



## CITY COUNCIL STAFF REPORT

DATE: July 15, 2009

PUBLIC HEARING

SUBJECT: CASE 5.1037 AMND; PDD-309; TTM 33161 – AN APPLICATION BY SHERMAN LAS VEGAS HOUSING, LLC FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT REVISING THE PDD FROM 32 SINGLE FAMILY UNITS TO FIVE SINGLE FAMILY UNITS AND 73 MULTI-FAMILY LOW AND MODERATE-INCOME RENTAL UNITS IN ELEVEN, ONE AND TWO STORY BUILDINGS WITH OFF-STREET PARKING AND LANDSCAPING ON APPROXIMATELY 5.95 ACRES LOCATED AT 301 ROSA PARKS ROAD; SECTION 34/T3/R4.

FROM: David H. Ready, City Manager

BY: Director of Planning Services

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### SUMMARY

The City Council will consider an application to amend a previously approved Planned Development District (PDD 309) revising the project from 32 single family homes to five single family homes and 73 multi-family low and moderate-income rental units in eleven buildings, a community service building, swimming pool, tot lot, off-street parking and landscaping on approximately 5.6 acres located at 301 Rosa Parks Road. The application proposes lot mergers to combine several of the lots previously created with Tentative Tract Map 33161 to create a single lot on which the rental units would be constructed. The lot mergers would be processed at Staff level. The PDD seeks minor adjustments in the development standards of the zone for a 6% reduction in off-street parking requirements and a 2% reduction in usable open space and minor adjustments in setbacks. The creation of affordable housing units is the principal public benefit proposed by the applicant.

### RECOMMENDATION:

1. Open the public hearing and receive public testimony.

ITEM NO. 16

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2. Adopt the Mitigated Negative Declaration as an adequate environmental analysis and action on the proposed project pursuant to the California Environmental Quality Act (CEQA) .
3. Adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO CASE 5.1037 - PLANNED DEVELOPMENT 309 TO REVISE THE PROJECT FROM 32 SINGLE FAMILY RESIDENCES TO 5 SINGLE FAMILY RESIDENTIAL UNITS AND 73 MULTI-FAMILY LOW AND MODERATE INCOME RESIDENTIAL UNITS WITH OFF-STREET PARKING AND LANDSCAPING ON APPROXIMATELY 5.95 ACRES LOCATED AT 301 ROSA PARKS ROAD, ZONED PDD 309, SECTION 34/T3/R4 SUBJECT TO REVISED CONDITIONS OF APPROVAL. "

**PRIOR ACTIONS:**

On June 8, 2005, the Planning Commission approved Case 5.1037, PDD 309 TTM 33161, subject to conditions of approval and recommended approval of the case and the associated Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) to the City Council.

On July 6, 2005, the City Council adopted a Mitigated Negative Declaration pursuant to the CEQA and approved Case 5.1037 PDD 309 TTM 33161.

On November 9, 2005, the Planning Commission approved the final PDD development plans for substantial conformance for the subject project.

On April 26, 2006, the Planning Commission approved a time extension to extend the required six month time period for commencement of substantial construction to one year.

On June 13, 2007, an amendment to the PDD was approved by the Planning Commission incorporating vehicular gates at the project entries off Rosa Parks Road and the overall project mix of units.

On August 29, 2007 an amendment to the PDD was approved at Staff level reducing setbacks to the pools in the single family homes.

On October 13, 2008 an amendment to the PDD was approved at Staff level requesting revisions to the elevations of the remaining 28 unbuilt single family residential units.

On June 8, 2009, the Architectural Advisory Committee reviewed the currently proposed amendment to the PDD and voted unanimously to recommend it for approval by the Planning Commission.

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On June 24, 2009, the Planning Commission voted 6-0 to adopt the mitigated negative declaration (MND) as the adequate environmental analysis for the project, and approve Case 5.1037 AMND PDD 309 subject to Conditions of Approval.

**BACKGROUND AND ANALYSIS:**

The project is located on an approximately 5.95 acre parcel bounded by Rosa Parks Road to the north and Radio Road to the south. The east parcel boundary aligns with El Dorado Road and the west parcel boundary aligns with Anza Road. Radio Road is designated a 2-lane undivided collector on the General Plan Circulation map. The Desert Highlands Gateway Community Neighborhood Organization is to the north of the project site. The Palermo condominium complex is approximately two blocks west of the project site. The project is within the San Rafael & Indian Canyon Drive Mixed Use area of the General Plan.

The surrounding land uses, General Plan and Zone designations are summarized in Table 1 below.

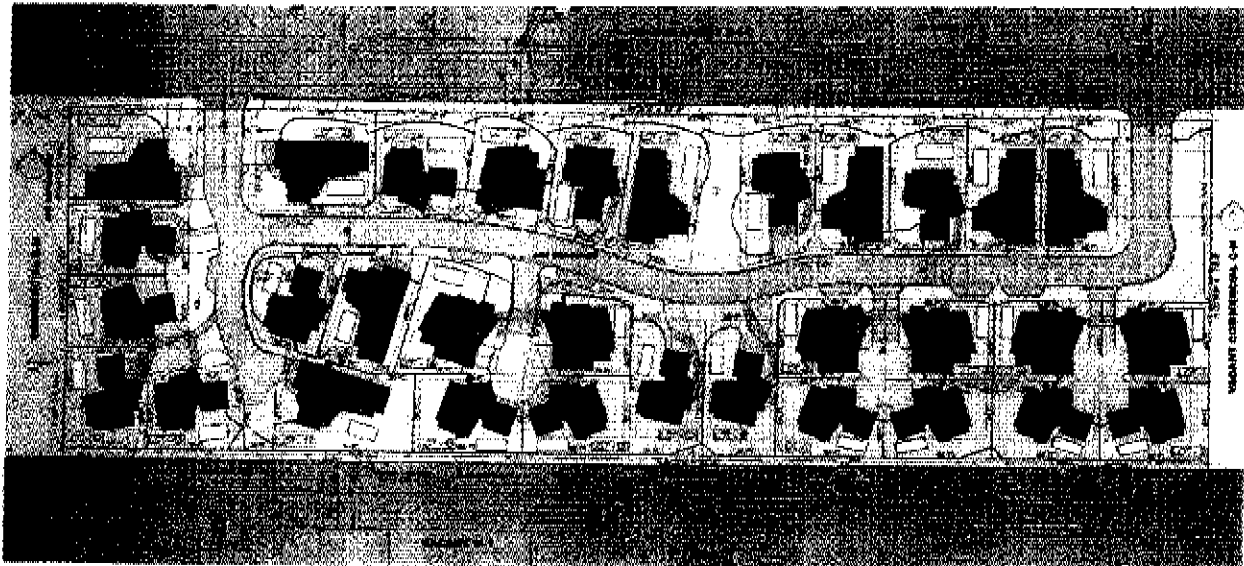
**Table 1: Surrounding land uses, General Plan, Zoning**

	<b>Existing Land Use</b>	<b>General Plan</b>	<b>Zoning</b>
North	Single Family Residential & Vacant Parcels	Neighborhood Community Commercial/ Low Density Residential/Medium Density Residential	R-1-D (Single Family Residential) & C-1 (Commercial)
East	Vacant Parcels	Mixed use	C-M (Commercial/Manufacturing)
South	Vacant Parcels & Light Industrial	Mixed use	M-1 (Manufacturing)
West	Vacant & Light Industrial	Mixed use	M-1/R-2 (Manufacturing & Medium Density Residential)

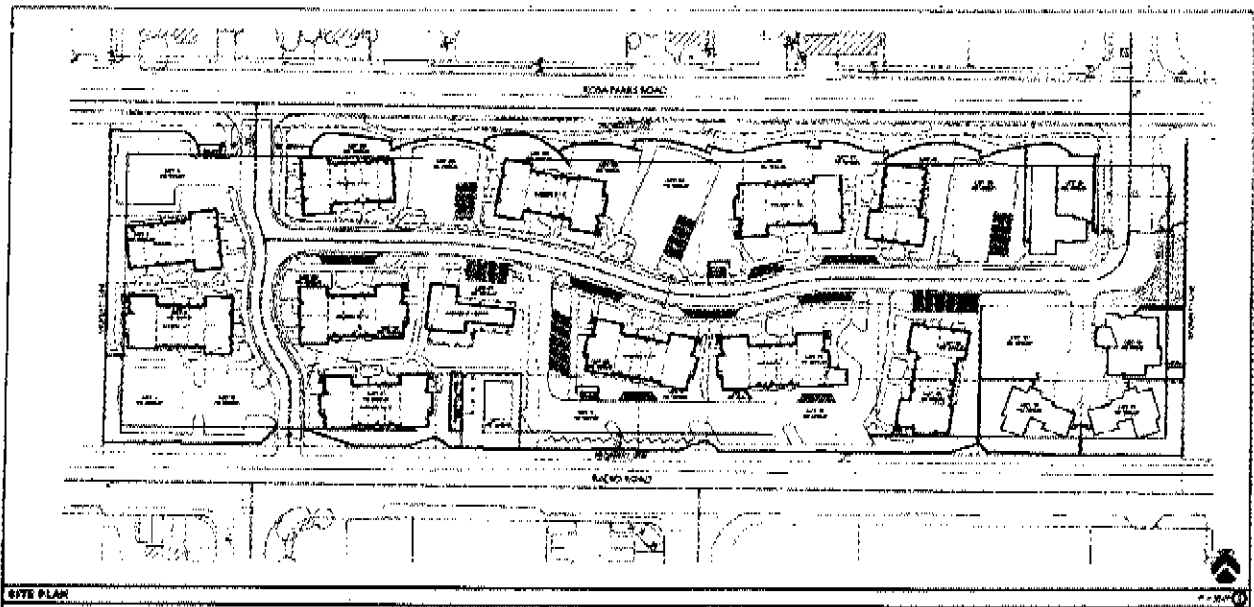
**PROJECT DESCRIPTION:**

The project as approved in 2005 was comprised of 32 single family residential units on individual lots. A private street was proposed with landscaping and a vehicular gate controlling access to the development from Rosa Parks Road. (The gate was approved as an amendment). Four of the 32 homes were constructed but have not been sold.

The applicant has submitted an amendment to the PDD proposing a revision in the number and type of units. The amendment proposes a total of 78 residential units, comprised of five single family "for sale" units and 73 rental units priced for low and moderate income households. The apartments would be arranged in eleven, one and two story buildings in an informal arrangement on the site with small parking lots placed in between the buildings to provide parking adjacent to the individual units.



**SITE PLAN**  
Previously entitled site plan showing 32 single family residential units and private internal street



**SITE PLAN**  
Proposed scheme with 11 multi-family buildings and 5 single family units (at the right). Internal road remains as is.

A community services building and a common swimming pool are proposed in the lower center of the site for use by the residents of the multi-family units. A perimeter wall is proposed around the entire site that is set back and undulates along Rosa Parks Road, however the portion of the site with the apartments would not be gated. The four single family homes that were constructed under the original entitlement would remain and a fifth home would be added. These would be gated from the public street with an intercom access control gate. These homes are located on the eastern portion of the site and would also be separated by a vehicular gate from the apartment buildings on

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the western part of the site. The lot area for the apartments including the area of the proposed private street is approximately 4.95 acres.

The applicant is seeking federal funding for the project and if approved, will be submitting an application for partial funding prior to a deadline of July 24, 2009.

#### Architecture

The project has been designed in contemporary "desert modern" architecture with shade devices over windows and simple geometric volumes. The colors are complementary to the desert environment using warm earth tones and subtle accent colors. The buildings are arranged to respond to solar and wind conditions and to take advantage of views toward the mountains to the north and west of the site.

#### Site Design, Landscape and Open Space.

There are two vehicular access points into the development off Rosa Parks Road. One provides vehicular access to the single family homes on the eastern part of the site and the second provides vehicular access to the multi-family units on the western part of the site. These two access points are connected via an internal road. There is a vehicular gate across this internal road separating the multi-family units from the single family units that is for emergency access only. A third vehicular drive is provided for emergency access only to Radio Road.

Parking for the single family homes is provided via enclosed two-car garages and driveways accessed from the internal street. Parking for the multi-family units is distributed across the site in six modest sized parking lots located in convenient proximity to each of the eleven buildings. The buildings are designed to provide a sense of frontage on the streets so there is a sense of "community" created within the site.

Although the multi-unit part of the project is not gated, it is provided with a decorative perimeter wall. This undulating wall creates a visually interesting frontage to the street and is set back from the property line which allows a greater amount of landscaping on the street-side of the wall.

There is an active play area adjacent to the community swimming pool. Adjacent to this area is a central laundry facility with wide roof structures that provide shade adjacent to the pool area and the adjacent tot lot. The main community building houses the rental office, a community room, computer room, and small catering kitchen.

Shade trees are provided throughout the proposed project and 50% of the parking spaces are provided with carports for shade. Trees are located between the pedestrian sidewalk and the curb to create a separation between vehicles and pedestrians.

## **ANALYSIS:**

### General Plan Consistency

The proposed project site has a General Plan designation of Mixed Use (MU). The density for mixed use areas is a maximum 15 dwelling units per acre and a maximum FAR of 0.5 for non-residential uses. This amendment to the previously approved PDD proposes a total of 78 dwelling units on approximately 5.95 acres. This equates to 13.1 du/acre, which is a lower density than is allowed by the General Plan. There is no commercial/retail area proposed, however the project proposes a mix of residential types, both rental apartment and single family homes for purchase. It also provides common amenities for the residents and encourages walkability within the community.

Certain Goals, Policies and Actions of the General Plan were considered in evaluating the project's General Plan consistency and are outlined in detail in the Planning Commission Staff Report. Staff has concluded that the project is consistent with the City's General Plan.

### Zoning Analysis:

The subject project is located in the R-2 zone with development standards as defined in PDD 309. Section 92.03.00 provides regulations for the R-2 zone.

### Property Development Standards

The Planning Commission staff report provides a detailed analysis of the project's development standards and deviations proposed by the amended PDD.

The amended project conforms to the density, height, and development standards of the zone and of PDD 309. Setbacks are revised as noted in Table 2 below. Parking and usable open space are slightly less than required by the Zoning Ordinance for the underlying R2 zone. These proposed adjustments are summarized below.

### Off-street Parking

Off-street parking requirements are regulated by PSZO Section 93.06.00 "Off-street Parking"

The zoning ordinance requires 142 off-street parking spaces based on the mix of residential units proposed in the PDD amendment. The project proposes 134 spaces and thus is 8 spaces less than required by the zone. This 6% reduction in off-street parking is a development standard for which the PDD seeks relief. Fifty percent (50%), or 67 spaces, are provided with carports. This conforms to the shade requirements of the Zoning Ordinance. Guest parking is provided in the form of parallel parking pockets along the internal street. These were approved in the original PDD. Pursuant to Zoning Code Section 93.06.00, parking must be provided that is within 300 feet of the building which it serves. The proposed lots are all within 50 to 100 of the various apartment buildings. The project therefore conforms to this requirement.

Planned Development District:

Planned Development District (PDD) #309 was approved as part of the previous application for this project. This proposed amendment modifies certain aspects of PDD #309 as follows:

- Change in the mix and quantity of residential units from 32 single family units to 73 multi-family units and 5 single family units.
- Change in the lot configuration by merging the 32 single family lots created in TTM 33161 to 5 single family lots and one multi-family lot (lot mergers will be processed at staff level).
- Change in the configuration and quantity of off-street parking from individual two-car enclosed attached garages to 134 off-street parking spaces for the multi-family units arranged in multiple parking lots. The provision of off-street parking for the multi-family units is 8 spaces less than required. (This is one of the development standards for which the amended PDD seeks relief).

A PDD may be approved either as a change of zone or as modifications to the underlying development standards for the zone. This PDD is not proposed in lieu of a zone change because the proposed uses are permitted in the underlying R2 zone. This PDD was submitted to establish unique development standards for this project.

Table 2 below, summarizes the development standards for the R-2 zone and the standards proposed by the PDD.

**Table 2: Comparison of Development Standards by Zone & Proposed PDD**

	<b>R-2 Zone</b>	<b>PDD- 309</b>
Lot Area	20,000 sf Minimum	4.95 acres for multi-family lot (215,660 square feet) Five single family unit lots were developed under the initial PDD entitlement varying from 5,624 to 6,772 square feet.
Density	3,000sf of net site area per dwelling unit (15du/ac)	13.1du/ac., 73 multi family units and 5 single family units.
Height	24 feet	23 feet for multi-family units, 22 feet for single family units
Lot width	130 feet	Approximately 775 feet for the multi family lot. Minimum 60 feet for single family lots per original PDD.
Lot depth	190 feet	Approximately 276 feet for multi family lot. Minimum 64 feet for single family units per original PDD
Front yard	25 feet	25 feet for multi-family units, varies for single family units, minimum 5 feet fer original PDD.
Int. side yard	10ft; equal to building height for portions of bldgs greater than 12 feet in height	15 feet at multi-family units, varies for single family lots, but minimum 5 feet per original PDD s. 10 feet between bldg 6a (single story) and the non-built single family unit lot line.
Rear yard	10ft; equal to building height for portions of bldgs. greater than 12 feet in height	Bldg 1d, 6a, 11b, and 13a, are 26 feet in height and 15 feet from lot line. Varies for single family homes. Minimum 12 feet for single family lots per original PDD.
Open Space	50%;	48% open space. Average lot coverage for single family lots: 57%. (which equates to open space of 43%)

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	R-2 Zone	PDD- 309
Distance between bldgs.	15 feet	Not less than 16 feet at multi-family units. Not applicable at single family lots.
Parking required	Per 93.06.00, thus 142 spaces required	134 spaces provided w/50% shaded via carports for multi-family units, single family units provided w/2-car garages

**REQUIRED FINDINGS:**

Findings for the Planned Development District (PDD).

The provisions of Section 94.03.00(B) "*Planned Development District*" of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the development plan for the PDD are in conformity with the required findings and conditions as set forth in Section 94.02.00 "*Conditional Use Permit*", the General Plan and sound community development. Furthermore, Section 94.03.00 (G) provides that modifications to a PDD may be considered following the same procedure as outlined in 94.02.00 for the initial PDD.

These findings and a discussion of the amended project as it relates to each of these findings are noted below.

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

The project proposes a mix of multi family units and single family units to a density of 13.1 dwelling units per acre. The R-2 zone allows single family residences and multi-family residences at 3,000 square foot of lot area per dwelling unit (15 dwelling units per acre). Therefore the project conforms to this finding.

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

The mix of residential uses is desirable because the San Rafael/Indian Canyon Drive Mixed-use land use area of the General Plan envisions development with a mix of uses such as these. The uses are harmonious with the various elements of the General Plan. The uses are consistent with uses permitted in the R-2 zones and therefore are not detrimental to existing or future uses.

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

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The project proposes deviations in the underlying development standards for the zone. With the approval of the proposed amendments to the PDD, the project will be consistent with this finding. The density of 13.1du/ac is less dense than allowed by the General Plan. The street-front setbacks are consistent with existing development in the neighborhood. The height of the project is permissible in the R-2 zone. Therefore Staff believes the project is consistent with this finding.

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

The primary street that relates to the project is Rosa Parks Road. The secondary street for emergency access is Radio Road which is a collector in the General Plan Circulation Map. The General Plan traffic study and the traffic study for the project indicate the roadway network in the vicinity of the project is capable of handling the density and volume of traffic generated by this type of use. The internal private street with the gates has been reviewed by the City Fire Department and Public Works and those departments have provided conditions for use and access that make the arrangement acceptable. Therefore Staff has concluded that the site adequately and properly relates to the street network supporting the project.

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

The Conditions of Approval recommended by staff are attached to this report as Exhibit A. Staff also recommends the comments from the AAC be incorporated into the conditions of approval for this project.

Analysis of Public Benefit provided as part of the Planned Development District:

The City Council adopted the policy, "Planned Development Districts and Public Benefits" on September 17, 2008. Consequently, the Commission will review the PDD amendment with regard to the public benefit that would be derived from the granting of deviations from the development standards requested therein.

One of the primary factors in the public benefits policy is "proportionality", which is stated, as follows:

*The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.*

At the time of the entitlement, provision of public benefit was not required. However, the previously approved PDD staff report identified several "amenities" created by the project. Of those previously noted amenities, the following still would be created under this amendment:

- A consistent street tree program for the new private street, Rosa Parks Road, and Radio Road.
- Enhanced perimeter walls that meander and create visual interest along the street edge and set back from the sidewalk for more landscaping on the outer side of the wall.
- A proposed project density that is less than permitted by zone.
- Enhanced investment in a neighborhood abutting an industrial area.
- Views preserved.

Staff has listed the amendment-requested modifications to development standards in order of what it believes are the greatest to the least in terms of magnitude of the deviation.

1. 6% reduction in off-street parking.
2. 2% reduction in recreational and landscaped open space.
3. Minor reductions in setbacks.

In considering the proportionality of the requested deviations against the public benefit created by those deviations, staff believes that the requested deviations are "minor" in terms of the magnitude of the deviations from the underlying development standards. The Commission may consider among the approved set of options: (see attached policy):

- The project as Public Benefit (bringing a mixed-use low and moderate income for rent residential project to the San Rafael/Indian Canyon Mixed Use area),
- Sustainability features. (For example: street trees, bicycle parking, electric vehicle charging stations, etc.)
- Off-site Improvements (Any other public improvements off the project site.)

The applicant proposes the project itself as the public benefit – that of providing much-needed affordable housing within the City of Palm Springs, along with the sustainability features (bike parking on site, and street trees in addition to on-site landscaping along Radio Road and Rosa Parks Road). Staff believes this is a reasonable public benefit provision by the applicant given the minimal nature of the deviation in development standards requested.

Staff will incorporate any additional Public Benefit that the City Council may require into the final resolution for this project.

**CONCLUSION:**

The Planned Development District amendment application proposes a project with a different mix of residential uses and density; however both uses and density are permissible by the General Plan and the Zoning Code. The requested modifications in the development standards of the R-2 zone are ones that Staff believes are minor and reasonable in terms of the magnitude of the deviations and the proposed public benefit - that of providing affordable housing, is one that Staff would support.

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City has prepared an environmental study and concluded that significant adverse impacts may occur as a result of the project. The analysis proposes a series of mitigation measures that the City believes reduces these impacts to less than significant levels. The Applicant has agreed in writing to implement the mitigation measures. Therefore a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was submitted on June 1, 2009 for a 20-day public comment period. The comment period ended June 21, 2009. Comments were received from Sunline Transit stating that no additional transit construction improvements would be necessary as a result of the proposed amendment to the PDD.

**NOTIFICATION:**

A public hearing notice was published in The Desert Sun and mailed to all property owners within 400 feet of the subject property. Staff received a letter from the President of the adjacent neighborhood expressing support for the project.

**FISCAL IMPACT:** no impact.

  
Craig A. Ewing, AICP  
Director of Planning Services

  
Thomas Wilson  
Assistant City Manager

  
David H. Ready, City Manager

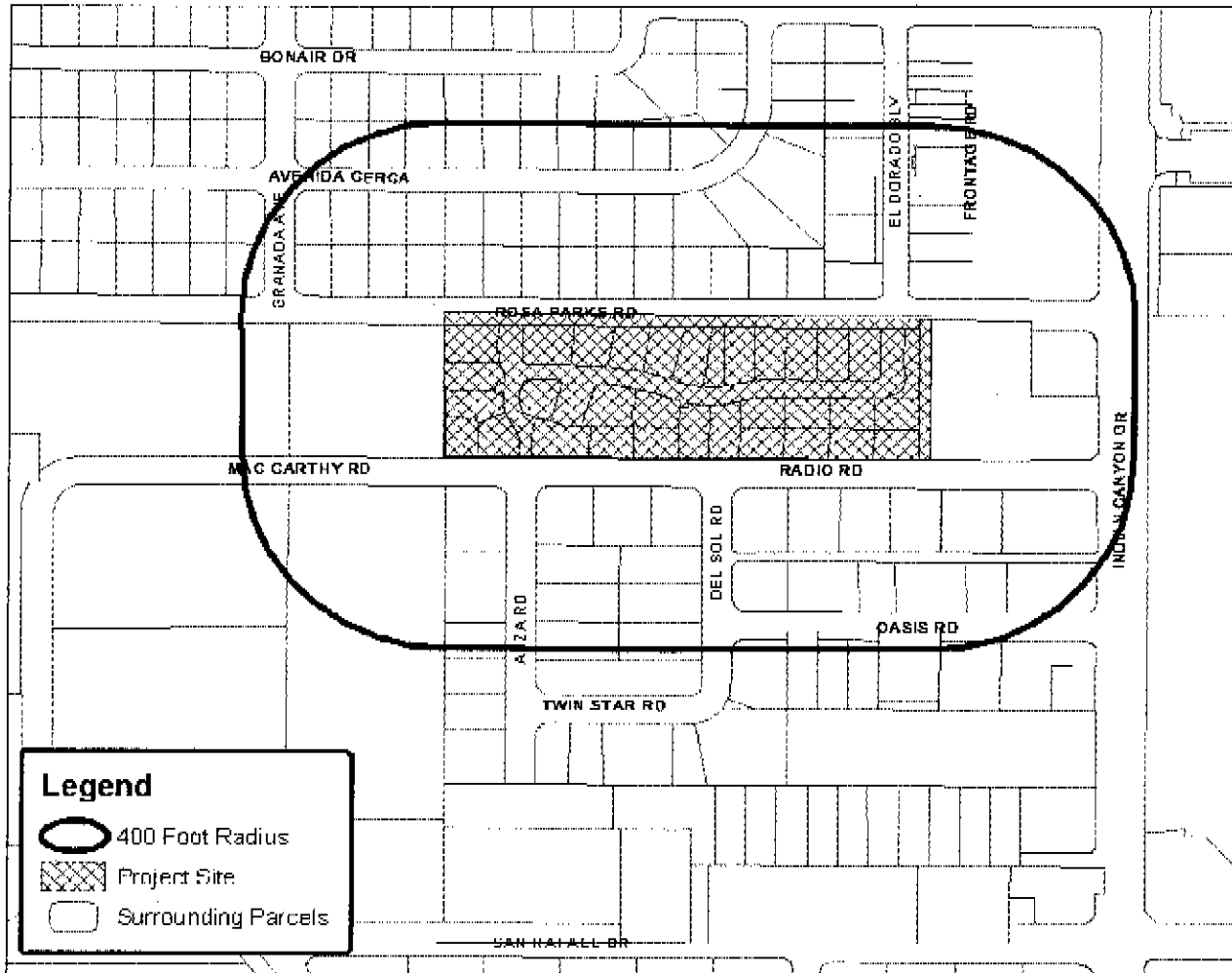
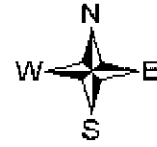
**ATTACHMENTS:**

1. Vicinity Map
2. Draft Resolution & Conditions of Approval
3. Site Plan, elevations and graphics.
4. Planning Commission Minutes dated June 24, 2009 (Excerpt)
5. Planning Commission Staff Report dated June 24, 2009
6. Initial Study (Mitigated Negative Declaration)
7. Patrick to Ewing letter dated June 16, 2009

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# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 5.1037 AMND  
5.1037 PD 309  
TTM 33161

**APPLICANT:** Sherman Las Vegas  
Road Housing, LLC

**DESCRIPTION:** An amendment application by Sherman Las Vegas Road Housing, LLC, to a previously approved PDD, requesting a change from 32 single family units to 73 multi-family low and moderate income rental units and 5 "for sale" single family units on an approximately 5.95 acre parcel at 301 Rosa Parks Road, zoned PDD 309.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT (PDD 309), REVISING THE PDD FROM 32 SINGLE FAMILY UNITS TO FIVE SINGLE FAMILY UNITS AND 73 MULTI-FAMILY LOW AND MODERATE-INCOME RENTAL UNITS IN ELEVEN, ONE AND TWO STORY BUILDINGS WITH OFF-STREET PARKING AND LANDSCAPING ON APPROXIMATELY 5.95 ACRES LOCATED AT 301 ROSA PARKS ROAD, SECTION 34/T3/R4.

WHEREAS, Sherman Las Vegas Road Housing, LLC, ("Applicant") has filed an application with the City pursuant to Section 94.02.00 of the Zoning Code requesting an amendment to a previously approved Planned Development District for a residential development at 301 Rosa Parks Road; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the requested application has been determined to be a project subject to environmental analysis under CEQA; and

WHEREAS, the original Planned Development District (Case 5.1037 PDD 309, TTM 33161) was reviewed and approved by the Planning Commission on June 8, 2005 and was reviewed and approved by the City Council on July 6, 2005, and

WHEREAS, the original PDD 309 was approved with 32 single family homes on 32 single family lots with a private street and landscaping on an approximately 5.95 acre site at 301 Las Vegas Road (now Rosa Parks Road), and

WHEREAS, the amendment application for PDD 309 proposes 73 multi-family low and moderate income residential rental units on approximately 4.95 acres and 5 single family units for sale on the remaining 1 acre of the total 5.95 acre site, and

WHEREAS, on June 26, 2009 a public hearing of the Planning Commission was held in accordance with applicable law 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, and

WHEREAS at said hearing the Planning Commission voted 6-0 to certify the mitigated negative declaration as an appropriate environmental analysis of the

subject project and approved Case 5.1037 AMND PDD 309 subject to conditions of approval and recommended approval of the MND and the project to the City Council, and

WHEREAS, on July 15, 2009 a public hearing of the City Council was held in accordance with applicable law and at said hearing, the City Council carefully reviewed and considered all of the evidence presented in connection with the meetings on the project, including but not limited to the staff reports, environmental documentation, and all written and oral testimony presented.

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

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City has prepared an environmental study and concluded that significant adverse impacts may occur as a result of the project. The analysis proposes a series of mitigation measures that the City believes reduces these impacts to less than significant levels. The Applicant has agreed in writing to implement the mitigation measures. Therefore a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was submitted on June 1, 2009 for a 20-day public comment period. The comment period ended June 21, 2009. Public Comments were received and no additional information was presented. The City Council therefore adopts the Mitigated Negative Declaration subject to all mitigation measures outlined in the environmental analysis.

Section 2: Pursuant to Section 94.03.00 (E) "*Planned Development Districts*" of the Zoning Code, a Planned Development District (PDD) may be established in accordance with the procedures required by Section 94.02.00 "*Conditional Use Permit*". Furthermore, Section 94.03.00 (G) provides that Planned Development Districts may be modified by following the same procedure outlined in 94.02.00.

Findings are hereby made with respect to Section 94.02.00 of the Zoning Code in support of the requested amendment to the previously approved Planned Development District #309 as follows:

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

The project proposes a mix of multi family units and single family units to a density of 13.1 dwelling units per acre. The R-2 zone allows single family residences and multi-family residences at 3,000 square foot of lot area per

dwelling unit (15 dwelling units per acre). Therefore the project conforms to this finding.

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

The mix of residential uses is desirable because the San Rafael/Indian Canyon Drive Mixed-use land use area of the General Plan envisions development with a mix of uses such as these. The uses are harmonious with the various elements of the General Plan. The uses are consistent with uses permitted in the R-2 zones and therefore are not detrimental to existing or future uses.

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

The project proposes deviations in the underlying development standards for the zone. With the approval of the proposed amendments to the PDD, the project will be consistent with this finding. The density of 13.1du/ac is less dense than allowed by the General Plan. The street-front setbacks are consistent with existing development in the neighborhood. The height of the project is permissible in the R-2 zone. Therefore the project is consistent with this finding.

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

The primary street that relates to the project is Rosa Parks Road. The secondary street for emergency access is Radio Road which is a collector in the General Plan Circulation Map. The General Plan traffic study and the traffic study for the project indicate the roadway network in the vicinity of the project is capable of handling the density and volume of traffic generated by this type of use. Therefore the site adequately and properly relates to the street network supporting the project.

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

The Conditions of Approval recommended are attached to this report as Exhibit A.

**Section 3:** The development standards for PDD 309 are hereby revised and amended to be as follows:

**Development Standards for AMENDED PDD #309**

	<b>PDD- 309</b>
Lot Area	4.95 acres for multi-family lot (215,660 square feet) Five single family unit lots were approved with the initial PDD entitlement, varying from 5,624 to 6,772 square feet.
Density	13.1du/ac; 73 multi family units and 5 single family units
Height	23 feet for multi-family units, 22 feet for single family units
Lot width	Approximately 775 feet for multi family lot. Minimum 60 feet for single family lots per original PDD
Lot depth	Approximately 276 feet for multi family lot. Minimum 64 feet for single family lots per original PDD
Front yard	25 feet for multi-family units, varies for single family units, minimum 5 feet per original PDD.
Int. side yard	15 feet at multi-family units, varies for single family homes, but minimum 5 feet per original PDD. 10 feet between bldg 6a (single story) and the non-built single family unit lot line.
Rear yard	Bldg 1d, 6a, 11b, and 13a, are 26 feet in height and 15 feet from lot line. Minimum 12 feet for single family lots.
Open Space	48% open space entire PDD. Average lot coverage for single family lots: 57%
Distance between bldgs.	Not less than 16 feet at multi-family units. Not applicable to Single Family Units.
Parking required	134 spaces provided w/50% shaded via carports for multi-family units, single family units provided w/2-car garages

**Section 4:** Pursuant to the City Council Policy dated September 17, 2008, the following "Public Benefits" are hereby approved by the city Council:

- 1 The project as a public benefit, bringing affordable housing to the City of Palm Springs.
- 2 Sustainability features including street trees along Radio Road, Rosa Parks Road and the proposed internal private road, and bicycle racks.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council adopts a Mitigated Negative Declaration and approves Case 5.1037 AMND PD309, subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this resolution.

ADOPTED this 15<sup>th</sup> day of July, 2009.



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

ATTEST:

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

CERTIFICATION

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

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

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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

RESOLUTION NO. \_\_\_\_\_

EXHIBIT A

Case 5.1037 AMND PDD 309 TTM 33161  
Vista San Jacinto  
301 Rosa Parks Road

June 24, 2009

**CONDITIONS OF APPROVAL**

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

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

**ADMINISTRATIVE CONDITIONS**

- ADM1 Project Description. This approval is for the project described per Case 5.1037 AMND PDD 309; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM2 Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (May 26, 2009), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM3 Conformance to all Codes. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM4 Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM5 Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case 5.1037 AMND PDD 309. 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.

- ADM6 Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM7 Time Limit on Approval. Approval of the (Planned Development District (PDD) Tentative Tract Map (TTM) and Major Architectural Applications (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM8 Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM9 Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts

Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM10 Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM11 Community Services District. 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.
- ADM12 CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances.
- ADM 13. CC&R's. Prior to issuance of building permits, the applicant shall submit a REVISED draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney based on the amendments proposed in this application. The draft CC&R package shall include:

- a. The document to convey title
- b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
- c. Provisions for joint access to the proposed parcels, and any open space restrictions.
- d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- e. Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances.

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

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

## ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) NOT required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy **except** those projects with grading permits previously approved prior to the adoption of the CVMSHCP by the City of Palm Springs.

ENV2 California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at [www.dfg.ca.gov](http://www.dfg.ca.gov) for more information.

- ENV3 Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply.
- ENV4 Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV5 Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)
- a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
  - b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

## **PLANNING DEPARTMENT CONDITIONS**

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs

Municipal Code. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Refer to Chapter 8.60 of the Municipal Code for specific requirements. (See Chapter 8.60.020 for exemptions)

- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) 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 and Planning Department. Final Planned Development District applications must be submitted within two (2) years of the City Council approval of the preliminary planned development district.
- PLN 4. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee: (NONE)
- PLN 5. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan. Bright white should be avoided where possible."
- PLN 6. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned
- PLN 7. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 8. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 9. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 10. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

- PLN 11. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 12. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 13. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and owners. Location and design shall be approved by the Director of Planning.
- PLN 14. Submittals required. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
  - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
  - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 15. Class II bike lane A Class II, six foot wide bicycle lane on Rosa Parks Road is required.
- PLN 16. (add any additional conditions imposed by the Planning Commission or City Council here).

#### **POLICE DEPARTMENT CONDITIONS**

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

#### **ACCESSIBILITY CONDITIONS**

- ADA 1. Project shall conform to all applicable codes and regulations pertaining to accessibility.



## **BUILDING DEPARTMENT CONDITIONS**

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

## **ENGINEERING DEPARTMENT CONDITIONS**

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

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

### **STREETS**

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

ENG 2. 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.

### **RADIO ROAD**

ENG 3. Remove existing street improvements as necessary to construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201. The centerline of the driveway approach shall be located approximately 160 feet from the west property line of that parcel identified by Assessor's Parcel No. 669-441-017.

ENG 4. The Radio Road driveway shall be gated and for emergency access only. The gated entry is subject to review and approval by the City Engineer and Fire Marshall. The on-site travelway width shall be a minimum of 18 feet wide, unless otherwise approved by the Fire Marshall. An Opticom or Tomar system (or equal as approved by the Palm Springs Fire Department) 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.

ENG 5. All broken or off grade street improvements shall be repaired or replaced.

#### ROSA PARKS ROAD

ENG 6. Remove existing street improvements as necessary to construct a 30 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 125 feet from the west property line of that parcel identified by Assessor's Parcel No. 669-441-014. This driveway access shall not be gated.

ENG 7. Construct Type A curb ramps meeting current California State Accessibility standards at 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. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

ENG 8. All broken or off grade street improvements shall be repaired or replaced.

#### ON-SITE

ENG 9. The on-site layout of streets, drive aisles, and parking spaces is subject to further review and approval by the City Engineer. Adjustment of proposed street alignments, and deletion or relocation of proposed parking spaces may be required during review and approval of construction plans for on-site improvements, as required by the City Engineer. Approval of the preliminary site plan does not constitute approval of the on-site layout of streets, drive aisles, and parking spaces as proposed.

ENG 10. The gate controlling the access between the single family homes at the east end of the project and the apartment buildings at the west end of the project, shall be for emergency access only. The gated entry is subject to review and approval by the City Engineer and Fire Marshall. The on-site travelway width shall be a minimum of 24 feet wide (including the wedge curbs), unless otherwise approved by the Fire Marshall. An Opticom or Tomar system (or approved equal) 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. A pedestrian gate shall also be installed at this location.

- ENG 11. All on-site private streets or drive aisles shall be two-way with a minimum 24 feet wide travelway (as measured from back of curb) where no on-street parking is proposed.
- ENG 12. All on-site private streets shall be two-way with a minimum 32 feet wide travelway (as measured from back of curb) where on-street parallel parking is proposed on one-side of the street.
- ENG 13. All on-site private streets shall be two-way with a minimum 40 feet wide travelway (as measured from back of curb) where on-street parallel parking is proposed on both sides of the street.
- ENG 14. On-site private streets shall be constructed with wedge curbs and cross gutters as necessary to accept and convey street surface drainage of the on-site streets to the on-site drainage system, in accordance with applicable City standards.
- ENG 15. Construct Type A, B, or C curb ramps meeting current California State Accessibility standards in accordance with City of Palm Springs Standard Drawing No. 212, 213, or 214, where required on-site.
- ENG 16. Parking shall be restricted along both sides of the 24 feet wide private streets (or drive aisles) and along one side of the 32 feet wide private streets, as necessary to maintain a 24 feet wide clear two-way travelway. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the private streets and drive aisles as necessary to enforce parking restrictions. The Home Owners Association (for the five single family residential lots at the east end of the site), as well as the owner(s) of the multi-family housing section of the development, shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions required for the development.
- ENG 17. The minimum pavement section for all on-site pavement (including private streets, drive aisles, and parking spaces) shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 18. Turn-out areas and parking lots in the multi-family housing section of the project may be constructed of pervious Portland cement concrete pavement if designed by a California registered Geotechnical Engineer using "R" values from the project site, if designed under AASHTO, ACI, and/or ASTM specifications, and if approved by the City Engineer. Pervious paving will only be allowed if the owner(s) enter into an appropriate agreement with the City ensuring on-going maintenance of the pervious paving, including obligations

to remove and replace or provide alternative stormwater retention as required by the City Engineer.

- ENG 19. 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.
- ENG 20. All broken or off grade existing on-site street improvements shall be repaired or replaced.

#### SANITARY SEWER

- ENG 21. The existing on-site sewer system shall be used for this project. The approved plans shall be revised to reflect private sewer. Although originally approved and installed as a public sewer system (refer to City Drawing No. 1A-1-63 through 1A-1-65), the system shall be privately maintained. The existing sewer manhole covers shall be replaced with manhole covers identified as "Private Sewer".
- ENG 22. All on-site sewer systems shall be privately maintained.

#### GRADING

- ENG 23. 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 <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 Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Water Quality Management Plan.

ENG 24. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 25. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

ENG 26. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

ENG 27. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the adjacent streets, roadways, or gutters.

ENG 28. 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.

ENG 29. 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.

- ENG 30. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 31. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 32. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 33. 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. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### WATER QUALITY MANAGEMENT PLAN

- ENG 34. 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.

ENG 35. 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 the amended Conditions, Covenants and Restrictions (CC&R's) for the single family residential lots and the multi-family housing section of the development; 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.

ENG 36. Prior to issuance of certificate of occupancy, the applicant shall:

- a) Demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
- b) Demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved project-specific WQMP, conditions of approval, or grading/building permit conditions: and,
- c) Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/occupants.

#### DRAINAGE

ENG 37. 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, as described in the Preliminary Hydrology Study prepared by MSA Consulting, Inc. (dated May 20, 2009), and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin and pervious concrete paving area sizing and other specifications for construction of required on-site storm drainage improvements shall be finalized in the final hydrology study for this project and approved by the City Engineer. Redesign or changes to site configuration or layout consistent with the findings of the final hydrology study may be necessary upon review and approval of the final hydrology study. On-site open space, in conjunction with dry wells and other

subsurface solutions should be considered as alternatives to using surface on-site retention.

- ENG 38. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Radio Road or Rosa Parks Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 39. 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; provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in amended Covenants, Conditions, and Restrictions (CC&R's) required for the single family residential section, as well as the multi-family housing section of the development.
- ENG 40. Provisions shall be included in the Covenants, Conditions and Restrictions (CC&R's) for this development that require the routine maintenance of on-site storm drainage improvements, including pervious concrete pavement areas, and include the right of the City to inspect and require the owner(s) to maintain, repair, remove, or replace the storm drainage improvements, including pervious concrete pavement areas. In the event that the owner(s) are non-responsive to the City's written notice, the CC&R's shall give the City the right, in the interest of the public's health, safety, and welfare, to order the removal and replacement of the pervious concrete pavement areas if they fail to function, causing water to drain poorly or to accumulate above ground, with costs to be recovered against the owner(s) by the City in accordance with state and local laws and regulations.
- ENG 41. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$6,511.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.



## GENERAL

- ENG 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.
- ENG 43. All proposed utility lines shall be installed underground.
- ENG 44. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 45. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 46. 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 acceptance of the project by the City. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 47. Nothing shall be constructed or planted in the corner cut-off area of any intersection which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

ENG 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 in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

ENG 49. The City shall vacate its existing public sewer easements dedicated within Tract Map No. 33161, and shall vacate that portion of the public utility easement dedicated adjacent to Lot 3.

ENG 50. The existing easements for drainage and reciprocal access reserved adjacent to Lot 3 of Tract Map No. 33161, and the separately recorded utility easements within Tract Map No. 33161 recorded as O.R. 07-05444001, O.R. 07-0720746, and O.R. 07-0544001, shall be quitclaimed, or otherwise extinguished. Proposed buildings that encroach within these easements can not be constructed until the easements are abandoned. No building permit shall be issued until these easements are removed from record.

ENG 51. The recorded Covenants, Conditions and Restrictions (CC&R's) for Tract Map No. 33161 shall be amended as noted below and submitted to the City Attorney for review and approval prior to issuance of building permit:

- a) To regulate and maintain the required no parking restrictions.
- b) To provide for the private maintenance of the on-site sewer system.
- c) To provide for the private maintenance of the on-site storm drain systems, including maintenance, removal, and replacement of pervious concrete pavement areas.
- d) To provide for the perpetual maintenance of the project Best Management Practices (BMP's) installed in accordance with the appropriate National Pollution Discharge Elimination System (NPDES) Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB).
- e) To remove provisions for reciprocal access between Lots 3, 4 and 5 of recorded Tract Map No. 33161;

ENG 52. The existing parcels identified as Lots 1 through 14, Lots 20 through 32, and Lot C of Tract Map No. 33161, Map Book 422, Pages 20 through 22, shall be merged. Application for parcel mergers shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.

## TRAFFIC

- ENG 53. Install street name signs at the two intersections of the on-site private street and Rosa Parks Road in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625.
- ENG 54. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the two intersections of the on-site private street and Rosa Parks Road in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
- ENG 55. Install a "Not an Exit/Emergency Access Only" sign on-site for:
- a) Southbound traffic at the Radio Road emergency access gate;
  - b) Eastbound and westbound traffic at the emergency access gate between the single family residential lots and the multi-family housing section of the development
- ENG 56. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 57. 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.
- ENG 58. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

## FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated 5/20/09. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.

- FID 3. **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.
- FID 4. **Access During Construction (CFC 503):** 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.
- FID 5. **Access Road Design Required (CFC 503.1.4):** The fire code official shall evaluate access road design in terms of total response efficiency. Access south of Buildings 7-B and 8-B needs to be widened to allow apparatus inter-connectivity so that response efficiency is maintained.
- FID 6. **Fire Department Access (CFC 503.2.1):** Fire apparatus access shall have an unobstructed width of not less than 24 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. No parking shall be allowed in either side of the roadway.
- FID 7. **Fire Lane Marking (CFC 503.3):** Approved signs or red painted curbs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
- FID 8. **Turning radius (CFC 503.2.4):** Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 9. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire

apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

- FID 10. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall have an approved means of emergency operation. The proposed security gates and the emergency operation shall be maintained at all times. Secured automated vehicle gates or entries shall utilize approved Knox access switches as required by the fire code official. Residential complexes using secured automated vehicle entry gates or entries shall utilize a combination of a pre-emptive signaling device, as manufactured by Tomar, Opticom or equal as approved by the Palm Springs Fire Department and an approved Knox key electric switch. Gate arms securing parking lots and parking structures shall be equipped with a fire department approved dual-keyed Knox key electric switch. When activated, the arm or arms shall open to allow fire and law enforcement access. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.
- FID 11. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 12. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted adjacent to said gates, on walls or fences, at five (5) feet above grade, or as close to this height as possible if the adjacent wall is less than five feet. Show location of boxes on plan and elevation views. Show requirement in plan notes.
- FID 13. **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 14. **NFPA 13R Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13R, 2002 Edition. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate

for Aboveground Piping to the Fire Department. (6.2.2 NFPA 13R, 2002 Edition)

- FID 15. **Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 1,500 GPM for the multi-unit buildings with the installation of an automatic fire sprinkler system. The fire flow was based on Appendix B of the 2007 CFC.
- Building "A" 7,752 SF estimated fire flow 1,500 GPM with the installation of fire sprinklers.
  - Building "B" 10,104 SF estimated fire flow 1,500 GPM with the installation of fire sprinklers.
  - Building "C" 4,200 SF estimated fire flow 1,500 GPM with the installation of fire sprinklers.
  - Building "D" 5,200 SF estimated fire flow 1,500 GPM with the installation of fire sprinklers.
  - Community Building 1,830 SF with kitchen – This Group A occupancy will require fire sprinklers to be installed.
- FID 16. **Valve and Water-Flow Monitoring (CFC 903.4):** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. 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.
- FID 17. **Central Station Protective Signaling Service (CFC 903.4.1):** A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.
- FID 18. **Residential Smoke Alarms Installation With Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3):** Provide Residential Smoke Alarms (FIREX # 0498 accessory module connected to multi-station FIREX smoke alarms or equal per dwelling and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected so that operation of any smoke alarm causes all smoke alarms within the dwelling to sound.
- FID 19. **Audible Residential Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with

WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be out door rated.

- FID 20. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 21. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top is not more than 5 feet above the floor.
- FID 22. **Photovoltaic System:** Photovoltaic system design and installation must be approved by the fire department. Detailed plans for the solar panels on the laundry room need to be submitted for review and include allowable roof access to perform fire suppression operations.
- FID 23. More information is required on the kitchen for the Community Building. Additional conditions may be required.

**END OF CONDITIONS**



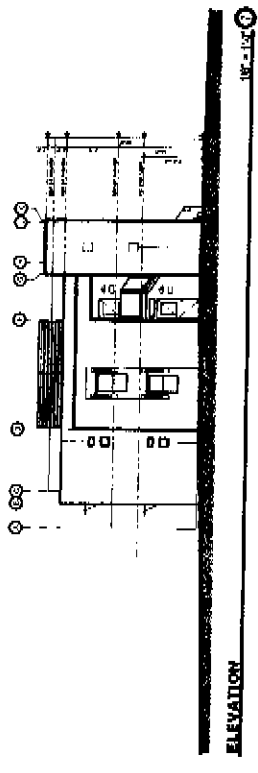
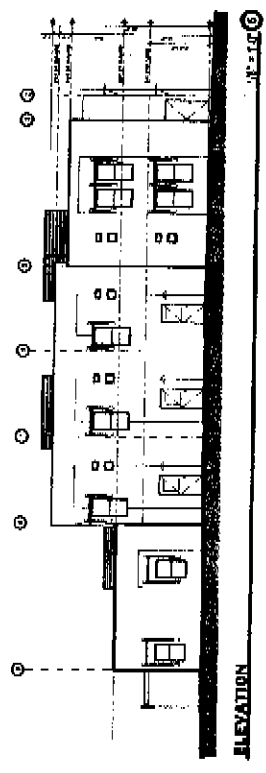
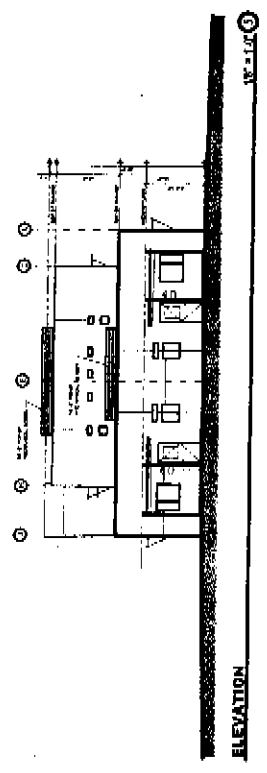
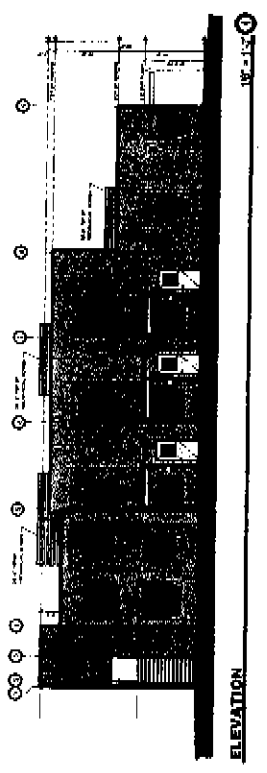
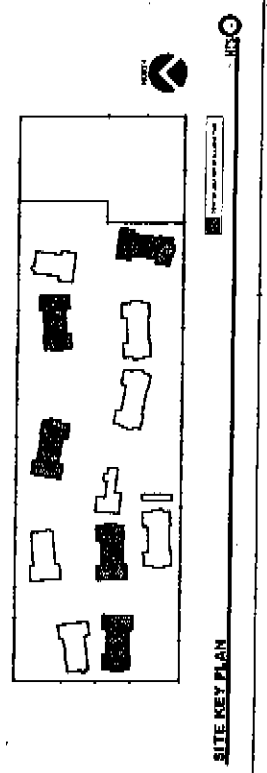
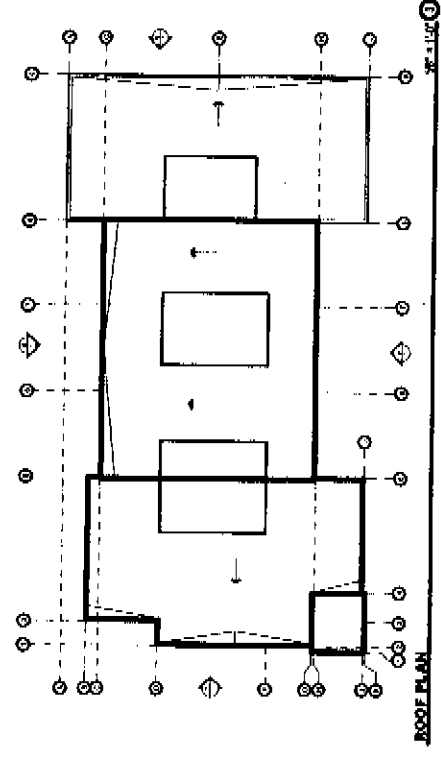
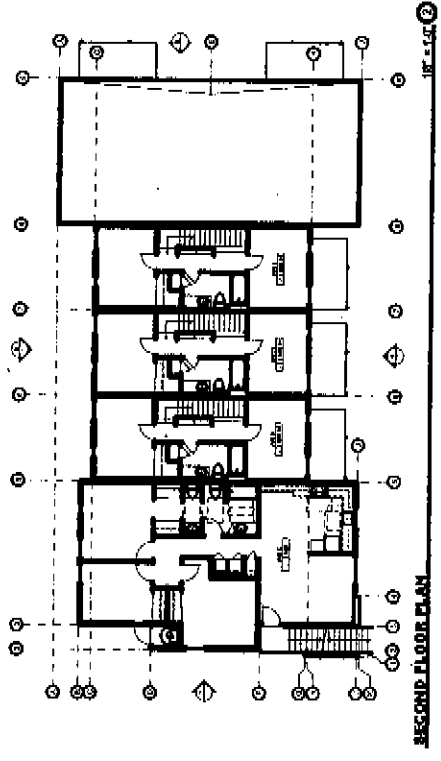
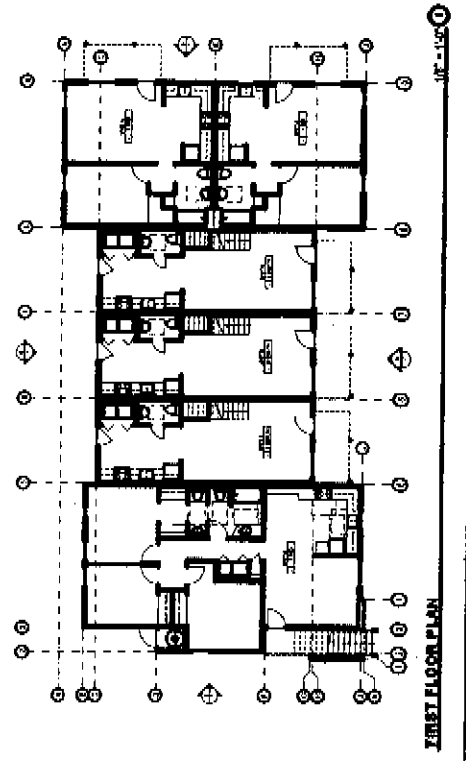


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PROJECT ZIP	

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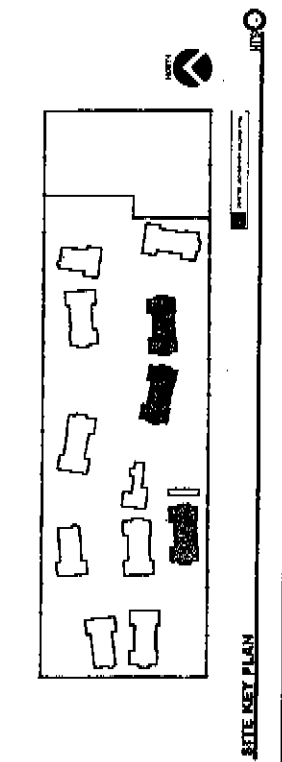
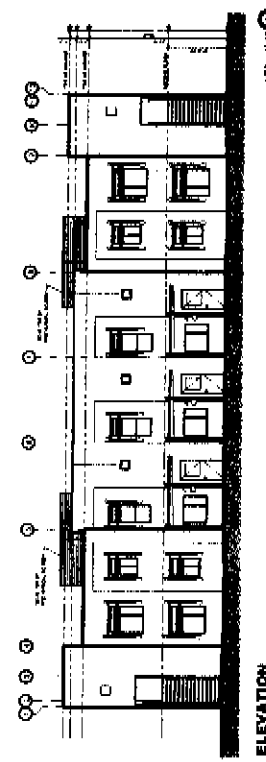
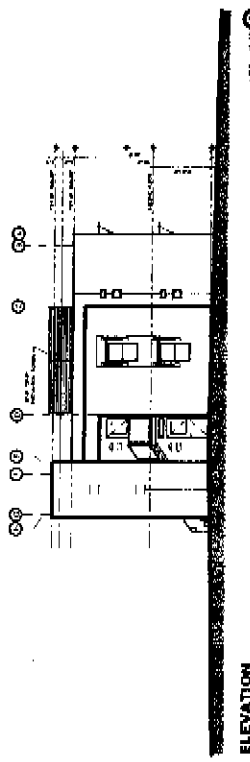
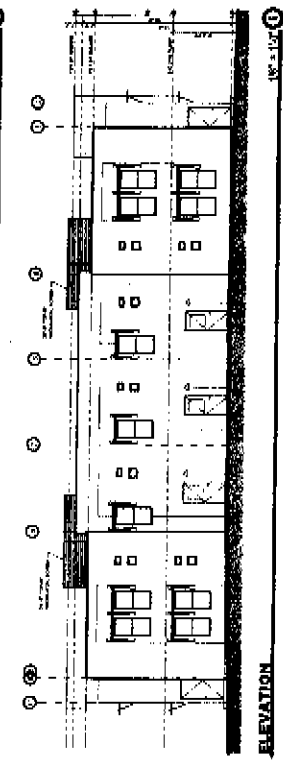
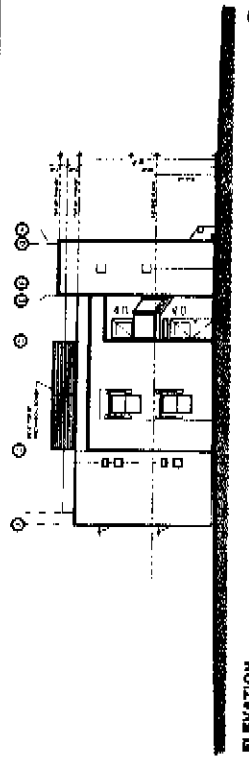
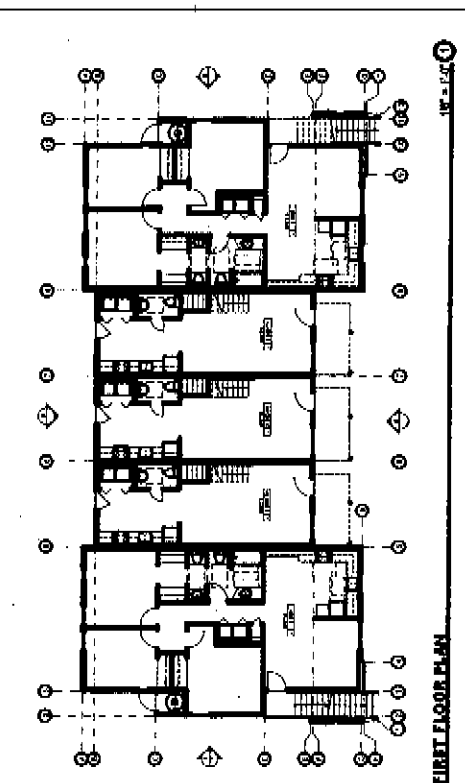
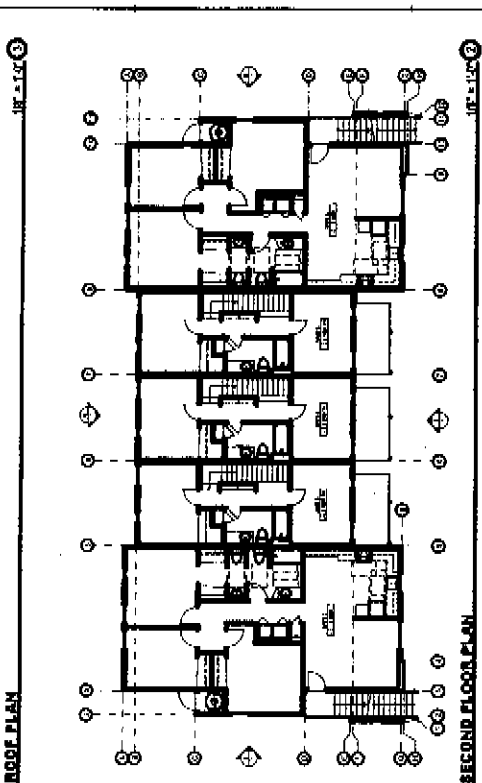
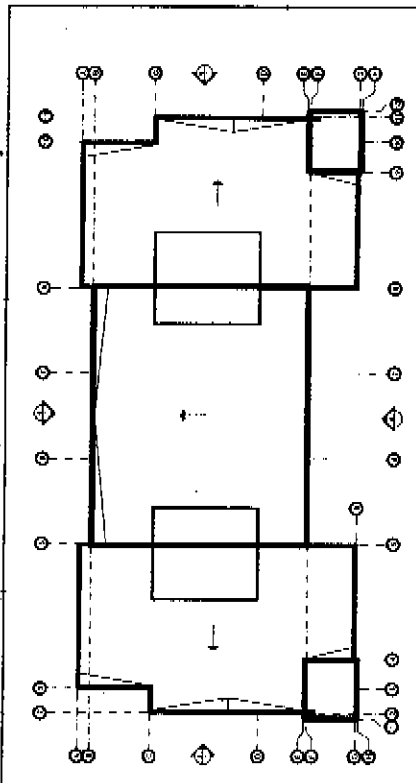
MANAGEMENT & INVESTMENT CO., INC.  
 P.O. BOX 1061  
 MINNEAPOLIS, MN 55404

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 SHEET NO.: 1 OF 1

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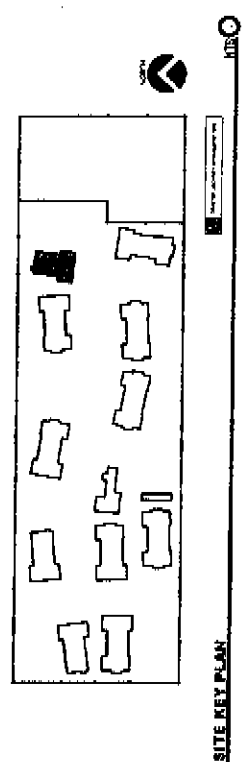
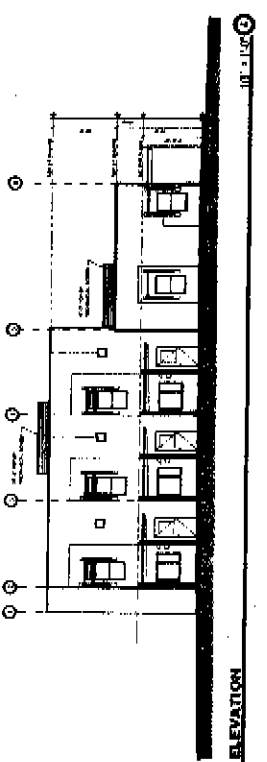
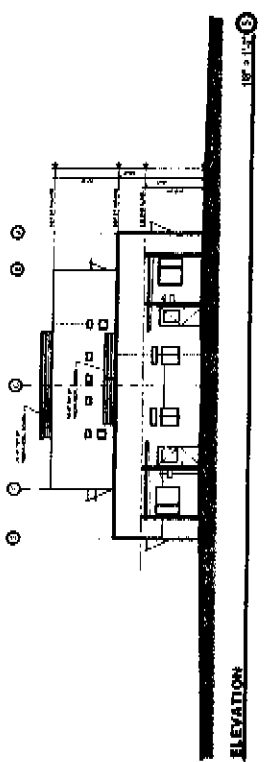
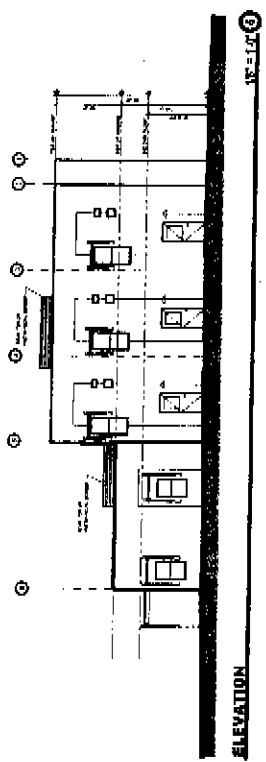
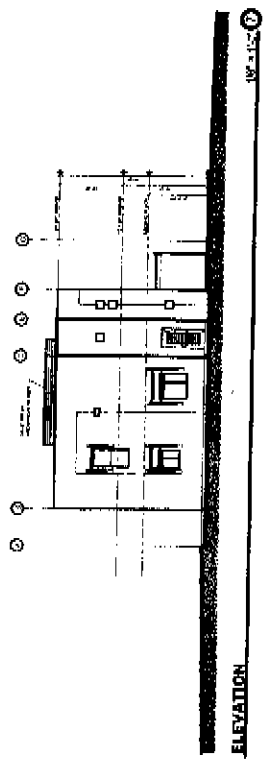
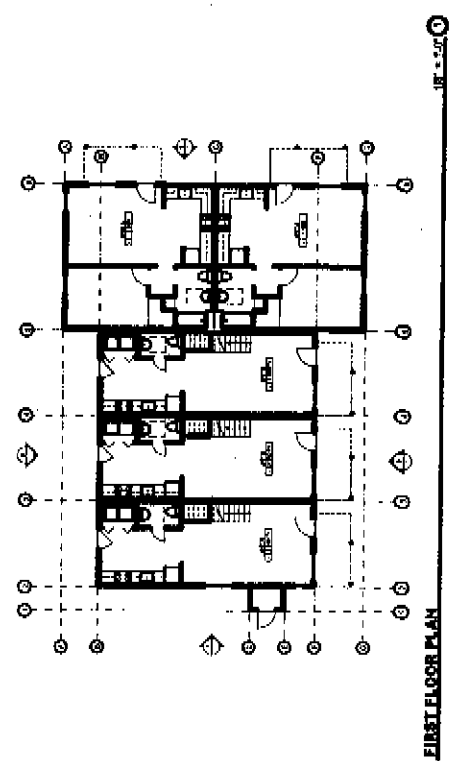
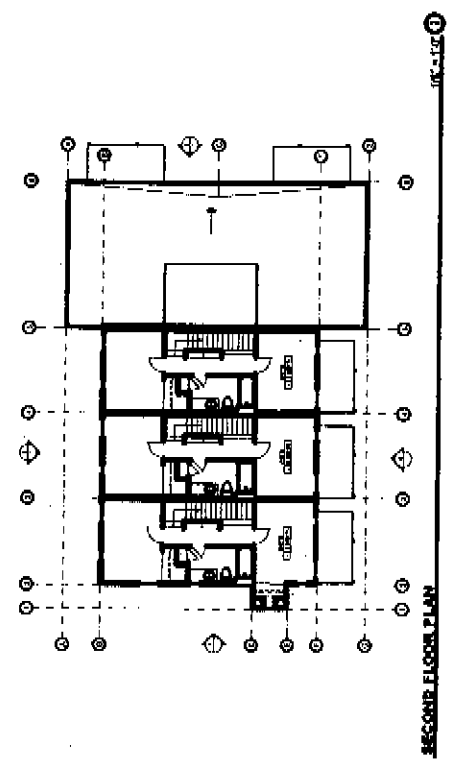
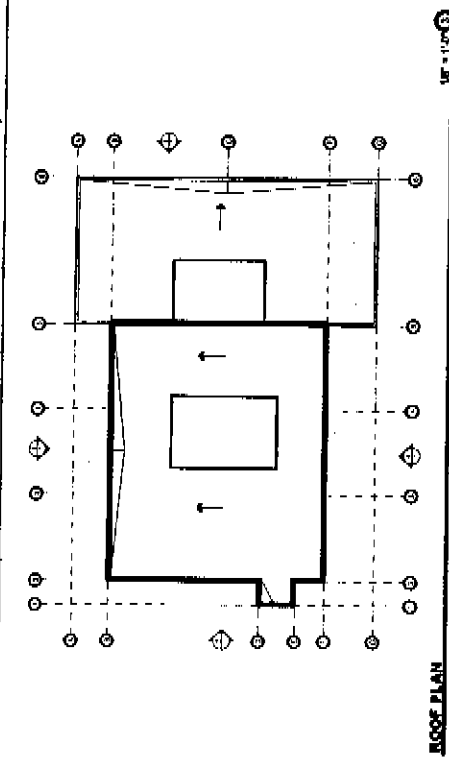
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**MANCHANT INVESTMENT & MANAGEMENT CO., INC.**  
 100 WALL STREET  
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PROJECT NO. 9907  
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**A-1.4**



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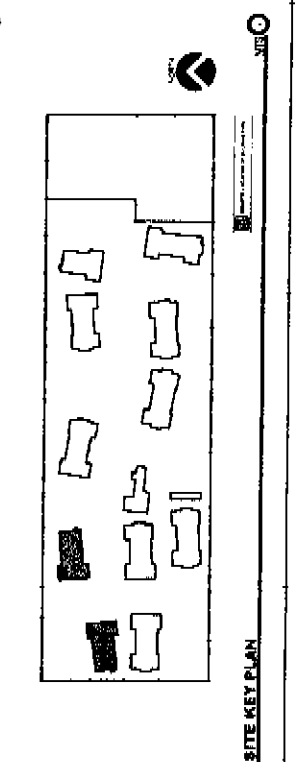
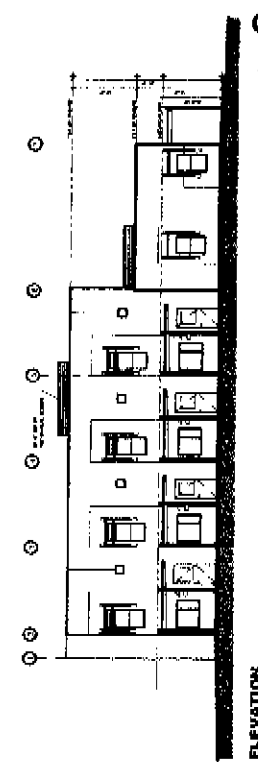
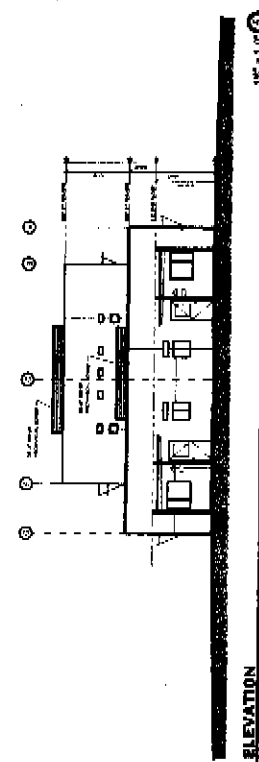
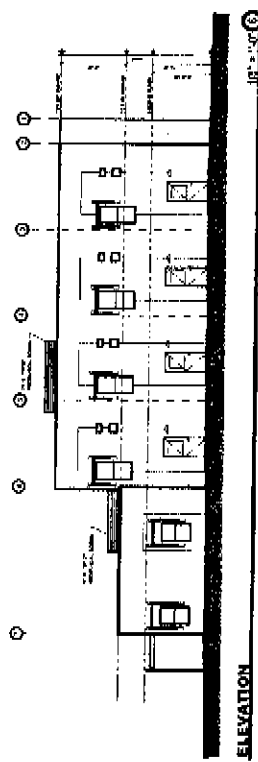
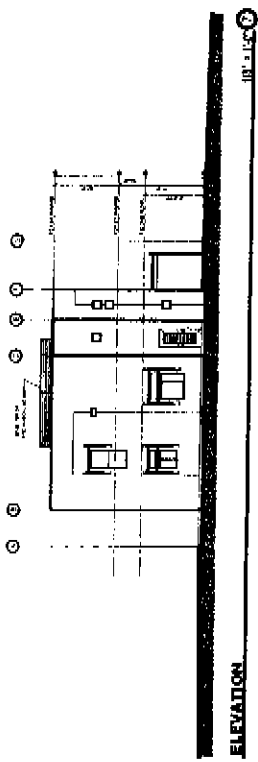
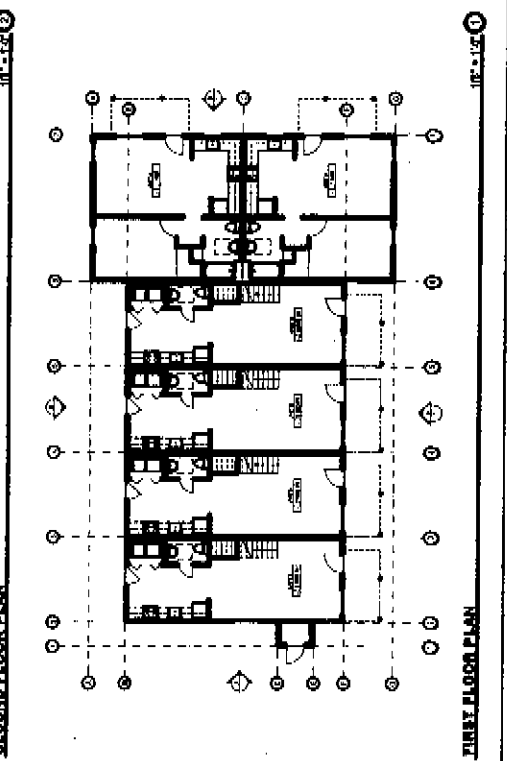
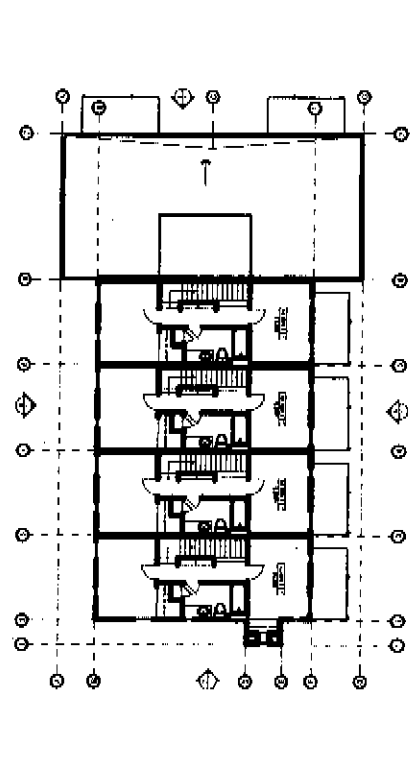
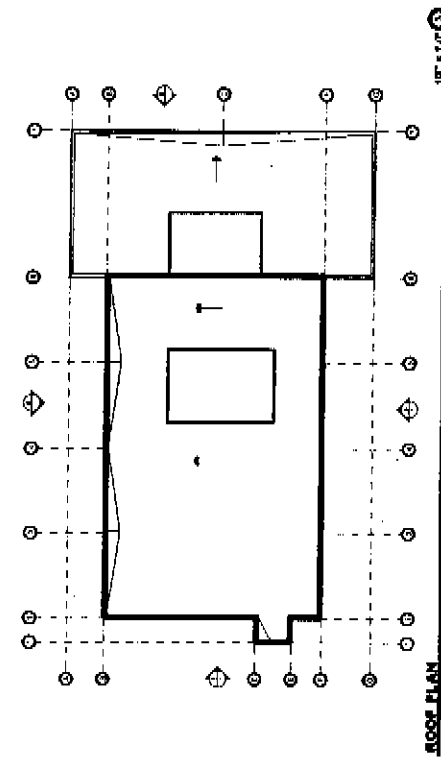
RADIO RD & ROSA PARKS RD

SHERMAN ASSOCIATES, INC.  
233 PAVAN AVENUE SOUTH  
SUITE 201  
PENSACOLA, FL 32503

MARCHANT INVESTMENT & MANAGEMENT CO., INC.  
1711 W. BAYVIEW DRIVE  
PENSACOLA, FL 32506

DATE:	20/04/09
BY:	
CHECKED BY:	
DESIGNED BY:	
PROJECT NAME:	0907
PROJECT NUMBER:	
PROJECT ADDRESS:	
PROJECT CITY:	
PROJECT STATE:	
PROJECT ZIP:	

PROJECT NUMBER: 0907  
PROJECT ADDRESS: BUILDING PLANS AND LIGHTING  
PROJECT CITY: A-1.5



**INTERACTIVE DESIGN CORPORATION**  
 1000 North 4th Street  
 Minneapolis, MN 55412  
 Telephone: 612-338-1111  
 Fax: 612-338-1112

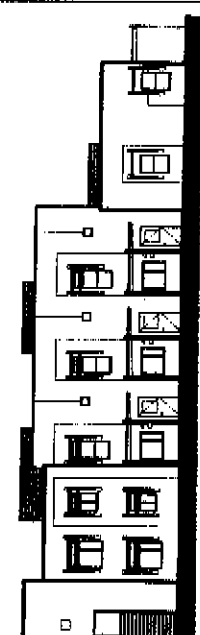


**VISTA RENTAL**  
 1400 ED & ROSA PARK RD  
 MINNEAPOLIS, MN 55425

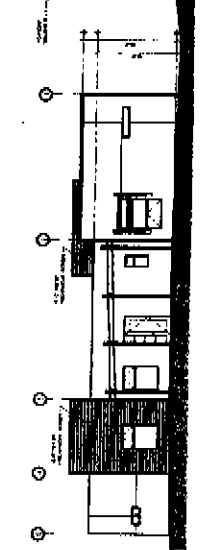
**SHERMAN ASSOCIATES, INC.**  
 333 PARK AVENUE SOUTH  
 MINNEAPOLIS, MN 55402  
**MANAGEMENT & MAINTENANCE CO., INC.**  
 P.O. BOX 1981  
 MINNEAPOLIS, MN 55401

**2004-10-19**  
 1000 North 4th Street  
 Minneapolis, MN 55412  
 Telephone: 612-338-1111  
 Fax: 612-338-1112

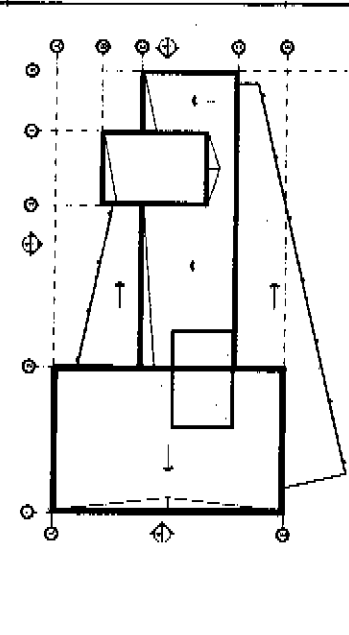
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PROJECT	
OWNER	
DESIGNER	
CONTRACT NO.	
PROJECT NO.	
DATE	09/07
PROJECT	1000 NORTH 4TH STREET BUILDING AND LAUNDRY BUILDING



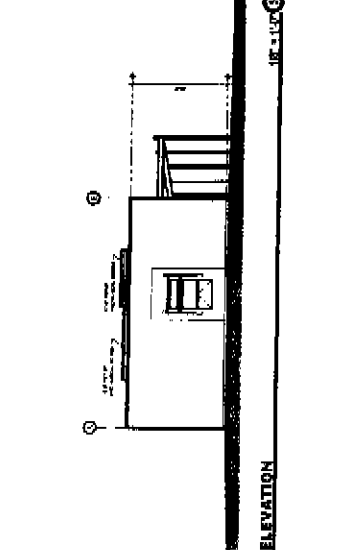
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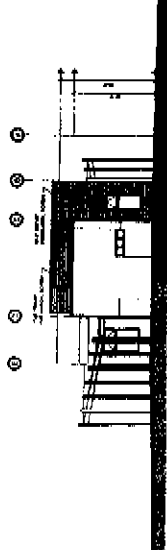
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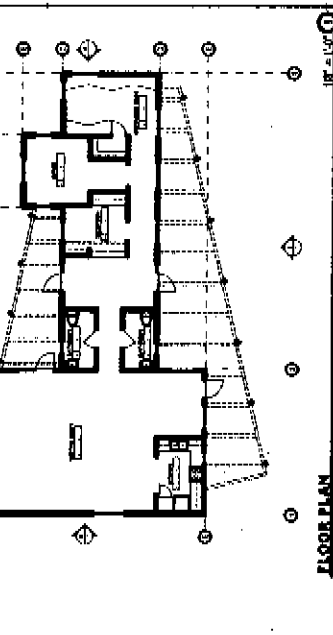
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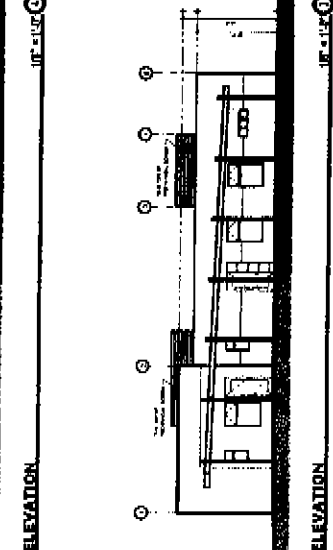
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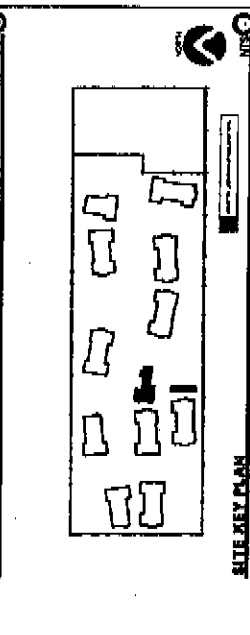
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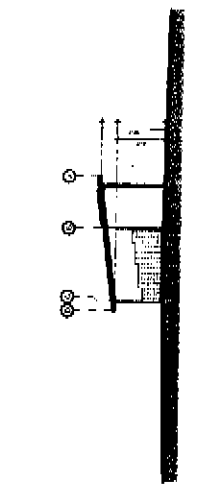
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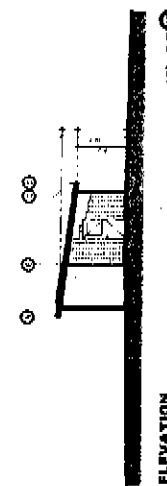
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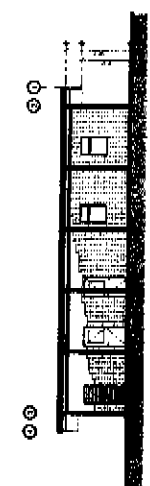
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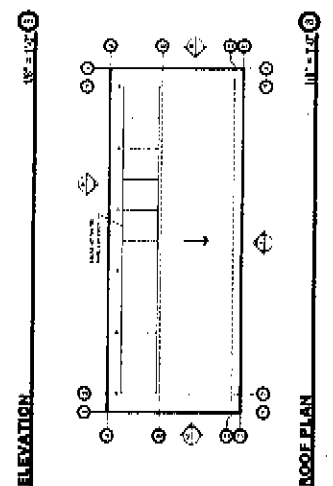
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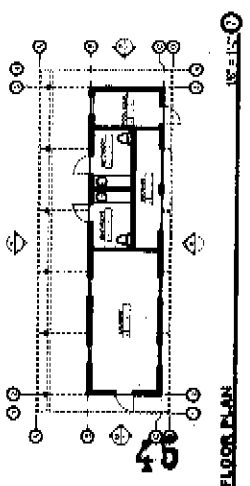
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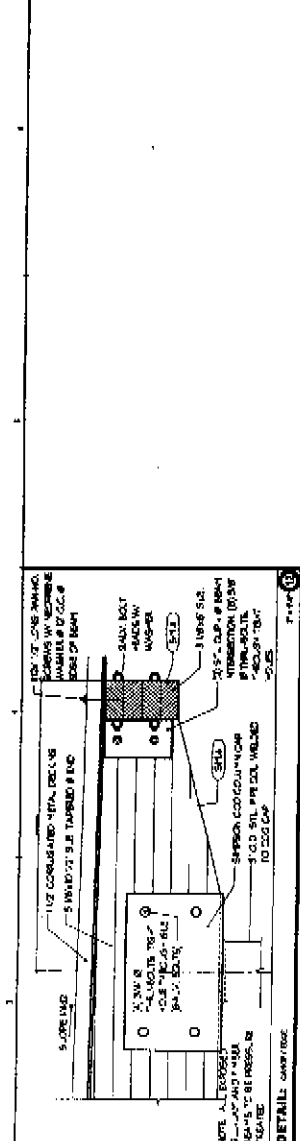
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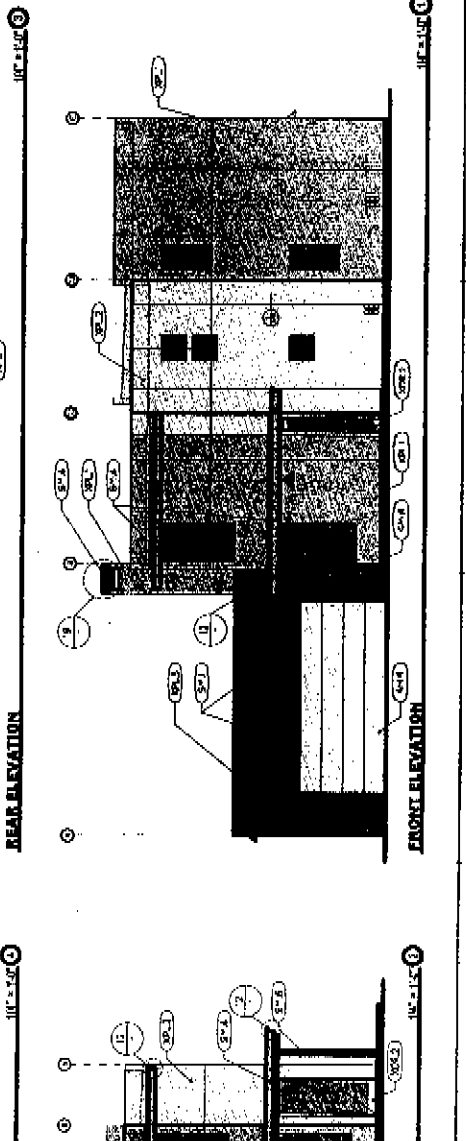
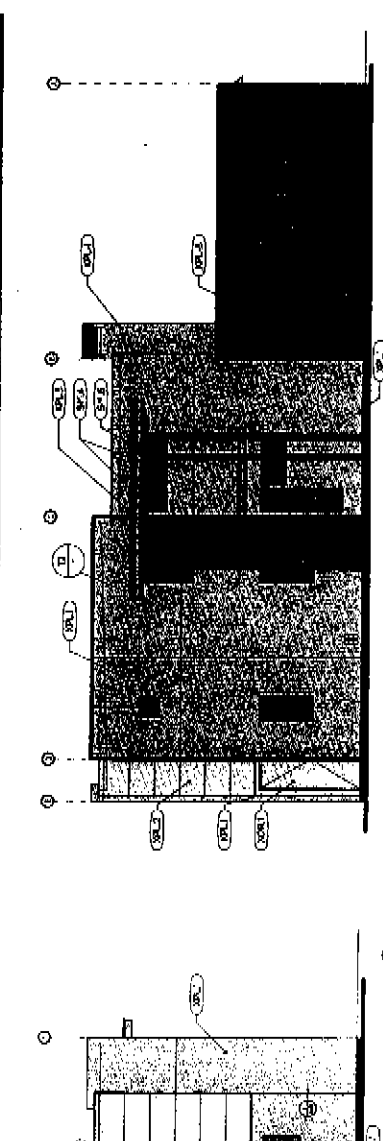
VISTA SAN JACINTO  
 1600 100 S LAS VEGAS RD  
 LAS VEGAS, NV

SHERMAN ASSOCIATES, INC.  
 532 PARK AVENUE SOUTH  
 SUITE 301  
 MINNEAPOLIS, MN 55411

MANCHAUNT INTERIORS  
 MANAGEMENT CO., INC.  
 P.O. BOX 7280  
 MINNEAPOLIS, MN 55408



NO.	COLOR	CALLOUT	BASE FINL	FINISH	DWELL	MATERIAL	CALLOUT	MATERIAL
1	PALMWOOD	SP. 1	PALMWOOD STAIN	6" WY	5" H	METAL-GALV DOOR	SP. 2	5" WY METAL
2	HONEY	SP. 2	PALMWOOD STAIN	4" WY	5" H	METAL-GALV DOOR	SP. 3	5" WY METAL
3								
4	BONSAI	SP. 3	PALMWOOD STAIN	3" WY	5" H	METAL-GALV DOOR	SP. 4	5" WY METAL
5	ORANGE	SP. 4	PALMWOOD STAIN	2" WY	5" H	METAL-GALV DOOR	SP. 5	5" WY METAL
6	SO. WESTERN	SP. 5	PALMWOOD STAIN	1" WY	5" H	METAL-GALV DOOR	SP. 6	5" WY METAL





## Planning Commission Staff Report

Date: June 24, 2009

Case No.: 5.1037 AMND, PDD 309, TTM 33161

Application Type: Amendment to a Planned Development District

Location: 301 Rosa Parks Road

Applicant: Sherman Las Vegas Road Housing, Inc.

Zone: R2, Section 34/T3/R4

General Plan: MU – Mixed Use

APN: 669-441-014 through 048

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Ken Lyon, Associate Planner

---

### **PROJECT DESCRIPTION:**

The project is comprised of an amendment to a previously approved Planned Development District (PDD). The amendment involves revising the PDD from 32 single family units to 5 single family units and 73 multi-family low and moderate income rental units in eleven, one and two story buildings, a community/service building, swimming pool, tot lot, off-street parking and landscaping on an approximately 5.95 acre parcel at 301 Rosa Parks Road. A parcel merger processed at staff level to consolidate the former single family lots for the multi-family units is being processed concurrently.

### **RECOMMENDATION:**

That the Planning Commission:

1. Adopts the Mitigated Negative Declaration as the environmental analysis and action pursuant to the California Environmental Quality Act (CEQA) and recommends approval by the City Council.
2. Approves the amendment application to Case 5.1037 AMND PDD 309, TTM 33161 subject to the attached Conditions of Approval and recommends approval by the City Council.

#### **PRIOR ACTIONS:**

On June 8, 2005, the Planning Commission approved Case 5.1037, PDD 309 TTM 33161, subject to conditions of approval and recommended approval of the case and the associated Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) to the City Council.

On July 6, 2005, the City Council adopted a Mitigated Negative Declaration pursuant to the CEQA and approved Case 5.1037 PDD 309 TTM 33161.

On November 9, 2005, the Planning Commission approved the final PDD development plans for substantial conformance for the subject project.

On April 26, 2006, the Planning Commission approved a time extension to extend the required six month time period for commencement of substantial construction to one year.

On June 13, 2007, an amendment to the PDD was approved by the Planning Commission incorporating vehicular gates at the project entries off Rosa Parks Road and the overall project mix of units.

On August 29, 2007 an amendment to the PDD was approved at Staff level reducing setbacks to the pools in the single family homes.

On October 13, 2008 an amendment to the PDD was approved at Staff level requesting revisions to the elevations of the remaining 28 unbuilt single family residential units.

On June 8, 2009, the Architectural Advisory Committee reviewed the currently proposed amendment to the PDD and voted unanimously to recommend it for approval by the Planning Commission.

#### **BACKGROUND AND SETTING:**

The project is located on an approximately 5.95 acre parcel bounded by Rosa Parks Road to the north and Radio Road to the south. The east parcel boundary aligns with El Dorado Road and the west parcel boundary aligns with Anza Road. Radio Road is designated a 2-lane undivided collector on the General Plan Circulation map. The Desert Highlands Gateway Community Neighborhood Organization is to the north of the



project site. The project is within the San Rafael & Indian Canyon Drive Mixed Use area of the General Plan.



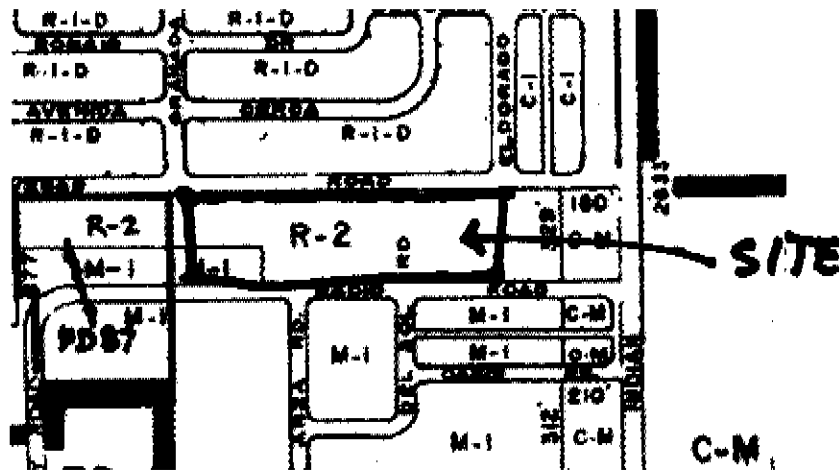
Aerial photo showing site and vicinity

The surrounding land uses, General Plan and Zone designations are summarized in Table 1 below.

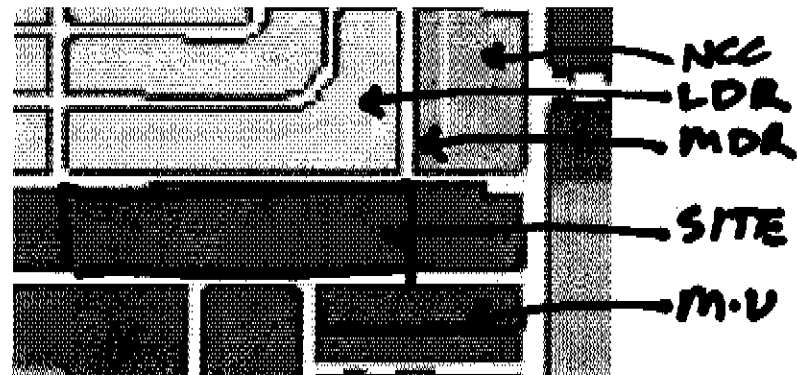
**Table 1: Surrounding land uses, General Plan, Zoning**

	Existing Land Use	General Plan	Zoning
North	Single Family Residential & Vacant Parcels	Neighborhood Community Commercial/ Low Density Residential/Medium Density Residential	R-1-D (Single Family Residential) & C-1 (Commercial)
East	Vacant Parcels	Mixed use	C-M (Commercial/Manufacturing)
South	Vacant Parcels & Light Industrial	Mixed use	M-1 (Manufacturing)
West	Vacant & Light Industrial	Mixed use	M-1/R-2 (Manufacturing & Medium Density Residential)

PLANNED DEVELOPMENT DISTRICT



Portion of Zoning Map showing site in the center of diagram

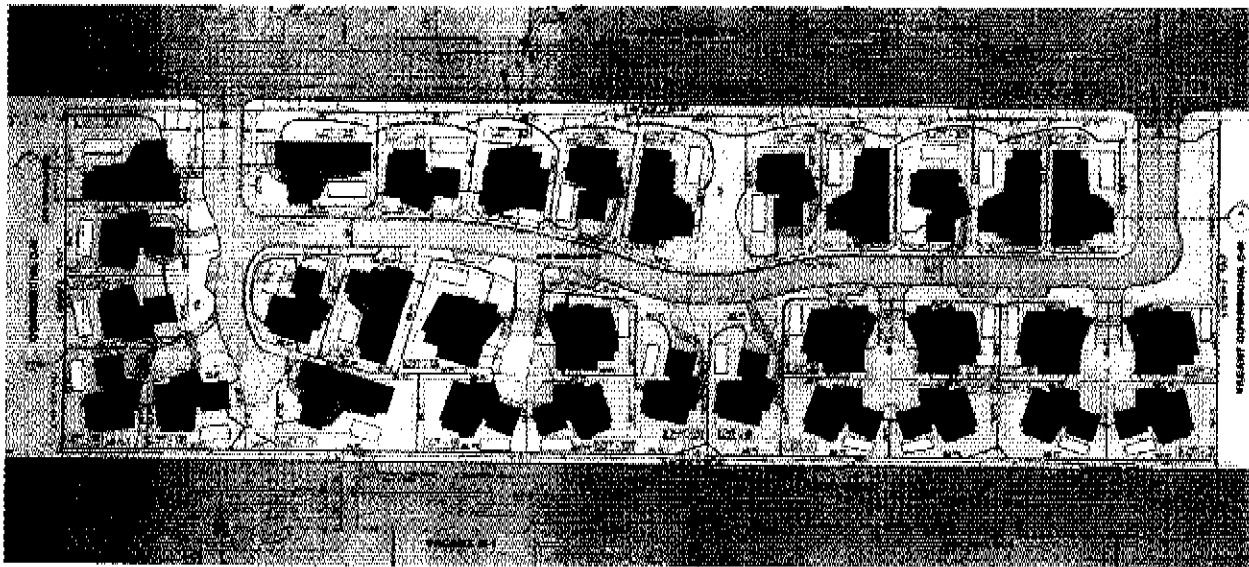


Portion of General Plan Map showing site in the center of diagram

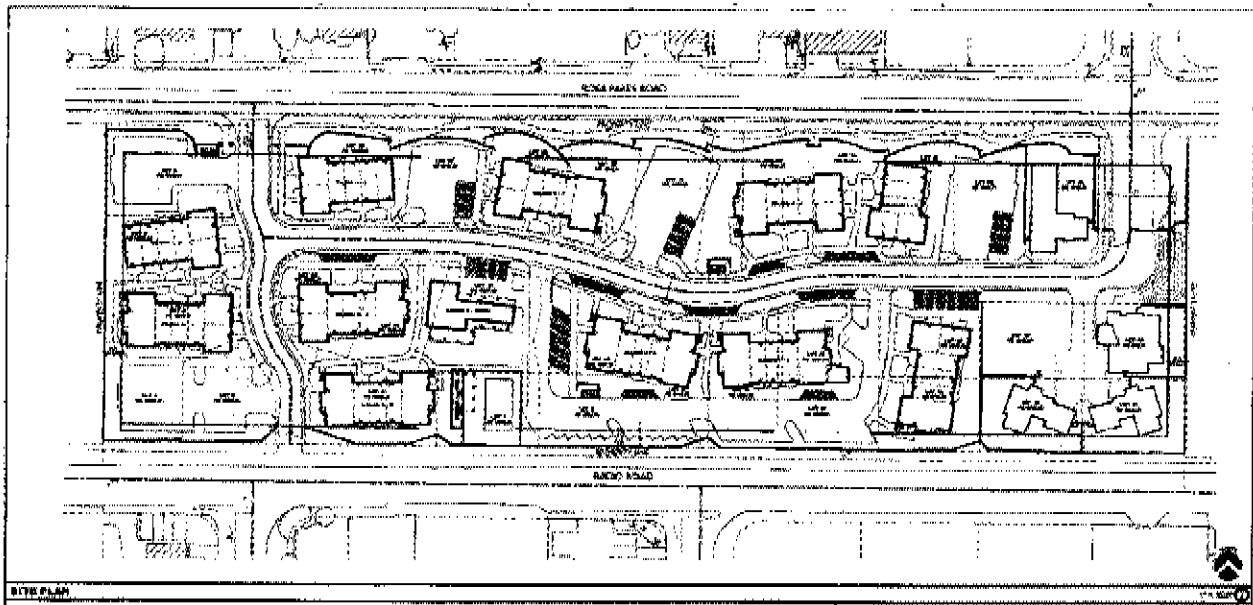
**PROJECT DESCRIPTION:**

The project as approved in 2005 was comprised of 32 single family residential units on individual lots. A private street was proposed with landscaping and a vehicular gate controlling access to the development from Rosa Parks Road. (The gate was approved as an amendment). Four of the 32 homes were constructed but have not been sold.

The applicant has submitted an amendment to the PDD proposing a revision in the number and type of units. The amendment proposes a total of 78 residential units, comprised of five single family "for sale" units and 73 rental units priced for low and moderate income households. The apartments would be arranged in eleven, one and two story buildings in an informal arrangement on the site with small parking lots placed in between the buildings to provide parking adjacent to the individual units.



Previously entitled site plan showing 32 single family residential units and private internal street



Proposed scheme with 11 multi-family buildings and 5 single family units(at the right). Internal road remains as is.

A community services building and a common swimming pool are proposed in the lower center of the site for use by the multi-family residents. A perimeter wall is proposed around the entire site that is set back and undulates along Rosa Parks Road, however the portion of the site with the apartments would not be gated. The four single family homes that were constructed under the original entitlement would remain and a fifth home would be added. These would be gated from the public street with an intercom access control gate. These homes are located on the eastern portion of the site and would also be separated by a vehicular gate from the apartment buildings on the western part of the site. The lot area for the apartments including the area of the

proposed private street is approximately 4.95 acres. The applicant is seeking federal funding for the amended PDD and if approved, will be submitting an application for partial funding prior to a deadline of July 24, 2009.

### Architecture

The project has been designed in contemporary "desert modern" architecture with shade devices over windows and simple geometric volumes. The colors are complementary to the desert environment using warm earth tones and subtle accent colors. The buildings are arranged to respond to solar and wind conditions and to take advantage of views toward the mountains to the north and west of the site.

### Site Design, Landscape and Open Space.

The project site is approximately 5.95 acres. The 73 apartments are arranged in eleven buildings with associated parking, a community services building, open space, landscaping, active play areas and an internal street that together occupy roughly 80% of the site. The remaining roughly 20% of the site is comprised of the 5 single family units, landscaping, open space, driveways and a private gated internal street. There are two vehicular access points into the development off Rosa Parks Road. One provides vehicular access to the single family homes and the second provides vehicular access to the multi-family units. These two access points are connected via an internal road. There is a vehicular gate across this internal road that is for emergency access only. The gate separates the vehicular movement of the multi-family units from the single family units. A third vehicular drive is provided for emergency access only to Radio Road.

Parking for the single family homes is provided via enclosed two-car garages and driveways accessed from the internal street. Parking for the multi-family units is distributed across the site in six modest sized parking lots located in convenient proximity to each of the eleven buildings. The buildings are designed to provide a sense of frontage on the streets so there is a sense of "community" created within the site.

Although the multi-unit part of the project is not gated, it is provided with a decorative perimeter wall. This undulating wall creates a visually interesting frontage to the street and is set back from the property line which allows a greater amount of landscaping on the street-side of the wall.

There is an active play area adjacent to the community swimming pool. Adjacent to this area is a central laundry facility with wide roof structures that provide shade adjacent to the pool area and the adjacent tot lot. The main community building houses the rental office, a community room, computer room, and small catering kitchen.

Shade trees are provided throughout the proposed project and 50% of the parking spaces are provided with carports for shade. The trees are located between the pedestrian sidewalk and the curb to create a separation between vehicles and pedestrians. The entire project is configured to allow pedestrian movement and interaction among the residents and throughout the community.

## ANALYSIS:

### General Plan Consistency

The proposed project site has a General Plan designation of Mixed Use (MU). The General Plan explains the intended uses and desired development for the San Rafael/North Indian Canyon Mixed Use Area as follows:

*(GP page 2-31) "This area is characterized by a collection of small industrial businesses, multifamily residential and several vacant parcels. The area provides a prime opportunity to introduce a mixed-use area that contains uses that would be complementary to and supported by a higher education campus, which is proposed a bloc north of this area ."*

The proposed residential uses are consistent with the general parameters of the San Rafael/North Indian Canyon Drive Mixed/Multi-use area. The density for mixed use areas is a maximum 15 dwelling units per acre and a maximum FAR of 0.5 for non-residential uses. The General Plan further describes mixed use as follows:

*(GP page 2-7) "Specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses. Residential Development at a maximum density of 15 du/acre is permitted; planned development districts may allow residential densities up to 30du/ac and also ensure that all proposed uses are properly integrated and allow the implementation of development standards that are customized to each site."*

This amendment to the previously approved PDD proposes a total of 78 dwelling units on approximately 5.95 acres. This equates to 13.1 du/acre, which is a lower density than is allowed by the General Plan. The previously approved PDD had a density of 5.3 du/acre. There is no commercial/retail area proposed, however there is a community building included in the amended project scope.

The project proposes a mix of residential types, both rental apartment and single family homes for purchase. It also provides common amenities for the residents and encourages walkability within the community.

Certain Goals, Policies and Actions of the General Plan were considered in evaluating the project's General Plan consistency:

*Policy LU8.1 (p.2-34) Encourage new mixed/multi-use developments in areas that are currently vacant or under-utilized.*

The proposed project creates a residential multi-unit development in an area that is currently vacant and under-utilized within the San Rafael/Indian Canyon Drive Mixed Use area.

*Policy HS3.8 Facilitate the development of affordable housing through regulatory incentives (e.g., lot consolidation...)*

The amendment to the PDD proposes to consolidate the previously entitled single family lots into a larger lot to facilitate the development of low and moderate income residential units.

*Policy CD12.10 Design gathering places so that they can be used by all age levels and are accessible to people with disabilities.*

The proposed project includes gathering spaces, a tot lot, swimming pool and other recreational areas that should encourage and promote gathering and socializing within the community.

*Policy CD18.5 Encourage pedestrian access to and from adjacent uses by providing pedestrian and bike paths and breaks in perimeter walls or landscaped buffer areas.*

The project proposes pedestrian sidewalks and other walkways around and through the development, including pedestrian gates between the multi-family and single family areas.

*Policy 19.7 Design new developments with the pedestrian in mind by including wide sidewalks, shade street trees, sitting areas, and clearly defined pedestrian routes.*

The project creates a pedestrian-friendly development with shade trees, sidewalks, sitting areas, a tot lot and clearly identifiable pedestrian routes.

Based on the above analysis, the proposed project is deemed consistent with the General Plan.

Zoning Analysis:

The subject project is located in the R-2 zone. Section 92.03.00 provides regulations for the R-2 zone.

Property Development Standards

The staff report for the previously approved PDD provided an analysis of the proposed property development standards. Those that are revised with this amendment are identified below.

*Lot area*

Minimum lot area in the R-2 zone is 20,000 square feet. The lot on which the apartments are proposed is approximately 4.95 acres which conforms to the zone. Three of the previously approved five single family lots are 5,632 square feet, one is 5,696 and one is 6,772 square feet. Four of the five single family units are already constructed as part of the previous entitlement. Single family uses are allowed in the R2 zone subject to the development standards of the R-1-A zone. These lots were approved as part of the original PDD approval at the square footages noted above.

*Building Height*

The maximum building height for the R-2 zone is twenty-four (24) feet. The proposed two-story buildings are approximately 23 feet high. The buildings have parapets that screen roof top condensing units. The height to the top of the parapets is approximately 26 feet. Screening to conceal roof top mechanical equipment is permitted to exceed the maximum height for the zone; therefore the project conforms to the height standards of the zone.

*Density: Floor Area Ratio (FAR) and Dwelling Units per Acre (du/ac)*

Residential uses in the R-2 zone require 3,000 square feet of site area per dwelling unit. The project proposes 78 units on 5.95 acres or roughly 13.1 dwelling units per acre, thus the project conforms in its density.

*Off-street Parking*

Off-street parking requirements are regulated by PSZO Section 93.06.00 "Off-street Parking"

The zoning ordinance requires 142 off-street parking spaces based on the mix of residential units proposed in the PDD amendment. The project proposes 134 spaces and thus is 8 spaces less than required by the zone. This 6% reduction in off-street parking is a development standard for which the PDD seeks relief. Fifty percent (50%), or 67 spaces, are provided with carports. This conforms to the shade requirements of the Zoning Ordinance. Guest parking is provided in the form of parallel parking pockets along the internal street. These were approved in the original PDD. Pursuant to Zoning Code Section 93.06.00, parking must be provided that is within 300 feet of the building which it serves. The proposed lots are all within 50 to 100 of the various apartment buildings. The project therefore conforms to this requirement.

Under the provisions of Section 93.06.00E of the Zoning Code, the requirement for the entrance driveway is 24 feet wide. The project proposes an entrance driveway that is conforming. The aisle width serving a double row of parking (parking on both sides) shall be 26 feet. Adjoining a single row shall be 24 feet. Parking aisles on the project conform to these requirements. The gated private street at the single family residences was approved as part of the previous PDD and is proposed to remain as approved.

PLANNED DEVELOPMENT DISTRICT

***Off-Street Loading and Trash Enclosures***

Section 93.07.00 of the PSZO regulates development standards for off-street loading and trash enclosures. Garbage and recycling for the project is collected and stored in three trash/recycling enclosures distributed evenly throughout the apartment complex. Garbage/Recycling service for the single family homes is provided via individual residential service typical of any single family zone.

***Planned Development District:***

Planned Development District (PDD) #309 was approved as part of the previous application for this project. This proposed amendment modifies certain aspects of PDD #309 as follows:

- Change in the mix and quantity of residential units from 32 single family units to 73 multi-family units and 5 single family units.
- Change in the lot configuration by merging the 32 single family lots created in TTM 33161 to 5 single family lots and one multi-family lot (lot mergers will be processed at staff level).
- Change in the configuration and quantity of off-street parking from individual two-car enclosed attached garages to 134 off-street parking spaces for the multi-family units arranged in multiple parking lots. The provision of off-street parking for the multi-family units is 8 spaces less than required. (This is one of the development standards for which the amended PDD seeks relief).

A PDD may be approved either as a change of zone or as modifications to the underlying development standards for the zone. This PDD is not proposed in lieu of a zone change because the proposed uses are permitted in the underlying R2 zone. This PDD was submitted to establish unique development standards for this project.

***Development Standards for which the amended PDD seeks relief.***

The previously approved PDD granted relief in the lot size, setbacks, lot coverage, building height, and dimensions of the single family unit lots. This amendment to the PDD seeks relief from the off-street parking requirements by roughly 6%. (8 spaces) and relief from the usable open space from 50% to 48%.

Table 2 below, summarizes the development standards for the R-2 zone and the standards proposed by the PDD.

**Table 2: Comparison of Development Standards by Zone & Proposed PDD**

	<b>R-2 Zone</b>	<b>PDD- 309</b>
Lot Area	20,000 sf Minimum	4.95 acres for multi-family lot (215,660 square feet) Five single family unit lots were developed under the initial PDD entitlement varying from 5,624 to 6,772 square feet.
Density	3,000sf of net site area per dwelling unit (15du/ac)	13.1du/ac., 73 multi family units and 5 single family units.
Height	24 feet	23 feet for multi-family units, 22 feet for single family units



	<b>R-2 Zone</b>	<b>PDD- 309</b>
Lot width	130 feet	Approximately 775 feet for the multi family lot. Minimum 60 feet for single family lots per original PDD.
Lot depth	190 feet	Approximately 276 feet for multi family lot. Minimum 64 feet for single family units per original PDD
Front yard	25 feet	25 feet for multi-family units, varies for single family units, minimum 5 feet fer original PDD.
Int. side yard	10ft; equal to building height for portions of bldgs greater than 12 feet in height	15 feet at multi-family units, varies for single family lots, but minimum 5 feet per original PDD s. 10 feet between bldg 6a (single story) and the non-built single family unit lot line.
Rear yard	10ft; equal to building height for portions of bldgs. greater than 12 feet in height	Bldg 1d, 6a, 11b, and 13a, are 26 feet in height and 15 feet from lot line. Varies for single family homes. Minimum 12 feet for single family lots per original PDD.
Open Space	50%;	48% open space. Average lot coverage for single family lots: 57%. (which equates to open space of 43%)
Distance between bldgs.	15 feet	Not less than 16 feet at multi-family units. Not applicable at single family lots.
Parking required	Per 93.06.00, thus 142 spaces required	134 spaces provided w/50% shaded via carports for multi-family units, single family units provided w/2-car garages

**REQUIRED FINDINGS:**

Findings for the Planned Development District (PDD).

The provisions of Section 94.03.00(B) "*Planned Development District*" of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the development plan for the PDD are in conformity with the required findings and conditions as set forth in Section 94.02.00 "*Conditional Use Permit*", the General Plan and sound community development. Furthermore, Section 94.03.00 (G) provides that modifications to a PDD may be considered following the same procedure as outlined in 94.02.00 for the initial PDD.

These findings and a discussion of the amended project as it relates to each of these findings are noted below.

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

The project proposes a mix of multi family units and single family units to a density of 13.1 dwelling units per acre. The R-2 zone allows single family residences and multi-family residences at 3,000 square foot of lot area per dwelling unit (15 dwelling units per acre). Therefore the project conforms to this finding.

*b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the*

*general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

The mix of residential uses is desirable because the San Rafael/Indian Canyon Drive Mixed-use land use area of the General Plan envisions development with a mix of uses such as these. The uses are harmonious with the various elements of the General Plan. The uses are consistent with uses permitted in the R-2 zones and therefore are not detrimental to existing or future uses.

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

The project proposes deviations in the underlying development standards for the zone. With the approval of the proposed amendments to the PDD, the project will be consistent with this finding. The density of 13.1du/ac is less dense than allowed by the General Plan. The street-front setbacks are consistent with existing development in the neighborhood. The height of the project is permissible in the R-2 zone. Therefore Staff believes the project is consistent with this finding.

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

The primary street that relates to the project is Rosa Parks Road. The secondary street for emergency access is Radio Road which is a collector in the General Plan Circulation Map. The General Plan traffic study and the traffic study for the project indicate the roadway network in the vicinity of the project is capable of handling the density and volume of traffic generated by this type of use. The internal private street with the gates has been reviewed by the City Fire Department and Public Works and those departments have provided conditions for use and access that make the arrangement acceptable. Therefore Staff has concluded that the site adequately and properly relates to the street network supporting the project.

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

The Conditions of Approval recommended by staff are attached to this report as Exhibit A. Staff also recommends the comments from the AAC be incorporated into the conditions of approval for this project.

Analysis of Public Benefit provided as part of the Planned Development District:

The City Council adopted the policy, "Planned Development Districts and Public Benefits" on September 17, 2008. Consequently, the Commission will review the PDD amendment with regard to the public benefit that would be derived from the granting of deviations from the development standards requested therein.

One of the primary factors in the public benefits policy is "proportionality", which is stated, as follows:

*The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.*

At the time of the entitlement, provision of public benefit was not required. However, the previously approved PDD staff report identified several "amenities" created by the project. Of those previously noted amenities, the following still would be created under this amendment:

- A consistent street tree program for the new private street, Rosa Parks Road, and Radio Road.
- Enhanced perimeter walls that meander and create visual interest along the street edge and set back from the sidewalk for more landscaping on the outer side of the wall.
- A proposed project density that is less than permitted by zone.
- Enhanced investment in a neighborhood abutting an industrial area.
- Views preserved.

Staff has listed the amendment-requested modifications to development standards in order of what it believes are the greatest to the least in terms of magnitude of the deviation.

1. 6% reduction in off-street parking.
2. 2% reduction in recreational and landscaped open space.

In considering the proportionality of the requested deviations against the public benefit created by those deviations, staff believes that the requested deviations are "minor" in terms of the magnitude of the deviations from the underlying development standards. The Commission may consider among the approved set of options: (see attached policy):

- The project as Public Benefit (bringing a mixed-use low and moderate income for rent residential project to the San Rafael/Indian Canyon Mixed Use area),
- Sustainability features. (For example: street trees, bicycle parking, electric vehicle charging stations, etc.)

- Off-site Improvements (Any other public improvements off the project site.)

The applicant proposes the project itself as the public benefit – that of providing much-needed affordable housing within the City of Palm Springs, along with the sustainability features (bike parking on site, and street trees in addition to on-site landscaping along Radio Road and Rosa Parks Road). Staff believes this is a reasonable public benefit provision by the applicant given the minimal nature of the deviation in development standards requested.

Staff would incorporate the Commissions' recommendations to the City Council on Public Benefit into the proposed resolution of approval.

**CONCLUSION:**

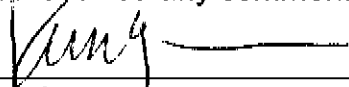
The Planned Development District amendment application proposes a project with a different mix of residential uses and density; however both uses and density are permissible by the General Plan and the Zoning Code. The requested modifications in the development standards of the R-2 zone are ones that Staff believes are minor and reasonable in terms of the magnitude of the deviations and the proposed public benefit, that of providing affordable housing is one that Staff would support. A final project recommendation by Staff will be provided at the conclusion of the public hearing on June 24, 2009.


**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City has prepared an environmental study and concluded that significant adverse impacts may occur as a result of the project. The analysis proposes a series of mitigation measures that the City believes reduces these impacts to less than significant levels. The Applicant has agreed in writing to implement the mitigation measures. Therefore a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was submitted on June 1, 2009 for a 20-day public comment period. The comment period ended June 21, 2009. Any comments on the environmental analysis received after the publishing of this staff report will be submitted to the Planning Commission along with any additional recommended conditions as a result of those comments.

**NOTIFICATION:**

A public hearing notice was published in The Desert Sun and mailed to all property owners within 400 feet of the subject property. As of the writing of this report, staff has not received any comment.

  
\_\_\_\_\_  
Ken Lyon  
Associate Planner

  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

PLANNED DEVELOPMENT DISTRICT

**ATTACHMENTS:**

1. Vicinity Map.
2. Draft Resolution / Conditions of Approval.
3. Site Plans & Elevations.
4. NOI, Environmental Study and MND
5. Sailer to Ewing letter dated 5-29-08 (owner agreement to mitigation measures)
6. PDD Public Benefit Policy Statement
7. City Council minutes from July 6, 2005
8. Planning Commission Staff report dated June 8, 2005

RESOLUTION NO. 7219

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING CASE 5.1037 AMND PDD 309, AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT, CHANGING THE QUANTITY AND TYPE OF RESIDENTIAL UNITS AT AN APPROXIMATELY 5.95 ACRE PARCEL LOCATED AT 301 ROSA PARKS ROAD ZONE R-2 SECTION 34/T4/R4.

WHEREAS, Sherman Las Vegas Road Housing, LLC, ("Applicant") has filed an application with the City pursuant to Section 94.02.00 of the Zoning Code requesting an amendment to a previously approved Planned Development District for a residential development at 301 Rosa Parks Road; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1037 AMND PDD 309 was given in accordance with applicable law; and

WHEREAS, on June 24, 2009, a public hearing on Case 5.1037 AMND PDD 309 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be a project subject to environmental analysis under CEQA; and

WHEREAS, the original Planned Development District (Case 5.1037 PDD 309, TTM 33161) was reviewed and approved by the Planning Commission on June 8, 2005 and was reviewed and approved by the City Council on July 6, 2005, and

WHEREAS, the original PDD 309 was approved with 32 single family homes on 32 single family lots with a private street and landscaping on an approximately 5.95 acre site at 301 Las Vegas Road (now Rosa Parks Road), and

WHEREAS, the amendment application for PDD 309 proposes 73 multi-family low and moderate income residential rental units on approximately 4.95 acres and 5 single family units for sale on the remaining 1 acre of the total 5.95 acre site, and

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 California Environmental Quality Act (CEQA) Guidelines, the City has prepared an environmental study and concluded that significant adverse impacts may occur as a result of the project. The analysis proposes a series of mitigation measures that the City believes reduces these impacts to

less than significant levels. The Applicant has agreed in writing to implement the mitigation measures. Therefore a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was submitted on June 1, 2009 for a 20-day public comment period. The comment period ended June 21, 2009. Public Comments were received and no additional information was presented. The Planning Commission therefore adopts the Mitigated Negative Declaration subject to all mitigation measures outlined in the environmental analysis.

Section 2: Pursuant to Section 94.03.00 (E) "*Planned Development Districts*" of the Zoning Code, a Planned Development District (PDD) may be established in accordance with the procedures required by Section 94.02.00 "*Conditional Use Permit*". Furthermore, Section 94.03.00 (G) provides that Planned Development Districts may be modified by following the same procedure outlined in 94.02.00.

Findings are hereby made with respect to Section 94.02.00 of the Zoning Code in support of the requested amendment to the previously approved Planned Development District #309 as follows:

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

The project proposes a mix of multi family units and single family units to a density of 13.1 dwelling units per acre. The R-2 zone allows single family residences and multi-family residences at 3,000 square foot of lot area per dwelling unit (15 dwelling units per acre). Therefore the project conforms to this finding.

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

The mix of residential uses is desirable because the San Rafael/Indian Canyon Drive Mixed-use land use area of the General Plan envisions development with a mix of uses such as these. The uses are harmonious with the various elements of the General Plan. The uses are consistent with uses permitted in the R-2 zones and therefore are not detrimental to existing or future uses.

*c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences,*

*landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The project proposes deviations in the underlying development standards for the zone. With the approval of the proposed amendments to the PDD, the project will be consistent with this finding. The density of 13.1du/ac is less dense than allowed by the General Plan. The street-front setbacks are consistent with existing development in the neighborhood. The height of the project is permissible in the R-2 zone. Therefore the project is consistent with this finding.

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

The primary street that relates to the project is Rosa Parks Road. The secondary street for emergency access is Radio Road which is a collector in the General Plan Circulation Map. The General Plan traffic study and the traffic study for the project indicate the roadway network in the vicinity of the project is capable of handling the density and volume of traffic generated by this type of use. Therefore the site adequately and properly relates to the street network supporting the project.

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

The Conditions of Approval recommended are attached to this report as Exhibit A.

**Section 3:** The development standards for PDD 309 are hereby revised and amended to be as follows:

**Table 2: Development Standards for AMENDED PDD #309**

	<b>PDD- 309</b>
Lot Area	4.95 acres for multi-family lot (215,660 square feet) Five single family unit lots were approved with the initial PDD entitlement, varying from 5,624 to 6,772 square feet.
Density	13.1du/ac; 73 multi family units and 5 single family units
Height	23 feet for multi-family units, 22 feet for single family units
Lot width	Approximately 775 feet for multi family lot. Minimum 60 feet for single family lots per original PDD
Lot depth	Approximately 276 feet for multi family lot. Minimum 64 feet for single family lots per original PDD
Front yard	25 feet for multi-family units, varies for single family units, minimum 5 feet per original PDD.



Int. side yard	15 feet at multi-family units, varies for single family homes, but minimum 5 feet per original PDD. 10 feet between bldg 6a (single story) and the non-built single family unit lot line.
Rear yard	Bldg 1d, 6a, 11b, and 13a, are 26 feet in height and 15 feet from lot line. Minimum 12 feet for single family lots.
Open Space	48% open space entire PDD. Average lot coverage for single family lots: 57%
Distance between bldgs.	Not less than 16 feet at multi-family units. Not applicable to Single Family Units.
Parking required	134 spaces provided w/50% shaded via carports for multi-family units, single family units provided w/2-car garages

**Section 4:** Pursuant to the City Council Policy dated September 17, 2008, the following "Public Benefits" are hereby approved and recommended for approval by the city Council:

- 1 The project as a public benefit, bringing affordable housing to the City of Palm Springs.
- 2 Sustainability features including street trees along Radio Road, Rosa Parks Road and the proposed internal private road, and bicycle racks.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1037 AMND PDD 309, as the amended preliminary PDD, subject to conditions set forth in Exhibit A and recommends approval of the same by the City Council.

ADOPTED this twenty-fourth day of June, 2009.

AYES: 6, Conrad, Hochanadel, Cohen, Caffery, Scott and Donenfeld  
 NOES: None.  
 ABSENT: None.  
 ABSTAIN: None.

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
 Director of Planning Services

**NOTICE OF INTENT TO ADOPT  
A MITIGATED NEGATIVE DECLARATION  
VISTA SAN JACINTO**

**LEAD AGENCY:** The City Of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**CONTACT PERSONS:** Ken Lyon, Associate Planner or Edward Robertson,  
Principal Planner; (760) 323-8245

**PROJECT TITLE:** Vista San Jacinto  
(Case # 5.1037-PD 309, TTM 33161 - AMENDMENT)

**PROJECT LOCATION:** The proposed project is located in Riverside County, within the northern portion of the City of Palm Springs limits. The project site is located immediately to the southwest of Rosa Parks Road and El Dorado Boulevard. The site is a mostly vacant rectangular shaped parcel bound by Rosa Parks Road to the north, Granada Avenue to the west, Radio Road to the south and Indian Canyon Drive to the east. Four single family residences were constructed at the eastern portion of the site as a part of the previously approved entitlement. (APN 669-441-013 through 048)

**PROJECT DESCRIPTION:** The proposed project is an amendment to an existing approved planned development. The Planned Development District established unique development standards for the site. The amendment proposes to increase the number of residences from 32 to 73 units. There will be five "for purchase" single family homes, four of which were built under the original entitlement and 68 new "for rent" residential apartment units. The apartments will be constructed in eleven, one and two-story buildings with off-street parking arranged in small clustered parking lots. A new community/service center building and swimming pool is proposed. A private road, landscaping, and perimeter walls will be constructed similar to the originally approved project. The project includes installation of associated utilities (e.g., sewer, water, and electrical services) on approximately 5.95 acres of mostly undeveloped land. The project would have an average density of 13 dwelling units per acre. The previously approved project had a density of 5.4 dwelling units per acre. The underlying zoning classification of this parcel is R2 (15 du/ac). The General Plan Designation is Mixed Use (15 du/ac).

**FINDINGS/DETERMINATION:** The City has reviewed and considered the proposed project and has determined that the project will have significant adverse impacts on the environment. Mitigation measures have been imposed that will reduce these impacts to a less than significant level. The City hereby prepares and proposes to adopt a Mitigated Negative Declaration for this project.

**PUBLIC REVIEW PERIOD:** A 20 day public review period for the Draft Mitigated Negative Declaration will commence on June 1, 2009 through June 20, 2009 at 5:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address: ken.lyon@palmsprings-ca.gov. Copies of the Mitigated Negative Declaration and Initial Study are available for review at the City Planning Department at the above address and at the City library.

**PUBLIC MEETING:** This matter has been tentatively set for public hearing before the Planning Commission on Wednesday June 24, 2009 at 1:30 pm in the Council Chamber.

# INITIAL STUDY/MITIGATED NEGATIVE DECLARATION



## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Project Title: Vista San Jacinto Project

Lead Agency Name and Address: City of Palm Springs  
3200 E. Tahquitz Way  
Palm Springs, California 92262

Project Location: Between location: Radio Road, Las Vegas Road,  
El Dorado Boulevard and Granada Avenue  
City of Palm Springs, California

Project Sponsor's Name and Address: Sherman Associates, Inc. 233 Park Avenue, Suite 201  
Minneapolis, MN 55415

General Plan Designation(s): Mixed Use

Zoning: R2 with revisions in the development standards as defined in  
the Planned Development Application.

Assessor's Parcel No. 669-441-014 through 048

Case No. 5.1037 AMND (PD 309 & TTM 33161)

Contact Person: Ken Lyon, Associate Planner / Edward Robertson, Principal  
Planner

Phone Number: (760) 323-8245

Date Prepared: June 2009 (Minor corrections made June 15, 2009)

**PROJECT DESCRIPTION**

The proposed project is located in Riverside County, within the northern portion of the City of Palm Springs limits (**Figure 1**). The project site is located immediately to the southwest of Rosa Parks Road and El Dorado Boulevard (**Figure 2**). Most of the site is a vacant rectangular shaped parcel bound by Rosa Parks Road to the north, Granada Avenue to the west, Radio Road to the south and Indian Canyon Drive to the east (**Figure 3**). Four single family homes have been recently constructed on the eastern portion of the site.

The proposed project is a planned development that includes a total of 78 residential units comprised of 4 existing detached single-family homes, 73 new apartments, a vacant single family lot, a new road, off-street parking, landscaping and installation of associated utilities (e.g., sewer, water, and electrical services) on approximately 5.95 acres. The project would have an average density of 13.1 dwelling units per acre. The zoning classification of this parcel is R2. In 2005, the applicant received approval for a Planned Development District (PDD #309) to construct 32 single family residential units. The current application is an amendment to that previously approved Planned Development District increasing the total number of residential units to 78, comprised of 73 "for rent" apartments and 5 "for sale" single family residences.

**ENVIRONMENTAL SETTING AND SURROUNDING LAND USES**

The subject property is located in the northern portion of the urbanized area of Palm Springs and would serve as a transitional land use between the small scale manufacturing and service commercial areas of the south, east and west and the residential neighborhood of the north.

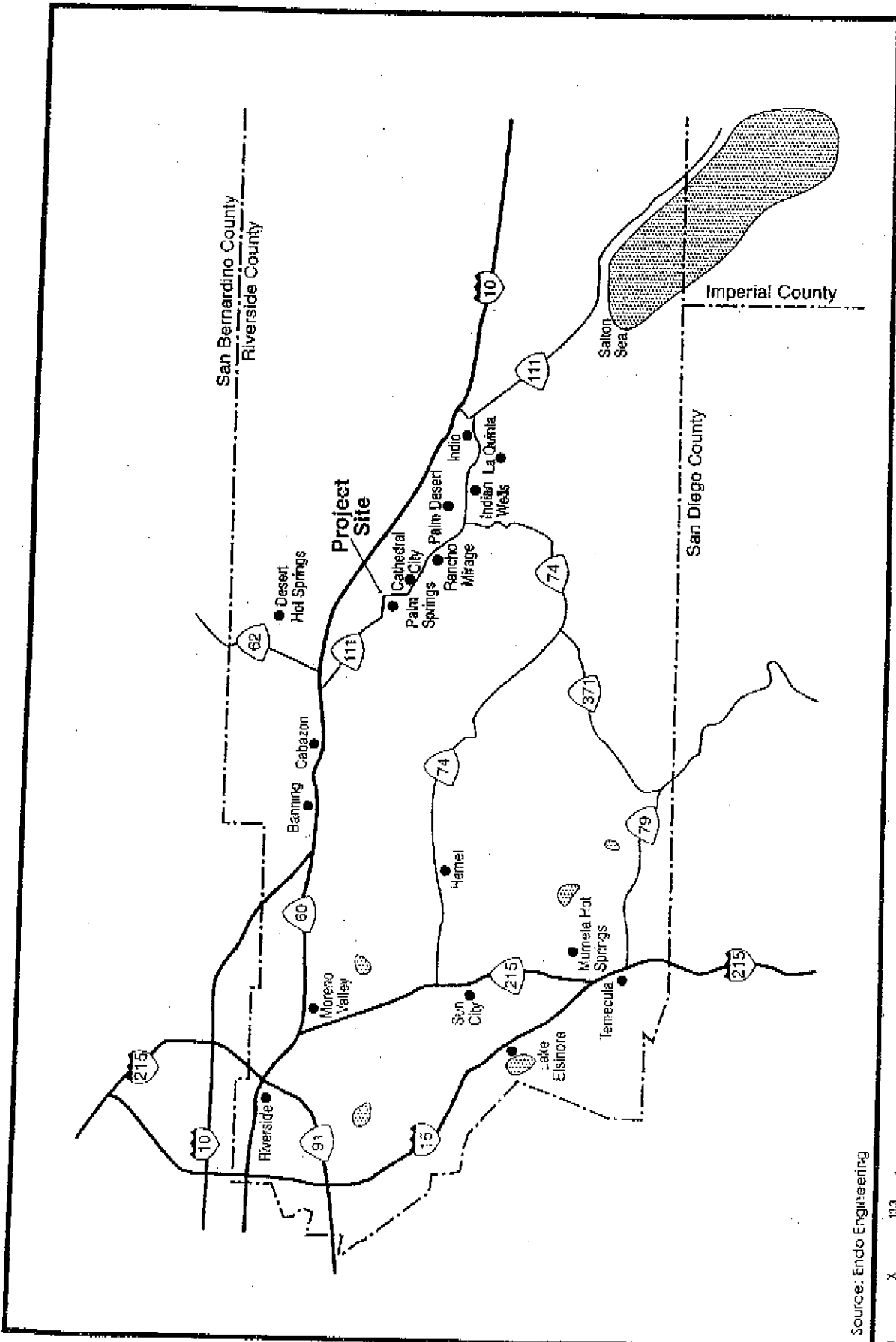
Ecological Consultants noted in their biological assessment that the site included remnants of two paved roads, some off-road activity and non-designated walking trails within the project boundaries (Appendix A). Grading has occurred on the site as part of the previously approved entitlement.

The surrounding land uses of the site are a combination of vacant lots and existing single-family homes to the north, vacant and scattered manufacturing to the south, vacant lots to the east and west and a self-storage lot further to the west. (**Figure 4**)

The existing site (multiple assessor's parcels) was graded for construction of the previously approved project. Most of the underground infrastructure has been installed and much of that will be used in the new development.

**Other public agencies whose approval is required**

- City of Palm Springs Police Department
- City of Palm Springs Fire Department
- City Building Inspection Department
- Riverside County Environmental Health Department
- Desert Water Agency

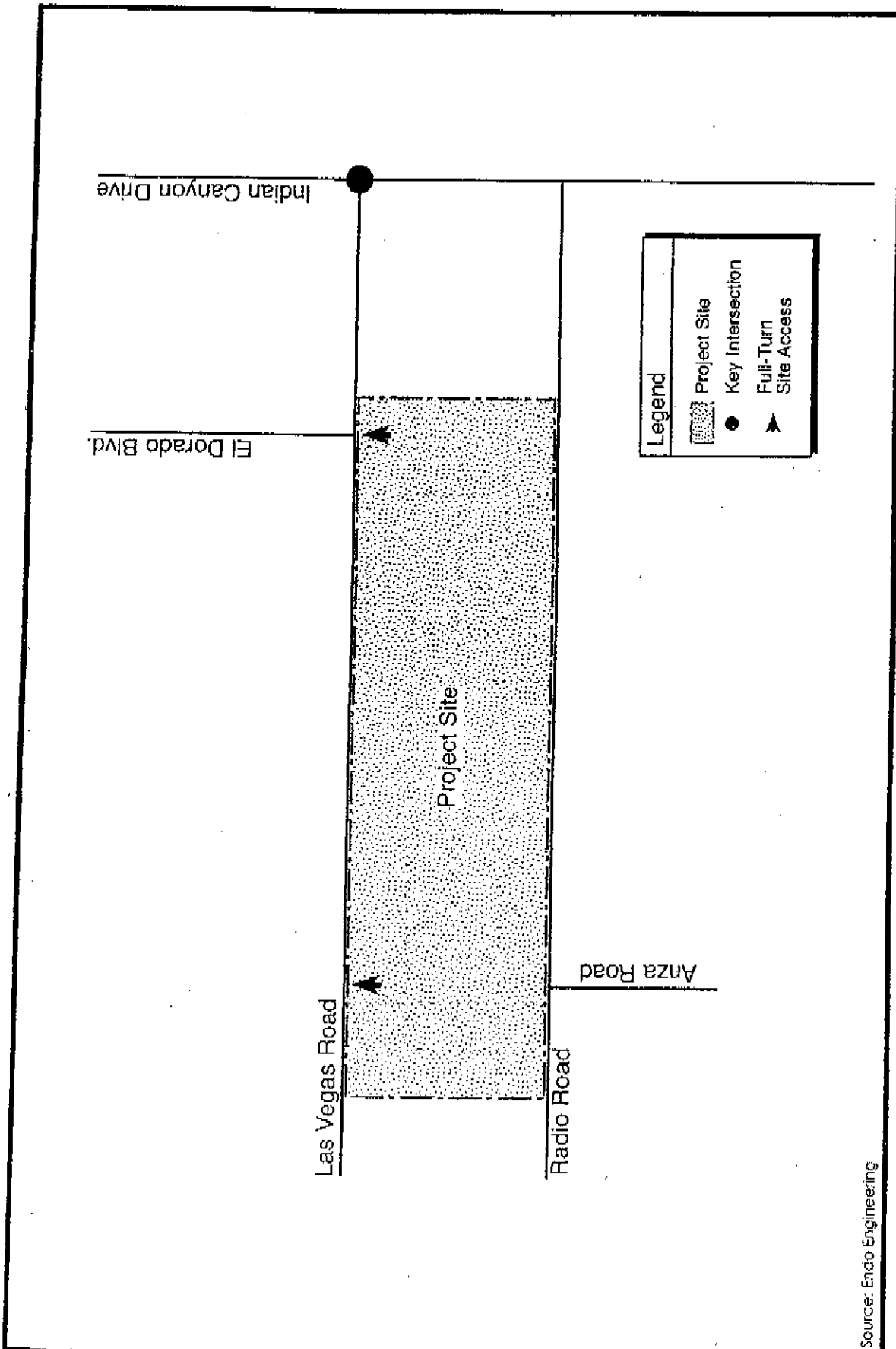


Source: Endo Engineering



FIGURE #1  
PROJECT VICINITY MAP





Source: Endo Engineering

FIGURE #2  
PROJECT LOCATION MAP



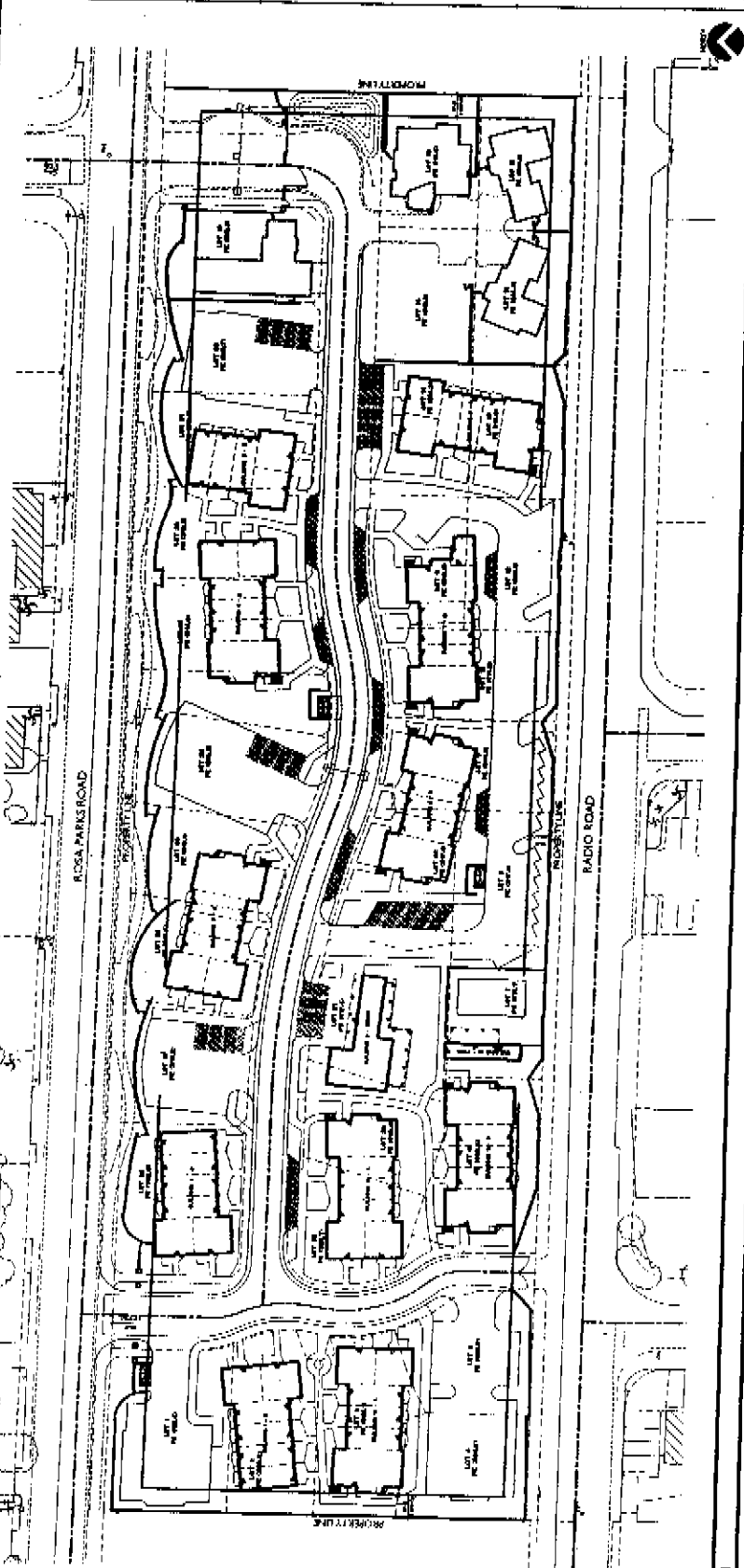
**INTERACTIVE DESIGN CORPORATION**  
 1715 Oakdale  
 Suite 110  
 4000 S. Orange Blossom Trail  
 Orlando, FL 32837  
 Tel: 407.241.1111  
 Fax: 407.241.1112

**VISTA RENTAL**  
 MARKO RD & ROSS PARKS RD

**SHERMAN ASSOCIATES, INC**  
 217 PARK AVENUE SOUTH  
 SUITE 201  
 MEMPHIS, TN 38111  
 PH: 901.521.1111  
 FAX: 901.521.1112

**MARCHANT INVESTMENT & MANAGEMENT CO., INC**  
 1100 S. GUYTON ST  
 MEMPHIS, TN 38111  
 PH: 901.521.1111  
 FAX: 901.521.1112

**DATE:** 01/07  
**SCALE:** 1/8" = 1'-0"  
**SHEET NO.:** A-1.1  
**TOTAL SHEETS:** 1.1



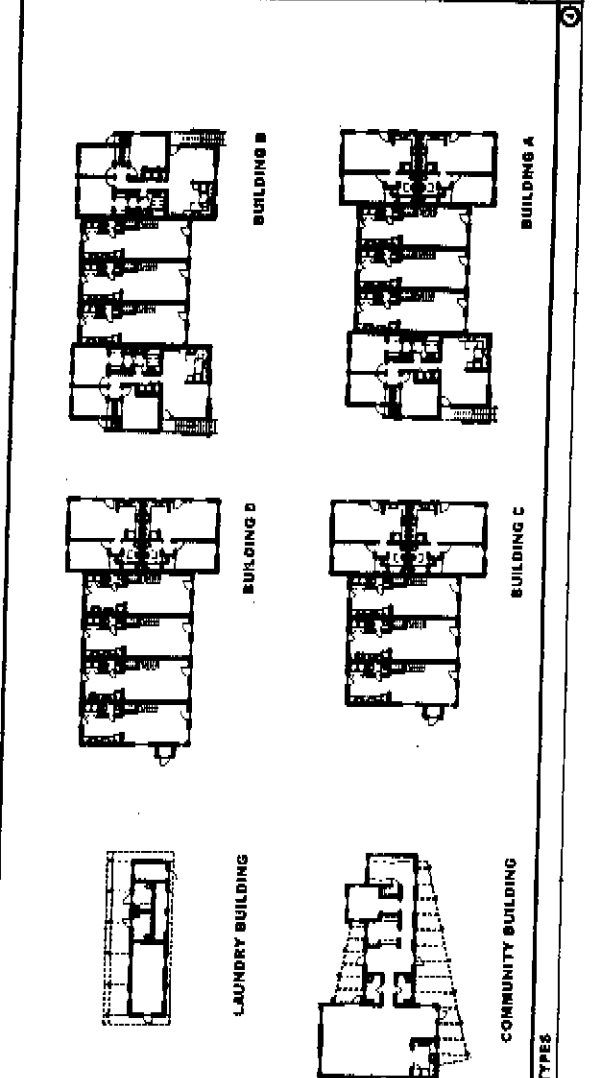
**VICINITY MAP**

**BUILDING INFORMATION**

BUILDING	UNIT TYPE	UNIT COUNT	TOTAL AREA (SQ. FT.)	PERCENTAGE OF TOTAL
BUILDING A	1-BR	10	1,000	10%
BUILDING B	1-BR	10	1,000	10%
BUILDING C	1-BR	10	1,000	10%
BUILDING D	1-BR	10	1,000	10%
COMMUNITY BUILDING	COMMUNITY	1	5,000	50%
LAUNDRY BUILDING	LAUNDRY	1	1,000	10%
<b>TOTAL</b>		<b>50</b>	<b>10,000</b>	<b>100%</b>

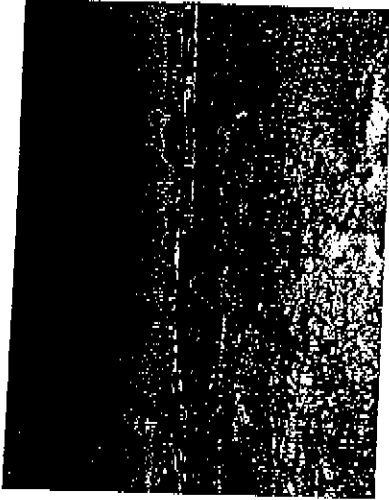
**REQUIRED PARKING MATRIX**

UNIT TYPE	MINIMUM	MAXIMUM
1-BR	1.5	2.0
2-BR	2.0	2.5
3-BR	2.5	3.0
4-BR	3.0	3.5
5-BR	3.5	4.0
6-BR	4.0	4.5
7-BR	4.5	5.0
8-BR	5.0	5.5
9-BR	5.5	6.0
10-BR	6.0	6.5
11-BR	6.5	7.0
12-BR	7.0	7.5
13-BR	7.5	8.0
14-BR	8.0	8.5
15-BR	8.5	9.0
16-BR	9.0	9.5
17-BR	9.5	10.0
18-BR	10.0	10.5
19-BR	10.5	11.0
20-BR	11.0	11.5
21-BR	11.5	12.0
22-BR	12.0	12.5
23-BR	12.5	13.0
24-BR	13.0	13.5
25-BR	13.5	14.0
26-BR	14.0	14.5
27-BR	14.5	15.0
28-BR	15.0	15.5
29-BR	15.5	16.0
30-BR	16.0	16.5
31-BR	16.5	17.0
32-BR	17.0	17.5
33-BR	17.5	18.0
34-BR	18.0	18.5
35-BR	18.5	19.0
36-BR	19.0	19.5
37-BR	19.5	20.0
38-BR	20.0	20.5
39-BR	20.5	21.0
40-BR	21.0	21.5
41-BR	21.5	22.0
42-BR	22.0	22.5
43-BR	22.5	23.0
44-BR	23.0	23.5
45-BR	23.5	24.0
46-BR	24.0	24.5
47-BR	24.5	25.0
48-BR	25.0	25.5
49-BR	25.5	26.0
50-BR	26.0	26.5
51-BR	26.5	27.0
52-BR	27.0	27.5
53-BR	27.5	28.0
54-BR	28.0	28.5
55-BR	28.5	29.0
56-BR	29.0	29.5
57-BR	29.5	30.0
58-BR	30.0	30.5
59-BR	30.5	31.0
60-BR	31.0	31.5
61-BR	31.5	32.0
62-BR	32.0	32.5
63-BR	32.5	33.0
64-BR	33.0	33.5
65-BR	33.5	34.0
66-BR	34.0	34.5
67-BR	34.5	35.0
68-BR	35.0	35.5
69-BR	35.5	36.0
70-BR	36.0	36.5
71-BR	36.5	37.0
72-BR	37.0	37.5
73-BR	37.5	38.0
74-BR	38.0	38.5
75-BR	38.5	39.0
76-BR	39.0	39.5
77-BR	39.5	40.0
78-BR	40.0	40.5
79-BR	40.5	41.0
80-BR	41.0	41.5
81-BR	41.5	42.0
82-BR	42.0	42.5
83-BR	42.5	43.0
84-BR	43.0	43.5
85-BR	43.5	44.0
86-BR	44.0	44.5
87-BR	44.5	45.0
88-BR	45.0	45.5
89-BR	45.5	46.0
90-BR	46.0	46.5
91-BR	46.5	47.0
92-BR	47.0	47.5
93-BR	47.5	48.0
94-BR	48.0	48.5
95-BR	48.5	49.0
96-BR	49.0	49.5
97-BR	49.5	50.0
98-BR	50.0	50.5
99-BR	50.5	51.0
100-BR	51.0	51.5



5.1033  
 PLANNING SERVICES  
 51102

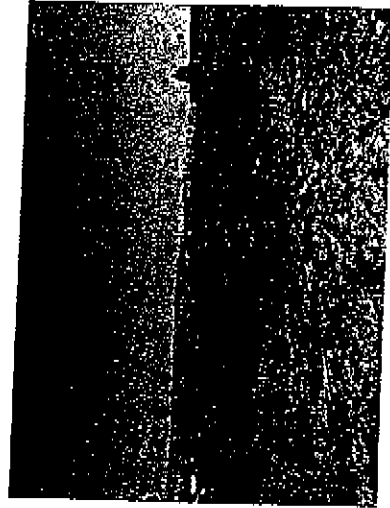
NORTH



WEST



EAST



APN: 669-441-013

SOUTH

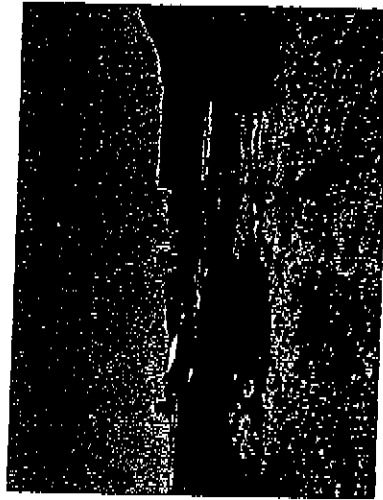
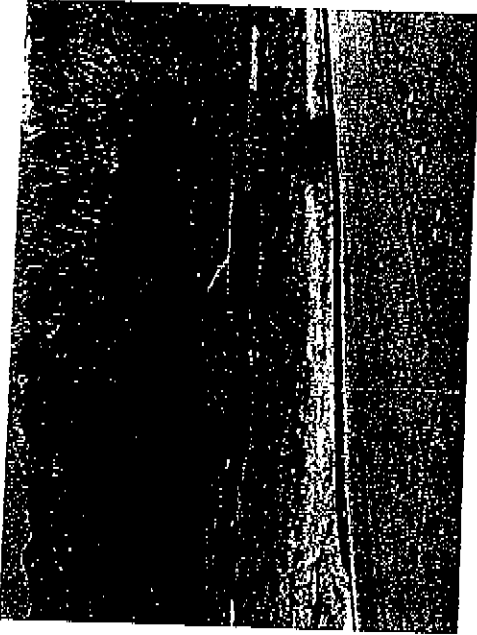


FIGURE 4  
SITE PHOTOS

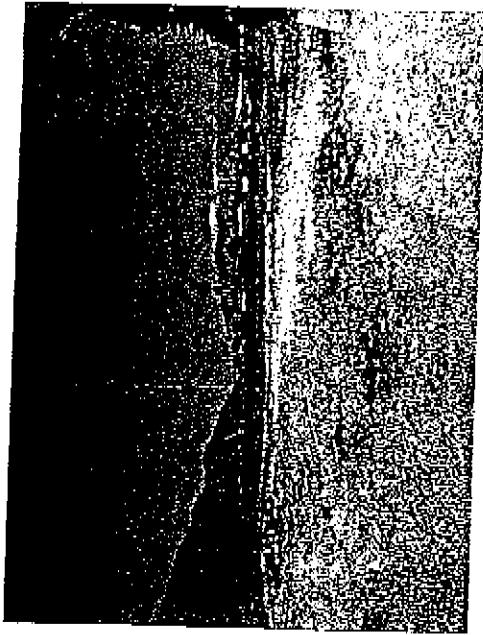




North East Corner



South East Corner



North West Corner



South West Corner

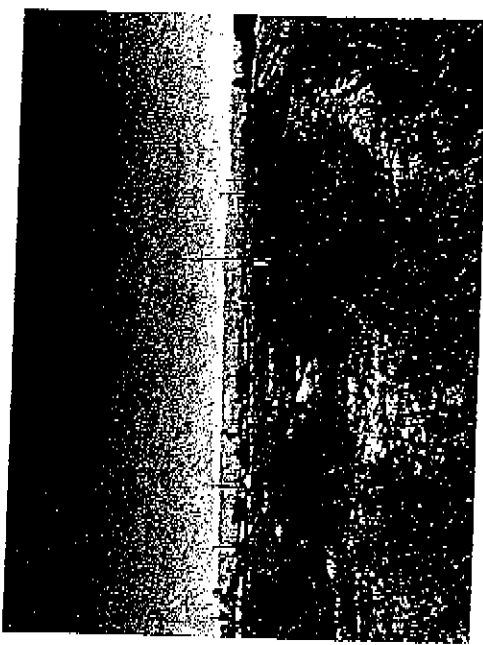


FIGURE 5  
SITE PHOTOS



**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

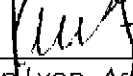
INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

DETERMINATION: The City of Palm Springs Planning Department

On the basis of this initial evaluation:

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

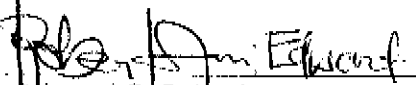
Planner's Signature



Ken Lyon, Associate Planner  
City of Palm Springs, CA

Date

5/28/09



Edward O. Robertson,  
Principal Planner

5.28.09

**PURPOSE OF THIS INITIAL STUDY**

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the Vista San Jacinto project amendment, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of an Environmental Impact Report.

**EVALUATION OF ENVIRONMENTAL IMPACTS**

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

- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

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

a) **No Impact.** The existing single family homes and the 73 residential units proposed are one and two story residences between 12 and 22 feet in height. The proposed color scheme consists of hues generally consistent with the surrounding desert environment. The building style can be generally classified as southwest modern architecture, with an casual appearance. The infill project would act as a transition from commercial to residential. Once complete, the project is expected to enhance the image of the neighborhood. The existing residences are predominantly south-facing with no scenic vista. Therefore there would be no impact to viewsheds.

b-c) **No Impact.** Currently the site is a flat partially developed parcel. The site does not contain any thick stands of trees, rock outcroppings or historic buildings. Further, construction of the project would not obstruct or disrupt views of a scenic vista. The proposed project is not located along a scenic highway nor would it impact scenic vistas or result in substantial damage to scenic resources. Therefore, no impacts to scenic resources would occur.

Figure 6 (not used)

d) **No Impact.** The project would be consistent with existing uses and serve as a transitional land use between the small-scale manufacturing and service commercial areas of the south, east and west and the residential neighborhood to the north. The area does not contain any unique features, which would be lost or compromised as a result of the project. The project is required to comply with General Plan standards for Community Design in relation to lighting as well as City zoning code (93.21.00 'Outdoor Lighting Standards') which requires that a detailed lighting plan shall be submitted for Final Design Review. A lighting plan shall be prepared by a qualified lighting engineer and shall clearly demonstrate that adverse light and glare will not be cast from this project onto adjoining properties. Therefore, there would be no impact caused by significant or nuisance light or glare from the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURE RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact.** The Farmland Mapping and Monitoring Program of the California Resources Agency has not designated the project area as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore no impact to farmland would occur.
- b) **No Impact.** The proposed project site is zoned for residential uses and is not covered by a Williamson Act contract. Furthermore, no Williamson Act Contracts are located in the immediate vicinity of the project site. Therefore, no impacts to Williamson Act Contracts would occur.
- c) **No Impact.** The proposed project is designated for residential uses. The surrounding areas consist of vacant desert land, covered with sparse native brush, grass, and weeds. Implementation of the proposed project would therefore not result in conversion of farmland to non-agricultural uses. No Impacts from conversion of agricultural land would occur.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Less than Significant Impact.** The proposed project is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). Development at the project site will be governed by the 2007 Air Quality Management Plan (2007 AQMP) and the 2007 Coachella Valley PM<sub>10</sub> State Implementation Plan (CVPM<sub>10</sub> SIP). CEQA requires that projects be consistent with the applicable AQMP. The project is consistent with the General Plan land use designation for the site as well as the regional air quality planning undertaken by the SCAQMD. Following construction, the main air pollutants generated in association with the proposed project would be traffic-related. Operational emissions from the project would be within established thresholds and construction emissions exceeding daily thresholds would be mitigated through implementation of measures from the *South Coast Air Quality Management District CEQA Handbook* (refer to discussion under item 3.b, below). Therefore, the project is not anticipated to conflict with or obstruct implementation of the 2003 AQMP. This impact is considered less than significant.

b-d) **Less than Significant with Mitigation Incorporated.** The Federal and California State Ambient Air Quality Standards for important pollutants are summarized in **Table III-1** and described in detail below.



TABLE III-1  
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone (O <sub>3</sub> )	1-Hour	0.12 ppm	0.09 ppm
	8-Hour	0.08 ppm	—
Carbon Monoxide (CO)	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Oxide (NO <sub>x</sub> )	Annual	0.05 ppm	—
	1-Hour	—	0.25 ppm
Sulfur Dioxide (SO <sub>2</sub> )	Annual	0.03 ppm	—
	24-Hour	0.14 ppm	0.04 ppm
	1-Hour	—	0.25 ppm
PM <sub>10</sub>	Annual	50 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>
	24-Hour	150 µg/m <sup>3</sup>	50 µg/m <sup>3</sup>
PM <sub>2.5</sub>	Annual	15 µg/m <sup>3</sup>	—
	24-Hour	65 µg/m <sup>3</sup>	—
Lead	30-Day Avg.	—	1.5 µg/m <sup>3</sup>
	Month Avg.	1.5 µg/m <sup>3</sup>	—

Source: California Air Resources Board, "Ambient Air Quality Standards," July 9, 2003.

ppm – parts per million

µg/m<sup>3</sup> – Micrograms per Cubic Meter

**Ozone (O<sub>3</sub>)** is the most prevalent of a class of photochemical oxidants formed in the urban atmosphere. The creation of ozone is a result of complex chemical reactions between hydrocarbons and oxides of nitrogen in the presence of sunshine. Unlike other pollutants, ozone is not released directly into the atmosphere from any sources. The major sources of oxides of nitrogen and reactive hydrocarbons, known as ozone precursors, are combustion sources such as factories and automobiles, and evaporation of solvents and fuels. The health effects of ozone are eye irritation and damage to lung tissues.

**Carbon Monoxide (CO)** is a colorless, odorless, toxic gas formed by incomplete combustion of fossil fuels. CO concentrations are generally higher in the winter, when meteorological conditions favor the build-up of directly emitted contaminants. CO health warning and emergency episodes occur almost entirely during the winter. The most significant source of carbon monoxide is gasoline-powered automobiles, as a result of inefficient fuel usage in internal combustion engines. Various industrial processes also emit carbon monoxide.

**Nitrogen Oxides (NO<sub>x</sub>)** the primary receptors of ultraviolet light initiating the photochemical reactions to produce smog. Nitric oxide combines with oxygen in the presence of reactive hydrocarbons and sunlight to form nitrogen dioxide and ozone. Oxides of nitrogen are contributors to other air pollution problems including: high levels of fine particulate matter, poor visibility and acid deposition.

**Sulfur Dioxide (SO<sub>2</sub>)** results from the combustion of high sulfur content fuels. Fuel combustion is the major source of SO<sub>2</sub>, while chemical plants, sulfur recovery plants, and metal processing are minor contributors. Sulfates result from a reaction of sulfur dioxide and oxygen in the presence of sunlight. SO<sub>2</sub> levels are generally higher in the winter than in the summer (when sunlight is plentiful and sulfate is more readily formed).

**Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)** consists of particles in the atmosphere as a by-product of fuel combustion, through abrasion such as tire wear, and through soil erosion by wind. Particulates can also be formed through photochemical reactions in the atmosphere. PM<sub>10</sub> refers to finely divided solids or liquids such as soot, dust and aerosols, which are 10 microns or less in diameter and can enter the lungs. Fine particles are those less than 2.5 micrometers in diameter and are also referred to as PM<sub>2.5</sub>.

**Lead** is found in old paints and coatings, plumbing and a variety of other materials. Once in the blood stream, lead can cause damage to the brain, nervous system, and other body systems. Children are most susceptible to the effects of lead. The South County Air Basin and riverside County portion of the Salton Sea Air Basin are in attainment for the federal and State standards for lead.

*The SCQAMD has established significance thresholds for operational and construction-related emissions. Daily and quarterly thresholds are established. Since a project's quarterly emissions are determined by averaging over a 3-month period (including only actual working days), it is possible to not exceed the quarterly thresholds while exceeding the daily thresholds shown in **Table III-2**.*

**TABLE III-2  
EMISSIONS SIGNIFICANCE THRESHOLD CRITERIA (POUNDS/DAY)**

<b>Pollutant</b>	<b>CO</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>SO<sub>x</sub></b>	<b>PM<sub>10</sub></b>
<b>Operational Emissions</b>					
Pounds/Day	550	55	55	150	150
<b>Construction Emissions</b>					
Pounds/Day	550	75	100	150	150

*Source: SCQAMD, CTOA Air Quality Handbook, November 1993*

*Projects in the Coachella Valley with peak (highest daily) operation-related emissions that exceed any of these emissions thresholds should be considered significant.*

Construction activities are a minor source of organic gas emissions. Solvents in adhesives, non-waterbase paints, thinners, some insulating materials and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application. The URBEMIS-2002 for Windows (Version 7.4.2) program estimates maximum emissions from site grading, construction worker trips, stationary and mobile equipment, architectural coatings and asphalt off-gassing.

URBEMIS 2002 was used to estimate potential emissions for the proposed project. Emissions from construction activities (grading and building), area sources (consumer products, gas fireplaces) and operations (vehicles) are provided in **Table III-3**. These calculations assume that no demolition will be necessary as the project site is currently vacant. Construction would occur over an 18-month period.

TABLE III-3  
ESTIMATED EMISSIONS RESULTING FROM PROJECT CONSTRUCTION ACTIVITIES (POUNDS/DAY)

	ROG		NO <sub>x</sub>		CO		SO <sub>2</sub>		PM <sub>10</sub> Total		PM <sub>10</sub> Exhaust		PM <sub>10</sub> Dust	
	S/W	S/W	S/W	S/W	S/W	S/W	S/W	S/W	S/W	S/W	S/W	S/W	S/W	
2009 Construction	143.80		92.77		112.13		0.03		4.19		4.14		0.05	
2010 Construction	8.57		63.80		70.28		0.01		2.91		2.89		0.02	
	S	W	S	W	S	W	S	W	S	W	S	W	S	W
Area Source Emissions	1.6 3	1.60	0.4 5	0.4 4	0.48	0.19	0.0 1	0.0 0	0.0 0	0.0 0	NA	NA	NA	NA
Operational (Vehicle) Emissions	3.7 2	3.28	3.6 2	5.4 8	45.26	39.36	0.0 3	0.0 2	3.6 9	3.6 9	NA	NA	NA	NA
Sum of Area & Operational Emissions	5.3 5	4.88	4.0 6	5.9 3	45.74	39.55	0.0 4	0.0 2	3.6 9	3.6 9	NA	NA	NA	NA

Key: S – Summer; W = Winter

The major air quality impacts resulting from project construction would be increased ROG and CO emissions primarily from off-road diesel construction equipment. As shown in **Table III-3**, thresholds would be exceeded on a pounds per day basis only for ROG (143.80 lbs/day vs. threshold of 75 lbs/day). All other pollutants (NO<sub>x</sub>, CO, SO<sub>2</sub> and PM<sub>10</sub>) would be below thresholds for pounds per day during both 2005 and 2006 construction. Mitigation measures are provided consistent with the provisions of the *South Coast Air Quality Management District CEQA Handbook* to mitigate construction-related air quality emissions.

As indicated in **Table III-3**, the project would be within all thresholds for operational emissions. Therefore, operational air quality impacts are considered less than significant.

Mitigation Measures

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

Measures to mitigate for off-road mobile source emissions (Table 11-3 of SCABMD CEQA Handbook):

- Methane-fueled pile drivers.
- Use electricity from power poles rather than temporary diesel or gasoline power generators.
- Use methanol or natural gas on-site mobile equipment instead of diesel.
- Use propane or butane-powered on-site mobile equipment instead of gasoline.

To mitigate for PM<sub>10</sub> Emissions:

*Grading*

- Apply non-toxic soil stabilizers according to manufacturers' specification to all inactive construction areas (previously graded areas inactive for ten days or more).
- Replace ground cover in disturbed areas as quickly as possible.
- 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.
- Water active sites at least twice daily.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- Monitor for particulate emissions according to District-specified procedures. Contact the District for more information at (714) 396-3600.

*Paved Roads*

- 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).
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and equipment leaving the site each trip.

*Unpaved Roads*

- 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.
- Traffic speeds on all unpaved roads to be reduced to 15 mph or less.
- Pave construction roads that have a traffic volume of more than 50 daily trips by construction equipment, 150 total daily trips for all vehicles.
- Pave all construction access roads at least 100 feet onto the site from the main road.
- Pave construction roads that have a daily traffic volume of MORE than 50 vehicle trips.

**MM II-2** The following measures from the District's Rule 403, Table 1 Best Available Control Measures shall also be implemented:

- Stabilize backfill material during handling and at completion of activity.
- Pre-water soils prior to cut and fill activities.
- Stabilize wind erodible surfaces to reduce dust.
- Stabilize surface soils where support equipment and vehicles will operate.
- Stabilize disturbed soils throughout the construction site.
- 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.
- Maintain at least six feet of freeboard on haul vehicles.
- Stabilize stockpiled soils.
- 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.

**e-f) Less than Significant Impact.** The project is not located in a high-density area, near a school, hospital, assisted living facility, or other facility that would house people with lowered immune systems. However, residential development is located north of the project site across Rosa Parks Road. This development may potentially be exposed to nuisance dust and heavy equipment emission odors (e.g. diesel exhaust) during construction. The duration of exposure to air emissions and dust would be relatively short. Furthermore, exhaust from construction equipment dissipates rapidly. Based on the short-term duration, rapid dissipation of construction emissions, and setbacks between the project site and other development, this impact is considered less than significant.

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

a) **Less than significant.** Ecological Consultants, prior to the grading of the site, prepared a biological assessment in 2004 that noted the site was subject to illegal dumping with broken glass as a particular hazard. These types of hazards can destroy indigenous vegetation making it less suitable for native fauna. Historically the area has contains debris, sparse native brush, grass and weed cover. However the proposed project contains no evidence of any critical habitat or endangered species. No officially listed plants or animal species were detected during the field surveys.

Development activities have altered natural biologic resources and destroyed indigenous vegetation making the site less suitable for native fauna. The grading of the site eliminated 5.95 acres of moderately impacted Sonoran creosote bush scrub habitat including the native plant and animal species that currently live in the area. However, this habitat is widespread in the Southwest and in this instance, the loss would not have a significant negative impact upon the continued existence of the plant community. Therefore, the impacts to vegetation are considered less than significant.

The project lies within the boundaries of the Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP). Projects within the CVMSHCP are required to pay a fee as established by the Plan. The project does not lie within a designated conservation area of the CVMSHCP, therefore, the impacts on protected species and habitat are considered less than significant.

- b) **No Impact.** The proposed project is located within 1/4 mile of the Whitewater River; as a result there is no impact to any riparian habitat. Ecological Consultants noted no unique or rare habitats were found. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans.
- c) **No Impact.** The proposed project generally lies within the confines of a geographical region known as the Colorado Desert. Typical of this subdivision of the Sonora Desert, annual rainfall averages less than six inches. As such, project does not contain much soil moisture, which is typical of wetlands. The proposed project would not have a substantial adverse effect on jurisdictional wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means. Therefore, no impact to federally protected wetlands as defined by Section 404 would occur.
- d) **Less than significant.** The proposed project is located within two miles of the Whitewater River, thus the project would not substantially interfere with the movement of any native resident or migratory fish. The Palm Springs ground squirrel was found on site, which is a sub species of the round tailed ground squirrel. The round tailed ground squirrel is considered a Species of Concern by the California Department of Fish and Game. However, the ground squirrel is not officially listed by either the federal or state governments. In addition, the ground squirrel is widespread in the Coachella Valley, even in impacted habitat, and occurs in the protected Coachella Valley Preserve. Therefore, no migratory patterns of fish or wildlife would be impacted by this project and no impact would occur.
- e) **No Impact.** The proposed undeveloped portion of the project has no trees on site. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f) **No Impact.** The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) has been adopted by the City of Palm Springs. The project lies within the boundaries of the CVMSHCP however is not within a designated conservation area so defined by that Plan. Therefore, the project would have no impact.

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

a) **Less than Significant Impact.** As the proposed project is a generally flat vacant parcel, there are no physical structures of historical note within the area proposed for development.

b-c) **Less than Significant With Mitigation Incorporated.** The site was recently graded and no cultural resources were discovered. However, during ground disturbing project activity the potential to inadvertently encounter paleontological or cultural resources during project construction is always possible. Mitigation Measure V-1 would reduce this impact to less than significant.

MITIGATION MEASURE

**MM V-1** If prehistoric or historic cultural resources are discovered during any ground-disturbing activities, all work in the area shall stop immediately and the City shall be notified of the discovery. No work shall be done in the area of the find and within 100 feet of the find until a professional archaeologist can determine whether the resource(s) is significant. If necessary, the archaeologist shall develop mitigation measures consistent with the State CEQA Guidelines in consultation with the appropriate state agency and, if applicable, a representative from the Native American Heritage List. A mitigation plan shall be submitted to the City for approval. Mitigation in accordance with this plan shall be implemented before any work is done in the area of the resource find. Therefore, impacts to cultural resources are considered less than significant.

d) **Less than Significant Impact.** The proposed project would be subject to State law regarding the discovery and disturbance of human remains. It is not anticipated that any human remains will be encountered during construction of the proposed project because the site and surrounding area have been previously disturbed to accommodate development. However, should any previously unidentified or unanticipated human remains be discovered during project construction, the City of Palm Springs requires mitigation consistent with General Plan Historical Resources Policy. Therefore, impacts to human remains are considered less than significant.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed site currently consists of mostly vacant desert land with previously graded pads, streets, and infrastructure. The site is relatively flat and level with adjacent properties. Elevations on the parcel range from approximately 610 to 620 feet above sea level. The general topographic slope to the east; as a result, drainage of the site is accomplished through sheet flow toward the east. The field exploration performed by Earth Systems Southwest (see Appendix C) indicated the site soil consists generally of medium dense to dense, dry, fine-to course-grained sands with some gravel and trace cobbles (Unified Soil Classification System symbols SP and SP-M). Based on previous exploration, depth to ground water in the area is believed to be greater than 100 feet. See the geotechnical report in Appendix B for details.

a)

- i) **Less than Significant Impact.** Several active faults or seismic zones lie within 6 miles (10 kilometers) of the project site. Well-delineated fault lines cross through this region as shown on California Geological Survey (CGS) maps; however, no active faults are mapped in the immediate vicinity of the site. The project site does not lie within a currently delineated State of California, Alquist-Priolo Earthquake Fault Zone. Therefore, active fault rupture is unlikely to occur at the project site. Compliance with Uniform Building Code (UBC) will reduce potential impacts to a less than significant level.
- ii) **Less than Significant.** High levels of ground shaking may occur during future large magnitude Southern California earthquakes, particularly on the San Andreas Fault. All structures on the property would be subjected to this shaking, and could be seriously damaged if not properly designed. The California Building Code (CBC) 2007 provides specific structural requirements to address shear resistance based on seismic activity. Design criteria used for Palm Springs as a performance standard the project shall be designed and constructed to conform to the CBC requirements for Seismic Zone 4. Knowledgeable structural engineers familiar with conservative seismic design principles shall perform the structural design of all buildings. Ground failure studies would be performed during the final geotechnical studies of the site to more fully evaluate the magnitude of possible seismic displacements and provide any needed remedial work recommendations. Geotechnical studies and environmental reviews in areas of strongest shaking would be required to be performed by licensed professionals to include the conclusions and recommendations for appropriate mitigation.
- iii) **No Impact.** Liquefaction is the loss of soil strength from sudden shock (usually earthquake shaking), causing the soil to become a fluid mass. In general, for the effects of liquefaction to be manifested at the surface, groundwater levels must be within 50 feet of the ground surface and the soils within the saturated zone must also be susceptible to liquefaction. In the exploratory borings performed by Earth Systems Southwest, no free ground water was encountered. The potential for liquefaction to occur at this site is considered negligible because the depth of groundwater beneath the site exceeds 100 feet. In addition, the project does not lie within the Riverside County designated liquefaction hazard zone. Therefore, no impact would occur.
- iv) **No Impact.** The City of Palm Springs General Plan indicates that potential landslide hazards are primarily located in hillsides or mountainous areas of the City. The project site is primarily flat and not located in the immediate vicinity of areas that are prone to possible landslides. The project is located within roughly 2 miles of a mountain range. Therefore, no impact would occur.

- b) **Less than Significant.** Construction of the project has the potential to cause airborne and waterborne erosion during grading operations. These impacts are managed by standard protocols in place at the City during review of engineering design plans. The size of the project site will necessitate compliance with NPDES criteria, preparation of a Storm Water Pollution Prevention Plan (SWPPP), including appropriate Best Management Practices (BMP's) to control soil erosion as well as off-site discharge of surface water pollutants during construction and operation, and preparation of a Water Quality Management Plan (including post-construction BMP's). In addition, the project will also be required to prepare a Fugitive Dust (PM10) Mitigation Plan in compliance with adopted procedures of the Air Quality Management District and the City of Palm Springs. Compliance with these procedures will ensure that potential erosion is controlled during the construction process. Paving of streets and planting of landscaping will stabilize soil during the long-term operational phase of the project (home occupancy). For these reasons, project implementation will not result in substantial soil erosion problems or the loss of topsoil and no mitigation is required.
- c) **Less than Significant Impact.** Ground subsidence from seismic events or hydroconsolidation is a potential hazard in the Coachella Valley area. Adherence to the grading and structural recommendations in the Geotechnical report would reduce potential settlement problems to a less than significant impact.
- d) **No Impact.** According to the geotechnical report, soil borings performed classified the soil on site as SP (Poorly-graded sands, gravelly sands, little or no fines) and SM (Silty sands, sand-silt mixture). Sands have no expansive properties. Therefore, no impact would occur.
- e) **No Impact.** The proposed project would connect to the municipal waste water system. No septic tanks or alternative wastewater disposal systems are proposed as part of the project. Therefore, no impact would occur.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Less than Significant Impact.** The proposed project does not include the demolition or removal of older structures that may contain hazardous materials such as lead paint or asbestos. Construction of the proposed project would involve the use of heavy equipment, which uses small amounts of oils and fuels and other potentially flammable substances. During construction, equipment would require refueling and minor maintenance on location, which could lead to fuel, and oil spills. The Contractor will be required to identify a staging area for storing materials and equipment. The use and handling of hazardous materials during construction activities would occur in accordance with applicable Federal, State, and local laws including California

Occupational Health and Safety Administration (CalOSHA) requirements. No waterways are located on the site and the project would be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit. The project contractor would be required to file a Notice of Intent (NOI) under the State's NPDES General Construction Permit (CAS00002). This permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared specifying Best Management Practices (BMPs) to reduce construction-related impacts on the project site. The proposed project would not result in a significant risk of explosion or accidental release of hazardous substances. Therefore, accidental release impacts are considered less than significant.

- b) **Less than Significant with Mitigation Incorporated.** It is unlikely that project would create a significant hazard to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. In the event that soil containing potential contaminants is uncovered during grading activities, the measure described below would reduce this potential impact to less than significant.

Mitigation Measure

- MM VII-1 Prior to commencement of site grading or the issuance of a building permit, the applicant shall have the site inspected by a competent hazardous waste materials expert who shall submit a report for the City's review attesting to the removal of any hazardous waste materials on site. If it appears that soil is contaminated, a soil test shall be conducted to determine the extent of contamination and method of disposal.
- c) **No Impact.** The nearest school is approximately one mile from the proposed project site and it is not expected that hazardous emissions or material will be handled once the project is completed. Therefore there would be no impact from handling hazardous materials or hazardous emissions.
- d) **No Impact.** The site is not listed on the federal, state or local regulatory agency databases of businesses or properties that handle hazardous materials or waste. Therefore, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No impact would occur.
- e, f) **No Impact.** The nearest airport within the project vicinity is Palm Springs International Airport, which is approximately 4½ miles from the project site. The project is therefore not located within an airport land use plan or within two miles of the public airport, nor is it within the vicinity of a private airstrip. Therefore, there is no impact.
- g) **No Impact.** The proposed project will not interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, no impact would occur.
- h) **No Impact.** The project site and the proposed improvements are not located within a wild land area and surrounding land is primarily developed with semi-urban uses. The proposed project will not expose people or structures to a significant risk of loss, injury, or death involving wild land fires. Therefore, no impact would occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A Preliminary Hydrology Report was prepared by MSA Consulting, Inc. for the proposed project. A subsequent final hydrology report was prepared October 18, 2006 that was the basis of the project construction. A revised hydrology report for the current amended project proposal was prepared by MSA on May 20, 2009 and is currently being reviewed by the City Engineering Department.

- a) **Less than Significant Impact.** Development of the site would be subject to National Pollutant Discharge Elimination System (NPDES) stormwater regulations for construction activities, which apply when there is a soil disturbance of more than one acre, or if less than one acre, part of a larger common plan of development one acre or greater. Under the joint NPDES permit that the City has with Riverside County and other desert communities, any project that proposes more than five acres of grading would control the discharge of pollution to the maximum extent practicable. The proposed project would utilize Best Management Practices (BMPs) for new development during construction activities as specified in the current NPDES permit. The project is also subject to the Whitewater River watershed Stormwater Management Plan, which has incorporated New Development Guidelines. The purpose of the Guidelines is to identify post-construction source pollutant prevention and treatment measures that may be incorporated into development projects. The project would be required to meet all applicable water quality standards or waste discharge requirements thereby avoiding violation of such standards or requirements. Therefore, this impact is considered less than significant.
- b) **Less than Significant Impact.** The project would add residential units requiring provision of water. Pursuant to Sections 10910-10915 of the California Water Code, a water supply assessment will not be required, as the proposed project does not meet the minimum threshold requirement for an assessment of water supply. Water for the proposed project would be served by the Desert Water Agency's existing water supply. The project is not anticipated to deplete groundwater supplies, interfere substantially with groundwater recharge, or substantially increase demand for water. Therefore, the impact is considered less than significant.
- c) **Less than Significant Impact.** Construction of the proposed project would create impervious surfaces on the site, which would alter the existing drainage conditions. Grading to construct streets and building pads would disturb soil creating the potential for soil erosion. Compliance with California State Water Resources Control Board or the local Regional Water Quality Control Board (Colorado River Basin-Region VII) has mandatory NPDES requirements and Storm Water Pollution Prevention Plan (SWPPP) BMP's would reduce the potential of erosion and siltation during the short-term construction and long-term operation phases of the project. The final project would stabilize soils on-site through the use of appropriate groundcover and control storm water via grading design, street drainage systems, catchment and retention and/or detention facilities. Therefore, the impact is considered less than significant.
- d) **Less than Significant Impact.** The project would alter the existing drainage pattern on site. The City of Palm Springs Retention & Detention Basin Policy states that basins, if required, shall have volumes consistent with the approved hydrology study. The study prepared by MSA Consulting, Inc. on May 20, 2009, identified the need for one retention basin and 14 pervious pavement areas. All storm runoff generated on site would be conveyed in the streets and captured by catch basins to be carried via underground storm drain to the retention basin as shown on the Hydrology Map in the preliminary hydrology report. The storage capacity of the retention basin and the pervious pavement areas in 14 on-site locations, would be sufficient to store the incremental increase of run off volume generated by a 100-year storm beyond existing condition. Therefore, the impact is considered less than significant.
- e) **Less than Significant Impact.** The proposed project would not contribute to a substantial amount of runoff water or exceed existing storm water capacity. All incremental

increases in storm water runoff from the 100-year storm would be collected and stored in the designated retention basin and pervious pavement areas. The hydrology report concluded that the proposed design for storm water runoff generated on-site meets the hydrological requirements set forth by the City of Palm Springs. Compliance with existing NPDES regulations and discharge requirements of the RWQCB would ensure that potentially significant impacts would be reduced to less than significant. Therefore, the impact is considered less than significant.

- f) **Less than Significant Impact.** Project construction could produce pollutants that would have the potential to temporarily degrade the quality of receiving waters if not properly managed. The primary pollutant of concern is sediment that results from excessive erosion of disturbed soils. Other potential pollutants include metals, pesticides, nutrients and soil additives, construction chemicals and fuel, and miscellaneous waste. With the implementation of Best Management Practices (BMP's), as outlined in the NPDES permit, no significant long-term impact to water quality would result from construction activities. Therefore, the impact is considered less than significant.
  
- g) **Less than Significant Impact.** The project is located within an area designated as a 100-year flood plain by the Federal Management Emergency Administration (FEMA). The Flood Insurance Rate Map (FIRM) designates the project as Zone X indicating the project area is subject to minimal flooding. With the potential for minimal flooding there exists some risk to the public and to property. However, flooding is not considered a serious problem in general as the retention basin and pervious pavement areas are designed to capture storm water runoff from the project site. Therefore the impact is considered less than significant.
  
- h) **Less than Significant Impact.** The project could potentially redirect runoff in the event of a 100-year flood. However, improved streets to the north and south of the project currently prevent off site flows from entering the project site, while storm flows entering from the west are negligible due to flat terrain with site elevations ranging from 610 to 620 feet above sea level, generally sloping to the east, storm runoff would occur across the site to the east. As a result of the proposed design, all 100-year storm runoff exceeding that currently generated on-site would be captured and stored on-site in the retention basin and pervious pavement areas until such time as it is percolated in the ground. Therefore the impact is considered less than significant.
  
- i) **Less than Significant Impact.** The Whitewater River Levee is designated to protect the northern part of Palm Springs from the standard projected flood (500 year storm). Although the Whitewater River does not prove a significant hazard to safety in the City as a whole, there is some potential for damage to property if several 100-year storms occurred in close sequence. This type of event is considered a rare occurrence; therefore the impact is considered less than significant.



- j) **No Impact.** A tsunami is an unusually high sea wave, (more precisely, a series of waves), of local or distant origin that results from large-scale seafloor displacements associated with large earthquakes, major submarine slides, or exploding volcanic islands. Inland areas, though not vulnerable to tsunamis, are vulnerable to seiches (a seiche is a standing wave in an enclosed or partly enclosed body of water) caused by earthquakes. However, the project area is not subject to seiche as the nearest body of water is the Whitewater River, which is an ephemeral stream with a generally low flow. Given the project is occasionally subject to rainfall, mudflow is not an issue. Therefore, no impact would occur.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING. Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **No Impact.** The project site serves as a transitional land use between the commercial/industrial areas of the south, east and west and the residential neighborhoods to the north. As a transitional land use, the project would favorably blend the industrial/commercial uses with the neighboring residential area to the north. The project would not physically divide an established community. Therefore no impact would occur.

b) **No Impact.** The project area has a General Plan designation of Mixed Use. The zoning classification of this parcel is R2. The applicant has applied for a Planned Development District (PD) overlay on the existing R2 designation, which would modify the underlying development standards. Therefore, there would be no impact.

c) **No Impact.** The project is an infill development on a mostly vacant site. The project lies within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan, however the project is not located within a conservation area as defined by that Plan. Therefore, the project would have no impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X. MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-b) **Less Than Significant.** According to the California Division of Mines and Geology, the project is located within an established resource zone for aggregate/industrial minerals. Generally this area is confined to the northern area of Palm Springs within the San Gorgonio and Whitewater drainage-ways. The project site is located approximately 1/2 mile south of the Whitewater River channel and 615 feet above mean sea level in the western part of the Coachella Valley. The proposed project is located on the border of the Mineral Resource Zone MRZ-2, which is defined as an area where adequate information has been established to indicate that significant mineral deposits are present, or where it has been judged that a high likelihood for such deposits exists. Construction of residential homes on this site would preclude the use of the property for mineral extraction. However, the entire MRZ-2 zone is 13,440 acres and the project site is 5.95 acres, this would result in a loss of only 0.04 % of the MRZ-2 zone. In addition, the project site is bounded to the east, west, north and south by commercial, industrial and residential uses. Open-pit mining of aggregate minerals would be highly incompatible with the current surrounding land uses. Therefore the potential impact to future mining of known resources would be less than significant.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Less than Significant With Mitigation Incorporated.** Wieland Associates performed an *Acoustical Evaluation for the Las Vegas Housing Development in Palm Springs* to determine the Preliminary External and Internal Noise Levels (**Appendix E**). The City of Palm Springs requires that the community noise equivalent level (CNEL) does not exceed 65 dB at the exterior living areas (rear yards) or 45 dB at the habitable interior living area

**Construction**

During the 16-month construction phase, noise generated at the project site could become excessive. However these impacts would be of a temporary nature. Approximately eight residential homes directly to the north of the site across Las Vegas Road would be considered sensitive receptors. The loudest construction equipment used during construction hours would be bulldozers, backhoes, tractors, jackhammers, and rotodrills, which could generate up to 85 dB at 50 feet. Mitigation measurements **MM XI-1, MM XI-2, MM XI-3** below would reduce these temporary impacts to less than significant.

**Post Construction**

The residential development would be exposed to noise generated from surrounding arterial traffic, as well as commercial, industrial, and light manufacturing noise. Analysis of street traffic noise primarily from exposure at the residences nearest to North Indian Canyon Drive have shown that exterior noise exposure would be up to 67 dB, exceeding City of Palm Springs CNEL

of 65 dB. In addition, the homes would need to be designed to provide a noise reduction up to 22 dB in order to comply with the City's interior CNEL standards of 45 dB. Mitigation measures identified below would provide a reduction of up to 2 dB for exterior standards and 22 dB for interior standards. The project is also exposed to noise from commercial, industrial and light manufacturing properties to the southeast and west. However this noise is sporadic in nature and generally occurs during the daytime hours. Therefore impacts from the commercial, industrial and light manufacturing properties on the overall NEL at the project site are considered insignificant. Mitigation measurements **MM XI-4** below would reduce noise impacts to less than significant.

Mitigation Measures

- MM XI-1** Muffler systems shall be used on all heavy equipment during construction activities.
- MM XI-2** A qualified acoustical consultant shall review the final project design to verify compliance with the City's noise standards.
- MM XI-3** Construction Activities shall not be permitted between the hours of 5:00 p.m. and 8:00 a.m.; Construction Site Regulations (Chapter 8.04.220). City's Construction Hours Ordinance limits the time period that construction activities may occur and is limited from 7:00 a.m. through 8:00 p.m., as specified by Palm Springs Noise Ordinance (11.74.041).
- MM XI-4** The following recommendations are provided for compliance with the City's noise standards, and to minimize complaints due to noise from the small-scale manufacturing and service commercial areas to the south, east, and west:

Exterior Noise Control

- Noise barriers with a minimum height of 5 feet shall be constructed along eastern and western property lines. The noise barriers shall be located at the top of slope, and the recommended height is relative to the elevation of the arterial or the adjacent pads, whichever is greater.

The recommended noise barrier heights are based on the elevations indicated on the referenced plans located in the acoustical analysis (see appendix). If the pad elevations change during the final design of the project, the adequacy of the recommended noise barriers should be re-examined by a qualified acoustical consultant.

- All noise barriers shall be continuous structures, without gaps for drainage, or gates.
- The noise barriers shall be constructed of a material with a minimum density of 4 pounds per square foot (e.g., concrete block; earthen berm; tempered glass; plexiglas or acrylic; or any combination of these materials).

Interior Noise Control

- All windows and door assemblies used throughout the project shall be well fitted and well weather-stripped. For those residential units facing North Indian Canyon Drive and the small-scale manufacturing/service and commercial areas, the window and door assemblies shall also be sound rated. The minimum outdoor-

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indoor transmission class (OITC) rating required should be determined as part of the final engineering design of the project.

- All front entry doors throughout the project shall be well weather-stripped solid core assemblies at least 1-3/4' thick.
- All exterior walls shall be constructed as follows:
  - a) 7/8' stucco exterior
  - b) Stud space filled with minimum R-11 insulation batts
  - c) Minimum 5/8' gypsum wallboard interior
  - d) All joints well fitted and/or caulked to form an airtight seal
- The interior noise standard is to be met in all homes and apartment units with windows and doors closed. Therefore, ventilation is required in all units per the Uniform Building Code standards in order to provide a habitable environment. This may be achieved with standard air conditioning or a fresh air intake system. A wall-mounted air conditioner shall not be used.
- Any air intake ducts at lots facing North Indian Canyon Drive and the commercial/industrial areas, shall be oriented away from the noise sources and shall incorporate at least 6" of flexible fiberglass ducting and at least on a 90° bend. There shall be no other openings (mail slots, vents, etc.) in the exterior walls.
- The roof system of all units shall have minimum ½" plywood sheathing that is well sealed to form a continuous barrier to the noise. Minimum R-19 insulation batts shall be placed in the rafters' space.
- Attic vents, if any, at lots facing North Indian Canyon Drive and the small scale manufacturing/service commercial areas shall not be oriented towards the noise sources. If such an orientation cannot be avoided, then an acoustic baffle shall be placed in the attic space behind the vent as shown in Figure 5-1 in the acoustical evaluation (see appendix).

It should be noted that the recommended interior noise control measures are based on the assumption that standard building construction provides a noise reduction of at least 20 dB with windows and doors closed. This assumption is consistent with the procedures developed by the County of Riverside Health Service Agency, Department of Environmental Health.

- b) **Less than Significant Impact.** Potential ground borne vibration may occur during construction of the project. However, the construction phase would be short term in nature and is not expected to be a significant impact. If the noise produced by such work is of such intensity or quality that it disturbs the peace and quiet of any other person of normal sensitivity recommendations are provided for compliance with the City's noise standards (see section XI-a) to reduce these impacts to less than significant.
- c) **Less than Significant with Mitigation Incorporated.** Since the existing site is a vacant lot, there would be a substantial increase in ambient noise levels with the implementation of the proposed project. Refer to XI-a for discussion of impacts. Mitigation measures **MM XI-**

1, **MM XI-2**, **MM XI-3** above would reduce these temporary impacts to less than significant.

- d) **Less than Significant with Mitigation Incorporated.** There would be some short-term increases in noise levels during construction and installation of roadway improvements. Refer to **XI-a** for discussion of impacts. Mitigation measure **MM XI-4**, above would reduce these temporary impacts to less than significant.
- e, f) **Less than Significant Impact.** The project site is subject to aircraft flights from the Palm Springs International Airport. However, as indicated in the acoustical analysis (in the appendix) the CNEL at the project site due to this activity is well below 60 dB. Since the project is not located within an airport land use plan or within the vicinity of a private airstrip, its impact on the overall noise exposure at the project site is less than significant.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING. Would the project:</b>				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Less than Significant Impact.** The general plan land use density / intensity table, average household size for the City of Palm Springs is 2.52 persons per unit. The proposed project includes 78 residential units (73 apartments and 5 single family residences). Thus the project would be expected to provide housing for approximately 197 people. This would represent a population growth of approximately 0.44% of the existing population of 44,260 (CA DOF 2004). This increase is considered less than significant.
- b, c) **No impact.** The proposed project site is a mostly vacant parcel with four existing single family homes on the eastern portion of the site which will remain. These four residential units are part of the total 78 residential units proposed in the project. No existing population or housing would be displaced, therefore there is no impact.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES.</b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less than Significant Impact.** The project would not result in significant impacts to structures or any emergency response procedures. The Palm Springs Fire Department (PSFD) serves the current population of 44,260 persons, covering a geographical area of 96 square miles with five fire stations. The maximum acceptable fire response time within the urbanized areas has been set at five minutes by the PSFD. Since the project is located roughly one mile from station #3 the PSFD would be able to reach the project within the five-minute response time. The proposed project would result in a 0.44% population increase to the City of Palm Springs. Construction activities are not anticipated to result in an increase in demand for fire protection services. The project would conform to the access requirements and conditions of approval for the PSFD prior to submission for a building permit. Therefore, impacts to fire services are considered less than significant.
- b) **Less than Significant Impact.** The increase in population from the proposed project would not result in impacts to the City's Police protection service capacity. The project would comply with all rules, regulations and procedures of the PSPD. Therefore, impacts to police protection would be less than significant

**Construction**

No significant construction related law enforcement impacts are anticipated to result in association with the proposed project. The project developer is expected to ensure that, during construction, site access is restricted and adequate security is maintained to prevent unlawful trespass, vandalism or theft of construction materials or equipment. Therefore, impacts to police protection would be less than significant.

- c) **Less than Significant Impact.** The Palm Springs Unified School District's (PSUSD) Long Range Comprehensive Master Plan identifies the demand for school facilities using projections of the student population based on anticipated increases in the number of housing units in the District. These numbers can be translated into total school population using a factor of 0.44 students per dwelling unit. Based on these figures, 36 students from the 78 residential unit development would be generated. However, according to PSUSD Facilities Planning due to the demographics of Palm Springs the potential students generated by the project would be 9 students, which is a less than significant increase.

The project would however be required to comply with PSUD's developer fees for residential units at the time of the building permit. The developer fees are based on building area square footage. According to PSUSD Facilities Planning, it is not expected that the proposed project would have impacts that would exceed available capacity of the Vista Del Monte School facility or educational services. Therefore, impacts to PSUSD are considered less than significant.

- d) **Less than Significant Impact.** Residents of the development would most likely access the Desert Highland Park located nearby. However, there are many other recreational facilities nearby in addition to several public golf courses within the City limits. The proposed project would add approximately 197 people to the neighborhood, however the impact to parks and recreation facilities would be considered less than significant given the less than 0.44% increase in overall population.
  
- e) **Less than Significant Impact.** The proposed project is not expected to cause significant environmental impacts to the service levels of any other public service providers beyond those described above, as the project is in-fill to an existing residential and commercial neighborhood. Other service providers would include; cable TV, gas and electric service and telephone service. Therefore the impact is considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a,b) **Less Than Significant.** There are two recreational facilities located within a 1-mile radius of the project. A half-mile north of the project is the James O. Jessie Desert Highland Unity Center located at the Desert Highland Park and one mile southeast is Victoria Park. According to the Director of Parks & Recreation, the project could impact the recreational facilities to some degree. The demand to use the outdoor facilities (picnic area, play area and fields) would probably increase slightly. Also, the demand for the indoor facilities (gymnasium, rec. rooms, kitchen) and recreational space on the interior of the Unity Center could become more competitive and may require some expansion. The proposed project would result in an approximate 0.44% population increase to the City of Palm Springs, which would not substantially increase the demand for recreational facilities or require construction/expansion of existing facilities. Therefore the impacts are considered less than significant.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A traffic study was prepared for the project by Endo Engineering. For the current amended project scope, an updated traffic study was not required by the City Engineering Department.

The single family residential portion of the proposed project is gated and has one access point located on Rosa Parks Road. The multi-family housing portion of the proposed project is not gated and has one access point located on Rosa Parks Road near the northwest corner of the site. The access point on the east side of the site would be aligned opposite El Dorado Boulevard, creating a 4-way intersection where a "T" intersection currently exists. The western site access would be located near the western site boundary, north of the alignment of Anza Road located south of the property (See Figure 3). An emergency access gate is located near the southwest corner of the parcel and is accessed from Radio Road. An emergency access gate is located between the single family residential and the multi-family residential areas of the site with a pedestrian gate that is not locked.

The intersection of Indian Canyon Drive and Rosa Parks Road is a three-way because Rosa Parks Road does not continue east of Indian Canyon Drive. The three-way intersection currently has an average approach control delay for Rosa Parks Road approach (represents the "worst case" movement) that corresponds to level of service B (LOS B) operation during the mid day and evening peak hours. The average control delay associated with the left-turn movement from Indian Canyon Drive at this intersection (which represents the "best case" movement) currently corresponds to LOS A operation during the peak hours. Since the City of Palm Springs considers

LOS D or better operation acceptable during the midday (11:30 AM to 1:30 PM) and evening peak hours (4:00 PM to 6:00PM) of the peak season, the intersection of Indian Canyon Drive and Rosa Parks Road is currently providing acceptable levels of service.

- a) **Less Than Significant Impact.** No significant impact on local circulation or access is expected to accompany the development of the proposed project. Since Rosa Parks Road currently carries low traffic volumes (less than 1,900 vehicles per day), neither proposed site access location on Rosa Parks Road would meet signal warrants upon project build out. Therefore, this impact is considered less than significant.
- b) **Less Than Significant Impact.** The proposed project has adequate access for the project. The key intersection of Indian Canyon Drive and Rosa Parks Road is projected to operate at acceptable levels of service with project related traffic without signalization. Therefore, this impact is considered less than significant.
- c) **No impact.** The proposed project would not affect any air traffic patterns nor would it increase traffic levels or cause a change in location that would result in substantial safety risks. Therefore, no impact would occur.
- d) **Less Than Significant.** The circulation plan for the project includes two access points along Rosa Parks Road. Vehicles pulling out of the proposed site access points would need to be able to see eastbound and westbound approaching vehicles. There are no design features, sharp curves or dangerous intersections that would be created as a result of the proposed amendment to the project. Therefore the impacts are less than significant.
- e) **Less Than Significant Impact.** The design of public improvements associated with the project would be expected to comply with the City of Palm Springs Circulation Element and meet City street standards. The project has been designed with two access points on the north side of the site off of Rosa Parks Road. Emergency access is considered adequate. Therefore, this impact is considered less than significant.
- f) **No impact.** The project would not result in inadequate parking capacity. With PD approval, the parking proposed for the project would be sufficient under 93.06.29 zoning code. A total of 123 off-street parking spaces are required and 134 spaces are provided. The proposed amended project scope has 5 single family homes. The project has two garaged parking spaces for each of the 5 units plus 9 on street parking spaces. Therefore no impact would occur.
- g) **No impact.** The City of Palm Springs has adopted a Transportation Demand Management (TDM) Ordinance. The City's TDM Ordinance is not applicable to the proposed project as it is a residential development that would not involve employment. The project as proposed complies with all applicable transportation policies. Therefore, no impact would occur.

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

- a) **Less Than Significant.** The proposed project would provide connections for the 78 residential units to the existing water and wastewater infrastructure. There are three existing water mains in relation to the site. 1) an 8" water main that follows Radio Rd (east to west) and terminates at N. Granada Ave. 2) an 8" water main that follows Radio Rd in the South/East corner of the property terminating at the property line. 3) an 8" water main in the North/West corner of the property following N. Granada Ave on the West side of the property, this line turns into a 10" main after approximately 500 ft from site. The proposed project will connect to the City's sanitary system, which would convey wastewater generated by the project to the Palm Springs Wastewater Treatment Plant which is managed by Veolia Corporation. The project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The average water usage per person or per household is estimated around 200 gallons per person (without landscaping). The projected water demand for the proposed project is 39,400 gallons per day (gpd) based on an assumption of 200 gpd per person times the average 2.52 persons per household times 78 equivalent dwelling units. As a result of this minimal increase in population, wastewater generated is considered insignificant. The municipal system has sufficient wastewater treatment capacity for this development. Therefore, the impact to wastewater treatment requirements would be less than significant.

- b) **Less than Significant.** It is not expected that the project would have a significant effect on the existing water treatment facilities (**see discussion XVI-a**). Therefore, this impact is considered less than significant.
- c) **Less than Significant.** According to the proposed project design for hydrology and flood improvements, all storm runoff generated onsite would be conveyed in the streets and captured by catch basins to be carried via underground storm drains to the retention basin or into the pervious concrete pavement areas as shown on the hydrology map. The storage capacity of the retention basin and the pervious concrete pavement areas would be sufficient to store the incremental increase of runoff volume generated by a 100-year storm beyond existing conditions. The project would comply with the City's retention & detention basin policy. Therefore the impact to storm water drainage facilities would be less than significant.
- d) **No Impact.** Water for the proposed project would be served by Desert Water Agency's existing water supply. Pursuant to Sections 10910-10915 of the California Water Code, a water supply assessment will not be required, as the proposed project does not meet the minimum threshold requirement for an assessment of water supply (**see discussion XVI-a**). Therefore, no impact would occur.
- e) **Less than Significant.** The proposed project would connect to the City's sanitary system, which would convey wastewater generated by the project to the Palm Springs Wastewater Treatment Plant (**see discussion XVI-a**). Therefore the impacts would be less than significant.
- f) **Less Than Significant.** *The City of Palm Springs contracts with Palm Springs Disposal Services (PSDS) for solid waste collection services. Solid waste generated in the area is transported to the the Edom Hill landfill where it is transferred for collection at other landfills.* The proposed project would be accommodated by PSDS and the existing landfill has sufficient capacity to accommodate solid waste beyond the next 20 years and no new landfills are currently planned for the area. Based on the maximum population increase of 0.44%, the impact to the local landfill and disposal service is considered to be less than significant.
- g) **Less than Significant.** The proposed project would be required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, State, and Federal solid waste disposal standards, thereby ensuring that impacts associated with this issue are considered to be less than significant. Therefore, impacts to solid waste are considered less than significant.

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b> Does the Project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wild-life population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less than Significant Impact.** The proposed project would not degrade the quality of the environment; result in an adverse impact on fish, wildlife, or plant species including special status species, or prehistoric or historic cultural resources because project components would be constructed on areas that are not identified as sensitive. Prehistoric or historic cultural resources would not be adversely affected because no archeological or historic resources are known to exist in the project site. Further, project implementation includes compliance with appropriate procedures for avoiding or preserving artifacts or human remains if they are discovered during project construction. Therefore impacts would be less than significant.
- b) **Less than Significant Impact.** The proposed project in addition to past and future developments in the surrounding planned urban developments would be consistent with the City's General Plan in further completion of the urbanization process and infilling for Palm Springs. The proposed project is expected to be complete by the year 2011. All potential impacts would be reduced by adhering to basic regulatory requirements and/or conditions of approval incorporated into project design. Therefore the impacts would be less than significant.
- c) **Less than Significant Impact.** With the implementation of the identified mitigation measures and the City of Palm Springs standard conditions of project approval as well as other pertinent agencies; no direct or indirect adverse impacts are anticipated and no additional mitigation is required. Therefore impacts would be less than significant.



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Jennings, C.W., 1994 Fault Activity Map of California and Adjacent Areas: California Division of Mines and Geology, Geological Data Map No. 6 scale 1:750,000.

Las Vegas Residential Traffic Impact Study. January 26, 2005. Endo Engineering, Laguna Niguel, CA.

Mikesell, Scott. Former Director of Parks & Recreation, City of Palm Springs. Memo to Kevin Grant, Environmental Director. March 30, 2005.

Preliminary Hydrology Report for Property Located in Section 34, T3S., R4E., SBM, Palm Springs, CA Tentative Tract Map No. 33161. February 4, 2005. MSA Consulting, Inc., Rancho Mirage, CA.

South Coast Air Quality Management District. Air Quality Management Plan, 2003.

South Coast Air Quality Management District. CEQA Air Quality Handbook, April 1993



May 29, 2009

Craig Ewing  
Dir. of Planning Services  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Dear Mr. Ewing:

We have reviewed the Initial Study/Mitigated Negative Declaration relating to the Vista San Jacinto Project dated June 2009, and agree with all the mitigation measures identified in the Study. Sherman Associates, Inc. will implement the measures as part of the development of the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Sailer'.

Ryan C. Sailer  
Vice President



**City Council Policy Statement  
Adopted September 17, 2008**

**PLANNED DEVELOPMENTS AND THE REQUIREMENT FOR PUBLIC BENEFITS**

In order to provide for the long-term improvement of the community, every application for a Planned Development District (PDD) and every amendment thereto – including all those enacted in lieu of a change of zone – shall include a public benefit in accordance with the provisions listed below.

1. The concept of a "public benefit" shall be a condition of granting zoning flexibility via approval of a Planned Development District, and is consistent with the goals, policies and objectives of the Palm Springs General Plan.
2. The public benefit of an approved PDD shall be specifically identified by the Planning Commission and City Council within the record of approval (resolution or ordinance, as applicable).
3. The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.
4. A feature, improvement or dedication may only be considered as a public benefit when it exceeds the level of improvement needed to mitigate a project's environmental impacts or comply with dedication or exactions which are imposed on all projects, such as Quimby Act, public art, utility undergrounding, etc.
5. An approved public benefit shall be one of the following types:
  - a. The project as Public Benefit – The project fulfills key General Plan objectives for land use (such as "mixed-use"), economic development, community beautification, additional parking, improved circulation, blight removal or the like.
  - b. Key Features of the Project – The project includes features such as through-streets not indicated on the General Plan, interior parks, community open space, community meeting rooms, entry features, preservation of important buildings, preservation of natural features, daycare facility or other similar amenities.
  - c. Sustainable Features – The project includes features which measurably aid achievement of the City's sustainability goals, including water conservation, energy conservation (e.g., LEED certified), active and passive solar features, California Green Building techniques, and other sustainable features.
  - d. Off-site Improvements – The project includes off-site dedications and / or improvements, such as widened thoroughfares with meandering bikeways, public park lands, hiking trails, recreation facilities, construction of decorative medians, or other public improvements located off the project site.

**BETWEEN LAS VEGAS ROAD AND RADIO ROAD WEST OF INDIAN CANYON DRIVE, ZONE R2, SECTION 34, APN 669-441-013:**

Diane Bullock, Principal Planner provided background information as outlined in the staff report dated July 6, 2005.

Mayor Oden opened the Public Hearing and the following speakers addressed the City Council.

MARVIN ROOS, representing Applicant, stated they are in support of the project as proposed with the recommendations of the Planning Commission, and the proposed restrictions and mitigation measures.

JAMES BARTLETT, stated his support for the project and he is available to answer any questions.

MARIA SONG, Interactive Design Corporation, stated her support of the project, and commented on the breaks in the walls that compliment the modern design.

No further speakers coming forward, the Public Hearing was closed.

The City Council commented and/or discussed the following issues: the unanimous vote of the Planning Commission, under-grounding the utilities, construction hours, architectural style, concerns with regard to Radio Road orientation, curb face to wall spacing of 10 feet and landscaping, zoning of surrounding area, and price-point.

**ACTION:** 1) Adopt Resolution No. 21328, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS APPROVING CASE 5.1037 TTM33161-AN APPLICATION BY SHERMAN ASSOCIATES FOR A TENTATIVE TRACT MAP AND PRELIMINARY PLANNED DEVELOPMENT DISTRICT, TO SUBDIVIDE 5.95 ACRES INTO 32 LOTS FOR FUTURE CONSTRUCTION OF 32 DETACHED RESIDENCES, LOCATED BETWEEN LAS VEGAS ROAD AND RADIO ROAD WEST OF INDIAN CANYON DRIVE, ZONE R2, SECTION 34, APN 669-441-013;" *noting a recommended change during the final review process in the wall configuration on Radio Road, as shown on the site-plan not the landscape plan, and correcting construction hours by not allowing construction on Sundays or holidays;* and 2) Order filing of the Notice of Determination, pursuant to the California Environmental Quality Act (CEQA), regarding the Mitigated Negative Declaration prepared for this project. **Motion Councilmember Mills, seconded by Councilmember Pougnet and unanimously carried on a roll call vote.**

- 1.B. **AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT FOR (A) CASE 5.1044 TO CHANGE THE DESIGNATION FROM P AND L4 TO M15 LOCATED ON APPROXIMATELY 12 ACRES SOUTH OF**

DATE: JUNE 8, 2005  
TO: PLANNING COMMISSION  
FROM: INTERIM DIRECTOR OF PLANNING SERVICES

CASE 5.1037 PD-309 / TTM33161 – AN APPLICATION BY SHERMAN ASSOCIATES, OWNER FOR A TENTATIVE TRACT MAP AND PLANNED DEVELOPMENT DISTRICT. THE TENTATIVE TRACT MAP IS TO SUBDIVIDE APPROXIMATELY 5.95 ACRES INTO 32 LOTS, A PRIVATE STREET AND PAVEMENT, AND COMMON OPEN SPACE. THE PLANNED DEVELOPMENT DISTRICT IS TO CONSTRUCT 32 NEW DETACHED SINGLE FAMILY RESIDENCES, A PRIVATE STREET AND PAVEMENT, AND A MINI-PARK, LOCATED BETWEEN LAS VEGAS ROAD AND RADIO ROAD WEST OF INDIAN CANYON DRIVE, ZONE R-2, SECTION 34, APN 669-441-013.

#### RECOMMENDATION

That the Planning Commission approve:

1. Recommend that the City Council approve Tentative Tract Map 33161 for the subdivision of approximately 5.95 acres into 32 private residential lots totaling 4.57 acres, individual lot sizes ranging from 5,300 sq. ft. to 7,938 sq. ft., a private street and pavement .79 acres, and common open space .58 acres; and
2. Recommend that the City Council approve Planned Development District 309 for the construction of 32 single family residences, a private street and pavement, and a mini-park, located between Las Vegas Road and Radio Road, Zone R-2, Section 34, APN 669-441-013.
3. Recommend that the City Council approve the adoption of proposed Mitigated Negative Declaration (Section 1507) in accordance with the California Environmental Quality Act (CEQA).

#### BACKGROUND

Sherman Associates has submitted an application for a Tentative Tract Map and Planned Development District. The proposed project is located between Las Vegas Road and Radio Road west of Indian Canyon.

The Tentative Tract Map proposes to subdivide approximately 5.95 acres into 32 private residential lots 4.57 acres, a private street and pavement .79 acres, and common open space .58 acres.

The Planned Development District proposes the construction of 32 single-family residences, a private street and pavement, and a mini-park. The 32 single family

residences will be divided into three dwelling unit sizes: Unit A is 2,127 sq. ft., Unit B is 1,662 sq. ft., and Unit C is 2,259 sq. ft.

The Architectural Advisory Committee (AAC) reviewed this project on May 9, 2005 and recommended the following:

1. To integrate the Radio Road wall with the adjoining commercial zone, possibly create panels or another insert. Show detail of the integration.
2. Drawings need to show more information on space, depth, height of the houses, and entrance described in more detail.
3. Wind Control is necessary.
4. Suggestion to recess the windows.
5. Suggestion to soften the motor-court areas. Possibly with paving or a landscape feature.

In response to the AAC's recommendations, the applicant has:

1. Added an additional insert to the wall on Radio Road.
2. Prepared more illustrative drawings.
3. Recessed the windows most affected by the sun.
4. Developed privacy walls and a street tree program on the private street, and on Radio and Las Vegas Roads. These trees should curtail the effect of prevailing winds.
5. The motor courts have been softened with decorative paving, privacy walls and landscaping.

A neighborhood meeting was held on May 10, 2005 at the James O Jessie Center in the Desert Highland Neighborhood and the following comments were made:

- The neighbors were satisfied with the design and layout of the proposed project.

**ADJACENT LAND USES, GENERAL PLAN AND ZONING:**

Table 1.0 Zoning and General Plan Designation and Adjacent Land Uses

<b>Assessors Parcel Number</b>	669-441-013
<b>Zoning</b>	R2- Section 92.01.00. Single family detached subject to Zone R1A Standards R2-allows 1 unit/3000sq. ft. Allowable units equal 87 units
<b>General Plan M-15</b>	15 units/acre allowed-Threshold 12 units, 15 units maximum Allowed-71.4 units threshold and 89.25 maximum
<b>North across Las Vegas Road</b>	Single Family Residences Single Story Zone R1D-The Desert Highland Community.
<b>South across Radio Road</b>	Vacant M1
<b>Adjacent Property East</b>	Vacant Commercial Zone CM
<b>Adjacent Property West</b>	Vacant and Self Storage Zone R2 and M1.

The General Plan designation is M15 (Medium Density Residential). This provides for a maximum density of 15 units per acre. Appropriate residential development is traditional

single-family residences and multi-family residential. Based on the M15 designation this project could develop with a density of 89.25 dwelling units for the existing 5.95 acre site. The proposed project is for 32 dwelling units on the existing site; which is consistent with Objective 3.6.b. of the General Plan.

General Plan Policy 3.6.2 allows up to two stories and 24 feet in height, and a minimum of 50% of the lot to be maintained as open space. The proposed project consists of detached single-family residential units ranging from 15 feet to 22 feet high with open space of approximately 69%; therefore the proposed project is consistent with Policy 3.6.2 of the General Plan.

General Plan Policy 10.2.4b(a) states that a mini-park shall be of sufficient size and designed to be compatible with adjacent uses. The park is an adequate size and is situated in the center, equally accessible to both sides of the development. Underground retention has been proposed creating usable ground space for the whole area. The proposed mini-park is consistent with the General Plan.

In accordance with the General Plan, Planned Development Districts, (PDD's) are designed to provide for various types of land use to be combined in compatible relationship with each other. It is the intent of a PDD to be in compliance with the General Plan and good zoning practices while allowing certain desirable departures from the strict provisions of the specific zone classifications.

The proposed project is located between Radio Road and Las Vegas Road. Each street has the capacity to carry the type and quantity of traffic expected to be generated by the residential use.

Las Vegas Road is a local street. The project proposes a meandering sidewalk shifting in width from 5 ft. to 8 ft., a curvilinear perimeter wall, and landscaping, of substantial street trees along Las Vegas Road. The General Plan requires a bikeway along Las Vegas Road. The proposed project includes a Class II, 6 feet wide bicycle lane on Las Vegas Road.

Radio Road is a collector street. The proposed project has a landscaped space 8 feet wide consisting of trees, shrubs, and decomposed granite between the perimeter wall and the proposed curb.

The applicant opposes concrete sidewalks for this area and has designed this space to be a landscaped, shaded walking area on decomposed granite. The applicant believes this to be a desirable departure from strict provisions. The City of Palm Springs requires an 8-foot wide sidewalk on Radio Road. (Refer to Exhibit A and B included in the packet).

General Plan Policy 7.G requires a safe, balanced multi-modal transportation system designed to provide for the movement of people, goods and services meeting the existing and future needs of the City, providing for adequate points of transfer from one mode to another. The City of Palm Springs

General Plan Policy 7.5.2 states that pedestrian walkways should be provided to minimize pedestrian/auto conflicts. Where both have to use the same area, the design emphasis should be on making the motorist feel s/he is in a pedestrian area. The City of Palm Springs requires the walkway to be an 8-foot wide concrete sidewalk.

General Plan policy 8.3.1 requires developers of new projects to pay for the costs of construction and expansion of water, sewer/wastewater, and storm drainage improvements, and other public utilities, which are necessitated by that development. The developer has agreed to pay for these necessities and the proposed project is consistent with policy 8.3.1 of the General Plan.

### PLANNED DEVELOPMENT DISTRICTS

Section 94.03.(B)(5) states that the Planned Development District is designed to provide various types of land use, which can be combined in compatible relationship with each other as part of a totally planned development. It is the intent of this district to insure compliance with the general plan and good zoning practice while allowing certain desirable departures from the strict provisions of specific zone classifications. The advantages, which are intended to result from the application of the planned development district, are to be insured by the adoption of a precise development plan with a specific time limit for commencement of construction.

Pursuant to Zoning Ordinance Section 92.03.01(A) (1) R2 limited multiple-family residential zone, uses permitted: permanent single-family residences are subject to the standards of the R1A Zone (Section 92.01.00).

Under the PDD, the applicant has requested relief of the R1A development standards, and relief of some development standards in R2 as shown in Table 2.0. Table 2.0 contrasts the development standards for the R2 Zone and the R1A Zone and the proposed development standards. The substandard column shows what is substandard to the proposed R2 development standards.

Table 2.0 R2, R1A, and Proposed Development Standards

<u>Development Standards</u>	<u>R1A</u>	<u>R2</u>	<u>Unit</u>	<u>Proposed</u>	<u>Substandard</u>
Lot area	20,000	20,000	A, B, and C  Whole lot	5624 sq. ft.- 8314 sq. ft.  258,974 sq. ft. or 5.95 acres	14,376 sq. ft.- 11,686 sq. ft.
Minimum Width	130 feet	Interior-130 feet Corner-140 feet Reversed corner- 145 feet Culdesac-130 feet	A, B, and C  Whole lot	60 ft. -105 ft.  266 feet	I-70 ft. – 25 ft. C-80 ft. – 35 ft.
Minimum Depth	120 feet	150 feet	A, B, and C	64 ft.-126 ft.	86 ft.- 24 ft.



			Whole lot	939 feet	
Front Yard	25 feet	25 feet	A, B, and C	42 ft. -25 ft. -5 ft.	20 ft.
Side Yard	10 feet	10 ft. minimum	A, B, and C	19 ft.-15 ft.- 9 ft.-5 ft	1 ft. - 5 ft.
Rear Yard	15 feet	10 ft minimum-Lots backing on R1-min. of 15 ft. Lots backing on commercial/industrial min. 20 ft.	A, B, and C	18 ft.-12 ft.- 10 ft.-5 ft.	0 ft. - 3 ft.
Lot Coverage	35% lot Coverage	50% usable landscaped open space and outdoor living and recreation areas required. Structures exceeding 18 ft. in ht. and 1 story, lot coverage no more than 30% of total area.	Whole lot  A, B, and C	57%  Refer to Table 3.0	Refer to Table 3.0
Minimum Dwelling Size	1,500 sq. ft.		A- B- C-	2,131 sq. ft. 1,674 sq. ft. 2,245 sq. ft.	
Density		3,000 sq. ft. per dwelling unit	86.32 allowed	32 Proposed	
Bldg. Height	12 ft. min.-3ft. setback for every 1 ft. ht. up to 18 ft.	Maximum 24 ft. and 2 stories	A- B- C-	19.6 feet TOP 22 feet TOP 15 feet TOP	
Distance between buildings	10 feet; Bldgs. Over 10 ft. tall-min. distance of 15 ft. between	15 ft. when residential is adjacent and parallel to each other. Min. distance between bldgs. on opposite sides of an interior court shall be 30 ft.	A, B, C	10 ft. - 80 ft.	5 ft. - 0 ft.

ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Exhibit A
4. Exhibit B
5. Draft Conditions Of Approval (Exhibit C)
6. Mitigated Negative Declaration on file in the Planning Department except for Planning Commission packets.

Date: June 16, 2009

To: Craig Ewing, City of Palm Springs Director of Planning

From: Desert Highland Gateway Estates Community Action Association

Subject: Vista San Jacinto

I, Angie Patrick, President of the Desert Highland Gateway Estates Community Action Association, along with the Board of Directors, endorse the new affordable rental project on Rosa Parks Road known as Vista San Jacinto.

Sincerely,

*Angie Patrick*  
President

Angie Patrick  
DHGE-CAA  
President  
(760) 219-1277  
[apatrick84@aol.com](mailto:apatrick84@aol.com)

Board Members:

*Cora Crawford*  
*Charles E. Mitchell Sr.*  
*Evernell Black*  
*Pat Ann Crawford*

**RECEIVED**

JUN 17 2009

PLANNING SERVICES  
DEPARTMENT

123

A Public Agency June 16, 2009

Mr. Ken Lyon, Associate Planner  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Re: Vista San Jacinto; Case 5.1037-PD 309, TTM 33161 - Amendment

Dear Mr. Lyon:

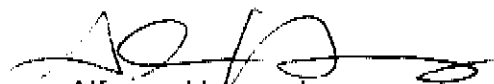
This letter responds to your request for comments regarding the proposed project located southwest of Rosa Parks Road and El Dorado Boulevard, within the City of Palm Springs. The SunLine Transit Agency (SunLine) staff has reviewed the project and offers the following comments.

SunLine currently provides direct bus service to the proposed project site along Rosa Parks Road on Line 24. Based on our review of existing transit amenities in the vicinity, SunLine has two bus stops adjacent to the proposed development. Bus stop #203 is located at the southwest corner of Rosa Parks Road at Avenida Granada, traveling eastbound, and bus stop #228 is located at the northwest corner of Rosa Parks Road at Avenida Granada, traveling westbound. Our review of the Initial Study shows on page 42 that this project will not impact transit service. Given this, there is no need for the construction of transit amenities, including a bus turnout and bus shelter as part of the proposed development.

In addition, should the proposed development impact the bus stop and/or service provided by SunLine, the developer is required to contact SunLine 15 days prior to beginning of construction. This will give SunLine sufficient time to schedule removal of any bus stops, as well as inform passengers of any changes in service.

Should you have questions or concerns regarding this letter, please contact me at 760-343-3456, ext. 162.

Sincerely,



Alfonso Hernandez  
Assistant Planner

cc: C. Mikel Oglesby, General Manager  
Eunice Lovi, Director of Planning  
Marcus Fuller, P.E., P.L.S. Assistant Director of Public Works  
City of Palm Springs  
David Barakin, Director of Public Works/ City Engineer  
City of Palm Springs

RECEIVED

JUN 17 2009

PLANNING SERVICES  
DEPARTMENT

124

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



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City Council  
Meeting Date:

July 15, 2009

Subject:

CASE 5.1037 AMND; PDD-309; TTM 33161 – AN APPLICATION BY SHERMAN LAS VEGAS HOUSING LLC FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT ON APPROXIMATELY 5.95 ACRES LOCATED AT 301 ROSA PARKS ROAD

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**AFFIDAVIT OF MAILING**

I, Craig Ewing, Director of Planning Services, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on or before July 5, 2009, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.  
(101 notices)

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in cursive script, appearing to read "Craig Ewing", is written over a horizontal line.

Craig Ewing  
Director of Planning Services

**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, CMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on July 5, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in cursive script, appearing to read "Kathie Hart", is written over a horizontal line.

Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Craig Ewing, Director of Planning Services, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on July 5, 2009.

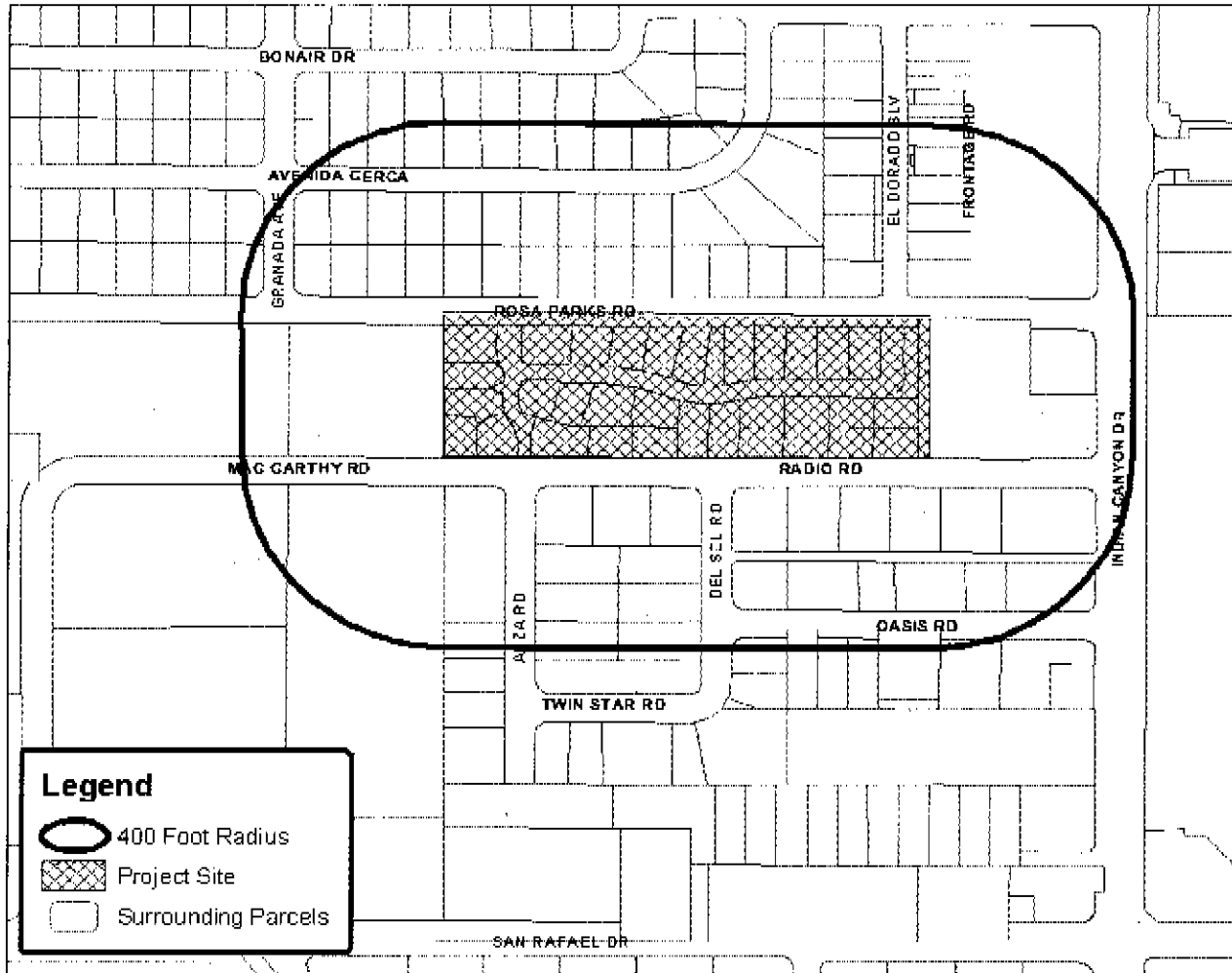
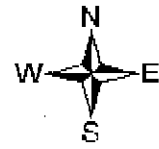
I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in cursive script, appearing to read "Craig Ewing", is written over a horizontal line.

Craig Ewing  
Director of Planning Services



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 5.1037 AMND  
5.1037 PD 309  
TTM 33161

**APPLICANT:** Sherman Las Vegas  
Road Housing, LLC

**DESCRIPTION:** An amendment application by Sherman Las Vegas Road Housing, LLC, to a previously approved PDD, requesting a change from 32 single family units to 73 multi-family low and moderate income rental units and 5 "for sale" single family units on an approximately 5.95 acre parcel at 301 Rosa Parks Road, zoned PDD 309.