PLANNING COMMISSION STAFF REPORT

DATE: JANUARY 11, 2017

SUBJECT: PALM SPRINGS MODERN CONSTRUCTION, FOR A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT 5.1395-PD 383 / MAJOR ARCHITECTURAL APPLICATION 3.3963 MAJ / TENTATIVE TRACT MAP 37210 FOR THE CONSTRUCTION OF A SIXTY-FOUR (64) UNIT CONDOMINIUM PROJECT NAMED 64@RIV LOCATED AT 2000 NORTH INDIAN CANYON DRIVE, ZONE R-3.

FROM: Flinn Fagg, AICP, Director of Planning Services

SUMMARY

The Planning Commission to review a Preliminary and Final Planned Development District; a Major Architectural Application; and a Tentative Tract Map for condominium purposes for the construction of a sixty-four (64) unit condominium complex called 64@Riv. The Project consists of eight (8) two-story buildings with eight (8) units in each building and a maximum height of twenty-four (24) feet.

RECOMMENDATION:

Planning Commission to: (1) Approve Preliminary and Final Planned Development District and recommend to City Council approval of same; (2) Approve Major Architectural Application; (3) Recommend to City Council approval of Tentative Tract Map; and (4) consider Mitigated Negative Declaration.

ISSUES:

- The General Plan Designation of Tourist Resort Commercial (TRC) requires that permanent residential uses seek approval of a Planned Development District. There are no deviations requested to the underlying R-3 zone development standards.

- The Riviera Hotel parcel and the subject parcel are currently linked as they relate to the underlying R-3 zone open space requirement. A new Tentative Tract Map 37210 seeks approval to replace Parcel Map 9475 approved in 1977 with limited development on the subject parcel based upon open space.

BACKGROUND INFORMATION:

Related Relevant City Actions	
2/1/1977	City Council adopts Resolution #12538 approving a final parcel map #9475 creating three parcels (Parcel 1 – Riviera Hotel; Parcel 1A - tennis club; Parcel 2 – Riviera Garden Condominiums). Conditions of Approval include: 1. That map indicate that Parcel 1A is for lease hold interest only. 2. That map indicate that Parcel 1 must be retained under the same ownership. (to satisfy the 45% open space requirement for the Riviera Hotel)
8/9/1978	Planning Commission approves Case 5.0063 CUP for a Conditional Use Permit to allow for a tennis club on Parcel 1A. Tennis club to count toward the overall open space requirement associated with the deficiencies of the Riviera Hotel.
10/27/1982	Planning Commission grants architectural approval for the Club House/Restaurant.
9/19/2016	AAC recommends approval of the 64@Riv to the Planning Commission with the following conditions: 1. Landscape – change palm trees to shade trees in parking lot islands. 2. Building 4 with a 24' setback. 3. Landscape design on Indian Canyon and Via Escuela to be reviewed by a subcommittee. (Purnel, Fredricks, Song)
12/1/2016	CEQA Initial Study released for 20-day review period.
12/20/2016	Tribal Planning Commission reviewed the project and recommends approval with one condition relative to monitoring of construction.
1/10/2017	Review by Tribal Council. Staff will report recommendation at Public Hearing.

Most Recent Ownership	
09/14/2015	AGRE DCP Palm Springs LLC

Neighborhood Meeting / Notification	
1/5/2017	Email notification sent to Racquet Club West; Racquet Club Estates; Vista Norte; El Mirador; Old Las Palmas; Vista Las Palmas; and Little Tuscany Neighborhood Organizations.

Field Check	
September 2016	Staff visited site to observe existing conditions

DETAILS OF APPLICATION REQUEST:

Site Area	
Net Area	5.22-acres

Surrounding Property	***Existing General Plan Designations***	***Existing Land Use***	***Existing Zoning Designations***
Subject Property	TRC (Tourist Resort Commercial), up to 30 units per acre	Tennis Club & Restaurant	R-3 (Multi-Family Residential)
North	MDR (Medium Density Residential), 6.1 to 15 units per acre	Condominium Complex	R-2 (Multi-Family Residential)
South	TRC (Tourist Resort Commercial), up to 30 units per acre	Riviera Hotel	R-3 (Multi-Family Residential)
East	HDR (Medium Density Residential), 15.1 to 30 units per acre	Riviera Gardens Condos	R-3 (Multi-Family Residential)
West	TRC (Tourist Resort Commercial), up to 30 units per acre	Hotel	R-3 (Multi-Family Residential)

Density

R-3 Zoning

Permitted Density	Site Area	Units Allowed	Units Proposed	Compliance
1 Unit per 2,000-sq ft	5.22-acres	114 Units	64 Units	Yes

General Plan (TRC)

Permitted Density	Site Area	Proposed Density	Compliance
30 Units Per Acre	5.22-acres	12.26 Dwelling Units per Acre	Yes

** General Plan Designation of Tourist Resort Commercial allows up to a maximum of 30 dwelling units per acre as part of a Planned Development District

DEVELOPMENT STANDARDS:

Development standards for the project have been evaluated pursuant to the Palm Springs Zoning Code (PSZC) Section 92.04.03 for the R-3 zone and are provided to assist in the architectural review of the project:

Standard	Required/Allowed	Provided	*Compliance*
Lot Area	20,000-square feet	5.22-acres	Yes
Lot Width	170 feet	488 feet	Yes
Lot Depth	150 feet	440 feet	Yes
Front Yard	30 feet	30 feet	Yes
Side Yard	10 feet	10 feet	Yes
Rear Yard	10 feet – unless bldg. height exceeds 12', then setback is bldg. height	31 feet	Yes
Building Height (max.)	24 feet	24 feet	Yes
Open Space	45% open space	58.68% open space (as a standalone project – see TTM discussion)	Yes Partially
Trash Enclosure	Required	1 Trash Enclosures	Yes
Mech. Equip.	Screened by parapet	Roof Mount / Screened	Yes
Parking	1.5 spaces per unit = 96 spaces + 16 guest = 112 required	64 carport spaces + 32 uncovered + 16 guest spaces = 112 provided	Yes

ANALYSIS:

Site Plan:

The proposed site is the former Bono Restaurant and Tennis Club located on the parcel north of the Riviera Hotel at the corner of North Indian Canyon Drive and East Via Escuela. Currently the existing building and associated tennis courts are vacant with the parking lot utilized as overflow for the Hotel. The property is currently owned by the Hotel management group; however the developer Palm Springs Modern Homes has an option to purchase once entitlements are secured.

The project scope includes the demolition of the existing former restaurant structure and removal of the multiple tennis courts and parking lot. The proposal consists of sixty-four (64) condominium units in eight (8) two-story buildings with eight (8) units in each building. The site is zoned R-3 and the proposed buildings meet the required setbacks based upon their twenty-four (24') foot height. A common pool with pavilion and pedestrian plaza are planned in the center of the project. The gated complex will include two entrances; one from North Indian Canyon Drive and the second from East Via Escuela. A long connected driveway will wrap around the development and link both entrances for the use of the residents and guests. The existing North Indian Canyon Drive entrance will remain in the same general area with a minor shift northward due to a realignment of underground utilities. Three (3) of the condo buildings will front North Indian Canon Drive with the remaining five (5) structures located on the lot interior. The existing site has a grade difference of approximately fifteen (15) feet from Indian Canyon Drive eastward. Parking spaces are accessed from the complex driveway and are evenly distributed throughout the development. Carports are proposed covering sixty-four (64) spaces located on the outer ring of the parking lots. The inner ring of parking will remain uncovered; however these spaces could become covered in the future. A water retention pond is sited at the southeast corner of the site and will also serve as an informal dog park for residents.

The 64@Riv project proposes to gate the complex at the North Indian Canyon Drive and Via Escuela entrances. The General Plan Goal: CD 14.6, seeks to prohibit gated community entries and perimeter walls around entire neighborhoods. Providing gates for a moderately sized condominium complex would not be contrary to the stated General Plan goal in that the gates do not enclose an entire neighborhood. The applicant has described the need for gates as an enhancement and continuation of the experience found at the adjacent Riviera Hotel. Adjacent communities to the north and east are currently gated communities. Pedestrian access will be provided at each vehicular entrance leading to existing street sidewalks and bus stops.

Mass and Scale:
The proposed development will be two-story with a maximum height of twenty-four (24) feet with several building elements extending higher to conceal mechanical equipment. Each building will contain eight (8) units with four (4) units on the first floor and four (4) units on the second. The various units will have a front entry that is either accessed from a private flight of stairs or direct entry from the first floor. Each unit will have a patio or balcony and the second story units will have a permanent solid metal cover projecting from the roof to provide shading and solar control. The buildings are

symmetrical in design and the overall massing is appropriate for a two story multi-family residential development.

Building Design and Detailing:
The "64@Riv" will consist of two (2) types of floor plans: the 1500; and the 1200. The 1500 unit type will be a two bedroom unit with kitchen/dinning/living room and patio or balcony depending if it is ground floor or upper unit consisting of 1,494-square feet. The 1200 unit type will be a two bedroom unit with kitchen/living room and patio or balcony consisting of 1,226-square feet. Each unit type will be grouped with the 1500's in buildings 1, 3, 5, 7 and 8; and the 1200's in buildings 2, 4, and 6.

The elevations vary depending upon the building number and unit size. The 1500's are positioned in a square with each individual unit entrance part of the elevation consistent on all four sides. The 1200's are grouped in a rectangle building with four entrances facing each side. These buildings will have a double front entrance with large sliders on both floors with patios and balconies. The side elevation consists of a series of rectangle windows and flat stucco walls.

The building's exterior to be La Habra stucco material for all surfaces with differing color schemes utilizing a consistent shade of light gray for the main body with an alternative color for accents. All windows frames, doors, railings, and canopy frames are black. Below are the proposed color schemes:

The 1500's Buildings 1, 3, & 8:
- Main body plaster – "Reclaimed Wood" - grey color
- Plaster Wrap around accent – "Morro Bay" – teal color
- Plaster stack accent – "Mythical Blue" – deep blue color
- Window and door frames, entry door, metal railing, canopy frame – "Black Pearl" – black color
- Canopy – Galvanized Metal – natural color

The 1500's Buildings 5 & 7:
- Main body plaster – "Reclaimed Wood" - grey color
- Plaster Wrap around accent – "Arts & Crafts Gold" – gold color
- Plaster stack accent – "Mythical Blue" – deep blue color
- Window and door frames, entry door, metal railing, canopy frame – "Black Pearl" – black color
- Canopy – Galvanized Metal – natural color

The 1200's Buildings 2, 4, & 6:
- Main body plaster – "Reclaimed Wood" - grey color

- Plaster Wrap around accent – "Tickled Crow" – green color
- Plaster stack accent – "Cocoa Powder" – brown color
- Window and door frames, entry door, metal railing, canopy frame – "Black Pearl" – black color
- Canopy – Galvanized Metal – natural color

The proposed balcony covers are to be constructed of ribbed metal decking encased in a black frame and affixed to the roof supported by a post and beam system. The eyebrows over the windows which provide solar control will be constructed from metal.

The cabana building located adjacent to the central pool will be constructed of masonry block material and contain two restrooms. A metal shed roof overhang will project over a patio and pool deck and utilize the same post and beam construction as the residential units.

The carports are proposed to be a simple box beam cantilevered design with steel posts and beams with a metal roof structure.

Landscaping and Buffers:
The placement of eight (8) buildings on the 5.22-acre site allows for large areas of open space. The proposed landscape plan includes the use of internal walkways and sidewalks circling each building with a main plaza leading to the pool. Proposed plantings include a variety of palms in 36" boxes with trunk heights of 18'-25' feet; multiple species of Acacia trees and Palo Verde trees. Other plants include shrubs, cactus, and succulents as accents. The trees in the parking lot islands will be multi-trunk Palo Verde and will provide the required shading.

The existing perimeter wall to remain with new sections added at the two entrances along North Indian Canyon Drive and Via Escuela. The new walls will be masonry with a smooth stucco finish painted a gray color and horizontal metal reveals as an architectural detail. The entry gates will be decorative metal painted a black color to match the balcony railings on the condo buildings. The applicant proposes to add ficus trees in planter beds between the sidewalk and perimeter wall to provide relief from the long expansive streetscape plus tie into the overall resort feel of the adjacent Riviera Hotel property.

FINAL PLANNED DEVELOPMENT DISTRICT:

The project is located within the Tourist Resort Commercial (TRC) General Plan Land Use designation. This land use designation provides for large-scale resort hotels and other accessory uses principally serving resort clientele. It also allows residential uses as stated: "Permanent residential uses and commercial activities are allowed subject to approval of a Planned Development District".

The 64@Riv project has been submitted as a Preliminary and Final Planned Development District to satisfy the General Plan requirement. This type of review is permitted pursuant to Section 94.03.00(E)(4) of the PSZC. The project as designed is not seeking relief from the development standards set within the underlying zoning designation of R-3. The proposed site plan meets all the required setbacks, open space, parking, and building heights and does not require any relief from the Zoning Code standards.

TENTATIVE TRACT MAP / OPEN SPACE:

The City Council in 1977 approved the subdivision of 35-acres at the corner of Vista Chino and North Indian Canyon Drive into three (3) parcels as part of Parcel Map 9475. Previously the site was one lot containing the Riviera Hotel built in 1959 with an associated golf course. The hotel is located on Parcel 1; the tennis club is Parcel 1A; and the 221-unit Riviera Gardens Condominiums on Parcel 2. The subdivision of the 35-acre lot containing the existing Riviera Hotel resulted in a deficiency in the open space required based upon the total building coverage plus the paving and parking areas. To overcome this issue, Parcel Map 9475 required that Parcel 1A remain under a single ownership as a portion of the overall open space of the hotel and a note was placed on the map that stated:

1. That map indicated that Parcel 1A be for lease hold interest only.
2. That map indicates that Parcel 1 and Parcel 1A must be retained under the same ownership.

The tennis club on Parcel 1A was built as a recreational facility that would help satisfy the open space requirement for the hotel. The underlying zoning designation of R-3 (Multi-Family Residential/Hotel) requires a minimum of forty-five (45%) percent of the site area developed as usable landscaped open space and outdoor living and recreational area.

The following is an Open Space Analysis for Parcel 1 & Parcel 1A:

Riviera Hotel – Parcel 1	* numbers in square feet	
Building Coverage	206,931	29.31%
Paving & Parking	209,151	29.62%
Open Space	289,956	**41.07%**
Total	**706,038**	**100.00%**

64@Riv – Parcel 1A		
Building Coverage	45,338	19.95%
Paving & Parking	48,548	21.36%
Open Space	133,358 **	**58.68%**
Total	**227,244**	**100.00%**

Combined		
Building Coverage	252,269	27.03%
Paving & Parking	257,699	27.61%
Open Space	423,314	**45.36%**
Total	**933,282**	**100.00%**

** *The minimum square footage for the 64@Riv parcel to meet the 45% open space requirement is 131,250-square feet. The development of the site as presented at 133,358-square feet of open space will leave a surplus of 2,108-square feet for future development on the site.*

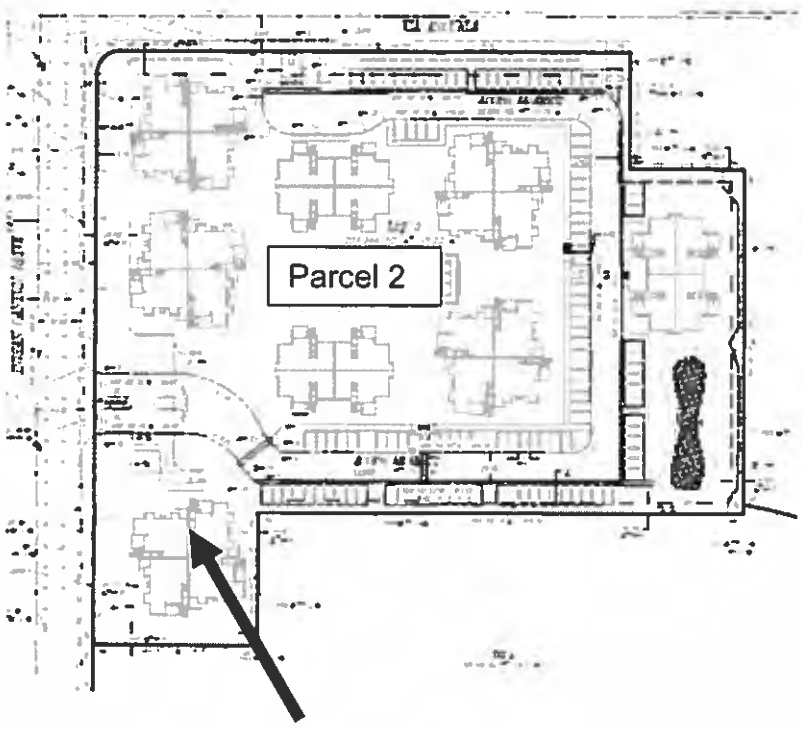
From the analysis above Parcel 1 (Riviera Hotel) is deficient in open space by 3.93% and Parcel 1A (64@Riv) has a 13.68% surplus. The approval of Parcel Map 9475 in 1977 recognized the open space issue and linked the two properties.

The 64@Riv project seeks approval of a new Tentative Tract Map (TTM 37210) that will delineate Lot 1 (Riviera Hotel) and Lot 2 (64@Riv) with the removal of the two notes as stipulated on Parcel Map 9475. The new TTM will add a new note as stated:

> *"Lot 2 shall be burdened by a non-exclusive easement for open space for the benefit of Lot 1 (the "open space easement"), for planning and zoning purposes only and without any rights of use, over Lot 2, consisting of a non-specified land area of 52,700-square feet of open space located on Lot 2, which land area shall be credited to the amount of open space required for Lot 1 under the Planning and Zoning ordinances of the City of Palm Springs, to preserve the open space easement for the benefit of Lot 1, no development shall be permitted on Lot 2 which would reduce the open space on Lot 2 to less than 131,250-square feet".*

The approval and recording of the tract map will link the two properties together and limit any future development or redevelopment on the two parcels thus preserving the required open space.

Parcel 2 is not being developed to its maximum coverage leaving a surplus of 13% open space (or 52,700-square feet) to the benefit of Parcel 1 in line with the original concept of Parcel Map 9475.



Tentative Tract Map 37210 showing area south of entry driveway

One other option considered but not part of the applicant's proposal would be a lot line adjustment giving 52,700-square feet to Parcel 1 as shown above. This would leave an unused parcel of open space adjacent to the existing Riviera Hotel parking lot. Staff believes that the linking of the two parcels together via a new note on Tentative Tract Map 37210 will allow for better urban design with the distribution of open space throughout the site and the 64@Riv property allowed to develop as a more cohesive project with a balanced streetscape along North Indian Canyon Drive.

AAC Review:
The Architectural Advisory Committee reviewed the project on September 19, 2016 and voted unanimously to recommend approval to the Planning Commission with the following comments:

1. Landscape – change palm trees to shade trees in parking lot islands.
2. Building 4 with a 24' setback.
3. Landscape design on Indian Canyon Drive and Via Escuela to be reviewed by a subcommittee. (Prunel, Fredricks, Song)

In response to these comments, the applicant revised the landscape plan to add multi-trunk Palo Verde trees in the parking lot islands to provide shading. Building 4 located at the rear of the site adjacent to the proposed dog park was shifted away from the rear property line meeting the setback requirement based upon the building height. A subcommittee reviewed a landscape/streetscape exhibit for North Indian Canyon Drive and Via Escuela and recommended approval as drawn.

REQUIRED FINDINGS:

PLANNED DEVELOPMENT DISTRICT:

Findings can be made in support of establishing the proposed Planned Development District as follows:

a. *The proposed Planned Development is consistent and in conformity with the General Plan pursuant to Sections 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

The proposed Planned Development is consistent with the goals and objectives of the General Plan which allows permanent residential development within the Tourist Resort Commercial designation upon approval of a PD. The General Plan allows a density of up to 30 dwelling units per acre, however the proposal is requesting less. A goal of the General Plan is to facilitate the production of quality housing on vacant and underutilized land that are complementary with surrounding uses. The project as proposed will revitalize a blighted site to be replaced with sixty-four (64) multi-family residential dwelling units consistent with the permitted uses and development standards of the R-3 zoning development standards. In addition, the project is compatible with the character of the neighborhood and surrounding condominium developments thus meeting the goal and finding.

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 development of the site with a sixty-four (64) condominium complex on a 5.22-acre site serviced by existing infrastructure and utilities is a suitable rehabilitation of the property. The Planned Development District is a requirement of the Tourist Resort Commercial land use designation and will permit the site to develop consistent with surrounding parcels. The neighboring gated properties to the north and east are similar garden style projects consisting of one and two story buildings clustered in a similar way to preserve open space. The relatively flat lot located at the intersection of a major thoroughfare and secondary street is an appropriate location for the proposed development based upon the above analysis and the finding has been met.

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 proposed establishment of the Planned Development District is necessary for the condominium project to be consistent with the requirements of the Tourist Resort Commercial General Plan Land Use designation. The proposed district will not be detrimental to adjacent properties or residents but will remove an existing vacant building and tennis club to be replaced with a residential use that is consistent with adjacent condominium projects found within the immediate site area. The PD does not seek relief from the development standards of the underlying R-3 zone and the development will be similar in mass and scale to adjacent properties.

TENTATIVE TRACT MAP:
Findings are required for the Tentative Tract Map 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 is consistent with all applicable general and specific plans.*

Tentative Tract Map 37210 proposes two lots; Parcel 1 containing the Riviera Hotel and Parcel 2 for the 64@Riv condominium complex. The TTM is for condominium purposes and will include a note relative to open space requirement for both parcels. The proposed density is within the range specified by the Tourist Resort Commercial General Plan Land Use designation. Therefore, the project is consistent with this finding.

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

The project design and improvements are consistent with the Tourist Resort Commercial Land Use designations in which the property is located. The R-3 multi-family residential zoning designation allows for the development of the property as condominium units and the project is consistent with the development standards in terms of setbacks, building heights, and open space and the proposal is consistent with this finding.

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

The existing vacant building and tennis club will be razed and the relatively flat site graded to accommodate the proposed development. Site modifications include improvement to an existing entry driveway along North Indian Canyon Drive, and a new entrance from Via Escuela. The Project consists of eight (8) two-story buildings with eight (8) units in each building for a total of 64 condominium units on a 5.22-acre site. The site is serviced by existing utilities and street network and will allow for the redevelopment of the parcel as a residential community.

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

The proposed density is appropriate for the number of units proposed and is consistent with the maximum allowed by both the General Plan Tourist Resort Commercial (TRC) Land Use designation, and the R-3 zoning classification. Therefore, the site is physically suited for the proposed density of development. The concept of sharing open space between the subject property and the adjacent Riviera Hotel resulting in a combined 45% will allow the parcel to redevelop as a viable multi-family development while meeting the requirements of the zone. In addition, the density as proposed is similar to adjacent condominium projects to the north and east.

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, 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 condominium complex includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each unit along with adequate off-street parking. 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.

There are no known public easements across the subject property; therefore the design of the condominium project will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

MAJOR ARCHITECTURAL:

The Palm Springs Zoning Code (PSZC) Section 94.04.00(D) requires an evaluation of the proposed development to determine if it will provide a desirable environment for its occupants, be compatible with the character of the adjacent and surrounding developments, and whether it is good composition, material, textures, and colors. Conformance shall be evaluated based on the following criteria:

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

The development proposal consists of sixty-four (64) condominium units in eight (8) two-story buildings with eight (8) units in each building. The flat site is zoned R-3 and the proposed buildings meet the required setbacks based upon their twenty-four (24') foot height. The gated complex will include two entrances; one from North Indian Canyon Drive and the second from East Via Escuela. A long connected driveway will wrap around the development and link both entrances for the use of the residents and guests. Off-street parking will be provided throughout the development with a total of 112 spaces. Parking spaces are accessed from the complex driveway and are evenly distributed throughout the development. Carports

are proposed covering sixty-four (64) spaces located on the outer ring of the parking lots. The inner ring of parking will remain uncovered. Existing sidewalks along North Indian Canyon Drive and Via Escuela will remain with pedestrian connections from within the development located at the two vehicular entrances.

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

The proposed project located within the R-3 zone is surrounded on two sides by similar condominiums complexes and will be an appropriate adaptive reuse for the corner lot. The use of varying building elevations and color schemes will provide variety in the overall development. The immediate area is a mix of multi-family residential developments, and the Riviera Hotel. The removal of a blighted building and tennis club to be replaced with the 64@Riv project development will be harmonious and consistent with adjacent properties.

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

The proposed development will be two-story with a maximum height of twenty-four (24) feet with several building elements extending higher to conceal mechanical equipment. Each building will contain eight (8) units with four (4) units on the first floor and four (4) units on the second. The building setbacks are consistent and conform to the R-3 zone development standards. The development as proposed will provide an appropriately scaled project with buildings that face the street and anchor the corner of North Indian Canyon Drive and Via Escula. The massing and scale of the buildings on the site is consistent with adjacent multi-family residential developments. A perimeter wall and new landscaping will provide an interesting streetscape with two vehicular and pedestrian entrances.

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

AND

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

AND

6. Consistency of composition and treatment,

The proposed condo complex will have a unique architectural style with two building types, and three different paint schemes. Three condo buildings will front along Indian Canyon Drive and provide a defined street edge. Building materials include the use of La Habra stucco for all surfaces with differing color schemes utilizing a consistent shade of light gray for the main body with an alternative color for accents. All windows frames, doors, railings, and canopy frames are black. Carports consisting of a simple steel support post with metal roof are proposed in the outer ring of parking lots.

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

The proposed landscape plan includes the use of internal walkways and sidewalks circling each building with a main plaza leading to the pool. Proposed plantings include a variety of palms in 36" boxes with trunk heights of 18'-25' feet; multiple species of Acacia trees and Palo Verde trees. Other plants include shrubs, cactus, and succulents as accents. The trees in the parking lot islands will be multi-trunk Palo Verde and will provide the required shading. A six (6') feet tall masonry perimeter wall is proposed painted to match the new buildings with ficus plants evenly spaced along the streetscape to provide visual relief.

ENVIRONMENTAL ANALYSIS:

The proposed development is a project as defined by the California Environmental Quality Act (CEQA). An initial study was conducted 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 Measure that would reduce the potential adverse impacts to less than significant levels. Mitigation measures are proposed relative to Biological Resources, Cultural Resources, Noise, and Traffic which can be viewed in the attached Report.

The Initial Study was available for public comment for a 20-day period from December 1, 2016 through December 21, 2016. As of the writing of this report, Staff has received comments from Caltrans regarding the analysis of the intersection of North Palm Canyon Drive and East Via Escuela; the Agua Caliente Tribe regarding cultural

monitoring during site grading; and Desert Water Agency regarding infrastructure improvements serving the site.

CONCLUSION:

The project as proposed conforms to the development standards for the R-3 zone and with the implementation of a Planned Development District as a requirement of the General Plan Land Use designation. Staff recognizes the complexity regarding the sharing of open space between the Riviera Hotel and the subject property. The new Tract Map addresses this issue by providing a non-exclusive "open space easement" for zoning purposes and sets a limit on the square footage reserved for open space. Staff believes that this is an appropriate approach to allow the site to redevelop. The building architecture meets the architectural review criteria and the Mitigated Negative Declaration address potential impacts to the environment through mitigation measures. Based upon the findings listed within this report, Staff recommends approval with conditions.

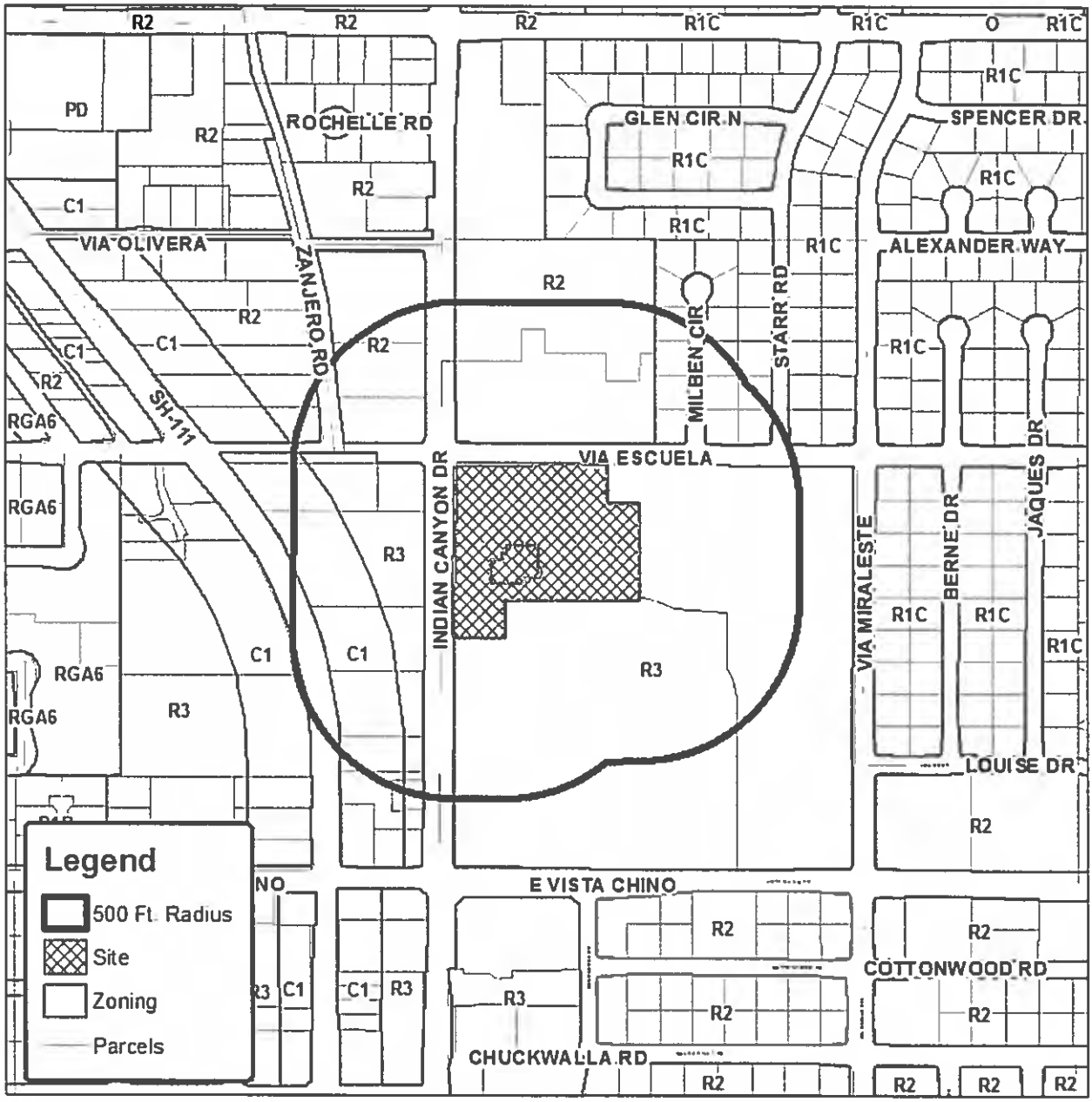
Glenn Mlaker, AICP
Associate Planner

Flinn Fagg, AICP
Director of Planning Service

Attachments:

1. Vicinity Map
2. Resolution for 5.1395 PD 383 & 3.3963 MAJ
3. Resolution for TTM 37210
4. Conditions of Approval
5. Justification Letter
6. Minutes of AAC meeting 9/19/2016
7. Initial Study/Mitigated Negative Declaration
8. Site Photos
9. Material Board
10. Carport Design
11. Site Plan
12. Site Lighting
13. Floor/Roof Plans
14. Building Elevations
15. 3-D Images of Project
16. Streetscapes
17. Landscape Plan
18. Tract Map

Department of Planning Services
Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1395 – PD 383 / 3.3963 MAJ / TTM 37210

APPLICANT: Palm Springs Modern Development

ADDRESS: 2000 North Indian Canyon Drive

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT CASE 5.1395-PD 383 AND RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL; AND A MAJOR ARCHITECTURAL APPLICATION CASE 3.3963 MAJ FOR CONDOMINIUM PURPOSES FOR THE CONSTRUCTION OF A 64-UNIT CONDOMINIUM PROJECT ON 5.22-ACRES LOCATED AT 2000 NORTH INDIAN CANYON DRIVE, ZONE R-3, SECTION 2.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. Palm Springs Modern Construction (the "Applicant") has filed an application with the City pursuant to Section 94.03.00(E)(4) AND 94.04.00 (D) of the Palm Springs Zoning Code, for the establishment and development of Planned Development District 383 and Major Architectural Application 3.3963 MAJ for the construction of a 64-unit condominium development ("Project").

B. On September 19, 2016, the Architectural Advisory Committee voted 7-0 to recommend approval of the Project with the following conditions:

1. Landscape – change palm trees to shade trees in parking lot islands.
2. Building 4 with a 24' foot setback.
3. Landscape design on Indian Canyon Drive and Via Escuela to be reviewed by a subcommittee. (Purnel, Fredricks, Song)

C. A notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case Number 5.1395-PD 383, consisting of a Preliminary and Final Planned Development District; and Major Architectural Application 3.3963 MAJ was given in accordance with applicable law.

D. On January 11, 2017, a public hearing on the application for the Project was held by the Planning Commission in accordance with applicable law.

E. The Project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). An initial study was conducted 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 Measure that would reduce the potential adverse impacts to less than significant levels.

The Planning Commission independently reviewed and considered the information contained in the Initial Study and it 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 the Project as proposed, including all required permits, has the potential to cause impacts on the environment but the proposed Mitigation Measures would reduce those impacts to a less than significant level. 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 1: Findings for a Planned Development District

Findings are made in support of establishing the proposed Planned Development District pursuant to Section 94.02.00(A)(4) and 94.03.00 of the PSMC as follows:

a. *The proposed Planned Development is consistent and in conformity with the General Plan pursuant to Sections 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

The proposed Planned Development is consistent with the goals and objectives of the General Plan which allows permanent residential development within the Tourist Resort Commercial designation upon approval of a PD. The General Plan allows a density of up to 30 dwelling units per acre, however the Project requests less. A goal of the General Plan is to facilitate the production of quality housing on vacant and underutilized land that are complementary with surrounding uses. The Project will revitalize a blighted site to be replaced with sixty-four (64) multi-family residential dwelling units consistent with the permitted uses and development standards of the R-3 zoning development standards. In addition, the Project is compatible with the character of the neighborhood and surrounding condominium developments thus meeting the goal and finding.

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 development of the site with a sixty-four (64) condominium complex on a 5.22-acre site serviced by existing infrastructure and utilities is a suitable rehabilitation of the property. The Planned Development District is a requirement of the Tourist Resort Commercial land use designation and will permit the site to develop consistent with surrounding parcels. The neighboring gated properties to the north and east are similar garden style projects consisting of one and two story buildings clustered in a similar way to preserve open space. The relatively flat lot located at the intersection of a major thoroughfare and secondary street is an appropriate location for the Project based upon the above statements and the finding has been met.

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 proposed establishment of the Planned Development District is necessary for the condominium project to be consistent with the requirements of the Tourist Resort Commercial General Plan Land Use designation. The proposed district will not be detrimental to adjacent properties or residents but will remove an existing vacant building and tennis club to be replaced with a residential use that is consistent with adjacent condominium projects found within the immediate site area. The Planned Development Distirct does not seek relief from the development standards of the underlying R-3 zone and the Project will be similar in mass and scale to adjacent properties.

Section 3 : Findings for a Major Architectural Application

PSZC Section 94.04.00(D) requires an evaluation of the proposed development to determine if it will provide a desirable environment for its occupants, be compatible with the character of the adjacent and surrounding developments, and whether it is good composition, material, textures, and colors. Conformance shall be evaluated based on the following criteria:

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

The development proposal consists of sixty-four (64) condominium units in eight (8) two-story buildings with eight (8) units in each building. The flat site is zoned R-3 and the proposed buildings meet the required setbacks based upon their twenty-four (24') foot height. The gated complex will include two entrances; one from North Indian Canyon Drive and the second from East Via Escuela. A long connected driveway will wrap around the development and link both entrances for the use of the residents and guests. Off-street parking will be provided throughout the development with a total of 112 spaces. Parking spaces are accessed from the complex driveway and are evenly distributed throughout the development. Carports are proposed covering sixty-four (64) spaces located on the outer ring of the parking lots. The inner ring of parking will remain uncovered. Existing sidewalks along North Indian Canyon Drive and Via Escuela will remain with pedestrian connections from within the development located at the two vehicular entrances.

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

The proposed project located within the R-3 zone is surrounded on two sides by similar condominiums complexes and will be an appropriate adaptive reuse for the corner lot. The use of varying building elevations and color schemes will provide variety in the overall development. The immediate area is a mix of multi-family residential developments, and the Riviera Hotel. The removal of a blighted building and tennis club to be replaced with the 64@Riv project development will be harmonious and consistent with adjacent properties.

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

The proposed development will be two-story with a maximum height of twenty-four (24) feet with several building elements extending higher to conceal mechanical equipment. Each building will contain eight (8) units with four (4) units on the first floor and four (4) units on the second. The building setbacks are consistent and conform to the R-3 zone development standards. The development as proposed will provide an appropriately scaled project with buildings that face the street and anchor the corner of North Indian Canyon Drive and Via Escuela. The massing and scale of the buildings on the site is consistent with adjacent multi-family residential developments. A perimeter wall and new landscaping will provide an interesting streetscape with two vehicular and pedestrian entrances.

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

The proposed condo complex will have a unique architectural style with two building types, and three different paint schemes. Three condo buildings will front along Indian Canyon Drive and provide a defined street edge. Building materials include the use of La Habra stucco for all surfaces with differing color schemes utilizing a consistent shade of light gray for the main body with an alternative color for accents.

All windows frames, doors, railings, and canopy frames are black. Carports consisting of a simple steel support post with metal roof are proposed in the outer ring of parking lots.

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

The proposed landscape plan includes the use of internal walkways and sidewalks circling each building with a main plaza leading to the pool. Proposed plantings include a variety of palms in 36" boxes with trunk heights of 18'-25' feet; multiple species of Acacia trees and Palo Verde trees. Other plants include shrubs, cactus, and succulents as accents. The trees in the parking lot islands will be multi-trunk Palo Verde and will provide the required shading. A six (6') feet tall masonry perimeter wall is proposed painted to match the new buildings with ficus plants evenly spaced along the streetscape to provide visual relief.

THE PLANNING COMMISSION RESOLVES:

Based upon the foregoing, the Planning Commission hereby; (1) approves Preliminary and Final Planned Development District Case 5.1395-PD 383, and recommends City Council approve the same; (2) Major Architectural Application Case 3.3963 MAJ for the construction of a sixty-four (64) unit condominium complex located at 2000 North Indian Canyon Drive subject to the conditions of approval attached herein as Exhibit A.

ADOPTED this 11th day of January, 2017.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

_____

Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING TO CITY COUNCIL APPROVAL A TENTATIVE TRACT MAP (TTM 37210) FOR THE CONSTRUCTION OF A SIXTY-FOUR (64) UNIT CONDOMINIUM PROJECT LOCATED AT 2000 NORTH INDIAN CANYON DRIVE, ZONE R-3, SECTION 2.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. Palm Springs Modern Construction, ("Applicant") has filed an application with the City pursuant to Chapter 9.62 of the City's Municipal Code (Maps) and the State of California Subdivision Map Act (Cal Gov't Code 66410 et seq.) for a Tentative Tract Map for condominium purposes located at 2000 North Indian Canyon Drive, Zone R-3, Section 2 (Project).

B. A notice of public hearing of the Planning Commission of the City of Palm Springs to consider TTM 37210 was given in accordance with applicable law.

C. On January 11, 2017, the Planning Commission held a public hearing on the Project to consider a Planned Development District Case 5.1395 PD 383; a Major Architectural Application Case 3.3963 MAJ; a Tentative Tract Map Case TTM 37210 and a Mitigated Negative Declaration in accordance with applicable law.

D. The Project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). An initial study was conducted 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 Measure that would reduce the potential adverse impacts to less than significant levels.

The Planning Commission independently reviewed and considered the information contained in the Initial Study and it 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 the Project as proposed, including all required permits, has the potential to cause impacts on the environment but the proposed Mitigation Measures would reduce those impacts to a less than significant level. 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.

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

F. Pursuant to Municipal Code Chapter 9.64 (Maps) and the State of California Subdivision Map Act Section 66474, the Planning Commission finds:

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

Tentative Tract Map 37210 proposes two lots; Parcel 1 containing the Riviera Hotel and Parcel 2 for the 64@Riv condominium complex. The TTM is for condominium purposes and will include a note relative to open space requirement for both parcels. The proposed density is within the range specified by the Tourist Resort Commercial General Plan Land Use designation. Therefore, the Project is consistent with this finding.

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

The Project design and improvements are consistent with the Tourist Resort Commercial Land Use designations in which the property is located. The R-3 multi-family residential zoning designation allows for the development of the property as condominium units and the Project is consistent with the development standards in terms of setbacks, building heights, and open space and the proposal is consistent with this finding.

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

The existing vacant building and tennis club will be razed and the relatively flat site graded to accommodate the proposed development. Site modifications include improvement to an existing entry driveway along North Indian Canyon Drive, and a new entrance from Via Escuela. The Project consists of eight (8) two-story buildings with eight (8) units in each building for a total of 64 condominium units on a 5.22-acre site. The site is serviced by existing utilities and street network and will allow for the redevelopment of the parcel as a residential community.

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

The proposed density is appropriate for the number of units proposed and is consistent with the maximum allowed by both the General Plan Tourist Resort Commercial (TRC) Land Use designation, and the R-3 zoning classification.

Therefore, the site is physically suited for the proposed density of development. The concept of sharing open space between the subject property and the adjacent Riviera Hotel resulting in a combined 45% will allow the parcel to redevelop as a viable multi-family development while meeting the requirements of the zone. In addition, the density as proposed is similar to adjacent condominium projects to the north and east.

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, 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 condominium complex includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each unit along with adequate off-street parking. 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.

There are no known public easements across the subject property; therefore the design of the Project will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

THE PLANNING COMMISSION RESOLVES:

Based upon the foregoing, the Planning Commission hereby recommends to City Council approval of Tentative Tract Map 37210 for condominium purposes located at 2000 North Indian Canyon Drive subject to the conditions of approval attached herein as Exhibit A.

ADOPTED this 11th day of January, 2017.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

_____
Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Planned Development District 5.1395 PD 383
Major Architectural 3.3963 MAJ
Tentative Tract Map 37210 TTM

Sixty-Four Unit Condominium Complex located at
2000 North Indian Canyon Drive

January 11, 2017

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

ADM 1. Project Description. This approval is for the project described per Case 5.1395 PD 383; 3.3963 MAJ and TTM 37210;

ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped December 21, 2016, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division.

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 37210 and will delineate Lot 1 (Riviera Hotel) and Lot 2 (64@Riv) with the removal of two notes from Parcel Map 9475. TTM 37210 will add a new note as stated:

"Lot 2 shall be burdened by a non-exclusive easement for open space for the benefit of Lot 1 (the "open space easement"), for planning and zoning purposes only and without any rights of use, over Lot 2, consisting of a non-specified land area of 52,700-square feet of open space located on Lot 2, which land area shall be credited to the amount of open space required for Lot 1 under the Planning and Zoning ordinances of the City of Palm Springs, to preserve the open space easement for the benefit of Lot 1, no development shall be permitted on Lot 2 which would reduce the open space on Lot 2 to less than 131,250-square feet".

The approval and recording of the tract map will link the two properties together and limit any future development or redevelopment on the two parcels thus preserving the required open space. Parcel 2 is not being developed to its maximum coverage leaving a surplus of 13% open space (or 52,700-square feet) to the benefit of Parcel 1 in line with the original concept of Parcel Map 9475.

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 5.1395 PD 383 / 3.3963 MAJ & TTM 37210. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ADM 7. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and

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

ADM 8. Time Limit on Approval. Approval of the (Planned Development District (PDD) 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 may be granted by the Planning Commission upon demonstration of good cause.

Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the approval (Tentative Tract Map).

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. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.

ADM 13. 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 14. 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 15. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of $3,500, for the review of the CC&R's by the City Attorney. A $675 filing fee shall also be paid to the City Planning Department for administrative review purposes.

ADM 16. CC&R's Noise Disclosure. The CC&R's shall have a disclosure statement regarding the location of the project relative to roadway noise, City special events, roadway closures for special events and other activities which may occur in the Central Business District, Desert Museum and Desert Fashion

Plaza. Said disclosure shall inform perspective buyers about traffic, noise and other activities which may occur in this area.

ADM 17. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

ENV 2. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the CEQA Evaluation and summarized here as follows:

Biological Resources:

MM 4-1 Prior to the approval of the Grading Plan, the City's Building and Safety Department shall verify that the following note is included on the contractor specifications to ensure compliance with the Migratory Bird Treaty Act (MBTA):

To avoid impacts on nesting birds, vegetation on the project site should be cleared between September 1 and February 28 of the following year. If vegetation clearing will occur during the peak nesting season (between March 1 and August 31), a pre-construction survey shall be conducted by a qualified Biologist to identify if there are any active nesting locations. If the Biologist does not find any active nests in the impact area, then vegetation clearing and construction work will be allowed. If the Biologist finds an active nest in the construction area and determines that the nest may be impacted by construction activities, the Biologist shall delineate an appropriate buffer zone around the nest depending on the species and the type of construction activity. Construction activities shall be prohibited in the buffer zone until a qualified Biologist determines that the nest has been abandoned.

Cultural Resources:

MM 5-1 In the event of an unanticipated discovery of historic or prehistoric archaeological and paleontological resources, a qualified archaeologist and/or paleontologist shall be contacted and given the opportunity to examine and evaluate the discovery. The archaeologist/paleontologist shall first determine whether an archaeological resource uncovered during construction is a unique archaeological resource pursuant to Section 21083.2(g) of the California Public Resources Code or a historical resource pursuant to Section 15064.5(a) of the State CEQA Guidelines. If the discovered resource is determined to be a unique archaeological or paleontological resource or a historical resource, the Archaeologist shall formulate a Mitigation Plan in consultation with the City of Palm Springs that satisfies the requirements of the above-listed regulations.

The Mitigation Plan can include, but is not necessarily limited to, excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions for adequately recovering the scientifically consequential information from and about the resource (see *California Code of Regulations,* Title 4[3], Section 15126.4[b][3][C]). The data recovery plan shall be prepared prior to any excavation and shall include provisions for sharing of information with interested Tribes. The data recovery plan shall employ standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the cultural site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered cultural materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered materials.

The data recovery plan shall be implemented and the results of the data recovery plan shall be deposited with the regional California Historical Resources Information Center (CHRIS) repository.

Noise:

MM 12-1 Prior to the issuance of the grading permit, the Project Developer shall submit plans and/or contract specifications to the City Engineer that include noise reduction measures to be implemented during demolition and construction activities, as feasible, including the following:

- All construction equipment (fixed or mobile) shall be equipped with properly operating and maintained mufflers, consistent with or exceeding manufacturers' standards.
- Construction equipment engine enclosures and covers, as provided by manufacturers, shall be in place during operation.
- Stationary construction equipment shall be placed as far as feasible from the residences to the east so that the emitted noise is directed away from these residences.
- Equipment and materials staging areas shall be located farthest from existing residences, as feasible
- Construction equipment shall be shut down when not in use.
- Haul truck deliveries shall be limited to the construction time limits allowed by the City.
- The use of large bulldozers or large loaded trucks shall be prohibited within 25 feet of existing residences to the east.

MM 12-2 The following interior noise reduction elements shall be incorporated into the design and construction of the condominium units in buildings located along Indian Canyon Drive and that have exterior walls facing Indian Canyon Drive to ensure that the interior noise level does not exceed 45 dBA Community Noise Equivalent Level (CNEL):

- Air conditioning or a mechanical ventilation system shall be provided in each unit;
- Windows and sliding glass doors shall be double-paned glass and mounted in low air infiltration rate frames (0.5 cfm or less, per American National Standard Institute [ANSI] specifications);
- Solid core exterior doors shall have perimeter weather stripping and threshold seals;
- Exterior walls shall consist of stucco or brick veneer. Wood siding with a ½-inch minimum thickness fiberboard underlayer shall be used as an alternative;
- Glass in windows and doors facing Indian Canyon Drive shall not exceed 20 percent of the floor area in a room; and
- Roof or attic vents facing Indian Canyon Drive shall be baffled.

Traffic:

MM 16-1 As part of the proposed median improvements on Indian Canyon Drive, a right-in/right-out only access with a raised median along North Indian Canyon Drive prohibiting left-turns in/out of the project

site. Full turning movements permitted at secondary entrance from Via Esceula.

ENV 3. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

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

ENV 5. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)

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

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

PLANNING DEPARTMENT CONDITIONS

PLN 1. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.

PLN 2. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.

PLN 3. Notice to future buyers on views. All prospective buyers of units shall be notified that there are no written or implied rights to the preservation of scenic views from the parcel.

PLN 4. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:

a. The document to convey title.

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

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

PLN 5. Pedestrian gates to be provided at the two main entrances to the development.

PLN 6. 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 7. CC&R's to restrict short term rental to no less than thirty (30) days.

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.

FIRE DEPARTMENT CONDITIONS

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 June 13, 2016 in addition to a revised site plan received on November 11, 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. Four (4) complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal. No deferred submittals accepted.

FID 3. **PLANS AND PERMITS**

Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

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

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

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. Inspection fees are charged at the fully burdened hourly rate of the fire inspector. 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. 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 indicate all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supportive data (calculations and manufacturer's technical data sheets) shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

FID 4. **Conditions of Approval** – "Conditions of Approval" received from the Palm Springs Planning Department must be submitted with each plan set. Failure to submit will result in a delay of plan approval.

FID 5. **Surface (CFC 503.2.3):** 24 foot minimum fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

- Fire Lanes – signage and/or curb markings required.

Project Note – all private streets within the project are designated fire apparatus access roads with no parking on either side.

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. **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.
Shall comply with Palm Springs Fire Code Appendix L.

FID 9 **Require Fire Flow (CFC B101.0):** Fire flow requirements for this project = 2,000 GPM; 2-hour duration.

FID 10 **Operational Fire Hydrant(s) (CFC 507.1, 507.5 & C105.1):** An approved water supply capable of supplying the required fire flow for fire protection shall be provided.

- Maximum distance from any point on street frontage to a public hydrant – 250 feet.
- Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction and shall be serviceable prior to and during construction

FID 11 **Fire Extinguisher Requirements (CFC 906):** Provide one (1) 2A-10B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level.

FID 12 **Residential Smoke and Carbon Monoxide Alarms Installation (CFC 907.2.11.2/3/4; CRC R314 & R315; and California Health & Safety Code 17926):** Provide and install Residential Smoke and Carbon Monoxide Alarms. Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alterations, repairs and additions, smoke and carbon monoxide alarms shall be interconnected. The operation of any smoke alarm will cause all smoke alarms within the dwelling to sound. The operation of any carbon monoxide alarm will cause all carbon monoxide alarms within the dwelling to sound.

FID 13 **Hazardous Materials (CFC 5004.1):** Storage of hazardous materials in amounts exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001, 5003 and 5004. Storage of hazardous materials in amounts not exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001 and 5003. Retail and wholesale storage and display of nonflammable solid and nonflammable and noncombustible liquid hazardous materials in Group M occupancies and Group S storage shall be in accordance with Section 5003.11.

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

Project Note: Show pool chemical storage room on plans.

FID 14 **Building and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls

of the first story of the building as measured by an approved route around the exterior of the building or facility.

FID 15 **Turning Radius (CFC 503.2.4):** Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.

FID 16 **Traffic Calming Devices (CFC 503.4.1):** Traffic calming devices shall be prohibited unless approved by the fire code official.

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

ENG 1. 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.

NORTH INDIAN CANYON DRIVE

ENG 2. Remove existing driveway improvements and replace with a 6 inch curb and gutter and applicable sidewalk to match existing, 38 feet east of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200.

ENG 3. Construct a 50 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located a minimum of 152 feet north of the most southerly property line.

ENG 4. Remove existing curb ramp and construct a type A curb ramp meeting current California State Accessibility standards at the southeast corner of the intersection of North Indian Canyon Drive and Via Escuela in accordance with City of Palm Springs Standard Drawing No. 212.

ENG 5. Construct a 14-feet wide raised, landscaped median island as specified by the City Engineer across the entire frontage. Landscaping and irrigation plans for the median shall be submitted to the City Engineer for review

and approval, in conjunction with the associated street improvement plans.

ENG 6. The irrigation system shall be separately metered from the parkway landscaping to be maintained by the applicant, for future use by the City upon acceptance of the median landscaping by the City.

ENG 7. All median landscaping shall be guaranteed for a period of one year from the date of acceptance by the City Engineer. Any landscaping that fails during the one year landscape maintenance period shall be replaced with similar plant material to the satisfaction of the City Engineer, and shall be subject to a subsequent one year landscape maintenance period.

ENG 8. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

VIA ESCUELA

ENG 9. The existing driveway location is to be used for proposed "fire exit" approach, and to be reconstructed in accordance with City of Palm Springs Standard Drawing No. 205.

ENG 10. Construct a 50 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located a minimum of 150 feet west of the centerline of Indian Canyon Drive.

ENG 11. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

ENG 12. The minimum pavement section for all on-site pavement (specify drive aisles, parking spaces, etc.) 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 13. 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.

ENG 14. Parking shall be restricted along both sides of the 26 feet wide drive aisles. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the drive aisles as necessary to enforce parking restrictions. A Home Owners Association shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions required for the development.

SANITARY SEWER

ENG 15. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.

ENG 16. If an on-site private sewer system is proposed to collect sewage from the development and connect to the existing public sewer system, sewer plans shall be submitted to the Engineering Division for review and approval. Private on-site sewer mains for residential projects shall conform to City sewer design standards, including construction of 8 inch V.C.P. sewer main and standard sewer manholes. Sewer manhole covers shall be identified as "Private Sewer". A profile view of the on-site private sewer mains is not necessary if sufficient invert information is provided in the plan view, including elevations with conflicting utility lines. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division.

GRADING

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 Water Quality Management Plan.

ENG 17. Prior to approval of 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 18. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; 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 19. 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 20. 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 21. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.

ENG 22. 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 23. 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 (if required) or prior to issuance of any permit.

ENG 24. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan (if required), to the Engineering Division prior to construction of any building foundation.

ENG 25. 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 26. 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 27. 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.

a. 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.

b. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall:

c. Demonstrate that all structural BMPs have been constructed and installed in conformance with approved plans and specifications;

d. Demonstrate that applicant is prepared to implement all non-structural BMPs included in the approved Final Project-Specific Water Quality Management Plan (WQMP), conditions of approval, or grading/building permit conditions; and

e. Demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

ENG 28. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. No more than 40-50% of the street frontage parkway/setback areas should be designed as retention basins. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention. **Hydrology study shall be expanded to determine impacts to off-site properties affected by historic drainage and drainage from the proposed site.**

ENG 29. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is $ 6511.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

ENG 30. 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.

GENERAL

ENG 31. 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 32. All proposed utility lines shall be installed underground.

ENG 33. 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 34. 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 35. 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 36. Nothing shall be constructed or planted in the corner cut-off area of any driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

ENG 37. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

ENG 38. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation Fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

MAP

ENG 39. 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 40. In accordance with Government Code 66426 (c), an application for a Tentative Tract Map shall be submitted to the Planning Department if the subject property is proposed to be subdivided for purposes of sale, lease, or financing of residential condominium units within the proposed development. No building permit shall be issued until a Final Map for condominium purposes has been approved by the City Council.

ENG 41. 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 42. 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 43. 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.

TRAFFIC

ENG 44. As determined by the traffic study submitted by Kunzman Associates on October 31, 2016, the following mitigation measure(s) will be required:

- As part of the proposed median improvements on Indian Canyon Drive, a right-in/right-out only access with a raised median along North Indian Canyon Drive prohibiting left-turns in/out of the project site. Full turning movements permitted at secondary entrance from Via Esceula.

ENG 45. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel. Minimum clearance on public sidewalks 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 frontage of the subject property.

ENG 46. 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 47. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.

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

END OF CONDITIONS

palm springs modern homes

64@The Riv...

Is a proposed Condominium Development located adjacent to the Riviera Resort and Hotel, which has been newly purchased and will be managed by Starwood in their Tribute Series. The Development will consist of 40 1,500 sq. ft., 2 bedroom, 2 ½ baths units and 24 1,200 sq. ft., 2 bedroom, 2 bath units.

The parking will be a combination of open bay and carports.

The site has over 57% open space (45%) required creating a more expansive resort feel complementing the adjacent Riviera Hotel and Resort. There will be a resort size pool and spa with restrooms and spacious shade area serving the development. The site will be gated and fully landscaped with water conserving desert landscaping.

The Development is unique in that no other existing or proposed development in Palm Springs is serving the affordable contemporary modern design. With the pricing to be from the upper $300,000 to the mid $400,000.

The Development is proposed to be phased. Phase I will be 16 units including demo, grading, exterior landscaping, paving and interior street improvements, gate and entry, monument signage, including pool and spa baths and landscaping will be included in Phase 1.

The demo is scheduled for approximately October 2016 and construction starting November 2016 with model and Phase I open Fall of 2017. Pre marketing to start with the start of demo. Project completion winter of 2020.

The Developer is Palm Springs Modern Homes. Palm Springs Modern Homes has been developing in fill single family and condo developments since 1998. Completing 275 plus units, including 48@Arenas, 48@Baristo, 45@The Villas, 43@Racquetclub and currently 18@Twin Palms.

Palm Springs Modern Homes home office located at 1091 North Palm Canyon Drive in the iconic Seeburg Building designed by the Architecture firm of Clark & Frey in 1946. Palm Springs Modern Homes purchased and completely restored the building in 2005. One of the first to contribute architecturally to the Uptown Design District.

PO Box 1587
Palm Springs, CA 92263
ph: 760.320.8773
fx: 760.320.8774
www.palmspringsmodern.com

palm springs modern homes

RECEIVED
JUN 2 2016
PLANNING SERVICES DEPARTMENT

June 2, 2016

Via Hand Delivery

CITY OF PALM SPRINGS
Department of Planning Services
3200 E. Taquitz Canyon Way
Palm Springs, CA 92262

Re: JUSTIFICATION LETTER
MAJOR ARCHITECUTURAL APPLICATION
AND APPLICATION FOR PLANNED DEVELOPMENT DISTRICT APPROVAL

****

PROJECT DESCRIPTION AND INFORMATION:

The proposed project is located on approximately 5.22 acres of land at the South East Corner of Indian Canyon Drive and Via Escuela in the City of Palm Springs. It is on land adjacent to and once a part of the Riviera Hotel, in a very desirable area, with shuttle access to downtown Palm Springs. Of the 64 multi-family, attached homes to be constructed, 40 will be approximately 1,500 square feet, with two bedrooms and 2 ½ baths and 24 will be approximately 1,200 square feet, with two bedrooms and two baths. Parking will be available in detached carports and open parking spaces. The architectural style will be contemporary modern. Many of the homes have superb views of the San Jacinto Mountains to the west, and there is ample open-space (about 57% of the site total) to accommodate those views. Common Areas will feature not only the open space, but also a large pool and spa with restrooms and other features. (See Map attached as Exhibit "A")

Built in 1958 by Chi Chi nightclub proprietor Irwin Schuman as a haven for Hollywood Stars, the Riviera Hotel was an immediate success and breakout star in its own right. Catering to celebrities and captains of industry alike, it was the first hotel of its kind to feature a "spoked wheel" design with wings emanating from a centralized core. The Riviera was returned to its original splendor in 2007 after undergoing a multi-million-dollar renovation.

The subject property, however, is an "excess property" to the Hotel, and is not necessary to its continued operation, except to the extent necessary to meet the open space requirements of the current CUP for the Hotel. The subject property consists of approximately 5.22 acres, upon which includes the long-abandoned Bono's Restaurant and tennis court complex. The combination restaurant building-tennis facility is no longer an economically feasible use of the subject property, is currently in a

PO Box 1587
Palm Springs, CA 92263
ph: 760.320.8773
fx: 760.320.8774
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condition which involves numerous code violations, and has been decomposing since the 1980's. It is not anticipated that the project will have any negative environmental impacts.

FINDINGS:

The Project meets the requirements for findings required for a Minor/Major Architectural Approval per Section 94.04.00 of the Palm Springs Zoning Ordinance as follows:

1. The site layout, orientation, location of structures and relationship to one another and to open spaces and topography are shown in the materials attached to this application Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas is shown on the landscape plan submitted herewith;

2. The project as proposed will create a 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;

3. The 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) are all well within the requirements under the current R-3 zoning;

4. The building design, materials and colors are sympathetic with desert surroundings;

5. The proposed architectural design of the project encompasses a harmony of materials, colors and composition of those elements of the proposed structures, including overhangs, roofs, and substructures which are visible simultaneously;

6. Composition and treatment of architectural design, landscape planning, etc., are consistent;

7. The location and type of planting proposed for the site have been planned with a due regard for desert climate conditions. There are no landmark trees located on-site. Any existing palm trees with either remain in place or be relocated on site where practical. All landscaped areas with have proper irrigation to insure maintenance of all plant materials;

8. Signs and graphics will be consistence with the architectural design of the project, including materials and colors;

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The Project meets the requirements for findings required for a Planned Development District per Section 94.02.00 (B) (6) of the Palm Springs Zoning Ordinance as follows:

a. The use applied for at this location is properly one for which a conditional use permit is authorized by this Zoning Code. In fact, the property could be developed to R-3 level without the need for a PPD were it not for the fact that the general plan calls for Tourist Commercial for this site, but allows for Residential Condominium development pursuant to a PDD process;

b. 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;

c. The site is adequate in size and shape to accommodate the proposed use, including yards, setbacks, walls or fences, landscaping and other features;

d. 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;

e. The applicant understands that conditions may be imposed and required to be shown on the approved site plan in the event the same are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards. Such conditions may include:

i. Regulation of use,
ii. Special yards, space and buffers,
iii. Fences and walls,
iv. Surfacing of parking areas subject to city specifications,
v. Requiring street, service road or alley dedications and improvements or appropriate bonds,
vi. Regulation of points of vehicular ingress and egress,
vii. Regulation of signs,
viii. Requiring landscaping and maintenance thereof,
ix. Requiring maintenance of the grounds,
x. Regulation of noise, vibration, odors, etc.,
xi. Regulation of time for certain activities,
xii. Time period within which the proposed use shall be developed,

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xiii. Duration of use,
xiv. Dedication of property for public use,
xv. And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.

PUBLIC BENEFITS OF DEVELOPMENT:

1. The Project will eliminate the Blight Conditions discussed above, which have existed for decades.

2. The Project will increase Property tax revenues from an estimated $43,300 annually at close of escrow on the land to $323,600 annually (not including special assessments) at build-out.

3. It is anticipated that the Project will be annexed to CFD-2005 as a condition of approval. Thus new home buyers in the Project will be paying for police and fire protection, but not likely to cause any additional burden (especially since the project will have fire-sprinklers) that would result in increased costs to the City not already covered by increases in the property tax revenues as discussed above.

4. Park Fees: Current estimates are that the Project will generate park fees of $558,080 ($8,720 Per Unit) even though the Project (on a stand-alone basis) has about 27% more open space that the minimum required. PS Modern intends to request that the fees be lowered by 25%. However, even if this request is granted, the park fees paid will more than compensate for the likely *de minimus* increase in City park use by residential owners in the Project.

5. School Fees: Current estimates are that the Project will general school fees payable to the Palm Springs Unified School District of approximately $300,000. The increased burden on locals schools, however, is anticipated to be minimal in light of the character of the property as conducive not only to primary home buyers, but also second-home resort-condominium buyers.

6. Pricing on the project will be in a range that makes new homes more affordable to buyers, serving a market niche that is currently under-represented by new home construction in Pam Springs.

7. New home buyers will bring additional discretionary spending in the Palm Springs Uptown Design and Downtown commercial districts, with shuttle service to Downtown Palm Springs being available from the Riviera Hotel mitigating traffic impacts.

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8. The Project will continue the tradition of PS Modern in creating architecturally significant developments, thereby reinforcing and enhancing the reputation of Palm Springs as an architecturally unique resort destination.

Should there be any questions or should additional information be needed, please do not hesitate to contact me at (760) 578-0181.

Sincerely,

PALM SPRINGS MODERN CONSTRUCTION,
a California corporation
Authorized Agent for AGRE PALMS SPRINGS, LLC,
a Delaware limited liability company (Owner)

Dennis A. Cunningham, President

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Palm Springs, CA 92263
ph: 760.320.8773
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Chair Song re-iterated that it needs more relief around the mural and should move forward with the size and position of the artwork. The landscape needs access to the artwork.

Member Fredricks concurred about the quality of the mural and will probably be seen more by cars but could be more "simpler" and relate to areas the community can relate with.

Member Purnel suggested a different location in a smaller scale. He thinks the complexity of lighting takes away from the art.

M/S/C (Fredricks/Cassady, 7-0) Resubmittal.

2. PALM SPRINGS MODERN CONSTRUCTION FOR A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A SIXTY-FOUR (64) UNIT CONDOMINIUM (PROJECT NAMED 64@RIV) LOCATED AT 2000 NORTH INDIAN CANYON DRIVE, ZONE R-3 (CASE 3.3963 MAJ). (GM)

Associate Planner Mlaker provided an overview of the proposed condominium development.

Member Rotman asked what height of the project is. (24')

Member Secoy-Jensen questioned the height of the adjacent Riviera Gardens. (1 and 2 stories)

DENNIS CUNNINGHAM, Palm Springs Modern Homes, principal, provided details on the units, open-space, deck areas, distance between the buildings, resort pool and spa, pet park, carports in perimeter, entrance and tying-in to the Riviera Hotel.

Public Comments: None.

Vice-Chair Cassady requested clarification on the tying-in to the Riviera. (Through design)

Member Secoy-Jensen asked what other projects they have done in Palm Springs.

Member Fredricks asked about parking access for building 5 and distance to the closest area to the parking. He asked if it would it be possible to swap out the palm trees in the open parking area for shade trees. He noticed African Sumac that uses too much water and suggested a different tree. He said the lower unit patios seem exposed and asked if they considered more plantings to screen.

Member Purnel noted concern on parking distance from Buildings 5 and 8 and the exposure of the patios. He questioned if one trash enclosure is enough and requested details on the pet area design (shade, plantings). He noted that plant sizes are on the small side.

Member Song requested clarification on:

- The turnaround on the front gate.
- Radius of entry drive.
- Building 4 setbacks.
- Wall on Indian Canyon and Via Escuela - how much will the buildings be seen from the street?
- Height of parapet wall and balcony shade structure?

Member Secoy-Jensen requested clarification on the rear-yard setbacks of Building 4 and Building 8.

Member Fredricks said he likes the design and the only thing he'd like to see changed is the palm trees in the open parking lot changed to shade trees (36" box) and change the African Sumac to a more drought tolerant tree.

Member Secoy-Jensen is supportive of the overall design, open-space, and would like to see a 24' setback for Building 4 but will let the others weigh in on this.

Member Purnel concurs with Member Fredricks.

M/S/C (Cassady/Fredricks, 7-0) Approve with conditions:

1. Landscape - change palm trees to shade trees in open parking lot.
2. Building 4 with a 24' setback.
3. Landscape design on Indian Canyon and Via Escuela to return to the Subcommittee (Purnel, Fredricks and Song) for review.

COMMITTEE MEMBER COMMENTS: None.

STAFF MEMBER COMMENTS: None.

ADJOURNMENT: The Architectural Advisory Committee adjourned at 4:36 pm to the next regular meeting at 3:00 pm on Monday, October 3, 2016, Council Chamber, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Flinn Fagg, AICP
Director of Planning Services

Final
Initial Study/
Mitigated Negative Declaration

for the proposed

64@Riv Project

Prepared for

City of Palm Springs
Planning Services Department
3200 E. Tahquitz Canyon Way
Palm Springs, California 92262

Prepared by

Psomas
225 South Lake Avenue, Suite 1000
Pasadena, CA 91101
T: 626.351.2000

January 2017

TABLE OF CONTENTS

Section **Page**

TABLES

Table **Page**

EXHIBITS

Exhibit **Follows Page**

APPENDICES

Appendix

SECTION 1.0 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

In accordance with the California Environmental Quality Act (CEQA) (*California Public Resources Code* Section 21000 et seq.) and the State CEQA Guidelines (*California Code of Regulations,* Title 14, Section 15000 et seq.), this Initial Study has been prepared for the proposed 64@Riv Project (also referred to as the "proposed project" or "project"). The 64@Riv Project is planned as a condominium development, which would include 64 dwelling units in 8 buildings and on-site recreational facilities on a 5.22-acre site south of Via Escuela and east of Indian Canyon Drive in the City of Palm Springs.

Section 15367 of the State CEQA Guidelines defines the Lead Agency as the public agency with the primary responsibility for carrying out or approving a project. The City of Palm Springs is serving as the Lead Agency for the project. As the Lead Agency, the City of Palm Springs is responsible for completing the environmental review process, as required under CEQA and the State CEQA Guidelines, and has authorized the preparation of this Initial Study. Section 15063(c) of the State CEQA Guidelines identifies the purposes of an Initial Study as follows:

(1) To provide the Lead Agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration;

(2) To enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;

(3) To assist in the preparation of an EIR, if one is required, by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant, explaining the reasons for determining that potentially significant effects would not be significant, and identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects;

(4) To facilitate environmental assessment early in the design of a project;

(5) To provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;

(6) To eliminate unnecessary EIRs; and

(7) To determine whether a previously prepared EIR could be used with the project.

This Initial Study identifies the potential environmental impacts of the project and provides the City with information to use as the basis for preparing the appropriate CEQA document (e.g., a Negative Declaration instead of an Environmental Impact Report [EIR]) and allows the City to mitigate the significant adverse impacts of the project, thereby enabling the project to qualify for a Mitigated Negative Declaration. The Initial Study also serves as documentation for the finding in a Mitigated Negative Declaration that the project would not have a significant effect on the environment. Thus, this document has been structured as a combined Initial Study/Mitigated Negative Declaration (IS/MND).

Based on the findings of the environmental analysis in Section 4.0 of this IS/MND, this document describes the reasons that the proposed project would not have a significant effect on the

environment with the implementation of mitigation measures and provides documentation in support of the determination that the City of Palm Springs does not need to prepare an EIR.

Per Section 21082.1(c) of CEQA and Section 15074(b) of the State CEQA Guidelines, the City shall adopt this Mitigated Negative Declaration (MND) only if it finds, on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the document reflects the City's independent judgement and analysis.

1.2 SUMMARY OF PROJECT IMPACTS AND MITIGATION

The potential environmental impacts of the proposed project are discussed in Section 4.0 of this IS/MND. The analysis shows that the project would have no adverse impacts or less than significant impacts on the following environmental issues:

- Agriculture and Forestry Resources
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Tribal Cultural Resources

There are existing federal, State, and local regulations or laws that the project would need to comply with, independent of CEQA review. These regulations serve to offset or prevent certain environmental impacts. Regulatory requirements (RRs) would effectively reduce the project's potential adverse impacts to less than significant levels on the following issues:

- Aesthetics
- Air Quality
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Public Services
- Recreation
- Utilities and Service Systems

Because the RRs would be incorporated into the project either in the design or as part of project implementation, they do not constitute mitigation in accordance with CEQA.

Based on the analysis in Section 4.0 of this IS/MND, the project would have the potential for significant adverse environmental impacts prior to mitigation on the following issues:

- Biological Resources
- Cultural Resources
- Noise
- Transportation/Traffic

While some of the significant adverse impacts would occur only during short-term construction activities, the proposed project would implement mitigation measures (MMs) to avoid or reduce these impacts to less than significant levels. Section 15370 of the State CEQA Guidelines defines "mitigation" as follows:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

Table 1-1 identifies the RRs that the project would need to comply with and the MMs that would prevent, avoid, or reduce the environmental impacts of the proposed project. The first column states the RR or MM; the implementing action is provided in the second column; and the level of impact after implementation of the MM is provided in the third column. The project would have less than significant impacts on all environmental issues after implementation of the MMs.

According to the State CEQA Guidelines, the City may adopt an MND for the proposed project because, with the incorporation of the RRs and the implementation of MMs, potentially significant environmental impacts from the project would be less than significant.

1.3 PUBLIC REVIEW

A 20-day public review period for the Draft Mitigated Negative Declaration will commence at 8:00 AM on December 1, 2016 and end on December 20, 2016 at 6:00 PM 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 address below within the public review period. In addition comments can be submitted via email to the following address: glenn.mlaker@palmspringsca.gov.

During the public review period, the City would be accepting public comments on the IS/MND. Written comments on the IS/MND should be sent to:

Glenn Mlaker, AICP
Associate Planner
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, California 92262
Glenn.Mlaker@PalmSpringsCA.gov

Hard copies of the documents are also available for public review at the following locations:

City of Palm Springs
Planning Services Department
3200 East Tahquitz Canyon Way
Palm Springs, California 92262

Palm Springs Library
Reference Section
300 South Sunrise Way
Palm Springs, California 92262

The document is also available for public viewing on the City web site at www.palmspringsca.gov.

1.4 PROJECT APPROVAL

Public hearings before the Palm Springs Planning Commission and City Council will be held at future dates to consider adoption of the IS/MND and a decision on the approval of the project. In accordance with Section 15074 of the State CEQA Guidelines, prior to approving the project or modifications to the project, the City must consider the IS/MND together with any comments received during the public review process and adopt the MND only if it finds that there is no substantial evidence that the project would have a significant effect on the environment.

1.5 ORGANIZATION OF THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

This IS/MND is organized into the following sections:

Section 1.0: Introduction. This section provides an introduction to the IS/MND process and summarizes the findings of the environmental analysis.

Section 2.0: Environmental Setting. This section provides a description of the project site and the existing environmental setting on the site and in the project area.

Section 3.0: Project Description. This section describes the objectives established for the proposed project; provides a project description; and identifies the discretionary actions needed to implement the project.

Section 4.0: Environmental Analysis. The completed CEQA checklist form, as provided in this section, provides the analysis of the potential impacts of the project on each environmental issue area. The environmental checklist includes "mandatory findings of significance" in compliance with CEQA requirements. This section also identifies under each issue, the RRs and MMs that would avoid or eliminate the project's potentially significant adverse effects or reduce them to less than significant levels.

Section 5.0: References. This section identifies the references used in the preparation of the IS/MND.

Section 6.0: Preparers. This section identifies the individuals responsible for preparing the IS/MND.

TABLE 1-1
REGULATORY REQUIREMENTS AND MITIGATION MEASURES

Regulatory Requirement/Mitigation Measure	Implementing Action and Timing
Aesthetics	
RR 1-1 Roadway and parkway improvements that are constructed as part of the project will comply with the City's design and construction standards.	The Project Developer's engineer will design the project to comply with City standards, subject to City review and approval during plan check.
RR 1-2 Outdoor lighting for the project will comply with Section 93.21.00 of the Palm Springs Municipal Code regarding lighting design and construction.	The Project Developer's architect and engineer will design the project to comply with City standards, subject to City review and approval during plan check.
Air Quality	
RR 3-1 Project construction will comply with the South Coast Air Quality Management District's (SCAQMD's) Rule 403, Fugitive Dust, and Rule 403.1, Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources, which require the implementation of best available control measures (BACMs) for any activity or man-made condition capable of generating fugitive dust including, but not limited to, earth-moving activities; construction/demolition activities; disturbed surface area; or heavy- and light-duty vehicular movement. The BACMs include incorporating soil stabilization measures; watering surface soils and crushed materials; covering hauls or providing freeboard; preventing track-out; limiting vehicle speeds; and installing wind barriers, among others.	The Project Developer will include this RR in the Contractor Specifications (which will be subject to the approval of the City), and the contractor will comply with this regulation during construction activities.
RR 3-2 Project construction will comply with Chapter 8.50 of the Palm Springs Municipal Code, which requires preparation of a Dust Control Plan in accordance with the provisions of the Coachella Valley Fugitive Dust Control Handbook. The Dust Control Plan will include measures to be implemented during construction and demolition activities necessary to reduce man-made fugitive dust and corresponding emissions of respirable particulate matter with a diameter of 10 microns or less.	The Project Developer will include this RR in the Contractor Specifications (which will be subject to the approval of the City), and the contractor will comply with this regulation during construction activities.
RR 3-3 Construction painting will comply with the applicable regulatory requirements established by the South Coast Air Quality Management District (SCAQMD), including but not limited to Rule 1113 (Architectural Coatings).	The Project Developer will include this RR in the Contractor Specifications (which will be subject to the approval of the City), and the contractor will comply with this regulation during construction activities.
Biological Resources	
RR 4-1 In accordance with the Tribal Habitat Conservation Plan, the Project Developer will pay the Agua Caliente Band of Cahuilla Indians the applicable mitigation fee prior to the issuance of the building permit for the project.	The Project Developer will show proof of payment of this fee during the plan check process.
MM 4-1 Prior to the approval of the Grading Plan, the City's Planning Department shall verify that the following note is included on the contractor specifications to ensure compliance with the Migratory Bird Treaty Act (MBTA): To avoid impacts on nesting birds, vegetation on the project site should be cleared outside the bird nesting season. If vegetation clearing will occur during the peak nesting season, a pre-construction survey shall be conducted by a qualified Biologist to identify	The Project Developer shall hire a qualified Biologist to implement this MM, and the Contractor shall comply with the Biologist's recommendations prior to and during construction activities.

TABLE 1-1
REGULATORY REQUIREMENTS AND MITIGATION MEASURES

Regulatory Requirement/Mitigation Measure	Implementing Action and Timing
if there are any active nesting locations. If the Biologist does not find any active nests in the impact area, then vegetation clearing and construction work will be allowed. If the Biologist finds an active nest in the construction area and determines that the nest may be impacted by construction activities, the Biologist shall delineate an appropriate buffer zone around the nest depending on the species and the type of construction activity. Construction activities shall be prohibited in the buffer zone until a qualified Biologist determines that the nest has been abandoned.	
Cultural Resources	
RR 5-1 In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are encountered during excavation activities, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent remains will occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or are believed to be Native American, s/he shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC will immediately notify the persons it believes to be the most likely descendant (MLD) of the deceased Native American. The descendants will complete their inspection and make a recommendation within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the City and the Developer, the disposition of the human remains. The MLD's recommendation will be followed if feasible, and may include scientific removal and non-destructive analysis of the human remains and any items associated with Native American burials. If the Project Developer rejects the MLD's recommendations, the developer will rebury the remains with appropriate dignity on the property in a location that will not be subject to further subsurface disturbance (California Code of Regulations, Title 14, Section 15064.5[e]).	The Project Developer will include this RR in the Contractor Specifications (subject to the approval of the City). The Project Developer's Contractor shall comply with this RR during construction activities, if necessary.
MM 5-1 In the event of an unanticipated discovery of historic or prehistoric archaeological and paleontological resources, a qualified archaeologist and/or paleontologist shall be contacted and given the opportunity to examine and evaluate the discovery. The archaeologist/paleontologist shall first determine whether an archaeological resource uncovered during construction is a unique archaeological resource pursuant to Section 21083.2(g) of the California Public Resources Code or a historical resource pursuant to Section 15064.5(a) of the State CEQA Guidelines. If the discovered resource is determined to be a unique archaeological or paleontological resource or a historical resource, the Archaeologist shall formulate a Mitigation Plan in consultation with the City of Palm Springs that satisfies the requirements of the above-listed regulations. The Mitigation Plan can include, but is not necessarily limited to, excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions	The Project Developer shall include this MM in the Contractor Specifications (subject to the approval of the City). A qualified Archaeologist and/or Paleontologist shall be hired to provide the construction crew with information on archaeological and paleontological resources, to evaluate any discovered resources and to prepare the monitoring plan, as necessary. Upon completion of all monitoring/mitigation activities, the Archaeologist shall submit a Monitoring Report to the City summarizing all monitoring/mitigation activities. The Monitoring Report shall be prepared consistent with the guidelines of the Office of Historic Preservation's Archaeological Resources Management Reports (ARMR): Recommended Contents and Format. If necessary, a data recovery plan shall be prepared and implemented and the results of

TABLE 1-1
REGULATORY REQUIREMENTS AND MITIGATION MEASURES

Regulatory Requirement/Mitigation Measure	Implementing Action and Timing
for adequately recovering the scientifically consequential information from and about the resource (see *California Code of Regulations,* Title 4[3], Section 15126.4[b][3][C]). The data recovery plan shall be prepared prior to any excavation and shall include provisions for sharing of information with interested Tribes. The data recovery plan shall employ standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the cultural site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered cultural materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered materials. The data recovery plan shall be implemented and the results of the data recovery plan shall be deposited with the regional California Historical Resources Information Center (CHRIS) repository.	the data recovery plan shall be deposited with the regional California Historic Resources Information System (CHRIS) repository.
Geology and Soils	
RR 6-1 Project design and construction will comply with Part 2 of Title 24 of the California Code of Regulations (California Building Code), as adopted into the Palm Springs Municipal Code, which provides building standards for construction, alteration, moving, demolition, repair, maintenance, and use of all buildings or structures.	The Project Developer's Engineer will design the project to comply with the City's building regulations, subject to City review and approval during plan check.
RR 6-2 In compliance with the California Building Code and Policy SA1.2 of the Palm Springs General Plan, a project-specific Geotechnical Investigation will be conducted to identify geologic and seismic hazards where structural elements and structures would be constructed and to provide detailed geotechnical design parameters, safety factors, and recommendations to be incorporated into the project plans. The recommendations of the Geotechnical Investigation will be used in the engineering design and construction of proposed structures and infrastructure.	The Project Developer's Engineer will design the project to comply with the recommendations of the Geotechnical Investigation for the project, subject to City review and approval during plan check.
Greenhouse Gas Emissions	
RR 7-1 Design and construction of the proposed project will comply with the Title 24 Energy Efficiency Standards. These standards prescribe required energy efficient measures, including ventilation, insulation, and construction and the use of energy-saving appliances, heating, ventilation and air conditioning systems, water heating, and lighting.	The Project Developer's architect and engineer shall design the project to comply with this RR, subject to City review and approval during plan check.
RR 7-2 Design and construction of the proposed project will comply with the Title 24 Green Building Standards (CalGreen Code). These standards prescribe measures for water conservation, building commissioning, clean vehicle parking, and solid waste recycling, among others.	The Project Developer's Architect and Engineer will design the project to comply with this RR, subject to City review and approval during plan check.

TABLE 1-1
REGULATORY REQUIREMENTS AND MITIGATION MEASURES

Regulatory Requirement/Mitigation Measure	Implementing Action and Timing
Hazards and Hazardous Materials	
RR 8-1 During demolition, construction, and maintenance activities, the Construction Contractor and the Homeowners Association's Maintenance Contractor will comply with existing regulations regarding hazardous material use, storage, disposal, and transport so that no major threats to public health and safety are created. These regulations include the Toxic Substance Control Act, Hazardous Material Transportation Act, Resource Conservation and Recovery Act, California Hazardous Waste Control Act, Certified Unified Program Agency, and California Accidental Release Prevention Program.	The Project Developer's Contractor will comply with this RR during construction activities. The Homeowners Association's Maintenance Contractor will comply with this RR during maintenance activities.
RR 8-2 A pre-demolition asbestos survey will be conducted by a Certified Asbestos Consultant and if asbestos is found in the existing structures demolition of the existing structures will be conducted by a Registered Asbestos Contractor in accordance with the remediation and mitigation procedures established by all federal, State, and local standards, including those of the Federal and State Occupational Safety and Health Administrations (OSHA and CalOSHA) and South Coast Air Quality Management District (SCAQMD) regulations for the excavation, removal, and proper disposal of asbestos containing materials (SCAQMD Regulation X – National Emission Standards For Hazardous Air Pollutants, Subpart M – National Emission Standards For Asbestos). The asbestos-containing materials will be disposed of at a certified asbestos landfill by a Registered Asbestos Contractor. The Registered Asbestos Contractor will also comply with notification and asbestos-removal procedures outlined in SCAQMD Rule 1403 to reduce asbestos-related health risks associated with the disturbance of asbestos containing materials.	The Project Developer will hire a Certified Asbestos Consultant to conduct as pre-demolition asbestos survey and a Registered Asbestos Contractor to remove and dispose of any asbestos-containing materials.
RR 8-3 Painted surfaces in the existing structures and site improvements will be evaluated by a Certified Lead Consultant, and demolition activities shall be conducted in accordance with the requirements of Title 8 of the California Code of Regulations (Section 1532.1), which sets exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to lead. Lead-contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provisions of the California Health and Safety Code.	The Project Developer will hire a Certified Lead Consultant to evaluate painted surfaces and an experienced contractor to remove and dispose of lead-contaminated debris and wastes.
Hydrology and Water Quality	
RR 9-1 Project construction will comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No 2009-009-DWQ, NPDES No. CAS000002, or the latest approved general permit). This Construction General Permit requires construction activities that involve the disturbance of one acre or more of total land area to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) that contains Best Management Practices (BMPs) to reduce or eliminate construction-related pollutants in the runoff.	The Project Developer's Contractor will file the Notice of Intent (NOI) with the state Water Resources Control Board (SWRCB); prepare and implement the SWPPP; and submit monitoring reports to the City and the SWRCB.

TABLE 1-1
REGULATORY REQUIREMENTS AND MITIGATION MEASURES

Regulatory Requirement/Mitigation Measure	Implementing Action and Timing
RR 9-2 The project will comply with the NPDES Order No. R7-2013-0011 (MS4 Permit) and Chapter 8.70 of the Palm Springs Municipal Code through the preparation and implementation of a Water Quality Management Plan (WQMP) that identifies permanent BMPs that would be built, maintained, and implemented on site to reduce pollutants in the storm water.	The Project Developer's Engineer will prepare the WQMP, subject to City review and approval during plan check. The Homeowners Association will maintain structural BMPs and implement the non-structural BMPs in the WQMP.
Noise	
RR 12-1 Project construction will comply with the construction time limits in Section 8.04.220 of the Palm Springs Municipal Code, which limits construction activities to weekdays from 7:00 AM to 7:00 PM and on Saturdays from 8:00 AM to 5:00 PM, with no construction allowed on Sundays or holidays. Construction activities on the public rights-of-way are allowed on a daily basis between 7:00 AM and 3:30 PM, except on weekends and holidays, unless otherwise approved by the City Engineer.	The Project Developer will include this RR in the Contractor Specifications (which will be subject to the approval of the City), and the Contractor will comply with this regulation during construction activities.
RR 12-2 Noise-generating operational equipment on the project site will be designed and installed to comply with Sections 11.74.031 and 11.74.032 of the City of Palm Springs Municipal Code, which limit exterior noise at high density residential receptors to 60 A-weighted decibels (dBA) or less between 7:00 AM 6:00 PM; to 55 dBA or less between 6:00 PM and 10:00 PM; and to 50 dBA or less between 10:00 PM and 7:00 AM. (Noise levels are determined based on measurements at the adjacent residential property line.)	The Project Developer's Engineer will design the project to comply with this RR and submit evidence to show compliance, subject to City review and approval during plan check.
MM 12-1 Prior to the issuance of the grading permit, the Project Developer shall submit plans and/or contract specifications to the City Engineer that include noise reduction measures to be implemented during demolition and construction activities, as feasible, including the following: • All construction equipment (fixed or mobile) shall be equipped with properly operating and maintained mufflers, consistent with or exceeding manufacturers' standards. • Construction equipment engine enclosures and covers, as provided by manufacturers, shall be in place during operation. • Stationary construction equipment shall be placed as far as feasible from the residences to the east so that the emitted noise is directed away from these residences. • Equipment and materials staging areas shall be located farthest from existing residences, as feasible • Construction equipment shall be shut down when not in use. • Haul truck deliveries shall be limited to the construction time limits allowed by the City. • The use of large bulldozers, vibratory rollers, or large loaded trucks shall be prohibited within 25 feet of existing residences to the east.	The Project Developer shall include this MM in the Contractor Specifications (which shall be subject to the approval of the City), and the Contractor shall comply with this regulation during demolition and construction activities.

TABLE 1-1
REGULATORY REQUIREMENTS AND MITIGATION MEASURES

Regulatory Requirement/Mitigation Measure	Implementing Action and Timing
MM 12-2 The following interior noise reduction elements shall be incorporated into the design and construction of the condominium units in buildings located along Indian Canyon Drive and that have exterior walls facing Indian Canyon Drive to ensure that the interior noise level does not exceed 45 dBA Community Noise Equivalent Level (CNEL): • Air conditioning or a mechanical ventilation system shall be provided in each unit; • Windows and sliding glass doors shall be double-paned glass and mounted in low air infiltration rate frames (0.5 cfm or less, per American National Standard Institute [ANSI] specifications); • Solid core exterior doors shall have perimeter weather stripping and threshold seals; • Exterior walls shall consist of stucco or brick veneer. Wood siding with a ½-inch minimum thickness fiberboard underlayer shall be used as an alternative; • Glass in windows and doors facing Indian Canyon Drive shall not exceed 20 percent of the floor area in a room; and • Roof or attic vents facing Indian Canyon Drive shall be baffled.	The Project Developer's Engineer shall design the project to comply with this MM and submit evidence to show compliance, subject to City review and approval during plan check.
Public Services	
RR 14-1 Design and construction of the project will comply with the California Fire Code and the National Fire Protection Association (NFPA) Standards, as adopted by the City. This includes compliance with the standards and requirements for smoke and carbon monoxide alarms, fire sprinkler systems, fire escapes, fire exits, access roads, fire extinguishers, and fire hydrants, among other requirements.	The Project Developer's Engineer will design the project in accordance with applicable fire code standards, subject to City review and approval during plan check.
RR 14-2 Project design and construction of security features and measures will comply with Sections 8.04.100 to 8.04.190 of the Palm Springs Municipal Code.	The Project Developer's Engineer will design the project in accordance with applicable building security regulations, subject to City review and approval during plan check.
RR 14-3 Prior to the issuance of the building permit, the Project Developer will comply with the Leroy Green School Facilities Act and pay the required school impact fees to the Palm Springs Unified School District.	The Project Developer will pay school impact fees to the Palm Springs Unified School District (PSUSD) prior to issuance of the building permit.
RR 14-4 The Project Developer will apply for annexation of the site into the Palm Springs Community Facilities District No. 2005-01 for financing the provision of police services, fire protection and suppression services, and life safety services.	The Project Developer will apply for annexation prior to issuance of the building permit.
Recreation	
RR 15-1 In accordance with Section 9.64.040 of the Palm Springs Municipal Code, the Project Developer will pay the applicable park fees to the City prior to the issuance of the building permit for the project.	The Project Developer will pay park fees prior to issuance of the building permit.
Transportation/Traffic	
RR 16-1 In compliance with Chapter 8.90 of the Palm Springs Municipal Code, the Project Developer will pay the applicable Transportation Uniform Mitigation Fee (TUMF) to the City.	The Project Developer will pay TUMF prior to issuance of the building permit.

TABLE 1-1
REGULATORY REQUIREMENTS AND MITIGATION MEASURES

Regulatory Requirement/Mitigation Measure	Implementing Action and Timing
RR 16-2 Temporary traffic-control measures will be provided in accordance with Chapter 14.16 of the Palm Springs Municipal Code and the Manual for Uniform Traffic Control Devices (MUTCD), which contain guidelines for pedestrian and worker safety; safe and adequate access; street markings and traffic control; notification of emergency personnel; and restoration of the street after construction.	The Project Developer's Contractor will comply with this RR during construction activities.
RR 16-3 Adequate sight distance and intersection visibility will be provided at the site driveways in accordance with Section 93.02.00 of the Palm Springs Municipal Code.	The Project Developer's Engineer will design the project in accordance with City standards for intersection visibility, subject to City review and approval during plan check.
MM 16-1 As part of the proposed median improvements on Indian Canyon Drive, a right-in/right-out only access with a raised median along North Indian Canyon Drive prohibiting left-turns in/out of the project site shall be provided. Full turning movements shall be permitted at secondary entrance from Via Escuela.	The Project Developer's Engineer shall design the project in accordance with this MM, subject to City review and approval during plan check.
Utilities and Service Systems	
RR 17-1 As required by the California Green Building Standards (CalGreen) Code, the contractor will implement a Construction Waste Management Plan that will recycle and/or salvage at least 50 percent of the estimated volume or weight of all nonhazardous construction and demolition wastes. Any salvageable and designated recyclable and reusable materials in structures planned for demolition will be made available for deconstruction, salvage, and recovery prior to demolition.	This Project Developer's Contractor shall prepare the Construction Waste Management Plan and submit it to the City prior to issuance of the demolition permit. The Construction Waste Management Plan will be implemented during demolition and construction activities.
RR 17-2 Trash and recycling bins will be provided on site in accordance with Section 93.07.02 of the Palm Springs Municipal Code.	The Project Developer's Engineer will design the project in accordance with this RR, subject to City review and approval during plan check.

SECTION 2.0 ENVIRONMENTAL SETTING

2.1 PROJECT LOCATION

The 64@Riv Project would be located at 2000 Indian Canyon Drive in the central portion of the City of Palm Springs. The project site consists of 5.22 acres of land south of Via Escuela and east of Indian Canyon Road. The general location of the project site is shown in Exhibit 2-1, Regional Location and Local Vicinity.

The project site is located in the central section of the City and at the north end of the City's Uptown area (immediately north of Downtown). This section of the City is largely developed with urban residential and commercial land uses and contains mixed-use/multi-use developments (including art galleries, boutiques, offices, retail, and commercial areas) located along North Palm Canyon Drive, North Indian Canyon Drive north of Alejo Road and south of Via Escuela.

2.2 PROJECT BACKGROUND

The Riviera Hotel property as described in Final Parcel Map 9475 was approved by the City Council on February 1, 1978 and encompassed approximately 35.79 acres divided into three (3) parcels. Parcel #1 contains the Riviera Hotel; Parcel #1A was to remain in open space as a requirement of the hotel development to meet open space requirements; and Parcel #2 was developed as a 221-unit condominium project consistent with the R-3 zone standards. A note was placed on the Final Parcel Map which states "Parcel 1 and Parcel 1A are to remain under same ownership; and Parcel 1A is defined as leasehold only".

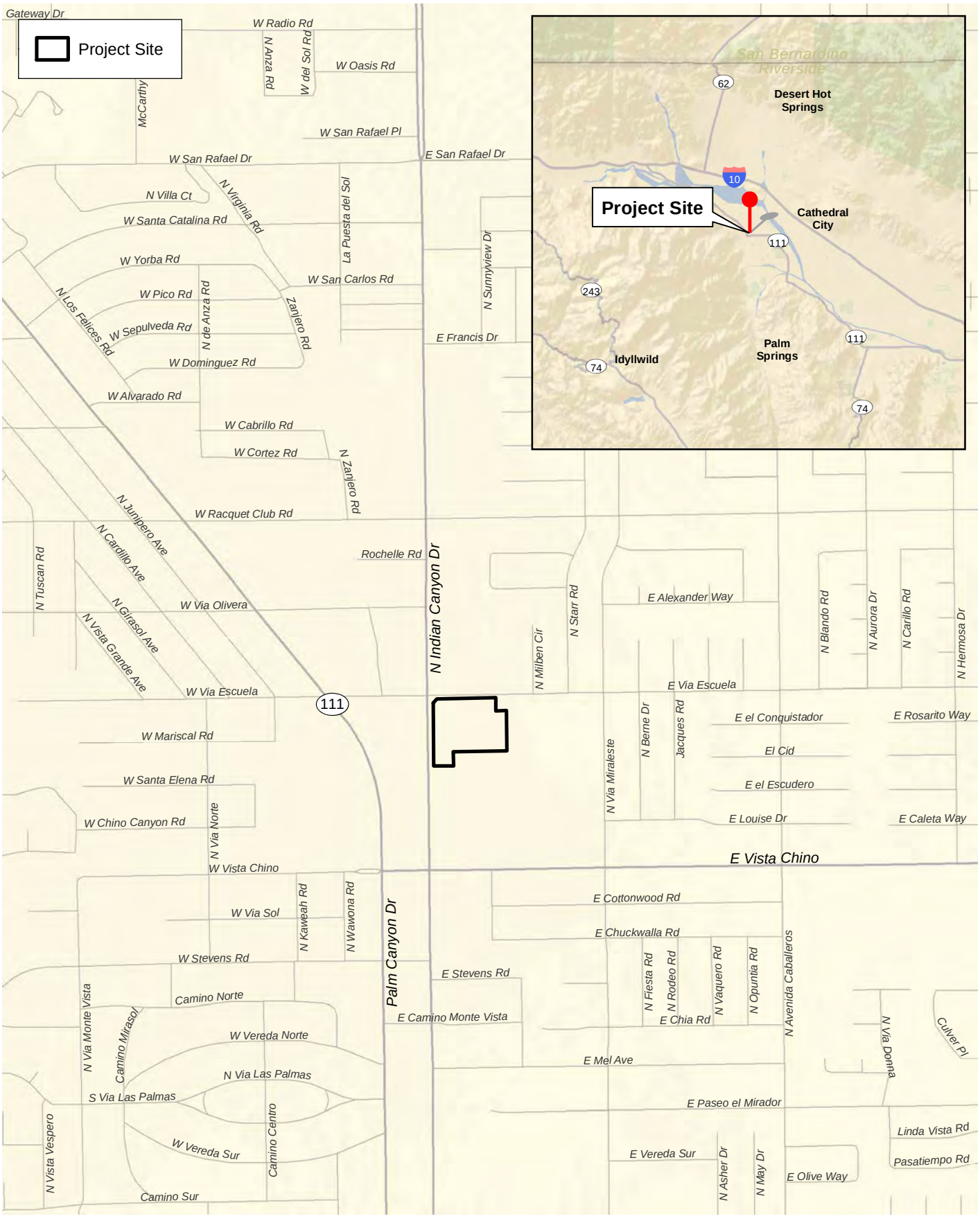
On August 9, 1978 the Planning Commission approved a Conditional Use Permit (CUP) for the development of Parcel 1A as tennis club with associated restaurant and club house. The Planning Commission determined that the overall open space for both Parcel 1 and 1A with the development of the tennis club would meet the overall open space requirement as stated on Parcel Map 9475. The CUP Staff Report from August 9, 1978 states that the proposed tennis club development will allow the space necessary to cover the deficiency of open space for the hotel which was created by the parcel map.

Over the years Parcel 1A has been leased to various entities and later sold as a separate parcel. The property was operated as Bono's Restaurant and Tennis Club from 1985 to 1991. The Riviera Resort Hotel purchased Parcel 1A in 1991, but has since been transferred to or operated by various entities. The tennis club property has remained vacant and not in use for many years, however the Riviera Hotel currently uses the associated parking lots as overflow parking.

2.3 PROJECT AREA

The City of Palm Springs is located in the Coachella Valley, which is located primarily in Riverside County but includes the northern end of San Diego County and the northwestern section of Imperial County. The Coachella Valley is bound by the Santa Rosa and San Jacinto Mountains on the southwest; by the San Bernardino Mountains on the north; and by the Little San Bernardino Mountains on the northeast and east. The Santa Rosa, San Jacinto, and San Bernardino Mountains rise to heights of more than 10,000 feet above mean sea level (msl) and the Little San Bernardino Mountains rise to 5,500 feet above msl.

The City of Palm Springs covers approximately 60,440 acres within its jurisdictional boundaries and another 27,160 acres in its Sphere of Influence. The City is located just east of the base of the San Jacinto Mountains and north of the Santa Rosa Mountains. The City is includes many



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Regional Location and Local Vicinity

Exhibit 2-1

64@Riv Project

N W E S

1,000 500 0 1,000 Feet

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resorts and is a tourist destination community, with the majority of development consisting of residential communities, hotels, golf courses, and supporting commercial and entertainment uses. The California Department of Finance (DOF) estimates that, as of January 2016, the City of Palm Springs had a resident population of 46,654 residents. In addition, the City has an additional 28 percent who are seasonal residents. There were 27,974 jobs in the City in 2013, the majority of which were in the leisure, education and retail sectors.

2.4 PROJECT SITE

The project site consists of two parcels: Assessor's Parcel Numbers (APNs) 501-090-020 and 501-090-019. It has a relatively flat terrain, with a ground elevation of approximately 580 feet above msl. However, the tennis court and bleachers north of the restaurant building are sunken by approximately eight feet. There is also a three-foot difference in elevation between the site and the grass areas at the southwestern corner of the site.

2.4.1 EXISTING DEVELOPMENT

The site is developed with a restaurant building and tennis courts. The restaurant building has three levels, which include a subterranean level that matches the grade of one sunken tennis court with bleachers. Fenced tennis courts are located to the north and east of the restaurant, with parking areas to the north and west. A lawn area is located at the southwestern corner of the site, which is at a lower elevation than the rest of the site. Access to the site is currently provided by an entry driveway off Indian Canyon Drive that leads to the circular driveway in front of the restaurant building, with a secondary access driveway at the northeastern corner of the site on Via Escuela. A 3.5-foot masonry block wall with wrought iron sections lines the northern and western boundaries of the site. Parking lot and tennis court pole lights are present throughout the site. Landscaping includes scattered California fan palm trees, bougainvillea shrubs, and jacaranda and olive trees at scattered locations, with turf grass at the southwestern corner.

Exhibit 2-2, Aerial Photograph, shows the project site and the surrounding area. Exhibit 2-3, Site Photographs, shows the existing buildings and site improvements on the site.

The proposed 64-unit condominium complex will require the demolition of the existing restaurant structure and associated tennis courts. Perimeter walls and landscaping will also be removed as part of the preparation of the site for development.

2.4.2 EXISTING LAND USE DESIGNATION AND ZONING

The Palm Springs General Plan's Land Use Plan designates the site as Tourist Resort Commercial. This designation allows large-scale resort hotels and timeshares. Permanent residential uses and commercial activities are allowed subject to approval of a Planned Development district.

The site is zoned R-3 (Residential Multi-Family and Hotel), which allows the development of high density apartments, hotels, and similar permanent and resort housing and commercial uses directly related to the housing facilities.

2.5 ADJACENT LAND USES

The surrounding area is largely developed with various residential and commercial uses. Land uses immediately adjacent to the site include multi-family condominium developments to the north across Via Escuela and to the east (i.e., Indian Canyon Gardens and Riviera Gardens, respectively); the Riviera Resort Hotel to the south, and commercial uses to the west across

Source: ESRI, NAIP 2014

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Aerial Photograph

Exhibit 2-2

64@Riv Project

N W E S

200 100 0 200

Feet

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Looking east at restaurant building from entry driveway

Looking north at entry driveway and western parking area

Looking southeast at restaurant building

Looking east at northern parking area

Site Photographs

Exhibit 2-3a

64@Riv Project

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Looking southwest at sunken tennis court

Looking south at tennis courts at the eastern section of the site

Looking south at grass area at the southwestern corner

Looking east at service area at the southern section of the site

Site Photographs

Exhibit 2-3b

64@Riv Project

PSOMAS

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Indian Canyon Drive (Michael's House treatment house, Ivy Palm Resort and Spa, and The Monroe Palm Springs Hotel). Residential uses in the Racquet Club Estates and Vista Norte neighborhoods are found farther north and west, with residential (Little Tuscany neighborhood) and commercial uses farther west and commercial uses farther south.

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OBJECTIVES

The proposed 64@Riv Project would accomplish the following objectives:

- To meet the demand for residential condominiums in the City of Palm Springs and the Coachella Valley.
- To redevelop a site that is currently not in use.
- To complement the commercial and hotel uses adjacent to the site and in the City's Uptown area.

3.2 PROJECT DESCRIPTION

The proposed 64@Riv project would involve the demolition of the existing restaurant building, tennis courts, and site improvements and the construction of 64 condominium units in 8 individual 2-story buildings on the site, along with a pool area at the center of the site and a pet park at the southeastern corner (see Exhibit 3-1, Proposed Site Plan). Limited vehicle access would be provided in the same location as an existing driveway on Indian Canyon Drive, with a full turning movement at the second access entry from Via Escuela. A 26-foot-wide internal roadway would run easterly along the southern section of the site and then northerly along the eastern section and turning westerly along the north section and connecting to the second full access driveway off Via Escuela. Both access driveways would be gated. Surface parking areas with a total of 115 parking spaces would be provided along this internal roadway, with 66 of the spaces covered. Pedestrian pathways would be provided around the buildings and would connect to the on-site recreational facilities and parking areas.

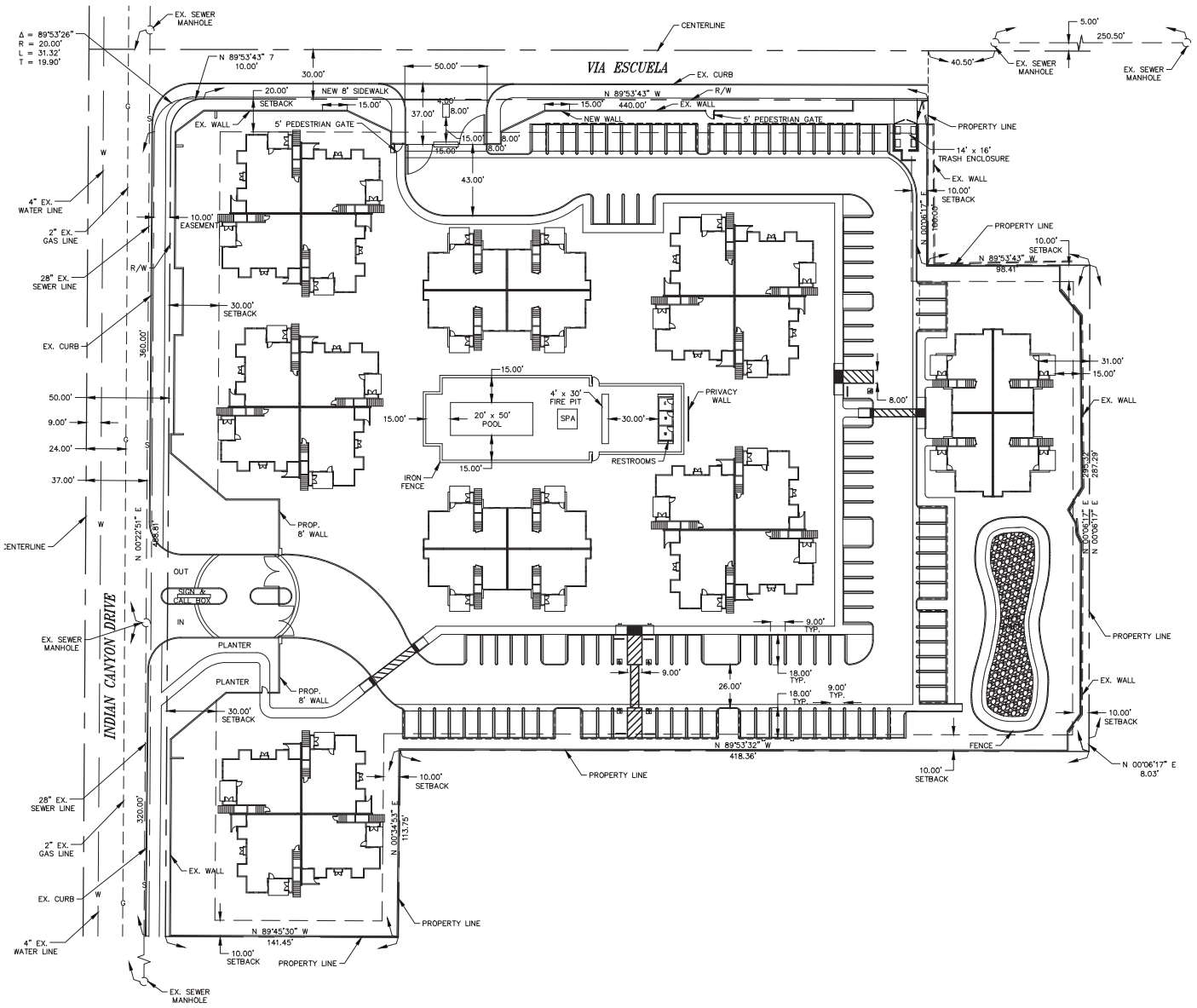
3.2.1 PROPOSED BUILDINGS

The proposed condominium buildings would feature Mid-Century Modern architecture, with four units located on the first floor and four units located on the second floor of each building. As proposed, exterior stairways would be provided for direct-access second-story units, with upper balconies featuring metal railings and ribbed covers. Patios would be provided near the entries to the ground floor units and balconies would be provided for the second-floor units. The buildings would have a maximum height of 24 feet to the top of the building parapet. Facades would be painted in shades of grey, beige, and blue, with window and door frames, railings, doors, and metal shades in black.

Two different building elevations are proposed. Three buildings along Indian Canyon Drive and two buildings east of the pool area would be configured into an irregular square plan with the four units on the same floor joined on two sides to adjacent units, with similar exterior facades on all sides. Exhibit 3-2 provides the typical exterior elevation for these buildings. Two buildings north and south of the pool area and one building along the eastern edge of the site would be configured into a rectangular plan, with two entries to ground floor units and two exterior stairways to second floor units on opposite facades. Exhibit 3-3 provides the typical front and side exterior elevations for these buildings.

3.2.2 LANDSCAPING

On-site areas that would not be paved or built upon would be landscaped and would include approximately 94,201 square feet of land area. The Conceptual Landscape Plan for the project is



Plan A

Plan B

Source: Amir Engineering and Surveying 2016

Proposed Site Plan

Exhibit 3-1

64@Riv Project

N W E S

Map Not To Scale

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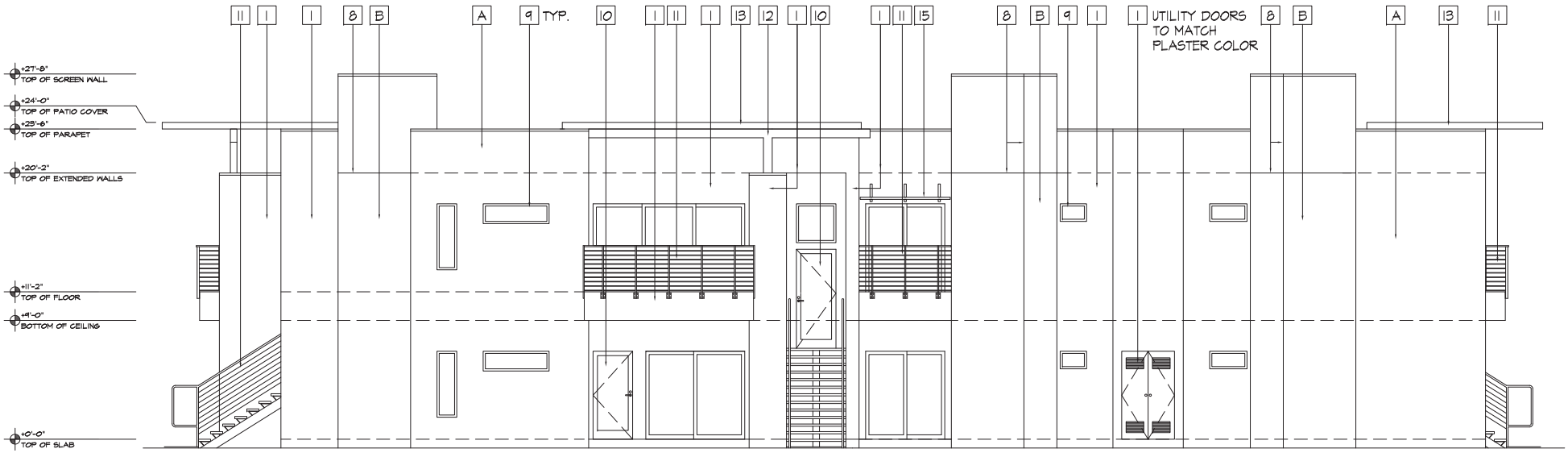

Source: Chris Sahlin Architects 2016

Plan A – Typical Exterior Elevation

Exhibit 3-2

64@Riv Project

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Map Not To Scale

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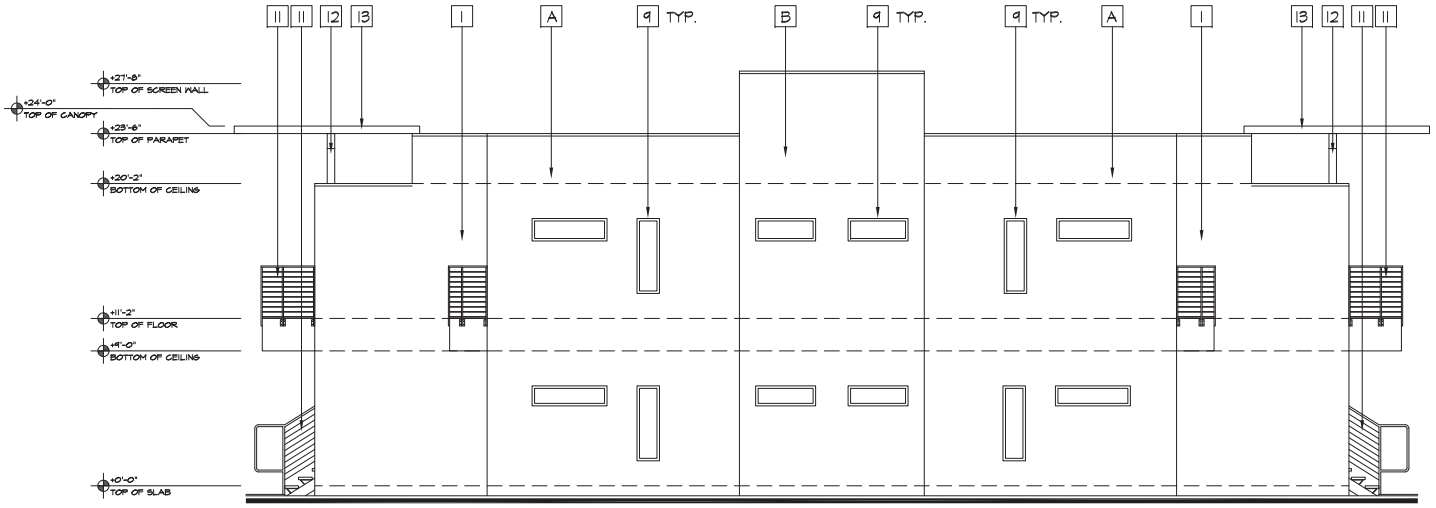
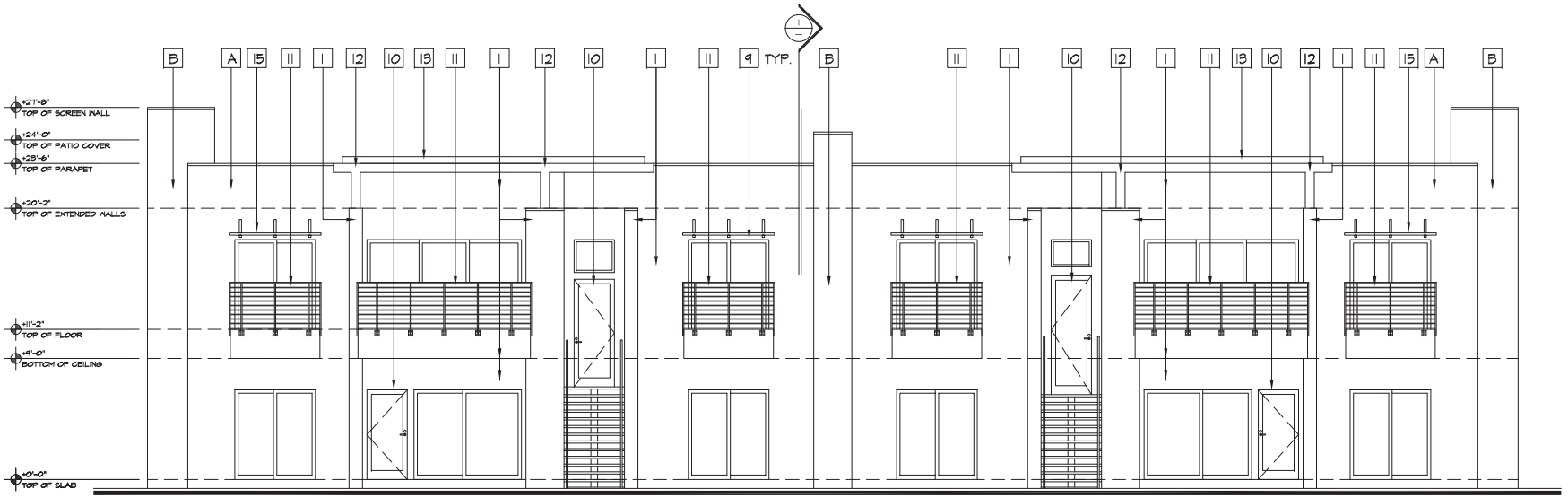


Typical Side Elevation



Typical Front Elevation

Source: Chris Sahlin Architects 2016

Plan B – Typical Front and Side Exterior Elevations

Exhibit 3-3

64@Riv Project

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Map Not To Scale

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provided in Exhibit 3-4. As shown, a ten-foot landscaped setback area would be provided on the eastern and southern boundaries of the site. Landscaped areas would also be provided at the entry driveways on Indian Canyon Drive and Via Escuela, at parking fingers, and around the individual buildings. Landscaping materials would include palm trees, acacia, palo blanco, palo verde, Indian laurel, and Texas ebony trees, various shrubs, and cacti and succulents for accent. Boulders, stone, rubble, and decomposed granite would be utilized for ground cover. Existing trees would be preserved where feasible.

3.2.3 INFRASTRUCTURE IMPROVEMENTS

Water service to the project would be provided by the Desert Water Agency (DWA) through a connection to the existing four-inch water line in Indian Canyon Drive. Sewer service would be provided by the City through a connection to the existing 28-inch sewer line in Indian Canyon Drive. Natural gas service would be provided by a connection to the two-inch gas line in Indian Canyon Drive that is owned and maintained by Southern California Gas Company. Electrical power would be provided by Southern California Edison (SCE) through a connection to existing power lines on Indian Canyon Drive and Via Escuela. Telephone and telecommunication services would be provided by Verizon and/or Time Warner Cable through connection to existing lines on Indian Canyon Drive and Via Escuela.

No upgrades to existing off-site water, sewer, gas, and power lines are needed to serve the project. However, existing off-site utility connections, and on-site vaults, transformers, and overhead power lines that serve the existing restaurant and tennis courts would be abandoned and removed. Construction of a landscaped median on Indian Canyon Drive, an 80-foot northbound left turn lane at Indian Canyon Drive/Via Escuela, replacement of the existing curb and gutter along the project frontage on Indian Canyon Drive and Via Escuela, and reconstruction of the entry driveways would also be made to comply with City standards.

Retention basins would be provided throughout the site to accept storm water flows and retain storm water. The existing masonry walls along the site boundaries would be retained, which include a four-foot masonry wall with wrought iron fence sections along the northern and western boundaries of the site and a wrought iron fence along the eastern boundary of the site. Retaining walls would also be constructed to accommodate changes in elevation where slopes are not feasible.

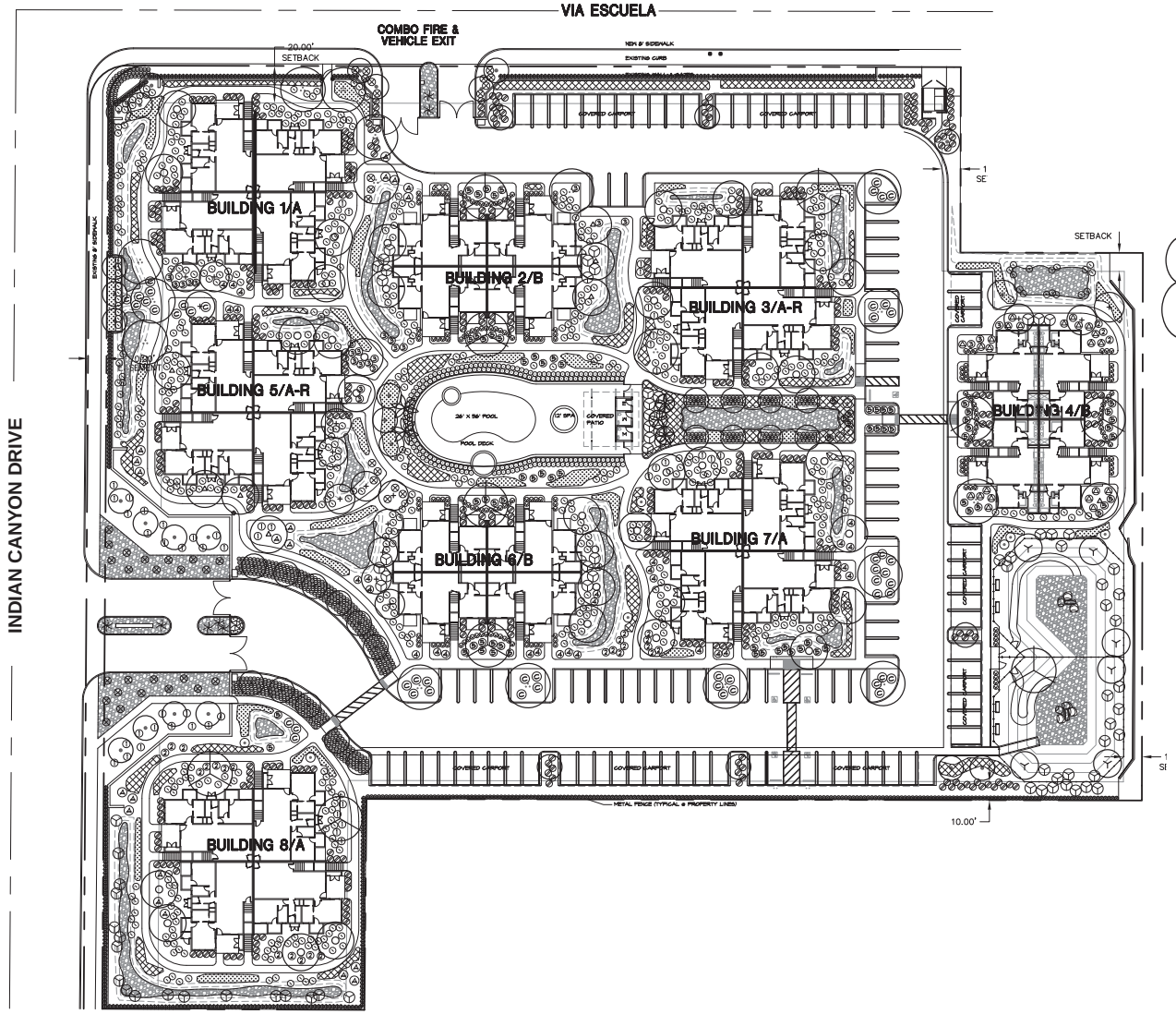
3.2.4 CONSTRUCTION ACTIVITIES

Demolition is planned for Spring 2017, including site preparation, clearing and grubbing; with grading soon after final Parcel Map approval. Approximately 836 cubic yards of soil export would be necessary. Underground infrastructure and utilities would be installed in late Spring 2017, with building construction scheduled to begin in Summer 2017 and extending over a 24-month period. The first 16 units in two buildings would be completed and occupied by 2018, with the next 24 units in 3 buildings occupied in the second phase and the last 24 units in 3 buildings occupied in the third phase. Full project completion is anticipated to occur by April 2019.

3.3 DISCRETIONARY ACTIONS

A discretionary action is a decision taken by a government agency that calls for the exercise of judgment in deciding whether to approve or deny a project. Discretionary approvals that are needed from the City of Palm Springs City Council to implement the project include the following:

- Architectural Review and recommendation by the Architectural Advisory Committee.



PLANT PALETTE

SYM	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	REMARKS
	PALMS				
	BRAHEA ARMATA	MEXICAN BLUE PALM	36" BOX	2	MULTI-TRUNK, SPECIMEN
	CHAMAEROPS HUMILIS	MEDITERRANEAN FAN PALM	36" BOX	3	MULTI-TRUNK, SPECIMEN
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	18' / 25' B.T.H.	56	BROWN TRUNK HEIGHT
	TREES				
	ACACIA SALICINA	WILLOW ACACIA	24" BOX	34	UPSIZED FROM 15 GAL.
	ACACIA STENOPHYLLA	SHOESTRING ACACIA	24" BOX	9	UPSIZED FROM 15 GAL.
	ACACIA WILLARDIANA	PALO BLANCO	24" BOX	17	UPSIZED FROM 15 GAL.
	CERCIDIUM FLORIDUM 'DESERT MUSEUM'	DESERT MUSEUM PALO VERDE	24" BOX	20	
	FICUS NITIDA	INDIAN LAUREL	5 GAL.	349	COLUMNAR
	FICUS NITIDA	INDIAN LAUREL	24" BOX	427	COLUMNAR
	PITHECELLOBIUM FLEXICAULE	TEXAS EBONY	15 GAL.	6	
	SHRUBS				
	BOUGAINVILLEA ROSENKA	BOUGAINILLEA	5 GAL.	626	2'-0" O.C.
	BOUTELOUA GRACILIS	BLUE GRAMA GRASS	5 GAL.	23	4'-0" O.C.
	CAESALPINIA MEXICALI	YELLOW BIRD OF PARADISE	5 GAL.	77	3'-0" O.C.
	HESPERALOE PARVIFLORA	RED YUCCA	1 GAL.	204	3'-0" O.C.
	LANTANA MONTEVIDENSIS	PURPLE TRAILING LANTAN	1 GAL.	4,325 SF.	3'-0" O.C.
	LANTANA 'NEW GOLD'	NEW GOLD LANTANA	1 GAL.	5,114 SF	3'-0" O.C.
	LEUCOPHYLLUM FRUTESCENS	TEXAS RANGER	5 GAL.	384	3'-6" O.C.
	MUHLENBERGIA CAPILLARIS 'REGAL MIST'	MUHLY GRASS	5 GAL.	599	3'-6" O.C.
	SALVIA GREGGII	AUTUMN SAGE	5 GAL.	185	2'-6" O.C.
	TECOMARIA CAPENSIS	CAPE HONEYSUCKLE	5 GAL.	110	4'-0" O.C.
	ACCENTS - CACTUS AND SUCCULENTS-				
	AGAVE ANGUSTIFOLIA	CARIBBEAN AGAVE	5 GAL.	49	AS SHOWN
	AGAVE COLORADO	N.C.N.	5 GAL.	27	AS SHOWN
	AGAVE DESMETIANA	SMOOTH AGAVE	5 GAL.	25	AS SHOWN
	AGAVE GEMNIFLORA	TWIN-FLOWERED AGAVE	5 GAL.	30	AS SHOWN
	AGAVE HAVARDIANA	HAVARD'S AGAVE	5 GAL.	73	AS SHOWN
	ALOE BARBADENSIS	ALOE VERA	5 GAL.	43	AS SHOWN
	FOUQUIEREA SPLENDENS	OCOTILLO	24" BOX	8	AS SHOWN
	OPUNTIA BASILARIS	BEAVERTAIL CACTUS	5 GAL.	20	AS SHOWN
	OPUNTIA ROBUSTA	SILVER DOLLAR CACTUS	5 GAL.	49	AS SHOWN
	STENOCEREUS MARGINATUS	MEXICAN ORGAN PIPE CACTUS	15 GAL.	10	AS SHOWN

Source: RJCLA 2016

Conceptual Landscape Plan

Exhibit 3-4

64@Riv Project

N W E S

Map Not To Scale

PSOMAS

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- Public Hearing before the Planning Commission for review of a Major Architectural Application; approval of a Planned Development District; Tentative Tract Map and Adoption of the Mitigated Negative Declaration.
- Planning Commission recommendation to the City Council on the Planned Development District; and Tentative Tract Map applications.
- Public Hearing before the City Council for the review of the Planned Development District; Tentative Tract Map; and adoption of the Mitigated Negative Declaration.
- Approval of a new Parcel Map to replace Parcel Map 9475 eliminating the note which ties Parcel A and Parcel 1A to remain under same ownership; and Parcel 1A defined for leasehold only.

Other non-discretionary permits and approvals needed to implement the project include encroachment, demolition, grading, and building and occupancy permits from the City of Palm Springs.

SECTION 4.0 ENVIRONMENTAL ANALYSIS

This section includes the completed CEQA environmental checklist form, which is used to evaluate the potential environmental impacts of the project. The existing setting is discussed below the checklist questions and an explanation of each checklist response follows. The mitigation program is then outlined, which includes regulatory requirements and mitigation measures that the project would need to implement.

1. Project Title: **64@Riv Project**

2. Lead Agency Name and Address: City of Palm Springs
Planning Services Department
3200 East Tahquitz Canyon Way
Palm Springs, California 92262

Contact Person and Phone Number: Glenn Mlaker, Associate Planner
(760) 323-8245

4. Project Location: 2000 North Indian Canyon Drive
City of Palm Springs, Riverside County
APN: 501-090-019 & 020

5. Project Applicant's Name & Address: Palm Springs Modern Construction
Dennis Cunningham
1091 North Palm Canyon Drive
Palm Springs, California 92262
(760) 320-8773

6. Property Owner Name and Address: AGRE DCP Palm Springs LLC
3021 Citrus Circle, No. 130
Walnut Creek, California 94598

7. General Plan Designation: Tourist Resort Commercial

8. Zoning: R-3 – Residential Multi-Family and Hotel

8. Description of the Project:

The 64@Riv Project is a 64-unit condominium project that proposes to demolish the abandoned restaurant and tennis club and construct 8 buildings with 8 condominium units each, a common pool area, and a pet park on the site.

9. Surrounding Land Uses and Setting:

North – Multi-family residential (Indian Canyon Gardens condominiums)
East – Multi-family residential (Riviera Gardens condominiums)
South – Hotel (Riviera Resort Hotel)
West – Commercial uses (Michael's House treatment house and Ivy Palm Resort and Spa)

10. Other Public Agencies whose Approval is Required:

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

☐ Aesthetic/Visual	☐ Agriculture and Forest Resources	☐ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Geology and Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology and Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☒ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☒ Transportation/Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

DETERMINATION:

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.

Signature	Date
Glenn Mlaker	City of Palm Springs
Printed name	Lead Agency

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

Environmental Setting

The project site is developed with a two-story restaurant and banquet facility, with a subterranean level. The building has a clay tile combination hip roof and white stucco walls. In addition, there are nine tennis courts (eight of which are at grade and one is sunken) north and east of the existing building. Green mesh on chainlink fences obscure views into each of the tennis courts. An access entry on Indian Canyon Drive leads into a circular driveway in front of the building, with surface parking areas at the northern, southwestern, and western sections of the site and secondary entry at the northeastern corner of the site. The parking areas along Indian Canyon Drive and Via Escuela provide wide setbacks to the existing restaurant from public roadways and, together with its subterranean level, reduce the visual prominence of the building. The sunken tennis court and bleachers are also not highly visible from public views. A low wall with a wrought iron sections line the northern and western boundaries of the site, with a wrought iron fence along the eastern boundary. Exhibit 2-3, Site Photographs, shows the existing buildings and site improvements on the site.

Impact Analysis

a) Less than Significant Impact

The scenic vistas available from the project site include mountain views to the northwest (San Gorgonio Mountains), west (San Jacinto Mountains), and southwest (Santa Rosa Mountains). Development of the project would lead to the construction of structures on the site that may block the views of the surrounding mountains by residents to the north and east of the project site. However, the maximum height of the proposed structures on the site (27.75 feet) would be similar to other structures in the area and would not block views of the mountains that rise up over 10,000 feet above the valley floor. Also, public views from Indian Canyon Drive, which is a designated Scenic Corridor in the Palm Springs General Plan's Community Design Element, would still be available. The project would not obstruct mountain views, as seen along Via Escuela and Indian Canyon Drive since the proposed improvements on these streets would be limited to roadway, curb and gutter, and median improvements. Street trees along Via Escuela and Indian Canyon Drive would continue to frame these views. In addition, proposed roadway and parkway improvements would have to be made in accordance with City standards (RR 1-1). Therefore, the impact is less than significant and no mitigation is required.

b) Less than Significant Impact

Review of the California Department of Transportation (Caltrans) Scenic Highway Program shows that there are no officially designated State Scenic Highways near the site. The nearest officially designated Scenic Highway is State Route (SR) 62, which runs from Interstate (I) 10 near Desert Hot Springs north to the County line. The nearest eligible State Scenic Highway is SR-111, which extends southeasterly from I-10 to SR-74. SR-111 is roughly parallel to Indian Canyon Drive near the site, approximately 600 feet to the west of the project site at its nearest point. The project site is not visible from SR-62 or SR-111. The proposed project would not substantially damage scenic resources, including trees, rock outcroppings, and historic buildings in a state scenic highway.

The Palm Springs General Plan designates Indian Canyon Drive as an Enhanced Transportation Corridor[1] (Figure 9-1, Community Design Features), a Master Streetscape Street[2] (Figure 9-2, Special Streetscape Treatment), and a Scenic Corridor[3] (Figure 9-4, Citywide Scenic Corridors and Enhanced Landscape Streets). The Community Design Element seeks to protect mountain and desert views along Scenic Corridors and to strengthen the identity of Enhanced Transportation Corridors through consistent design details, tree plantings, and landscaping.

The project would not conflict with these designations since proposed improvements on Indian Canyon Drive would be limited to underground utility connections and a raised median along the site frontage. As indicated above, the project would not obstruct mountain views, as seen along Via Escuela and Indian Canyon Drive, and street trees would frame the views of surrounding mountains, similar to those created by existing street trees. Therefore, impacts would be less than significant and no mitigation is required.

c) Less than Significant Impact

During demolition and construction activities at the site, there would be views of construction equipment, ongoing demolition activities, short-term stockpiles of building debris, and haul trucks to remove the debris. This visual change is less than significant because of its temporary nature and because the views would be typical of construction sites.

Upon completion, the project would change the visual quality of the site from a restaurant building and tennis courts surrounded by green mesh on chainlink fences to eight buildings throughout the site, with a pool area at the center and a pet park at the southeast corner. The eight 2-story buildings would feature a Mid-Century Modern architectural style with strong vertical and horizontal planes; flat roofs and parapet walls; horizontal overhangs; and exterior staircases. The buildings would have exterior colors in shades of grey, beige, and blue, with black accents on window and door frames, railings, doors, and balcony covers.

Since visual quality is highly subjective, the City requires new development to be subject to architectural review by the City's Architectural Advisory Committee, in accordance with Section 94.04.00 of the Palm Springs Municipal Code. The project has been through this review and minor changes to the project design would ensure that and the proposed project does not result in the degradation of the visual character of the site or the project area. The project would also provide outdoor artwork or would pay in-lieu art fees in accordance with the City's public arts program. Impacts on visual quality would be less than significant and no mitigation is required.

1 Corridors that should be enhanced through the application of cohesive, yet clearly differentiated design features.
2 Major roadways that should be included in the City's master streetscape plan.
3 Key view corridors that serve as entries to the City and provide views of the mountains.

d) Less than Significant Impact

The project site is located in an area that is already subject to nighttime lighting from existing development. There are existing light poles at the parking areas and tennis courts on the site, but these lights are not currently in use.

The project would introduce new light sources into the site, including exterior building lights, internal roadway and pathway lights, and pool area and pet park lights. These light sources would be similar to existing light sources at adjacent land uses. Goal CD 11 in the Palm Springs General Plan's Community Design Element states that low lighting levels should be used to emphasize the "village" character of the community and to minimize light pollution in the Coachella Valley. Section 93.21.00 of the Palm Springs Municipal Code sets standards for outdoor lighting, including the shielding of lights (RR 1-2). Compliance with this regulation would prevent light spillover and reduce impacts to less than significant levels.

The project does not propose mirrors, metallic surfaces or glazing materials over large exterior surfaces, which have the potential to create glare from sunlight or vehicle lights and that could adversely affect adjacent land uses or pose hazards to drivers. Glazing would be limited to sliding doors and windows that would occupy limited areas of the building facades. Therefore, less than significant impacts related to glare would occur and no mitigation is required.

Regulatory Requirements

RR 1-1 Roadway and parkway improvements that are constructed as part of the project will comply with the City's design and construction standards.

RR 1-2 Outdoor lighting for the project will comply with Section 93.21.00 of the Palm Springs Municipal Code regarding lighting design and construction.

Mitigation Measures

No significant adverse impact related to aesthetics would occur; thus, no mitigation is required.

(Sources: Palm Springs General Plan, Palm Springs Municipal Code, and Caltrans Scenic Highway Program)

4.2 AGRICULTURE AND FORESTRY RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Environmental Setting

Farmland

The California Department of Conservation administers the Farmland Mapping and Monitoring Program (FMMP) pursuant to Section 65570 of the *California Government Code.* Under the FMMP, the site and the rest of the developed areas of Palm Springs are designated as Urban and Built-Up Land, which refers to land occupied by structures that have a building density of at least 1 unit to 1.5 acres or approximately 6 structures to a 10-acre parcel. This includes residential, industrial, commercial, institutional facilities, cemeteries, airports, golf *courses, sanitary landfills, and sewage treatment and water-control structures. There is no Prime* Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance near the site. The project site and the surrounding area is not subject to agricultural activities.

Forests

The nearest national forest to the site is the San Bernardino National Forest, located within the San Jacinto Mountains, approximately 1.5 miles west of the project site. The project site does not support a large number of trees to be considered timberland or forestland.

Impact Analysis

a, b, e) No Impact

The project would not convert designated Farmland or agricultural land to non-agricultural uses because there are no agricultural activities on the site. Additionally, the site is zoned R-3 (Multi-Family Residential and Hotel zone), which does not allow agricultural uses. The surrounding area is also zoned for residential and commercial uses, which do not allow agricultural uses. The project would not conflict with existing zoning for agricultural use. Since the site is not in agricultural use, it is not under a Williamson Act contract. No impact on agricultural resources would occur.

c, d) No Impact

The site does not contain native trees that are part of a forest or that may be considered timberland. No impact on timberland or forestry resources would occur with the project. Although existing trees on the site would be removed, these trees do not form a forest. No conversion of forestland or impacts on forestry resources would occur with the project, and there would be no impact on forestry resources.

Mitigation Measures

No adverse impacts related to agriculture or forestry resources would occur; therefore, no mitigation is required.

(Sources: FMMP Riverside County Important Farmland, Palm Springs Municipal Code and Zoning Map, and National Forest Locator Map)

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

Environmental Setting

The City of Palm Springs is located in the Riverside County portion of the Salton Sea Air Basin (SSAB), which, for air quality matters, is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). Both the State of California and the U.S. Environmental Protection Agency (USEPA) have established health-based Ambient Air Quality Standards (AAQS) for air pollutants, which are known as “criteria pollutants”. The AAQS are designed to protect the health and welfare of the populace within a reasonable margin of safety.

Regional air quality is defined by whether the area has attained or not attained State and federal air quality standards, as determined by air quality data from various monitoring stations. Areas that are considered to be “Nonattainment” are required to prepare plans and implement measures that will bring the region into “Attainment”. When an area has been reclassified from nonattainment to attainment for a federal standard, the status is identified as a “Maintenance” area, and there must be a plan and measures established that will keep the region in attainment for the next ten years.

The USEPA designates an area as “Unclassifiable” if, based on available information, the area cannot be classified as either meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant. For the California Air Resources Board (CARB), an “Unclassified” designation indicates that the air quality data for the area are incomplete and do not support a designation of attainment or nonattainment.

Table 4-1 summarizes the attainment status of the SSAB for the criteria pollutants.

TABLE 4-1
CRITERIA POLLUTANT DESIGNATIONS
IN THE SALTON SEA AIR BASIN

Pollutant	State	Federal
O_3 (1-hour)	Nonattainment	No Standard
O_3 (8-hour)		Marginal Nonattainment
PM10	Nonattainment	Serious Nonattainment
PM2.5	Attainment	Moderate Nonattainment
CO	Attainment	Attainment/Maintenance
NO_2	Attainment	Attainment/Maintenance
SO_2	Attainment	Attainment
Lead	Attainment	Attainment
Visibility-Reducing Particles	Unclassified*	No Standards
Sulfates	Attainment	
Hydrogen Sulfide	Unclassified*	

O_3: ozone; PM10: respirable particulate matter with a diameter of 10 microns or less; PM2.5: fine particulate matter with a diameter of 2.5 microns or less; CO: carbon monoxide; NO_2: nitrogen dioxide; SO_2: sulfur dioxide; CARB: California Air Resources Board.

* An "Unclassified" designation indicates that the air quality data for the area are incomplete and do not support a designation of attainment or nonattainment.

Source: CARB 2016b

The Palm Springs General Plan's Safety Element states that strong winds in the Palm Springs area occur due to the tunneling effect of air passing through the San Gorgonio Pass. Windblown sand and dust impacts development, air quality, and visibility in the City. Also, air quality in the City of Palm Springs is largely influenced by the transport of ozone from Los Angeles, Orange, and San Bernardino Counties, as well as from other jurisdictions in Riverside County.

Section 8.50 of the Palm Springs Municipal Code sets the City's regulations for fugitive dust control through performance standards, test methods, and dust control measures contained in the Coachella Valley Fugitive Dust Control Handbook. These measures are applicable to work practices and construction and demolition activities and serve to reduce man-made fugitive dust and associated PM10 emissions.

Impact Analysis

a) Less than Significant Impact

The SCAQMD's current air quality planning document is the 2012 Air Quality Management Plan (AQMP), which is a regional and multi-agency effort among the SCAQMD, CARB, the Southern California Association of Governments (SCAG), and the USEPA. The purpose of the AQMP is to set forth a comprehensive program that would lead the region into compliance with federal air quality standards for eight-hour O_3 and for PM2.5. The AQMP incorporates the latest scientific and technical information and planning assumptions, including the *2012–2035 Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS); updated emissions inventory methods for various source categories; and SCAG's latest growth forecasts.[4]

[4] The employment and population forecasts in the 2016–2040 SCAG RTP/SCS, approved on April 7, 2016, will provide the basis for the SCAQMD's 2016 AQMP.

The SCAQMD is currently working on the 2016 AQMP, which is tentatively scheduled for adoption by the SCAQMD Governing Board in December 2016. The 2016 AQMP will develop integrated strategies and measures to meet the following National AAQS:

- 8-hour O_3 (75 parts per billion [ppb]) by 2032
- Annual PM2.5 (12 micrograms per cubic meter [µg/m^3]) by 2021–2025
- 8-hour O_3 (80 ppb) by 2024 (updated from the 2007 and 2012 AQMPs)
- 1-hour O_3 (120 ppb) by 2023 (updated from the 2012 AQMP)
- 24-hour PM2.5 (35 µg/m^3) by 2019

Projects that are consistent with the SCAG's employment projections and population forecasts are considered consistent with the AQMP growth projections since these forecasts were used by SCAG's modeling section to forecast travel demand and air quality for planning activities such as the RTP/SCS, the AQMP, and the Regional Housing Needs Assessment. The population projection for the project is consistent with the growth projections in the City of Palm Springs General Plan and the 2016–2040 SCAG RTP/SCS, which provide the basis for the SCAQMD's 2016 AQMP. Since the project is consistent with the Palm Springs General Plan and with SCAG's 2016–2040 RTP/SCS, it will also be consistent with the SCAQMD's 2016 AQMP.

Further, as shown under Threshold 4.3(b), project emissions would be less than the SCAQMD's CEQA significance thresholds. It is therefore concluded that the proposed project would not conflict with or obstruct implementation of the 2016 AQMP. Project impact would be less than significant and no mitigation is required.

b) Less Than Significant Impact

The SCAQMD establishes significance thresholds to assess the regional impact of project-related air pollutant emissions in the SSAB. Table 4-2 summarizes the SCAQMD's mass emissions thresholds, which are presented for both long-term operational and short-term construction emissions. A project with emissions below these thresholds is considered to have a less than significant effect on air quality.

TABLE 4-2
SCAQMD CRITERIA POLLUTANT
MASS EMISSIONS SIGNIFICANCE THRESHOLDS

Criteria Pollutant	Construction	Operation*
VOC	75 pounds/day	55 pounds/day
NOx	100 pounds/day	55 pounds/day
CO	550 pounds/day	550 pounds/day
SOx	150 pounds/day	150 pounds/day
PM10	150 pounds/day	150 pounds/day
PM2.5	55 pounds/day	55 pounds/day

VOC: volatile organic compounds; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: respirable particulate matter with a diameter of 10 microns or less; PM2.5: fine particulate matter with a diameter of 2.5 microns or less.

Source: SCAQMD 2015.

Construction Emissions – Regional

Criteria pollutant emissions would occur during construction of the project, primarily from operation of construction equipment; grading and earth-moving activities, which would generate fugitive dust; export of excavated soils and debris; import of construction materials; and operation of vehicles driven to and from the site by construction workers. Emissions would vary from day to day, depending on the level of activity; the specific type of construction activity occurring; and, for fugitive dust, prevailing weather conditions.

A construction-period mass emissions inventory was compiled based on an estimate of construction equipment, as well as scheduling and project phasing assumptions. More specifically, the mass emissions analysis takes into account the following:

- Combustion emissions from operating on-site stationary and mobile construction equipment, identified as off-road equipment;
- Fugitive dust emissions from demolition, site preparation, and grading phases; and
- Mobile-source combustion emissions and fugitive dust from on-road vehicles, comprised of worker commute travel and truck travel for hauling delivery of materials to and from the project site.

Emissions were calculated using the California Emissions Estimator Model (CalEEMod) Version 2013.2.2 emissions inventory model. CalEEMod is a computer program accepted by the SCAQMD that can be used to estimate anticipated emissions associated with land development projects in California. CalEEMod has separate databases for specific counties and air districts, and the Riverside County database was used for the project.

The mass emissions thresholds (in Table 4-2 above) are based on the rate of emissions (i.e., pounds of pollutants emitted per day). Therefore, the quantity, duration, and the intensity of construction activity are important in ensuring analysis of worst case (i.e., maximum daily emissions) scenarios. The construction activities (e.g., demolition, grading, building activities) are identified by start date and duration, with each activity's associated off-road equipment (e.g., dozers, backhoes, cranes) and on-road vehicles (e.g., haul trucks, concrete trucks, worker commute vehicles).

For the purposes of estimating emissions associated with construction activities, a construction timeframe of December 2016 through January 2019 was used in the CalEEMod analysis to provide a conservative analysis. Construction hauling truck trips were estimated based on the phase duration and amount of debris and soil export.

It is anticipated that demolition of the existing building and site improvements would last approximately one month and would result in the export of approximately 2,272 tons of debris. This translates to a total of approximately 113 round trips (225 one-way trips) over the duration of the demolition phase. Soil export is estimated at approximately 836 cubic yards and grading will occur for one month in January 2017. Watering and other measures as necessary to minimize dust emissions are required by SCAQMD Rule 403, Fugitive Dust and Rule 403.1, Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources (RR 3-1) and Section 8.50.022 of the Palm Springs Municipal Code (RR 3-2). Compliance with these RRs is also consistent with policies in the Air Quality Element of the Palm Springs General Plan. Dust control is assumed in the CalEEMod analysis. Maximum daily emissions are shown in Table 4-3, Estimated Maximum Daily Construction Emissions.

TABLE 4-3
ESTIMATED MAXIMUM DAILY CONSTRUCTION EMISSIONS
(LBS/DAY)

Emissions	VOC	NOx	CO	SOx	PM10	PM2.5
Maximum daily emissions in 2016	4	47	34	<0.5	7	4
Maximum daily emissions in 2017	4	44	32	<0.5	6	4
Maximum daily emissions in 2018	1	87	11	<0.5	2	1
Maximum daily emissions in 2019	1	4	11	<0.5	2	1
SCAQMD Daily Thresholds *(Table 4-2)*	***75***	***100***	***550***	***150***	***150***	***55***
Exceeds SCAQMD Thresholds?	**No**	**No**	**No**	**No**	**No**	**No**

lbs/day: pounds per day; VOC: volatile organic compound(s); NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: respirable particulate matter with a diameter of 10 microns or less; PM2.5: fine particulate matter with a diameter of 2.5 microns or less; SCAQMD: South Coast Air Quality Management District.

Source: CalEEMod data in Appendix A.

Painting for the project would have to be performed in accordance with SCAQMD Rule 1113, Architectural Coatings (RR 3-3). The Project Developer has indicated that the project will utilize no-volatile-organic-compound (VOC) paint for exterior and interior architectural coatings.

All criteria pollutant emissions would be less than their respective thresholds. Thus, impacts would be less than significant. CalEEMod input details, including construction equipment data, are provided in Appendix A.

Construction Emissions – Local/Ambient Air Quality

The localized effects from the on-site portion of daily emissions were evaluated at receptor locations potentially impacted by the project according to the SCAQMD's localized significance threshold (LST) method, which utilizes on-site emissions rate look up tables and project-specific modeling, where appropriate (SCAQMD 2008a). LSTs are applicable to the following criteria pollutants: NO_2, CO, PM10, and PM2.5. LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest receptor. For the LST CO and NO_2 exposure analysis, receptors who could be exposed for one hour or more are considered. For the PM10 and PM2.5 exposure analysis, receptors who could be exposed for 24 hours are considered. The mass rate look-up tables were developed for each source receptor area and can be used to determine whether or not a project may generate significant adverse localized air quality impacts. The SCAQMD provides LST mass rate look-up tables for projects that are less than or equal to five acres, which means this is the appropriate method for the project. When quantifying mass emissions for localized analysis, only emissions that occur on site are considered. Consistent with the SCAQMD's LST method guidelines, emissions related to off-site delivery/haul truck activity and worker trips are not considered in the evaluation of localized impacts.

To calculate localized emissions, the most conservative thresholds, which are for a 5-acre site with receptors at a distance of 25 meters for all pollutants, were used. The maximum localized construction pollutant emissions for the project would occur during the site preparation phase in 2016. As shown in Table 4-4, localized emissions for all criteria pollutants would be less than their respective SCAQMD LSTs for all pollutants. Thus, impacts would be less than significant with no mitigation required.

TABLE 4-4
MAXIMUM LOCALIZED CONSTRUCTION POLLUTANT EMISSIONS
(LBS/DAY)

	NOx	CO	PM10	PM2.5
Maximum Daily Emissions	38	26	5	3
SCAQMD LSTs*	304	2,292	14	8
Exceeds SCAQMD Thresholds?	**No**	**No**	**No**	**No**

lbs/day: pounds per day; NOx: nitrogen oxides; CO: carbon monoxide; PM10: respirable particulate matter with a diameter of 10 microns or less; PM2.5: fine particulate matter with a diameter of 2.5 microns or less; SCAQMD: South Coast Air Quality Management District; LST: Localized Significance Threshold.

* Thresholds for Source Receptor Area 30, Coachella Valley, 5-acre site, 25-meter distance for NOx/CO; 500-meter distance for PM10/PM2.5,

Source: SCAQMD 2009.

Operational Impacts

There are three general sources of long-term operational emissions: mobile sources (i.e., vehicles), energy sources (the use of natural gas for heating and hot water), and area sources (landscape maintenance, consumer products, and periodic repainting). Operational emissions for the proposed project were calculated using the CalEEMod Version 2013.2.2 model, described above. Trip generation data were based on the Focused Traffic Analysis, completed for the project by Kunzman Associates. Per CalGreen Code requirements, the project would have to provide Electric Vehicle Charging Station (EVCS) stalls capable of supporting future electric vehicle supply equipment. However, emissions reductions for EVCS stalls are not included in the emissions calculations below because use of EVCS cannot be easily estimated, making the calculations more conservative.

Periodic repainting would, at a minimum, use low-VOC paint as required by SCAQMD Rule 1113, Architectural Coatings. The results of the calculations for operational maximum daily emissions are presented in Table 4-5. As shown, maximum daily operational emissions would be less than the SCAQMD CEQA significance thresholds, and the impact would be less than significant with mitigation. The CalEEMod modeling operational data are included in Appendix A.

TABLE 4-5
ESTIMATED MAXIMUM DAILY OPERATIONAL EMISSIONS
(LBS/DAY)

Source	VOC	NOx	CO	SOx	PM10	PM2.5
Area Source	4	<0.5	5	<0.5	<0.5	<0.5
Energy Source	0	<0.5	<0.5	<0.5	<0.5	<0.5
Mobile Source	1	4	12	<0.5	3	1
Total Project	**5**	**4**	**18**	**<0.5**	**3**	**1**
SCAQMD CEQA Significance Thresholds (Table 4-2)	***75***	***100***	***550***	***150***	***150***	***55***
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

lbs/day: pounds per day; VOC: volatile organic compounds; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: respirable particulate matter with a diameter of 10 microns or less; PM2.5: fine particulate matter with a diameter of 2.5 microns or less; SCAQMD: South Coast Air Quality Management District; CEQA: California Environmental Quality Act.

Emissions are higher of summer or winter.

Totals may not add due to rounding.

Source: CalEEMod output sheets and emissions calculation worksheets are included in Appendix A.

Local Emissions

Local Concentrations of Criteria Pollutants from On-Site Sources

The potential for significant operational local impacts from on-site sources occurs with land uses such as manufacturing or mining that generate substantial emissions. Bus stations, rail yards, and warehouse/distribution centers that have high rates of diesel engine activity are also considered potential sources of local air quality impacts. The proposed project would not generate substantial amounts of pollutants on site, nor would there be a substantial volume of diesel engine vehicle use. Therefore, local impacts from on-site sources would be less than significant.

Carbon Monoxide Hotspots

In an urban setting, vehicle exhaust is the primary source of CO. Consequently, the highest CO concentrations are generally found close to congested intersections. Under typical meteorological conditions, CO concentrations tend to decrease as the distance from the emissions source (e.g., congested intersection) increases. Therefore, for purposes of providing a conservative worst-case impact analysis, CO concentrations typically are analyzed at congested intersection locations. If impacts are less than significant close to congested intersections, impacts also would be less than significant at more distant sensitive-receptor and other locations. An initial screening procedure is provided in the *Transportation Project-Level Carbon Monoxide Protocol* (CO Protocol) to determine whether a project poses the potential to generate a CO hotspot. The key criterion is whether the project would worsen traffic congestion at signalized intersections operating at level of service (LOS) E or F. If a project poses a potential for a CO hotspot, a quantitative screening is required.

The Traffic Impact Study prepared for the project indicates that there would be no signalized intersections operating at LOS E or F with the proposed project. Therefore, there would be no potential for a CO hotspot; impacts would be less than significant and no mitigation is required.

c) Less than Significant Impact

The SSAB is a nonattainment area for O_3 and PM10. The project would generate these pollutants during construction and long-term operations. However, as shown in Tables 4-3 and 4-5, construction and operational emissions would not exceed SCAQMD significance thresholds with compliance with existing regulations.

Short-term cumulative impacts related to air quality could occur if project construction and nearby construction activities were to occur simultaneously. In particular, with respect to local impacts, cumulative construction particulate (i.e., fugitive dust) impacts are considered when projects are located within a few hundred yards of each other. There are no development projects proposed adjacent to the site, but there are several projects planned in the City one block or farther from the site. Development projects in the City would need to comply with Chapter 8.50, Fugitive Dust Control, of the Palm Springs Municipal Code (RR 3-2), and all projects in the region must comply with SCAQMD's Rules 403 and 403.1 (RR 3-1) to reduce PM10 emissions. Therefore, construction emissions of nonattainment pollutants would not be cumulatively considerable and project impacts would be less than significant.

d) Less than Significant Impact

The SCAQMD defines typical sensitive receptors as residences, schools, playgrounds, child care centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The nearest sensitive receptors to the project site are residences

adjacent to the eastern boundary of the project site and residences to the north, across Via Escuela. As described under Threshold 4.3(b) above, the project would not result in any substantial CO hotspot impacts, and construction emissions would be less than the LSTs. Therefore, the project would not expose any nearby sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant impacts and no mitigation is required.

e) Less than Significant Impact

The proposed project would not generate objectionable odors, which are generally associated with agricultural activities; landfills and transfer stations; the generation or treatment of sewage; the use or generation of chemicals; and food processing.

Construction equipment and activities may generate odors from diesel exhaust emissions, painting, and paving operations. There may be situations where construction odors would be noticeable by nearby golf-course users and other nearby individuals, but these odors would not be unfamiliar or necessarily objectionable. The odors would be temporary and would dissipate rapidly from the source with the increase in distance. Therefore, the impacts would be short term and would not be objectionable to a substantial number of people. There would be a less than significant impact and no mitigation is required.

Regulatory Requirements

RR 3-1 Project construction will comply with the South Coast Air Quality Management District's (SCAQMD's) Rule 403, Fugitive Dust, and Rule 403.1, Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources, which require the implementation of best available control measures (BACMs) for any activity or man-made condition capable of generating fugitive dust including, but not limited to, earth-moving activities; construction/demolition activities; disturbed surface area; or heavy- and light-duty vehicular movement. The BACMs include incorporating soil stabilization measures; watering surface soils and crushed materials; covering hauls or providing freeboard; preventing track-out; limiting vehicle speeds; and installing wind barriers, among others.

RR 3-2 Project construction will comply with Chapter 8.50 of the Palm Springs Municipal Code, which requires preparation of a Dust Control Plan in accordance with the provisions of the Coachella Valley Fugitive Dust Control Handbook. The Dust Control Plan will include measures to be implemented during construction and demolition activities necessary to reduce man-made fugitive dust and corresponding emissions of respirable particulate matter with a diameter of 10 microns or less.

RR 3-3 Construction painting will comply with the applicable regulatory requirements established by the South Coast Air Quality Management District (SCAQMD), including but not limited to Rule 1113 (Architectural Coatings).

Mitigation Measures

No significant adverse impact related to aesthetics would occur; thus, no mitigation is required.

(Sources: Palm Springs General Plan, Palm Springs Municipal Code, SCAQMD 2016 AQMP, SCAQMD LST Method, SCAQMD Air Quality Significance Thresholds, CalEEMod Version 2013.2.2, SCAG 2016–2040 RTP/SCS, Focused Traffic Analysis, Transportation Project-Level Carbon Monoxide Protocol, and SCAQMD Rules).

4.4 BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modification, 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 Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Environmental Setting

On-site vegetation includes ornamental landscaping plant species, including California fan palm trees (*Washingtonia filifera*), bougainvillea (*bougainvillea sp.)* shrubs, jacaranda (*Jacaranda mimosifolia*) and olive (*Olea europaea*) trees, and turf grass. There are also scattered tree stumps and dead trees throughout the site. Although no wildlife species were observed on the project site, there is potential for common animal species typically found in urban areas to be present, such as small mammals, birds, small reptiles, and insects. The project site is surrounded by development that also supports ornamental vegetation.

Impact Analysis

a) No Impact

The project site is not located within any designated critical habitat for federally or State-listed Threatened or Endangered species. The site is within a developed area and surrounded by streets and urban land uses (i.e., residential, commercial, and hotel uses). The majority of the site is built-over or paved and there is no natural or sensitive vegetation or habitat on site. Existing vegetation on the project site and along parkways is limited to California fan palm trees,

bougainvillea, jacaranda and olive trees, and turf grass. Redevelopment of the site and construction of the project would not impact any Candidate, Sensitive, or Special Status plant or animal species. There would be no impact and no mitigation is required.

b, c) No Impact

There are no open bodies or water, ponds, or riparian areas on or near the site. Figure 5-4, Water Resources, of the Palm Springs General Plan shows that there are no creeks or channels near the site. Therefore, the project would have no impact on riparian habitat. No wetland resources, as defined by Section 404 of the Clean Water Act, are present on or near the site. Therefore, there would be no impact on wetlands.

d) Less than Significant Impact with Mitigation

The project area is urbanized and the project site is fenced and is not used for wildlife movement. The Palm Springs General Plan discusses wildlife corridors in the San Gorgonio Pass (northwestern section of the City), Whitewater River, and the canyons and washes in the Santa Rosa and San Jacinto Mountains. The site is not located near these corridors.

Due to the presence of several trees and shrubs on the project site, there is the potential for birds protected by the federal Migratory Bird Treaty Act (MBTA) to nest at the site. The MBTA makes it illegal to take, possess, buy, sell, purchase, or barter any migratory bird listed in the *Code of Federal Regulations* (50 CFR 10), including feathers, nests, eggs, or other avian products. The MBTA also protects the active nests of all bird species, including common species.

Trees and vegetation on the project site would be removed during the demolition phase of the project. These activities could disturb nesting birds and destroy their eggs and/or nests. To prevent impacts to nesting birds and their eggs and nests, vegetation removal should occur during the non-nesting bird season. If vegetation removal occurs during the nesting season, project activities could impact an active nest. To reduce this potential impact, MM 4-1 requires a pre-construction survey for nesting birds and describes the methods for managing any active nest sites, if encountered. Implementation of MM 4-1 would reduce potential impacts related to nesting birds to a less than significant level.

Bats occur throughout most of Southern California and may use the site as foraging habitat during the breeding season. Most of the bats that could potentially occur on the site are inactive during the winter because, depending on the species, they either hibernate or migrate to off-site locations. Bat maternity roosts (where bats give birth and nurse their young) of any species may be considered native wildlife nursery sites. Common bat species form maternity colonies in places such as crevices of old snags, crevices of trees, bridges, and buildings. Impacts to such breeding colonies could potentially cause a decline in regional population. However, the Tribal Habitat Conservation Plan of the Agua Caliente Band of Cahuilla Indians covers impacts to the Southern yellow bat.

Thus, while demolition activities on the site may result in the removal/disturbance of potentially occupied bat maternity roosts, construction-related impacts would be considered less than significant with compliance with the Tribal Habitat Conservation Plan, as discussed below.

e) No Impact

The site is developed and does not support natural vegetation areas. Figure 5-2, Biological Sensitivity and Conservation Areas, included in the Palm Springs General Plan's Recreation, Open Space and Conservation Element, shows that the site is not located in a Biological

Sensitivity Area or a designated Conservation Area. The City of Palm Springs does not have a tree preservation ordinance, but has a Legacy Tree Adoption Program. The trees on the parkways near the site are included in the "tree projects and urban forests" identified under this program. Chapter 11.36 of the Palm Springs Municipal Code prohibits the harming or killing of wildlife in the City. The project would comply with this ordinance through MM 4-1. Thus, the project would not conflict with policies or ordinances protecting biological resources or a tree preservation policy or ordinance. No impact related to local policies would occur and no mitigation is required.

f) No Impact

The site is within the planning area for the Tribal Habitat Conservation Plan of the Agua Caliente Band of Cahuilla Indians. This habitat conservation plan was designed to ensure the conservation and long-term protection of biological resource areas within Reservation lands. Under the Tribal Habitat Conservation Plan, the wildlife agencies (i.e., the USFWS and the CDFW) would grant "Take Authorization" for otherwise lawful actions.

The project site is not located within a designated Habitat Preserve of the Tribal Habitat Conservation Plan. Thus, development of the project would not conflict with the habitat conservation plan, but the Project Developer would have to pay the established mitigation fee (RR 4-1). No conflict with the Tribal Habitat Conservation Plan would occur with the project.

Regulatory Requirements

RR 4-1 In accordance with the Tribal Habitat Conservation Plan, the Project Developer will pay the Agua Caliente Band of Cahuilla Indians the applicable mitigation fee prior to the issuance of the building permit for the project. This requirement will be part of the Conditions of Approval for the project.

Mitigation Measures

MM 4-1 Prior to the approval of the Grading Plan, the City's Planning Department shall verify that the following note is included on the contractor specifications to ensure compliance with the Migratory Bird Treaty Act (MBTA):

> To avoid impacts on nesting birds, vegetation on the project site should be cleared outside the bird nesting season. If vegetation clearing will occur during the peak nesting season, a pre-construction survey shall be conducted by a qualified Biologist to identify if there are any active nesting locations. If the Biologist does not find any active nests in the impact area, then vegetation clearing and construction work will be allowed. If the Biologist finds an active nest in the construction area and determines that the nest may be impacted by construction activities, the Biologist shall delineate an appropriate buffer zone around the nest depending on the species and the type of construction activity. Construction activities shall be prohibited in the buffer zone until a qualified Biologist determines that the nest has been abandoned.

With compliance with RR 4-1 and implementation of MM 4-1, impacts to nesting birds would be less than significant after mitigation.

(Sources: USFWS Designated Critical Habitat for Threatened and Endangered Species, Palm Springs General Plan, Tribal Habitat Conservation Plan, and Palm Springs Municipal Code)

4.5 CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

A Phase I Cultural Resources Inventory was completed by Psomas in September 2016 and the findings of this report are summarized below. The report is provided in Appendix B.

Environmental Setting

The Coachella Valley was the traditional territory of the Cahuilla Indians. The Cahuilla first came into direct contact with Europeans as Spanish explorers passed through their territory in the late 1700s. During the Mexican Period (1821-1848), the mission lands came under the control of a relatively few influential Mexican families. During the American Period (1848-present), California became a state and was divided into 21 original counties. Riverside County was formed in 1893, using areas previously allocated to the original San Diego County in 1850 and San Bernardino County in 1853.

The Southern Pacific Railroad completed its rail line through the desert to the Pacific Ocean in 1877. John Guthrie McCallum settled in the Palm Springs area (an oasis of palm trees and springs) in 1884 and, with the assistance of local Indians, built a ditch from the Whitewater River into Palm Springs. Development came in the form of new housing and businesses through the years as more people came to the area.

Impact Analysis

a) No Impact

The existing structure on the site is not listed in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL), California Points of Historical Interest (CPHI), or Historical Landmarks of Riverside County.

The City of Palm Springs has a Historic Preservation Ordinance that seeks to preserve specific sites and buildings that reflect elements of its cultural, social, economic, political, architectural, and archaeological history and includes a Historic Resources Inventory, which the Historic Site Preservation Board maintains and updates through nominations, monitoring, and development reviews. The City has not designated the site as a historic site or as part of a historic district in its list of Class 1 and Class 2 Historic Sites and Historic Districts.

The site was part of the Riviera Resort Hotel that was built in the early 1970s but was not in an area that was developed with structures. Thus, the existing restaurant structure and tennis courts

at the site are less than 50 years old. However, Sonny Bono operated the restaurant on the site from 1985 to 1991. His prominence in the entertainment and political arenas may have provided historical significance to the property and the Phase I Cultural Resources Inventory recommends that the property be evaluated in light of its relationship to Sonny Bono and the role the restaurant played in his professional and political career.

The City of Palm Springs in 2014 amended the Municipal Code, Chapter 8.05 Historic Preservation to change the age of buildings eligible for a six-month stay of demolition for any structure built before 1969. These properties are considered a Class 3 site and require action by the Historic Site Preservation Board (HSPB) before demolition of a building can occur. The subject restaurant building was built in the late 1970's and is not considered as a Class 3 site and will not rise to the level for further HSPB review.

Demolition of the existing structures would not result in a significant adverse impact on historical resources. No impact would occur.

b) Less than Significant Impact With Mitigation

The Palm Springs General Plan states that the site is located in the general area of known historic archaeological sites (Figure 5-6, Cultural Resources: Historic Archaeology, in the Recreation, Open Space and Conservation Element). However, the site is not likely to contain prehistoric resources (Figure 5-5, Cultural Resources: Prehistoric, in the Recreation, Open Space and Conservation Element).

The Eastern Information Center (EIC) provided a records search and literature review on August 30, 2016. The results of the EIC records search indicate that at least eight cultural resources studies have been conducted within a ½-mile radius of the property, but none pertained to the property, with an additional five general overview studies of cultural resources in the area. The records search also show two historic sites have been recorded within a ¼-mile radius of the property but neither is located on the property.

However, the presence of subsurface archaeological resources is a possibility in areas where visibility is limited by buildings or other ground cover. Disturbance or destruction of these resources may occur during demolition, excavation and construction activities. MM 5-1 requires that, if potential archaeological evidence (e.g., stone artifacts, dark ashy soils or burned rocks, old glass, metal, ceramic materials, or structural foundations) is discovered during construction-related ground disturbances, work in that location shall be diverted and a qualified Archaeologist shall be contacted immediately to evaluate the find. The Project Developer shall then be notified if the materials are believed to be potentially significant, and the Archaeologist may recommend further study.

Implementation of MM 5-1 would reduce potentially significant adverse impacts on undiscovered archaeological resources that may be disturbed during project construction. Impacts would be less than significant after mitigation.

c) Less than Significant Impact With Mitigation

The Los Angeles County Museum of Natural History (LACMNH) provided a paleontological records search on September 14, 2016. No paleontological localities are known to be present in or near the site. The closest vertebrate fossil locality in older Quaternary deposits is LACM 1269, east-northeast of the site near Edom Hill on the southeastern side of Seven Palms Valley; this site produced a fossil specimen of horse, *Equus*.

The project area is underlain by younger Quaternary alluvium, derived either as alluvial fan deposits from the Chino Canyon Drainage or as fluvial deposits from the Whitewater River. These younger Quaternary deposits are unlikely to contain significant vertebrate fossils in the uppermost layers. The older Quaternary fine-grained deposits may occur at relatively shallow depth in the area and deeper excavations that extend into older sedimentary deposits may encounter significant fossil vertebrate remains.

Thus, excavations during construction of the proposed project may impact underlying paleontological resources. MM 5-1 requires that, in the event of an unanticipated discovery of prehistoric archaeological and paleontological resources, a qualified Archaeologist and/or Paleontologist shall be contacted to examine and evaluate the discovery. Implementation of MM 5-1 would ensure that significant paleontological resources are not inadvertently disturbed or destroyed during ground disturbance. Impacts would be less than significant after mitigation.

d) Less than Significant Impact

The record searches and site visits did not provide any indication that human remains are present on or near the site. However, should grading and excavation activities for construction of the project unearth unknown human remains or unknown burials, compliance with existing regulatory requirements under the *California Health and Safety Code* and the *California Public Resources Code,* as discussed under RR 5-1 below, would be required. This RR will ensure that potential impacts to human remains would be less than significant.

Regulatory Requirements

RR 5-1 In accordance with Section 7050.5 of the *California Health and Safety Code,* if human remains are encountered during excavation activities, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent remains will occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains.

If the County Coroner determines that the remains are or are believed to be Native American, s/he shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Section 5097.98 of the *California Public Resources Code,* the NAHC will immediately notify the persons it believes to be the most likely descendant (MLD) of the deceased Native American. The descendants will complete their inspection and make a recommendation within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the City and the Developer, the disposition of the human remains. The MLD's recommendation will be followed if feasible, and may include scientific removal and non-destructive analysis of the human remains and any items associated with Native American burials. If the Project Developer rejects the MLD's recommendations, the developer will rebury the remains with appropriate dignity on the property in a location that will not be subject to further subsurface disturbance (*California Code of Regulations,* Title 14, Section 15064.5[e]).

Mitigation Measure

MM 5-1 In the event of an unanticipated discovery of historic or prehistoric archaeological and paleontological resources, a qualified Archaeologist and/or Paleontologist shall be contacted and given the opportunity to examine and evaluate the discovery. The Archaeologist/Paleontologist shall first determine whether an archaeological resource uncovered during construction is a unique archaeological resource pursuant to Section 21083.2(g) of the *California Public Resources Code* or a historical resource pursuant to Section 15064.5(a) of the State CEQA Guidelines. If the discovered resource is determined to be a unique archaeological or paleontological resource or a historical resource, the Archaeologist shall formulate a Mitigation Plan in consultation with the City of Palm Springs that satisfies the requirements of the above-listed regulations.

The Mitigation Plan can include, but is not necessarily limited to, excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions for adequately recovering the scientifically consequential information from and about the resource (see *California Code of Regulations,* Title 4[3], Section 15126.4[b][3][C]). The data recovery plan shall be prepared prior to any excavation and shall include provisions for sharing of information with interested Tribes. The data recovery plan shall employ standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the cultural site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered cultural materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered materials.

The data recovery plan shall be implemented and the results of the data recovery plan shall be deposited with the regional California Historical Resources Information Center (CHRIS) repository.

With compliance with RR 5-1 and the implementation of MM 5-1, impacts on cultural resources would be less than significant after mitigation.

(Sources: Palm Springs General Plan, Palm Springs Municipal Code, List of Class 1 and Class 2 Historic Sites and Historic Districts, and Phase 1 Cultural Resources Inventory)

4.6 GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation	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.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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 onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Environmental Setting

Regional Geology

The project site is located in the City of Palm Springs, which lies within the Coachella Valley in the northern portion of the Colorado Desert Geomorphic Province. The Coachella Valley is bound by the Santa Rosa and San Jacinto Mountains on the southwest, by the San Bernardino Mountains on the north, and by the Little San Bernardino Mountains on the northeast and east, where the San Andreas Fault cuts through.

Local Geology

The City of Palm Springs is located at the base of the San Jacinto and Santa Rosa Mountains, southeast of the San Gorgonio Pass. The City is relatively flat with a slight slope from the northwest to the southeast.

The Palm Springs General Plan's Safety Element shows that the site is underlain by Older Alluvial gravel and sand (Figure 6-3, Geologic Map) and is not susceptible to landsliding (Figure 6-2, Landslide Susceptibility). In addition, the site is in an area that has Low Liquefaction Susceptibility (Figure 6-1, Seismic Hazards) and is in the High Wind Erodibility Zone (Figure 6-4, Wind Hazard Zones).

Impact Analysis

a)(i) No Impact

There are several earthquake faults in and the near the City of Palm Springs, as shown in Figure 6-1, Seismic Hazards, of the Palm Springs General Plan's Safety Element. There are five earthquake faults that extend into the City and that have the potential to generate surface rupture or ground deformation: the South Pass Fault, the Palm Canyon Fault, the Deep Canyon Fault, the Banning Fault, and the Garnet Hills Fault. These faults are not located on or near the site. The nearest fault is the Palm Canyon Fault, which runs in a north-south direction and is located southwest of the site (Figure 6-1, Seismic Hazards). Since there is no known earthquake fault through the site, the project will not be subject to surface rupture hazards associated with an earthquake event. No impact related to surface rupture would occur.

a)(ii) Less Than Significant Impact

Earthquake events along earthquake faults in the Coachella Valley could cause major ground shaking at the site. In addition, other earthquakes in the Southern California region would also cause moderate to strong ground shaking at the site.

Strong ground shaking would affect the stability and structural integrity of the proposed structures and infrastructure on the site, with a potential for property damage and personal injury. However, the project site has been previously developed with habitable structures, which demonstrates the geotechnical feasibility of development on the property. The project would be constructed in compliance with pertinent provisions of the California Building Code (CBC), as adopted by the City (RR 6-1) to ensure the structural stability of project structures. The project would also have to be constructed in accordance with the recommendations of the Geotechnical Investigation for the project (RR 6-2) to account for seismic hazards on site. Compliance with these RRs would prevent damage to the proposed structures and infrastructure from strong seismic ground shaking. Impacts related to ground shaking would be less than significant.

a)(iii) No Impact

Liquefaction refers to the transformation of soils into a liquid state due to vibration in the presence of water. It tends to occur in areas with shallow groundwater (within 50 feet of the surface) and where the soils are composed of loosely compacted granular materials. Liquefaction can lead to the loss of soil bearing strength, ground settlement, or subsidence of the soil; can result in damage to foundations and settlement of aboveground structures; and, in some cases, can uplift buried structures (e.g., pipelines).

The Coachella Valley Final Water Management Plan indicates groundwater levels in the Palm Springs area historically ranged from 175 to 250 feet above mean sea level (msl). With the on-site elevation at approximately 580 feet above msl, groundwater would be 330 feet or more below the surface. Thus, liquefaction hazards are not expected on the site. The Palm Springs General Plan's Safety Element shows that the site is located in an area that has Low Liquefaction Susceptibility (Figure 6-1, Seismic Hazards). Thus, the project would not be exposed to liquefaction hazards.

Compliance with pertinent provisions of the California Building Code, as adopted by the City (RR 6-1), and the recommendations of the geotechnical assessment (RR 6-2), would reduce hazards associated with local soil settlement. No impacts would occur.

a)(iv) No Impact

The site is relatively flat and no major slopes would be created by the project. The Palm Springs General Plan's Safety Element shows that the site is not susceptible to landsliding (Figure 6-2, Landslide Susceptibility). Proposed slopes on the site would be minor and would not pose landslide hazards. Therefore, no impacts from landslides would occur.

b) Less Than Significant Impact

The project site is largely paved and thus, there is no erosion of on-site soils. The Palm Springs General Plan shows that the site is located in the High Wind Erodibility Zone (Figure 6-4, Wind Hazard Zones, of the Safety Element) and within the Blowsand Hazard Zone (Figure 7-1, Blowsand Areas, in the Air Quality Element).

In the short term, ground disturbance associated with construction of the project may lead to the erosion of exposed soils. However, dust control measures (RR 3-1) and erosion-control and sediment-control Best Management Practices (BMPs) would be implemented as part of the Storm Water Pollution Prevention Plan (SWPPP) during construction of the project (RR 9-1). This would limit wind and water erosion during construction activities.

In the long term, the site would remain largely paved but there would be an increase in the amount of pervious area on the site, where landscaped areas and the pet park are proposed. However, these areas would be covered with boulders, stone rubble, and decomposed granite and would not be subject to wind or water erosion. Compliance with RR 3-1 and RR 9-1 during construction would ensure impacts related to erosion would be less than significant and no mitigation is required.

c) Less Than Significant Impact

As indicated above, the site does not have liquefaction or landslide hazards. The potential for other geologic hazards (e.g., lateral spreading, subsidence, or collapse) would be specific to soil characteristics at the site. As required under RR 6-2, a Geotechnical Investigation would need to be prepared for the project and the recommendations of the Geotechnical Investigation would need to be incorporated into the structural design of the project.

Since the project would be built to current engineering standards (RR 6-1 and RR 6-2), it would not expose future residents to geologic hazards, and compliance with RR 6-1 and RR 6-2 and would ensure the structural integrity of proposed structures, infrastructure, and site improvements. Impacts would be less than significant.

d) Less Than Significant Impact

The site is underlain by Myonna fine sand, which has low linear extensibility (shrink-swell) potential. Compliance with RR 6-1 and RR 6-2 would ensure that the engineering design and construction of the project account for site-specific soil conditions, including soil expansion potential. Thus, impacts would be less than significant.

e) No Impact

The project site is served by the public sewer system, and the project would connect to existing sewer lines in Indian Canyon Drive. The proposed project would not utilize on-site septic tanks or alternative wastewater disposal systems. Therefore, any limitations for supporting septic tanks or alternative wastewater disposal systems posed by the on-site soils would not constrain the proposed project or pose hazards to the project. No impact would occur.

Regulatory Requirements

RR 6-1 Project design and construction will comply with Part 2 of Title 24 of the *California Code of Regulations* (California Building Code), as adopted into the Palm Springs Municipal Code, which provides building standards for construction, alteration, moving, demolition, repair, maintenance, and use of all buildings or structures.

RR 6-2 In compliance with the California Building Code and Policy SA1.2 of the Palm Springs General Plan, a project-specific Geotechnical Investigation will be conducted to identify geologic and seismic hazards where structural elements and structures would be constructed and to provide detailed geotechnical design parameters, safety factors, and recommendations to be incorporated into the project plans. The recommendations of the Geotechnical Investigation will be used in the engineering design and construction of proposed structures and infrastructure.

(Sources: Palm Springs General Plan, Coachella Valley Final Water Management Plan, and USDA Web Soil Survey)

4.7 GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Environmental Setting

Climate change refers to any significant change in climate, such as the average temperature, precipitation or wind patterns, over a period of time. Climate change may result from natural factors, natural processes, and human activities that change the composition of the atmosphere and alter the surface and features of the land. Significant changes in global climate patterns have been associated with global warming, which is an average increase in the temperature of the atmosphere near the Earth's surface. This is attributed to an accumulation of greenhouse gas (GHG) emissions as GHGs trap heat in the atmosphere which, in turn, increases the Earth's surface temperature. Some GHGs occur naturally and are emitted into the atmosphere through natural processes, while others are created and emitted solely through human activities.

GHGs, as defined under California's AB 32, include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). General discussions on climate change often include water vapor, atmospheric ozone, and aerosols in the GHG category. Water vapor and atmospheric ozone are not gases that are formed directly in the construction or operation of development projects, nor can they be controlled in these projects. Aerosols are not gases. While these elements have a role in climate change, they are not considered by regulatory bodies (such as CARB) or climate change groups (such as the California Climate Action Registry) as gases to be reported or analyzed for regulation. Therefore, no further discussion of water vapor, atmospheric ozone, or aerosols is provided below.

GHGs vary widely in the power of their climatic effects; therefore, climate scientists have established a unit called global warming potential (GWP). The GWP of a gas is a measure of both potency and lifespan in the atmosphere as compared to CO_2. For example, since CH_4 and N_2O are approximately 25 and 298 times more powerful than CO_2, respectively, in their ability to trap heat in the atmosphere, they have GWPs of 25 and 298, respectively (CO_2 has a GWP of 1).[5] Carbon dioxide equivalent (CO_2e) is a quantity that enables all GHG emissions to be considered as a group despite their varying GWPs. The GWP of each GHG is multiplied by the prevalence of that gas to produce CO_2e.

Table 4-6 shows the magnitude of GHG emissions on the global, national, State, and regional scales.[6]

[5] The CalEEMod 2013 uses defaults for the GWPs of CH4 and N2O as 21 and 310, respectively, for calculating GHG emissions.

[6] GHG emissions for project-level analyses are commonly expressed in metric tons of carbon dioxide equivalent ($MTCO_2e$). Larger quantities of emissions, such as on the State or world scale, as shown in Table 4-6, are expressed in million metric tons of carbon dioxide equivalent ($MMTCO_2e$). (Metric tons may also be stated as "tonnes").

TABLE 4-6
COMPARISON OF WORLDWIDE GHG EMISSIONS

Area and Data Year	Annual GHG Emissions ($MMTCO_2e$)
World (2012)	46,049
United States (2014)	6,870
California (2012)	459
Riverside County (2011)	18
City of Palm Springs (2010)	0.4
$MMTCO_2e$: million metric tons of carbon dioxide equivalent; GHG: greenhouse gas Source: WRI 2014, USEPA 2016, CARB 2014, SCAG 2011	

Existing Emissions

The site is currently developed with tennis courts and a restaurant building. However, these are not in use; therefore, there no existing GHG emissions from the site.

Impact Analysis

a) Less than Significant Impact

It is very unlikely that any individual development project would have GHG emissions of a magnitude to directly impact global climate change; therefore, there would be no direct project GHG emissions impact and any impact would be considered on a cumulative basis.

Construction

Construction GHG emissions are generated by vehicle engine exhaust from construction equipment, on-road hauling trucks, vendor trips, and worker commuting trips. Construction GHG emissions were calculated concurrently with air quality criteria pollutant emissions by using CalEEMod Version 2013.2.2 and the project information described in Section 4.3, Air Quality.

Input details are provided in Appendix A. The results are output in $MTCO_2e$ for each year of construction. The estimated construction GHG emissions for the project are provided in Table 4-7.

TABLE 4-7
ESTIMATED ANNUAL GREENHOUSE GAS EMISSIONS FROM CONSTRUCTION

Year	Emissions ($MTCO_2e$)
2016	27
2017	263
2018	207
2019	22
Total	**519**
Annual Emissions*	**17**
$MTCO_2e$: metric tons of carbon dioxide equivalent * Combined total amortized over 30 years Source: CalEEMod data in Appendix A	

GHG emissions generated from construction activities are finite and occur for a relatively short-term period. Unlike the numerous opportunities available to reduce a project's long-term GHG emissions through design features, operational restrictions, use of green-building materials and other methods, GHG emissions-reduction measures for construction equipment are relatively limited. Therefore, SCAQMD staff recommended that construction emissions be amortized over a 30-year project lifetime, so that GHG reduction measures will address construction GHG emissions as part of the operational GHG reduction strategies. As shown in Table 4-7, Estimated Annual Greenhouse Gas Emissions from Construction, the 30-year amortized construction emissions would be 17 $MTCO_2e$/yr.

Operations

Operational GHG emissions for the project are estimated by including purchased electricity; natural gas use for space and water heating; the electricity embodied in water consumption; the energy associated with solid waste disposal; and mobile source emissions. CalEEMod incorporates local energy emission factors and mitigation measures based on the California Air Pollution Control Officers Association's (CAPCOA's) publication *Quantifying Greenhouse Gas Mitigation Measures* and the *California Climate Action Registry General Reporting Protocol*.

The results of the calculations are shown in Table 4-8. Mobile source emissions are based on the trip generation included in the traffic study for the project. CalEEMod data sheets are included in Appendix A of this IS/MND. The total operational GHG emissions of the project are estimated at 543 $MTCO_2e$/yr.

TABLE 4-8
ESTIMATED ANNUAL OPERATIONAL
GREENHOUSE GAS EMISSIONS

Emissions Source	Emissions $MTCO_2e$
Area	1
Energy	126
Mobile	388
Waste	9
Water	19
Total	**543**

$MTCO_2e$: metric tons of carbon dioxide equivalent
Totals may not add due to rounding variances.

As described above, construction and operational GHG emissions are combined by amortizing the construction operations over a 30-year period. As shown in Table 4-9, with consideration of amortized construction emissions, the total annual estimated GHG emissions from the proposed project are 560 MTCO2e/yr.

TABLE 4-9
ESTIMATED TOTAL ANNUAL GREENHOUSE GAS EMISSIONS

Source	Emissions ($MTCO_2e$/yr)
Construction (amortized) (from Table 4-8)	17
Operations (from Table 4-9)	543
Total	***560***
$MTCO_2e$/yr: metric tons of carbon dioxide equivalent per year	

Neither the City of Palm Springs nor the SCAQMD has adopted a quantitative GHG emissions significance criterion to date. Beginning in April 2008, the SCAQMD convened a Working Group to provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents. On December 5, 2008, the SCAQMD Governing Board adopted its staff proposal for an interim CEQA GHG significance threshold of 10,000 metric tons of CO_2 equivalent per year ($MTCO_2e$/yr) for projects where the SCAQMD is the lead agency. In September 2010, the Working Group presented a revised tiered approach to determining GHG significance for residential and commercial projects wherein Tier 1 determines if a project qualifies for an applicable CEQA exemption; Tier 2 determines consistency with GHG reduction plans; and Tier 3 proposes a numerical screening value as a threshold. At their September 28, 2010, meeting, the Working Group suggested a Tier 3 threshold of 3,000 metric tons of carbon dioxide equivalent ($MTCO_2e$) per year for all land use types. As of October 2016, this approach/proposal has not been considered or approved for use by the SCAQMD Board.

Because the project's GHG emissions would be less than 3,000 $MTCO_2e$/yr, these emissions would not be cumulatively considerable. Therefore, the proposed project would result in less than significant impacts related to GHG emissions and no mitigation is required.

b) No Impact

On June 1, 2005, Executive Order (EO) S-3-05 proclaimed that California is vulnerable to the impacts of climate change and called for a reduction in GHG emissions to the year 2000 level by 2010, to year 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

AB 32, the California Global Warming Solutions Act of 2006, recognizes that California is the source of substantial amounts of GHG emissions. In order to avert the consequences of global warming, AB 32 establishes a State goal of reducing GHG emissions to 1990 levels by the year 2020, which is a reduction of approximately 16 percent from forecasted emission levels, with further reductions to follow. In an effort to help achieve this reduction, on November 17, 2008, Governor Arnold Schwarzenegger signed EO S-14-08, raising California's renewable energy goals to 33 percent by 2020. On April 29, 2015, Governor Edmund Brown signed EO B-30-15, which states, "A new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 is established in order to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050". The five key goals for reducing GHG emissions through 2030 include (1) increasing renewable electricity to 50 percent; (2) doubling the energy efficiency savings achieved in existing buildings and making heating fuels cleaner; (3) reducing petroleum use in cars and trucks by up to 50 percent; (4) reducing emissions of short-lived climate pollutants; and (5) managing farms, rangelands, forests, and wetlands to increasingly store carbon. EO B-30-15 also directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent.

On September 8, 2016, the Governor signed Senate Bill (SB) 32 to codify the GHG reduction goals of EO B-30-15, requiring the State to reduce GHG emissions by 40 percent below 1990 levels by 2030. AB 197 was signed at the same time and will make sure that the SB 32 goals are met by requiring CARB to provide annual reports of GHGs, criteria pollutants, and TACs by facility, City and subcounty level, and sector for stationary sources and at the County level for mobile sources.

SB 350, signed October 7, 2015, is the Clean Energy and Pollution Reduction Act of 2015. SB 350 implements some of the goals of EO B-30-15. The objectives of SB 350 are as follows:

(1) To increase, from 33 percent to 50 percent, the procurement of our electricity from renewable sources.

(2) To double the energy efficiency savings in electricity and natural gas final end uses of retail customers through energy efficiency and conservation (California Legislative Information 2015).

SB 350 sets a December 31, 2030, target for 50 percent of electricity to be generated from renewable sources.

The City of Palm Springs has a Climate Action Plan (CAP) that provides a framework for reducing GHG emissions citywide and managing resources to best prepare for a changing climate. The CAP recommends GHG emissions targets that are consistent with the reduction targets of the State of California and presents strategies that will make it possible for the City to meet the recommended targets. The CAP also suggests best practices for implementation and makes recommendations for measuring progress. However, the CAP does not set a threshold for GHG emissions for development projects. No specific requirements for new development are detailed in the CAP. Therefore, the use of SCAQMD's Tier 3 threshold is used for the project because this threshold is based on the best available information and data at the time this document was prepared. The development of CEQA project-level thresholds is an ongoing effort at the State and regional levels, and significance thresholds may differ for future projects based on new or additional data and information that may be available at that time for consideration.

As discussed under Threshold 4.7(a) above, the project's construction and operational GHG emissions would be very small when compared to SCAQMD screening thresholds. Therefore, the project does not conflict with plans and regulations for GHG emission reductions.

SB 375, signed in September 2008 (Chapter 728, Statutes of 2008), aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocations. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt an Sustainable Communities Strategy (SCS) or alternative planning strategy (APS) that will address land use allocation in that MPO's Regional Transportation Plan (RTP). The principles of SB 375 are incorporated in SCAG's 2016–2040 RTP/SCS. As discussed under Threshold 4.3(a), the project would not conflict with the goals of the 2016–2040 RTP/SCS.

The regulations, plans, and polices adopted for the purpose of reducing GHG emissions that are directly applicable to the project include the Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (RR 7-1) and the Title 24 California Green Building Standards Code (RR 7-2). These codes are enforced by the City, and adherence to standard requirements for construction and operations would ensure that the proposed project would comply with both of these regulations. As previously discussed, the GHG emissions from the project would be much less than SCAQMD's recommended significance threshold for development projects. Therefore,

implementation of the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. There would be no impact.

Regulatory Requirements

RR 7-1 Design and construction of the proposed project will comply with the Title 24 Energy Efficiency Standards. These standards prescribe required energy efficient measures, including ventilation, insulation, and construction and the use of energy-saving appliances, heating, ventilation and air conditioning systems, water heating, and lighting.

RR 7-2 Design and construction of the proposed project will comply with the Title 24 Green Building Standards (CalGreen Code). These standards prescribe measures for water conservation, building commissioning, clean vehicle parking, and solid waste recycling, among others.

(Sources: Palm Springs Climate Action Plan, CAPCOA's Quantifying Greenhouse Gas Mitigation Measures, SCAG's 2016–2040 RTP/SCS and EIR, USEPA Greenhouse Gas Inventory Report, WRI Climate Analysis Indicators Tool, CARB California Greenhouse Gas Inventory for 2000–2012, Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document, California Climate Action Registry, and SCAQMD Greenhouse Gas CEQA Significance Threshold Stakeholder Working Group #15, Board Meeting Agenda 31).

4.8 HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation	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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter-mile of an existing or proposed school?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Environmental Setting

Environmental Data Resources (EDR) conducted a record search of federal, state, and local databases for the site and surrounding area. The EDR search did not identify the project site in any of the databases. There is a Mobil gas station at 1708 Palm Canyon Drive that is listed in the database of Leaking Underground Storage Tanks (LUST), , but the case has since been closed. This gas station is located southwest and downgradient from the site.

The site is developed with a restaurant building and tennis courts, which are not in use. Thus, no hazardous materials handling, use, disposal, or transport currently occurs at or from the site. However, the existing structures may contain asbestos-containing materials (ACM) and lead-based paint (LBP).

Based on the National Pipeline Mapping System, there is no major pipeline that conveys hazardous materials near the site. The nearest hazardous liquid transmission pipeline to the site is a natural gas transmission pipeline owned by Southern California Gas that extends south onto Gene Autry Drive and then west onto Vista Chino and ends at the northern end of the Palm Springs International Airport. This pipeline is approximately 1.2 miles southeast of the site.

Impact Analysis

a) Less Than Significant Impact

The project proposes residential land uses that will not be a generator or recipient of large quantities of hazardous materials, nor will it involve any manufacturing or industrial land use that may generate hazardous wastes. Long-term hazardous materials use, storage, transport, and disposal is expected for the maintenance of the proposed buildings, swimming pool, and landscaped areas. These hazardous materials may include paint, cleansers, solvents, chlorine, fertilizers, and pesticides. The construction of the project would also require use of hazardous materials (e.g., paints, thinners, solvents, acids, curing compounds, grease, oils, and other chemicals) in the short-term. However, the project would not create a significant hazard to the environment since these hazardous materials would be in limited quantities and their use, storage, transport and disposal would be made in accordance with existing regulations (RR 8-1). In addition, under RR 9-1, the project would be implementing an SWPPP that would include BMPs for hazardous material and waste management during construction activities. Therefore, impacts would be less than significant.

b) Less Than Significant Impact

As indicated above, there is a possibility that ACM and LBP are present in the existing building and site improvements. Asbestos is commonly found in various products including insulation, ceiling and floor tiles, roof shingles, cement, and automotive brakes and clutches. ACMs that can be crushed into a powder are called “friable asbestos”. When ACMs become friable, there is a chance that asbestos fibers can become suspended in the air. It is under these conditions that airborne asbestos fibers represent the most significant risk to human health, potentially causing asbestosis, lung cancer, mesothelioma, and pleural disorders. Demolition of the existing structures also has the potential to release ACMs and pose a risk to the demolition crew and persons at adjacent areas, if ACMs are not properly removed, handled, and disposed. A Certified Asbestos Abatement Contractor would have to identify and abate the ACMs in accordance with applicable laws, including Occupational Safety and Health Administration (OSHA) guidelines (RR 8-2).

Lead is a naturally occurring metallic element found in paint; water pipes; solder in plumbing systems; soils around buildings; and structures painted with LBP. Because of its toxic properties, lead is regulated as a hazardous material. Inorganic lead is also regulated as a toxic air contaminant. LBP is identified by OSHA, the USEPA, and the U.S. Department Housing and Urban Development Department (HUD) as being a potential health risk to humans, particularly children, based upon its effects to the central nervous system, kidneys, and bloodstream.

Demolition of the existing structures on the project site has the potential to release LBP and pose a risk to the demolition crew and persons at adjacent areas if LBP is not properly removed, handled, and disposed of. Painted surfaces in the existing structures and site improvements shall be evaluated by a Certified Lead Consultant, and any identified LBP would have to be removed, handled, and disposed of in accordance with applicable laws, including OSHA guidelines (RR 8-3).

Impacts would be less than significant with compliance with existing hazardous material regulations (RR 8-1 through RR 8-3).

c) Less Than Significant Impact

There are no schools within 0.25 mile of the site. The nearest schools are the Vista del Monte Elementary School (0.45 mile) to the northeast and the Raymond Cree Middle School (0.44 mile) to the southeast. The proposed project would not pose a significant hazard to the students and faculty of these schools due to the distance between the site and the school and due to the limited use of hazardous materials associated with short-term construction and long-term maintenance activities at the proposed condominium development. During project construction and operation, hazardous materials use, storage, and disposal would also occur in accordance with existing regulations (RR 8-1 through RR 8-3). This would preclude the creation of hazards to nearby schools and adjacent land uses. Impacts would be less than significant.

d) No Impact

The project site is not listed in government databases as a hazardous materials user or hazardous waste generator. The EDR record search identified an adjacent gas station as having a regulated underground storage tank that was previously leaking, but has since been corrected and the case closed. There are no other hazardous material sites within 1.0 mile of the site. Thus, no impacts related to hazardous materials sites in government databases would occur.

e, f) No Impact

The nearest airport to the site is the Palm Springs International Airport, which is a City-owned airport located approximately 1.4 miles southeast of the site. This airport has 4 runways and is used by 10 airlines, with 96 aircraft (i.e., airplanes and helicopters) based on the field. It had an average of 152 operations per day in 2015 and approximately 77,000 passengers used the airport in August 2016.

The Palm Springs General Plan shows that the site is located in Zone E – Other Airport Environs (Figure 6-8, Airport Compatibility Plan), and outside runway protection zones, approach and departure zones, areas adjacent to the runways, and primary traffic patterns. The Riverside County Airport Land Use Compatibility Plan defines Zone E as the area where there are no development density or intensity limitations; however, in Zone E, Riverside County Airport Land Use Commission (RCALUC) review is required for structures over 100 feet tall and stadiums, amphitheaters, and concert halls are discouraged.

The project does not propose a structure that is over 100 feet or a land use that would accommodate a large number of people. Therefore, the project would not be exposed to aircraft hazards and would not adversely affect aircraft or airport operations. There would be no impact related to airports or airstrips.

g) Less than Significant Impact

The City has designated I-10 and SR-86 as evacuation routes near the site. The project would not involve changes to or work near the I-10 or SR-86. Thus, the project would not affect areawide emergency response or evacuation.

The project would involve construction for utility connections, roadway and parkway improvements, and median construction on Indian Canyon Drive and Via Escuela. The proposed improvements would require the closure of segments and travel lanes on these roads. In the

short-term, the roads would be partially blocked by construction activities, equipment, and crews, but these roads would remain open and available to serve as evacuation routes for the construction crew and other persons in the area. Access to adjacent developments would also be maintained at all times. In accordance with City requirements, the project would implement temporary traffic control measures in accordance with Chapter 14.16 of the Palm Springs Municipal Code and the Manual for Uniform Traffic Control Devices (MUTCD) (RR 16-2). This would involve the provision of traffic control signs, flaggers, markings, drums, channeling devices, lights, and other devices to maintain the safe flow of traffic during construction activities on or near public rights-of-way. Impacts on emergency response and evacuation would be less than significant.

h) No Impact

The site is located in the urbanized area of Palm Springs and there are no wildfire hazards on or near the site. The project site and the surrounding areas are not in an area designated as a Very High Fire Hazard Severity Zone (VHFHSZ) by the California Department of Forestry and Fire Prevention. Rather, the site is within a Non-VHFHSZ area. The nearest Very High Fire Hazard Severity Zone is located 0.5 mile west of the site, at the base of the San Jacinto Mountains. The project would not be exposed to or create wildfire hazards. Therefore, no impacts related to wildfires would occur.

Regulatory Requirements

RR 8-1 During demolition, construction, and maintenance activities, the Construction Contractor and the Homeowners Association's Maintenance Contractor will comply with existing regulations regarding hazardous material use, storage, disposal, and transport so that no major threats to public health and safety are created. These regulations include the Toxic Substance Control Act, Hazardous Material Transportation Act, Resource Conservation and Recovery Act, California Hazardous Waste Control Act, Certified Unified Program Agency, and California Accidental Release Prevention Program.

RR 8-2 A pre-demolition asbestos survey will be conducted by a Certified Asbestos Consultant and if asbestos is found in the existing structures demolition of the existing structures will be conducted by a Registered Asbestos Contractor in accordance with the remediation and mitigation procedures established by all federal, State, and local standards, including those of the Federal and State Occupational Safety and Health Administrations (OSHA and CalOSHA) and South Coast Air Quality Management District (SCAQMD) regulations for the excavation, removal, and proper disposal of asbestos containing materials (SCAQMD Regulation X – National Emission Standards For Hazardous Air Pollutants, Subpart M – National Emission Standards For Asbestos). The asbestos-containing materials will be disposed of at a certified asbestos landfill by a Registered Asbestos Contractor. The Registered Asbestos Contractor will also comply with notification and asbestos-removal procedures outlined in SCAQMD Rule 1403 to reduce asbestos-related health risks associated with the disturbance of asbestos containing materials.

RR 8-3 Painted surfaces in the existing structures and site improvements will be evaluated by a Certified Lead Consultant, and demolition activities shall be conducted in accordance with the requirements of Title 8 of the *California Code of Regulations* (Section 1532.1), which sets exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to lead. Lead-

contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provisions of the *California Health and Safety Code*.

(Sources: Palm Springs General Plan, AirNav Palm Springs International Airport, National Pipeline Mapping System, Very High Fire Hazard Severity Zones in LRA, EDR Record Search, Riverside County Airport Land Use Compatibility Plan, National Pipeline Mapping System, and Palm Springs International Airport Monthly Passenger Activity Report – 2016, SCAQMD Rules and Regulations)

4.9 HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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 that would result in substantial erosion or siltation onsite or offsite?	☐	☐	☒	☐
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 that would result in flooding onsite or offsite?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of pollutant runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
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?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

A Preliminary Project Specific Water Quality Management Plan (WQMP) was prepared by Amir Engineering in September 2016. The findings of this report are summarized below.

Environmental Setting

Regional Hydrology

The site is located in the Whitewater River Watershed, which is an approximate 1,645-square-mile watershed in the Coachella Valley, where the Coachella Valley Storm Water Channel serves as the main drainage channel conveying irrigation return flows, treated wastewater, and storm runoff

towards the Salton Sea. The Coachella Valley Storm Water Channel is generally dry, except for localized areas of flow during and after large storm events.

The Coachella Valley Storm Water Channel is listed as a Section 303(d)-impaired water body due to high levels of dichlorodiphenyltrichloroethane (DDT), dieldrin, indicator bacteria, nitrogen ammonia (total ammonia), polychlorinated biphenyls (PCBs), toxaphane, and toxicity. Total Maximum Daily Loads (TMDLs) have not been developed or adopted for these pollutants, except for indicator bacteria, for which a TMDL was approved in 2012 for the segment from Dillon Road to the Salton Sea. The Salton Sea is also a Section 303(d)-impaired water body due to high levels of arsenic, chloride, chlorpyrifos, DDT, enterococcus, low dissolved oxygen, nitrogen ammonia (total ammonia), salinity, and toxicity. No TMDLs have been developed or approved for these pollutants.

Local Hydrology

On-site storm water flows into adjacent streets and southeast toward the Palm Springs Master Drainage Plan Lines 5 and 6 on Vista Chino. These lines discharge to the Farrell Basin, with overflows from the basin going into the Palm Springs Master Drainage Plan Line 4 that connects to the Whitewater River (that eventually becomes the Coachella Valley Storm Water Channel).

Groundwater Resources

The project area is underlain by the Whitewater River or Indio Subbasin of the Coachella Valley Groundwater Basin. This subbasin encompasses a 525-square-mile area northwest of the Salton Sea between the Banning Fault to the north; the Indio Hills to the northeast; and the San Jacinto and Santa Rosa Mountains to the south. Water extractions from this subbasin exceed recharge but the DWA and Coachella Valley Water District (CVWD) are implementing groundwater recharge programs to reduce and reverse this overdraft. *The Coachella Valley Final Water Management Plan* was adopted by the CVWD Board in 2002 to serve as the groundwater management plan for the Whitewater River Subbasin. This plan defines CVWD's long-term approach for eliminating groundwater overdraft and for providing a sustainable water supply for the Coachella Valley.

Impact Analysis

a, f) Less Than Significant Impact

Construction of the project would have the potential to contribute sediment, trash, debris, and pollutants into storm drain channels serving the site. Demolition, grading, and excavation activities would generate loose soils that may enter storm drain pipes and downstream creeks and channels. In addition, construction equipment and activities could result in potential leaks of oil and grease, vehicle fluids, paint, and other solvents into the ground, which may then be washed down into these drainage channels. Without the use of appropriate BMPs, this could add to temporary impairments of water quality in the Coachella Valley Storm Water Channel and the Salton Sea.

Construction of the project would be subject to the Statewide Construction General Permit (Order 2009-0009-DWQ), as amended. Compliance with the Construction General Permit requirements include the development of an SWPPP that would require implementation of erosion-control and sediment-control BMPs, as well as tracking control, hazardous material and waste management, and other BMPs during construction.

The preparation of the SWPPP and implementation of BMPs (RR 9-1) in compliance with the Construction General Permit would reduce the potential for construction debris and other pollutants to enter storm drain pipes, local creeks, the Coachella Valley Storm Water Channel, and the Salton Sea.

Since the project site is currently developed and will remain developed, stormwater volumes from the project are expected to be similar to existing conditions. Long-term changes in storm water runoff quality would occur with the project, associated with proposed driveways, roads and parking areas, trash collection areas, pet park, and landscaped areas on the site. Storm water pollutants that may be generated by the project include bacteria and viruses, heavy metals, nutrients, pesticides, organic compounds, sediments, trash and debris, oxygen-demanding substances, and oil and grease.

Under the National Pollutant Discharge Elimination System (NPDES), a Municipal Separate Storm Sewer System Permit (MS4 Permit)[7] has been issued to the Riverside County Flood Control and Water Conservation District (RCFC&WCD), the County of Riverside, and co-permittees in the Colorado River Basin Region (including the City of Palm Springs). This MS4 Permit requires the implementation of permanent BMPs for storm water treatment and source control by individual developments and jurisdictions. In compliance with this permit, Chapter 8.70 of the Palm Springs Municipal Code contains the City's regulations for storm water and runoff pollution control, which prohibit specific types of discharges into the storm drainage system and require temporary and permanent BMPs.

A Preliminary Project Specific WQMP has been prepared for the project, which would be subject to City review and approval and would need to comply with City regulations for minimizing pollutants in storm water runoff, as required by RR 9-2. This includes the construction of permanent BMPs and their long-term maintenance and implementation of the non-structural BMPs outlined in the WQMP. The Preliminary Project Specific WQMP for the project indicates that 19 retention basins would be provided at scattered locations throughout the site to collect storm water from impervious areas and to allow for ground infiltration. These retention basins would be located around the buildings; would prevent runoff; and would capture pollutants in the storm water. Overflows from the retention basins would flow into adjacent basins with eventual off-site overflows into the Riviera Resort Hotel's parking lot.[8] In addition, non-structural BMPs that are outlined in the WQMP include education of operators, occupants, and employees; activity restrictions; irrigation system and landscape maintenance activities; litter control, sweeping of roads, and drive aisle and parking lot maintenance; drainage facility inspection and maintenance; landscape and irrigation system design; pool maintenance; and trash storage areas.

Compliance with RR 9-1 and RR 9-2 would prevent potential water quality impacts from long-term use of the project and from short-term construction activities. Impacts would be less than significant.

b) Less Than Significant Impact

Excavation activities are not expected to extend deep enough to affect underlying groundwater resources (estimated at 330 feet below the ground surface). Also, the project would not interfere with groundwater recharge since the site does not serve as a recharge basin. However, the project would retain all storm water within proposed retention basins and would allow storm water to

[7] Order No. R7-2013-0011 (NPDES No. CAS617002)

[8] Hydrology calculations show that adequate capacity would be provided for the 24-hour 100-year storm event and no overflows into the Riviera Resort Hotel parking lot would occur.

percolate into the ground. Thus, an increase in the amount of storm water infiltrating into the underlying groundwater basin would occur with the project.

Water service in the City is provided by DWA, which obtains all of its water supply from groundwater resources. Therefore, an indirect demand for groundwater supplies would occur with the project, but this demand would represent a limited amount of the City's total water supply or the volume of water pumped by DWA. Impacts on underlying groundwater resources would be less than significant.

c, d, e) Less Than Significant Impact

The project would result in changes in on-site drainage patterns due to the demolition of existing structures and the construction of new structures and site improvements. Approximately 42 percent of the site would be covered with buildings, parking areas, and the internal road and 58 percent would be open space (i.e., pool area, pet park, and landscaped areas). The project would direct runoff from impervious areas to on-site landscaped areas and retention basins. Ground percolation of the storm water in these retention basins would retain and infiltrate flows from a 100-year storm. The basins would also prevent off-site runoff flows.

This change in drainage patterns would be localized and relatively minor since the site is currently developed and would remain developed. However, with the project, all on-site runoff will be eliminated. Changes in runoff volume and in drainage patterns would not affect the course of water flows in the area. Impacts would be less than significant.

g, h) No Impact

The project site is not located in the 100-year floodplain for the Whitewater River (Coachella Valley Stormwater Channel), as identified by the Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Maps but is within Zone X, which includes areas subject to a 0.2 percent annual chance flood; areas of 1.0 percent annual chance flood with average depths less than 1.0 foot or with drainage areas less than 1.0 square mile; and areas protected by levees from 1.0 percent annual flood. Figure 6-5, Flood Hazards, in the Palm Springs General Plan, shows the site is located outside the 100-year and 500-year floodplains.

The proposed structures and site improvements would not be located within a 100-year flood hazard area. The project would not expose housing to flood hazards and would not impede or redirect flood flows. There would be no impact related to flooding.

i) No Impact

There are no dams near the site identified in the National Inventory of Dams. The site is also not located in the dam inundation area for the Tachevah Creek Detention Reservoir (Figure 6-5, Flood Hazards in the Palm Springs General Plan's Safety Element). Failure of this reservoir would not result in flooding at the site. No safety hazards to persons or property on the site would occur in the event of reservoir failure. No impact related to dam inundation would occur.

j) No Impact

The site is not subject to flood hazards due to a seiche since the site is not located near a large open body of water. The Palm Springs General Plan's Safety Element states that seiche hazards are not anticipated to pose a significant risk to development due to the shallow nature of recharge basins and manmade lakes in the City and the quick absorption of water into the underlying sandy surfaces.

The project site is located over 65 miles inland and thus, is not subject to tsunami hazards. Also, there are no steep slopes on or near the site. As such, the project would not be exposed to mudflow hazards. No impact related to seiche, tsunami, or mudflow hazards would occur.

Regulatory Requirements

RR 9-1 Project construction will comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No 2009-009-DWQ, NPDES No. CAS000002, or the latest approved general permit). This Construction General Permit requires construction activities that involve the disturbance of one acre or more of total land area to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) that contains Best Management Practices (BMPs) to reduce or eliminate construction-related pollutants in the runoff.

RR 9-2 The project will comply with the NPDES Order No. R7-2013-0011 (MS4 Permit) and Chapter 8.70 of the Palm Springs Municipal Code through the preparation and implementation of a Water Quality Management Plan (WQMP) that identifies permanent BMPs that would be built, maintained, and implemented on site to reduce pollutants in the storm water.

(Sources: FEMA Flood Insurance Rate Maps, Preliminary Project Specific WQMP, Palm Springs General Plan, Colorado River MS4 Permit, *National Inventory of Dams, Clean Water Act Section 303(d) List, and California's Groundwater Bulletin 118)*

4.10 LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Environmental Setting

The site is developed with a restaurant building and tennis courts that are not in use. Adjacent land uses include multi-family dwelling units to the north across Via Escuela (Indian Canyon Gardens) and to the east of the site (Riviera Gardens); the Riviera Resort Hotel to the south; and commercial uses (Michael's House treatment center and Ivy Palm Resort and Spa) to the west. Exhibit 2-2, Aerial Photograph, shows the existing developments on the project site and in the surrounding area.

Impact Analysis

a) No Impact

Figure 9-3, Examples of Residential Neighborhoods Recognized by the Office of Neighborhood Involvement, in the Palm Springs General Plan shows that the site it not within a designated neighborhood. The project proposes to redevelop the project site with residential uses that would be similar to existing land uses adjacent to the project site to the north and east. No residential uses near the site would be displaced by the project. The proposed project would not divide or disrupt the physical arrangement of adjacent residential communities. No impact on established communities would occur and no mitigation is required.

b) Less than Significant Impact

The project site is designated as Tourist Resort Commercial in the City's Land Use Plan. This designation allows large-scale resort hotels and timeshares, including a broad range of convenience, fitness, spa, retail, and entertainment uses at a maximum floor area ratio of 0.35. Residential uses proposed in this designation (e.g., timeshares and condominiums) are allowed as a secondary use to the proposed hotel uses and are allowed to have a maximum density of 30 dwelling units per acre. Permanent residential uses and commercial activities are allowed subject to approval of a Planned Development district. The proposed condominium project is consistent with the current land use designation for the site. The project would not conflict with the goals and policies of the City's General Plan and would promote the Housing Element goal for the development of a broad range of housing types, prices, and opportunities to meet the City's future housing needs.

The City's Zoning Map shows that the site is zoned R-3 (Residential Multi-Family and Hotel), which allows the development of multi-family dwelling units, hotels, and similar permanent and resort housing and commercial uses directly related to the housing facilities. Adjacent areas to the east, south, and west are also zoned R-3 and the areas to the north and northwest are zoned R-2. The proposed project is consistent with this zoning designation and has been designed to comply with the development and performance standards for this zone and other general conditions. However, the proposed project would require a Zoning Amendment to add a Planned Development (PD) district to the site and to allow the condominium development in the Tourist Resort Commercial designation of the site. The project would be a permitted use in the PD district, and the project would comply with the PD district's development standards.

The project would not conflict with regional plans, policies, or regulations related to land use and planning, including SCAG's Regional Comprehensive Plan (RCP), the Regional Housing Needs Assessment (RHNA), the RTP/SCS, or other regional plans since the project is limited in size and scope and would not conflict with the growth and development forecast assumptions used in these regional plans.

Impacts related to land use policies would be less than significant and no mitigation is required.

c) No Impact

As discussed in Section 4.4, Biological Resources, the site is located within the boundaries of the Tribal Habitat Conservation Plan of the Agua Caliente Band of Cahuilla Indians, but is developed and outside the designated Habitat Preserve. Thus, development of the project would not conflict with the Tribal Habitat Conservation Plan, but the developer would have to pay the applicable mitigation fee that will be used to acquire and manage Habitat Preserve lands (RR 4-1). No conflict with the Tribal Habitat Conservation Plan would occur with the project.

(Sources: Palm Springs Municipal Code, Tribal Habitat Conservation Plan, Palm Springs Zoning Map, and Palm Springs General Plan)

4.11 MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation	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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Environmental Setting

Aggregate Resources

Figure 5-3, Managed Production of Resources, in the Recreation, Open Space and Conservation Element of the Palm Springs General Plan and the California Geological Survey's Updated Mineral Land Classification Map show that the site is designated as Mineral Resource Zone (MRZ) 3—an area containing mineral deposits, the significance of which cannot be evaluated from available data. The project area supports urban development and there are no mining or mineral extraction activities at the project site or adjacent to the site.

Oil Resources

Review of the California Division of Oil, Gas, and Geothermal Resources' (DOGGR's) Well Finder shows there are no oil or gas wells on the site or in the vicinity of the project site. The nearest well is a plugged and abandoned well located approximately 7.0 miles northeast of the project site.

Impact Analysis

a, b) No Impact

There are no known sand and gravel aggregates or oil resources on or near the site, and the project would not affect regionally significant mineral resources. Also, the project would not result in the loss of availability of a locally important mineral resource recovery site or affect access to and the availability of any underlying local oil and gas resources.

Construction of the project would utilize sand, gravel, concrete, stone, metal, and other building materials, but this would not result in any measurable loss in the availability of regionally important mineral resources. No impact on mineral resources would occur.

Mitigation Measures

No significant adverse impacts related to mineral resources would occur; therefore, no mitigation is required.

(Sources: Palm Springs General Plan, Updated Mineral Land Classification Map, and DOGGR Well Finder)

4.12 NOISE	Potentially Significant Impact	Less Than Significant With Mitigation	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?	☐	☒	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Environmental Setting

Noise-sensitive receptors generally refer to humans who are engaged in activities or are utilizing land uses that may be subject to the stress of significant interference from noise. Residential dwellings are the primary noise-sensitive land use because of the potential for increased and prolonged exposure to excessive, disturbing, or offensive interior or exterior noise levels that could interfere with sleeping, relaxation, and other daily activities. Hospitals, schools, places of worship, hotels, libraries, and other places where low interior noise levels are essential are also considered noise-sensitive land uses.

The nearest noise-sensitive receptors to the project site are residences immediately to the east of the site. In addition, there are residences north of the project site across Via Escuela. Future project residents would be considered noise-sensitive receptors. The primary sources of noise at the project site are vehicles on Indian Canyon Drive.

The Palm Springs General Plan's Noise Element shows that the western area of the site along Indian Canyon Drive is projected to have noise levels of 65 to 70 A-weighted decibels (dBA) Community Noise Equivalent Level (CNEL) and the majority of the site is within the 60 dBA CNEL noise contour for vehicular traffic noise (Figure 8-5, Future Roadway Nosie Contours Detail (Central City). The site is outside the 60 dBA CNEL noise contour for the Palm Springs International Airport (Figure 8-6, Airport Noise Contours, in the Noise Element of the Palm Springs General Plan).

Psomas conducted ambient noise surveys to document the existing noise environment at three locations along the site boundaries. The surveys were conducted on September 22, 2016, and each lasted approximately 30 minutes. As shown in Table 4-10, average noise levels (L_{eq}) at the

project site ranged from 53.5 dBA in the southeast corner of the site to 64.0 dBA along the western side of the site. Maximum noise levels occurred during heavy vehicle passbys.

TABLE 4-10
EXISTING MEASURED NOISE LEVELS

Location Description	Time Started/ Duration*	Major Noise Sources	Noise Level (dBA)		
			L_{eq}	L_{max}	L_{min}
Western side of project site, approximately 50 feet from Indian Canyon Dr.	12:13 PM/ 30 min	Traffic on Indian Canyon Dr	64.0	85.4	47.0
Northeast corner of project site, approximately 50 feet from Via Escuela and adjacent to condominiums east of the project site.	12:51 PM/ 30 min	Rustling fan palms and traffic on Indian Canyon Dr	57.5	68.7	48.3
Southeast corner of project site, adjacent to hotel parking lot and condominiums east of the project site.	2:02 PM/ 30 min	Traffic in the hotel parking lot and traffic on Indian Canyon Dr	53.5	75.5	42.4

dBA: A-weighted decibels; L_{eq}: average noise level, L_{max}: maximum noise level, L_{min}: minimum noise level

* All measurements were taken on September 22, 2016

The City's Noise Ordinance (Section 11.74 of the Palm Springs Municipal Code) prohibits unnecessary, excessive, and annoying noises from all sources subject to its police power. Section 11.74.031 states that the noise level limit shall be the higher of the following:

1. Actual measured ambient noise level or
2. That noise level limit, as determined from the table in this subsection (as provided in Table 4-11 below).

TABLE 4-11
PALM SPRINGS NOISE LEVEL LIMITS

Zone	Time	Sound Level (dBA)
Low Density Residential	7:00 AM to 6:00 PM	50
	6:00 PM to 10:00 PM	45
	10:00 PM to 7:00 AM	40
High Density Residential	7:00 AM to 6:00 PM	60
	6:00 PM to 10:00 PM	55
	10:00 PM to 7:00 AM	50
Commercial	7:00 AM to 6:00 PM	60
	6:00 PM to 10:00 PM	55
	10:00 PM to 7:00 AM	50
Industrial	7:00 AM to 6:00 PM	70
	6:00 PM to 10:00 PM	60
	10:00 PM to 7:00 AM	55

dBA: A-weighted decibels
Source: Palm Springs 2016b

Section 8.04.220 of the Palm Springs Municipal Code states that construction or building repair activities are exempt from the noise standards between 7:00 AM and 7:00 PM on Mondays through Fridays and between 8:00 AM and 5:00 PM on Saturdays, with construction prohibited on Sundays and holidays.

Impact Analysis

a, d) Less Than Significant Impact with Mitigation

Construction noise generation from the project would be related primarily to the use of diesel engine driven equipment (e.g., loaders and backhoes) which, when operating at full power, can generate maximum noise levels (L_{max}) of up to 85 dBA at 50 feet.[9] Because this equipment generally operates at full power approximately 40 percent of the time, the loudest L_{eq} would be approximately 81 dBA at 50 feet. Due to geometric spreading, noise levels would diminish with distance from the construction site at a rate of approximately 6 dBA per doubling of distance. For example, a noise level of 81 dBA measured at 50 feet from the source to the receptor would be reduced to 75 dBA at 100 feet; 69 dBA at 200 feet; and 61 dBA at 400 feet. When the source-to-receptor distance is greater than 1,000 feet, additional attenuation occurs due to atmospheric absorption. Where the noise path (the line of sight between a noise source and a receptor) is less than ten feet above a planted area (called "soft" site conditions) or passes through dense trees, the noise level will be further reduced by the absorption of noise.

The City's Municipal Code exempts construction activities from quantitative noise limits when construction is performed in accordance with Section 8.04.220, Limitation of Hours of Construction, which limits construction to between 7:00 AM and 7:00 PM Mondays through Fridays and between 8:00 AM and 5:00 PM on Saturdays. Construction activities on the public rights-of-way are allowed between 7:00 AM and 3:30 PM, except on weekends and holidays, unless otherwise approved by the City Engineer. The project would need to comply with these construction time limits under RR 12-1.

The average hourly construction noise levels at the closest sensitive receptor, located immediately east of the project site, are estimated assuming three large pieces of construction equipment operating at various parts of the project site such that the noise source is assumed to be at the center of the site, approximately 200 feet from the receptor. Average hourly noise levels (i.e., L_{eq}) would be less than 74 dBA. Maximum intermittent noise levels at the closest sensitive receptor would occur when grading equipment would be operating near the eastern edge of the project site and could exceed 85 dBA. Since demolition and construction activities would occur within 50 feet of existing residences to the east and since there is no block wall at the eastern site boundary, MM 12-1 lists the noise reduction measures that would reduce noise impacts on adjacent residents. Construction noise impacts would be less than significant with compliance with RR 12-1 and MM 12-1.

b) Less than Significant Impact with Mitigation

Section 11.74.043 of the Palm Springs Municipal Code states that it is unlawful to operate or permit the operation of any device that creates a vibration that is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or 150 feet from the source if on a public space or public right-of-way.

Vibration may be perceived when large bulldozers, vibratory rollers, or large loaded trucks are operated within 25 feet of receptors. As there are sensitive receptors within 25 feet of the eastern

[9] L_{max} means the maximum A-frequency-weighted sound level (decibels) during a stated time period.

boundary of the project site, there would be the potential for vibration to be perceptible at sensitive receptors if large bulldozers, vibratory rollers, or large loaded trucks are operated near the eastern boundary of site. MM 12-1 requires the implementation of noise reduction measures during construction including a measure that prohibits large bulldozers, vibratory rollers, or large loaded trucks from being used within 25 feet of an off-site structure. With implementation of MM 12-1, impacts would be less than significant.

c) Less than Significant Impact with Mitigation

The City of Palm Springs General Plan Noise Element (Chapter 8) outlines a set of noise control policies, programs, and implementation measures that provide guidance for solving noise-related issues and problems (Palm Springs 2007). The Noise Element uses the State of California Interior and Exterior Noise Standards and the California Office of Noise Control Land Use Compatibility for Community Noise Exposure (Figure 8-2 in the Palm Springs Noise Element) as guidelines to evaluate the proposed project's compatibility with the ambient noise level.

Title 24 of the California Code of Regulations, also known as the California Building Standards Code or, more commonly, the California Building Code (CBC), requires that residential structures other than detached single-family dwellings be designed to prevent exterior noise intrusion so that the interior Day-Night Average Sound Level (L_{dn}) or Community Noise Equivalent Level (CNEL) attributable to exterior sources does not exceed 45 A-weighted decibels (dBA) in any habitable room with closed windows.

The primary source of noise on the project site would be vehicle traffic on Indian Canyon Drive, which runs along the western project site boundary. Noise levels on the project site would be greatest in the western portion of the site. For typical urban and suburban traffic noise levels, the CNEL is generally estimated to be 2 dBA higher than the average daytime noise level. Therefore, it is estimated that the existing CNEL on the project site, at approximately 50 feet from Indian Canyon Road, ranges from 55.5 to 66.0 dBA.

At the proposed condominium units that would be located approximately 40 feet from Indian Canyon Drive, the traffic noise level at the western facade of the units nearest Indian Canyon Drive, without consideration of barriers, is estimated at approximately 67 dBA CNEL. The existing wall along the western property boundary would provide some noise attenuation but, given that the wall height is only 3.5 feet, this wall would not significantly reduce noise levels. Thus, the noise level at the westernmost condominiums would be within the 60 to 70 dBA CNEL that is considered the Conditionally Acceptable noise compatibility range for multiple family residential projects.

The other condominium units would be more than 80 feet from Indian Canyon Drive and would be blocked by other on-site buildings. At this distance, the noise level at the other condominium units would be below 65 dBA CNEL. To ensure that interior noise levels are at an acceptable level at the westernmost condominiums in compliance with the CBC, MM 12-2 requires that noise reduction design features are incorporated into the westernmost residences. With implementation of MM 12-2, the interior noise levels at these will be less than 45 dBA CNEL and will be within the acceptable limits. With implementation of MM 12-2 the proposed project would be compatible with the existing noise environment of the project area, and impacts would be less than significant.

The pool area is the nearest exterior use area to Indian Canyon Drive. The pool area would be approximately 180 feet from Indian Canyon Drive. The traffic noise level at the western end of the pool area, without consideration of barriers, is estimated at 60 dBA CNEL. The residences between the pool area and Indian Canyon Drive would attenuate the noise to a lower level. Therefore, the pool area would experience noise levels below the 65 to 75 dBA CNEL that is

considered the Normally Acceptable noise compatibility range for playgrounds and parks. This impact is considered less than significant.

Noise Generated by Project Traffic

As provided in the Focused Traffic Analysis, the project would generate an estimated 372 daily vehicle trips. Approximately 80 percent of project-generated traffic would access and leave the project site using Indian Canyon Drive to the west, with 20 percent using Via Escuela to the north if the driveway on Indian Canyon Drive is a full access driveway (Kunzman 2016). The noise increase on Indian Canyon Drive north of the project site resulting from this project-generated traffic would be less than 0.5 dBA, which would not be perceptible. The noise increase on Via Escuela north of the project site would also be less than 0.5 dBA, which would not be perceptible.

If the driveway on Indian Canyon Drive is restricted to right turn in/out only, 25 percent of the project-generated trips would use the driveway on Indian Canyon Drive and 75 percent would use the driveway on Via Escuela. Under this scenario, the noise increases from project traffic are projected to be less than 0.5 dBA on Indian Canyon Drive and approximately 1 dBA on Via Escuela, which would still not be perceptible. Thus, impacts would be less than significant and no mitigation is required.

Noise Generated by On-Site Sources

The City of Palm Spring's Noise Ordinance prohibits unwanted and unnecessary sounds of all types in the community. Section 11.74.032 of the Palm Springs Municipal Code sets noise level limits for different land uses, and Section 11.74.032 sets time duration allowances for noise sources.

Primary on-site noise sources during project operations would include heating, ventilation, and air conditioning (HVAC) systems and vehicles entering and leaving the project site and traveling on internal roads. There would also be the typical noise sources associated with residential development, including but not limited to children playing, home and yard maintenance activities, and barking dogs. The nearest sensitive receptors to the project site are the residences adjacent to the eastern project boundary. Reduced speed limits on internal roads would minimize road noise to the eastern property line. It is reasonable to assume that the noise generated by the proposed project's residences would be similar in character and magnitude to the noise generated in the existing residential areas adjacent to the project site. Noise impacts to nearby residences from residential HVAC equipment and similar mechanical equipment would be less than significant with adherence to RR 12-2, which requires that equipment be designed and installed to not exceed the noise limits of the City Municipal Code. Impacts would be less than significant.

e, f) No Impact

The nearest airport to the project site is the Palm Springs International Airport, which is located 1.4 miles from the site. The project site is located outside the 60 CNEL noise contour for the airport, as shown in the City's Airport Noise Contours Map (Figure 8-6, Airport Noise Contours in the Palm Springs General Plan's Noise Element).

While aircraft overflights may be audible on the project site, the residents of the project would not be exposed to excessive aircraft noise levels. No impact would occur.

Regulatory Requirements

RR 12-1 Project construction will comply with the construction time limits in Section 8.04.220 of the Palm Springs Municipal Code, which limits construction activities to weekdays from 7:00 AM to 7:00 PM and on Saturdays from 8:00 AM to 5:00 PM, with no construction allowed on Sundays or holidays. Construction activities on the public rights-of-way are allowed on a daily basis between 7:00 AM and 3:30 PM, except on weekends and holidays, unless otherwise approved by the City Engineer.

RR 12-2 Noise-generating operational equipment on the project site will be designed and installed to comply with Sections 11.74.031 and 11.74.032 of the City of Palm Springs Municipal Code, which limit exterior noise at high density residential receptors to 60 A-weighted decibels (dBA) or less between 7:00 AM 6:00 PM; to 55 dBA or less between 6:00 PM and 10:00 PM; and to 50 dBA or less between 10:00 PM and 7:00 AM. (Noise levels are determined based on measurements at the adjacent residential property line.)

Mitigation Measures

MM 12-1 Prior to the issuance of the grading permit, the Project Developer shall submit plans and/or contract specifications to the City Engineer that include noise reduction measures to be implemented during demolition and construction activities, as feasible, including the following:

- All construction equipment (fixed or mobile) shall be equipped with properly operating and maintained mufflers, consistent with or exceeding manufacturers' standards.
- Construction equipment engine enclosures and covers, as provided by manufacturers, shall be in place during operation.
- Stationary construction equipment shall be placed as far as feasible from the residences to the east so that the emitted noise is directed away from these residences.
- Equipment and materials staging areas shall be located farthest from existing residences, as feasible
- Construction equipment shall be shut down when not in use.
- Haul truck deliveries shall be limited to the construction time limits allowed by the City.
- The use of large bulldozers, vibratory rollers, or large loaded trucks shall be prohibited within 25 feet of existing residences to the east.

MM 12-2 The following interior noise reduction elements shall be incorporated into the design and construction of the condominium units in buildings located along Indian Canyon Drive and that have exterior walls facing Indian Canyon Drive to ensure that the interior noise level does not exceed 45 dBA Community Noise Equivalent Level (CNEL):

- Air conditioning or a mechanical ventilation system shall be provided in each unit;

- Windows and sliding glass doors shall be double-paned glass and mounted in low air infiltration rate frames (0.5 cfm or less, per American National Standard Institute [ANSI] specifications);
- Solid core exterior doors shall have perimeter weather stripping and threshold seals;
- Exterior walls shall consist of stucco or brick veneer. Wood siding with a ½-inch minimum thickness fiberboard underlayer shall be used as an alternative;
- Glass in windows and doors facing Indian Canyon Drive shall not exceed 20 percent of the floor area in a room; and
- Roof or attic vents facing Indian Canyon Drive shall be baffled.

No significant adverse impact related to noise would occur with compliance with RR 12-1 and RR 12-2 and the implementation of MM 12-1 and MM 12-2.

(Sources: Palm Springs General Plan, Palm Springs Municipal Code and California Building Code)

4.13 POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through the extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Setting

The California Department of Finance (DOF) estimates that, as of January 2016, the City of Palm Springs had a population of 46,654 residents and a housing stock of 35,490 dwelling units. The project site is developed with a restaurant and tennis courts; there are no dwelling units on the site. There are multi-family dwelling units to the north across Via Escuela (Indian Canyon Gardens) and to the east of the site (Riviera Gardens).

Impact Analysis

a) Less than Significant Impact

The project involves the development of 64 condominiums at the site. Using the City's 2016 average household size of 2.00 persons per dwelling unit, the 64-unit project would bring in 128 residents to the site and the City. This additional population would represent an approximate 0.27 percent increase in the City's 2016 population of 46,654 persons. The 64 condominium units would also lead to an increase of 0.18 percent in the City's current housing stock of 35,490 dwelling units.

SCAG projections show a population of 56,900 residents in Palm Springs by 2040. The project would represent 0.22 percent of this future population. The Palm Springs General Plan's Land Use Element anticipates a population of 94,949 residents at buildout of the City and a housing stock of 51,406 dwelling units. The proposed project's 128 residents would make up 0.13 percent of the City's buildout population, and the 64 units would be 0.12 percent of the total housing stock. The project would also help meet the City's future housing needs for 272 new dwelling units. Thus, the population increase associated with occupancy of the project's 64 units would not directly induce substantial population growth, nor would it indirectly induce growth through new demands for goods and services.

Existing commercial developments and service agencies are expected to readily serve additional demands from the project's residents. Construction workers at the site would be temporary; would be limited in number; and would not generate a large and steady demand for local goods or services. The maintenance of common areas (e.g., pool area, pet park, and landscaped areas) would also be provided by a minimal number of employees.

Thus, increases in the housing stock, resident population, and employment from the proposed project are considered minimal when compared to the current population and housing stock of the City of Palm Springs, the projected growth for the City, and buildout estimates. Thus, the project is not expected to induce additional growth (i.e., spur new business development in the surrounding area). Additionally, the proposed project does not involve the extension of roads or other infrastructure to unserved areas, which could induce indirect growth. Impacts related to growth inducement would be less than significant and no mitigation is required.

b, c) No Impact

The proposed project would involve the demolition of the restaurant building and tennis courts, which are not in use. There are no residents, employees, or businesses at the site that would be displaced by the proposed project. The project would not displace existing residents or dwelling units at multi-family developments adjacent to the site. Thus, the project would not require the construction of replacement housing. No displacement impact would occur and no mitigation is required.

(Sources: DOF Population and Housing Estimates for Cities, Counties and the State, Palm Springs General Plan, and SCAG Demographics and Growth Forecast)

4.14 PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☒	☐
iv. Parks?	☐	☐	☒	☐
v. Other public facilities?	☐	☐	☒	☐

Environmental Setting

The Palm Springs Fire Department provides fire protection services to the City of Palm Springs. The nearest fire station is Station 3 at 500 East Racquet Club Drive (0.3 mile northeast of the site).

The Palm Springs Police Department provides law enforcement and police protection services in the City. The police station is located at 200 South Civic Drive (2.50 miles southeast of the site).

School services are provided by the Palm Springs Unified School District (PSUSD). The site is within the service boundaries of the Vista del Monte Elementary School, Raymond Cree Middle School and Palm Springs High School. Table 4-12 lists these schools, along with their enrollment and number of classrooms.

TABLE 4-12
AREA SCHOOLS

School Name	Grades	Address	Enrollment		Number of Classrooms
			2014-2015	2015-2016	
Vista del Monte Elementary School	K-5	2744 North Via Miraleste	383	494	22
Raymond Cree Middle School	6-8	1011 East Vista Chino	972	868	47
Palm Springs High School	9-12	2401 East Baristo Road	1,782	1,765	80
Source: PSUSD 2016a, 2016b, 2016c, 2016d, 2016e.					

The Palm Springs Library is located at 300 South Sunrise Way, 2.2 miles southeast of the site. The library has over 100,000 items, wireless internet access, computers, and a large collection of DVSs, audiobooks, eBooks and CDs.

Impact Analysis

a)(i) Less than Significant Impact

The proposed project would involve the construction of several buildings and site improvements that would have the potential for fire incidents and would require fire protection services from the Palm Springs Fire Department. The project would be designed and constructed in accordance with the California Fire Code, as adopted by the City, and the National Fire Protection Association (NFPA) standards, including applicable standards and requirements for smoke and carbon monoxide alarms, fire sprinkler systems, fire escapes, fire exits, access roads, fire extinguishers, and fire hydrants (RR 14-1). This would reduce the potential for fire incidents at the project and reduce the demand for fire protection services. The project would also have to be annexed into the boundaries of the Palm Springs Community Facilities District No. 2005-01 for financing police services, fire protection and suppression services and life safety services (RR 14-4), which would fund needed fire protection services.

Due to the small size of the project, no new or physically altered fire protection facilities would be required to provide fire protection services to the project. Impacts on fire protection services would be less than significant and no mitigation is required.

a)(ii) Less than Significant Impact

Temporary construction fencing and on-site security would be provided in compliance with City regulations (Section 8.04.260 of the Municipal Code) to prevent crime at the site during the construction phase. In the long-term, the proposed project would bring in residents, employees, and visitors to the site and would introduce new structures and property. This would increase the potential for personal and property crimes at the site, and the demand for police protection and law enforcement services from the Palm Springs Police Department.

The City requires the use of Crime Prevention Through Environmental Design (CPTED) measures and defensible space design concepts in new development. Sections 8.04.100 to 8.04.190 of the Palm Springs Municipal Code also outlines the City's building security regulations (RR 14-2). In compliance with these regulations, perimeter walls would be provided along the site boundaries and on-site security measures would be provided in the form of gated driveways, building and door locks, and parking lot and common area lighting. These would deter and reduce the incidence of crime at the project. As indicated above, the project would also have to be annexed into the boundaries of the Palm Springs Community Facilities District No. 2005-01 (RR 14-4), which would fund needed police services.

The project would not be large enough to require new or physically altered police protection facilities to serve the project. Impacts on police protection services would be less than significant and no mitigation is required.

a)(iii–v) Less than Significant Impact

The project would bring in 64 dwelling units with an estimated 128 residents to the site. These residents would create demands for schools, libraries, parks, or other public facilities. Based on the student generation rates of the PSUSD, which estimates that 0.1556 student is generated by each multi-family attached unit, the project would generate 10 students.[10] However, the project would have to pay school impact developer fees to the Palm Springs Unified School District

[10] At 0.0795 elementary school student per unit or 5 students; at 0.0333 middle school student per unit or 2 students; and 0.0428 high school student per unit or 3 students, for a total of 10 students from the project.

(PSUSD), as required under the Leroy Green School Facilities Act (RR 14-3). As provided under Section 17620 of the *California Education Code* and Section 65970 of the *California Government Code,* the payment of statutory school fees is presumed to fully mitigate a project's impacts on schools.

The demand for library resources and facilities and parks and recreational facilities would be limited and would not require new or expanded public facilities since the project is a relatively minor development when compared to all other existing developments in the City currently served by the Palm Springs Library, local parks, and other public facilities. Property taxes provide funds for these public facilities and services. No new public facilities would be required for the project, and there would be no adverse impact. Impacts on public facilities would be less than significant, and no mitigation is required.

Regulatory Requirements

RR 14-1 Design and construction of the project will comply with the California Fire Code and the National Fire Protection Association (NFPA) Standards, as adopted by the City. This includes compliance with the standards and requirements for smoke and carbon monoxide alarms, fire sprinkler systems, fire escapes, fire exits, access roads, fire extinguishers, and fire hydrants, among other requirements.

RR 14-2 Project design and construction of security features and measures will comply with Sections 8.04.100 to 8.04.190 of the Palm Springs Municipal Code.

RR 14-3 Prior to the issuance of the building permit, the Project Developer will comply with the Leroy Green School Facilities Act and pay the required school impact fees to the Palm Springs Unified School District.

RR 14-4 The Project Developer will apply for annexation of the site into the Palm Springs Community Facilities District No. 2005-01 for financing the provision of police services, fire protection and suppression services, and life safety services.

Mitigation Measures

The project would not result in significant adverse impacts related to public services; therefore, no mitigation is required.

(Sources: Palm Springs General Plan, Palm Springs Municipal Code, PSUSD School Accountability Report Cards, and PSUSD Residential Development School Fee Justification Study)

4.15 RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Environmental Setting

The site is currently developed with nine tennis courts that are not in use. The nearest park to the site is Victoria Park, located 0.33 mile northwest of the site on Racquet Club Road and Via Miraleste. The second nearest park is the Ruth Hardy Park, located 0.83 mile southeast of the site on Via Miraleste, Avenida Caballeros, and Tamarisk Road (Figure 5-2, Parks and Recreation Facilities). There are various other public parks in the City of Palm Springs and the Coachella Valley.

Impact Analysis

a) Less than Significant Impact

The proposed project would increase the area's permanent resident population who are likely to use local and regional parks near the project site. The Palm Springs General Plan's Recreation, Open Space and Conservation Element states that homes should be located within one mile of a neighborhood or community park. The site is not located in an area identified by the General Plan as Park Deficiency Areas.

As listed above, there are parks within one mile of the site that would be available to project residents. Considering the size of the proposed project (64 dwelling units) and its estimated 128 residents, the increased use of the Victoria Park, Ruth Hardy Park, and other existing local and regional park facilities and the potential increased participation in recreational programs would not be at a level that would result in a substantial deterioration of existing facilities.

Policy RC1.2 of the Palm Springs General Plan requires a minimum of 5.0 acres of developed parkland for every 1,000 residents. In compliance with this policy, the project proposes a swimming pool, spa, and pool deck at the center of the site and a pet park at the southeastern corner. These on-site recreational facilities would partially meet residents' demand for recreation.

Section 9.64.040 of the City's Municipal Code requires developers to dedicate land or pay a fee for park and recreational facilities as part of approval of a final or parcel map. The proposed project would pay the necessary park fees (Quimby Act fees) for the construction, expansion, or improvement of local City parks that would serve the recreational needs of the residents of the project. With compliance with RR 15-1, impacts would be less than significant, and no mitigation is required.

b) Less than Significant Impact

As discussed in Section 3.0 and above, the project would provide on-site recreational facilities. The impacts of these recreational facilities have been considered and analyzed in this IS/MND; impacts would be less than significant after mitigation.

Regulatory Requirements

RR 15-1 In accordance with Section 9.64.040 of the Palm Springs Municipal Code, the Project Developer will pay the applicable park fees to the City prior to the issuance of the building permit for the project.

(Sources: Palm Springs General Plan and Palm Springs Municipal Code)

4.16 TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system. Including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities?	☐	☐	☒	☐

A Focused Traffic Analysis was prepared by Kunzman Associates in October 2016. The findings of this report are summarized below and the report is provided in Appendix D.

The methodology for analyzing intersection performance associated with project-generated vehicle trips considers intersection delay based on the 2010 Highway Capacity Manual (HCM). This method calculates the delay based on a comparison of the traffic volume at the intersection to the capacity of the intersection. The delay is then correlated to the performance measure known as Level of Service (LOS), which is a qualitative measure used to describe the condition of traffic flow, ranging from LOS A (free flow conditions) to LOS F (extreme congestion and system failure). LOS criteria for signalized and unsignalized (i.e., stop-controlled) intersections are provided in Table 4-13.

TABLE 4-13
LEVEL OF SERVICE AND DELAY

Level of Service	Signalized Intersection Delay (seconds)	Unsignalized Intersection Delay (seconds)
A	≤10.0	≤10.0
B	>10.0 and ≤20.0	>10.0 and ≤15.0
C	>20.0 and ≤35.0	>15.0 and ≤25.0
D	>35.0 and ≤55.0	>25.0 and ≤35.0
E	>55.0 and ≤80.0	>35.0 and ≤50.0
F	>80.0	>50.0
Source: Kunzman 2016		

The Palm Springs General Plan's Circulation Element sets a goal of maintaining LOS D on all roadways and intersections.

Environmental Setting

Regional access to the project area is provided by the San Bernardino Freeway (I-10), which runs northwest to southeast through the Coachella Valley. This freeway has six travel lanes and carried approximately 7,300 vehicles during the peak hours and 81,900 vehicles per day in 2014 between SR-62 and Indian Canyon Drive. SR-111 extends southeast from the I-10 just before the San Gorgonio Pass and then south into the City of Palm Springs. Indian Canyon Drive runs parallel to and one block (approximately 350 feet) east of SR-111 in the City's Downtown and Uptown areas. Via Escuela runs east-west and intersects with both SR-111 and Indian Canyon Drive. Vista Chino runs parallel and one block south of Via Escuela.

Roadways serving the site include:

- Indian Canyon Drive is a four-lane divided roadway running in a north-south direction. Sidewalks are provided on both sides of Indian Canyon Drive along the project frontage. There are no designated bicycle facilities in the project vicinity, and parking is generally permitted except where fire lanes are marked. It is classified as a Major Thoroughfare (four-lane divided) in the City's General Plan Circulation Element. Indian Canyon Drive is a designated truck route that connects to SR-111 to the south and to the I-10 to the north.
- Via Escuela is a two-lane undivided roadway running in an east-west direction. Sidewalks are provided on both sides of Via Escuela along the project frontage. There are Class III (on-road, shared use) bicycle facilities with "sharrow" markings in the project vicinity, and parking is generally permitted except where fire lanes are marked. It is classified as a Collector (two-lane undivided) in the City's General Plan Circulation Element.
- Vista Chino is a four-lane undivided roadway running in an east-west direction. There are no designated bicycle facilities in the project vicinity, and parking is generally permitted except where fire lanes are marked. It is classified as a Major Thoroughfare (six-lane divided) in the City's General Plan Circulation Element.

Roadway intersections near the site currently operate at acceptable LOS C or better during the morning (AM) and evening (PM) peak hours, as shown in Table 4-14.

TABLE 4-14
EXISTING 2016 LEVELS OF SERVICE

Intersections	Traffic Control	Peak Hour Delay (seconds)		Level of Service	
		AM	PM	AM	PM
Indian Canyon Dr at Via Escuela	CSS	25.0	24.9	C	C
Indian Canyon Dr at Project Driveway	CSS	22.2	20.3	C	C
Indian Canyon Dr at Vista Chino	TS	17.4	16.4	B	B

CSS: Cross Street Stop; TS: Traffic Signal

Source: Kunzman 2016

Impact Analysis

a) Less Than Significant Impact

The project would generate short-term vehicle trips to and from the site during construction. These trips would include worker commutes; construction equipment and materials transport; and haul trucks for the export of demolition and construction wastes. These vehicle trips would add to existing traffic volumes on local roads and freeways. Construction activities on or near Indian Canyon Drive and Via Escuela would encroach into the public right-of-way of this road and would temporarily block traffic flow. The contractor would need to obtain an Encroachment Permit from the City and comply with the conditions of approval in the permit, in accordance with Chapter 14.16 of the Palm Springs Municipal Code. The project would also need to comply with the MUTCD on the provision of traffic warning signs, lighting, barricades, detours, flaggers, and other devices to maintain access to all properties and to facilitate traffic flow during construction activities on or near public rights-of-way. Compliance with Chapter 14.16 of the Palm Springs Municipal Code and the MUTCD, as specified in RR 16-2, would reduce construction traffic impacts to less than significant levels.

In the long-term, the project would generate approximately 372 new vehicle trips per day on area roadways, intersections, and freeways, with 28 trips during the AM peak hour and 33 trips during the PM peak hour. Table 4-15 provides the estimated trip generation of the project, using rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual.

TABLE 4-15
PROJECT TRIP GENERATION

Project	AM Peak Hour					PM Peak Hour					Daily Trips
	% In	In	% Out	Out	Total	% In	In	% Out	Out	Total	
64 Condominiums	7%	4	37%	24	28	35%	22	17%	11	33	372

* uses ITE Land Use Code 230 – Condominium

Source: Kunzman 2016.

As discussed in the Focused Traffic Analysis, alternative access plans were evaluated. One access plan features a full access driveway on Indian Canyon Drive, with a raised median along Indian Canyon Drive allowing left turns in and out of the site, and a full access driveway on Via Escuela. A second access plan features a right turn in/out only access driveway on Indian Canyon Drive with a raised median along Indian Canyon Drive prohibiting left turns in and out of the site, and a full access driveway on Via Escuela.

Based on the review of existing traffic data, surrounding land uses, local and regional roadway facilities in the project area, and consultation with City staff, the distribution of project-generated trips would vary under these alternative access plans, such that more vehicles would be using the full access driveway on Indian Canyon Drive than if the driveway only allowed right turn in/out movements.

With the addition of project traffic to area roadways and intersections, the intersections and site driveways are forecasted to operate at acceptable LOS D or better during the AM and PM peak hours under both access plans, as provided in Table 4-16 below.

TABLE 4-16
EXISTING PLUS PROJECT LEVELS OF SERVICE

Intersections	Traffic Control	Peak Hour Delay (seconds)		Level of Service	
		AM	PM	AM	PM
Full Access Driveway in Indian Canyon Drive					
Indian Canyon Dr at Via Escuela	CSS	25.3	25.3	D	D
Indian Canyon Dr at Project Driveway	CSS	22.5	21.2	C	C
Indian Canyon Dr at Vista Chino	TS	17.4	16.5	B	B
Via Escuela at Project Driveway	CSS	8.9	9.0	A	A
Restricted Access Driveway in Indian Canyon Drive					
Indian Canyon Dr at Via Escuela	CSS	25.7	26.3	D	D
Indian Canyon Dr at Project Driveway	CSS	11.0	10.7	B	B
Indian Canyon Dr at Vista Chino	TS	17.4	16.5	B	B
Via Escuela at Project Driveway	CSS	8.9	9.1	A	A

CSS: Cross Street Stop; TS: Traffic Signal

Source: Kunzman 2016

Since some buildings and units would be completed and occupied in 2018, the traffic analysis assumes an opening year of 2018. Thus, opening year traffic conditions were projected by increasing the existing traffic volumes by 1.5 percent per year over a 2-year period. In addition, trips form other development projects in the area were also added into the traffic volumes. With the addition of project traffic, the intersections and site driveways are still forecasted to operate at acceptable LOS D or better during the AM and PM peak hours under both access plans, as provided in Table 4-17 below.

TABLE 4-17
OPENING YEAR PLUS PROJECT LEVELS OF SERVICE

Intersections	Traffic Control	Peak Hour Delay (seconds)		Level of Service	
		AM	PM	AM	PM
Full Access Driveway in Indian Canyon Drive					
Indian Canyon Dr at Via Escuela	CSS	28.6	30.7	D	D
Indian Canyon Dr at Project Driveway	CSS	24.2	23.1	C	C
Indian Canyon Dr at Vista Chino	TS	17.7	17.0	B	B
Via Escuela at Project Driveway	CSS	8.9	9.1	A	A
Restricted Access Driveway in Indian Canyon Drive					
Indian Canyon Dr at Via Escuela	CSS	28.6	31.5	D	D
Indian Canyon Dr at Project Driveway	CSS	11.2	10.9	B	B
Indian Canyon Dr at Vista Chino	TS	17.7	17.0	B	B
Via Escuela at Project Driveway	CSS	9.0	9.2	A	A

CSS: Cross Street Stop; TS: Traffic Signal
Source: Kunzman 2016

Thus, the project would not result in area intersections operating at LOS E or F and impacts would be less than significant with either access plan. Also, a traffic signal is not warranted at the intersection of Indian Canyon Drive/Via Escuela for the Opening Year With Project scenario for both access alternatives. For its incremental contribution to traffic volumes on the regional transportation system, the project would pay the Transportation Uniform Mitigation Fee (TUMF) (RR 16-1). No mitigation is required.

b) Less than Significant Impact

The Riverside County Congestion Management Program (CMP) was developed by the Riverside County Transportation Commission (RCTC) to align land use, transportation, and air quality management efforts in the County and to ensure that new development pays its fair share of needed transportation improvements. It sets a target of LOS E for the Congestion Management System (CMS) and requires the local agency to prepare a deficiency plan when a CMS facility operates at LOS F. The deficiency plan must include measures that would be implemented to eliminate the deficiency, along with transportation demand management strategies and transit alternatives.

The nearest CMS facility to the site is I-10. The project site is located four miles south of the I-10 and, due to the limited number of trips generated by the project, it would not have any measurable impact to the LOS at the I-10 ramps or freeway segments. Thus, no conflict with the Riverside County CMP would occur. Impacts on the CMS would be less than significant**.**

c) No Impact

The Riverside County Airport Land Use Compatibility Plan shows the site in Zone E of the Palm Springs International Airport. The site is outside other zones that define the runway protection zones and areas within the building restriction line, the inner approach and departure zone, areas adjacent to the runway, extended approach and departure zone, primary traffic zone, and height review overlay zone.

The project would not affect or change air traffic levels at the Palm Springs International Airport and would not create safety risks or obstructions to air navigation. No impact would occur.

d) Less than Significant Impact with Mitigation

Construction activities on Indian Canyon Drive and Via Escuela for utility connections and roadway, median, and driveway improvements may lead to the temporary and partial closure of travel lanes on these roads. In compliance with City policies, construction signs, flaggers, markings, barriers, lights and other devices will be provided in accordance with Chapter 14.16 of the Palm Springs Municipal Code and the MUTCD (RR 16-2). Construction activities would not create traffic hazards, and impacts would be less than significant.

The project would retain the existing entry driveway off Indian Canyon Drive and will provide a second access driveway off Via Escuela. To prevent traffic hazards, a clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. The proposed driveways would be constructed in accordance with City standards for width, angle, sight distance setbacks, grade, edge radius, and sidewalk and curb transitions. The sidewalks on Indian Canyon Drive and Via Escuela and other pedestrian paths of travel would also have to provide a minimum of 48 inches of clearance for accessibility. Adequate sight distance would be provided in accordance with Section 93.02.00 of the Palm Springs Municipal Code (RR 16-3). No traffic hazards would be created.

As proposed, an 80-foot northbound left turn lane at Indian Canyon Drive/Via Escuela would be striped on the road. The Focused Traffic Analysis indicates that the 95th-percentile queue length for the northbound left-turn movement at Indian Canyon Drive/Via Escuela would be nominal (less than one vehicle) during the AM and PM peak hours. Based on the calculated queue length, the proposed northbound left turn lane would provide sufficient storage length. Thus, no queueing or potential traffic hazards would occur.

With a full access driveway, an 80-foot southbound left turn lane into the project driveway would be striped at Indian Canyon Drive. The 95th-percentile queue length for the southbound left-turn movement into the project driveway on Indian Canyon Drive would be nominal (less than one vehicle) during the AM and PM peak hours. Based on the calculated queue length, the proposed the southbound left turn lane would provide sufficient storage length. However, improved traffic circulation and LOS would occur if the driveway on Indian Canyon Drive is restricted to right turn in/out movements (MM 16-1). Implementation and construction of the median improvements would prevent queueing and potential traffic hazards.

Impacts related to traffic hazards would be less than significant with the implementation of MM 16-1 and compliance with RRs 16-1 and 16-2.

e) Less than Significant Impact

While construction of the project would temporarily or partially block adjacent roads, the project would maintain access to all properties to ensure emergency access in accordance with RR 16-2. In the long-term, two access entry driveways would be provided for emergency vehicles. Also, emergency access would be provided to individual buildings in accordance with the California Fire Code (RR 14-1), as discussed in Section 4.14, Public Services. Impacts related to emergency access would be less than significant.

f) Less than Significant Impact

The Palm Springs Recreational Trails Map in the Palm Springs General Plan Circulation Element shows that there are no existing or proposed trails near the site. The City's Bikeways Map shows an existing Class III bike route on Indian Canyon Drive and a proposed Class II priority bike lane on Via Escuela. The project would retain the bike lane and bike route as part of roadway improvements. Obstructions to the bike lane and bike route would be temporary during construction.

Sunline Transit Agency provides bus services in the Coachella Valley, with Route 24 running on Indian Canyon Drive along the site and stopping at a bus stop at the southeastern corner of the intersection of Indian Canyon Drive and Via Escuela. The project would also retain this bus stop, and obstructions to the bus stop would be temporary during construction.

While residents of the project may use the bike lane, bike route and bus transit services, this demand would be relatively minor. Impacts on alternative transportation systems would be less than significant, and no conflicts with alternative transportation policies, plans, or programs would occur.

Regulatory Requirements

RR 16-1 In compliance with Chapter 8.90 of the Palm Springs Municipal Code, the Project Developer will pay the applicable Transportation Uniform Mitigation Fee (TUMF) to the City.

RR 16-2 Temporary traffic-control measures will be provided in accordance with Chapter 14.16 of the Palm Springs Municipal Code and the Manual for Uniform Traffic Control Devices (MUTCD), which contain guidelines for pedestrian and worker safety; safe and adequate access; street markings and traffic control; notification of emergency personnel; and restoration of the street after construction.

RR 16-3 Adequate sight distance and intersection visibility will be provided at the site driveways in accordance with Section 93.02.00 of the Palm Springs Municipal Code.

Mitigation Measures

MM 16-1 As part of the proposed median improvements on Indian Canyon Drive, a right-in/right-out only access with a raised median along North Indian Canyon Drive prohibiting left-turns in/out of the project site shall be provided. Full turning movements shall be permitted at secondary entrance from Via Escuela.

No significant adverse impact related to transportation would occur with compliance with RRs 16-1 through 16-3 and with the implementation of MM 16-1.

(Sources: Focused Traffic Analysis, Palm Springs General Plan, 2014 Traffic Volumes on California State Highways, and SunBus System Map)

4.17 TRIBAL CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☐	☐	☒

Environmental Setting

The prehistory of the Palm Springs area is defined by the same sequence of the later prehistoric period of Southern California: Horizon I: Early Man or Paleo-Indian Period (11,000 BCE[11] to 7,500 BCE); Horizon II: Milling Stone Assemblages (7,500 BCE to 1,000 BCE), Horizon III: Intermediate Cultures (1,000 BCE to 750 CE), and Horizon IV: Late Prehistoric Cultures (750 CE to 1769 CE).

The project site is within the traditional territory of the Cahuilla, which extends from the summit of the San Bernardino Mountains in the north to Borrego Springs and the Chocolate Mountains in the south; a portion of the Colorado Desert west of Orocopia Mountain to the east; and the San Jacinto Plain near Riverside and the eastern slopes of Palomar Mountain to the west. During the Spanish Period (1769-1821), the Cahuilla first came into direct contact with Europeans as Spanish explorers passed through their territory and searched the southeastern deserts for mission sites. No missions were established in Cahuilla territory, but Spanish presence in the region intensified with the establishment of outlying chapels in several inland locations. The City incorporated in 1938 and, in the 1950s, a checkerboard of 3,000 sections of land was transferred to the Agua Caliente Band of Cahuilla Indians. Additional information may be found in the Phase I Cultural Resources Inventory that is provided in Appendix B.

Impact Analysis

a, b) No Impact

The site is located within the historic Reservation lands of the Agua Caliente Band of Cahuilla Indians but the site is developed land that is held in fee simple or other non-trust status and the existing structures on the site were built in the 1970s. No tribal cultural resources are known to

[11] BCE stands for “Before Common Era” and CE stands for “Common Era”. These are alternative forms of “BC” and “AD”, respectively.

be present at the site. The Native American Heritage Commission (NAHC) provided a review of their Sacred Lands files on September 9, 2016, which indicated that there is no specific information on the site in the NAHC's Sacred Lands File.

Assembly Bill (AB) 52 requires lead agencies to consult with California Native American Tribes that request such consultation prior to the agency's release of a Notice of Preparation (NOP) of an EIR, or notice of an MND, or Negative Declaration (ND) on or after July 1, 2015. The City of Palm Springs sent AB 52 letters to Native American tribes in the area to inform them about the project and to offer an opportunity to consult or comment prior to the public circulation of the Notice of Intent. No responses have been received to date.

Since there are no known tribal cultural resources on the site, no impacts to these resources would occur with the project.

Mitigation Measures

No significant adverse impacts related to tribal cultural resources would occur; therefore, no mitigation is required.

(Sources: Palm Springs General Plan, Tribal Habitat Conservation Plan, and Phase I Cultural Resources Inventory)

4.18 UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Environmental Setting

The DWA's *2015 Urban Water Management Plan* (UWMP) states that water service to most areas in the City of Palm Springs, including the site, is provided by the DWA. The DWA uses groundwater from 29 active wells, recycled water, and surface water sources to provide water service to about 22,000 connections. The DWA provided approximately 33,136 acre-feet of water to its customers in 2015, or an average of 29.58 million gallons per day. There is a 4-inch water line in Indian Canyon Drive that serves the site.

The City contracts with Veolia Water North America to operate a wastewater treatment program that includes a 10.9-million-gallon treatment plant, 5 pump stations, 225 miles of sewer lines, 6 percolation ponds, and a biosolids disposal program. The treatment plant accommodated approximately 6.5 million gallons per day (mgd) of sewage flow in 2007 and 8.5 mgd in 2014. The City provides primary and secondary treated wastewater to DWA for tertiary treatment at DWA's Recycled Water Treatment Facility and subsequent reuse for landscape irrigation and groundwater recharge. There is a 28-inch sewer line in Indian Canyon Drive that serves the site.

Palm Springs Disposal Services provides solid waste disposal services to the City of Palm Springs and surrounding areas. Solid wastes are brought to the Edom Hill Transfer Station in Cathedral City; to the Lamb Canyon Sanitary Landfill in Beaumont; and to the Badlands Landfill in Moreno Valley.

Impact Analysis

a, e) Less than Significant Impact

The project would generate wastewater from the kitchens and bathrooms at the condominium units as well as from the swimming pool and spa. This wastewater would be similar to wastewater generated by other residential land uses in the City and does not require additional treatment.[12] Future residents would have to comply with the City's sewer use regulations as they relate to permitted discharges into the sewer system, as contained in Chapter 15.28 of the Palm Springs Municipal Code. Impacts related to wastewater treatment requirements would be less than significant, and no mitigation is required.

The proposed project would be connected to the City's public sewer system through the 28-inch sewer line on Indian Canyon Drive. There is as much as a 2.4-mgd capacity at the City's wastewater treatment plant to serve the project's sewage volume, which can be estimated as the total indoor water use of 44,032 gallons per day (see below). Impacts related to wastewater treatment capacity would be less than significant, and no mitigation is required.

b, d) Less than Significant Impact

The project would require water during the temporary construction phase and during long-term occupancy of the project. Water use for dust control and incidental cleaning during the construction phase would be limited and temporary. Long-term water demand is estimated using DWA's 2020 urban water use target of 344 gallons per capita per day[13] or approximately 44,032 gallons per day. The project's landscape plan has been designed to comply with Chapter 8.60 of the Palm Springs Municipal Code for water-efficient landscaping. The estimated irrigation water demand is 4,381 gallons per day. Thus, total water demand from the project would be 48,413 gallons per day.[14]

The DWA's UWMP projects the total population (year-round and seasonal residents) of its service area to increase from 98,400 persons in 2015 to 113,100 persons in 2040. Water demand is projected to increase from 33,136 acre-feet per year in 2015 to 50,460 acre-feet per year in 2040. The DWA implements a number of water conservation and public outreach programs and has established water shortage restrictions to provide adequate and reliable water supplies during normal, single-dry, and multiple-dry years. The City has also adopted water conservation requirements (Chapter 11.06 of the Palm Springs Municipal Code) to prevent water waste in the City and a water-efficient landscaping ordinance. The project would comply with these water conservation regulations and programs.

The project will increase the demand for water by approximately 48,413 gallons per day (or 0.16 percent of the total demand in the DWA service area in 2015). This increased demand is within the growth projections that have been accounted in the DWA's UWMP. Thus, no new water supplies or treatment facilities would be needed by the project, and impacts would be less than significant.

c) No Impact

The project would replace existing impervious surfaces with new buildings, walkways, parking areas, driveways, drive aisles, and other site improvements. Storm water from these areas would

[12] A City permit would be needed for the draining of the swimming pool.
[13] The base daily per capita use is 430 gallons per capita per day, of which the target daily use is 80 percent of the base or 344 gallons per capita per day.
[14] Water for the swimming pool and spa is expected to be an intermittent use, rather than a daily demand.

be directed into on-site landscaped areas and retention basins that have been designed to accommodate all storm water and prevent any off-site runoff. As discussed in Section 4.9, Hydrology and Water Quality, with on-site retention of storm water, runoff is projected to decrease over existing volumes and rates. No demand for additional capacity at downstream storm drainage facilities would occur with the project. Therefore, the project would have no impact on storm drain facilities.

f, g) Less than Significant Impact

Demolition and construction activities for the project would generate solid wastes requiring disposal at area landfills. The solid wastes that would be generated by the project would include vegetation debris, demolition debris, excess soils, construction wastes, and excess building materials.

The California Green Building Standards (CalGreen) Code requires that at least 50 percent of non-hazardous construction and demolition debris be recycled or salvaged. Thus, the contractor would have to recycle at least 50 percent of demolition and construction debris (RR 17-1). With compliance with this regulation, the project would result in the temporary and decreased generation of construction and demolition wastes that would require final disposal.

Long-term operation of the project would also generate solid wastes requiring collection by Palm Springs Disposal Services and disposal at the Lamb Canyon Sanitary Landfill and the Badlands Landfill. Using the City's 2014 per capita disposal rate of 7.7 pounds per day, the project's 128 residents would generate approximately 986 pounds of solid wastes per day. This is equivalent to approximately or 0.5 ton or 2.26 cubic yards of waste per day. On-site trash and recycling bins would be provided in accordance with Section 93.07.02 of the Palm Springs Municipal Code (RR 17-2).

There is available capacity at the Lamb Canyon Sanitary Landfill and Badlands Landfill to dispose of the construction and demolition wastes and long-term waste generation from the project. The Lamb Canyon Sanitary Landfill had 19.2 million cubic yards of remaining capacity in 2015 and the Badlands Landfill had 15.7 million cubic yards of remaining capacity in 2015.

Hazardous wastes (including ACM and LBP) would have to be disposed of in accordance with pertinent regulations (RRs 8-1 through 8-3, as addressed in Section 4.8, Hazards and Hazardous Materials). With compliance with applicable federal, State, and local statutes and regulations, impacts on landfill capacity would be considered less than significant and no conflict with solid waste regulations would occur. Impacts would be less than significant and no mitigation is required.

Regulatory Requirements

RR 17-1 As required by the California Green Building Standards (CalGreen) Code, the contractor will implement a Construction Waste Management Plan that will recycle and/or salvage at least 50 percent of the estimated volume or weight of all nonhazardous construction and demolition wastes. Any salvageable and designated recyclable and reusable materials in structures planned for demolition will be made available for deconstruction, salvage, and recovery prior to demolition.

RR 17-2 Trash and recycling bins will be provided on site in accordance with Section 93.07.02 of the Palm Springs Municipal Code.

(Sources: DWA 2015 Urban Water Management Plan, Palm Springs General Plan, Palm Springs Municipal Code, and CalRecycle Facility/Site Summary Details)

4.19 MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a. Does the project 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 rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b. Does the project 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)?	☐	☐	☒	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

a) Less than Significant with Mitigation

As discussed in Section 4.4, Biological Resources, the project could have impacts on sensitive biological resources such as migratory birds, but mitigation has been provided to reduce these potential impacts to less than significant levels. With payment of Tribal Habitat Conservation Plan mitigation fee and implementation of MM 4-1, the project would not have the potential to degrade the quality of the environment; would not substantially reduce the habitat of a fish or wildlife species; would not cause a fish or wildlife population to drop below self-sustaining levels; would not threaten to eliminate a plant or animal community; and would not reduce the number or restrict the range of a Rare or Endangered plant or animal.

As discussed in Section 4.5, Cultural Resources, no impact on historical resources would occur and impacts would be less than significant with compliance with existing regulations in the event of the discovery of human remains. Impacts on archaeological and paleontological resources would be minimized and/or avoided through the implementation of MM 5-1, which requires evaluation of a discovered cultural artifact or fossil specimen by an archaeologist/paleontologist to determine whether the resource is significant and to develop and implement a Mitigation Plan, that includes a data recovery plan for the salvage, recovery, testing, reporting, and curation of archaeological materials at an appropriate facility.

Implementation of the mitigation measures for biological and cultural resources and compliance with existing regulations would result in less than significant impacts after mitigation.

b) Less than Significant

Aside from the project, a number of other private development projects are proposed or planned in the surrounding area and that were considered in the analysis of traffic impacts (Kunzman 2016). If construction of these cumulative projects occur at the same time as the project, increased pollutant emissions, noise and traffic from construction activities and truck trips may occur. However, the nearest cumulative project is located one block (over 1,500 feet) northwest of the

site and other projects are located farther (ranging from 2,300 to 5,000 feet) from the site. Thus, any overlap in construction schedules in not expected to result in cumulative impacts on the same receptors or intersections.

The environmental impacts of these cumulative projects would also add to the long-term operational impacts of the project on a cumulative basis. However, the impacts of the project would be avoided and/or reduced to less than significant levels by the implementation of mitigation measures. Since project impacts would be less than significant after mitigation, impacts associated with the project are not expected to result in cumulatively considerable impacts when added to the impacts of other projects planned or proposed in the vicinity of the site. Cumulative impacts would be less than significant.

c) Less than Significant with Mitigation

Project construction and operation would not have the potential to generate significant adverse impacts on human beings, either directly or indirectly with the implementation of mitigation measures. Potential impacts related to Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, and Traffic and Transportation would be avoided or reduced to less than significant levels with compliance with existing regulations and/or with the implementation of mitigation measures. Therefore, potential environmental impacts on human beings, either directly or indirectly, would be less than significant after mitigation.

SECTION 5.0 REFERENCES

The following references were used in the preparation of this IS/MND and are available for review at the City of Palm Springs Planning Services Department at 3200 East Tahquitz Canyon Way in Palm Springs, California 92262 or at the offices of Psomas at 1500 Iowa Avenue, Suite 210 in Riverside, California 92507 during normal business hours.

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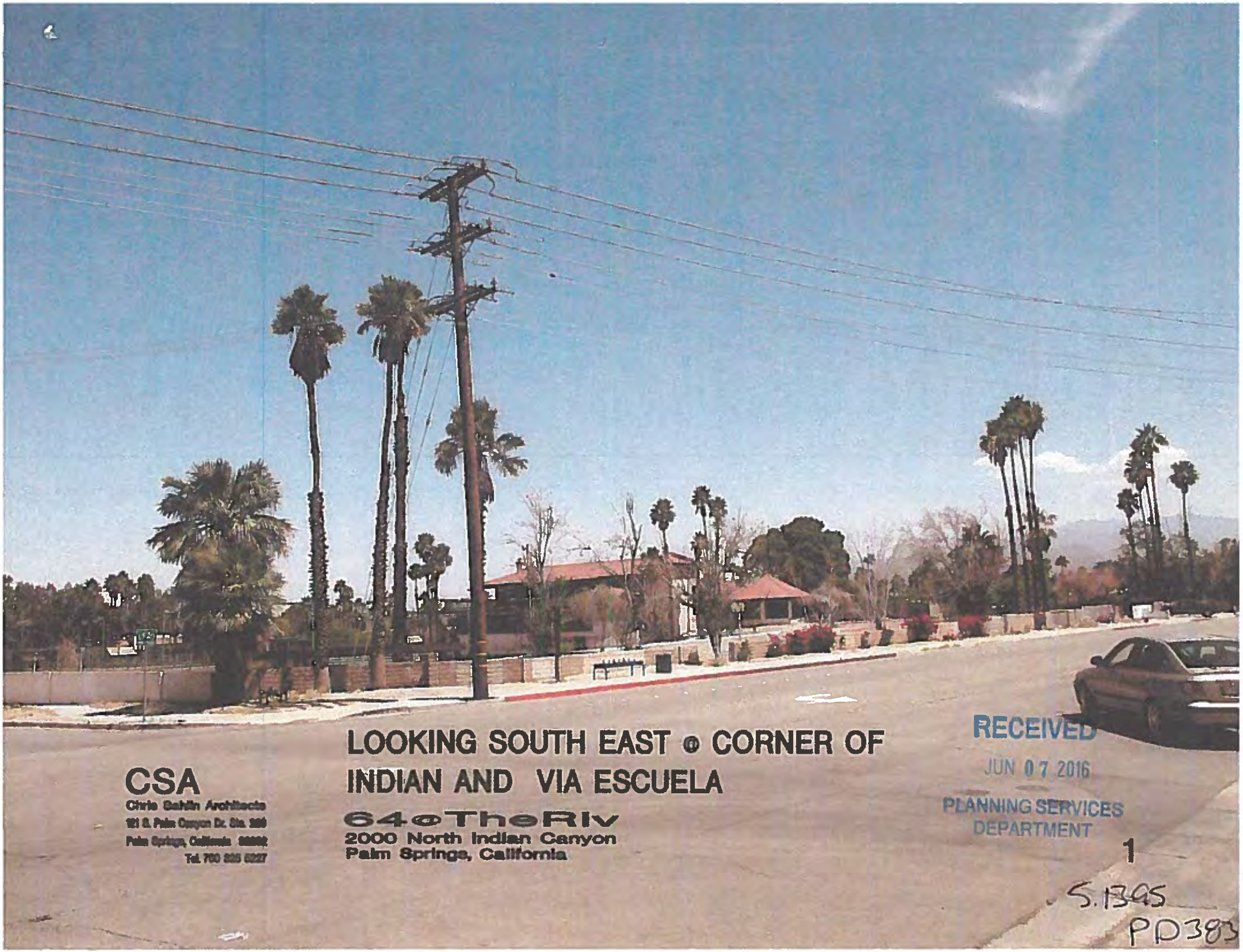
SECTION 6.0 PREPARERS

City of Palm Springs
Planning Services Department
3200 East Tahquitz Canyon Way
Palm Springs, California 92262

Associate Planner ..... Glenn Mlaker, AICP

Psomas
225 South Lake Avenue, Suite 1000
Pasadena, CA 91101

Principal-in-Charge ..... Kristin Starbird
Environmental Project Manager ..... Josephine Alido, AICP
Air Quality Specialist ..... Daria Sarraf
Noise Specialist ..... Will Meade
Environmental Assistant ..... Aly Smith
Archaeologist ..... David Smith
Word Processor ..... Sheryl Kristal
Graphics Specialist ..... Laura Wrenn
Technical Editor ..... Julia Black



LOOKING SOUTH EAST @ CORNER OF INDIAN AND VIA ESCUELA

CSA
Chris Sahlin Architects
121 S. Palm Canyon Dr. Ste. 200
Palm Springs, California 92262
Tel. 760 325 6227

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2000 North Indian Canyon
Palm Springs, California

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TOWARD FORMER RESTARAUNT

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Palm Springs, California 92262
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Palm Springs, California

LOOKING SOUTH FROM VIA ESCUELA
CLOSEUP OF TENNIS COURT

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2000 North Indian Canyon
Palm Springs, California

Color & Materials Schedule
Building 5 & 7

[1] Plaster Main Body Color:
Dunn Edwards Paints
Reclaimed Wood - DET625

[2] Plaster Wraparound Accent Color:
Dunn Edwards Paints
Arts & Crafts Gold - DET477

[3] Plaster Stack Accent Color:
Dunn Edwards Paints
Salt Box Blue - DET562

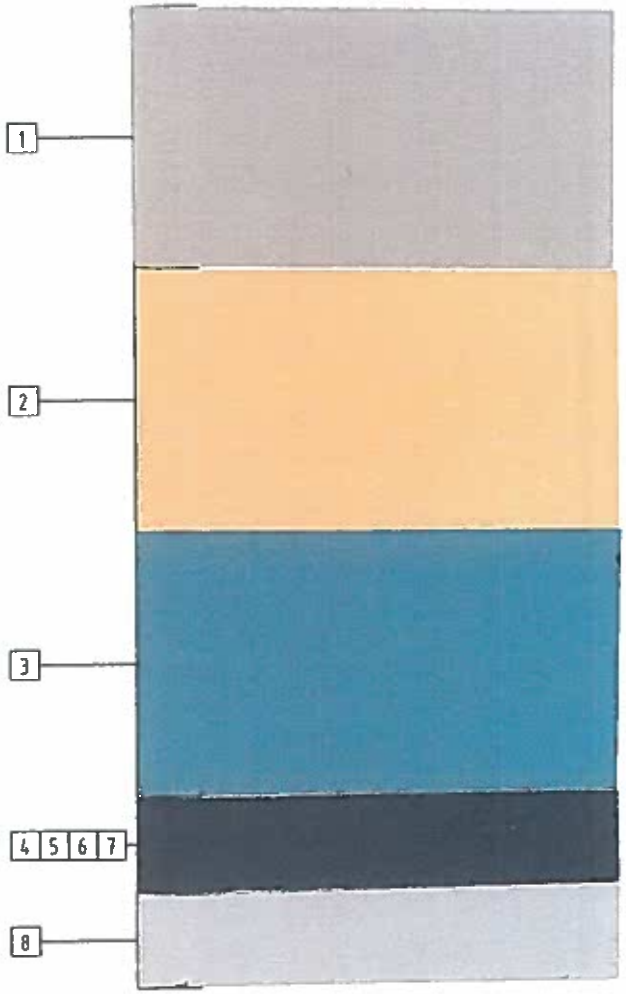
[4] Window and Door Frames:
Dunn Edwards Paints
Black Pearl - DEA 186

[5] Front Entry Door:
Dunn Edwards Paints
Black Pearl - DEA 186

[6] Metal Railing:
Dunn Edwards Paints
Black Pearl - DEA 186

[7] Metal Canopy Frame:
Dunn Edwards Paints
Black Pearl - DEA 186

[8] Cnopy:
Galvinized Metal:
Natural Color



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Chris Sahlin Architects
121 S. Palm Canyon Dr. Ste. 229
Palm Springs, California 92262
Tel. 760 325 5227

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Color & Materials Board

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Color & Materials Schedule

1, 3 & 8

[1] Plaster Main Body Color:
Dunn Edwards Paints
Reclaimed Wood - DET625

[2] Plaster Wraparound Accent Color:
Dunn Edwards Paints
Morro Bay - DET571

[3] Plaster Stack Accent Color:
Dunn Edwards Paints
Mythical Blue - DEc787

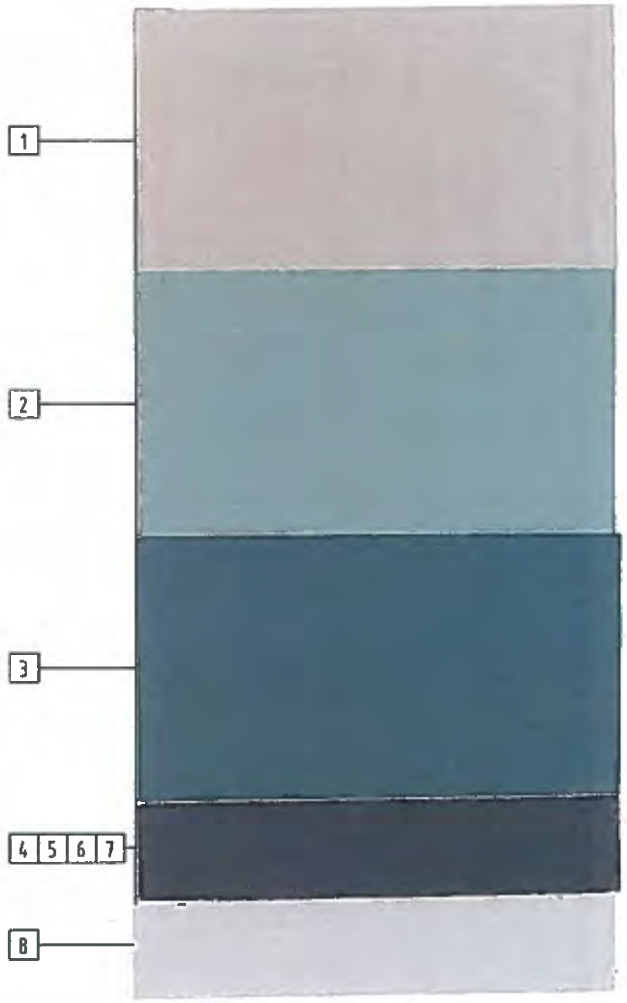
[4] Window and Door Frames:
Dunn Edwards Paints
Black Pearl - DEA 186

[5] Front Entry Door:
Dunn Edwards Paints
Black Pearl - DEA 186

[6] Metal Railing:
Dunn Edwards Paints
Black Pearl - DEA 186

[7] Metal Canopy Frame:
Dunn Edwards Paints
Black Pearl - DEA 186

[8] Cnopy:
Galvinized Metal:
Natural Color



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121 S. Palm Canyon Dr. Ste. 229
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Color & Materials Schedule

2, 4 & 6

[1] Plaster Main Body Color:
Dunn Edwards Paints
Reclaimed Wood - DET625

[2] Plaster Wraparound Accent Color:
Dunn Edwards Paints
Tickled Crow - DEC780

[3] Plaster Stack Accent Color:
Dunn Edwards Paints
Cocoa Powder - DET631

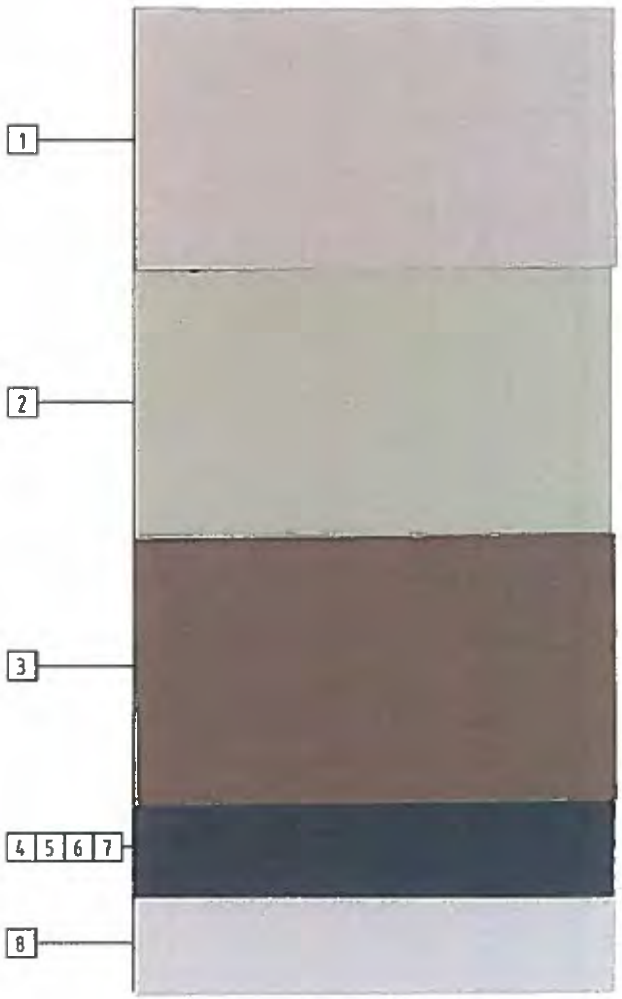
[4] Window and Door Frames:
Dunn Edwards Paints
Black Pearl - DEA 186

[5] Front Entry Door:
Dunn Edwards Paints
Black Pearl - DEA 186

[6] Metal Railing:
Dunn Edwards Paints
Black Pearl - DEA 186

[7] Metal Canopy Frame:
Dunn Edwards Paints
Black Pearl - DEA 186

[8] Cnopy:
Galvinized Metal:
Natural Color



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Chris Sahlin Architects
121 S. Palm Canyon Dr. Ste. 229
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