



Planning Commission Staff Report

Date: April 22, 2009

Case No.: 5.1132, Planned Development 333; Tentative Tract Map 35236

Application Type: Amendment of a previously approved Final Planned Development District for the Mondrian Hotel

Location: Northwest corner of Amado Road and Avenida Caballeros

Applicant: The Oasi Group, LLC

Zone: R-4, RGA-8 (PDD 333)

General Plan: HR, Residential High, Section 14 Master Plan

APNs: 508-034-011, -012, -013, & -014

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Edward O. Robertson, Principal Planner

PROJECT DESCRIPTION

The applicant, Lauri Kibby of the Oasi Group, LLC, is requesting the Planning Commission to amend a previously approved Final Development Plans for PDD 333, Case No. 5.1132 for the development of a 200-room hotel, 143 condominium units and a parking structure on approximately 10.47-acre site. The site is located at the northwest corner of Amado Road and Avenida Caballeros. The subject site is within the boundaries of Section 14 Master Plan.

Section 94.03.00(G) allows the Planning Commission to modify Final Development Plans of Planned Developments. The Commission may approve minor architectural or

site changes that do not affect the intent of the PD. In this case, staff believes that the intent of the Planned Development was to establish a mixed-use project consisting of a hotel, condominium units and adequate open space within the site with variations to certain development standards.

The proposed amendment to the Final PDD will accomplish the following:

- Development of the project in three phases.
- Parking to be accommodated as surface parking.
- Underground parking replaced with surface parking
- Hotel parking is provided on the approximately 1 acre parcel on the eastern edge of the parcel along Caballeros and Amado.
- The site plan remains fairly consistent with the original site plan.
- The 5 story rear hotel structure will not extend as far north as previously planned.
- The front lobby area, which was previously 4 stories, is now only 2 stories.
- The hotel no longer has a drive in motor court but instead has a front drive with drop off directly at the front entrance.
- The theater no longer has fixed seating allowing for different uses and reconfiguration.

RECOMMENDATION

Approve the proposed amendment to the Final Development Plans by the Oasi Group, LLC, to develop a 200-room hotel, 50 condo hotel units and a parking structure in three phases subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this draft resolution.

PRIOR ACTIONS

The Planning Commission previously reviewed and approved the Planned Development District and the Major Architectural application at its meetings of May 23, June 13 and June 21 2007. The Commission then recommended approval of the project to the City Council which approved the project at their meeting of July 18, 2007.

The amendment application was reviewed by the Architectural Advisory Committee (AAC) on four occasions: November 10 and 24, 2008, February 9, and March 9, 2009. At its meeting of November 10, 2008, the AAC made the following comments:

- The amended project is a better fit for the City,
- The massing was done right, but that the penthouse elevator and mechanical elements should not overpower the strong horizontal elements of the architecture.
- Maximize solar energy around the pool area at all times of the year.
- Maintain view of mountains from the proposed restaurant of the project.
- Consider providing reserved area for taxi cabs waiting to pick passengers
- The Central courtyard canyon is very successful

- Conduct additional shade study for the condos and hotel rooms areas; it appears that rooms may be impacted by the sun.
- Consider incorporating indoor/outdoor experience (balconies) into most hotel rooms.
- Consider adding roof top pool and bar areas to the project.

There was no action taken at this meeting; the applicant had earlier informed the AAC that the presentation was for a "reintroduction" only and to seek comments on the proposed amendment to the project. On November 24, 2008, the item was reviewed once more by the AAC. At this meeting, the AAC recommended approval to the Planning Commission by a vote of 5-1 (King opposed); the Committee provided the following comments:

- The westerly corner of the project along Amado and Avenida Caballeros is very important; pedestrian oriented design that includes seating area would be appropriate. This portion of the site needs a sense of welcoming to the hotel.
- Provide pedestrian linkage, benches would be nice additions at this corner
- Proposed glass elements would accumulate dusts and difficult to maintain.
- Add vertical sunshade elements to the balconies.
- Landscape plan should focus on desert plant palette.
- Massing could negatively impact neighboring residential use to the east.
- Horizontal elements on the south elevation plans could be designed to human scale.
- Lower level rooms need further study on solar control; applicant urged to pursue additional solar control on the rooms.
- Landscape plans to be brought back for review by the Committee; applicant urged to pay particular attention to the westerly corner in a special manner.
- Limit landscaping to a maximum of 10 feet along street frontage especially on Amado Road.
- Parcel to the north be landscaped along with Phase 1 construction.

The landscape plans were reviewed by the AAC at its meeting of February 9, 2009. The committee agreed that almost 95% of the landscape scheme is approvable; however, the committee is not comfortable with the concept of a "hidden entry" to the hotel. The applicant was asked to bring back the plans for review with the following comments:

- The overall landscape scheme is great
- The applicant urged to review proposed plant materials, as some may not be appropriate for the desert area
- There is a "disconnect" between the hotel and the street; this design may not be successful judging from past experience in the City
- The site is a major part of the City; make a bold statement at the corner opposite the Convention Center

- The main entrance to the hotel should not be shielded from the public
- The AAC urged the applicant to work with the City in order to resolve parking issues along the main front section of the site
- The portion of the site opposite the Convention Center needs to be treated in a public friendly manner
- The applicant should not hide the entrance to the hotel with berms and landscaping materials
- The applicant was asked to be careful with proposed plant selections as some of them could be very difficult to maintain in the desert harsh conditions
- Consider different types of trees in the parking areas
- Crushed rocks may not be appropriate in the parking areas
- Overall lighting should be very subtle

On March 9, 2009, the item was brought back to the AAC. The AAC recommended approval of the amended application to the Planning Commission with these recommended conditions:

1. That the applicant should modify the entry to the hotel along Amado Road
2. That the front section of the hotel be accessible to pedestrians by extending the sidewalks along Amado Road.

BACKGROUND AND SETTING

As stated earlier, the Mondrian project was previously approved by both the Planning Commission and City Council for the development of a five story 200-room hotel, a 200-unit condominium and associated parking structure. The project site is L-shaped, and is bounded on three sides by City streets: Avenida Caballeros on the east, Amado Road on the south, and Calle Alvarado on the west. The northern portion of the L-shape is bounded on the north by vacant land and on the east by existing condominiums.

The developed two-thirds of the site is currently the Palm Springs Convention Center's north parking lot. Vacant land occurs to the north of that parking lot. As such, the site is partially developed with asphalt, curb and gutter, and planters with landscaping in its southern two thirds. The northern third of the site, fronting on Calle Alvarado, is currently vacant but disturbed land, being used as a construction staging area for the neighboring condominium project that was under construction. All existing site improvements are proposed to be removed.

The site is surrounded by existing or proposed development. To the west are existing condominiums; on the south is the Convention Center; to the east are currently vacant lands previously approved for condominium development (Privado), and a condominium project under construction; and to the north are condominium units and vacant lands. The area is generally flat, with no significant physical features.

ANALYSIS

General Plan and Zoning:

The project site is located in the Section 14 Master Plan, which acts as its General Plan. The land use designation for the site is Residential High (HR). The site is zoned R-4, with the exception of the northeast corner of Calle Alvarado and Amado Road, which is zoned RGA-8. Table 1 below shows the surrounding land use designations.

Table 1: Project and Surrounding General Plan and Zoning Designations		
Location	General Plan Designation	Zoning Designation
Project Site	HR (Residential High, 43 units per acre)	R-4, 29 units per acre, 43 hotel rooms/acre; RGA-8, 8 units per acre
West	HR (Residential High, 43 units per acre)	R-4, 29 units per acre, 43 hotel rooms/acre
South	RA (Resort Attraction)	PD 164, Convention Center
East	HR ((Residential High, 43 units per acre)	R-4, 29 units per acre, 43 hotel rooms/acre
North	HR (Residential High, 43 units per acre)	RGA-8, 8 units per acre

Planned Development District:

The previously approved project includes components which vary from the development standards of the R-4 Zone and High-rise buildings (Section 93.04.00) provisions of the Zoning Ordinance. As a result, Planned Development District 333 was approved under the provisions of Section 94.02.00.B of the Palm Springs Zoning Code. The previously approved design and development standards contained in PDD 333 will remain in effect; the applicant is not seeking for any new deviations from the development standards.

Amendment to the Planned Development District:

The proposed amendment to the previously approved project does not vary from the intent of the PDD, and the project is still consistent with both the General Plan and the Section 14 Master Plan. The applicant is now requesting to develop the project in three phases. Although the site plan remains fairly consistent with the original plan, the revised plan has less density and massing. The amendment also includes the following:

- The previously approved 5-story hotel structure will not extend as far north on the site as previously approved.
- The front lobby area was 4-story high; this has been reduced to a 2-story structure.

PLANNED DEVELOPMENT DISTRICT

- The hotel will now have a front drive with drop off area located at the front entrance.
- The hotel theater has been reconfigured to allow for multi uses and will no longer have fixed seats as previously approved.

Phase 1 which is now being reviewed includes the 200-room hotel, meeting spaces and 50 condo/hotel units. This phase of the development will occupy approximately 7.8 acres of the overall 10.47-acre site. All the required parking spaces for phase 1 will now be accommodated on the approximately one-acre surface parking lot located along the easterly portion of the site on Amado Road and Avenida Caballeros. Additional parking spaces will be provided along the northerly and easterly portions of the site. The previously approved underground parking will be constructed in later phases.

Site Plan and Project Design

As was proposed in the original site plan, phase 1 components (hotel, condo hotels and parking) are proposed to be independent of each other, but will be integrated into one project through architecture. The hotel is located at the center of the L-shaped lot, and provides up to five stories that will no longer extend as far north as previously designed. The hotel will have a center court, event court, gardens, restaurant, a retail space located at the corner of Calle Alvarado and Amado Road and a large centrally located swimming pool for both the hotel and the condominiums. The front lobby area which was previously four stories high is now only two stories high. The motor court has been eliminated from the site plan; the main entrance is still along Amado Road will now have a drop off area directly at the front entrance of the hotel.

The main access to the hotel will be provided from Amado Road; parking for the hotel guests will remain as originally proposed which is valet-only. All parking for the hotel in phase 1 will be provided in the adjacent parking structure.

The project condominiums will still be located along Calle Alvarado portion of the site with parking spaces to the immediate north and easterly portions. The condominiums surround a central pool area leading to the center court of the hotel. The condominiums will still have a direct relationship with the hotel, and owners will be able to take advantage of room and maid service, and hotel amenities such as the pool, spa and fitness center.

Architecture:

The project's architectural theme is essentially the same as that originally proposed and approved. Changes were made; however, these changes are not related to the overall vernacular of the contemporary architecture that was previously approved. The AAC felt that the modifications were an improvement, but that some elements of the elevations needed refinement, and should be brought back to the AAC for review. The architectural elements include insulated glass, silkscreen, heavily textured concrete and perforated

metals. The AAC expressed some concern on the maintenance of the proposed materials such as the photovoltaic panels and the glass; however, the project architect was able to persuade the committee otherwise.

The hotel architecture and the condominium architecture are complementary but not identical. The vertical element is more pronounced in the hotel building. Color palettes proposed are earth and water tones, and will blend well in the area's environment. Also, the applicant has since addressed comments from the AAC.

Landscaping:

The amended project includes a landscaping plan which incorporates the requirements of the Section 14 Master Plan for street trees and perimeter landscaping. Native and drought tolerant species have been incorporated into the plans. Extensive landscaping is provided on the exterior and interior of the project, to provide shade and soften building masses. Overall, the landscaping scheme is successful; the applicant was urged to reconsider some of the proposed plants because of the desert's harsh weather. The AAC expressed considerable concerns on some aspects of the landscape design; these are provided in a different section of the staff report.

Parking:

The amendment includes a change in the parking design and required spaces for the project. All the required parking for phase 1 will be accommodated by the proposed surface parking adjacent to the hotel structure located along Avenida Caballeros and Amado Road. Additional parking spaces will be provided along the northerly and easterly sections of the condominiums areas. And as originally approved, all guests parking will be valet parking only.

Pursuant to Section **93.06.00(D)(16)(a)(b)**, (Off-street Parking Requirements), of the Palm Springs Zoning Code, *"There shall be provided one (1) garage, carport or open parking space as an accessory for each of the first fifty (50) guest rooms in any hotel establishment"*. The Section further states...*"establishments with more than fifty (50) guest rooms shall provide 0.75 garages/carpets, or open parking space as an accessory for each guest room in excess of fifty (50)"*.

Phase 1 of the project is proposing a total of 250 hotel rooms and condo hotel rooms; with this, the applicant is required to provide 200 parking spaces (50 spaces, plus 0.75×200 rooms = 200). The applicant has provided a total of 215 parking spaces; this figure does not include tandem parking on the parking spaces adjacent to the condominiums. As mentioned earlier, all parking will be valet, therefore any parking issues can be handled by the valets as they park and remove vehicles

Access

Access to the hotel will be from a single access point along Amado Road. A service access is also proposed on the perimeter roadway which will border the project on its north and east sides. There is a drop off zone directly in front of the hotel main entrance. This area will allow for vehicle stacking for most hotel activities. Access to the condominiums will be provided at two points on Calle Alvarado, and two points on the perimeter driveway. These access points provide sufficient access for the proposed phase 1 condo hotel units, and will allow residents and their guests access to Amado and Avenida Caballeros (via the perimeter street).

Open Space

Open space for phase 1 averages 48.25%, including the adjacent parcel allocated for the surface parking. Without the parking area from the calculation, the open space will average approximately 52%. The total phase 1 site coverage is approximately 328,583 square feet; 87,760 square feet (27%) of building space, 79,352 square feet (24%) is driveway/parking and 161,471 square feet (49% of open space. As with the original design, the project proposes an urban environment which lends itself to lower open space allocations. However, the provision of large patios, decks and balconies will offset any loss of open space, particularly in the condominium portion of the site. The hotel open space includes a generous pool area and outdoor event areas. These additions incorporated into the design of phase 1 help to lower the intensity of the building masses.

REQUIRED FINDINGS

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

- a. *The proposed planned development amendment is consistent and in conformity with the general plan pursuant to Sections 94.07.00 (A)(1) and 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

The proposed planned development is consistent with the General Plan, which includes policies specifically relating to the expansion of the City's tourism base. The project is also consistent with the Section 14 Master Plan, as amended, which represents the General Plan and Zoning for the property on which the project is located.

- 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 project, as conditioned, is consistent with the Section 14 Master Plan, and the vision of the area for the future. The site is physically suitable for the proposed project, and provides sufficient access points for all uses proposed.

- 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 Amended Planned Development District modifies development of the project into three phases; upon the completion of each phase, the development will still reflect a manner that is conducive with the urban development sought for in the area. The project adds to the Section 14 Master Plan facilities which are complementary to the Convention Center and the nearby downtown area.

Tentative Tract Map:

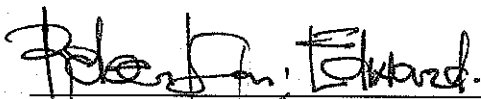
For the most part, the Tentative Tract Map remains the same as was previously approved. The map divides the site into five lots: two lots for residential condominium purposes, two lots for the hotel and banquet areas, and one lot for the parking structure. A condition of approval is included which requires that reciprocal parking and access easements be provided on the map to allow access across all lots. Staff has reviewed the Tentative Tract Map for conformance.

ENVIRONMENTAL ASSESSMENT

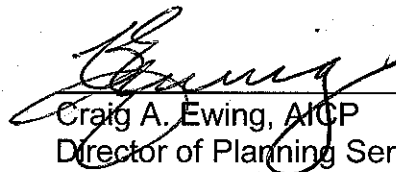
Pursuant to Section 15162 of the California Environmental Act (CEQA), the preparation of further environmental assessment is not necessary since the circumstances of the project have not changed. The present request could not therefore, result in any new environmental impacts beyond those already assessed in the adopted Mitigated Negative Declaration (MND)

NOTIFICATION

Review of minor changes to a Final Development Plan does not require public notice.



Edward O. Robertson
Principal Planner



Craig A. Ewing, AICP
Director of Planning Services

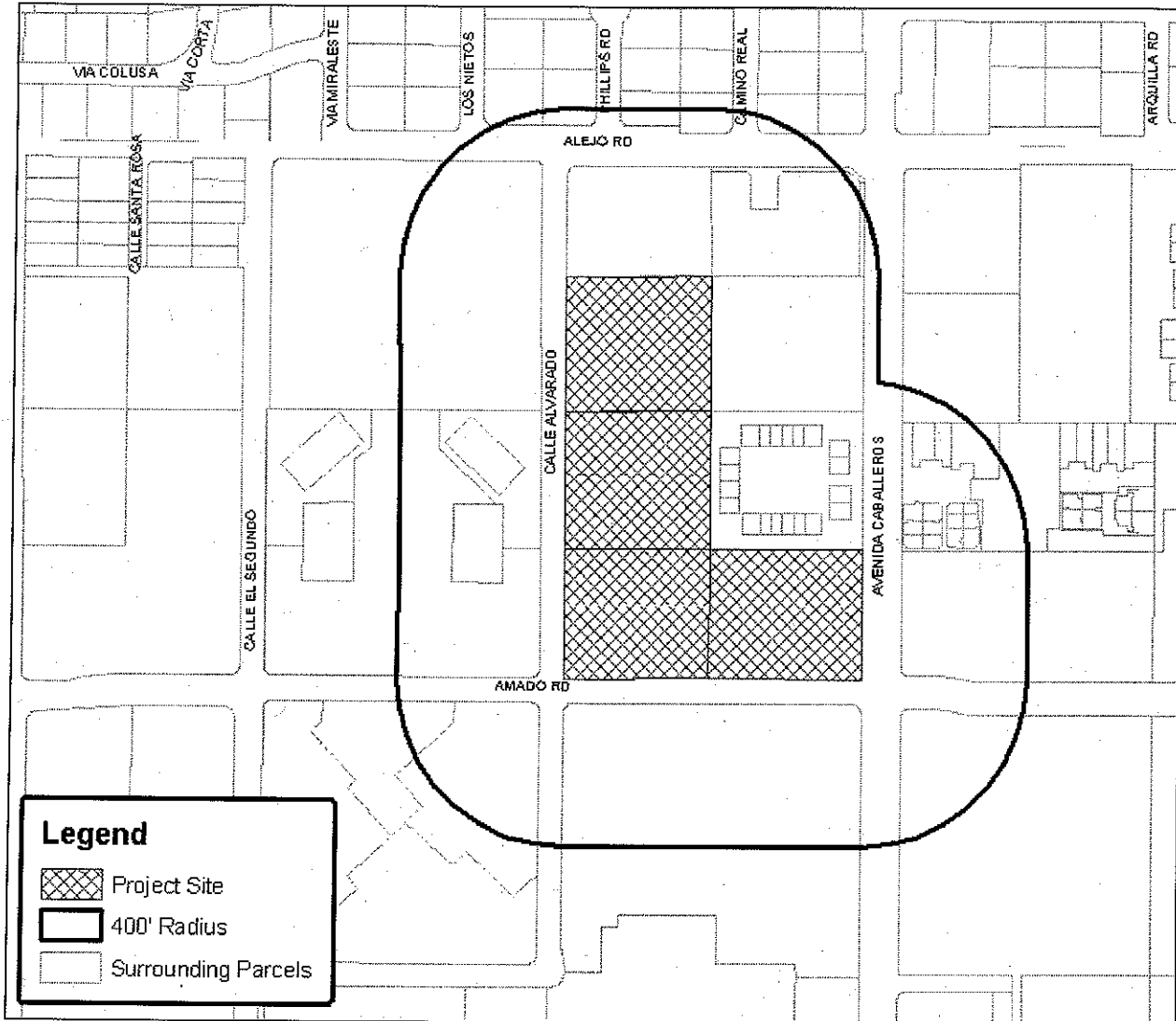
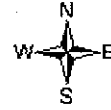
ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution / Conditions of Approval
3. Tentative Tract Map 35236
4. 11"x17" Booklet Containing Reduced Site Plans and Elevations




PLANNED DEVELOPMENT DISTRICT



Department of Planning Services Vicinity Map



Legend

-  Project Site
-  400' Radius
-  Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: 5.1132 PD-333 AMND /
TTM 35236

APPLICANT: Oasi Group, LLC (Mondrian Hotel)

DESCRIPTION: An application by the Oasi Group, LLC, to amend a previously approved 200-room Mondrian hotel, 200 condo units and a parking structure on 10.45 acres located at the northwest corner of Amado Road and Avenida Caballeros, Zoned R4 & RGH, Section 14 (IL).

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 333, CASE NUMBER 5.1132 AND TENTATIVE TRACT MAP 35236, FOR THE OASI GROUP, LLC, A PROPOSED 200 ROOM HOTEL AND UP TO 200 ASSOCIATED CONDOMINIUM UNITS ON APPROXIMATELY 10.47 ACRES LOCATED AT THE NORTHWEST CORNER OF AMADO ROAD AND AVENIDA CABALLEROS

WHEREAS, the Oasi Group, LLC (the "Applicant") has filed an application with the City for an amendment to the previously approved Planned Development District 333 pursuant to the provisions of Section 94.02.00 (B) of the Palm Springs Zoning Code; and

WHEREAS, on April 22, 2009, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and an Environmental Assessment has been previously prepared for this project and was distributed for public review and comment in accordance with CEQA; and

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

THE PLANNING COMMISSION HERBY FINDS AS FOLLOWS:

Section 1: A Mitigated Negative Declaration (MND) has been previously completed in compliance with CEQA, the State CEQA Guidelines, and the City's CEQA Guidelines. The Planning Commission found that with the incorporation of proposed mitigation measures, potentially significant environmental impacts resulting from this project will be reduced to a level of insignificance. The Planning Commission independently reviewed and considered the information contained in the MND prior to its review of this Project and the MND reflects the Planning Commission's independent judgment and analysis.

Section 2: The Planning Commission makes the following findings:

- a. *The proposed planned development amendment is consistent and in conformity with the general plan pursuant to Sections 94.07.00 (A)(1) and 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

The proposed planned development is consistent with the General Plan, which includes policies specifically relating to the expansion of the City's tourism base. The project is also consistent with the Section 14 Master Plan, as amended, which represents the General Plan and Zoning for the property on which the project is located.

- 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 project, as conditioned, is consistent with the Section 14 Master Plan, and the vision of the area for the future. The site is physically suitable for the proposed project, and provides sufficient access points for all uses proposed.

- 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 Amended Planned Development District modifies development of the project into three phases; upon the completion of each phase, the development will still reflect a manner that is conducive with the urban development sought for in the area. The project adds to the Section 14 Master Plan facilities which are complementary to the Convention Center and the nearby downtown area.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission approves Case Number 5.1132-PD 333 AMND; thereby amending Planned Development District No. 333, subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this resolution.

ADOPTED this 22nd day of April, 2009.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

EXHIBIT A

Case No. 5.1132 – PD 333 and Tentative Tract Map 35236
Oasi Group, LLC

Northwest corner of Amado Road and Avenida Caballeros
(Mondrian Hotel)

CONDITIONS OF APPROVAL

April 22, 2009

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

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

PROJECT SPECIFIC CONDITIONS

Administrative

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1132 and 3.3002, PD 333 and Tentative Tract Map 35236. 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.

3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways, parkways, 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.
4. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial or industrial projects, 1/4% for new residential subdivisions, or 1/4% for new individual single-family residential units constructed on a lot located in an existing subdivision 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 Services 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.
5. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland. The applicant shall submit a property appraisal to the Planning Services Department for the purposes of calculating the Park Fee. The Park Fee payment and/or parkland dedication shall be completed prior to the issuance of building permits.

Environmental Assessment

6. The mitigation measures of the Initial Study shall apply to the proposed project. The applicant shall submit a signed agreement that the mitigation measures will be included in the Planning Commission consideration of the environmental assessment. Mitigation measures are included in the Initial Study, and hereby incorporated into these conditions by reference.
7. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developers operations and activities for compliance with all applicable dust and noise operations, and cultural resource mitigation. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

CC&R's

9. The applicant prior to issuance of building permits shall submit three (3) sets of a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning Services for approval in a form to be approved by the City Attorney, to be recorded prior to certificate of occupancy. The CC&Rs shall be submitted with a list of the adopted conditions of approval and an indication of where applicable conditions are addressed in the CC&Rs. The CC&R's shall 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.
10. 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 filing fee, in accordance with the fee schedule adopted by the City Council, shall also be paid to the City Planning Services Department for administrative review purposes.

Final Design

11. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
12. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits.

Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

General Conditions/Code Requirements

13. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning Services for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
14. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
15. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
16. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
17. All materials on the flat portions of the roofs shall be earth tone in color, **unless landscaped.**
18. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.
19. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
20. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.

21. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
22. The street address numbering/lettering shall not exceed eight inches in height.
23. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
24. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened or located in the interior of the building.
25. Parking for the hotel shall be valet-only. Such a requirement shall be recorded concurrent with the recordation of the Final Map on lots 1 and 2 as depicted on Tentative Tract Map 35236.
26. Parking for condominium guests shall meet Zoning Ordinance requirements. The parking, if gated, shall include an intercom system to the units, and adequate turn-around area for guests unable to contact the resident they are seeking.

Engineering Department

STREETS

1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
2. Submit street improvement plans prepared by a California Registered Civil Engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
3. Master planned roadways (Avenida Caballeros, Amado Road, and Calle Alvarado) shall be improved to the *Final Section 14 Master Development Plan/Specific Plan* design standards on and adjacent to the site, as generally identified herein, or to alternative design standards proposed by the applicant and approved by the City.

AVENIDA CABALLEROS

4. Remove the existing driveway approach and replace with new street improvements (curb and gutter, and sidewalk) to match existing street improvements, in accordance with applicable City standards.

5. Remove the existing street improvements as necessary to construct a minimum 24 feet wide driveway approach located approximately 325 feet north of the centerline of Amado Road. The driveway approach shall be constructed in accordance with City of Palm Springs Standard Drawing No. 205.
6. Construct a Type A curb ramp meeting current California State Accessibility standards on either side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212.
7. Avenida Caballeros street improvements shall be installed consistent with the streetscape standards and guidelines in the *Section 14 Master Development Plan/Specific Plan (November 2004)*, which includes a landscaped private setback of variable width and an 8 feet wide pedestrian sidewalk with double palm trees planted approximately 60 feet apart. The specific street improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
8. All broken or off grade street improvements shall be repaired or replaced.

AMADO ROAD

9. Dedicate additional right-of-way of 15 feet to provide the ultimate half street right-of-way width of 40 feet along the entire frontage, together with a property line - corner cut-back at the northwest corner of the intersection of Amado Road and Avenida Caballeros, and at the northeast corner of the intersection of Amado Road and Calle Alvarado, in accordance with City of Palm Springs Standard Drawing No. 105.
10. Dedicate additional right-of-way concentric with the back of the proposed vehicle turn-out bays, with the back of right-of-way located at the back of sidewalk.
11. Remove the existing driveway approach and replace with new street improvements (curb and gutter, and sidewalk) to match existing street improvements, in accordance with applicable City standards.
12. Remove the existing street improvements as necessary to construct three proposed driveway approaches to and from the proposed turn-out bays at a minimum of 18 feet wide in accordance with City of Palm Springs Standard Drawing No. 205. The centerlines of the driveway approaches shall be located approximately 140 feet, 355 feet, and 475 feet east of the centerline of Calle Alvarado. The two easterly driveway approaches shall be ingress only into the vehicle turn-out bays. The westerly driveway approach shall be egress only from the proposed turn-out bays. Access limitations, configuration, width, and location of the driveway approaches to and from the proposed turn-out bays are subject to further evaluation by the City Engineer.

13. Construct a Type A curb ramp meeting current California State Accessibility standards on either side of the driveway approaches in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveways, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
14. Construct the proposed vehicle turn-out bays in accordance with applicable City standards. The vehicle turn-out bays shall be a minimum of 12 feet wide where there is no parallel parking allowed and a minimum of 20 feet wide when there is one traffic lane with parallel parking on the west side of the turn-out. The vehicle turn-out bays shall be constructed with new curb, gutter, and sidewalk to match existing improvements, in accordance with applicable City standards.
15. Amado Road street improvements shall be installed consistent with the streetscape standards and guidelines in the *Section 14 Master Development Plan/Specific Plan (November 2004)*, which includes a 4 feet wide landscaped parkway that includes shade trees in an informal pattern at a spacing of 30 feet or less and a 4 feet wide pedestrian sidewalk. The specific street improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
16. All broken or off grade street improvements shall be repaired or replaced.

CALLE ALVARADO

17. Dedicate additional right-of-way concentric with the back of the existing vehicle turn-out bay, with the back of right-of-way located at the back of sidewalk.
18. Remove the existing driveway approaches as necessary and replace with new street improvements (curb and gutter, and sidewalk) to match existing street improvements, in accordance with applicable City standards.
19. Remove the existing street improvements as necessary to construct a minimum 24 feet wide driveway approach. The driveway approach shall be constructed in accordance with City of Palm Springs Standard Drawing No. 205.
20. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212.

21. Construct an 8 feet wide sidewalk behind the curb along the entire frontage (where not already existing) in accordance with City of Palm Springs Standard Drawing No. 210.
22. Calle Alvarado street improvements shall be installed consistent with the streetscape standards and guidelines in the *Section 14 Master Development Plan/Specific Plan (November 2004)*, which includes a 5 feet wide landscaped parkway and a 5 feet wide pedestrian sidewalk. The specific street improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
23. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

24. A reciprocal access easement shall be reserved on the Final Map or shall be done by separate instrument prepared in a form acceptable to the City Engineer providing unlimited and unrestricted access across all of the lots for access through the on-site private street. The reciprocal access easement shall be executed by the appropriate parties prior to issuance of a building permit, and shall be recorded, and copy of same provided to the City Engineer, prior to issuance of a certificate of occupancy.
25. The applicant shall provide a copy of an executed and recorded reciprocal parking agreement for all lots, prior to approval of a grading plan.
26. The on-site private street shall have a minimum travel way width of 24 feet, and shall be constructed with standard 6 inch curb and gutter, a wedge curb, or other approved curbs along both sides of the street, as necessary to accept and convey on-site stormwater runoff to the on-site drainage system, in accordance with applicable City standards.
27. The on-site private street shall have a minimum centerline radius of 50 feet.
28. The on-site private street and service loading dock intersection shall be subject to further evaluation by the City Engineer. Detailed analysis shall be provided in final design to demonstrate that sufficient maneuvering area is provided for delivery trucks accessing the loading dock.
29. The minimum pavement section for all on-site pavement shall be 2½ 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.

30. Parking shall be restricted along the two-way drive aisle as necessary to maintain a 24 feet wide clear two-way travel way. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the drive aisle 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.
31. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.

SANITARY SEWER

32. All sanitary facilities shall be connected to the public sewer system. Existing sewer service laterals to the property may be used for new sanitary facilities. New laterals shall not be connected at manholes.
33. 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.
34. The project is subject to the Section 14 Sewer Impact Fee. The sewer impact fee at the present time is \$696.00 per acre. The fee shall be paid prior to, or concurrently with issuance of building permits.

GRADING

35. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the

Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that 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 www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of a grading permit.

- a. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Tentative Tract Map; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the Water Quality Management Plan.
36. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
 37. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
 38. 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.
 39. 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.

40. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
41. Notice of Intent to comply with the California General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
42. Projects causing soil disturbance of one acre or more, must comply with either the General Permit for Stormwater Discharges Associated with Construction Activity or the General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). Where applicable, the project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
43. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blow sand relating to this property and development.
44. 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.
45. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
46. 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 Rough Grading Plan. 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

47. A project-specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
48. 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 project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in Home Owners Association or Property Owner Association Conditions, Covenants and Restrictions (CC&Rs); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.
49. Prior to issuance of certificate of occupancy, the applicant shall:
 - Demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
 - Demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved project-specific WQMP, conditions of approval, or grading/building permit conditions: and,
 - Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/occupants (where applicable).

DRAINAGE

50. 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.

51. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).
52. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.
53. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.
54. Construct storm drain improvements, including but not limited to catch basins, and storm drain lines, for drainage of on-site private street and underground parking garages into the on-site underground retention system, as described in the Preliminary Drainage Study for Tentative Tract Map No. 35236, prepared by Fomotor Engineering, dated December 2006. The hydrology study for Tentative Tract Map 35236 shall be amended to include catch basin sizing, storm drain pipe sizing, and underground retention system sizing calculations and other specifications for construction of required on-site storm drainage improvements.

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

56. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
57. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.
58. All proposed utility lines shall be installed underground.
59. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

60. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
61. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
62. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
63. 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 per City of Palm Springs Standard Drawing No. 904.
64. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF).

MAP

65. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcels and all lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map.
66. 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.
67. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation

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

TRAFFIC

68. As determined by the Westin Hotel and Residences Traffic Impact Study prepared by Endo Engineering (as revised March 5, 2007), the following mitigation measures will be required:
- a) Pay a fair share contribution determined as 6.71% (or \$11,742.50) for the future installation of a traffic signal, as well as the striping of a northbound, southbound, westbound, and eastbound left-turn lane at the intersection of Calle El Segundo and Amado Road. The applicant shall pay the fair share contribution prior to approval of a final map.
 - b) Pay a fair share contribution determined as 13.91% (or \$20,865) for the future installation of a traffic signal at the intersection of Avenida Caballeros and Amado Road. The applicant shall pay the fair share contribution prior to approval of a final map.
 - c) Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at all project egress points, in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
 - d) A clear unobstructed sight distance shall be provided at all project access points; a clear sight triangle inside the property measuring 8 feet by 8 feet shall be provided at each access driveway, with screening fences or landscaping restricted to maintain the require sight distance.
69. Submit traffic striping plans for Amado Road, prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.
70. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks or pedestrian paths of travel shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk.

along the Avenida Caballeros, Amado Road, and Calle Alvarado frontages of the subject property.

71. 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.
72. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.
73. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

Waste Disposal

1. Trash cans shall be screened from view and kept within fifty (50) feet of the street.

Police Department

1. Developer shall comply with Article II of Chapter 8.04 of the Palm Springs Municipal Code.

Building Department

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

Fire Department

1. **Premises Identification:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. (901.4.4 CFC) Show location of address on plan elevation view. Show requirement and dimensions of numbers in plan notes. Numbers shall be a minimum 4 inches, and of contrasting color to the background.
2. **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to

form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

3. **Plot Plan:** Prior to completion of the project, a 8.5"x11" plot plan and an electronic CAD version shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.
4. **Radio Communications:** Must install an in-building Public Safety Radio Communications Coverage System composed of a radiating cable system or an internal multiple antenna system with FCC-certified bi-directional 800 MHz and 150 MHz (as required to meet the two indicated 150 MHz frequencies) amplifier(s), distribution system, and subcomponents shall be required for all buildings in **excess of three stories**, or has subterranean floors, or subterranean parking. This system must meet the City of Palm Springs Public Safety Radio System Coverage Specifications.
5. **Fire Alarm System:** Fire Alarm System required. Installation shall comply with the requirements of NFPA 72.
6. **Automatic Fire Sprinklers:** An approved, automatic Fire Sprinkler System is required.
7. **Audible water flow alarms:** An approved audible sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. (904.3.2 CBC)
8. **Fire Hydrant & FDC Location:** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.\
9. **Fire Department Connections:** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.

- 10. Location of Fire Department Connections:** The connection inlets must face the street, and be located on the street side of the building. The face of the inlets shall be 18 inches horizontal from the back edge of sidewalk (or back of curb, if no sidewalk), and shall be 36 to 44 inches in height to center of inlets above finished grade. No landscape planting, walls, or other obstructions are permitted within 3 feet of Fire Department connections. The FDC and supporting piping shall be painted OSHA safety red.

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

F. D. C.
SERVES
425
S. SUNRISE WAY
ALL BLDGS. IN COMPLEX

- 11. Valve and water-flow monitoring:** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored where the number of sprinklers is one hundred or more. (Twenty or more in Group I, Divisions 1.1 and 1.2 occupancies.) All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station. (1003.3.1 CFC)
- 12. Trash Container Protection:** If trash container space is within 5 feet of a building wall provide information on the type and size of trash container to be stored there. If it is a dumpster with a capacity of 1.5 cubic yards or greater, then the container must be protected by an approved automatic fire sprinkler. (1103.2.2 CFC)
- 13. Class 1 Standpipe:** A Class 1 Standpipe system is required and shall be installed in accordance with the 98 CFC, Art. 10, Sec. 1004, and 98 CBC, Ch. 9, Std. 9-2 and Sec. 903. Standpipes will be required at every level in the stairwells.
- 14. Residential Smoke Detector Installation With Fire Sprinklers:** Provide Residential Smoke Detectors (FIREX # 0498 accessory module connected to multi-station FIREX smoke detectors or equal per dwelling and fire sprinkler flow switch). Detectors shall receive their primary power from the building wiring, and shall be equipped with a battery backup. (310.9.1.3 CBC) In new construction, detectors shall be interconnected so that operation of any smoke detector causes

the alarm in all smoke detectors within the dwelling to sound. (2-2.2.1 NFPA 72)
Provide a note on the plans showing this requirement.

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

Minimum Access Road Dimensions:

Private streets shall have a minimum width of at least 20 feet, pursuant to California Fire Code 902.1 **however**, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The **Palm Springs Fire Department requirements** for two-way private streets, is a **minimum width of 24 feet**, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

16. **Access:** Fire department access roads shall be provided so that no portion of the exterior wall of the first floor of any building will be more than 150 feet from such roads. CFC 902.2.1 Applicant must add required access routes to the existing plans to meet code requirements and submit changes to the fire department for approval.

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

18. **Turn-Around Requirements:** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. (902.2.2.4 CFC) The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 45 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.

19. **Reduced Roadway Width:** Areas with reduced roadway width (such as entry and exit gates, entry and exit approach roads, traffic calming areas) that are under 36 feet wide require red painted curb to maintain minimum 24 foot clear width. Red curb shall be stenciled "NO PARKING" and "FIRE LANE" with white paint. (901.4 CFC)

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

21. **Vertical Fire Apparatus Clearances:** Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 13 feet 6 inches. (902.2.2.1 CFC)
22. **Vertical Clearance for Underground Parking:** Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 8 feet 6 inches. (902.2.2.1 CFC)
23. **Secondary Access:** A secondary access shall be provided for all developments with 25 or more dwelling units. (Appendix III-D 2.1 CFC)
24. **Mid Rise/High Rise:** High-rise and mid-rise buildings shall be accessible on a minimum of two sides. Roadways shall not be less than 10 feet (3048 mm) or more than 35 feet (10 668 mm) from the building. Landscaping or other obstructions shall not be placed or maintained around structures in a manner so as to impair or impede accessibility for fire fighting and rescue operations.
25. **Fire Extinguisher Requirements:** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. (1002.1 CFC) Extinguishers shall be mounted in a visible, accessible location no more than 5 feet above floor level. Preferred location is in the path of exit travel near an exit door.
26. **Water Supply:** The water supply and location/s of fire hydrants must be approved prior to any work being performed on the job site. (903.1 CFC)
27. **Water Systems and Hydrants:** Underground water mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC). Installation, testing, and inspection will meet the requirements of NFPA 24 1995 edition. Prior to final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the Fire Department. (9-2.1 NFPA 24 1995 edition)
28. **Rapid Entry System Approval:** The Knox Fire/Police/Ambulance Rapid Entry System is the only Key Box, Lock Vault, Key Cabinet, Key Switch, Padlock, FDC Cap, or Decal approved for use by the City of Palm Springs Fire Department.
29. **Building or Complex Gate Locking Devices:** Locked gate(s) shall be equipped with a Knox key switch device or Key box. Boxes shall be mounted at 6 feet above grade. Contact the Fire Department at 760-323-8186 for a Knox application form. (902.4 CFC)
30. **Underground Parking:** A Class III Standpipe system is required and shall be installed in accordance with the 98 CFC, Art. 10, Sec. 1004, and 98 CBC, Ch. 9, Std. 9-2 and Sec. 903. Hose will not be required.

31. **Turn-Around Requirements for Subterranean/Ground Parking:** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. (902.2.2.4 CFC)
32. **Elevator Stretcher Requirement:** Elevator(s) shall be designed to accommodate medical emergency service. The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 76 inches in the horizontal position. The elevator entrance shall have a clear opening of not less than 42 inches wide or less than 78 inches high. The elevator car shall be provided with a minimum clear distance between walls or between walls and door excluding return panels not less than 80 inches by 54 inches, and a minimum distance from wall to return panel not less than 51 inches with a 42 inch side slide door. (3003.5a CBC)
33. **Commercial Cooking Hood & Duct Systems** shall meet all CFC, NFPA and CMC requirements.
34. **Hood & Duct Fire Protection System Plan Review Procedure:** Plans must be submitted directly to a Fire Department approved engineer for review and recommendation of approval. The contractor should submit fire extinguishing system plans as soon as possible. Submittal shall include manufacturer's data/cut sheets and listings with expiration dates on all equipment and materials used.
35. **Fire Suppression Systems Testing:** The hood and duct fire extinguishing system shall be function tested prior to final acceptance. Call the fire prevention secretary at 760-323-8186 for an inspection appointment.

Construction Requirements:

36. **Access During Construction:** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. (Sec. 902 CFC).
37. **Fencing Required:** Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall remain intact until buildings are stuccoed or covered and secured with lockable doors and windows. (8.04.260 PSMC)

Gates

38. **Fire Apparatus Access Gates:** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock. (8.04.260 PSMC)
39. **Access Gate Obstructions:** Entrances to roads, trails or other access ways, which have been closed with gates and barriers, shall be maintained clear at all times. (902.2.4.1 CFC).

END OF CONDITIONS