



## Planning Commission Staff Report

Date: April 22, 2009

Case No.: 5.1082 / TTM 34165 / PD 321

Application Type: Time Extension for Planned Development District

Location: Southeast corner of Avenida Caballeros and Alejo Road (444 Avenida Caballeros and 1013 Alejo Road)

Applicant: Rob Eres of Nexus Development

Zone: HR (Residential High), MBR (Residential Medium Buffer)

General Plan: So. Portion: H43/30 High Density Res'l (43 du/ac)  
No. Portion: M8 Medium Density Res'l (8 du/ac)

APNs: 508-060-008, 508-060-009, 508-060-031

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Glenn Mlaker, Assistant Planner

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### PROJECT DESCRIPTION

The applicant, Nexus Development is requesting a one-year time-extension for Case # 5.1082, Planned Development District (PD) 321 from April 18, 2009, to April 18, 2010 for a previously approved 84-unit condominium complex, to include a clubhouse and recreation areas located at the southeast corner of Avenida Caballeros and Alejo Road.

### RECOMMENDATION

That the Planning Commission approve a one-year time extension for PD 321 from April 18, 2009 to April 18, 2010. (The Tentative Map was extended by State law.)

## **BACKGROUND AND SETTING**

On April 19, 2006, the City Council voted to approve Case No. 5.1082 / TTM 34165 / PD 321.

On June 13, 2007, the Planning Commission voted to approve the Final Development plans for Case No. 5.1082 / TTM 34165 / PD 321.

On March 12, 2008, the Planning Commission voted to recommend approval to the City Council for the approval of a one-year time extension for Case No. 5.1082 / TTM 34165 / PD 321.

On April 2, 2008, the City Council approved a one-year time extension for TTM 34165.

## **ANALYSIS**

Section 94.03.00(H) of the Zoning Code states that extensions of time for a PD may be allowed by demonstration of good cause. According to Chapter 9.63.110 of the Municipal Code, there are no specific findings or determinations that need to be made to grant the time extension for the PD. The Municipal Code does limit all time extensions to one-year and that requirement is being carried forward in staff's recommendation.

The applicant has requested a one-year time extension to commence construction for Planned Development District (PD) 321. The applicant, in the letter of time extension request dated March 4, 2009, claimed that a principal reason for the time extension request is the severe downturn in the local residential real estate market along with the general economic slowdown.

Staff has reviewed the project, surrounding area and underlying zoning regulations and determined that no significant changes have occurred that would suggest that the project is no longer in keeping with the neighborhood or the City's development policies.

Staff received amended conditions from the Engineering Department. A list of these changes to the Conditions of Approval are as follows: Engineering Conditions - Streets #2A & 2B; Avenida Caballeros, 5A; Sanitary Sewer, #27; Grading #30c,d,e, and f, #32, 32A, 34, 34A; General #42A, 44, 48A; Traffic #56

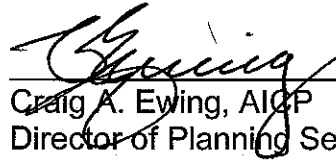
## **ENVIRONMENTAL ASSESSMENT**

A Mitigated Negative Declaration was previously adopted by City Council on April 19, 2006. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent Negative Declaration, Addendum Negative Declaration, or further documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. These

changes could not result in any new environmental impacts beyond those already assessed in the adopted mitigated negative declaration



Glenn Mlaker  
Assistant Planner



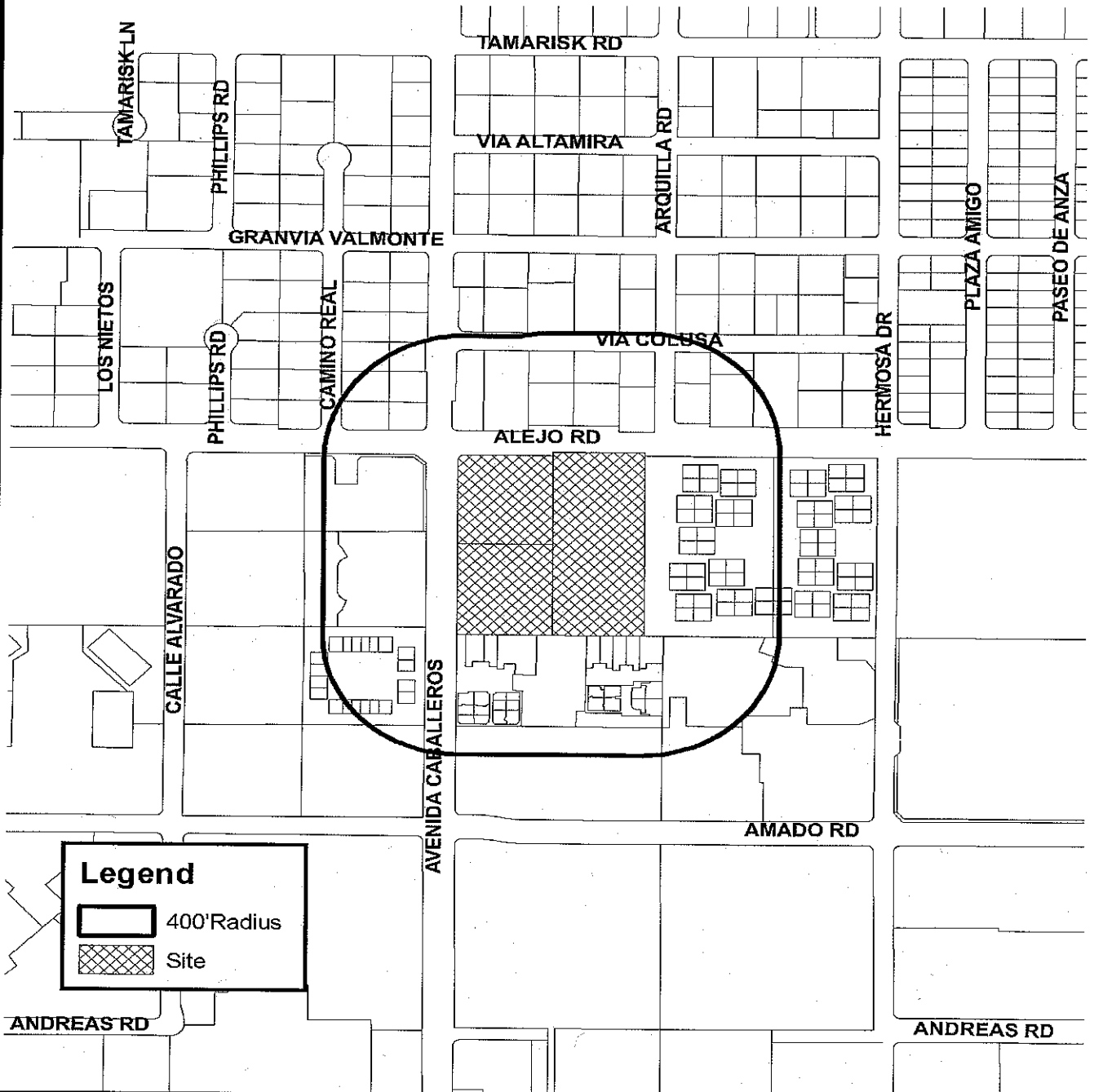
Craig A. Ewing, AICP  
Director of Planning Services

ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Revised Conditions of Approval
4. Letter of request from the applicant dated March 4, 2009



# Department of Planning Services Vicinity Map



**Legend**

- 400' Radius
- Site

## CITY OF PALM SPRINGS

**CASE NO:** 5.1082 - PD 321

**APPLICANT:** Cynthia Nelson for  
Nexus Development

**DESCRIPTION:** Request by Cynthia Nelson for Nexus Development for a one-year time extension for Tract Map 34165, a planned residential project consisting of 84 multiple-family dwelling units located at the southeast corner of Avenida Caballeros and Alejo Road, Zone MBR & HR, Section 14.

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FROM APRIL 18, 2009 TO APRIL 18, 2010 FOR PLANNED DEVELOPMENT DISTRICT 321; TO CONSTRUCT AN 84-UNIT CONDOMINIUM COMPLEX, A CLUBHOUSE AND RECREATION AREAS LOCATED AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD, ZONE MBR AND HR, SECTION 14.

WHEREAS, Rob Eres of Nexus Development ("Applicant") has filed an application with the City pursuant to Section 9.63.110(b) of the Municipal Code, for a one-year time extension for Case # 5.1082 – PD 321; and

WHEREAS, on April 22, 2009, a public hearing on the application for 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 the Mitigated Negative Declaration for this Case No. 5.1082 / TTM 34165 / PD 321 was previously approved by the City Council on April 19, 2006. The preparation of additional environmental documentation is not necessary because there are no changed circumstances related to the project that will result in any new significant environment effects or a substantial increase in the severity of previously identified significant effects.

WHEREAS, 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.

### THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the requirements of Section 94.02.00(F), the Planning Commission finds:

1. The previously approved Mitigated Negative Declaration is the controlling environmental documentation for this request.
2. The applicant has requested an extension of time in accordance with the requirements of the City Municipal and Zoning Codes.
3. A demonstration of good cause has been made and that the Conditions of Approval ensure that the developer will pursue the project in good faith.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends approval to City Council a one year time extension of Case # 5.1082 – PD 321 from April 19, 2009 to April 19, 2010 subject to revised conditions attached hereto.

ADOPTED this 22<sup>nd</sup> day of April, 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

## EXHIBIT A

CITY OF PALM SPRINGS  
CONDITIONS OF APPROVAL  
Case No. TTM 34165 Time Extension  
April 22, 2009

Southeast corner of Avenida Caballeros and Alejo Road  
(444 Avenida Caballeros and 1013 Alejo Road)

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 applicant/developer shall be required to remove the fencing around the perimeter of the subject property subject to the approval of the Director of Public Works.
2. 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.
3. 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 5.1082 Tentative Tract Map 34165. 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.

4. 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.
5. Pursuant to Fish and Game Code Section 711.4 a filing fee of \$64.00 is required. This project has a de minimus impact on fish and wildlife, and a Certificate of Fee Exemption shall be completed by the City and two copies filed with the County Clerk. This application shall not be final until such fee is paid and the Certificate of Fee Exemption is filed. Fee shall in the form of a money order or cashier's check payable to Riverside County.
6. 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.
7. 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

8. 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 mitigated negative declaration will be included in the Planning Commission consideration of the environmental assessment. Mitigation measures are as follows:

MM III-1 To the extent feasible, the project contractor shall use the following equipment and methods to reduce construction emissions:

- A. Measures to mitigate for off-road mobile source emissions (Table 11-3 of SCABMD CEQA Handbook):
  - 1. Methane-fueled pile drivers.
  - 2. Use electricity from power poles rather than temporary diesel or gasoline power generators.
  - 3. Use methanol or natural gas on-site mobile equipment instead of diesel.
  - 4. Use propane or butane-powered on-site mobile equipment instead of gasoline.
  
- B. To mitigate for PM<sub>10</sub> Emissions:
  - 1. Grading
    - a. Apply non-toxic soil stabilizers according to manufacturers' specification to all inactive construction areas (previously graded areas inactive for ten days or more).
    - b. Replace ground cover in disturbed areas as quickly as possible.
    - c. Enclose, cover, water twice daily or apply non-toxic soils binders according to manufacturers' specifications, to exposed piles (i.e., gravel, sand, dirt) with 5% or greater silt content.
    - d. Water active sites at least twice daily.
    - e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
    - f. Monitor for particulate emissions according to District-specified procedures. Contact the District for more information at (714) 396-3600.
  - 2. Paved Roads
    - a. Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads (recommend water sweepers with reclaimed water).
    - b. Install wheel washers where vehicles enter and exit

unpaved roads onto paved roads, or wash off trucks and equipment leaving the site each trip.

3. Unpaved Roads
  - a. Apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces.
  - b. Traffic speeds on all unpaved roads to be reduced to 15 mph or less.
  - c. Pave construction roads that have a traffic volume of more than 50 daily trips by construction equipment, 150 total daily trips for all vehicles.
  - d. Pave all construction access roads at least 100 feet on to the site from the main road.
  - e. Pave construction roads that have a daily traffic volume of less than 50 vehicle trips.

MM III-2 The following measures from the District's Rule 403, Table 1 Best Available Control Measures shall also be implemented. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission source:

- A. Stabilize backfill material during handling and at completion of activity.
- B. Pre-water soils prior to cut and fill activities.
- C. Stabilize wind erodible surfaces to reduce dust.
- D. Stabilize surface soils where support equipment and vehicles will operate.
- E. Stabilize disturbed soils throughout the construction site.
- F. Pre-apply water and re-apply water as necessary to maintain soils during earth-moving activities. Visible emissions shall not exceed 100 feet in any direction.
- G. Maintain at least six feet of freeboard on haul vehicles.
- H. Stabilize stockpiled soils.
- I. Limit vehicular travel to establish unpaved roads (haul routes) and unpaved parking lots.

The above measures shall be implemented during all grading and construction phases of the project and enforced/monitored by the City of Palm Springs and the SCAQMD. Implementation of these mitigation measures would reduce construction-related emissions in accordance with the reduction efficiencies shown in Tables 11-3 and 11-4 of the SCAQMD CEQA Handbook. These measures are considered adequate by the District to reduce emissions to less than significant.

MM V-1 As there are always a possibility of buried cultural and paleontological resources in a project area, a Native American Monitor(s) shall be present during all round disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. The Agua Caliente Band of Cahuilla Indian Cultural Office shall be contacted 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 Services. Following consultation, the Director shall have the authority to halt destructive construction and shall notify a qualified archaeologist to investigate the find. 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. If human remains are discovered they shall be handled consistent with the state law provisions.

To comply with the City 65 dBA CNEL exterior and 45 dBA CNEL interior noise level standards, the following mitigation measures outlined in the noise study (Endo Engineering, 2005) are required:

MM XI-1 During construction phases, the contractor shall ensure that all construction is performed in accordance with the applicable City of Palm Springs noise standards. This measure shall be added to the construction contract.

MM XI-2 Construction activities on-site should take place only during the hours between 7:00 a.m. and 8:00 p.m., as specified by the Palm Springs Noise Ordinance (11.74.041), to reduce noise impacts during more sensitive time periods. The Construction Site Regulations (Chapter 8.04.220) also identify specific limits on hours of operation for construction equipment as not between 5 p.m. and 8 a.m. if the noise produced is of such intensity or quality that it disturbs the peace and quiet of any other person of normal sensitivity.

MM XI-3 All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and the engines shall be equipped with shrouds.

MM XI-4 All construction equipment shall be in proper working order and maintained in a proper state of tune to reduce backfires.

MM XI-5 Stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors.

MM XI-6 Parking, refueling and servicing operations for all heavy equipment and on-site construction vehicles shall be located as far as practical from existing homes.

MM XI-7 Every effort shall be made during construction activities to create the greatest distance between noise sources and noise-sensitive receptors located in the vicinity of the project site.

MM XI-8 Stationary equipment should be placed such that emitted noise is directed away from noise-sensitive receptors.

MM XI-9 The residential uses proposed adjacent to Avenida Caballeros and Alejo Road shall include a 6.0 foot perimeter wall, or shall be evaluated by a qualified noise consultant at more detailed levels of planning to ensure that adequate noise attenuation measures are incorporated in the project design to meet the City of Palm Springs noise standards (65 CNEL in outside activity areas and 45 CNEL in interior living areas) and the California Noise Insulation Standards. The applicant shall demonstrate to the satisfaction of the City that the required shielding shall be incorporated in the project design, prior to the issuance of building permits.

MM XI-10 All internal combustion-powered equipment shall be equipped with properly operating mufflers and kept properly tuned to alleviate backfires. This measure shall be added to the construction contract.

To comply with City ordinance and policy requirements, the following mitigation measures outlined in the project traffic study (Endo Engineering, 2005) are required.

MM XV-1 The project proponent shall dedicate appropriate right-of-way to accommodate the ultimate improvement of the master planned roadways (Alejo Road and Avenida Caballeros) adjacent to the project site. This shall include the right-of-way dedication is the property line corner cutback dedication required at the northwest corner of the site to accommodate a curb ramp.

MM XV-2 The master planned roadways (Alejo Road and Avenida Caballeros) shall be improved adjacent to the site, to the design standards identified in the Section 14 Specific Plan, as required by the City of Palm Springs.

MM XV-3 The project proponent will comply with the Section 14 Specific Plan requirements regarding the master planned bikeways adjacent to the site along Avenida Caballeros.

MM XV-4 Sufficient off-street parking shall be provided on-site to meet the requirements of the Palm Springs Municipal Code.

MM XV-5 The project proponent shall contribute traffic impact mitigation fees, by participating in the Traffic Uniform Mitigation Fee (TUMF) program.

The following mitigation measures are recommended to reduce potential circulation and/or site access impacts associated with the proposed project:

MM XV-6 To insure compliance with City access and design standards, the final building and parking layout and site access design shall be subject to the review and approval of the City Traffic Engineer, as part of the development review process.

MM XV-7 Clear unobstructed sight distance shall be provided at the unsignalized site driveway on Avenida Caballeros.

MM XV-8 The project proponent shall be required to contribute 100 percent of the cost of the following circulation improvements in conjunction with the development of the proposed project:

- A. Avenida Caballeros – The Applicant shall modify or remove the raised median on Avenida Caballeros, south of Alejo Road, as required by the City Engineer.
- B. Avenida Caballeros - Since the site has 610 feet of frontage on Avenida Caballeros, the TWLTL may be extended beyond the site access, to function as a median refuge for motorists making westbound left turns out of the project site.
- C. Avenida Caballeros - The southern terminal treatment for introduction of the TWLTL shall be developed by simple northbound through-lane approach taper widening from the basic 2- or 4-lane cross section on Avenida Caballeros. This taper will cause all vehicles to transition laterally and shall be moderately long (approximately 150 feet long assuming 35 mph) to shift the northbound through lanes laterally 6 feet and provide a full shadowed 12-foot wide TWLTL.
- D. Avenida Caballeros - Construct a single westbound exit lane and a single entry lane at the site access.
- E. Avenida Caballeros - Install a STOP sign facing exiting site traffic.

- F. Avenida Caballeros - Construct a meandering 5-foot pedestrian/jogging path, a 10-foot meandering Class I bikeway within a 28-foot landscaped parkway along the east side of Avenida Caballeros, as specified in the Section 14 Master Development Plan/Specific Plan.
  - G. Alejo Road - Construct a 6-foot Class II bikeway and a 6-foot meandering sidewalk within a 20-foot wide parkway on the south side of the Alejo Road adjacent to the project site, as specified in the Section 14 Master Development Plan/Specific Plan.
9. 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 \$2000, 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. The final development plans shall be submitted in accordance with Section 94.03.00 of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission. Final development plans shall be submitted within two (2) years of the approval of the tentative tract map.
13. 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.

#### Public Safety CFD

14. 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.

#### General Conditions/Code Requirements

15. 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.
16. 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.

17. 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.
18. 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.
19. All materials on the flat portions of the roof shall be earth tone in color.
21. 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.
22. 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.
23. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.
24. 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.
25. The street address numbering/lettering shall not exceed eight inches in height.
26. 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
27. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building

#### Engineering Division

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



## 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 registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
- 2A. The applicant shall be required to construct asphalt concrete paving for streets in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete, as may be determined by the City Engineer. Paving of streets in one lift prior to completion of on-site construction will not be allowed, unless prior authorization has been obtained from the City Engineer. Completion of asphalt concrete paving for streets prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs, as required by the City Engineer.
- 2B. Master planned roadways (Avenida Caballeros and Alejo Road) 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

3. Dedicate abutters rights of access to Avenida Caballeros along the entire frontage of the project, excluding the 70 feet wide access point for the Main Entry; vehicular access to Avenida Caballeros, other than from the Main Entry, shall be prohibited.
4. Remove the two existing driveway approaches and replace with 6 inch curb and gutter to match existing in accordance with City of Palm Springs Standard Drawing No. 200.
5. Remove existing curb, gutter and sidewalk as necessary to construct a 34 feet wide driveway approach (Main Entry) in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 280 feet south of the north property line as shown on the approved site plan with a single ingress lane and egress lane. The widths of the ingress and egress lanes of the Main Entry shall be subject to the review and approval by the Fire Marshall.
- 5A. The gated entry is subject to review and approval by the City Engineer and Fire Marshall. The applicant shall provide an exhibit showing truck turning movements

around the entry, demonstrating the ability of standard size vehicles to maneuver through the entry (without reversing) if unable to enter the project. A minimum of 50 feet shall be provided between the back of sidewalk on the adjacent street and the gated entry directory/control panel, with an approved maneuvering area provided between the directory/control panel and the entry gates. The ingress and egress lanes shall be a minimum of 20 feet wide, unless otherwise approved by the Fire Marshall. An opticom system for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed for the entry gates, meeting the approval of the Fire Marshall.

6. 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. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
7. Construct new sidewalk and bike path improvements to match existing sidewalk and bike path improvements along the project frontage.
8. Construct a Type A curb ramp meeting current California State Accessibility standards at the southeast corner of the intersection of Avenida Caballeros and Alejo Road in accordance with City of Palm Springs Standard Drawing No. 212.
9. The Applicant shall modify or remove the raised median on Avenida Caballeros, south of Alejo Road, as required by the City Engineer.
10. The applicant shall install public art at the southwest and southeast corners of the Avenida Caballeros and Alejo Road intersection. The public art shall be designed as a "Gateway" into Section 14, in accordance with requirements established by the Agua Caliente Band of Cahuilla Indians and the Palm Springs Public Arts Commission. Public art shall be designed in accordance with policies and procedures established by the Palm Springs Public Arts Commission, and shall be subject to approval by the Palm Springs Public Arts Commission prior to its construction and installation. Costs associated with the public art may be credited against any public art fees otherwise due. The applicant shall obtain an easement for the City of Palm Springs for installation and maintenance of the public art to be installed at the southwest corner of the Avenida Caballeros and Alejo Road intersection, if installed outside of existing right-of-way. The applicant shall dedicate an easement to the City of Palm Springs for installation and maintenance of the public art to be installed at the southeast corner of the Avenida Caballeros and Alejo Road intersection, if installed outside of existing right-of-way.

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

#### ALEJO ROAD

12. Dedicate abutters rights of access to Alejo Road along the entire frontage of the project, excluding the 60 feet wide access point for the emergency access; vehicular access to Alejo Road shall be prohibited
13. Remove the existing driveway approach and replace with 6 inch curb and gutter to match existing in accordance with City of Palm Springs Standard Drawing No. 200.
14. Remove the existing curb, gutter, and sidewalk as necessary to construct a 25 feet wide emergency access driveway approach located approximately 65 feet west of the east property line in accordance with City of Palm Springs Standard Drawing No. 201. Access shall be limited to emergency access only.
15. Construct new sidewalk and bike path improvements to match existing sidewalk and bike path improvements along the project frontage.
16. All broken or off grade street improvements shall be repaired or replaced.

#### ON-SITE

17. Dedicate easements for public utility purposes, with the right of ingress and egress for service and emergency vehicles and personnel over the proposed private streets.
18. Nothing shall be constructed or planted in the corner cut-off area of any on-site intersection which does or will exceed the height required to maintain an appropriate sight distance in accordance with City of Palm Springs Zoning Code Section 93.02.00, D.
19. All on-site private streets shall be two-way with a minimum 24 feet wide travelway where no on-street parking is proposed.
20. All on-site private streets shall be two-way with a minimum 32 feet wide travelway where on-street parallel parking is proposed on one-side of the street.
21. All on-site streets shall be constructed with an inverted section with gutters to accept and convey on-site stormwater runoff, in accordance with applicable City Standards.
22. An accessible path of travel shall be constructed on-site meeting Building Code or other applicable standards.

23. All on-site streets shall be constructed with decorative concrete, or a minimum pavement section of 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.
24. Parking shall be restricted along both sides of the 24 feet wide on-site private streets; and parking shall be restricted along one side of the 32 feet wide on-site private streets, as necessary to maintain a minimum 24 feet wide clear two-way travel way. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the private streets as necessary to enforce parking restrictions. The Home Owners Association (HOA) shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

#### SANITARY SEWER

25. Any existing on-site sewer improvements shall be removed as required by the City Engineer.
26. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
27. Construct an on-site private sewer system 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 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.
28. The on-site private sewer system shall not connect to an existing sewer manhole within Avenida Caballeros. The on-site sewer system shall connect to the public sewer main with a standard sewer lateral connection in accordance with City of Palm Springs Standard Drawing No. 405.
29. 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.

## GRADING

30. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving 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 [www.AQMD.gov](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 Precise Grading and Paving Plan.
  - b. 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; and a copy of the associated Hydrology Study/Report.
  - c. 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.

- d. A revised PM-10 Dust Control Plan shall be submitted to and approved by the City Engineer. The existing screen fencing shall be removed from the site within 10 days of approval of a time extension for TTM 34165. In accordance with the revised PM-10 Dust Control Plan, 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.
  - e. 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.
  - f. 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. In accordance with this condition, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022, and the existing perimeter fencing shall be removed, until construction activities resume on the project site.
31. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
32. Notice of Intent to comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.
- 32A 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.

33. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.
34. 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 the Grading Plan.
- 34A. 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.
35. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### DRAINAGE

36. 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, 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 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.
37. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains. The developer may conduct stormwater runoff off-site to Avenida Caballeros, provided the increased stormwater runoff due to the development is conveyed directly to the existing storm drain system.
  38. Construction of a new catch basin inlet and storm drain connector pipe to the Tachevah Dam Outlet Drain shall require review and approval by Riverside County Flood Control and Water Conservation District (RCFC). The applicant shall provide a copy of the encroachment permit issued from RCFC for the catch basin and storm drain connector pipe prior to issuance of an off-site street construction permit for Avenida Caballeros.
  39. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.
  40. Construct storm drain improvements, including but not limited to catch basins, and storm drain lines, for drainage of on-site streets into the Tachevah Dam Outlet Drain, as allowed by the Riverside County Flood Control and Water Conservation District.
  41. 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

42. 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.

- 42A. 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.
43. All proposed utility lines shall be installed underground.
44. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities extending across the subject property meet the requirement to be installed underground. The overhead utilities shall be installed underground from the nearest off-site pole located north of Alejo Road; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owner(s) of the affected utilities shall be submitted to the Engineering Division prior to approval of any grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.

45. 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.
46. 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 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.
47. 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 certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
48. 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.
- 48A. 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

49. 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.
50. 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.
51. 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 drawing file), DGN (Microstation drawing file), and 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

52. As determined by the traffic study prepared by Endo Engineering dated October 12, 2005, (as revised December, 2005), the following mitigation measures shall be required:
  - a. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the main entry on Avenida Caballeros in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
  - b. Remove the existing raised landscaped median on Avenida Caballeros and install traffic striping to provide a 100 feet long northbound left-turn lane at Alejo Road with a 60 feet long bay taper, transitioning into a continuous center two-way left-turn lane extending south of the Main Entry. The continuous center two-way left-turn lane shall be transitioned to match existing traffic striping at the south property line. Submit traffic striping and signage plans 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.
53. A minimum of 48 inches of clearance shall be provided on public sidewalks for handicap accessibility. 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 Avenida Caballeros and Alejo Road frontages of the subject property.
54. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, and striping associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
55. Install a street name sign at the Main Entry on Avenida Caballeros in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625.

56. 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.
57. 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. 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:

1. 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. Access for two-way private streets, a minimum width of 24 feet will be required, unless otherwise allowed by the City Engineer, to the minimum of 20 feet required by the Fire Code. No parking shall be allowed in either side of the roadway.
2. Roads must be 30 feet wide when parking is not allowed on only one side of the roadway.
3. Roads must be 40 feet wide when parking is not restricted.

4. Based on the median requirement that have been established by Engineering, fire department will require both left and right turn access on Avenida Caballeros into the main entrance ..
2. Secondary Access: A secondary access shall be provided for all developments with 25 or more dwelling units. CFC Appendix III-D 2.1
3. 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)
4. 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.
5. 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)
6. Fire Sprinklers Required: An automatic fire sprinkler system is required by local ordinance.
7. 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)
8. Operational Fire Hydrants: An operational fire hydrant(s) shall be installed within 250' of all combustible construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except groundcover plantings. (1001.7.2 CFC)
9. Fire Flow: Fire flow for this project is estimated to be 1500 GPM.
10. 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.

11. Residential Smoke Detector Installation: Provide Residential Smoke Detectors. 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.
12. 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)
13. Plot Plan: Prior to completion of the project, a 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points, fire hydrants, 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.

END OF CONDITIONS



The Vision to Develop and the Commitment to Deliver

March 4, 2009

Mr. Edward Robertson  
Principal Planner  
**City of Palm Springs**  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**Subject: Case No. 5.1082 – PD 321 and TTM 34165**

Dear Edward:

Please consider this letter our formal request to extend the subject PD and Tentative Map for a one year period, commencing April 19, 2009 through April 18, 2010. The residential market conditions are such that we are not in a position to secure a construction loan for the planned 84 unit development. We are hopeful that the market improves and we will be in a position to commence construction prior to April 2010.

Thank you for your continued assistance.

Sincerely,

Rob W. Eres  
**Nexus Development**  
Vice President of Entitlements

App. fee \$881 —

RM/sha

Cc: Craig Ewing, Planning Director, City of Palm Springs  
Stephen Scanlon, Vice President of Construction, Nexus Development  
Scott Crumbaker, Project Manager, Nexus Development

5.1082 PD TE

**RECEIVED**

MAR 05 2009

**PLANNING SERVICES  
DEPARTMENT**

**NEXUS Development Corporation Central Division**

1 MacArthur Place, Suite 300, Santa Ana, CA 92707 ph 714.546.5600 fx 714.546.5660 www.nexusd.com