All internal streets, curbs, gutters will be improved.

The applicant submitted a site section exhibit depicting existing and proposed grades at various locations transecting through the property. The four sections indicate buildings will be about five feet below the existing sidewalk along the frontage of Belardo Road and three to 3.5-feet above the existing sidewalk along Palm Canyon, but lower than existing adjacent grades. The northerly side of the site abuts the Creek and will slope downwards towards the base of the channel. The southerly side of the site abuts the razed auto-dealership and will require a 2-foot retaining wall to adjust grades at the site boundary. The exhibit also depicts proposed building profiles.

Boulder/Rock Crushing:

Throughout the grading process, the applicant proposes rock crushing which has been evaluated as a part of the Environmental Assessment/Initial Study. Impacts associated with the proposed rock crusher were determined to be less than significant. However, the Planning Commission was opposed to this activity, citing significant environmental impacts, and conditioned the project to prohibit this from occurring on-site. This is included as condition of approval PLN 19 and PCC 1 in the draft resolution.

The environmental impacts of prohibiting this activity were evaluated, noting an increase in truck hauling trips, and it was determined that air quality impacts would remain less than significant (see Environmental Determination portion at end of staff report).

Discussion of Public Benefit:

Pursuant the City Council 2008 policy on Public Benefit on Planned Developments, the applicant is to propose some form of public benefit *“proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code”* and may only be considered a public benefit *“when it exceeds the level of improvement needed to mitigate a project’s environmental impacts or comply with dedication or exactions which are imposed on all projects such as Quimby Act, public art fees, utility undergrounding, etc.”*

The applicant is seeking the following relief via the Planned Development District:

- Reduced lot area, depth and width (SFR: minimum of 5000-sq. ft. lot, 95-ft. depth and 53-ft width)
- Reduced yards/setbacks (SFR: rear yards to 5 feet and side yards to 3 feet and 7 feet)

- Reduced distance between buildings (MFR: min. 10 feet)

The applicant has proposed the following Public Benefits:

- *Enhanced landscaping (30+ feet) along the frontage of South Palm Canyon. Pedestrian sensitive walkways. Beautify the existing hiking/biking trails along the northerly boundary adjacent the Tahquitz Creek Channel with lush landscape and wider trail pathway.*
- *Remove and delete the use of the site as home base for the homeless and location for illegal drug transactions.*
- *Private Gated entry from Belardo as main entrance to the mixed use subdivision. An “emergency only” gate at South East corner of the site onto South Palm Canyon is also planned and in site design*

Staff notes the following related to Public Benefits:

- **The project as a Public Benefit** – The project fulfills key General Plan objectives for community beautification and improved circulation, as follows:
 - Improving and landscaping the Tahquitz Creek trail in accordance with the Tahquitz Creek Trail Master Plan;
 - Providing 12-foot landscape buffer and 20- to 25-foot passive park space adjacent to channel on private property;
 - Incorporating internal pedestrian sidewalk paseos that are separate from the street; and
 - Enhancing circulation with the trail improvement.
- **Off-site Improvements** – The project includes off-site improvements, including the south side of the Tahquitz Creek. The developer will pursue permitting with Riverside County Flood Control, improve pathways and install landscape consistent with the Master Plan.

PLANNING COMMISSION ACTION:

The project was reviewed by the Planning Commission on three occasions. At its last review on May 25, 2016, the Commission recommended approval of the project and included the following 10 conditions as a part of its motion:

1. The Mitigated Negative Declaration is an adequate environmental document addressing project impacts subject to no rock crushing / boulder crushing on-site (see also PLN 19).
2. A 50/50 mix of one- and two-story homes shall be provided on northerly and westerly edges of the site. Where two-story homes are constructed in these locations, they shall be limited to the product type that has the second story near the internal streets.
3. Rentals of homes, including casitas, are permitted for no less than a 30-day rental period. Casitas shall not be rented separately as a vacation rental.

4. Wall design facing Tahquitz Creek to return to the Architectural Advisory Committee for review.
5. Lot 1 of TTM (additional 5,000-sq. ft. adjacent to pool area) to be used as open space.
6. Privacy and orientation of second floor space to be considered when determining final product types for each single-family home site.
7. Single family lots to have shared use easement (with setbacks as opposed to zero lot line) for side yards. The intent of this condition is to allow building openings for natural light on all sides of the homes.
8. Public benefit to include additional open space within the project site. Such open space shall be available to the public and include Lot 37 of the TTM and the space where the 5-unit building is shown at the northeast corner of the site. HOA to maintain on-site public park areas.
9. Developer to landscape/improve south side of Tahquitz Creek. Developer to provide cash bond for construction of Palm Canyon Drive undercrossing, consistent with the Tahquitz Creek Master Plan.
10. Vehicular gates are not allowed (see also PLN 18).

In response to these requirements, the applicant has made some changes to the project. Additional private communal open space is provided with a dog park adjacent to the pool area by eliminating one home site¹ (item 5 above). To create more open space at the northeast corner of the site and address item 8 above, the applicant enlarged the landscape buffer to create a public gathering/seating area; however, the total number of units/lots remains the same – the additional open space was gained by reducing distance between the multi-family buildings. To address item 7 above, the side yard setbacks for the single-family homes are now shown at three feet and seven feet for each lot to allow elevation enhancements and building openings for natural light.

The developer will integrate the other requests related to items 2, 3, 4, 6 and 9, during the Final Development Plan. However, the applicant is opposed to items 1, 8 and 10, and seeks approval to allow rock/boulder crushing, all proposed units and vehicular entry gates.

REQUIRED FINDINGS:

The proposal requires that findings be made for the following applications:

- **Resort Overlay Zone**
- **Planned Development District in lieu of Zone Change**
- **Tentative Tract Map**
- **Architectural Review**

¹ The number of homes remains the same, due to a home now being proposed where a retention basin was planned at the southwest corner of the site.

The Planning Commission made findings for each application, based on the analysis provided below.

Resort Overlay Zone: The “R” (resort) overlay zone is intended primarily to provide for accommodations and services for tourists and visitors while guarding against the intrusion of competing land uses.

The Resort Combining Zone runs along Palm Canyon Drive for nearly its entire length through the City, as well as through the heart of Section 14 along Tahquitz Canyon Way from Amado Road to Arenas Road. The subject site lies within this overlay zone.

The zoning code states:

Uses shall be as provided in the underlying zone with which the “R” zone is combined, except that all multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit (CUP). Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone.

The development proposes residential uses in an area that is compatible with its surroundings. The site abuts a watercourse channel to the north and streets on two sides. To the east is the Cameron project, which primarily consists of residential with some live/work and commercial spaces fronting the street. South of the site is a vacant property with remnants of a razed commercial property. Properties in the vicinity include vacant sites, commercial stores, single-family and multi-family residential, and mobile home and RV parks. Therefore, the site is not appropriate for other transient or accommodation services for tourists, which are allowed by right within the underlying zone, because much of the commercial already exists in nearby areas and residential patterns have been established in surrounding neighborhoods. Additionally, there are vacant commercial spaces that exist in the vicinity. Staff believes the proposed project is consistent with this finding.

Pursuant to PSZC 94.02.00(A)(4) of the Zoning Code, the CUP may be incorporated as part of the PD application without the need for a separate application. Thus, the CUP findings are evaluated below as an integral part of the PD application.

Planned Development District in Lieu of Zone Change: A Planned Development District is subject to the requirements of Zoning Code Section 94.02.00. A PD may be approved in lieu of a change of zone if both findings for the PD and Change of Zone are made by the City Council. An analysis of all required findings for a PD in lieu of zone change is provided below:

The commission in recommending and 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.

The proposed project is located in the Mixed-Use / Multi-Use (MU/MU) land use designation of the 2007 General Plan, allowing a mix of office, retail and residential uses. For residential projects, a density of up to 15 dwelling units per acre is permitted (or up to 30 d.u. per acre with PD approval). The project proposes 6.6 residential dwelling units per acre, which is consistent with MU/MU land use designation.

In addition, the project complies with the following General Plan Policies:

- *CD19.7 – Design new development with the pedestrian in mind by including wide sidewalks, shade street trees, sitting areas, and clearly defined pedestrian routes.*

As shown on the landscape plans, the project will include pedestrian amenities, such as walking paths that are landscaped with shade trees and clearly defined routes. The project is conditioned to provide at least two pedestrian sidewalks, which will further enhance the pedestrian routes to the site.

- *CD20.1 – Create a pedestrian-friendly environment along midblock corridor residential development through the use of landscaping, shade trees, special paving, pedestrian-scaled lighting, and small gathering spaces.*

Pedestrian-friendly environment proposed between clusters of multi-family buildings with walking paths and shade trees.

- *Policy CD.22.7 Ensure that residential communities are well connected with each other and with nearby commercial uses through the inclusion of pedestrian and bicycle friendly design feature such as trails, paths, and pedestrian oriented streets in the neighborhood's design.*

The proposed development will have one primary site access point and a secondary emergency access point. Pedestrian pathways are proposed between homes through-out the site. The Tahquitz Creek will be improved with an additional off-site trail, which will further enhance access around the site. These design features provide a pedestrian oriented design and augments connections for the proposed community and others in the surrounding areas.

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 current zoning of the project site is C-1 and R-3. In accordance with Section 94.03.00 of the Palm Springs Zoning Code, the applicant has requested a PD in lieu of zone change to establish PD-379 with specific permitted uses and development standards. The proposed uses for PD-379 include 82 attached and detached residential dwellings. Detached residences will be constructed on lots ranging from 5,000-square feet to 7,700-square feet in size, which is adequate for the dwelling, garage, driveway and private yard space. The attached units are proposed on a nearly 2-acre parcel, affording area for the dwellings, garages, landscape, and common open space.

All units will have adequate vehicular and pedestrian access. Primary vehicular access is provided from Belardo Road. At widths of 37-feet, internal streets are wide enough to accommodate travel lanes and street parking. Pedestrian access is provided throughout the site with pedestrian paseos. Linkages to the Tahquitz Creek trail are also proposed on the north side of the site.

The scale and size of the project is consistent with other residential projects in the City. Eighty-two units across the 12.38-acre site equates to 6.6-dwelling units per acre, or 6,587-square feet of gross lot area per residence. Properties in the vicinity include higher density projects, such as the mobile home park to the southwest, and lower density projects, like single-family homes in the Canyons at 3.2-units/acre to the northwest. In addition, to the east, the Cameron project involves a mix of residential, live/work and commercial space at a density of 9.5-units/acre. Therefore, the subject property is suitable for the permitted and proposed uses in PD-379.

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 project is adjacent to two streets and a watercourse. To the south of the site are remnants of a demolished automobile dealership. At the northeast corner of the project site is a derelict commercial property. The proposed land use will improve the Palm Canyon corridor and will remove an unsightly condition on-site. Therefore, the proposal is not likely to be detrimental to the adjacent properties and residents, and will enhance redevelopment of all properties and improve activity of corridor.

The City Council shall not approve a conditional use permit unless it finds as follows:

a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;

As part of the proposed project, a change of zone from “R-3” and “C-1” to PD-379 has been requested to allow the proposed residential development. Section 94.03.00(B)(1) of the Zoning Code specifically allows a multiplicity of housing types, such as single-family and multi-family dwellings within the same project site. Therefore, the use applied for at the subject location is properly one for which PD is authorized by the Zoning Code.

b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;

The proposed use is residential – single-family and multi-family. The proposed small lot single-family residential has been constructed elsewhere in Palm Springs, including surrounding areas of the project, wherein smaller lots exceeding 5,000 square feet accommodate a moderate dwelling size. Each site will contain a one- to two-story residence with garage and private yard space. The multi-family residential will create desirable condominium units that have garage space, private patio/balcony areas and access to a common pool area. Development of the subject site with a mix of single-family and multi-family uses is desirable as a means of bringing a variety of housing choices to the community, and providing a transition between Palm Canyon Drive and residential areas to the west.

The land use designation of the site is MU/MU, which allows a variety of uses including residential. Residential development at a maximum density of 15 units per acre is permitted. At 6.6-units per acre, the project is significantly lower than the density permitted for the 12.38-acre site. Thus, the use is consistent with the general plan.

The project will consist of one- and two-story residential buildings on undeveloped land which will be re-zoned to PD-379. No other uses are permitted within this zone. Should alternate uses be proposed, an amendment to the PD would be required. Consequently, the use is not detrimental to the existing uses or to future uses specifically permitted in the zone (PD-379).

c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;

The project consists of a grouping of parcels to form the overall 12.38-acre site with internal private streets, privately owned units and both private and common open spaces. The PD will establish all development standards for each residential parcel to accommodate typical single-family and multi-family residential products with open space and outdoor living (yards, patio space, landscape, etc.). Therefore, the site for the

intended residences is adequate in size and shape to adjust such use to those existing and future permitted uses of land in the neighborhood.

d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;

The project proposes primary vehicular access from Belardo Road. Identified as a Collector Street by the General Plan, Belardo Road is improved with a travel lane in each direction. The Belardo bridge to the northwest of the site was recently constructed and extends traffic north of the site towards downtown. An emergency vehicle access point is proposed on Palm Canyon Drive.

Existing General Plan conditions indicate that Belardo Road and Palm Canyon Drive are operating at Level of Service (LOS) A. Future General Plan build out condition (2025) indicate that Belardo Road and Palm Canyon Drive will continue to operate at LOS A. The density analyzed by the General Plan for the subject property was up to 15 units per acre. With the project build out, density will be 6.6 units per acre, causing less impact than that which was analyzed by the General Plan. Thus, the project will be adequately served by the adjacent streets, which are properly designed and improved to carry the type and quantity of traffic generated.

e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.

A set of draft conditions of approval are proposed and attached to this staff report as Exhibit "A" to ensure the public health, safety and general welfare are protected.

Tentative Tract Map: Findings are required for the proposed subdivision pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

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

The land use designation of the site is MU/MU, which allows a variety of uses including residential. Residential development at a maximum density of 15 units per acre is permitted. At 6.6-units per acre, the project is consistent with the density permitted for the 12.38-acre site.

Street circulation will be consistent with the General Plan Circulation Element. Dedication of right-of-way is provided along Palm Canyon Drive to accommodate the westerly half street width necessary for a Major Thoroughfare, pursuant to Figure 4-2 of the Circulation Element. Internal streets will be improved to thirty-seven feet, which

complies with minimum requirements for private streets according to the Circulation Element. Consequently, the project is consistent with the General Plan.

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

The proposed project includes a PD in lieu of change of zone to PD-379, and seeks a specific development plan for the 12.38-acre site. There will be 82 residences with improved street access, utilities and other typical services provided to residential development. Developable lots are required to be at least 5,000-square feet in size. The PD also proposes a set of development standards.

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

The existing site conditions consist of low vegetation, boulders and native soil. The site slopes from the northwest corner to the east, southeast and south sides of the property. Site elevations range from 452 to 485 above mean sea level, a 33-ft variation over a 900-ft east-west span. This equates to an average slope of less than 4%.

The site will be graded to accommodate the proposed development. Such grading is designed to follow existing sloped patterns on-site. Each developable lot will be designed to accommodate a detached residence, multi-family buildings or accessory structures. Therefore, the site is physically suited for this type of development and is proposed with adequate access to the network of public streets.

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

The project proposes an overall site density of 6.6 dwelling units per acre, which is consistent with the General Plan land use designation of MU/MU. The 12.38-acre site abuts improved public streets with existing utilities and with right of way widths that are projected in the City's 2007 General Plan to operate at normal LOS. Consequently, the site is physically suited for the proposed density of development.

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

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The project will therefore not damage or injure fish, wildlife or their habitats.

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

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot. The subdivision is proposed with sidewalks along private open spaces. No serious public health problems are anticipated.

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.

Public easements will be provided to accommodate needed utilities, as well as a master drainage line that will be constructed at a future time. There are no other easement conflicts known with the design of the proposed subdivision. Therefore, the design of the subdivision will not conflict with easements for access through or use of the property.

Architectural Review: Staff evaluated the proposal against the architectural review guidelines, pursuant to Section 94.04.00 of the Zoning Code, and prepared the following responses:

1. Does the proposed development provide a desirable environment for its occupants?

The proposed project includes a mix of single-family residential and multi-family residential units. Homes are one- and two-stories in size and include private open space and garages for covered parking. A common pool area will be accessible for the residents and their visitors.

2. Is the proposed development compatible with the character of adjacent and surrounding developments?

The project is adjacent to the Tahquitz Creek to the north and remnants of a demolished commercial site to the south. West of the project site is vacant land and east of the site is a mixed use project under construction with commercial space, live/work and residential. The proposed one- and two-story residential project will be compatible with the character of adjacent and surrounding developments.

3. Is the proposed development of good composition, materials, textures, and colors?

Preliminary designs include a mix of one- and two-story structures designed in a contemporary modern vernacular with flat, folded plate and sloped roofs. Residences consist of stucco as the primary application with stone or concrete veneers on the front elevation.

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

Single-family homes are designed and plotted such that one side yard provides privacy to the adjacent property. Although small in size, the private yard spaces and rooftop decks are nicely oriented toward the westerly mountain views. The Multi-family portion provides good pedestrian connections with landscape and pool amenities.

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

The architectural style of the units in the proposed development is modern. The development under construction opposite of Palm Canyon is also modern. However, the neighborhood includes a mix of Spanish and modern styles.

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

The proposed buildings conform to the height limits of the R-3 and C-1 zones and will have three and seven foot side yard setbacks for the single-family properties, allowing a larger usable side yard. Equipment will be screened per the zoning code requirements.

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

Neutral colors are proposed and consistent with the surrounding desert environment.

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

Three floor plans with two elevation options each are proposed for the single-family residences. This allows a mix of good composition along the internal streets and the Tahquitz Creek. The multi-family residential buildings include a mix of flat and folded plate roof lines and decorative block.

9. Consistency of composition and treatment

There is consistency in the composition and treatment of the buildings as proposed.

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

The proposed landscape plans are consistent with desert appropriate trees and plants.

ENVIRONMENTAL DETERMINATION:

The proposed development is a project as defined by the California Environmental Quality Act (CEQA). An Initial Study was prepared which considered all required CEQA issues, including but not limited to air quality, cultural resources, land use, hydrology and traffic. Potential significant adverse impacts were identified along with Mitigation Measures that would reduce the potential adverse impacts to less than significant levels. Based on this analysis, a draft Mitigated Negative Declaration (MND) is proposed.

The Initial Study/Mitigated Negative Declaration was circulated for a 20-day comment period from May 4, 2016 to May 24, 2016. There have been no comments on the document. When recommending approval of the document on May 25, 2016, the Planning Commission determined the document was an adequate assessment of environmental impacts only if rock crushing was prohibited. Based on this prohibition and changes to the site plan (i.e. elimination of the retention basin) since Commission review, staff evaluated the revised project to determine whether these changes would result in any new unidentified significant environmental impacts.

Should no rock/boulder crushing occur on-site, an increase in truck haul trips would be required to export rocks/boulders off-site and to import fill, which would thereby increase greenhouse gas emissions and impact air quality. An analysis was conducted and it was determined that construction-related emissions would remain below thresholds of significance, and no further analysis is required as it relates to Air Quality and Greenhouse Gas Emissions.

The other change relates to the hydrology and the elimination of the retention basin at the southwest corner of the site. The Initial Study analyzed a storm drainage system that accommodated off-site storm flows from the west through the site, and into one of two retention facilities: an above ground retention basin at the southwest corner of the property, and a subsurface storm water storage system under the parking area located along the eastern property boundary. The applicant now proposes to maintain the eastern subsurface storage system for on-site run-off, but eliminate the southwestern retention basin for a proposed home site.

In order to allow for the elimination of the southwest retention basin, the storm flow volumes through the site must be reduced. The applicant proposes to capture off-site flows that originate to the west of the property into a drainage system constructed below existing right-of-way. This system will include storm drain pipelines that convey off-site flows south down Belardo Road and east down Mesquite Avenue. The installation will

occur entirely within the existing roadway, and will not disturb any land that has not been disturbed by roadway construction. All the impacts considered in the Initial Study for the project as a whole will apply to the installation of the pipeline, as will the mitigation measures included in the Initial Study for the project as a whole. The addition of the storm drain pipe in Belardo Road and Mesquite Avenue will not result in a change in impacts, or a substantially increased impact on the environment.

Consequently, no further analysis under CEQA is required. Further information and analysis on the above can be found in the attached Memorandum prepared by the city's environmental consultant, Terra Nova Planning & Research.

CONCLUSION:

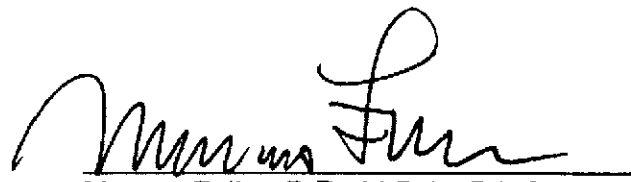
The proposed project includes a mix of residential units with small-lot, single-family residences and five-plex condominiums along Palm Canyon Drive. The Planning Commission recommended approval of the project with a number of conditions, most of which have been accepted by the applicant. Conditions that require attention include permission to allow rock/boulder crushing on-site (PCC 1 and PLN 19), determination of additional open space and loss of units (PCC 8) and decision on gating the development (PCC 10 and PLN 18). These conditions would be removed from the draft resolution, if the Council agrees with the applicant's request. Otherwise, the Council may approve the project as recommended by the Planning Commission and presented in the attached draft resolution and ordinance.

FISCAL IMPACT: No fiscal impact.

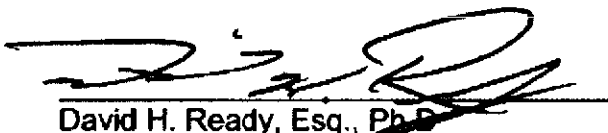
SUBMITTED:



Filnn Fagg, AICP
Director of Planning Services



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



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

Attachments:

1. Vicinity Map
2. Draft Resolution with Conditions
3. Draft Ordinance
4. Planning Commission Meeting Minutes of May 25, 2016 (excerpt)
5. Architectural Advisory Committee Meeting Minutes of May 2, 2016 (excerpt)
6. Planning Commission Meeting Minutes of April 13, 2016 (excerpt)
7. Tahquitz Creek Trail Master Plan (Applicable Sections)
8. City Council Policy Statement, Adopted September 17, 2008
9. Applicant Letter
10. Public Comment Letters (4)
11. Memorandum from Terra Nova Planning & Research, Inc.
12. Initial Study/Mitigated Negative Declaration
13. Project Plans

Attachment 4



CITY OF PALM SPRINGS

OFFICE OF THE CITY CLERK

3200 E. Tahquitz Canyon Way

Palm Springs, CA 92262

(760) 323-8204

EXCERPTS OF MINUTES

At the City Council meeting of the City of Palm Springs held July 6, 2016, the City Council took the following action:

- 1.B. **WOODBRIDGE PACIFIC GROUP ON BEHALF OF PALM CANYON 65, LLC. FOR A PLANNED DEVELOPMENT IN LIEU OF ZONE CHANGE, TENTATIVE TRACT MAP AND MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A RESIDENTIAL PROJECT CONSISTING OF 57 SINGLE-FAMILY RESIDENCES AND 25 MULTI-FAMILY RESIDENTIAL CONDOMINIUMS ON A 12.38-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE, ZONE C-1 & R-3 (CASE NOS. 5.1378 PD-379 ZC, 3.3876 MAJ AND TTM 36914):**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated July 6, 2016.

The City Council discussed and/or commented on the following: requested Staff address the density without a PDD application, rock crushing, the public benefit, the number of trips to move the rocks, the side yard set-back, and the allowable use along Palm Canyon Drive.

Mayor Moon opened the public hearing, and the following speakers addressed the City Council.

TODD CUNNINGHAM, Applicant, outlined the process thru the AAC and the Planning Commission, noted changes to the project through the process, requested relief for the removal of the unit for the park, requested the City Council maintain the project as a gated project, commented on the set-back, the proposed dog park, the elimination of units for the creation of open space, and the proposed rock crushing technology and location.

DR. JONATHAN FREEMAN, commented on the installation of gates and the requirement for a public park as it may affect the surrounding neighborhood.

ROBERT FAY, stated the project only has one-gate, commented on the lot size, setbacks, and other variations from the zoning code, the location of the one community pool and the dog park.

TIM ERKINS, stated he is opposed to the installation of gates, commented on the height of the structure and the height of the pad, density, and the location of the paths behind the units.

RANDY BLANCHARD, stated the project is a good project, commented on the price point, and requested the City Council address the Planning Commission requirement for the installation of the park, and requested the City Council eliminate the park requirement.

JUDY DEERTRACK, commented on the lack of compliance with the General Plan and State law, the lack of commercial mix, the small lot size, the reduced set-backs, the size of interior street, and the public benefit.

ALLEN WORTHY, commented on the architecture and commented on the requirement to remove the gate.

FRANK TYSEN, commented on the use of PDD and the deviation from the City's development standards.

RICHARD SAMUELS, commented on the history of the lot and current problems with the vacant lot, stated his support for the development of the site, and his support for a gated community.

TODD CUNNINGHAM, Applicant Rebuttal, commented on individual pools, the grading of the site, the view corridor from Belardo, and the lot sizes.

No further speakers coming forward, the public hearing was closed.

The City Council discussed and/or commented on the following: the General Plan requirements for non-gated communities, questioned the Applicant on pedestrian gates and public open space, street width and street parking, the rocking technology and if not successful a requirement to remove rocks with trucks, the General Plan requirement for non-gated communities, the lack of pedestrian connection, the lack of open space, the public benefit, the lighting of the Palm Trees, truck delivery hours, the landscaping plan, the tree selection and conformity with the Tahquitz Creek Master Plan, the repeating feature in the landscape along Palm Canyon, the view corridors along Palm Canyon, the site plan, parking, the street width, the grading plan and retaining wall, the lack of overhang and shading, maintenance requirement and costs for the park, the lot size, the public benefit, changes needed and the process for the return of the project to the City Council.

ACTION: Appoint Councilmember Roberts and Mayor Pro Tem Mills to a City Council ad hoc Subcommittee to further incorporate the City Council discussion and concepts and return to the City Council.

Motion Councilmember Foat, seconded by Councilmember Roberts and unanimously carried on a roll call vote.

I, KATHIE HART, Chief Deputy City Clerk of the City of Palm Springs, hereby certify that the above actions took place at an adjourned regular meeting of the City Council held on the 6th day of July, 2016.


Kathie Hart, MMC
Chief Deputy City Clerk

NOTE ONLY:
Minutes approved on August 3, 2016.

Attachment 5

EXCERPTS OF MINUTES

At the Planning Commission meeting of the City of Palm Springs, held May 25, 2016, the Planning Commission took the following action:

2A. WOODBRIDGE PACIFIC GROUP ON BEHALF OF PALM CANYON 65, LLC. FOR A PLANNED DEVELOPMENT IN LIEU OF ZONE CHANGE, TENTATIVE TRACT MAP AND MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A RESIDENTIAL PROJECT CONSISTING OF (57) SINGLE-FAMILY RESIDENCES AND (25) MULTI-FAMILY RESIDENTIAL CONDOMINIUMS ON A 12.4-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE, ZONE C-1 & R-3, SECTIONS 22 & 23 (CASE NOS. 5.1378 PD-379 ZC, 3.3876 MAJ AND TTM 36914). (DN)

Associate Planner Newell provided background information and an overview of the changes made to the proposed project. Mr. Newell described the public benefits proposed for the development and outlined staff's recommended conditions.

The Commission had technical questions pertaining to:

- Minimum density requirements.
- Is parcel identified as affordable housing site and permitted zoning?
- Rock crushing impact and mitigation measures addressed in the Mitigated Negative Declaration.
- Status of the proposed Palm Canyon Drive median.
- Map showing the access points for the trail and street.
- Clarification on Eng. Condition #3.
- More specificity on Pln. Condition #16 regarding the Public Benefit improvements.
- Vacation rental restrictions.
- Palm Canyon street widening.
- Building standards.
- Mitigation for roof deck privacy.
- Open-space.
- Parking street width.

Chair Klatchko opened the public hearing:

TODD CUNNINGHAM, provided details on the proposed project and requested gates on the Belardo entrance for security problems with transients in the area. Mr. Cunningham pointed-out that the CEQA documents state that rock crushing mitigated on the site will have no impact to any residents in the area and pointed out there are 6.5 dwelling units per acre which is far less than the 15 units permitted by the General Plan.

FRANK TYSEN, said over-development will destroy the town and suggested more public benefit improvements be added to the development and incorporate the rocks in the project instead of moving them all out.

KATHLEEN ADAMS, The Canyons, commented that they have a big problem with transients in the area and thinks the gate will be a big benefit for the project. She believes the green belt area will be a problem with the homeless and questioned how long the rock crushing will go on.

ROBERT FINLEY, resides in Parkview Mobile Estates, questioned which adjacent communities are gated and spoke about sound vibrating from the mountain in this area.

JUDY DEERTRACK, commented about having respiratory problems from the Dakota project, significant mitigation for rock crushing be provided and determination of public benefits.

MIKE GUERRA, Historic Tennis Club Neighborhood resident, would like to see the following: scale model of the development from Belardo facing downhill, solar requirements implemented, water conservation, setbacks on Palm Canyon and more public benefit.

MARIO GONZALEZ, developer, (seller of the property) said the project has many challenges and thinks rock crushing will be appropriate on the site. He believes gates are appropriate on this property and requested approval of the project.

TODD CUNNINGHAM, clarified they will not crush every rock and will integrate the rocks into the overall project. He said the rock crushing will take about 90 days and are 850 feet away from the nearest resident.

There being no further speakers the public hearing was closed.

Commissioner Hirschbein thanked the applicant for the 12 foot buffer along the creek. He thinks the project could be enhanced with a more robust public plaza by possibly reducing or eliminating the adjacent unit providing for a "real public benefit". He said that this corner is a highly visible entrance to the development. He suggested the two-story houses along the north perimeter be reduced to one-story to minimize the impact to the trail and have the wall elevation return to AAC.

Vice-Chair Calderine stated that the underlying zoning ordinance is out-of-date and inconsistent with the General Plan and that's why PDD's need to be done on so many sites. He suggested a public benefit such as constructing the completion of the Tahquitz Creek Trail to the east side of the Palm Canyon wash.

Commissioner Weremiuk concurred with Vice-Chair Calderine that the developer has worked hard on the following issues: street width to accommodate parking, drive-way

width, building separation, green space within the development. She suggested as a public benefit: remove one of the lots to connect the east side to the canyon; shared-used easements and privacy screening for the decks.

Commissioner Lowe stated that the developer has worked with the Commission very closely and has made significant improvements. He thinks it is unfair to hold this developer responsible in dealing with the problems of homelessness in the area which needs to be addressed by the city. He concurs that lot #1 could be eliminated to create a larger park area and in the northeast corner 2 or 3 units be eliminated for a larger park. He is not opposed to the project being gated given the security issues surrounding this area. He pointed-out that this is an HOA and is fine with renting out the units for 30 - 90 days to allow the owners of the property to make it financially feasible. He noted that although the city does not have requirements for affordable housing it might be a great public benefit to offer a couple of the units as affordable housing. He commented that a model of the project would be much easier to see what the project will look like.

Commissioner Donenfeld commented that although the developer has come a long way with this development; he thinks there could have been more creativity and openness. He agreed that by possibly taking the northeast corner and eliminating the one multi-family unit and three homes it would change and open up the north end to the paseo. He thinks by adding gates it will create a false sense of security because people can get in if they want to.

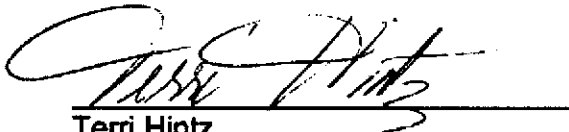
ACTION: Approve the project with conditions subject to:

1. The Mitigated Negative Declaration is an adequate environmental document addressing project impacts subject to no rock crushing / boulder crushing on-site (see also PLN 19).
2. A 50/50 mix of one- and two-story homes shall be provided on northerly and westerly edges of the site. Where two-story homes are constructed in these locations, they shall be limited to the product type that has the second story near the internal streets.
3. Rentals of homes, including casitas, are permitted for no less than a 30-day rental period. Casitas shall not be rented separately as a vacation rental.
4. Wall design facing Tahquitz Creek to return to the Architectural Advisory Committee for review.
5. Lot 1 of TTM (additional 5,000-sq. ft. adjacent to pool area) to be used as open space.
6. Privacy and orientation of second floor space to be considered when determining final product types for each single-family home site.
7. Single family lots to have shared use easement (with setbacks as opposed to zero lot line) for side yards. The intent of this condition is to allow building openings for natural light on all sides of the homes.

8. Public benefit to include additional open space within the project site. Such open space shall be available to the public and include Lot 37 of the TTM and the space where the 5-unit building is shown at the northeast corner of the site. HOA to maintain on-site public park areas.
9. Developer to landscape/improve south side of Tahquitz Creek. Developer to provide cash bond for construction of Palm Canyon Drive undercrossing, consistent with the Tahquitz Creek Master Plan.
10. Vehicular gates are not allowed (see also PLN 18).

I, TERRI HINTZ, Planning Administrative Coordinator for the City of Palm Springs, hereby certify that the above action was taken by Planning Commission of the City of Palm Springs on the 25th day of May, 2016, by the following vote:

AYES: Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Lowe, Commissioner Weremiuk, Vice-Chair Calderine, Chair Klatchko
NOES: None
ABSENT: Commissioner Middleton



Terri Hintz
Planning Administrative Coordinator

Attachment 6

RESOLUTION NO. 6570

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE CASE NOS. 5.1378 PD-379 ZC, 3.3876 MAJ AND TTM 36914 FOR A RESIDENTIAL DEVELOPMENT AND SUBDIVISION CONSISTING OF (57) SINGLE-FAMILY RESIDENTIAL DWELLINGS, (25) MULTI-FAMILY RESIDENTIAL DWELLINGS, OPEN SPACE AND PRIVATE STREETS ON A 12.4-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

- A. Woodbridge Pacific Group on behalf of Palm Canyon 65, LLC ("Applicant") filed an application with the City pursuant to Sections 94.03.00 and 94.07.00 of the Palm Springs Zoning Code for a Planned Development District in Lieu of Change of Zone, Case 5.1378 PD-379 ZC (including Preliminary Development Plans) to establish (57) detached and (25) attached residential dwellings, open space and streets at the subject property.
- B. The Applicant filed an application with the City pursuant to Title 9 of the Palm Springs Municipal Code, for Tentative Tract Map 36914, seeking approval to subdivide the 12.4-acre project site into 58 residential lots, one of which being proposed for condominium purposes, as well as common area parcels for streets and open space.
- C. On November 18, 2015 and April 13, 2016, the Planning Commission reviewed previous iterations of the project at public meetings and provided comments to the applicant.
- D. On May 2, 2016, the subject project was reviewed by the City's Architectural Advisory Committee (AAC), which voted to recommend conditional approval of the project.
- E. The proposed project associated with the above applications ("Project") is considered a "project" pursuant to the terms of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. ("CEQA").
- F. Pursuant to the CEQA Guidelines, 14 California Code of Regulations Section 15000 et. seq., an initial study was prepared. The initial study concluded that all of the project's potentially significant impacts will be less than significant with the incorporation of mitigation. On this basis, a Mitigated Negative Declaration was prepared.
- G. The 20-day public review and comment period for the Mitigated Negative Declaration commenced on May 4, 2016 and concluded on May 24, 2016.

H. Notice of public hearing of the Planning Commission of the City of Palm Springs to consider the Project, including Case Nos. 5.1378 PD-379 ZC, Tentative Tract Map 36914 and 3.3876 MAJ, was given in accordance with applicable law for the meeting of May 25, 2016.

I. On May 25, 2016, a public hearing on the applications for the project was held by the Planning Commission in accordance with applicable law.

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

K. **Resort Overlay Zone:** The "R" (resort) overlay zone is intended primarily to provide for accommodations and services for tourists and visitors while guarding against the intrusion of competing land uses, as described below.

Uses shall be as provided in the underlying zone with which the "R" zone is combined, except that all multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit (CUP). Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone.

The development proposes residential uses in an area that is compatible with its surroundings. The site abuts a watercourse channel to the north and streets on two sides. To the east is the Cameron project, which is under construction and primarily consists of residential with some live/work and commercial spaces fronting the street. South of the site is a vacant property with remnants of a razed commercial property. Properties in the vicinity include vacant sites, commercial stores, single-family and multi-family residential, and mobile home and RV parks. Therefore, the site is not appropriate for other transient or accommodation services for tourists, which are allowed by right within the underlying zone, because much of the commercial already exists in nearby areas and residential patterns have been established in surrounding neighborhoods.

Pursuant to PSZC 94.02.00(A)(4) of the Zoning Code, the CUP may be incorporated as part of the PD application without the need for a separate application. Thus, the CUP findings are evaluated below as an integral part of the PD application.

L. **Planned Development District:** A Planned Development District is subject to the requirements of Zoning Code Section 94.02.00, including required findings contained therein. A PD may be approved in lieu of a change of zone if both findings for

the PD and Change of Zone are made by the City Council. An analysis of all required findings for a PD in lieu of zone change is provided below:

The commission in recommending and 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.*

The proposed project is located in the Mixed-Use / Multi-Use (MU/MU) land use designation of the 2007 General Plan, allowing a mix of office, retail and residential uses. For residential projects, a density of up to 15 dwelling units per acre is permitted (or up to 30 d.u. per acre with PD approval). The project proposes 6.6 residential dwelling units per acre, which is consistent with MU/MU land use designation.

In addition, the project complies with the following General Plan Policies:

- *CD19.7 – Design new development with the pedestrian in mind by including wide sidewalks, shade street trees, sitting areas, and clearly defined pedestrian routes.*

As shown on the landscape plans, the project will include pedestrian amenities, such as walking paths that are landscaped with shade trees and clearly defined routes. The project is conditioned to provide at least two pedestrian sidewalks, which will further enhance the pedestrian routes to the site.

- *CD20.1 – Create a pedestrian-friendly environment along midblock corridor residential development through the use of landscaping, shade trees, special paving, pedestrian-scaled lighting, and small gathering spaces.*

Pedestrian-friendly environment proposed between clusters of multi-family buildings with walking paths and shade trees.

- *Policy CD.22.7 Ensure that residential communities are well connected with each other and with nearby commercial uses through the inclusion of pedestrian and bicycle friendly design feature such as trails, paths, and pedestrian oriented streets in the neighborhood's design.*

The proposed development will have one primary site access point and a secondary emergency access point. Pedestrian pathways are proposed between homes through-out the site. The Tahquitz Creek will be improved with an additional off-site trail, which will further enhance access around the site. These design features

provide a pedestrian oriented design and augments connections for the proposed community and others in the surrounding areas.

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 current zoning of the project site is C-1 and R-3. In accordance with Section 94.03.00 of the Palm Springs Zoning Code, the applicant has requested a PD in lieu of zone change to establish PD-379 with specific permitted uses and development standards. The proposed uses for PD-379 include 82 attached and detached residential dwellings. Detached residences will be constructed on lots ranging from 5,000-square feet to 7,700-square feet in size, which is adequate for the dwelling, garage, driveway and private yard space. The attached units are proposed on a nearly 2-acre parcel, affording area for the dwellings, garages, landscape, and common open space.

All units will have adequate vehicular and pedestrian access. Primary vehicular access is provided from Belardo Road. At widths of 37-feet, internal streets are wide enough to accommodate travel lanes and street parking. Pedestrian access is provided throughout the site with pedestrian paseos. Linkages to the Tahquitz Creek trail are also proposed on the north side of the site.

The scale and size of the project is consistent with other residential projects in the City. Eighty-two units across the 12.4-acre site equates to 6.6-dwelling units per acre, or 6,587-square feet of gross lot area per residence. Properties in the vicinity include higher density projects, such as the mobile home park to the southwest, and lower density projects, like single-family homes in the Canyons at 3.2-units/acre to the northwest. In addition, to the east, the Cameron project involves a mix of residential, live/work and commercial space at a density of 9.5-units/acre. Therefore, the subject property is suitable for the permitted and proposed uses in PD-379.

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 project is adjacent to two streets and a watercourse. To the south of the site are remnants of a demolished automobile dealership. At the northeast corner of the project site is a derelict commercial property. The proposed land use will improve the Palm Canyon corridor and will remove an unsightly condition on-site. Therefore, the proposal is not likely to be detrimental to the adjacent properties and residents, and will enhance redevelopment of all properties and improve activity of corridor.

The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

- a. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

As part of the proposed project, a change of zone from "R-3" and "C-1" to PD-379 has been requested to allow the proposed residential development. Section 94.03.00(B)(1) of the Zoning Code specifically allows a multiplicity of housing types, such as single-family and multi-family dwellings within the same project site. Therefore, the use applied for at the subject location is properly one for which PD is authorized by the Zoning Code.

- b. *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

The proposed use is residential – single-family and multi-family. The proposed small lot single-family residential has been constructed elsewhere in Palm Springs, including surrounding areas of the project, wherein smaller lots exceeding 5,000 square feet accommodate a moderate dwelling size. Each site will contain a one- to two-story residence with garage and private yard space. The multi-family residential will create desirable condominium units that have garage space, private patio/balcony areas and access to a common pool area. Development of the subject site with a mix of single-family and multi-family uses is desirable as a means of bringing a variety of housing choices to the community, and providing a transition between Palm Canyon Drive and residential areas to the west.

The land use designation of the site is MU/MU, which allows a variety of uses including residential. Residential development at a maximum density of 15 units per acre is permitted. At 6.6-units per acre, the project is significantly lower than the density permitted for the 12.4-acre site. Thus, the use is consistent with the general plan.

The project will consist of one- and two-story residential buildings on undeveloped land which will be re-zoned to PD-379. No other uses are permitted within this zone. Should alternate uses be proposed, an amendment to the PD would be required. Consequently, the use is not detrimental to the existing uses or to future uses specifically permitted in the zone (PD-379).

- c. *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The project consists of a grouping of parcels to form the overall 12.4-acre site with internal private streets, privately owned units and both private and common open spaces. The PD will establish all development standards for each residential parcel to accommodate typical single-family and multi-family residential products with open space and outdoor living (yards, patio space, landscape, etc.). Therefore, the site for the intended residences is adequate in size and shape to adjust such use to those existing and future permitted uses of land in the neighborhood.

- d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The project proposes primary vehicular access from Belardo Road. Identified as a Collector Street by the General Plan, Belardo Road is improved with a travel lane in each direction. The Belardo bridge to the northwest of the site was recently constructed and extends traffic north of the site towards downtown. An emergency vehicle access point is proposed on Palm Canyon Drive.

Existing General Plan conditions indicate that Belardo Road and Palm Canyon Drive are operating at Level of Service (LOS) A. Future General Plan build out condition (2025) indicate that Belardo Road and Palm Canyon Drive will continue to operate at LOS A. The density analyzed by the General Plan for the subject property was up to 15 units per acre. With the project build out, density will be 6.6 units per acre, causing less impact than that which was analyzed by the General Plan. Thus, the project will be adequately served by the adjacent streets, which are properly designed and improved to carry the type and quantity of traffic generated.

- e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

A set of draft conditions of approval are proposed and attached to this staff report as Exhibit "A" to ensure the public health, safety and general welfare are protected.

M. Public Benefit. In accordance with the City Council Policy on Planned Development, the identified public benefits include two components:

- a. The project as a Public Benefit – The project fulfills key General Plan objectives for community beautification and improved circulation, as follows:*
- i. Improve and landscape the Tahquitz Creek trail in accordance with the Tahquitz Creek Trail Master Plan;*
 - ii. Providing internal pedestrian sidewalk paseos that are separate from the street; and*
 - iii. Enhancing circulation with the trail improvement.*

- b. *Off-site Improvements* – The project includes off-site improvements, including the south side of the Tahquitz Creek. The developer will pursue permitting with Riverside County Flood Control, improve pathways and install landscape consistent with the Master Plan.

N. Tentative Tract Map: Findings are required for the proposed subdivision pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

- a. *The proposed Tentative Tract Map and Tentative Parcel Map are consistent with all applicable general and specific plans.*

The land use designation of the site is MU/MU, which allows a variety of uses including residential. Residential development at a maximum density of 15 units per acre is permitted. At 6.6-units per acre, the project is consistent with the density permitted for the 12.4-acre site.

Street circulation will be consistent with the General Plan Circulation Element. Dedication of right-of-way is provided along Palm Canyon Drive to accommodate the westerly half street width necessary for a Major Thoroughfare, pursuant to Figure 4-2 of the Circulation Element. Internal streets will be improved to thirty-seven feet, which complies with minimum requirements for private streets according to the Circulation Element. Consequently, the project is consistent with the General Plan.

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

The proposed project includes a change of zone to PD-366, and seeks a specific development plan for the 126-acre site. There will be 429 residences with improved street access, utilities and other typical services provided to residential development. Developable lots are required to be at least 5,000 or 8,000 square feet in size. The PD also proposes a set of development standards and design details with specific standards.

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

The existing site conditions consist of low vegetation, boulders and native soil. The site slopes from the northwest corner to the east, southeast and south sides of the property. Site elevations range from 452 to 485 above mean sea level, a 33-ft variation over a 900-ft east-west span. This equates to an average slope of less than 4%.

The site will be graded to accommodate the proposed development. Such grading is designed to follow existing sloped patterns on-site. Each developable lot will be designed to accommodate a detached residence, multi-family buildings or accessory

structures. Therefore, the site is physically suited for this type of development and is proposed with adequate access to the network of public streets.

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

The project proposes an overall site density of 6.6 dwelling units per acre, which is consistent with the General Plan land use designation of MU/MU. The 12.4-acre site abuts improved public streets with existing utilities and with right of way widths that are projected in the City's 2007 General Plan to operate at normal LOS. Consequently, the site is physically suited for the proposed density of development.

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

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The project will therefore not damage or injure fish, wildlife or their habitats.

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

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot. The subdivision is proposed with sidewalks along private open spaces. No serious public health problems are anticipated.

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.

Public easements will be provided to accommodate needed utilities, as well as a master drainage line that will be constructed at a future time. There are no other easement conflicts known with the design of the proposed subdivision. Therefore, the design of the subdivision will not conflict with easements for access through or use of the property.

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

The Planning Commission has examined the material submitted with the architectural approval application and has examined specific aspects of the design and determined the proposed development will (1) provide desirable environment for its occupants; (2) is compatible with the character of adjacent and surrounding developments, and (3) aesthetically it is of good composition,

materials, textures and colors. Planning Commission's evaluation is based on consideration of the following:

	Guideline:	Conform?	Staff Evaluation:
1	Does the proposed development provide a desirable environment for its occupants?	Yes	The proposed project includes a mix of single-family residential and multi-family residential units. Homes are one- and two-stories in size and include private open space and garages for covered parking. A common pool area will be accessible for the residents and their visitors.
2	Is the proposed development compatible with the character of adjacent and surrounding developments?	Yes	The project is adjacent to the Tahquitz Creek to the north and remnants of a demolished commercial site to the south. West of the project site is vacant land and east of the site is a mixed use project under construction with commercial space, live/work and residential. The proposed one- and two-story residential project will be compatible with the character of adjacent and surrounding developments.
3	Is the proposed development of good composition, materials, textures, and colors?	Yes	Preliminary designs include a mix of one- and two-story structures designed in a contemporary modern vernacular with flat, folded plate and sloped roofs. Residences consist of stucco as the primary application with stone or concrete veneers on the front elevation.
4	Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas	Yes	Single-family homes are designed and plotted such that one side yard provides privacy to the adjacent property. Although small in size, the private yard spaces and rooftop decks are nicely oriented toward the westerly mountain views. The Multi-family portion provides good pedestrian connections with landscape and pool amenities.
5	Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood / community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted	Yes	The architectural style of the units in the proposed development is modern. The development under construction opposite of Palm Canyon is also modern. However, the neighborhood includes a mix of Spanish and modern styles.
6	Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment	Yes	The proposed buildings conform to the height limits of the R-3 and C-1 zones and will have zero and ten foot side yard setbacks for the single-family properties, allowing a larger usable side yard. Equipment will be screened per the zoning code requirements.
7	Building design, materials and colors to be sympathetic with desert surroundings	Yes	(See response no. 3 above)
8	Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously	Yes	Three floor plans with two elevation options each are proposed for the single-family residences. This allows a mix of good composition along the internal streets and the Tahquitz Creek. The multi-family residential buildings include a mix of flat and folded plate roof lines and decorative block.
9	Consistency of composition and treatment	Yes	There is consistency in the composition and treatment of the buildings as proposed.

10	Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials	Yes	The proposed landscape plans are consistent with desert appropriate trees and plants.
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THE PLANNING COMMISSION RESOLVES:

Section 1. The Planning Commission independently reviewed and considered the information contained in the Mitigated Negative Declaration (MND), and the MND reflects the City's independent judgment and analysis. The Planning Commission finds, on the basis of the whole record before it, including the initial study and comments received, that with the incorporation of mitigation measures, the project will not have a significant effect on the environment. Therefore, the Planning Commission recommends the City Council adopt the Mitigated Negative Declaration as a complete and adequate evaluation of the project pursuant to CEQA.

Section 2. The Planning Commission hereby recommends approval of a Planned Development District (PD-379) in lieu of Change of Zone and Major Architectural Application to establish (57) single-family dwellings and (25) multi-family residences, open space and streets on a 12.4-acre site located at 777 South Palm Canyon Drive, subject to the conditions of approval attached herein as Exhibit A.

Section 3. The Planning Commission hereby recommends approval of a Tentative Tract Map (TTM 36914) to subdivide the 12.4-acre project site into 58 residential lots, one of which being proposed for condominium purposes, as well as common area parcels for streets and open space, subject to the conditions of approval attached herein as Exhibit A.

ADOPTED this 25th day of May, 2016.

AYES: 6, Commissioner Weremiuk, Commissioner Lowe, Commissioner Donenfeld, Commissioner Hirschbein, Vice-Chair Calderine, Chair Klatchko

NOES: None

ABSENT: 1, Commissioner Middleton

ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA


Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO. 6570

**EXHIBIT A
CONDITIONS OF APPROVAL**

Case 5.1378 PD 379 ZC / 3.3876 MAJ / TTM 36914
Woodbridge Pacific Group on behalf of Palm Canyon 65 LLC

777 South Palm Canyon Drive

May 25, 2016

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.

PLANNING COMMISSION CONDITIONS:

- PCC 1. No rock/boulder crushing on-site (see also PLN 19).
- PCC 2. A 50/50 mix of one- and two-story homes shall be provided on northerly and westerly edges of the site. Where two-story homes are constructed in these locations, they shall be limited to the product type that has the second story near the internal streets.
- PCC 3. Rentals of homes, including casitas, are permitted for no less than a 30-day rental period. Casitas shall not be rented separately as a vacation rental.
- PCC 4. Wall design facing Tahquitz Creek to return to AAC for review.
- PCC 5. Lot 1 of TTM (additional ~5,000-sq. ft. adjacent to pool area) to be used as open space.
- PCC 6. Privacy and orientation of second floor space to be considered when determining final product types for each single-family home site.
- PCC 7. Single family lots to have shared use easement (with setbacks as opposed to zero lot line) for side yards. The intent of this condition is to allow building openings for natural light on all sides of the homes.

- PCC 8. Public benefit to include additional open space within the project site. Such open space shall be available to the public and include Lot 37 of the TTM and the space where the 5-plex building is shown at the northeast corner of the site. HOA to maintain on-site public park areas.
- PCC 9. Developer to landscape/improve south side of Tahquitz Creek. Developer to provide cash bond for construction of Palm Canyon Drive undercrossing, consistent with the Tahquitz Creek Master Plan.
- PCC 10. Vehicular gates are not allowed (see also PLN 18).

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case (5.1378 PD 379 ZC / 3.3876 MAJ / TTM 36914), 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 approved plans, including site plans, tentative tract maps, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division 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 36914, date stamped May 18, 2016. 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 5.1378 PD 379 ZC / 3.3876 MAJ / TTM 36914. 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 or 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 Planned Development District (PD), Tentative Tract Map (TTM) and Major Architectural Applications (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time for the PD and MAJ may be granted by the Planning Commission upon demonstration of good cause.

Extensions of time for the TTM 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 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. 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
- ADM 13. 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.

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 14. 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 \$1,165 filing fee shall also be paid to the City Planning Department for administrative review purposes.
- ADM 15. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.
- ADM 16. Community Facilities District. The project will bring additional residents, visitors and activities to the community that will potentially impact the needs for public safety services beyond the City's ability to provide such services; and because such services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic and other safety services, and recreation, library, cultural services are near capacity, the City has established a Community Facilities District to which this project shall be annexed, subject to conditions of approval; and

Prior to recordation of the final map or, at the City's option, prior to issuance of certificate of occupancy, the developer shall agree to support formation of or annexation into a Community Facilities District (CFD) to include the project site. Developer further agrees to waive any right of protest or contest such formation or annexation, provided that the amount of any assessment for any single family dwelling unit (or the equivalency thereof when applied to multiple family, commercial or industrial) as established through appropriate study shall not exceed \$500 annually per dwelling unit or dwelling unit equivalency unit, subject to an annual consumer price index escalator. Prior to sale of any lots, or prior to the issuance of any certificate of occupancy, or prior to any approval of the Building Official that will allow the premises to be occupied, the CFD shall be formed, the annexation thereto shall occur, or at the option of the City Manager and Building Official, a covenant agreement may be recorded against any affected parcel(s) with the project, evidencing the Owner's binding consent, approval, and waiver of rights as provided in this condition of approval.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Multi-species Habitat Conservation Fees. The project is within the boundaries of the both the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and the Tribal Habitat Conservation Plan (THCP). The applicant shall pay applicable development mitigation fees, prior to the issuance of grading permit for THCP and prior to certificate of occupancy for CVMSHCP.
- 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 (City Council decision). 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 City Council consideration of the environmental assessment. Mitigation measures are defined in the CEQA Evaluation and summarized here as follows:

AIR QUALITY:

Mitigation Measures III (b):

The following measures will further reduce emission of potentially harmful pollutants and should be included in project grading and dust control plans, as well as in construction and construction traffic staging:

1. *Construction equipment, delivery trucks, worker vehicles, and haul trucks will limit idling time to no more than 5 minutes.*
2. *The grading contractor shall certify in writing that all construction equipment is properly serviced and maintained in good operating conditions. Certification shall be provided to City Engineer for review and approval.*
3. *Diesel-powered construction equipment shall utilize aqueous diesel fuels, and be equipped with diesel oxidation catalysts.*
4. *A fugitive dust plan shall be prepared for the proposed project and shall be approved by the City Engineer. Said plan shall include but not be limited to the following best management practices:*
5. *Chemically treat soil where activity will cease for at least four consecutive days;*
6. *All construction grading operations and earth moving operations shall cease when winds exceed 25 miles per hour;*
7. *Water site and equipment morning and evening and during all earth-moving operations;*
8. *Operate street-sweepers on paved roads adjacent to site;*
9. *Establish and strictly enforce limits of grading for each phase of development; and/or*
10. *Stabilize and re-vegetate areas of temporary disturbance needed to accomplish each phase of development.*

11. Wash off trucks as they leave the project site as necessary to control fugitive dust emissions.
12. Cover all transported loads of soils, wet materials prior to transport, provide adequate freeboard (space from the top of the material to the top of the truck) to reduce PM10 and deposition of particulate matter during transportation.
13. Use track-out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.
14. Construction equipment and materials shall be sited as far away from residential and park uses as practicable.
15. The following Best Control Measures (BCM) shall be utilized by the contractor, as required, to limit impacts to air quality:
 1. BCM-1: Further Control of Emissions from Construction Activities: Watering, chemical stabilization, wind fencing, revegetation, and track-out control.
 2. BCM-2: Disturbed Vacant Lands: Chemical stabilization, wind fencing, access restriction, and revegetation.
 3. BCM-3: Unpaved Roads and Unpaved Parking Lots: Paving, chemical stabilization, access restriction, and revegetation.
 4. BCM-4: Paved Road Dust: Minimal track-out, stabilization of unpaved road shoulders, and clean streets maintenance.
16. Existing power sources should be utilized where feasible via temporary power poles to avoid on-site power generation.
17. Imported fill and paving materials, as well as any exported material, shall be adequately watered prior to transport, covered during transport, and watered prior to unloading.
18. Each portion of the project to be graded shall be pre-watered prior to the onset of excavation, grading or other dust-generating activities.
19. On-going watering soil stabilization of disturbed soils, especially in the staging area, shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
20. SCAQMD Rule 403 shall be adhered to, ensuring the clean-up of construction-related dirt on approach routes to and from the site.
21. All grading activities shall be suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.
22. SCAQMD Rule 1113 shall be adhered to, ensure low VOC paints/architectural coatings are used on all surfaces.

Monitoring III (b):

- A. Prior to the issuance of grading permits and authorization to proceed, the City Engineer shall review and approve project staging and detailed dust management plans. The dust control plan or equivalent documentation shall also address issues of construction vehicle staging and maintenance.

Implementation of these mitigation measures will ensure that impacts associated with PM₁₀ are mitigated to a less than significant level.

Responsible Parties: *City Engineer, General Contractor*

- B. The City or its designee shall conduct daily inspections of the project and intervene when contractor deviates from City-approved plans. Daily logs shall be maintained on the activities and their conformance to the project's dust control plan.*

Responsible Parties: *City Engineer staff or designee*

BIOLOGICAL:

MM IV.1 *Any ground disturbing activity proposed for the period from February 1 to August 31 shall be preceded by a nesting bird survey performed by a qualified biologist. The biologist shall perform the survey within 30 days of the initiation of activities, and provide mitigation measures should nesting birds be identified. A report of findings shall be provided to the City prior to the initiation of ground disturbing activities..*

CULTURAL RESOURCES:

MM V-1 *The applicant/developer shall provide evidence to the City of Palm Springs Planning Department that a certified archaeologist has been contracted to implement a Cultural Resource Impact Mitigation Plan (CRMMP) to mitigate potential impacts to 33-9196/CA-RIV-45 and undiscovered buried archaeological resources associated with this project. The CRMMP shall be completed to the satisfaction of the Agua Caliente THPO.*

The CRMMP shall include, but shall not be limited to, the following guidelines:

- (1) Prior to grading, the entire project area including site 33-9196/CA-RIV-45, shall be systematically graded in a controlled manner. If buried features are discovered these will be assessed for significance and considered for inclusion on the Tahquitz Canyon National Register Site 33-9196. The Project Archaeologist, in consultation with the City Planning Department and Agua Caliente THPO, shall determine the significance of the discovered resources.*
- (2) The applicant/developer shall contract with the Agua Caliente THPO for the grading monitoring program.*
- (3) The project archaeologist/Historian and THPO shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.*
- (4) The project archaeologist shall monitor all areas identified for development including off-site improvements.*

- (5) *Prior to grading the applicant/developer is responsible for the completion of analysis, reporting and curation of previously incomplete archaeological work started by ASM Affiliates.*
- (6) *Prior to grading the applicant/developer's archaeologist must submit a plan for inadvertent discover of human remains.*
- (7) *Prior to grading the City, applicant/developer and the THPO must agree upon potential preservation area(s) for reburial of human remains.*
- (8) *An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.*
- (9) *During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the THPO and project archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined in consultation with the project archaeologist, the THPO and City.*
- (10) *Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.*
- (11) *In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The project archaeologist shall contact the THPO and the City Planning Department at the time of discovery. The project archaeologist, in consultation with the City and the THPO, shall determine the significance of the discovered resources. The City and the THPO must concur with the evaluation before construction activities will be allowed to resume in the affected area.*
- (12) *Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. In consultation with the THPO and the City, the project archaeologist shall determine the amount of material to be recovered for an adequate artifact sample for analysis.*
- (13) *In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at facility agreed upon by the City and THPO, that meets federal standards per 36 CFR Part 79. The collections and associated records shall be transferred, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation. Title of the collection will be granted to the Agua Caliente Band of Cahuilla Indians. Evidence shall be in the form of a letter from*

the curation facility identifying that archaeological materials have been received and that all fees have been paid.
Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

MM V-2 *Prior to the issuance of rough grading permits, a qualified archaeologist (pursuant to the Secretary of the Interior's standards and guidelines) shall be retained by the applicant/developer. The developer shall submit a copy of a signed contract between the project archaeologist and the developer/permit holder for the monitoring of the project, and which addresses the treatment of cultural resources, to the Planning Department. The Archaeological Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow recovery of cultural resources.*

MM V-3 *Prior to the issuance of grading permits, the developer/permit applicant shall enter into a contract with a Tribal monitor(s) from the Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office (THPO) who, at the tribe's discretion, shall be on-site during ground disturbing activities. The developer shall submit a copy of a signed contract between the THPO and the developer/permit holder for the monitoring of the project, and which addresses the treatment of cultural resources, to the Planning Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow recovery of cultural resources. Native American groups shall be given a minimum notice of two weeks that a monitor is required. If a monitor is not available, work may continue without the monitor. The project archaeologist shall include in the Phase IV Archaeological Monitoring report any concerns or comments that the monitor has regarding the project and shall include as an appendix any written correspondence or reports prepared by the Native American monitor.*

a) Native American monitoring does not replace any Archaeological monitoring required by an approved Archaeologist, but rather serves as a supplement for coordination and advisory purposes for the Tribes' interests only.

b) The developer/permit applicant shall not be required to further pursue any agreement for Native American monitoring of this project if after 60 days from the initial attempt to secure an agreement the developer/permit applicant, through demonstrable good faith effort, has been unable to secure said agreement from the Tribe. A good faith effort shall consist of no less than 3 written attempts from the developer/permit applicant to the tribe to secure the required special interest monitoring agreement and appropriate e-mail and telephone contact attempts. Documentation of the effort made to secure the

agreement shall be submitted to the Planning Department for review and consideration.

c) Should repatriation of collected cultural items be preferred, it shall not occur until after the Phase IV monitoring report has been submitted to the Planning Department. Should curation be preferred, the developer/permit applicant is responsible for all costs and the repository and curation method shall be described in the Phase IV monitoring report.

MM V-4 *Prior to brush clearing and/or earth moving activities, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. A sign-in sheet signed by all attendees of the aforementioned training shall be included in the Phase IV Monitoring Report.*

MM V-5 *Prior To Grading Certification: The developer shall submit the archaeologist's final report, including one (1) wet-signed paper copy and (1) CD of a Phase IV Cultural Resources Monitoring Report that complies with the requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the Archaeological Resources Management Report format. The Planning Department and THPO shall review the report to determine adequate compliance with the approved conditions of approval. Upon determining the report is adequate, the Planning Department shall clear this condition.*

MM V-6 *Prior To Grading Certification, the developer/ applicant shall provide evidence to the satisfaction of the Planning Department and THPO that all archaeological materials recovered during archaeological investigations have or will be curated at a curation facility, agreed upon between the City and the THPO, that meets federal standards per 36 CFR Part 79. The collection and associated records shall be transferred and are to be accompanied by payment of the fees necessary for permanent curation. Title shall be transferred to the Agua Caliente Band of Cahuilla Indians. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.*

MM V-7 *Removal of Human Remains. Should human remains be uncovered, California law requires that all development activity be suspended, and that the procedures established in Public Resources Code 5097.94 be followed to determine the disposition of the remains. Compliance with the law will reduce potential adverse impacts to less than significant levels.*

NOISE:

MM XII-1 *The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (7:00 AM and 10:00 PM Monday through Saturday).*

MM XII -2 *Haul routes shall not pass sensitive land uses or residential dwellings and should avoid using alleyways adjacent to said uses.*

MM XII -3 *The project contractor shall use power construction equipment with state of the art noise shielding and muffling devices.*

MM XII -4 *During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.*

MM XII -5 *The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.*

MM XII -6 *The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.*

MM XII -7 *A six-foot high barrier should be constructed to lower exterior noise levels. Masonry wall and acoustical fencing portions of the proposed barrier should descend all the way to the ground and contain no holes or openings.*

MM XII -8 *The project developer must show evidence that wall assembly construction of rooms being utilized for residential purposes will provide an adequate exterior to interior noise reduction to achieve interior noise levels of no more than 45 dBA CNEL.*

ENV 4. **Reimburse City for Monitoring Expenses.** The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developer's operations and activities for compliance with all applicable mitigation measures. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

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 ordinance, 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 and Chapter 11.06) of the Palm Springs Municipal Code and all other relevant water efficient landscape 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 local water agency that they are in conformance with the water agency's and the City's Water Efficient Landscape Ordinances.
- PLN 3. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median. The existing Robusta / Mexican Fan Palms at the Palm Canyon Drive frontage shall be replaced with California Fan Palms.
- PLN 4. 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 permit/program to the Department of Planning Services prior to the issuance of building permits.
- PLN 5. Flat Roof Requirements. Roof materials on flat roofs (less than 2:12) must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 or a minimum SRI of 64 and a three-year aged solar reflectance of 0.55 or greater. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 6. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.

- PLN 7. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 8. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 9. 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 10. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 11. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 12. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 13. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and visitors. Location and design shall be approved by the Director of Planning.
- PLN 14. Update of City's Zoning Map. Upon approval of the proposed Change of Zone, Tract Map and/or Planned Development District, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.
- PLN 15. Provide 'smart controllers' for all irrigation systems.
- PLN 16. Public Benefit. The applicant shall obtain approval from Riverside County Flood Control for improving and landscaping the south side of the adjacent Tahquitz Creek trail in accordance with the Tahquitz Creek Master Plan. Such improvement shall occur prior to issuance of any certificate of occupancies for the project.
- PLN 17. Pedestrian Connections to Palm Canyon. The applicant shall provide at least two pedestrian connections from the Multi-family portion of the site direct to the sidewalks on Palm Canyon Drive.

PLN 18. Vehicular Entry Gate(s). In accordance with General Plan Policy CD14.4, the primary vehicular access point from Belardo shall not be gated. The proposed gates shall be removed from the project.

PLN 19. Boulder/Rock Crushing. This activity is prohibited on-site.

PLN 20. Development Standards.

Standards	
Lot Standards	
Min. Area	Multi-Family (MFR): ~85,248 SF Single Family Residential (SFR): 5,000 SF
Min. Width	MFR: 640ft min. SFR: 53ft min.
Min. Depth	MFR: 130ft. min. SFR: 95ft min.
Building Height	MFR: 24ft. max. SFR: 15ft to 24 ft. max.
Density	6,576 SF of lot area per unit including both MFR and SFR dwellings
Yard Setbacks	
Garage	MFR: Garages accessed via motor court SFR: 18 ft. min.
Front	MFR: 30ft from Palm Canyon Drive SFR: 10ft from internal street
Side	MFR: 12ft from North P/L and 30ft from South P/L SFR: 10ft and 0ft for each lot
Rear	MFR: 600ft+ from Belardo SFR: 5ft from property line at back of house
Distance Between Bldgs.	MFR: 20ft separation, 28-40ft on interior motor court SFR: 10ft separation

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.

STREETS

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

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

SOUTH PALM CANYON DRIVE

- ENG 1. Dedicate an additional 10 feet to provide the ultimate half street right-of-way width of 50 feet along the entire frontage.
- ENG 2. Remove the existing curb located 32 feet west of centerline and replace with an 8 inch curb and gutter located 38 feet west of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 3. The Main Entrance of the project shall be aligned with main entrance and signal location of the Cameron project (TM 33575). Construct an 8 inch curb and gutter, 38 feet west of centerline, with a 25 feet radius curb (on each side of entrance), spandrel and cross gutter at the main entrance location in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 4. Construct two (2) driveway approaches one located near the northeast property line and also at the southeast property line in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 5. Construct an 8 foot wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 6. The existing palm trees located along the South Palm Canyon Drive frontage shall be relocated and transplanted by the applicant in conjunction with the associated street widening; or the applicant may furnish and install new *Washingtonia filifera* palm trees along the South

Palm Canyon Drive frontage, at equal spacing (Min height of 18' feet with 75% of trunk skinned). The applicant shall be responsible for installation of a new irrigation and electrical system in accordance with City of Palm Springs Standard Drawing No. 904, 1101 and 1102 for the palm trees to the satisfaction of the City Engineer.

- ENG 7. New or transplanted palm trees shall be guaranteed for a period of one year from the date of acceptance by the City Engineer. Any palm trees that fail during the one-year landscape maintenance period shall be replaced with a new palm tree of similar trunk diameter and height to the satisfaction of the City Engineer, and shall be subject to a subsequent one-year landscape maintenance period.
- ENG 8. Applicant shall enter into a reimbursement agreement with the developer of TM 33575 for 50% of the costs associated with design and construction of the off-site 14-foot wide raised landscaped median island along the entire frontage of the project.
- ENG 9. Construct pavement with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire South Palm Canyon Drive frontage in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 10. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

BELARDO ROAD

- ENG 11. Remove portions of existing curb, gutter and sidewalk to construct a 25 feet radius curb return, spandrel on both sides of the intersection of Belardo Road and "A" Street in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 12. Construct a 6 feet wide cross gutter at the intersection of Belardo Road and "A" Street with a flow line parallel with and located 20 feet east the centerline of Belardo Road in accordance with City of Palm Springs Standard Drawing No. 200.

- ENG 13. Construct Type A curb ramps meeting current California State Accessibility standards on both sides of the intersection of Belardo Road and "A" Street in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 14. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement in the intersection of Belardo Road and "A" Street in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 15. All broken or off grade street improvements along the project frontage shall be repaired or replaced.
- ON-SITE
- ENG 16. For on-site bay parking in residential and commercial zones, paving material shall be decorative paving, colored and/or patterned to relate to the overall design in accordance with Zoning Code 93.06.00.C.15.e.
- ENG 17. The minimum pavement section for all on-site pavement drive aisles, parking spaces and private streets shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 18. All on-site private streets shall be two-way with a minimum 29 feet wide travel way (as measured from top of curb) where no on-street parking is proposed.
- ENG 19. All on-site private streets shall be two-way with a minimum 37 feet wide travel way (as measured from top of curb) where on-street parallel parking is proposed.
- ENG 20. On-site drive aisles or parking lot shall be constructed with curbs, gutters, and cross-gutters, as necessary to accept and convey street surface

drainage of the on-site streets to the on-site drainage system, in accordance with applicable City standards

SANITARY SEWER

- ENG 21. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 22. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 23. Construct an 8 inch V.C.P. sewer main along all on-site street frontages located 5 feet from centerline or as required by the City Engineer and connect to the existing public sewer system in South Palm Canyon Drive. All sewer mains constructed by the applicant and to become part of the public sewer system shall be digitally video recorded by the City prior to acceptance of the sewer system for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
- ENG 24. Remove and relocate the existing sewer main from easement along the frontage of subject property to South Palm Canyon Drive right-of-way as required by the City Engineer. When the relocation of sewer main has been completed and accepted by the City of Palm Springs, a summary vacation of the sewer easement will be required.
- ENG 25. All sewer mains constructed by the developer and to become part of the City sewer system shall be digitally video recorded (Developer shall contact City treatment plant facility for acceptable digital video format) and submitted to the City for review prior to acceptance of the sewer system for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
- ENG 26. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING

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

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

b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study and a copy of the project-specific Final Water Quality Management Plan.

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

ENG 29. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed at the limits of grading and/or disturbed areas. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing

shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

- ENG 30. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 31. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 32. Prior to issuance of grading permit, the applicant shall provide verification to the City that the Tribal Habitat Conservation Plan (THCP) fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the THCP.
- ENG 33. A Notice of Intent (NOI) to comply with the California General Construction Storm water Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 34. This project requires preparation and implementation of a storm water pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the approved final project-specific Water Quality Management Plan shall be incorporated by reference or attached to the 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 35. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre (if there is disturbance of 5,000 square feet or more) at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.

- ENG 36. 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 37. The applicant shall provide pad (or finish floor) elevation certifications for all building (or structure) pads in conformance with the approved grading plan (if required), to the Engineering Division prior to construction of any building (or structure) foundation.
- ENG 38. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 39. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated storm water and non-storm water runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated storm water and non-storm water runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

- ENG 40. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from within the underground parking garage and the on-site private drive aisles. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- ENG 41. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific Water Quality Management Plan (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&Rs); 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 issuance of any grading or building permits.
- ENG 42. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

- ENG 43. All storm water runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Storm water runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMPs).
- ENG 44. All storm water runoff passing through and falling onto the site shall be accepted and conveyed to a new drainage system to be constructed as

part of the development. An on-site retention basin and other storm drainage facilities approved by the City Engineer shall be required.

- ENG 45. The applicant shall accept and convey all storm water runoff across the property and conduct the runoff to an approved drainage system. On-site retention may be allowed on that portion of the property where historically, storm water runoff is conveyed. The incremental increase of storm water runoff due to development of the property shall be retained on-site to the satisfaction of the City Engineer.
- ENG 46. Direct release of on-site nuisance water or storm water runoff shall not be permitted to South Palm Canyon Drive. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a storm water runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 47. The applicant shall accept and convey all storm water runoff across the property and conduct the runoff to an approved drainage structure. On-site retention may be allowed on that portion of the property where historically, storm water runoff is conveyed. All on-site grade slopes shall not be less than 0.5%. If onsite retention is utilized, retention basin calculations shall be provided to the City Engineer.
- ENG 48. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated storm water and non-storm water runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated storm water and non-storm water 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.
- ENG 49. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$7271.00 per acre in

accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

- ENG 50. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.
- ENG 51. Construct storm drain improvements based upon the approved preliminary Hydrology Study for TM 36914.
- ENG 52. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 53. The proposed underground retention system(s) shall be installed on-site and not within the public right-of-way. The underground storm water retention system shall be sized to have a sufficient capacity equal to the volume of increased storm water runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required retention volume may be allowed for percolation of the storm water runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Provisions for maintenance of the underground storm water retention system(s) shall be included in Covenants, Conditions, and Restrictions (CC&R's) for the Home Owners Association (HOA), including reference to the fact that maintenance and/or replacement of the system may require removal of existing landscaping improvements within the landscape parkway at the sole expense of the HOA. The CC&R's shall reserve the right of the City to inspect and ensure that the underground retention system is operable, and in the event of its failure, shall provide the City the right to advise the HOA and require its repair or replacement to the satisfaction of the City Engineer.

GENERAL

- ENG 54. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other

street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 55. 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 56. All proposed utility lines shall be installed underground.
- ENG 57. 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 running along the westerly property line 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 58. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 59. Upon approval of any improvement plan (if required) 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 by the City Engineer.
- ENG 60. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 61. 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 62. 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 63. The developer shall apply for an annexation to the City of Palm Springs Community Facilities District established for public safety services and submit required applications, waivers, and consent forms to the annexation prior to approval of a final map. Payment of an annexation fee \$7,500 and shall be made at the time of the application.
- ENG 64. 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 65. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final Map by the City Council, or in the absence of a Final Map, shall be submitted and approved by the City Attorney prior to issuance of Certificate of Occupancy.
- ENG 66. 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, 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.
- ENG 67. Acceptance of public improvements required of this development shall be completed by resolution of the City Council to release the faithful performance bond and acceptance of replacement maintenance bond to be held for one year. An inspection will be performed nine months after said acceptance as part of the notice of completion process, a notice of completion will be filed certifying the improvements are complete.

TRAFFIC

- ENG 68. As determined by the Traffic Scoping Study submitted by George Dunn Engineering, dated December 23, 2015, the following mitigation measure(s) will be required:
- a. Pay a fair share contribution determined as 50% for the future installation of a traffic signal at the Intersection of South Palm Canyon Drive and Main Entrance of TM 33575 "Cameron Project" and Main Entrance of TM 34190. Applicant shall enter into a reimbursement agreement with the developer of TM 33575 for the Costs associated with design and construction of the Traffic signal improvements.
- ENG 69. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

Minimum clearance on public sidewalks or pedestrian paths of travel shall be provided by (either an additional dedication of a sidewalk easement if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the Belardo Road and South Palm Canyon frontages of the subject property.

- ENG 70. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 71. The applicant shall install a Type R6-1 "One Way" sign within the South Palm Canyon Median, opposite the driveways located near the north and south property lines along south palm canyon drive, as required by the City Engineer.
- ENG 72. Install a stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of Belardo Road and "A" Street and South Palm Canyon Drive and proposed driveway entrances located at the north and south ends of the proposed parking lot with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 73. Install a street name sign at the intersection of Belardo Road and "A" Street in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625 and the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 74. 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 (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.
- ENG 75. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

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

FID 1 These conditions are subject to final plan check and review. Initial Fire Department conditions have been determined from the plans received and dated April 25, 2016. Additional requirements may be required at that time based on revisions to site plans.

FID 2 Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Three (3) complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal. No deferred submittals accepted.

FID 3 **PLANS AND PERMITS (CFC 105.1):**

Permits and scaled drawings are required for this project. Plan reviews can take up to 20 working days. Submit a minimum of three (3) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

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

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

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

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

Plans shall include all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supporting data, (calculations and manufacturers technical data sheets) including fire flow data, shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

FID 4 **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

FID 5 Traffic Calming Devices (CFC 503.4.1): Traffic calming devices shall be prohibited unless approved by the fire code official.

FID 6 Security Gates (CFC 503.6): The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. Secured automated vehicle gates or entries shall utilize a combination of a Tomar Strobeswitch™, or approved equal, and an approved Knox key electric switch. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

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

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

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

FID 7 Key Box Required (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.

FID 8 Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings

- FID 9 NFPA 13R Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13R, 2013 Edition, as modified by local ordinance.
- NFPA 13R system required for condominiums
 - Shall comply with Palm Springs Fire Code Appendix L
- FID 10 NFPA 13D Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2013 Edition, as modified by local ordinance.
- NFPA 13D system required for single family dwellings
 - Shall comply with Palm Springs Fire Code Appendix L
- FID 11 Single- and Multiple-Station Smoke Alarms (CFC 907.2.11):** Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.4 and NFPA 72.
- Exception: For Group R occupancies. A fire alarm system with smoke detectors located in accordance with this section may be installed in lieu of smoke alarms. Upon actuation of the detector, only those notification appliances in the dwelling unit or guest room where the detector is actuated shall activate.
- FID 12 Audible Residential Water Flow Alarms - NFPA 13D & 13R Fire Sprinklers & Household Fire Alarm System (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe with WBB back box or equal) shall be provided on the exterior of the building in an approved location. It shall be powered by the household fire alarm system. The horn/strobe shall be outdoor rated.

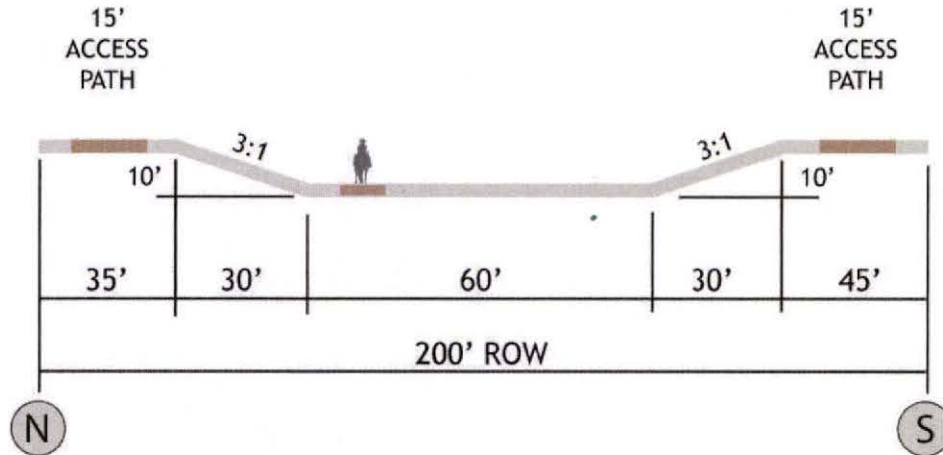
END OF CONDITIONS

Attachment 7

Existing Cross Sections

Sections showing existing site conditions from west to east are below.

Spillway to S. Palm Canyon Drive



- RCFCD ROW at spillway structure extends to 760' width max.
- 8' concrete apron extends 540' west of S. Palm Canyon Road.
- 9.22% grade on access ramp (180 LF)
- 15' wide access path on north side between top of ramp and spillway



On the south side looking west towards the spillway



On the north side looking east towards the S. Palm Canyon Road bridge

Tahquitz Creek Trail Master Plan: Alignment Alternatives West



Data Provided by:
City of Palm Springs, California
Map Prepared by:
Alta Planning + Design November, 2008

Legend

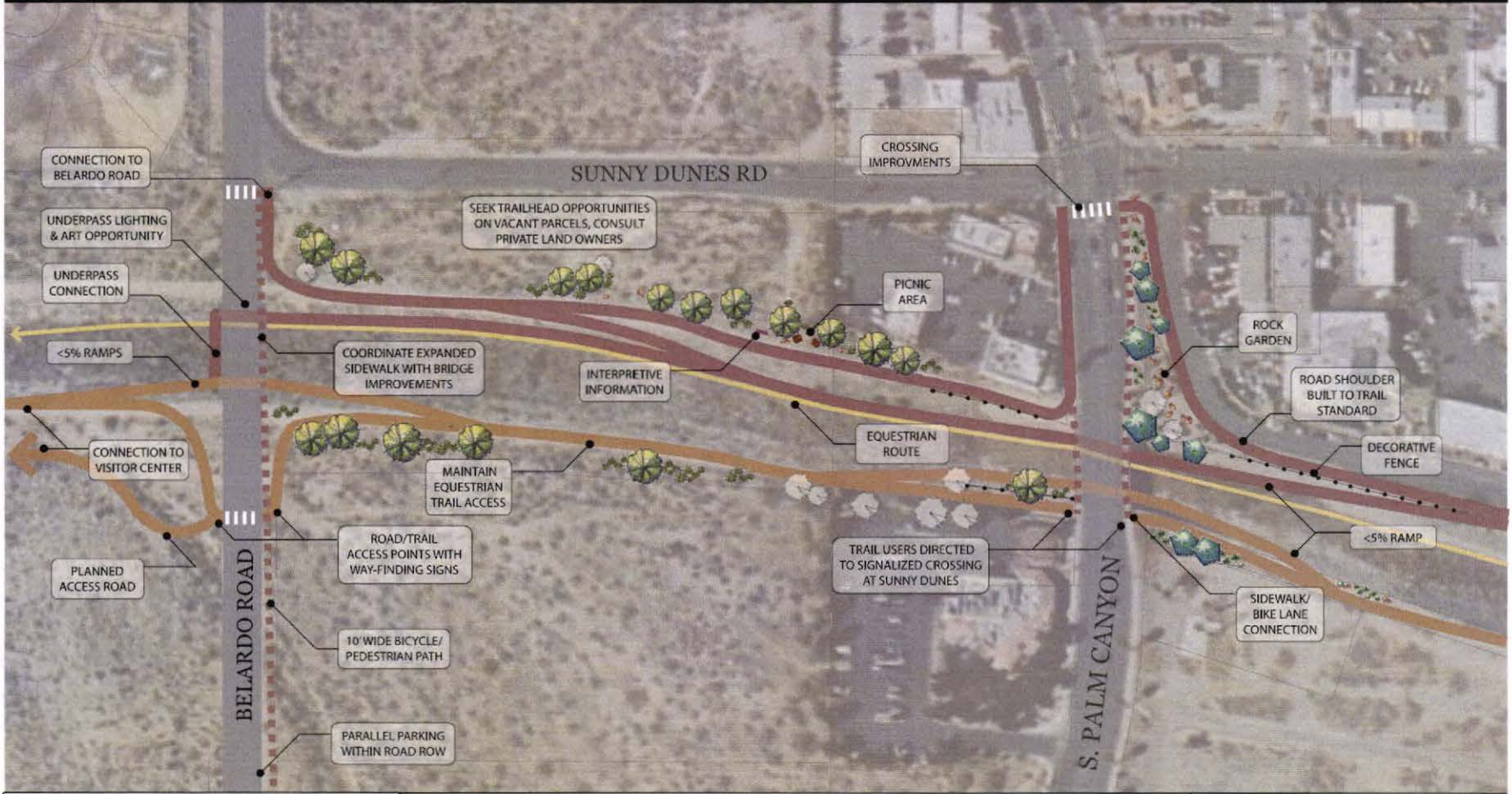
- Trail Alignment Option A - Multi-Use
- Trail Alignment Option B - Equestrian
- Trail Alignment Option C - Multi-Use



Trail Connection - Multi-Use
Trail Connection - Equestrian
Trail Connection - Multi-Use



Tahquitz Creek Trail Master Plan: Preferred Alignment - Belardo to S. Palm Canyon



49

Data Provided by:
City of Palm Springs, California
Map Prepared by:
Alta Planning + Design August 2009

Legend

Canyon	Riparian	Desert	Existing Vegetation
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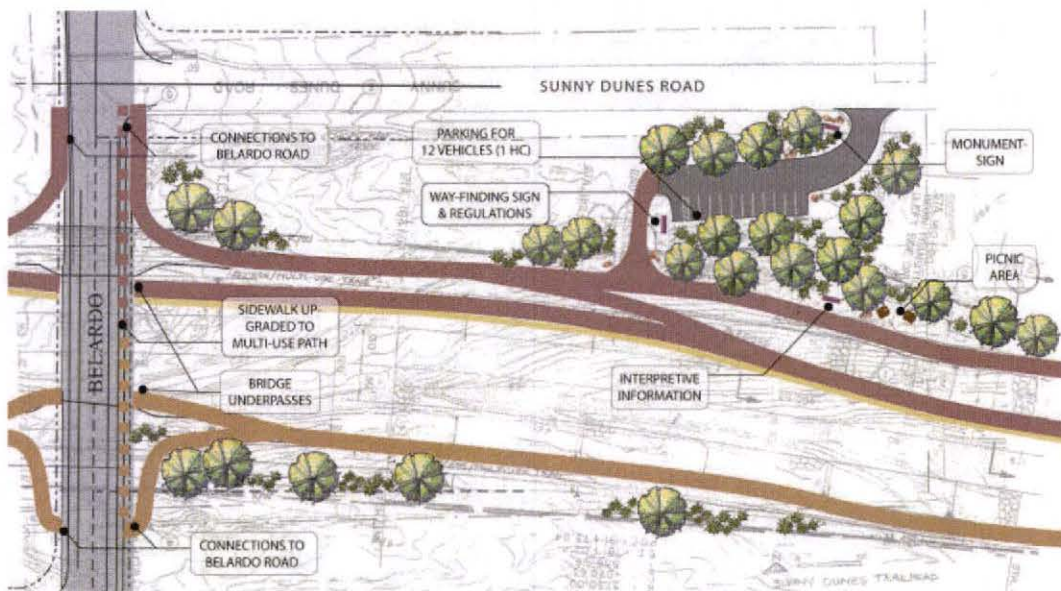
would have a greater life span than the first option, initially it would be significantly more expensive. This approach was not preferred by the community.

An Engineering Report detailing the ideas suggested above, along with cost implications and feedback from RCFCD, are included within Appendix B.

Trail Access

Existing parcels of vacant land should be considered for trail access opportunities. Between the Creek and Mesquite Avenue, the right-of-way of Belardo Road is wider than necessary (75 - 80') for the planned vehicle travel. This additional width is sufficient to allow for one lane of parallel vehicle parking, trail signs and a multi-use path, in addition to the planned two vehicle travel lanes. While 5' wide sidewalks are currently proposed on each side of Belardo Road, a 10' wide pathway (on the east side) should be provided for bicycle and pedestrian access to the trail system.

Vacant lands north of the Creek between Belardo and S. Palm Canyon Roads, may also be considered as a location for a trail access point. Individual landowners should be approached to determine if there are opportunities for trailhead development. A trailhead with vehicle parking spaces would relieve parking pressure on neighborhood roads. A formal trailhead should include a monument sign identifying the trail access point. A kiosk with trail rules and regulations as well as way-finding information should also be included at any developed trailhead. Trailhead signs typically include the following information: hours of operation, allowed and permitted uses, proper trail etiquette, and emergency contact information.



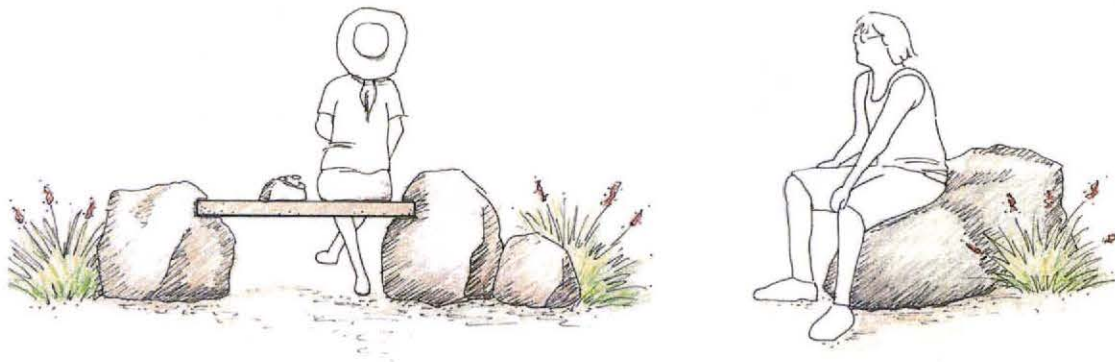
*Potential Conceptual Sunny Dunes Trailhead
(Currently not a part and under private ownership)*

A second trailhead should be considered in the eastern portion of the study area. Currently, a parcel of vacant land is found east of Sunrise Way, north of the creek. This parcel is allotted to an individual tribal member, leased to a private golf course, and has easement rights held by RCFCD. RCFCD currently utilizes the area for staging maintenance vehicles. Both

Seating Nodes

Opportunities for intimate seating areas are found throughout the corridor. Due to concerns expressed for neighbor privacy, seating nodes should be strategically placed near currently undeveloped parcels, public or quasi-public lands.

Seating areas should be small in size, accommodating no more than four people at a time. Seating nodes should offer shade and a place to rest. Site furnishings should be composed of natural materials including stone benches and boulders.



Intimate seating areas utilizing local materials.

Interpretive Opportunities

Members of the public have suggested that the pedestrian bridge at Camino Real is an appropriate location for interpretive information. Many school children use this route each day making an educational component appropriate.

Interpretive elements may also be placed near each of the trailheads. Themes to be addressed include the history of Palm Springs and its inhabitants; the local flora and fauna including habitat zones; flood control and the history of the creek channel.

Interpretive signs should use similar materials, forms and colors as other sign elements found throughout the trail in order to provide a unified trail experience.

The Cahuilla

More than 2000 years ago, the original inhabitants of the Palm Springs area were the Cahuilla Indians. Cahuilla villages were concentrated along the shores of ancient Lake Cahuilla, a freshwater lake formed by alterations in the course of the Colorado River. Prior to historic contact, the Cahuilla were primarily hunters and gatherers of wild plant foods and lived in permanent villages, linked by social and economic ties. The drying of Lake Cahuilla led to the gradual dispersal of villages to the canyons and alluvial fans in the mountains near permanent water sources. Complex communities were developed in Palm, Murray, Andreas, Tahquitz, and Chino Canyons where the Agua Caliente managed hundreds of plant resources. The Agua Caliente also fashioned a network of trailways connecting them with other cultures in southern California.

City of Palm Springs 2007 General Plan

Plant Materials

A planting scheme for the Tahquitz Creek Trail should celebrate the unique natural beauty of the local environment. Rivers and creeks extend through the desert bringing higher elevation species into the low lands. The planting plan should emphasize this natural pattern as well as the creek's connection to Tahquitz Canyon by incorporating indigenous canyon and riparian plant materials.

A gradient showcasing the different ecological habitats of the area should extend from the western portion of the trail to the east. The western zone should consist of canyon species. Plants indigenous to the local desert canyons are accustomed to having a reliable water source and thus would require a regular watering program. The second zone should be composed of plants naturally found in close proximity to xeri-riparian or local desert streams. Species in this zone would include deciduous trees that provide shade during the summer months, while allowing the sun to penetrate throughout the

Tahquitz Creek Trail - Suggested Plant Palette

Common Name	Scientific Name	Water	Notes
CANYON			
Trees			
California sycamore	<i>Platanus racemosa</i>	moderate	Important wildlife plant
California fan palm	<i>Washingtonia filifera</i>	2x/mo.	naturally occurs in clusters at oases
Fremont cottonwood	<i>Populus fremontii</i>	constant	Not an arid plant, requires irrigation
Shrubs			
Parry's beargrass	<i>Nolina parryi</i>	1-2x/mo.	stabilizes slopes
Deer grass	<i>Muhlenbergia rigens</i>	1x/mo.	used to make baskets
Indigo	<i>Psoralea schottii</i>	1x/mo.	blue blossoms
DESERT RIPARIAN			
Trees			
Desert willow	<i>Chilopsis linearis</i>	drought tolerant	long-lasting bloom time
Narrow-leaved willow	<i>Salix exigua</i>	drought resistant	winter deciduous
Shrubs			
Arrowweed	<i>Pluchea sericea</i>	natural rainfall	traditional medicinal
Jojoba	<i>Simmondsia chinensis</i>	natural rainfall	provides good visual screen
White sage	<i>Salvia apiana</i>	natural rainfall	white blossoms
DESERT			
Trees			
Mesquite	<i>Prosopis spp.</i>	drought tolerant	provides filtered shade
Cat claw acacia	<i>Acacia greggii</i>	natural rainfall	small tree, multi-stemmed
Palo verde	<i>Cercidium floridum</i>	drought tolerant	provides filtered shade
Shrubs			
California barrel	<i>Ferocactus cylindraceus</i>	drought tolerant	accent plant
Brittlebush	<i>Encelia farinosa</i>	drought resistant	rapid growth, yellow flower
Creosote	<i>Larrea tridentata</i>	natural rainfall	minimal maintenance
WASH			
Shrubs			
Chuparosa	<i>Justicia californica</i>	drought tolerant	found naturally in sandy washes
Smoke bush	<i>Psoralea spinosus</i>	drought resistant	naturally occurring in desert washes

Note: Although a plant may be listed as drought tolerant or resistant, all plant materials require water during establishment (typically the first two years) as well as during periods of prolonged drought in order to maintain good health and visual appearance.

Attachment 8



WOODBRIDGE PACIFIC GROUP

June 22, 2016

City of Palm Springs
City Council
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262

To: Honorable Mayor Robert Moon Mayor Pro Tem Chris Mills
Councilmember Ginny Float Councilmember Geoff Kors
Councilmember J. R. Roberts

Re: Tract 36914 Located at 777 South Palm Canyon (former Rock Garden Restaurant Site)
57 Single Family Homes and 25 Multifamily Homes

Members of the City Council

Woodbridge Pacific Group has been processing the application for Tract 36914 for over a year and are pleased to bring this project before you on July 6, 2016 for your approval. We have been before the Architectural Advisory Committee on four different occasions and the Planning Commission on three occasions resulting in a thorough vetting of the project design (both from a planning perspective as well as architecture).

We at WPG are very excited to bring this project to the market to create a quality development in an area of downtown Palm Springs that has heretofore experienced various unsuccessful land uses (Magruder car dealership, Rock Garden restaurant, planned Wyndham hotel and the old Woolworths retail center). We believe our development along with the Cameron development will enhance greatly the area along South Palm Canyon extending from the Tahquitz Channel south to Mesquite Avenue. I have **attached the site plan** for the project depicting the 57 single family homes on 5,300 sf lots with access from Belardo Road and the 25 "for sale" condominium units fronting South Palm Canyon Drive (see **attached condominium building elevation**).

Along with the 57 single family homes the initial planning also included a mixed use element (live/work units and/or podium commercial with residential above) fronting South Palm Canyon Drive. However, due to the speed limit along South Palm Canyon Drive, the curve in the road, no parking on South Palm Canyon Drive, other parking concerns, an already over served retail element in the city and direct interviews with various retail brokers/developers in the City, it was determined that the mixed use element be eliminated (as has been recommended by the Planning Commission). In its place we have developed a medium density "for sale" residential concept that provides for (1) a generous setback from South Palm Canyon Drive, (2) heavy landscaping to soften and aesthetically enhance the frontage, (3) incorporates varied building "planes" creating a non-linear street scene along South Palm Canyon, (4) provides building separations that allow for view corridors from South Palm Canyon to the mountains to the west, (5) a "landing area" adjacent to the northerly most multifamily building at the Tahquitz Regional Trail and (6) architecture that is consistent with Palm Springs' heritage of mid-century / modern designs.

Planned Development

As part of the planning process the project is being developed as a "Planned Development". The reasons are two-fold. First, the zoning along South Palm Canyon is for commercial development which has been determined to be un-feasible as outlined above. Second, the General Plan designation for the balance of the property is for a much higher density (up to 180 units) and does not allow for single family homes. So as we progressed with the planning of the project using a much lower density of +/- 82 homes it was determined that the project be processed as a "Planned Development". As part of that "Planned Development" process we as the developer are to provide the City with a "Public Benefit" and as such we have included in the plan (1) *enhanced community circulation with the landscaping and development of the Tahquitz Regional trail* bordering the north boundary of the project, (2) provided a 12' wide *public open space buffer* fronting the Tahquitz regional Trail to further enhance the trail experience, (3) agreed to *fund the future trail extension under the new South Palm Canyon bridge* (the "to be" widened bridge over the channel), (4) provided an *open space area or "waypoint landing area" open to the public* but maintained by our HOA at the northeast corner of the project (see image below), (5) provides *community beautification through extensive landscaping along South Palm Canyon and Belardo*, (6) provides for *community beautification by under grounding the power lines along Belardo* and (7) provides for *blight removal and removal of transient camps and drug related issues* associated with the property in its current state.

Additional Planning Commission Conditions

The Planning Commission approved the project as a Planned Development however added additional conditions to those recommended by the city staff. We agree to PCC conditions 2, 3, 4, 5, 6, 7 and 9 (50/50 mix of single level homes on Belardo and the trail, no rentals for less than 30 day stays, AAC review of Tahquitz Trail wall design, removal of a lot for additional open space, privacy and orientation design considerations of second floor space, shared use easement instead of zero lot line, trail improvement and cash bond for trail under crossing).

However we do not agree with PCC Conditions 1, 8 and 10 as follows:

PCC condition 1 - No Rock Crushing

We do not agree to the Planning Commission's recommendation to not allow rock crushing onsite. We really believe this is a mistake that will cause an extended time frame for the grading of the site and impact traffic within the city. The CEQA review allows for crushing but the PC opined otherwise. I have **attached** a memorandum outlining the ramifications of crushing versus not crushing that makes a compelling argument for rock crushing as an alternative to thousands of truck hauling trips.

PCC Condition 8 - Removal of Lot 37 and one condominium Building in Favor of a Park

We do not agree to the Planning Commission's recommendation that we remove one single family lot (lot 37) and one condominium building (5 condominium units) in favor of a park. The park would front on Palm Canyon in the general location of the old Rock Garden restaurant and to be maintained/owned by our HOA but be used by the general public. This makes no sense to us having a private park with public access in a location on a busy street where no one would rationally locate such a park.

PCC Condition 8 (continued)

The location is adjacent to the Tahquitz wash and the underpass under South Palm Canyon which is a perfect place for drug dealers, etc. as has been the case when the Rock Garden restaurant building was still there. The City went to great lengths to force the land owner to eliminate that gathering place by demolishing the restaurant and the PC has now conditioned the project to build a new such gathering place which will be a terrible nuisance to our future homeowners and one that will be impossible for the HOA to police.

There was testimony during the PC meeting from a homeowner in the Canyons project on Belardo during which she stated her community must clean up syringes and other paraphernalia from around the perimeter of their neighborhood on a weekly basis. We will be discussing with the Police Chief as to his recommendation for such a public gathering area in that location on private property (HOA land).

Alternatively we have expanded the area between the trail and the northern most condominium building by altering the building to provide a larger "landing area" where the trail intersects South Palm Canyon (see attachment hereto). Our revised site plan, TTM and conceptual landscape plan all reflect this change. We have no problem with establishing this "waypoint" along the future trail but I do not want to establish an area for people to sleep, erect tents, etc. on HOA property.

PCC Condition 10 - Removal of the Gated Entry at Belardo

The Planning Commission recommended that the project not be gated. For many of the same reasons outlined above, a project in this location should absolutely be gated. There are elements in that part of town that pose a threat to residents and businesses in the area and are a major deterrent to living in the area without the deterrence provided by a gated neighborhood. From day one we have shown gates on the project. Attached is a map showing surrounding land uses with gates, both residential and commercial/office buildings. There is a reason why these adjacent properties up and down Belardo have gates for security.

Conclusion

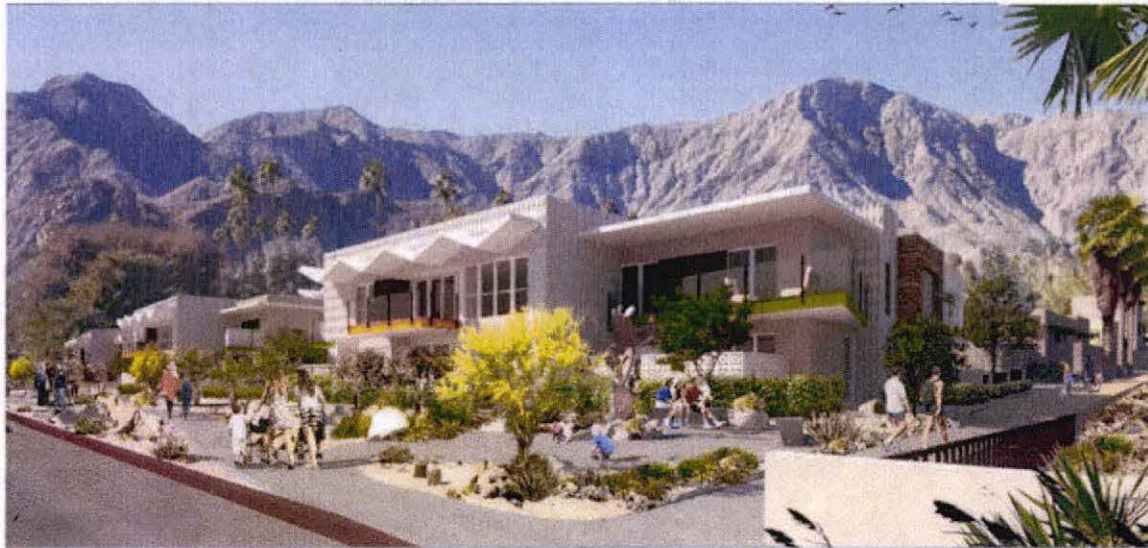
We respectfully request approval of the project per the Planning Commission resolution with the exception of PCC conditions 1, 8 and 10 and look forward to presenting the project to the City Council on July 6, 2016.

Respectfully



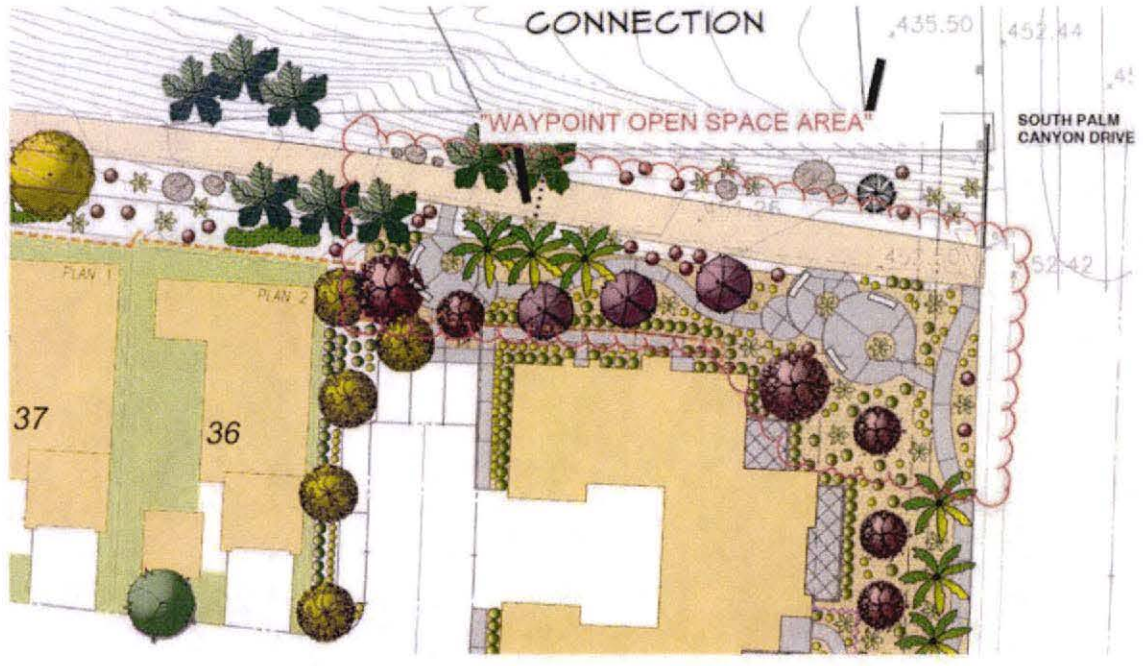
Todd Cunningham
President
Woodbridge Pacific Group

Site Plan

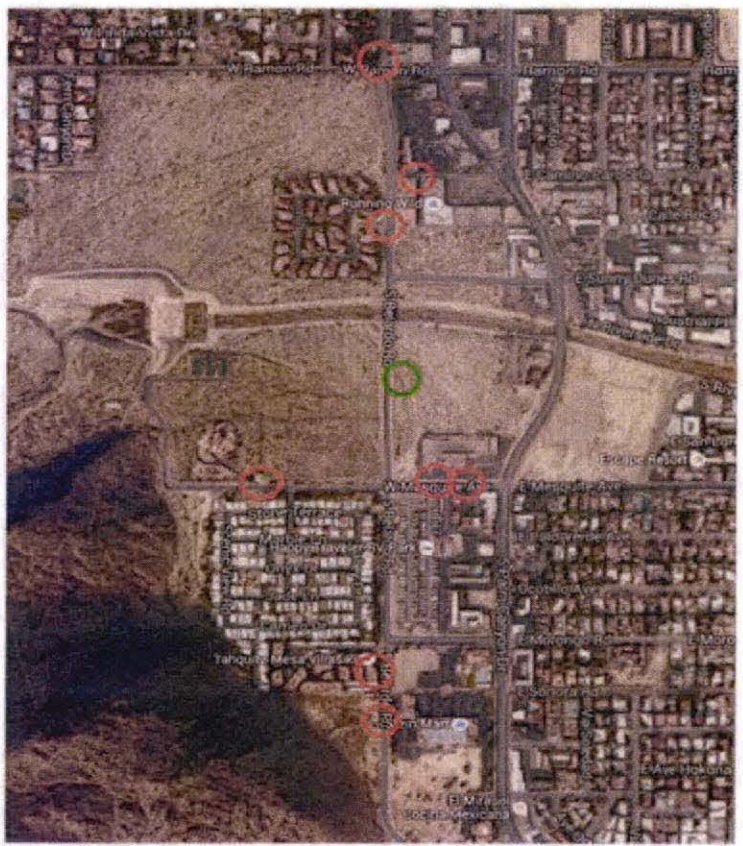


Condominium Building Elevation at Northeast Corner of Project (on South Palm Canyon)

Waypoint Open Space Design at Trailhead of Tahquitz Trail and South Palm Canyon Drive



Gated Properties
Belardo Road



Rock Crushing Memorandum

wpg

WOODBIDGE PACIFIC GROUP

To: David Newell

From: Steve Zabala

Re: Per your request regarding the rocks at Palm Canyon. Using SKYE as a measuring stick related to exporting rock.

SKYE as a Measuring Stick

Palm Canyon site is 12.4 acres / Skye is 19.8 acres

Skye had a 70% to 90% shrinkage during grading due to the export of rock.

I have completed grading approximately 50% of the site at SKYE that has taken almost 8 months.

To date I have made a little over 4,800 truck trips to rock yards all the way to Indio.

This does not include importing of fill materials. To date we have imported approx. 30,000 cubic yards of fill material which equates to approximately 2,000 trips (one way) in order to replace the rocks exported from the site.

Some of the fill import trips were part of the exporting of rock that went out then came back with fill material. I estimate at least half came back with material.

Taking my cues from above, the following are my estimates for the Palm Canyon project:

- **PALM CANYON-NO CRUSHING:** ESTIMATE 8,400 truck-loads lasting 8+ months to rough grade completion (shrinkage is expected to be same as SKYE 70% to 90% shrinkage with minimal fines on site).
 - 6800 truck trips to haul away boulders and cobbles.
 - Approx. 45,000 cubic yards of import will be required. This would equate to approximately 3,200 trips. We may be able to combine with exporting efforts but not always available when taking rocks out.
 - The yard that would accept our rocks is in Indio (Granite). Almost a 3 hour round trip effort which means at least 80 to 100 trips a day. All other disposal sites have a size requirement of 24" minus and pay an extra fee or \$100 per truck.

- **PALM CANYON - CRUSHING: ESTIMATE** only 500 truck-loads (versus 8,400 truck-loads) required to export excess material *if* we are not able to use all crushed material on site and minimal imported fill dirt if any as required (approximately 3 – 4 months for grading operation versus 8+ months without crushing).
 - We won't need to crush every day. And maybe not all day when we do. 4 to 6 hours per day.
 - We can place the crushing unit on site at a distance from all surrounding residences that will exceed required mitigated distances (in excess of 900' from residences).
 - Dust will not be a problem as a water truck is always on site plus the new crushing units have a water bar at key locations as it fills the unit with rocks.
 - The noise level will not cause adverse impact to the area as the new units are designed to quieter than older units and will be below ground level ("sunk" in the ground).
 - An on-site demonstration may be available or videos can be shared.
 - We should be able to crush everything we need down to a workable 3" or smaller size. The crushed material will work as fill for streets, house pads, etc. thereby severely reducing or eliminating the need for export of rock.
 - I estimate that 90% of the truck loads for rock export would be eliminated. I would say 100% but we may have more material than what we need after crushing. Meaning after crushing what we need for streets and pads, we may have excess.
 - The same with importing of fill material. The importing of fines (fill material) would significantly be reduced from 0 to 5,000 cubic yards for fill material if crushing were used as outlined above which would reduce

Steven M. Zabala

Project Manager

Woodbridge Pacific Group

COACHELLA VALLEY DESERT CITIES

Office: 949-348-8162 / Cell 949-689-4388

Email: szabala@woodbridgepacific.com



Date: 5-17-2016
Application/Case # _____
City Of Palm Springs
Justification Letter, TTM 36914

Current property use: **C1 and R3**
South Palm Canyon Redevelopment
Project area
8811. Private Households; Mixed Use-
Professional

Palm Ridge Housing LLC and its affiliate Woodbridge Pacific Group are submitting for TTM and PDD reviews.

PROPERTY DESCRIPTION:

Palm Desert Housing LLC 12.38 acres is currently a combination of mostly undeveloped land, with a portion being a vacant restaurant and paved parking area. Both of which have been demolished down to concrete slabs.

The project will be subdivided into 57 residential lots (5,362 ave. sf lots), 25 Condominiums (2,000 average sf units).

Private streets and a retention basin at the SW corner of project.

The project is bordered on the north by Tahquitz Creek, on the east by South Palm Canyon, on the south by a vacant car dealership and vacant land and on the west by South Belardo Road

57 SINGLE FAMILY

53' x 95' average lot sizes
Average lot size 5362 sf

Plan 1 - 2,063 sf

Plan 2 – First Flr-2,004 sf
Second Flr-461 sf

Total: 2,465 sf

Plan 3 – First Flr-2,011 sf
Second Flr-374 sf

Total: 2,385 sf

25 CONDOMINIUMS (2 story)

Plan 1 - 1650 sf
Plan 2 - 2,000 sf
Plan 3 - 2,200 sf

PUBLIC BENEFIT:

- “Lush” landscaping along the frontage of South Palm Canyon. Pedestrian sensitive walkways. Beautify the existing hiking/biking trails along the northerly boundary adjacent the Taquitz Creek Channel with lush landscape and wider trail pathway.
- Remove and delete the use of the site as home base for the homeless and melting pot for illegal drug transactions.
- Private Gated entry from Belardo as main entrance to the mixed use subdivision. An “emergency only” gate at South East corner of the site onto South Palm Canyon is also planned and in site design.

Developer / Builder for the above.



Steven Zabala, Project Manager

Architectural Advisory Committee
City of Palm Springs

217 E. Mesquite Avenue
Palm Springs
CA 92264

August 8th 2015

Case 5.1378 PD-379 / ZC / 3.3876 MAJ / TTM 36914

Dear AAC Members,

I am a resident living near this proposed development and have been following the issues related to this site over the past few months. I have reviewed the proposal and the staff report and would like to make the following comments, which I would respectfully ask that you consider.

I support all of the recommendations made by the City's staff in their report to you. However, apart from the detailed issues raised by staff, I feel that there is a need for you to consider the "bigger picture" as well. That comes in the form of the relationship of the proposed development to its surroundings, particularly the adjacent derelict car dealership which is blighting the neighborhood as it has become a hot-spot for vagrants who gather there. This is reflected in the way the building of the former Rock Garden restaurant, now owned by the developers of this application, are referred to by them in their letter dated 7-28-2015 copied in the staff report – as a center for illegal and anti-social activity.

The derelict car dealership has stood vacant now for eight years. It is an unsecured building that has been described in recent months by both the Mayor, City Council members and the City Manager as "a blight" on the neighborhood. Police reports regarding this building state that there is evidence of fires having been set there and my own observations as well as those of other people living around it is that it has become a base for the same kinds of criminal vagrants who have occupied the nearby Rock Garden building, now owned by the developers submitting this proposal. Local residents are afraid to walk near the Magruder property at night due to fear of being accosted by people who appear to be intimidating, mentally unstable or both.

In addition to evidence of bike theft and drug dealing occurring in the vicinity, discarded hypodermic needles have been reported to have been found in the bushes around the nearby Fey Realty building, at the top of W. West Mesquite Avenue adjacent the Parkview Mobile Estates as well as on S. Random Road and in February of this year a woman was murdered on land the developers are now submitting to you for consideration.

I and other local residents believe that the development of the proposed site along with the demolition of the Rock Garden building will help mitigate such problems and hence in principle support the early development of this site. However, if the derelict Magruder

Item 3

building is left in its current state the proposed development will not provide a "desirable environment for its occupants" as many other local residents have stated that had they known the extent of the blight imposed on the area by this derelict building they would not have purchased their homes.

The support documents say that the application includes the Magruder site yet the plans don't show this apart from a narrow strip of it on the north side. It is not at all apparent why this strip is shown as such on the plans. I hope that you will seek clarification of this.

With great respect, I urge you to please consider this proposed development the wider context of the blight created by the adjacent property in examining the merits of this proposal.

Although for me and other neighbors that is the primary concern there are some additional questions we have about this proposal.

THE ECONOMIC VIABILITY OF MORE LIVE-WORK UNITS

The proposal includes Live-Work units - essentially businesses with residential space above. Twenty-two such units are being built in the Cameron project on the other side of S. Palm Canyon Drive, (SPCD), and no such unit types have been created on this site in the past. The economic viability of such units is questionable as there are similar unrented properties further south on SPCD. Can the developers be asked to provide an economic feasibility study - (they must surely have done one) - to justify building more commercial units here?

HARMONY OF DESIGN ALONG S. PALM CANYON DRIVE

The Cameron project includes 15,000 sq ft of retail space and live-work units on the opposite side of the street, fronting SPCD. How that looks should be considered in examining the proposed frontages to SPCD for the this proposed development, i.e. there should be some degree of harmony between the street facing elements of this development and the Cameron Project.

SPEED REDUCTION ALONG S. PALM CANYON DRIVE.

Finally, SPCD is to be redesigned with a median strip and traffic lights. However as far as I know there is no proposal to change the speed limit, which for southbound traffic rises from 25mph to 40 mph north of the development. If possible I would urge the AAC to consider engineering/road-design issues and make a proposal regarding reducing the speed limit on S. Palm Canyon Drive to 30mph at least as far south as Mesquite Avenue.

Sincerely,

Dr. Jonathan Freeman



RECEIVED

AUG 18 2015

PLANNING SERVICES
DEPARTMENT

August 18, 2015

MLS

David Newell
 Planning Dept
 City of Palm Springs
 fax 760-322-8360

RE: The Palm Canyon case # 5.1378 PD 379

Dear Mr. Newell

As we discussed on the telephone, I attended the neighborhood meeting regarding the subject project. We are located just South of the proposed project.

The proposed project violates almost all of the standards established for Palm Springs. Specifically:

- substandard SFR lot size 5,000 sq ft versus 10,000 sq ft standard
- excess building coverage 75% (per developer) versus 35%
- setbacks - Zero lot line on one side and 5 ft on the other versus 10ft each side
- setback from Palm Canyon - three story with no setback from sidewalk
- Parking - inadequate parking on live/work units
- Inadequate ingress/egress - one practical ingress/egress for 60 homes - no stacking on 2nd gate to Palm Canyon?
- Overhangs - plans show 2 foot overhangs on each home on the neighboring lot.

Aesthetically:

- no landscaping no green area in the entire project
- 61 swimming pools! Neighbors look right into your swimming pool & yard
- High wall at the wash! (Looks like a prison)
- Developer stated this type of project was very acceptable in Mission Viejo (we are not Mission Viejo) - I hope the quality is better.

As a developer of 1200 homes & condominiums in Palm Springs and an active Realtor, I am very aware of current trends. People come to Palm Springs for open space! And smaller, vacation homes (smaller square footage not land)! If they wanted an Urban, cramped setting, they would stay in Orange County.

Paul Thoryk, an outstanding Orange County Architect, did two projects in Palm Springs during the good times and both went under. I showed one of the homes to a client who lived in a Paul Thoryk home in Corona Del Mar (same floor plan) - he hated it! Because "the way I live in Corona Del Mar is not the way I live in Palm Springs"

A bad project hurts everyone. How about two common swimming pools in a central landscaped area (open space) and some guest parking? There is a reason that Palm Springs properties sell for more per square foot than Rancho Mirage!

Thank You

Robert Fey



December 4, 2015

Mr. Flinn Fagg
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE: 777 S. Palm Canyon Drive – Palm Canyon Project

Dear Mr. Fagg:

This letter is to confirm that we have reviewed the plans for the Palm Canyon Project at 777 S. Palm Canyon. Based on the options, it is my opinion as an owner and experienced Commercial and Residential broker that the parking for the commercial portion must be in front of the buildings. Even though a traffic light will be installed, the speed limit increases substantially around that corner traveling south after Ramon to 45 mph.

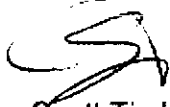
Not only will the commercial tenants have a substantial disadvantage by drivers unable to view their signage with no monument sign on the property, there will be critical safety issues and hazards. These issues include but are not limited to:

- 1) Slowing down to turn into a parking lot that customers believe "may or may not" be behind these buildings is dangerous. Unless customers (many are tourists here for the first time) know there is parking behind, they will slow to "look" for parking options and this is an accident waiting to happen.
- 2) Leasing these spaces will be extremely difficult. Potential tenants will be acutely aware that customers will be reluctant to turn in not knowing if there are on-site parking options. By having the parking in the front of the buildings, this will expedite ingress and egress and also readily identify that parking is available.
- 3) A very visible monument sign is critical to the success of the space. This can only be accomplished with the parking in front of the commercial spaces.
- 4) Retail on the street with parking behind would also create a very unsafe environment for pedestrians gathering on the sidewalks steps from traffic with no on street parking. Besides the safety issues, this would result in an unpleasant store front pedestrian experience.

Without these issues addressed, this creates another unsuccessful retail venture in palm Springs. The commercial space will be extremely difficult to lease and/or to sell without the proper signage and visible and accessible parking that is apparent to drivers. It is very premature to assume foot traffic will increase at this location to any substantial degree. Even if it does, that too will be based on the tenant profile and services offered at each space. This cannot be pre-determined. Palms Springs does not need more commercial vacant space. It is also noted that there is no on street parking on these curves further minimizing parking options.

In conclusion, if the parking is behind these commercial spaces and the visibility of tenant signage is limited to "window street front" awareness by a 45 mph driver not watching the curve in the road, the success of leasing and marketing these spaces is minimal at best.

Sincerely,



Scott Timberlake
Realty Trust
760-327-8000
scottptimberlake@icloud.com

December 4, 2015

Mr. Flinn Fagg
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RECEIVED

DEC 07 2015

PLANNING SERVICES
DEPARTMENT

RE: Retail Space 777 South Palm Canyon

Dear Mr. Fagg:

During the past 30 years I have been involved in the development and brokerage services of retail space in Palm Springs.

According to my analytic report (Costar Group), the retail vacancy in Palm Springs stands at 10%, or 500,000 square feet. Not including the 150,000 square feet coming on line (Wessman Project).

In order to be successful, any newly created retail will require a very well-designed structure with easy access and good visibility. I have seen plans for the project and concluded that the design is exceptional but the parking arrangement is not and poses a major flaw in the design.

Coupled with the fact that this is a mixed use project with a residential component on the second and third floor adds another extremely important variable to consider.

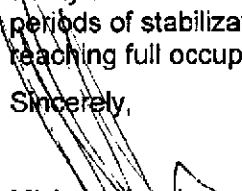
If the project is designed with parking in the rear, the residential component will virtually be isolated from the rest of the residential component of the development. By combining the residential and commercial in the rear it would in effect cut off the residential portion from the rest of the project, and this would include isolating the pool / recreational area. Combining the parking with vehicular traffic (commercial portion) in and out would in effect pose a dangerous hazard for the residents as they access the common area pool / recreation area.

This would also hinder the sales of these units and block their access from the main entry point on Belardo - thus making the residential area a "step child" of the project.

In addition, it is important to consider the future development of the "Magruder Chevrolet" site. By providing parking in the front of the 777 project it will enable easier access to both the Magruder Chevrolet development site and to the project under discussion.

In my considered opinion, any mixed use projects in Palm Springs would require a definitive separation of uses. If the parking is not in front of the commercial units, it will make it much more difficult to market the residential units, and have an extremely deleterious effect on the ability to rent the commercial units, which will result in lower commercial market rents, long periods of stabilization, high turnover of commercial tenants, ultimately leading to a long delay in reaching full occupancy.

Sincerely,


Michael Kassinger
Realty Trust
(760) 668-2322
michael@michaekassinger.com

Attachment 9



MEMORANDUM

Date: June 21, 2016
To: David Newell, Associate Planner, City of Palm Springs
From: Kelly Clark, Associate Planner, Terra Nova Planning & Research, Inc.

Subject: Woodbridge Project Initial Study Review – Hydrology, Air Quality and GHG Impacts

The purpose of this memorandum is to:

1. Provide revised construction-related air quality and greenhouse gas emission projections for the Woodbridge Project Initial Study (April 2016).
2. Consider changes proposed to the storm water management and associated hydrology study.

Since the distribution of the Initial Study, the Planning Commission recommended that on-site rock crushing be prohibited on the site. The original Initial Study assumed on-site rock crushing, and a balanced (export vs. import) grading plan. The revisions contained herein reflect data regarding rock removal and material haul trips provided by Project Manager Steve Zabala of the Woodbridge Pacific Group. Rock hauling assumptions were based on the project proponent's past experience with rock removal and associated hauling trips during construction.

In addition, the applicant proposed a change to the manner in which storm water would be controlled on and off the site. The previous proposal would have captured and channeled off-site flows from the west through the site, into retention basins and drain pipes through the site. The applicant now proposes to capture off-site flows from the west in catch basins along Belardo Road, to install a storm drain pipe in the existing Belardo Road, and to connect this pipe to the existing City storm water pipe in West Mesquite Avenue, which occurs approximately 350 feet to the south of the project site.

This analysis was prepared to determine whether the proposed changes would significantly change the potential impacts of the project on air quality, greenhouse gases, or hydrology.

Air Quality and Greenhouse Gases

Mr. Zabala estimates that 6,800 truck trips would be required to haul away (export) boulders and cobbles currently on-site. In addition, 45,000 cubic yards of material would need to be imported, requiring 3,200 haul trips. Based on the import assumptions provided, Mr. Zabala estimated that one truck trip could haul approximately 14 cubic yards of material. CalEEMod assumes one truck trip could haul 16 cubic yards of material, therefore 15 cubic yards per trip was assumed for analysis purposes. For conservative analysis, it was assumed that 6,800 truck trips carrying 15 cubic yards of material would equate to 102,000 cubic yards of material export (boulders/cobble). CalEEMod assumes that 45,000 cubic yards of import and 102,000 cubic yards of export would require 12,750 truck trips.

The following tables provide direct comparisons of input assumptions and emission projections for the Woodbridge Project. Results of the revised CalEEMod modeling indicate that the construction related emissions would remain below thresholds of significance, and no further analysis is required.

Table 1: CalEEMod Input Assumptions

Original Assumptions	Revised Assumptions
1.5 year project buildout.	2-year project build out to account for 8-month grading period assumed for rock removal.
Rock crushing on-site.	No rock crushing, rocks would be exported. Approximately 102,000 cubic yards of export.
Soils: Site Balance, no import or export.	Soils: Assumes 45,000 cubic yards of import.
Demolition of Rock Garden Café.	No demolition: Rock Garden Café has since been demolished.
Haul Trips: 45 trips for demolition, 0 for grading.	Haul trips: 0 for demolition, 12,750 for import and export. Assumes 20-mile average trip length.

Table 2
Woodbridge Project
Maximum Daily Construction-Related Emissions Summary
(pounds per day)

	Original	CO	NO _x	ROG	SO ₂	PM ₁₀	PM _{2.5}
2016	61.98	80.43	8.64	0.08	22.54	13.86	
2017	28.62	29.29	51.37	0.04	2.90	2.01	
Revised							
2016	68.38	87.32	7.65	0.12	20.97	12.50	
2017	27.18	25.88	56.37	0.04	2.63	1.74	
SCAQMD Thresholds	550.00	100.00	75.00	150.00	150.00	55.00	
Exceeds?	No	No	No	No	No	No	

¹ Average of winter and summer emissions, unmitigated.
 Source: CalEEMod model, version 2013.2.2. Original output tables generated 4.27.16.
 Revised output tables generated 6.21.16

Table 3
Woodbridge Project
Localized Significance Thresholds
(pounds per day)

	CO	NO _x	PM ₁₀	PM _{2.5}
Original	61.98	80.43	22.54	13.86
Revised	68.38	87.32	20.97	12.50
LST Threshold	5,331	425	67	19
Exceed?	No	No	No	No

Emission Source: CalEEMod model, version 2013.2.2. Original output tables generated 4.27.16. Revised output tables generated 6.21.16
 LST Threshold Source: LST Mass Rate Look-up Table, SCAQMD.

Table 4
Woodbridge Project
GHG Emissions from Construction
(Metric Tons/Year)

	CO2	CH4	N2O	CO2e
Original	557.62	0.11	0.00	560.01
Revised	1,427.81	0.22	0.00	1,338.25

CalEEMod model, version 2013.2.2. Original output tables generated 4.27.16. Revised output tables generated 6.21.16. Values shown represent the total annual, unmitigated GHG emission projections for construction.

Hydrology

The Initial Study analyzed a storm drainage system that accommodated off-site storm flows from the west through the site, and into one of two retention facilities: an above ground retention basin at the southwest corner of the property, and a subsurface storm water storage system under the parking area located along the eastern property boundary. The applicant now proposes to maintain the eastern subsurface storage system, but eliminate the southwestern retention basin.

In order to allow for the elimination of the southwest retention basin, the storm flow volumes through the site must be reduced. The applicant proposes to capture off-site flows that originate to the west of the property into a drainage system constructed below existing right-of-way. This system will include storm drain pipelines that convey off-site flows south down Belardo Road and east down Mesquite Avenue.

The construction of the Belardo Road storm water pipe was not considered in the Initial Study, because it was not proposed at the time. The installation will occur entirely within the existing roadway, and will not disturb any land that has not been disturbed by roadway construction. All the impacts considered in the Initial Study for the project as a whole will apply to the installation of the pipeline, as will the mitigation measures included in the Initial Study for the project as a whole. The addition of the storm drain pipe in Belardo Road and Mesquite Avenue will not result in a change in impacts, or a substantially increased impact on the environment. As a result, no further analysis under CEQA is required.

Attachment 10

**NOTICE OF INTENT
TO ADOPT A MITIGATED NEGATIVE DECLARATION
Case 5.1378 PD-379 / ZC / 3.3876 MAJ / TTM 36914**

LEAD AGENCY: City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CONTACT PERSON: David Newell, Associate Planner

PROJECT TITLE: "Palm Canyon" Project by Woodbridge Pacific Group

PROJECT LOCATION: 777 South Palm Canyon Drive
Palm Springs, CA 92264
Riverside County

PROJECT DESCRIPTION: The applicant proposes a residential development to be located on 12.38 ± acres in the City Palm Springs, California. The subject property is bounded by South Palm Canyon Drive to the east, the abandoned "Mac Magruder" automobile dealership to the south, Belardo Road to the west and the Tahquitz Creek to the north. The site is vacant, but previously included the Rock Garden restaurant, which was recently demolished.

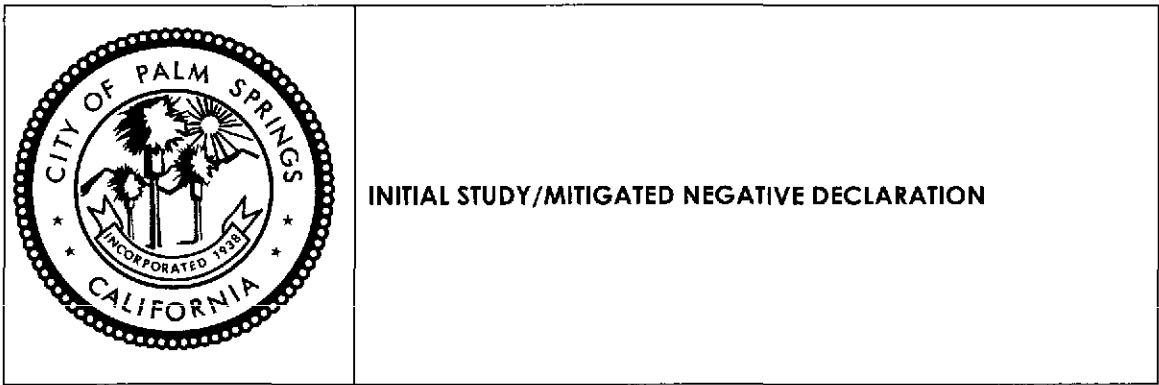
The applicant is proposing development of a partially gated 82-unit residential project. Twenty-five two-story multi-family units are proposed along South Palm Canyon Drive and are distributed among five buildings of five units with an average unit size of 2,010 square feet. The balance of the site, west of South Palm Canyon, would be developed as single-family homes. There are 57 such units proposed, on lots averaging 5,204 square feet in size. Units are proposed to be one and two stories. The primary project access point is on Belardo Road with emergency access available on South Palm Canyon Drive.

FINDINGS / DETERMINATION: The City has reviewed and considered the proposed project and has determined that any potentially significant impacts can be mitigated to a less than significant level. The City hereby prepares and proposes to adopt a Mitigated Negative Declaration for this project.

PUBLIC REVIEW PERIOD: A 20-day public review period for the Draft Mitigated Negative Declaration will commence at 8:00 a.m. on May 4, 2016 and end on May 24, 2016 at 5:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address:

David.Newell@palmsprings-ca.gov Copies of the Mitigated Negative Declaration and Initial Study are available for review at the above address and at the City library.

PUBLIC MEETING: This matter has been set for public hearing before the Planning Commission on May 25, 2016. City Council consideration is expected at a public hearing on June 15, 2016, but please confirm the date with the City Clerk's office.



Project Title:	WoodBridge Project
Case No.	5.1378 PD-379 / ZC / 3.3876 MAJ / TTM 36914
Assessor's Parcel No.	508-171-005, -508-171-006, 508-171-012, -513-250-046, -513-250-047
Lead Agency Name and Address:	City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs, California 92262
Project Location:	777 South Palm Canyon Drive Palm Springs, CA 92264 Riverside County
Project Sponsor's Name and Address:	WoodBridge Pacific Group 27285 Las Ramblas, Suite 230, Mission Viejo, CA 92691 (949) 348-8162
General Plan Designation(s):	Mixed Use/Multi-Use
Zoning:	<u>Existing:</u> C1 – Retail Business C2 – General Commercial R3 – Multiple Family Residential and Hotel <u>Proposed:</u> PD-lieu of zone change (PD 379)
Contact Person:	David Newell, Associate Planner City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs, California 92262
Phone Number:	(760) 323-8245
Date Prepared	April 29, 2016

Description of the Project

The applicant proposes a residential development to be located on 12.38 ± acres in the City Palm Springs, California. The subject property is bounded by South Palm Canyon Drive to the east, the abandoned "Mac Magruder" automobile dealership to the south, Belardo Road to the west and the Tahquitz Creek to the north. The site is vacant, but previously included the Rock Garden restaurant, which was recently demolished.

The applicant is proposing development of a partially gated 82-unit residential project. Twenty-five two-story multi-family units are proposed along South Palm Canyon Drive and are distributed among five buildings of five units with an average unit size of 2,010 square feet. The balance of the site, west of South Palm Canyon, would be developed as single-family homes. There are 57 such units proposed, on lots averaging 5,204 square feet in size. Units are proposed to be one and two stories. The primary project access point is on Belardo Road with emergency access available on South Palm Canyon Drive.

The project proposes:

- 1) Construction of 57 one-and-two-story single-family residential lots,
- 2) Construction of 25 two-story units clustered in groups of five per building, and
- 3) Construction of private streets, parking area, pool area, retention basin, underground stormwater storage, and a common open space.

The site includes a considerable number of large boulders. As a result, the applicant proposes to conduct on-site rock crushing operations during the first phase of grubbing and grading.

Summary of the proposed site data and building square footages are as follows:

**Table 1
WoodBridge/Rock Garden
Proposed Site Data**

One-and-two-story single-family residential units	139,460 sq. ft.
Two-story condominium units	30,120 sq. ft.
Streets and Driveways	113,066 sq. ft.
Common open space	256,627 sq. ft.
Total:	539,273 sq. ft.

**Table 2
WoodBridge/Rock Garden
Proposed Building Square Footages**

One-and-two-story single-family residential units	131,669 sq. ft.
Two-story condominium units	47,5000 sq. ft.
Pool Restroom	572 sq. ft.
Total:	179,741 sq. ft.

The proposed site is currently split-zoned for C-1 (Retail Business) and R-3 (Multi-family Residential and Hotel), making the proposed project inconsistent with current zoning. A Planned Development District in lieu of zone change (PD 379) is proposed for the entire site to address modifications to development standards and allow the proposed uses.

Environmental Setting and Surrounding Land Uses

The site is relatively flat and has been undeveloped and vacant for many years, with the exception of the former "Rock Garden Café" building, which was recently demolished at the northeast corner of the subject property. Surrounding land uses include:

North: Tahquitz Creek, Kentucky Fried Chicken Restaurant

South: Commercial and vacant

East: Currently Vacant, proposed Mixed use (residential, live/work and commercial) under construction

West: Vacant

Other public agencies whose approval is required

None.

CALIFORNIA

PACIFIC OCEAN

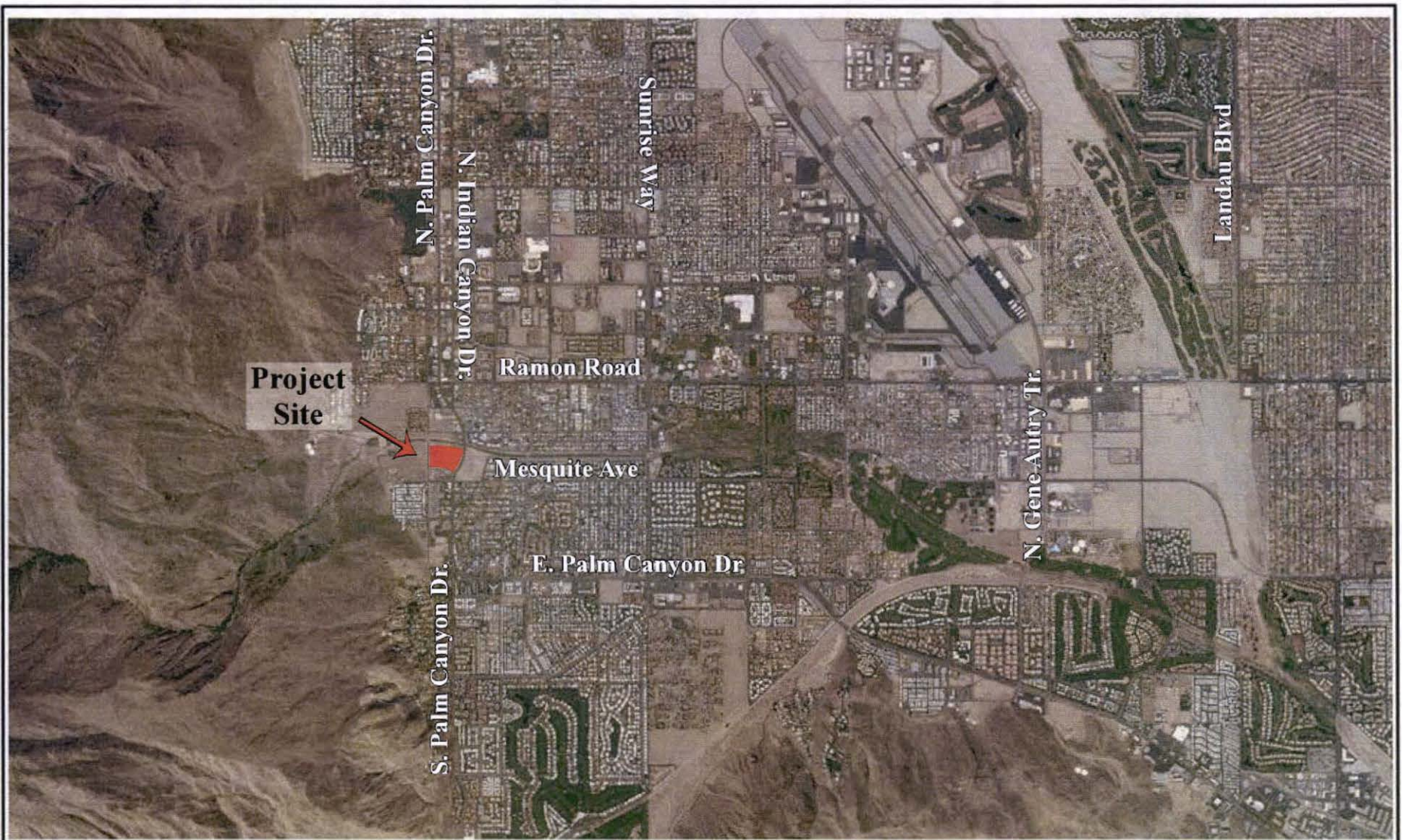
MEXICO



RIVERSIDE COUNTY



11.03.15



Source: Google Earth, 2015





Source: Google Earth, 2015



Woodbridge Project
Project Aerial Map
Palm Springs, California

Exhibit

3



Source: HEI TEC Consultants, 2015

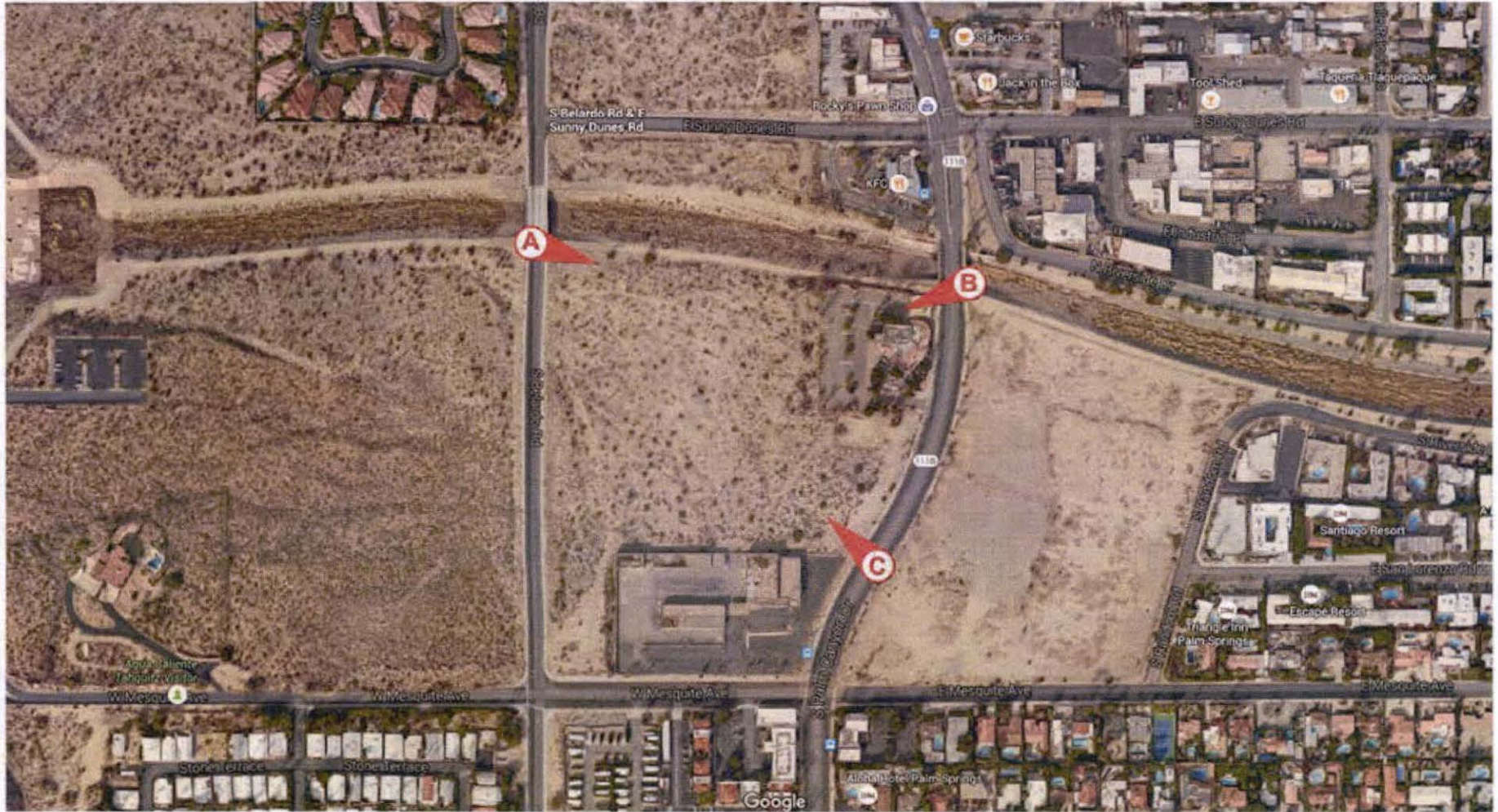
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Woodbridge Project
Project Site Plan
Palm Springs, California

Exhibit

4



Source: Visionscape Imagery, 2015



**Woodbridge Project
Visual Simulation Key Map
Palm Springs, California**

Exhibit

5



Existing View



Proposed Project View

Source: Visionscape Imagery, 2015



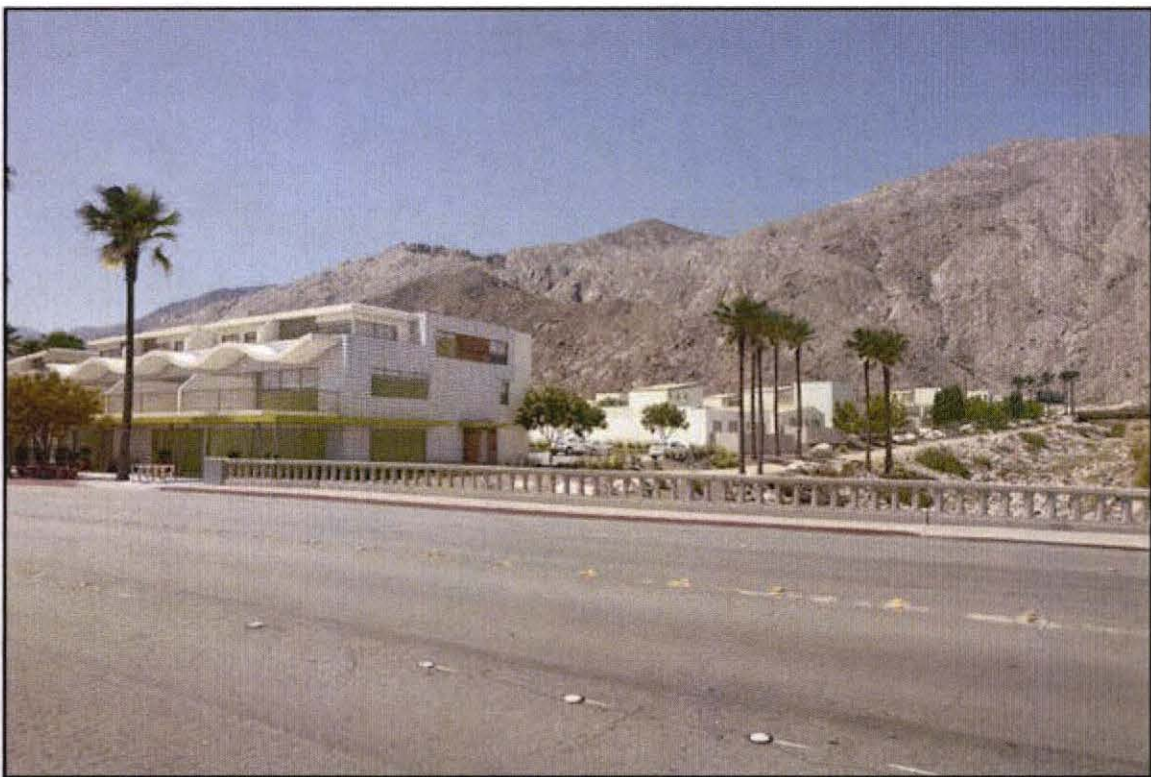
Woodbridge Project
Visual Simulation View A
Palm Springs, California

Exhibit

6



Existing View



Proposed Project View

Source: Visionscape Imagery, 2015



Woodbridge Project
Visual Simulation View B
Palm Springs, California

Exhibit

7



Existing View



Proposed Project View

Source: Visionscape Imagery, 2015

N
11.24.15



Woodbridge Project
Visual Simulation View C
Palm Springs, California

Exhibit

8

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Hydrology / Water Quality
<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

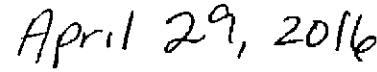
DETERMINATION: The City of Palm Springs Planning Department

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



David Newell
Associate Planner



Date

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impacts to less than significance.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

I. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

The project proposes construction of 57 one-and-two-story single-family residential lots, and construction of 25 two-story multi-family units clustered in groups of five per building.

- a) **Less Than Significant Impact.** The project site is located approximately 0.3 miles east of the San Jacinto Mountain foothills, which are considered a scenic vista for much of the Coachella Valley (Exhibit 1 and 2). From the subject property, scenic views of the San Jacinto Mountains are to the west, southwest, and northwest. Existing views from the subject property are largely unobstructed, with the exception of the Agua Caliente Tahquitz Visitors Center west of Belardo Road (Exhibit 2 and 3).

The subject property is currently vacant with a portion containing remnants of a commercial building site that was recently demolished and removed. Development of the proposed project will primarily affect scenic mountain views as seen from properties immediately east and southeast of the subject site. The project will result in greater building mass, which will unavoidably block lower mountain views from surrounding properties to the east. Proposed building heights are consistent with existing development standards and will range from one- to two-stories. Due to the site's close proximity to the San Jacinto Mountains, middle and upper elevation views of the mountains will remain visible from surrounding properties, above the proposed structures. The City prepared three visual simulations to show the scale and mass of the buildings on the property. These simulations are provided in Exhibits 6, 7 and 8, below.

Exhibit 1 shows the location of the project area on a Riverside County regional map. And, exhibit 2 and 3 is the project vicinity and aerial maps to show the location of the project area in Palm Springs. The surrounding properties are sparsely populated along Belardo Road (see Exhibit 2 and 3). The project site plan is shown in the Exhibit 4.

As shown in Exhibit 6, 7 and 8, mountain views will be partially blocked by the one- and two-story single-family residential units and the two-story multi-family units, and foreground views will be dominated by the residential units. Currently, property on

Belardo Road consists of vacant land and ground level views are not obstructed (see Exhibit 6). The mass of the buildings will be somewhat greater on the north side of the site, but with lowered grade and elevation of the roadway, the south side of the site will allow partial mountain views.

Views from the immediate northeast of the site are currently not blocked (see Exhibit 7). After project build out, the immediate views to the south and west will consist of the multi-family buildings (see Exhibit 7). Intervening landscaping and block walls will minimize ground level impacts. Views of the foothills will be blocked, but views of the range will remain.

Views from commercial buildings and properties to the south of the site will be partially blocked to the north, although mountain peaks will remain visible. Similarly, views from properties to the east through the site to the west and northwest will be partially blocked, although views of the mountain peaks will remain (see Exhibit 7 and 8).

As shown in Exhibit 6, 7, and 8, views from other properties in the project vicinity will be impacted to a lesser degree by project implementation. Views from properties located north and south of the subject site will retain existing scenic views to the west (see Exhibit 6, 7, and 8). Impacts to scenic views in the direction of the subject property will be less than significant.

Overall, impacts to views of scenic vistas from surrounding properties will be less than significant.

- b) **No Impact.** The subject property is not located within a state scenic highway or locally designated scenic corridor. It does not contain scenic resources such as rock outcroppings or trees. Thus, there will be no impacts to such scenic resources.
- c) **Less Than Significant Impact.** The subject property is currently vacant with the exception of the flatwork remnants of the demolished Rock Garden Café site. Proposed development will result in a residential development consistent with land uses in the surrounding area. The visual character on-site will be enhanced with high quality modern buildings and landscape treatments along South Palm Canyon Drive. The impacts associated with on-site and surrounding visual character are expected to be less than significant.
- d) **Less Than Significant Impact.** The majority of the subject property is vacant with the exception of the flatwork remnants of the demolished Rock Garden Café site, which has been unoccupied for several years. Previous operation of the Rock Garden Café produced small amounts of light and glare. The proposed project will result in a greater building mass and, therefore, can be expected to generate increased levels of light from interior and exterior building lighting, safety and security lighting, landscape lighting, and vehicles accessing the site. The site is located in the City's urban core, and is currently subject to vehicle light levels on surrounding streets. The proposed project will not contribute significantly to increases in traffic, and will therefore not significantly increase light levels. The City's standards prohibiting reflective surfaces will assure that glare impacts are less than significant. Lighting and glare levels are not expected to exceed typical levels within the surrounding urban environment.

The project will be required to properly shield light fixtures and minimize spillage onto adjacent properties, in accordance with the requirements of the City Zoning Ordinance.

These and other standard requirements will assure that project light and glare impacts will be less than significant.

(Sources: Figure 9-4, Palm Springs General Plan, 2007)

II. AGRICULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

- a) **No Impact.** The proposed project will be located on a parcel that is not on or adjacent to properties with agricultural uses. The subject property is zoned for commercial/retail and residential uses, and is designated for mixed-use development in the General Plan. The site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance by the California Department of Conservation.
- b) **No Impact.** The proposed project will not conflict with existing zoning for agricultural uses or a Williamson Act contract.
- c) **No Impact.** There is no suitable land for agriculture in the Palm Springs area. The proposed project will not result in the conversion of Farmland to non-agricultural use.

(Sources: "Riverside County Important Farmland 2010 Map," sheet 2 of 3, California Department of Conservation, published January 2012.)

III. AIR QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

- a) **No Impact.** The Coachella Valley, including the project area, is located within the Salton Sea Air Basin (SSAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). SCAQMD is responsible for monitoring criteria air pollutant concentrations and establishing management policies for the SSAB. All development within the SSAB is subject to SCAQMD's 2012 Air Quality Management Plan (2012 AQMP) and the 2003 Coachella Valley PM₁₀ State Implementation Plan (2003 CV PM₁₀ SIP).

The project will be developed in accordance with all applicable air quality management plans. The AQMP is based, in part, on the land use plans of the jurisdictions in the region. The current zoning for the subject site is for commercial, retail business, and multi-family residential. The project is proposing a Planned Development District to address minor modifications to development standards, however the proposed land uses are consistent with existing general plan designations. Therefore, the proposed project complies with the intent of the General Plan and AQMP. No impacts associated with compliance with applicable management plans are expected.

- b) **Less Than Significant Impact.** Criteria air pollutants will be released during both the construction and operational phases of the proposed project. The California Emissions Estimator Model (CalEEMod) Version 2013.2.2 was used to project air quality emissions that will be generated by the project. Table 3 summarizes short-term construction-related emissions, and Table 4 summarizes ongoing emissions generated at operation.

Construction Emissions

The construction period includes all aspects of project development, including site preparation, grading, hauling, paving, building construction, and application of architectural coatings. For analysis purposes, it is assumed that construction will occur over a 1.5-year period from mid 2016 to late 2017.

As shown in Table 3, emissions generated by construction activities will not exceed SCAQMD thresholds for any criteria pollutant. The data reflect average unmitigated daily emissions over the 1.5-year construction period, including summer and winter weather conditions. The analysis assumes there will be a net balance of soils on-site, and no soil materials will be imported or exported during grading. Applicable minimization measures and best management practices include, but are not limited to, the implementation of dust control practices in conformance with SCQAMD Rule 403, proper maintenance and limited idling of heavy equipment, phasing application of architectural coatings and the use of low-polluting architectural paint and coatings. Adherence to such measures will ensure construction related emissions would remain less than significant. The complete list of minimization measures is provided at the end of this Section under **Mitigation Measures III (b)**.

Table 3
Woodbridge Project
Maximum Daily Construction-Related Emissions Summary
(pounds per day)

Construction Emissions ¹	CO	NO _x	ROG	SO ₂	PM ₁₀	PM _{2.5}
2016	61.98	80.43	8.64	0.08	22.54	13.86
2017	28.62	29.29	51.37	0.04	2.90	2.01
SCAQMD Thresholds	550.00	100.00	75.00	150.00	150.00	55.00
Exceeds?	No	No	No	No	No	No

¹ Average of winter and summer emissions, unmitigated, 2016-2017.
 Source: CalEEMod model, version 2013.2.2 output tables generated 4.27.16.

Operational Emissions

Operational emissions are ongoing emissions that will occur over the life of the project. They include area source emissions, emissions from energy demand (electric and natural gas), and mobile source (vehicle) emissions. Traffic generation trip rates were derived from the project specific Traffic Memo. Table 4 provides a summary of projected emissions at operation of the proposed project.

Table 4
Woodbridge Project
Operation-Related Emissions Summary
(pounds per day)

	CO	NO _x	ROG	SO ₂	PM ₁₀	PM _{2.5}
Operational Emissions ¹	41.85	9.08	14.20	0.05	3.89	1.25
SCAQMD Thresholds	550.00	100.00	75.00	150.00	150.00	55.00
Exceeds?	No	No	No	No	No	No

¹ Average of winter and summer emissions, unmitigated, 2017.

Source: CalEEMod model, version 2013.2.2 output tables generated 4.27.16.

As shown in Table 4, operational emissions will not exceed SCAQMD thresholds of significance for any criteria pollutants. The data are conservative and reflect unmitigated operations. Impacts related to operation will be less than significant.

- c) **Less Than Significant Impact.** Historically, the Coachella Valley, in which the project site is located, has been classified as a "non-attainment" area for PM₁₀ and ozone. In order to achieve attainment in the region, the 2003 Coachella Valley PM₁₀ Management Plan was adopted, which established strict standards for dust management for development proposals. The Salton Sea Air Basin (SSAB) is currently (November 2015) a non-attainment area for PM₁₀ and is classified as attainment/unclassifiable for PM_{2.5}. The proposed project will contribute to an incremental increase in regional ozone and PM₁₀ emissions. However, given its limited size and scope, cumulative impacts are not expected to be considerable. Project construction and operation emissions will not exceed SCAQMD thresholds for PM₁₀ or ozone precursors (NO_x). The project will not conflict with any attainment plans and will result in less than significant impacts.

- d) **Less Than Significant Impact.** The nearest sensitive receptors are single-family residences located approximately 120 meters southeast of the project site. To determine if the proposed project has the potential to generate significant adverse localized air quality impacts, the mass rate Localized Significance Threshold (LST) Look-Up Table was used. The City of Palm Springs and the subject property are located within Source Receptor Area 30 (Coachella Valley). Given the project's size and proximity to existing housing, the 5-acre site tables at a distance of 100 meters were used. Table 5 shows on-site emission concentrations for project construction and the associated LST. As shown in the table below, LSTs will not be exceeded under unmitigated conditions for all criteria pollutants. Therefore, air quality impacts to nearby sensitive receptors during construction will be less than significant.

**Table 5
Woodbridge Project
Localized Significance Thresholds
(pounds per day)**

	CO	NOx	PM ₁₀	PM _{2.5}
Construction	61.98	80.43	22.54	13.86
LST Threshold	5,331	425	67	19
Exceed?	No	No	No	No

Emission Source: CalEEMod model, version 2013.2.2 output tables generated 4.27.16

LST Threshold Source: LST Mass Rate Look-up Table, SCAQMD.

- e) **Less Than Significant Impact.** The proposed project is not expected to generate objectionable odors during any of the phases of construction or at project buildout. The proposed project has the potential to result in short term odors associated with paving and other construction activities. However any such odors would be quickly dispersed below detectable thresholds as distance from the construction site increases. Therefore, impacts from objectionable odors are expected to be less than significant.

Mitigation Measures III (b):

The following measures will further reduce emission of potentially harmful pollutants and should be included in project grading and dust control plans, as well as in construction and construction traffic staging:

1. Construction equipment, delivery trucks, worker vehicles, and haul trucks will limit idling time to no more than 5 minutes.
2. The grading contractor shall certify in writing that all construction equipment is properly serviced and maintained in good operating conditions. Certification shall be provided to City Engineer for review and approval.
3. Diesel-powered construction equipment shall utilize aqueous diesel fuels, and be equipped with diesel oxidation catalysts.
4. A fugitive dust plan shall be prepared for the proposed project and shall be approved by the City Engineer. Said plan shall include but not be limited to the following best management practices:
5. Chemically treat soil where activity will cease for at least four consecutive days;
6. All construction grading operations and earth moving operations shall cease when winds exceed 25 miles per hour;
7. Water site and equipment morning and evening and during all earth-moving operations;

8. Operate street-sweepers on paved roads adjacent to site;
9. Establish and strictly enforce limits of grading for each phase of development; and/or
10. Stabilize and re-vegetate areas of temporary disturbance needed to accomplish each phase of development.
11. Wash off trucks as they leave the project site as necessary to control fugitive dust emissions.
12. Cover all transported loads of soils, wet materials prior to transport, provide adequate freeboard (space from the top of the material to the top of the truck) to reduce PM10 and deposition of particulate matter during transportation.
13. Use track-out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.
14. Construction equipment and materials shall be sited as far away from residential and park uses as practicable.
15. The following Best Control Measures (BCM) shall be utilized by the contractor, as required, to limit impacts to air quality:
 1. BCM-1: Further Control of Emissions from Construction Activities: Watering, chemical stabilization, wind fencing, revegetation, and track-out control.
 2. BCM-2: Disturbed Vacant Lands: Chemical stabilization, wind fencing, access restriction, and revegetation.
 3. BCM-3: Unpaved Roads and Unpaved Parking Lots: Paving, chemical stabilization, access restriction, and revegetation.
 4. BCM-4: Paved Road Dust: Minimal track-out, stabilization of unpaved road shoulders, and clean streets maintenance.
16. Existing power sources should be utilized where feasible via temporary power poles to avoid on-site power generation.
17. Imported fill and paving materials, as well as any exported material, shall be adequately watered prior to transport, covered during transport, and watered prior to unloading.
18. Each portion of the project to be graded shall be pre-watered prior to the onset of excavation, grading or other dust-generating activities.
19. On-going watering soil stabilization of disturbed soils, especially in the staging area, shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
20. SCAQMD Rule 403 shall be adhered to, ensuring the clean-up of construction-related dirt on approach routes to and from the site.

21. All grading activities shall be suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

22. SCAQMD Rule 1113 shall be adhered to, ensure low VOC paints/architectural coatings are used on all surfaces.

Monitoring III (b):

A. Prior to the issuance of grading permits and authorization to proceed, the City Engineer shall review and approve project staging and detailed dust management plans. The dust control plan or equivalent documentation shall also address issues of construction vehicle staging and maintenance. Implementation of these mitigation measures will ensure that impacts associated with PM₁₀ are mitigated to a less than significant level.

Responsible Parties: City Engineer, General Contractor

B. The City or its designee shall conduct daily inspections of the project and intervene when contractor deviates from City-approved plans. Daily logs shall be maintained on the activities and their conformance to the project's dust control plan.

Responsible Parties: City Engineer staff or designee

Source: Palm Springs General Plan, SCAQMD CEQA Handbook; 2003 PM10 Plan for the Coachella Valley, SCAQMD 2012 Air Quality Management Plan; CalEEMod Version 2013.2.2; project materials.

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

- a) **Less Than Significant Impact with Mitigation Incorporated.** Amec Foster Wheeler prepared a general biological resources assessment for the proposed project area. Results of the assessment indicate that the quality of native habitat on the subject site is fairly low due to previous site alteration and degradation caused by a variety of human activities. Literature review and professional knowledge of the project area indicate that as many as 52 sensitive biological resources have the potential to occur in the general vicinity of the project site. However, no sensitive species were observed or detected on site during the biological surveys.

Despite the lack of suitable habitat for sensitive or special status species on the project site, there is a low potential for western yellow bat to roost within the "skirts" of palm trees adjacent to and on the proposed project site. The western yellow bat is not formally listed as threatened or endangered on state or federal listings. However, this bat species is a covered species under the Coachella Valley MSHCP and the Agua Caliente Tribal Habitat Conservation Plan. Potential impacts to the western yellow bat can be mitigated through payment of the applicable fee(s).

Given the lack of suitable habitat on the project site and the low probability of the majority of sensitive species to occur onsite, there is low potential for the proposed project to adversely impact sensitive biological resources known from the project vicinity. Payment of the applicable habitat conservation development fees will mitigate potential impacts to sensitive species to less significant levels.

The Migratory Bird Treaty Act (MBTA) protects all native birds while nesting. Trees and shrubs on the project site provide suitable habitat for nesting birds. In order to assure that impacts to nesting birds are less than significant, the biologist recommended that prior to any vegetation removal and/or work on the proposed project site a nesting bird survey is completed if such removal or ground disturbing activities occurs during the nesting bird season, which is from February 1 through August 31. This measure will minimize potential impacts to less than significant levels.

Mitigation Measure

- MM IV.1 Any ground disturbing activity proposed for the period from February 1 to August 31 shall be preceded by a nesting bird survey performed by a qualified biologist. The biologist shall perform the survey within 30 days of the initiation of activities, and provide mitigation measures should nesting birds be identified. A report of findings shall be provided to the City prior to the initiation of ground disturbing activities.
- b, c) **No Impact.** The project site does not contain any streams, riparian habitat, marshes, protected wetlands, or sensitive natural communities. No impacts will occur.
- d) **No Impact.** A wildlife corridor is a link of wildlife habitat, generally containing native vegetation, which joins two or more larger areas of similar wildlife habitat. The subject property has been previously disturbed by development and other human activity for many decades. As such, it does not function as a migratory wildlife corridor or nursery site. It does not contain trees or other biological species or features that are protected by local policies or ordinances. No project-related impacts will occur.

e, f) No Impact. The project will not conflict with any policies or ordinances that protect biological species, or any habitat conservation plans or natural community conservation plans. The subject property is located within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CV MSHCP) and Agua Caliente Tribal Habitat Conservation Plan (THCP). Therefore, the project is subject to payment of the applicable Local Development Mitigation Fee, which will mitigate potential impacts to covered species. The site is not within or adjacent to a CV MSHCP-designated Conservation Area, so no additional mitigation measures or provisions are required.

(Sources: "General Biological Resources Assessment – Rock Garden Project", Amec Foster Wheeler Environment & Infrastructure, Inc., prepared October 30, 2015).

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

ASM Affiliates prepared a Cultural Resources Inventory and Archaeological Investigation Report for the proposed project in 2015. The following discussion summarizes their findings.

a, b) Less Than Significant with Mitigation Incorporated. According to the Cultural Resources Inventory (2015) prepared for the proposed project, previous site surveys, testing and data recovery occurred onsite between 2000 and 2003. Comparison of aerial photographs between 2000 and 2015 indicate the area has undergone significant desiccation of native plant life and also surface erosion, due to natural causes and modern human modification. This process has contributed to the exposure of un-recorded subsurface artifacts meriting an expansion of survey boundaries (33-9196/CA-Riv-45, Locus O).

An archaeological investigation of Locus O was conducted on March 2, 2015 by ASM Affiliates, Inc. Native American Monitors from the Agua Caliente Band of Cahuilla Indians were present during fieldwork and excavation activities. Results of the Locus O archaeological investigation identified several hundred cultural items and numerous potentially significant features. A substantial artifact assemblage was recovered from the Locus O site, including ceramics vessel fragments and worked sherd disks, lithic projectile points from a variety of imported stone sources, other stone tools, milling tools, bone tools, and a handful of European objects.

The "Rock Garden Restaurant" was built in 1989 as a single story restaurant with outdoor patio area and small ponds. The restaurant was closed in 2012 and has been removed with remnants of the developed site, including of flatwork, curbs and low retaining walls. The remaining improvements do not qualify or meet the criteria of a historical resource as defined in CEQA Guidelines Section 15064.5.

Project Impacts

Current project plans do not provide for any significant opportunities for avoidance of Locus O or its defined activity areas. In any event, much of the site was previously recovered during the 2015 archaeological investigation. In addition, Locus O continues to suffer substantial impacts from the incursion and occupation by transients. Based on the Archaeological Investigation (33-9196/CA-RIV-45, Locus O; June 1, 2015), there is a high possibility of subsurface deposits, artifacts and additional features in the subject area. For this reason, a Native American Monitor shall be present during all ground disturbing activities to minimize the impacts. The following mitigation measure is provided to assure impacts to cultural resources are less than significant.

Mitigation Measures

MM V-1 The applicant/developer shall provide evidence to the City of Palm Springs Planning Department that a certified archaeologist has been contracted to implement a Cultural Resource Impact Mitigation Plan (CRMMP) to mitigate potential impacts to 33-9196/CA-RIV-45 and undiscovered buried archaeological resources associated with this project. The CRMMP shall be completed to the satisfaction of the Agua Caliente THPO.

The CRMMP shall include, but shall not be limited to, the following guidelines:

- (1) Prior to grading, the entire project area including site 33-9196/CA-RIV-45, shall be systematically graded in a controlled manner. If buried features are discovered these will be assessed for significance and considered for inclusion on the Tahquitz Canyon National Register Site 33-9196. The Project Archaeologist, in consultation with the City Planning Department and Agua Caliente THPO, shall determine the significance of the discovered resources.
- (2) The applicant/developer shall contract with the Agua Caliente THPO for the grading monitoring program.
- (3) The project archaeologist/Historian and THPO shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
- (4) The project archaeologist shall monitor all areas identified for development including off-site improvements.
- (5) Prior to grading the applicant/developer is responsible for the completion of analysis, reporting and curation of previously incomplete archaeological work started by ASM Affiliates.
- (6) Prior to grading the applicant/developer's archaeologist must submit a plan for inadvertent discover of human remains.
- (7) Prior to grading the City, applicant/developer and the THPO must agree upon potential preservation area(s) for reburial of human remains.
- (8) An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.
- (9) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the THPO and project archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and

location of inspections will be determined in consultation with the project archaeologist, the THPO and City.

- (10) Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
- (11) In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The project archaeologist shall contact the THPO and the City Planning Department at the time of discovery. The project archaeologist, in consultation with the City and the THPO, shall determine the significance of the discovered resources. The City and the THPO must concur with the evaluation before construction activities will be allowed to resume in the affected area.
- (12) Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. In consultation with the THPO and the City, the project archaeologist shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- (13) In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at facility agreed upon by the City and THPO, that meets federal standards per 36 CFR Part 79. The collections and associated records shall be transferred, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation. Title of the collection will be granted to the Agua Caliente Band of Cahuilla Indians. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

MM V-2 Prior to the issuance of rough grading permits, a qualified archaeologist (pursuant to the Secretary of the Interior's standards and guidelines) shall be retained by the applicant/developer. The developer shall submit a copy of a signed contract between the project archaeologist and the developer/permit holder for the monitoring of the project, and which addresses the treatment of cultural resources, to the Planning Department. The Archaeological Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow recovery of cultural resources.

MM V-3 Prior to the issuance of grading permits, the developer/permit applicant shall enter into a contract with a Tribal monitor(s) from the Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office (THPO) who, at the tribe's discretion, shall be on-site during ground disturbing activities. The developer shall submit a copy of a signed contract between the THPO and the developer/permit holder for the monitoring of the project, and which addresses the treatment of cultural resources, to the Planning Department. The Native American Monitor(s) shall have the authority to temporarily divert,

redirect or halt the ground disturbance activities to allow recovery of cultural resources. Native American groups shall be given a minimum notice of two weeks that a monitor is required. If a monitor is not available, work may continue without the monitor. The project archaeologist shall include in the Phase IV Archaeological Monitoring report any concerns or comments that the monitor has regarding the project and shall include as an appendix any written correspondence or reports prepared by the Native American monitor.

a) Native American monitoring does not replace any Archaeological monitoring required by an approved Archaeologist, but rather serves as a supplement for coordination and advisory purposes for the Tribes' interests only.

b) The developer/permit applicant shall not be required to further pursue any agreement for Native American monitoring of this project if after 60 days from the initial attempt to secure an agreement the developer/permit applicant, through demonstrable good faith effort, has been unable to secure said agreement from the Tribe. A good faith effort shall consist of no less than 3 written attempts from the developer/permit applicant to the tribe to secure the required special interest monitoring agreement and appropriate e-mail and telephone contact attempts. Documentation of the effort made to secure the agreement shall be submitted to the Planning Department for review and consideration.

c) Should repatriation of collected cultural items be preferred, it shall not occur until after the Phase IV monitoring report has been submitted to the Planning Department. Should curation be preferred, the developer/permit applicant is responsible for all costs and the repository and curation method shall be described in the Phase IV monitoring report.

MM V-4 Prior to brush clearing and/or earth moving activities, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. A sign-in sheet signed by all attendees of the aforementioned training shall be included in the Phase IV Monitoring Report.

MM V-5 Prior To Grading Certification: The developer shall submit the archaeologist's final report, including one (1) wet-signed paper copy and (1) CD of a Phase IV Cultural Resources Monitoring Report that complies with the requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the Archaeological Resources Management Report format. The Planning Department and THPO shall review the report to determine adequate compliance with the approved conditions of approval. Upon determining the report is adequate, the Planning Department shall clear this condition.

MM V-6 Prior To Grading Certification, the developer/ applicant shall provide evidence to the satisfaction of the Planning Department and THPO that all archaeological materials recovered during archaeological investigations

have or will be curated at a curation facility, agreed upon between the City and the THPO, that meets federal standards per 36 CFR Part 79. The collection and associated records shall be transferred and are to be accompanied by payment of the fees necessary for permanent curation. Title shall be transferred to the Agua Caliente Band of Cahuilla Indians. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

- c) **Less Than Significant with Mitigation Incorporated.** The subject area is located in an important region where number of paleontological resources has been reported. For example, large mammal diaphysis, small fragments of animal bones, shell beads, bone awls, shell, shellfish, and riparian flora and fauna. The recovered species are paleontologically important resources; however, they are wide spread in the whole Palm Springs region and are not restricted to the subject area. Compliance with mitigation measure MM V-1, above, will reduce potential impacts to paleontological resources to less than significant levels.

There are no unique geological features (river, lake, hills, faults, and folds etc.) located onsite that can directly or indirectly be destroyed. Tahquitz Creek and its tributaries are located immediately north of the project site; however, the proposed development has no direct or indirect impacts on the creek or its tributaries.

- d) **Less Than Significant Impact with Mitigation Incorporated.** No cemeteries are reported to occur onsite or in the project area. However, human remains have previously been reported and recovered from the site and surrounding areas during previous cultural investigations. The following mitigation measure is provided to ensure impacts to human remains are less than significant.

MM V-7 Removal of Human Remains

Should human remains be uncovered, California law requires that all development activity be suspended, and that the procedures established in Public Resources Code 5097.94 be followed to determine the disposition of the remains. Compliance with the law will reduce potential adverse impacts to less than significant levels.

(Sources: "Cultural Resources Inventory of the Proposed Blade Development Project, South Palm Canyon Drive, Palm Springs, California", prepared by ASM Affiliates, Inc March 2015; Archaeological Investigation for Woodbridge Pacific Group, prepared by ASM Affiliates, Inc, June 2015. "A Cultural Resources Survey And Evaluation For The Star Canyon Development Project, Palm Springs, California", January 2000; Palm Springs General Plan, 2007).

VI. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

a.i) No Impact. The proposed site is not located within an Alquist-Priolo Earthquake Fault Zone. Also, there are no known active or potentially active faults with potential impacts associated with fault rupture on the project site or within the immediate vicinity. The nearest Zone is located along the Banning Pass Fault, more than 7 miles north of the project site. No project-related impacts associated with fault rupture are anticipated.

- a.ii) **Less Than Significant Impact.** The subject site is located in a seismically active region, mainly associated with San Andreas Fault and San Jacinto Fault. Severe ground shaking can occur as a result of earthquakes originating on San Andreas Fault, San Jacinto Fault and/or surrounding small faults (Palm Canyon Fault, Pass Fault, and Garnet Hill Fault). Construction of the proposed development will be in accordance with the most recent edition of the California Building Code (CBC) to minimize the impacts associated with seismic ground shaking during an earthquake. This will ensure impacts associated with ground shaking are minimized to the greatest extent possible.
- a.iii) **No Impact.** The subject property is located in an area of low susceptibility to liquefaction, characterized mainly by fine-grained granular sediments. The groundwater depths are greater than 50 feet (General Plan Figure 6-1) beneath the site. Fine-grained granular sediments could be susceptible to liquefaction; however, groundwater depths in the area are greater than 50 feet below the ground surface and for liquefaction to occur, groundwater levels must be within 50 feet of the ground surface. Therefore, no project-related impacts associated with liquefaction are anticipated.
- a.iv) **No Impact.** The project site is relatively flat and lies just outside the landslide and rock fall hazard zone (General Plan Figure 6-2). Also, a relatively flat terrain surrounds the subject site. No impacts associated with landslides are expected.
- b) **Less Than Significant Impact.** The project site is located in an area with high susceptibility to wind erosion (General Plan Figure 6-4). Therefore, the applicant will be required to submit a dust control and management plan as part of the permitting process to minimize the impacts associated with soil erosion and loss of topsoil to less than significant levels (See Section III Air Quality.)
- c) **No Impact.** The surficial sediments in the project site are consisting of older alluvial gravel and sand (Qoa; General Plan Figure 6-3). Also, subsurface soil in the project site is not susceptible to liquefaction due to groundwater levels greater than 50 feet below the ground surface. The site is also not susceptible to lateral spreading, which requires a shallow water table or proximity to a water source that could cause inundation of onsite soils. The site is not susceptible to landslides due to its relatively flat terrain and distance from mountainous slopes. Although subsidence has been documented in the eastern Coachella Valley, it is not known to occur in the upper valley or the project vicinity. No impacts associated with unstable soils are anticipated.
- d) **No Impact.** The project site consists of older alluvial gravel and sand which is not an expansive soil (clay). Impacts related to expansive soils are not expected.
- e) **No Impact.** The proposed project will connect to the City's existing sewer system. No septic tanks or alternative wastewater disposal systems are proposed for this project. No adverse impacts are expected.

(Sources: Palm Springs General Plan, 2007)

VII. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

a.b) **Less Than Significant Impact.** The proposed project will generate greenhouse gas (GHG) emissions during both construction and operation. As mentioned in Section III (Air Quality), CalEEMod was used to quantify air quality emission projections, including greenhouse gas emissions. Construction related greenhouse gas emissions will be temporary and will end once the project is completed. Operation of the proposed project will create on-going greenhouse gases through the consumption of electricity and natural gas, moving sources, the transport and pumping of water for onsite use, and the disposal of solid waste. Table 6 provides projected short-term and annual GHG generation for the proposed project.

**Table 6
Woodbridge Project
GHG Emissions from Construction and Operation
(Metric Tons/Year)**

	CO2	CH4	N2O	CO2e
Construction Activities	557.62	0.11	0.00	560.01
Operational Activities	1,101.78	1.13	0.01	1,128.44

CalEEMod model, version 2013.2.2 output tables generated 4.27.16. Values shown represent the total annual, unmitigated GHG emission projections for construction and operation of the proposed project, 2017.

State legislation, including AB32, aims for the reduction of greenhouse gases to 1990 levels by 2020; however, there are currently no thresholds for greenhouse gases associated with residential developments in the SCAQMD. It is recognized that GHG impacts are intrinsically cumulative. As such, project construction and operation will be conducted in a manner that is consistent with applicable rules and regulation pertaining to the release and generation of GHG's. Statewide programs and standards will further reduce GHG emissions generated by the project, including new fuel-efficient standards for cars, and newly adopted Building Code Title 24 standards. The proposed project will have a less than significant impact on the environment from the emission of GHG's and will not conflict with any applicable GHG plans, policies or regulations.

Mitigation: None required.

Monitoring: None required.

Source: CalEEMod Version 2013.2.2, project materials.

VIII. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The proposed site is predominantly undeveloped with the exception of the former Rock Garden Café remnants located on the northeast corner. The on-site surface area consists of stream deposits, including numerous boulders, and a variety of debris and household materials scattered throughout the site. According to the site specific Phase I Assessment, the debris did not appear to contain hazardous materials and further investigations were not warranted.

Discussion of Impacts

VII. a, b) Less Than Significant Impact. The proposed project would require the construction of 57 one- and two-story single-family homes and five two-story multi-family residential buildings. Chlorine and related chemicals will be stored and used for swimming pool/spa operation and maintenance. However, none of these will be used in sufficient quantities as to pose a threat to humans or cause a foreseeable chemical release into the environment.

In 2003, a Phase I Environmental Site Assessment was conducted for APNs 508-171-006, 513-250-031, and 513,250-003 in conjunction with a development proposal. The assessment covered the currently vacant portions of the site, but did not include the Rock Garden Café property as it was still in operation. No aboveground or underground storage tanks were observed, and no suspect fill connections/vents, landfills, disturbed soils or surface areas, or distressed vegetation areas were found. It was noted that there are active vapor extraction activities occurring at the Meader's Cleaners site located immediately north of the Tahquitz Creek Channel (50+ meters from the site.) These cleanup activities were performed under the supervisions of the California Regional Water Quality Control Board and the potential for such activities to impact the project site are considered low to negligible.

The construction phase would involve the use of heavy equipment, which uses small amounts of oil and fuels and other potential flammable substances. During construction, equipment would require refueling and minor maintenance on location that could lead to fuel and oil spills. The Contractor will be required to identify a staging area for storing materials. The proposed project would not result in a significant risk of explosion or accidental release of hazardous substances. The use handling of hazardous materials during construction activities would occur in accordance with applicable Federal, State, and local laws including California Occupational Health and Safety Administration (CalOSHA) requirements. Impacts will be less than significant.

- c) No Impact.** No schools are located within one-quarter mile of the project site. The nearest school is Cahuilla Elementary located approximately 0.35 miles from the proposed site. There will be no hazardous materials-related impacts to schools.
- d) No Impact.** The subject property is not included on a list compiled pursuant to Government Code Section 65962.3. The proposed project will not create a significant hazard to the public or environment.
- e, f) No Impact.** The Palm Springs International Airport is located approximately 2 miles east of the subject property. The subject site is not located within the boundaries of the airport's land use compatibility plan. The site is not located in the vicinity of a private airstrip. The project will not result in safety hazards for people living or working in the area.

- g) No Impact.** The proposed project will not significantly alter the existing circulation pattern in the project area or adversely impact evacuation plans. The primary project access point is on Belardo Road with emergency access available on South Palm Canyon Drive, an arterial roadway that runs through downtown Palm Springs. Proposed parking and circulation plans will be reviewed by the Fire and Police Departments to assure that driveways and roads are adequate for emergency vehicles. A construction plan will be required to assure that the project does not interfere with emergency access during development.
- h) No Impact.** The project site is not susceptible to wildfires, and the proposed project will not expose people or structures to significant risks associated with wildfires. The site is located in an urban area and surrounded by development and vacant lands with sparse vegetation. The nearest wildlands are the foothills of the San Jacinto Mountains, approximately 0.6 miles to the west.

(Sources: "Phase I Environmental Site Assessment, Proposed Star Canyon Village, APN: 508-171-006, 513-250-031, 513-250-003, Palm Springs, California," Earth Systems Southwest, January 3, 2003; Envirostor map database, California Department of Toxic Substances Control, accessed October 16, 2015).

IX. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seethe, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The project site is located on the west side of South Palm Canyon Drive in the City of Palm Springs. Historic drainage patterns flow from the west to the east and southeast. The site contains on an existing ravine depression at its southwest corner that historically retained and conveyed water off-site during heavy rains. The applicant is proposing a retention basin at this location to maintain similar flows on the property, as well as underground stormwater storage on the easterly side of the project site. The proposed retention basin at the southwest corner will be sized to handle a volume of 17,820 cf. Stormwater volume in excess of this capacity will overflow via a 12-foot weir structure at an elevation 0.5 feet above the existing grade at the project boundary. The retention basin is much larger than the existing local depression therefore it will reduce the existing runoff at the southwest corner. Additionally, the runoff at this location will be further reduced because the 1.25 ac. onsite tributary area will be conveyed to the underground stormwater storage system to the east.

The proposed underground stormwater storage is located beneath a portion of the Palm Canyon Drive landscape frontage. This underground stormwater storage system is connected to the City's Line 29 at the intersection of South Palm Canyon Drive and Mesquite Avenue. Runoff from this location will not occur until the capacity of the underground storage system is exceeded with a storm greater than the 10-year event. Line 29 is designed for Q₁₀ so it can conservatively be assumed that if the capacity of the underground storage system is exceeded, Line 29 will already be at or near peak capacity. Therefore, a system overflow outlet will be provided at the proposed southernmost driveway. This location is south of the high point in South Palm Canyon Drive and at an elevation lower than the proposed system inlets, which ensures that the runoff follows the historic drainage path.

The project will also discharge an insignificant amount of runoff near the entrance at South Palm Canyon Drive. This is from the driveway area that lies between South Palm Canyon Drive and the upstream catch basin approximately 50 feet away (about 2,000 SF). This runoff will be collected by a catch basin that is proposed to eliminate local street flooding at the low spot in South Palm Canyon Drive near the project entrance. This catch basin will convey the runoff from the site and South Palm Canyon Drive via 18" RCP to the Cameron project storm drain system located directly across the street.

The Cameron project storm drain was initially designed to only include the Q₁₀ of 4.81 cfs from the 1.65 ac. of Palm Canyon Drive but was recently revised to include a total Q₁₀ of 8.68 cfs due to the addition of a 2.29 ac. tributary area from the Tract 36914 project site. However, due to the requirement to retain the incremental increase onsite the proposed Q₁₀ from this area is zero. As a result flooding on South Palm Canyon Drive will be reduced.

Discussion of Impacts

- a) **No Impact.** The proposed project will not violate water quality standards or waste discharge requirements. The project will connect to existing sewer lines located in the immediate project vicinity. Wastewater from the site will be transported to and processed at the City's Wastewater Treatment Plant. The City contracts with Veolia Water North America for operation of the plant, and Veolia implements all requirements of the Regional Water Quality Control Board pertaining to water quality and wastewater discharge. The project will be required to comply with National Pollutant Discharge Elimination System (NPDES) regulations, which minimize the pollutant load associated with urban runoff.

- b) **Less Than Significant Impact.** The Desert Water Agency (DWA) provides domestic water to the proposed project area. The Desert Water Agency's primary source of water is groundwater extracted by deep wells and replenished with water from Colorado River Aqueduct. The agency also gets a lesser amount of water from regional mountain streams including Chino Creek, Snow Creek, and Falls Creek. The Coachella Valley Regional Water Management Group, including DWA, prepared an Integrated Regional Water Management Plan (IRWMP) indicating that long-term regional demand for potable water is expected to increase; however, with continued conservation measures and replenishment of groundwater, sufficient supplies will be available to meet the demand.

For the proposed development, water will be required during site grading for a short-term period (during construction). At buildout, water will be required to serve the needs of the residential units, onsite private swimming pools and landscaping. The project will connect to existing water lines beneath Belardo Road and Palm Canyon Drive. No new wells or additional water infrastructure are proposed for the project water requirement. The project will be required to comply with DWA's and the City's water-efficiency requirements, including the use of drought-tolerant planting materials and limited landscaping irrigation. Implementation of these and other applicable requirements will assure that water-related impacts are reduced to less than significant levels.

- c-e) **Less Than Significant Impact.** The subject property is generally flat and contains no rivers or streams, and storm water issues associated with the development will be limited to local drainage. The proposed project will be required to retain the increased storm water runoff generated by development of the proposed project on site. Both the single-family and multi-family units are designed to drain to the streets, which convey the runoff to catch basins located along the east side of South Belardo Road and west side of South Palm Canyon Drive. As described above, these catch basins then convey the runoff through pipes to a drywell and the City's Line 29 located south of South Palm Canyon Drive. The retention basin is sized to retain the incremental increase from the 100-year storm event (17,820 cubic feet). Runoff in excess of the incremental increase will overflow from the retention basin to the underground stormwater storage on the east side of the project site. Development of the proposed site is not expected to result in substantial erosion or siltation, or generate runoff that exceeds the capacity of drainage facilities.

The City Engineer will review the SWPPP, WQMP and NPDES best management practices to assure that storm flows do not exceed current volumes, and are not polluted. These standard conditions of approval will assure that impacts associated with storm flows are reduced to less than significant levels.

- f) **Less Than Significant Impact.** The proposed project will be required to comply with all applicable water quality standards. It will be connected to the City's sewer system and the proposed subsurface stormwater conveyance system will help minimize potential water quality degradation. As a result of the City's standard requirements, impacts will be less than significant.
- g, h) **Less Than Significant Impact.** The proposed project is located in the area between the limits of the 100-years flood and 500-years flood. As described in c-e) above, the project site will be designed to contain stormwater runoff from a 100-year flood event, thereby reducing impacts related to a 100-year storm event to less than significant levels.
- i) **Less Than Significant Impact.** The subject property is located at the southeast edge of the Dam Failure Inundation Pathway of the Tachevah Creek Detention Reservoir (General Plan Figure 6-5). The reservoir is located approximately 1,200 feet downstream from the mouth of Tachevah Canyon in the San Jacinto Mountains west of the project site. It controls storm runoff and debris from a 3.2 square mile drainage area and protects the central part of the City from flooding. It is required by the California State Water Code to be monitored for structural safety, and potential risks and planned responses associated with reservoir failure are addressed in the City's Local Hazard Mitigation Plan. Therefore, impacts to the subject property are considered to be less than significant.
- j) **No Impact.** The proposed project site is not located in the vicinity of a body of water that can produce seiche, tsunami, or mudflow. There will be no impact.

(Sources: Preliminary Hydrology & Drainage Report# 36914 (2015); Palm Springs General Plan, 2007)

X. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The project site is governed by the policies and land use designations of the Palm Springs General Plan and Zoning Ordinance. The site is designated as Mixed-Use/Multi-Use on the General Plan Land Use Map. The project site is currently split zoned for Retail Business (C-1) and Multi-Family Residential and Hotel (R-3). A Planned Development District (PD 379) is proposed for the entire site to address modifications to development standards allowing for the proposed development.

Discussion of Impacts

- a) **No Impact.** The project site is currently vacant with the exception of the remnants left from the demolished Rock Garden Café located at the northeast corner. Development of the proposed project will not physically divide an established onsite or surrounding community. Therefore, no impacts are expected.
- b) **No Impact.** The subject site is designated for "Mixed-Use/Multi-Use" in the City's General Plan and split-zoned for Retail Business (C-1) and Multi-Family Residential and Hotel (R-3). A Planned Development District in lieu of zone change (PD 379) is proposed for the entire site to address modifications to development standards and allowing the proposed single-family and multi-family residential development. Adherence to the development standards provided by PD 379 will ensure the proposed project is consistent with applicable land use policies and regulations. There will be no impact to land use plans as a result of the proposed project.
- c) **No Impact.** The proposed project site is not located within the conservation areas as identified in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and the Agua Caliente Tribal Habitat Conservation Plan. However, the site is within the general boundaries of both plans; therefore, the project proponent will be required to pay applicable development mitigation fees. There will be no conflict with the Plan.

(Sources: Figure 9-4, Palm Springs General Plan, 2007)

XI. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

a, b) No Impact. The project site is located in Mineral Zone MRZ-3, which indicates an area containing mineral deposits; however the significance of these deposits cannot be evaluated from available data. The project site occurs in an urban setting and is not designated for mineral resource land uses; therefore, the proposed project would result in no impacts to mineral resources.

(Sources: Figure 5-3, Palm Springs General Plan, 2007)

XII. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

a) Less Than Significant Impact. In November 2015, Kunzman Associates, Inc. prepared the Tentative Tract Map No. 36914 Noise Analysis. The report's findings are summarized in the subsequent sections. The subject property is currently unoccupied and has been for several years, with the exception of the former Rock Garden Café. As such, the existing onsite noise environment is quiet. The principal noise source is vehicular traffic on adjacent roadways. The nearest sensitive receptors are single-family detached residential dwelling units located 407 feet northwest of the subject site.

Project-Generated Construction Noise

The proposed project will generally be completed in six phases: demolition, site preparation, grading, paving, facility construction, and application of architectural coating. During the construction phase, site grading and preparation will generate the loudest noise levels. The project proponent proposes the use of an on-site rock crusher during construction. Under load, the proposed equipment would generate noise levels of up to 85 dBA at a distance of 50 feet. As previously mentioned, the nearest sensitive

receptors are located approximately 407 feet from the project site. In the event that the rock crusher is operated at the nearest property line, noise levels associated with the crusher under load reach 67 dBA at the nearest sensitive receptors.

The Municipal Code exempts construction activities from short-term, short-duration noise standards when they are conducted during permitted time frames. The City will require that construction activity comply with Section 8.04.220 of the Municipal Code, which limits construction activity to between 7 a.m. to 7 p.m. on weekdays and 8 a.m. to 5 p.m. on Saturdays. No activity is permitted on Sundays and holidays. These requirements will reduce noise impacts to less sensitive daytime hours and assure that short-term construction noise impacts will be less than significant. Short-term impacts could temporarily exceed acceptable noise thresholds. However, these impacts will be short-lived and temporary.

Project-Generated Operational Noise

The project will generate less than 688 daily vehicle trips upon completion and is not projected to generate enough average daily trips that would result in a significant increase in ambient noise levels. Overall, project-related noise sources will include vehicular traffic, and heating, ventilation and air conditioning (HVAC) units. The vehicle mix will be compatible with existing vehicles on surrounding roads. The proposed project is compatible with surrounding land uses, and operational noise impacts are not expected to exceed acceptable noise standards.

Impacts of Off-Site Noise Sources on the Proposed Project

Adjacent land uses include commercial to the east, open space to the south, and residential to the north and west. Neither of these uses is expected to generate noise levels that will adversely impact the proposed project.

The site is immediately bounded by South Palm Canyon Drive on the north and Belardo Road on the west. In the General Plan, South Palm Canyon Drive is designated as a major thoroughfare with Belardo Road designated as a collector street. At General Plan buildout (year 2025), 60, 65, and 70 CNEL noise contours associated with traffic on South Palm Canyon Drive are projected to occur on the easterly portions of the project site (General Plan Figure 8-5). However, structures will be required to meet the most recent version of the California Building Code noise insulation standards, which will assure that off-site noise impacts to the project are minimized to less than significant levels. Traffic noise along these roads is not expected to adversely impact the proposed project.

- b) **Less Than Significant Impact.** Construction of the proposed project could produce ground-borne vibration and/or ground-borne noise that may be felt by adjacent land uses. The primary source of ground-borne disturbances will be operation of heavy equipment, such as bulldozers. Any ground-borne impacts will be temporary and will end once construction is complete. Long-term operation of the project is not expected to generate ground-borne vibrations or noise, and impacts will be less than significant.
- c) **Less Than Significant Impact.** As described in XII.a, above, permanent increases in ambient noise levels will be less than significant. The primary permanent noise sources will be vehicles traveling to and from the site, grounds maintenance equipment, and HVAC units. Proposed single-family and multi-family residential uses are compatible with surrounding land uses, and project-related vehicles will be consistent with vehicles already using area roadways.

- d) **Less Than Significant Impact with Mitigation.** As described in XII.a, above, temporary noise generated during the construction phase of the proposed project could exceed acceptable noise levels, particularly during grading and site preparation. Primary noise sources will be the operation of heavy equipment and rock crushing activities, some of which will occur in close proximity to sensitive receptors, including single-family residential development northwest of the site.

A worst-case construction noise scenario was modeled using the Road Construction Noise Model (RCNM) provided by the FHWA. All equipment was modeled operating simultaneously at staggered distances from the closest single-family detached residential dwelling unit located approximately 407 feet northwest of the property line, to represent a realistic construction site. Worst-case construction noise levels could reach 66.8 dBA Leq and 64.6 Lmax at the single-family detached residential dwelling units located approximately 407 feet northwest of the property line. This represents a worst-case analysis and no intervening shielding was considered.

The project developer is considering the on-site use of a rock crusher during construction. Under load, the proposed unit would generate noise levels of up to 85 dBA at a distance of 50 feet. As stated above, the nearest sensitive receptors are located approximately 407 feet from the project site. If operated along the nearest property line, noise levels associated with the crusher under load would reach up to 67 dBA at the nearest sensitive receptors.

However, these impacts will be temporary and periodic and are permitted in the Municipal Code as long as they occur during specified daytime hours. The noise study also included mitigation measures to assure that construction noise impacts would be reduced to less than significant levels. Adherence to City standards will assure that impacts are less than significant.

- e, f) **No Impact.** The proposed project will not expose people residing or working in the project area to excessive aircraft-related noise. The Palm Springs International Airport is approximately 2 miles east of the subject property, and the property is outside of airport noise contours. The subject property is not located in the vicinity of a private airstrip, and no impacts will occur.

Mitigation Measures

- MM XII -1** The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (7:00 AM and 10:00 PM Monday through Saturday).
- MM XII -2** Haul routes shall not pass sensitive land uses or residential dwellings and should avoid using alleyways adjacent to said uses.
- MM XII -3** The project contractor shall use power construction equipment with state of the art noise shielding and muffling devices.
- MM XII -4** During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.

- MM XII -5** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.
- MM XII -6** The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
- MM XII -7** A six-foot high barrier should be constructed to lower exterior noise levels. Masonry wall and acoustical fencing portions of the proposed barrier should descend all the way to the ground and contain no holes or openings.
- MM XII -8** The project developer must show evidence that wall assembly construction of rooms being utilized for residential purposes will provide an adequate exterior to interior noise reduction to achieve interior noise levels of no more than 45 dBA CNEL.

(Sources: Palm Springs General Plan, 2007; "Tentative Tract Map No. 36914 Project Noise Analysis," prepared by Kunzman Associates, Inc., November 18, 2015.)

XIII. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

a) Less Than Significant Impact. The proposed project will result in a residential development that has the potential to increase population in the area. The proposed development will result in 57 one- and two-story single-family units and 25 two-story condominiums units. According to the 2015 population and housing estimates provided by the Department of Finance, the City of Palm Springs has an average of 1.99 persons per household. Therefore, the project has the potential to increase the population by approximately 164 people. This represents less than 1% of the City's total population (46,611 persons, CA Department of Finance 2015). This increase in population can be expected to be consistent with natural growth in the City, and will not significantly induce growth either directly or indirectly.

Access to the subject property will be taken from existing roadways (Palm Canyon Drive and Belardo Road) and the project will connect to existing utility infrastructure located immediately adjacent to the project site. Impacts are expected to be less than significant.

b, c) No Impact. The subject property is currently vacant. No residents will be displaced, and no replacement housing will be required elsewhere.

(Source: Palm Springs General Plan, 2007; City/County Population and Housing Estimates for Cities, Counties, and the State, prepared by the CA Department of Finance, 2015.)

XIV. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

The proposed project will generate an estimated buildout population of approximately 164 residents, which represents an increase of 0.3% to the City population (46,611 persons in 2015). The project will increase the demand for public services. However, given the relatively limited population increase, impacts will not be substantial. No new or expanded public facilities will be required as a result of the project.

- a) Less Than Significant.** The Palm Springs Fire Department is responsible for fire protection in the project area. The nearest fire station is Station 4 at 1300 La Verne Way located 1.5 miles southeast from the proposed project. Fire personnel will be able to reach the site within the target five-minute response time. The project will be properly sprinklered, and emergency access will be provided via the existing public roadway network. Project plans will be reviewed by the Fire Department to ensure they meet applicable fire standards and regulations. The project will not require the construction of new or expanded fire services or facilities.
- b) Less Than Significant.** The Palm Springs Police Department is headquartered at 200 S. Civic Drive, approximately 2 miles east of the subject property. Police personnel will be able to access the site using existing roads and the private roads. The proposed project will be required to comply with all Police Department regulations and procedures. Project-related impacts to police services are anticipated to be less than significant.
- c) Less Than Significant.** The proposed project will result in the construction of permanent housing. According to the 2015 population and housing estimates provided by the Department of Finance, the City of Palm Springs has an average of 1.99 persons per household. Therefore, the project has the potential to increase the population by

approximately 164 people. For this reason, the construction of 57 single-family homes and 25 multi-family units will result in a less than significant growth in the student population. Nonetheless, as a residential development, it will be required to pay State-mandated fees to mitigate any potential impacts to schools. Project-related impacts to the local school system will be less than significant.

- d) **Less Than Significant.** The City owns approximately 164 acres of public parks and 83 linear miles of trails. There are also 1,354 acres of public and private golf courses in the City (General Plan, Tables 5-1 and 5-3). The nearest park to the subject property is Baristo Park, approximately ½ mile to the east. Residents of the proposed project may increase the usage of public parks and trails; however, the increase is not expected to be substantial or result in the need for new or expanded public parks. Residents of the proposed development will have access to private pools and yard space. Impacts to parks will be less than significant.
- e) **Less Than Significant Impact.** Impacts to other public facilities will be less than significant. The proposed project will be accessed from existing roads and will connect to existing utility infrastructure. No new public roads or public transportation facilities will be required.

(Sources: Palm Springs General Plan, 2007; City/County Population and Housing Estimates for Cities, Counties, and the State, prepared by the CA Department of Finance, 2015.)

XV. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

a, b) Less Than Significant Impact. The proposed project will be 57 one- and two-story single-family units and 25 two-story condominium units. The amenities of the development include a pool area and a common open space. The proposed project will not induce substantial population growth that will result in significant impacts to existing recreational facilities.

XVI. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The proposed project is located in the city of Palm Springs' urban core and is surrounded by existing streets, including Belardo Road, Sunny Dunes Road, Palm Canyon Drive (111B), and Mesquite Avenue. The access to the subject property is through the gated driveway on Belardo Road. An emergency access road will be provided on Palm Canyon Drive.

Discussion of Impacts

a, b) Less Than Significant Impact. The following traffic analysis was based upon a variety of sources, including the General Plan Circulation Element, the Institute of Transportation Engineers *Trip Generation*, 9th Edition Manual, and the project specific Traffic Engineering Assessment Memorandum (George Dunn Engineering, April 2016.) The Manual categories used for project analysis include No. 210 (single family homes), and No. 230 (residential condo/townhouse). The proposed uses within the project are consistent with these land use categories.

Traffic analysis for existing site conditions was based on existing land use trip generation rates. Although the Rock Garden Café building was recently demolished, the trip generation forecast was prepared under the assumption that the existing land use is in operation, or could be in operation. Therefore, the Manual category used for the existing site condition analysis is No. 932 (high-turnover sit-down restaurant), which correctly describes operation of the Rock Garden Café.

The applied measures of effectiveness for the performance of the circulation system were derived from applicable City and County standards. The City of Palm Springs has established a goal for both intersection operations and roadway link segment operations of Level of Service (LOS) D or better.

Existing Conditions

The majority of the project site is currently undeveloped with the exception of the Rock Garden Café remnants. According to George Dunn Engineering, the former restaurant could have generated approximately 1,272 daily vehicle trips or average daily trips (ADT), with 59 ADT expected to be generated in the morning peak hour and 59 ADT in the evening peak hour.

Existing General Plan conditions indicate that Belardo Road and Palm Canyon Drive are operating at LOS A. Future General Plan Build out condition (2025) indicate that Belardo Road and Palm Canyon Drive will continue to operate at LOS A.

Project Impacts

Trip generation for the project site was calculated by land use type using the reference *Trip Generation, 9th Edition Manual* as previously discussed. Based on the Trip Generation Forecast, upon build out, the project will generate approximately 688 daily vehicle trips or average daily trips (ADT), with 13 ADT expected to be generated in the morning peak hour and 45 ADT in the evening peak hour.

The proposed project will generate approximately 584 fewer daily trips than the former restaurant. Therefore, development of the proposed project will have less than significant impacts on level of service standards and will not lead to a substantial increase in traffic.

- c) **No Impact.** The development of the proposed project will have no impact on the facilities or operations of regional airports, and will not result in a change in air traffic patterns, including an increase in traffic levels. The project is located more than 2 miles west of the Palm Springs International Airport. The proposed development will not affect the operations of the airport nor create substantial safety risks.
- d) **No Impact.** City design guidelines will be considered for the development of proposed project not to create a substantial increase in hazards due to a design feature. Project access points are proposed for Belardo Road and South Palm Canyon Drive. The project's access points will be located with adequate sight distances, and project-generated traffic will be consistent with existing traffic in the area.
- e) **No Impact.** Access to the planning area is via major arterials, secondary arterials, Highway 111, Interstate-10, and a variety of local roads. Emergency access will be provided and preserved onsite. Both the Fire Department and Police Department will review project plans to ensure safety measures are addressed, including emergency access. The proposed project will not result in inadequate emergency access.

- f) **No Impact.** SunLine Transit operates bus routes along South Palm Canyon Drive and will provide public transit access to the proposed project. SunLine has adequate capacity in its system to accommodate the proposed project. The project design will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

(Sources: Palm Springs General Plan 2007; Trip Generation 8th Edition, Institute of traffic Engineers *Trip Generation*, 9th Edition)

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

a-e) Less Than Significant Impact.

Wastewater Treatment

The proposed project will tie into the existing sanitary sewer lines located in Belardo Road and South Palm Canyon Drive and wastewater will be transported to the City's Wastewater Treatment Plant (WTP). The proposed project will generate up to 20,000 gallons per day in wastewater flows¹. The WTP has a capacity of 10.9 million gallons per

¹ "City of Palm Springs Sewer Master Plan," February 2009.

day (mgd) and treats approximately 6 mgd, and therefore has available capacity to serve the new project. The proposed project will add 0.3% to the current treatment levels at the plant. Its flows represent 0.2% of the plant's total capacity. The proposed project will therefore have a less than significant impact on wastewater treatment capacity.

The sewer lines for this project will connect to existing sewer lines located in the immediate project vicinity. Wastewater from the site will be transported to and processed at the City's Wastewater Treatment Plant. The City contracts with Veolia Water North America for operation of the plant, and Veolia implements all requirements of the Regional Water Quality Control Board pertaining to water quality and wastewater discharge. The project will be required to comply with National Pollutant Discharge Elimination System (NPDES) regulations, which minimize the pollutant load associated with urban runoff. The proposed project will therefore have a less than significant impact on wastewater treatment capacity.

The WTP implements all applicable requirement of the Colorado River Basin Regional Water Quality Control Board, and no exceedances of wastewater treatment requirements are anticipated.

Domestic Water

The Desert Water Agency (DWA) provides domestic water services to the subject property. The proposed project has the potential to generate a demand of ±65 acre-feet annually². Since the proposed project will be subject to the 2013 Building Code requirements, it is likely that its water use will be less, because the Building Code requirements mandate greater efficiency than previous codes applied to existing development in the area.

The proposed project will be required to implement all water conservation measures imposed by DWA under normal as well as drought conditions over the life of the project. These include requirements of the recently signed Executive Order B-29-15, mandating reductions in water use by 36% in the Coachella Valley. DWA has, in response to the Executive Order, adopted restrictions on water use that include limiting days on which landscaping can be irrigated; a prohibition on the use of fountains or water features; a prohibition on irrigation by any means other than drip or micro-spray systems; and a requirement that hotels offer their guests the option of not having towels and linens laundered daily. Furthermore, should additional restrictions or regulations be implemented, the proposed project shall be required to comply with them as well.

DWA is part of the Coachella Valley Regional Water Management Group, which prepared an Integrated Regional Water Management Plan (IRWMP) in 2013. The Plan analyzes the region's water needs and indicates that the long-term demand for domestic water will increase throughout the region, but conservation measures and replenishment programs will make it possible for DWA to meet increasing demand.

The proposed project will tie into existing domestic water lines in Belardo Road and South Palm Canyon Drive. No new wells or additional water infrastructure or entitlements will be required.

² Coachella Valley Water District Annual Factor by Development Type, "Water System Backup Facilities Charge Study," December 2012.

Stormwater Management

Offsite Drainage

The project site is subject to offsite runoff from the west of South Belardo Road. This tributary area is approximately 19 acres. The generated runoff is conveyed to the east side of South Belardo Road via two separate culvert systems, culvert system 3 and culvert system 4B. Culvert System 3 is located near the southwest corner of the site and Culvert System 4B is located near "A" Street. Culvert System 4A includes catch basins and connector pipes and discharges street runoff from South Belardo Road into Culvert System 4B.

Each of these culvert systems discharges to a well-defined watercourse that flows southerly along the east side of South Belardo Road. However, this natural drainage channel has no outlet to either South Palm Canyon Drive or Mesquite Avenue. Therefore, runoff passing under South Belardo Road from the west in Culvert Systems 3 and 4B, and the minimal street runoff from Culvert System 4A, is disposed of via evaporation and/or infiltration.

Onsite Drainage

Onsite stormwater runoff exits the project site at three proposed locations; the retention basin located at the southwest corner, the underground storage on the east side of the site, and through the proposed storm drain connection to Line 29.

The proposed retention basin at the southwest corner will have a volume of roughly 17,820 cubic feet. Stormwater volume in excess of this capacity will overflow via a 12-foot weir structure at an elevation 0.5 feet above the existing grade at the project boundary. Additionally, the runoff at this location will be further reduced because the 1.25 ac. onsite tributary area will be conveyed to the underground stormwater storage system on the east side of the site.

Project-related impacts to stormwater management systems are expected to be less than significant. The proposed project will produce a maximum incremental increase volume of 39,576 cf.; however, the incremental increase volume will be stored in an onsite retention basin located near the southwest corner of the site, and underground stormwater storage located on the east side of the project, unless an alternative design is approved by the City Engineer.

Onsite runoff will be conveyed to the retention basin and underground stormwater storage through internal streets. Stormwater will be conveyed to the drywell through the catch basins. Drywell, furthermore, overflows into the bottom of the retention basin that is designed to retain the incremental increase from the 100-year storm event with a maximum water depth of five feet plus one foot of freeboard. In case of excess runoff into the retention basin, the retention basin will direct the overflow to the underground stormwater storage and down the driveway to South Palm Canyon Drive and back to the historical drainage path.

- f, g) Less Than Significant Impact.** Palm Springs Disposal Services (PSDS) provides solid waste collection and disposal services to the City and will serve the proposed project. Solid waste is transported to the Edom Hill Transfer Station in northern Cathedral City and disposed at one of three regional landfills: 1) Lamb Canyon Landfill in Beaumont, which has a remaining capacity of 18.9 million cubic yards (2009), 2) Badlands Landfill in Moreno Valley, with a remaining capacity of 14.7 million cubic yards (2010), and 3) El Sobrante Landfill in Corona, with a remaining capacity of 14.5 million cubic yards (2009). Each landfill has available capacity to serve additional development. Facility operators,

including PSDS, Burrtec, and Riverside County Waste Management, are required to meet all local, regional, state, and federal standards for solid waste disposal.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Less Than Significant with Mitigation Incorporated.

Biological Resources

Amec Foster Wheeler prepared a general biological resources assessment for the proposed project area, which shows that the proposed project will not significantly reduce fish or wildlife habitat or otherwise adversely impact a fish or wildlife species. The quality of native habitat on the subject site is fairly low due to previous site alterations and degradation caused by development and other human activity for many decades. Literature review, site analysis, and professional knowledge of the project area indicate that as many as 52 sensitive biological resources have the potential to occur in the general vicinity of the project site. However, no sensitive species were observed or detected on site during the biological surveys. As the subject property has been disturbed by development and other human activity, the site does not serve as an animal migratory or nursery site, and is not known to contain sensitive species or communities.

Cultural Resources

As described in Section V, Cultural Resources, the subject property contained unrecorded subsurface artifacts meriting an expansion of survey boundaries (33-9196/CA Riv-45, Locus O). Based on the Archaeological Investigation (CA-RIV-45, Locus O; June 1,

2015), there is a high possibility of subsurface deposits, artifacts and additional features in the subject area. For this reason, a Native American Monitor shall be present during all ground disturbing activities to minimize the impacts. Mitigation is further described in Section V.

Mitigation measures will be required to protect any loss of cultural resources.

- b) Less Than Significant Impact.** The project's contribution to the cumulative impacts of development in the City and broader Coachella Valley will be less than significant because the project will take place on an already partially developed site; however, these impacts will be less than significant levels through implementation of demolition and grading requirements that minimize fugitive dust.
- c) Less Than Significant Impact.** Compared to existing conditions, the project will result in increases in air pollutant emissions. However, no thresholds of significance will be exceeded during construction or operation, and adverse impacts are expected to be less than significant.

REFERENCES:

"City of Palm Springs Sewer Master Plan," February 2009

"Cultural Resources Inventory of the Proposed Blade Development Project, South Palm Canyon Drive, Palm Springs, California", prepared by ASM Affiliates, Inc March 2015; Archaeological Investigation for Woodbridge Pacific Group, prepared by ASM Affiliates, Inc, June 2015. "A Cultural Resources Survey And Evaluation For The Star Canyon Development Project, Palm Springs, California", January 2000; Palm Springs General Plan, 2007

"General Biological Resources Assessment – Rock Garden Project", Amec Foster Wheeler

"Phase I Environmental Site Assessment, Proposed Star Canyon Village, APN: 508-171-006, 513-250-031, 513-250-003, Palm Springs, California," Earth Systems Southwest, January 3, 2003; Envirostor map database, California Department of Toxic Substances Control, accessed October 16, 2015

"Riverside County Important Farmland 2010 Map," sheet 2 of 3, California Department of "Tentative Tract Map No. 36914 Project Noise Analysis," prepared by Kunzman Associates, Inc., November 18, 2015.

CA Department of Finance, 2015

City/County Population and Housing Estimates for Cities, Counties, and the State, prepared by the Coachella Valley Water District Annual Factor by Development Type, "Water System Backup Facilities Conservation, published January 2012

Environment & Infrastructure, Inc., prepared October 30, 2015

Figure 5-3, Palm Springs General Plan, 2007

Palm Springs General Plan, 2007

Preliminary Hydrology & Drainage Report# 36914 (2015)

Preliminary Hydrology & Drainage Report# 36914 (2016)

"Tentative Tract Map No. 36914 Project Noise Analysis," prepared by Kunzman Associates, Inc., November 18, 2015.

Trip Generation 8th Edition, Institute of traffic Engineers Trip Generation, 9th Edition

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**




Date: September 21, 2016
Subject: Case 5.1278 – Woodbridge Pacific Group

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on September 10, 2016.

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



Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on September 8, 2016.

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




Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on September 8, 2016, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.
(66 notices)

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



Kathie Hart, MMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1378 PD 379 / ZC / 3.3876-MAJ / TTM 36914
WOODBIDGE PACIFIC GROUP ON BEHALF OF PALM CANYON 65 LLC

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of Wednesday, September 21, 2016. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider a proposal to construct a residential project consisting of 56 detached single-family residential dwelling units and 25 multi-family residential condominium units on a 12.4-acre site located at 777 South Palm Canyon Drive, zone C-1 and R-3. The applications include a Planned Development District in lieu of zone change (Case 5.1378 PDD 379) to establish the project site plan, permitted uses and development standards, a Major Architectural Application (Case 3.3876 MAJ) to review proposed architectural designs, and a Tentative Tract Map (Case TTM 36914) to subdivide 12.4-acres into individual ownership and common area lots with private streets. This project was reviewed and continued by the City Council on July 6, 2016.

ENVIRONMENTAL DETERMINATION: An Initial Study was prepared for the project, and it determined that the project would have less than significant impact with the incorporation of mitigation measures. The City hereby prepares and proposes to adopt a Mitigated Negative Declaration for this project. A 20-day public review period for the Draft Mitigated Negative Declaration concluded at 5:00 p.m. on May 24, 2016. Copies of the Mitigated Negative Declaration and Initial Study are available for review at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs and at the Palm Springs Public Library.

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

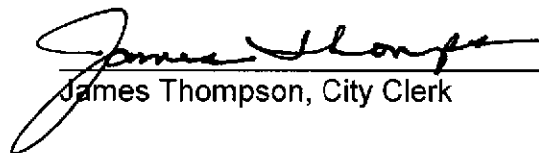
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by email at cityclerk@palmsprings-ca.gov, or letter (for mail or hand delivery) to:

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

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

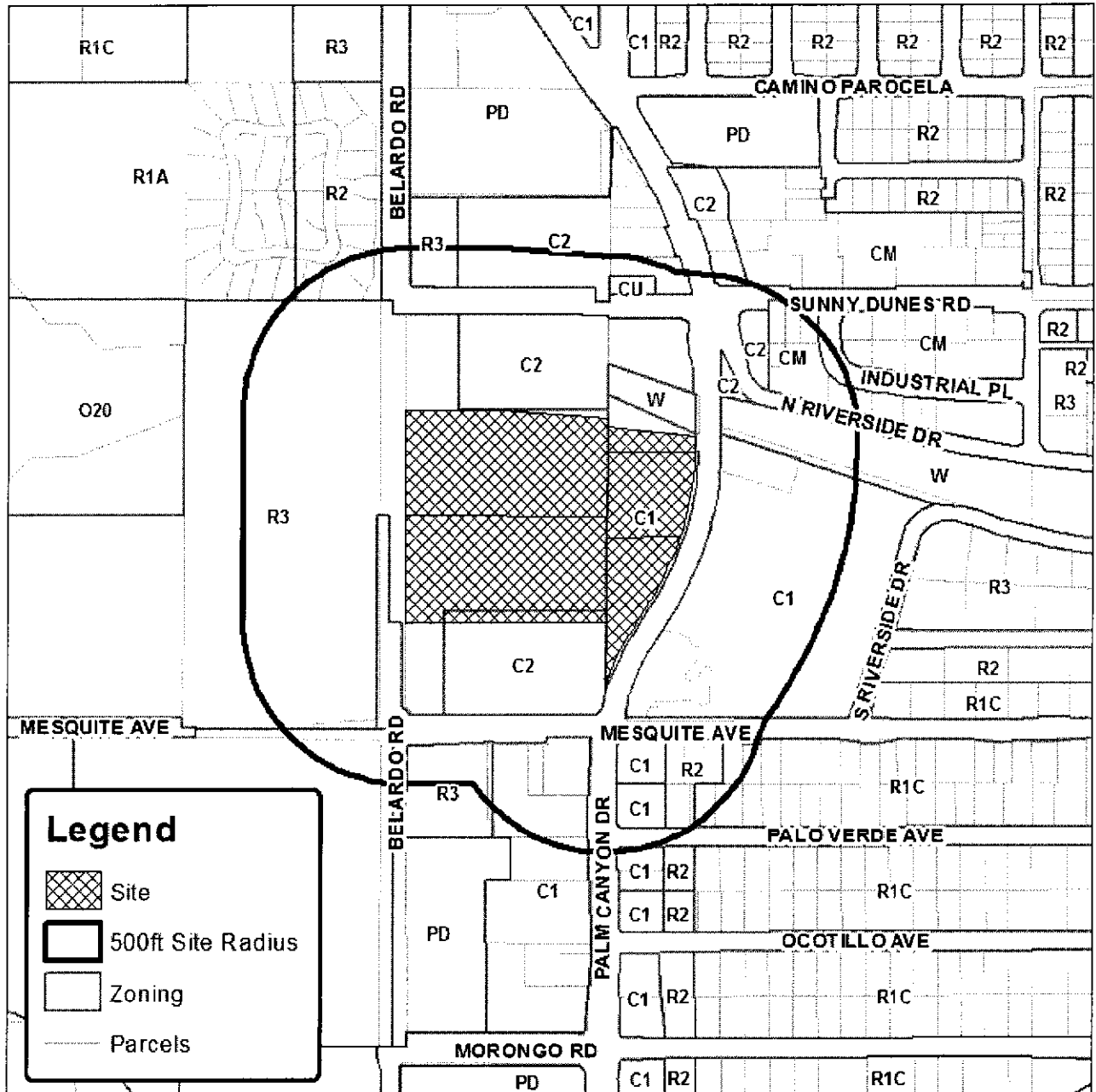
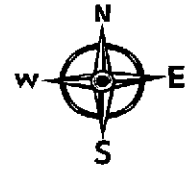
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David Newell, Associate Planner, at (760) 323-8245.

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






James Thompson, City Clerk



Department of Planning Services Vicinity Map



Legend

-  Site
-  500ft Site Radius
-  Zoning
-  Parcels

CITY OF PALM SPRINGS

Kathie Hart

From: Plantemp
Sent: Monday, September 12, 2016 9:59 AM
To: Baristo Neighborhood Organization; Deepweel Neighborhood Organization (boblesps@dc.rr.com); Historic Tennis Club Neighborhood Organization; Tahquitz River Estates; Parkview Mobie Estates (psie92262@gmail.com); Warm Sands Neighborhood Organization
Cc: Edward Robertson; Kathie Hart
Subject: Case 5.1378 PHN City of Palm Springs City Council Meeting September 21, 2016
Attachments: 5.1378 PHN 09 21 2016.pdf

Please find the attached Public Hearing Notice for the City Council of the City of Palm Springs meeting on Wednesday, September 21, 2016 at 6:00 p.m., for the proposed project within ½ mile of your neighborhood organization.

Thank you,

Lovely

Lovely Anglin
City of Palm Springs
Planning Services Department
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
Tel: (760) 323-8245 Fax: (760) 323-8360
Email: plantemp@palmssprings-ca.gov

Kathie Hart

From: Plantemp
Sent: Thursday, September 08, 2016 5:37 PM
To: 'Baristo Neighborhood Organization'; 'Deepweel Neighborhood Organization'; 'Historic Tennis Club Neighborhood Organization'; 'Tahquitz River Estates NO'; 'Parkview Mobile Estates'; 'Warm Sands Neighborhood Organization'
Cc: David Newell; Kathie Hart; Terri Hintz
Subject: CUP 5.1378 Public Hearing Notice for City Council Meeting September 21, 2016
Attachments: 5.1378 PHN 09 21 2016.pdf

Please find the attached Public Hearing Notice for the City Council Meeting for Wednesday, September 21, 2016 of the proposed project within ½ mile of your neighborhood organization.

Thank you,

Lovely

Lovely Anglin
City of Palm Springs
Planning Services Department
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
Tel: (760) 323-8245 Fax: (760) 323-8360
Email: plantemp@palm Springs-ca.gov

Attachment 11