



## Planning Commission Staff Report

Date: July 22, 2009

Case No.: 5.1070 PDD 317, TTM 30047

Application Type: Time Extension Request for a Planned Development District

Location: South Palm Canyon Drive at Bogert Trail

Applicant: Newport Federal / CT – Eagle Member LLC

APN: 513-460-(033, 001, 003, 010) (4 parcels)

Zoning: PDD 317 (Canyon South Specific Plan)

General Plan: Estate Residential, 0-2du/ac (Canyon Park Specific Plan)

From: Craig A. Ewing, AICP, Director of Planning Services

Planner: Ken Lyon, Associate Planner

---

### DESCRIPTION

Newport Federal / CT – Eagle Member LLC, "Applicant" has submitted a request for a time extension for both the Planned Development District (PDD 317) and the Tentative Tract Map (TTM 30047), for "Eagle Canyon", a previously approved subdivision of 75 single-family residences, 155 town-homes and an activity center. The subdivision encompasses approximately 80 acres of a parcel totaling approximately 117 acres, located on the west side of South Palm Canyon Drive at Bogert Trail. Section 34.T4S, R4E (Canyon South Specific Plan)<sup>1</sup>.

---

<sup>1</sup> Section 34 is part of the reservation of the Agua Caliente Band of Cahuilla Indians, however the parcels in this application are fee simple land.

## RECOMMENDATION

That the Planning Commission approves the time extension request for Case 5.1070 PDD 317, TTM 30047, extending the entitlement from July 5, 2009 to July 5, 2010, subject to the revised Conditions of Approval attached as Exhibit A.

## PRIOR ACTIONS

On June 14, 2006, the Planning Commission voted 6-0-1 to certify the addendum to the Canyon Park Specific Plan Environmental Impact Report (SCH #91012026), to approve the preliminary PDD #317 and Tentative Tract Map 30047 and recommend approval by the City Council (PC Resolution 5087).

On July 5, 2006 the City Council voted 3-0-2 unanimously to certify the addendum to the Canyon Park Specific Plan Environmental Impact Report (SCH #91012026), and to approve the preliminary Planned Development District #317, and Tentative Tract Map 30047 for the subject project (Council Resolution #21629).

May 14, 2008 the Planning Commission voted 5-0-1 to approve a time extension from July 5, 2008 to July 5, 2009 (PC Resolution 7129) for the PDD and the Tentative Tract Map (#30047).

On June 4, 2008, the City Council continued a scheduled hearing for a time extension request to the meeting of June 18

On June 18, 2008 the City Council approved a one year time extension for TTM 30047 from July 5, 2008 to July 5, 2009 (Council Resolution 22264).

On July 14, 2009, The State of California adopted California SB1185 which added 12 months to certain entitlements. The Tract Map approval for this project was eligible for this "automatic" time extension.

## BACKGROUND AND SETTING

This is the second time extension request for the PDD and TTM by this applicant for the subject project. The applicant submitted the current time extension request on May 14, 2009, before the July 5, 2009 expiration date of the tentative tract map and planned development district. The applicant stated the time extension request is due to current economic conditions. There has been no Final Planned Development District approved for the project and no final Tract Map approved.

Section 94.03.00(H) of the Zoning Code states that extensions of time for a PD may be allowed by demonstration of good cause. According to Chapter 9.63.110 of the

Municipal Code, there are no specific findings or determinations that need to be made to grant the time extension for a TTM. The Municipal Code does limit all time extensions to one-year and that requirement is being carried forward in staff's recommendation.

The Commission's action on a time extension request is limited to an up-or-down vote on the extension. The project scope, design and development features of the project associated with this request remain unchanged from the original entitlement approval.

Only under certain circumstances may changes in the project scope be considered at the time of a time extension. The changes that may be considered are as follows:

- Changes in regulatory laws or development standards that have been imposed subsequent to the initial approval (such as building code changes, state environmental code changes, state and/or federal air and water quality management plan requirements, etc.).
- Changes in legal requirements as outlined or required by the City Attorney.
- Changes required to address health and safety issues.
- Changes in project scope as proposed by the Applicant.

Staff has evaluated the project against the above criteria and concluded that there are minor changes in regulatory law that necessitates a revised set of Conditions of Approval be incorporated. Other than that, there are no legal, health, safety, or applicant-requested changes in scope involved with this project. Furthermore, there are no physical changes in the neighborhood or in the City's development policies that would require consideration of any changes in the project.

The applicant has requested a time extension on the tentative tract map. In accordance with California SB 1185, filed with the Secretary of State on July 14, 2008, the Tentative Tract Map is automatically granted 12 additional months that are to be added to its original entitlement period. On June 18, 2008 the City approved an extension to the tract map entitlement to July 5, 2009. With the automatic extension granted by the State, the map entitlement now is automatically extended until July 5, 2010. The time period of the entitlement would thus total four years.<sup>2</sup> The proposed request is consistent with the limitations of SB1185; and no formal action is necessary by the Planning Commission or the City Council on the Tract Map.

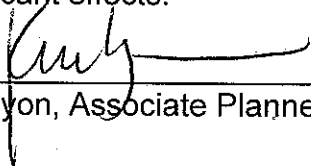
#### **ENVIRONMENTAL DETERMINATION:**

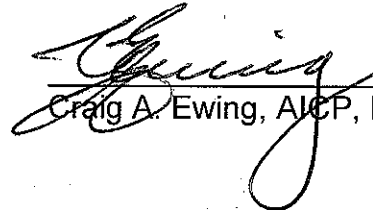
The extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"); an addendum to a Final EIR for the Eagle Canyon project, was previously certified by the City Council on July 5, 2006. The preparation of

<sup>2</sup> Senate Bill 1185 allows that the subdivider may file an application or series of applications to extend the expiration date of the entitlement to a timeframe not to exceed a total of six years (SB1185, Section 1, (66452.6 (e))).

PLANNED DEVELOPMENT DISTRICT

additional environmental documentation is not necessary because there are no changed circumstances related to the project that will result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

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

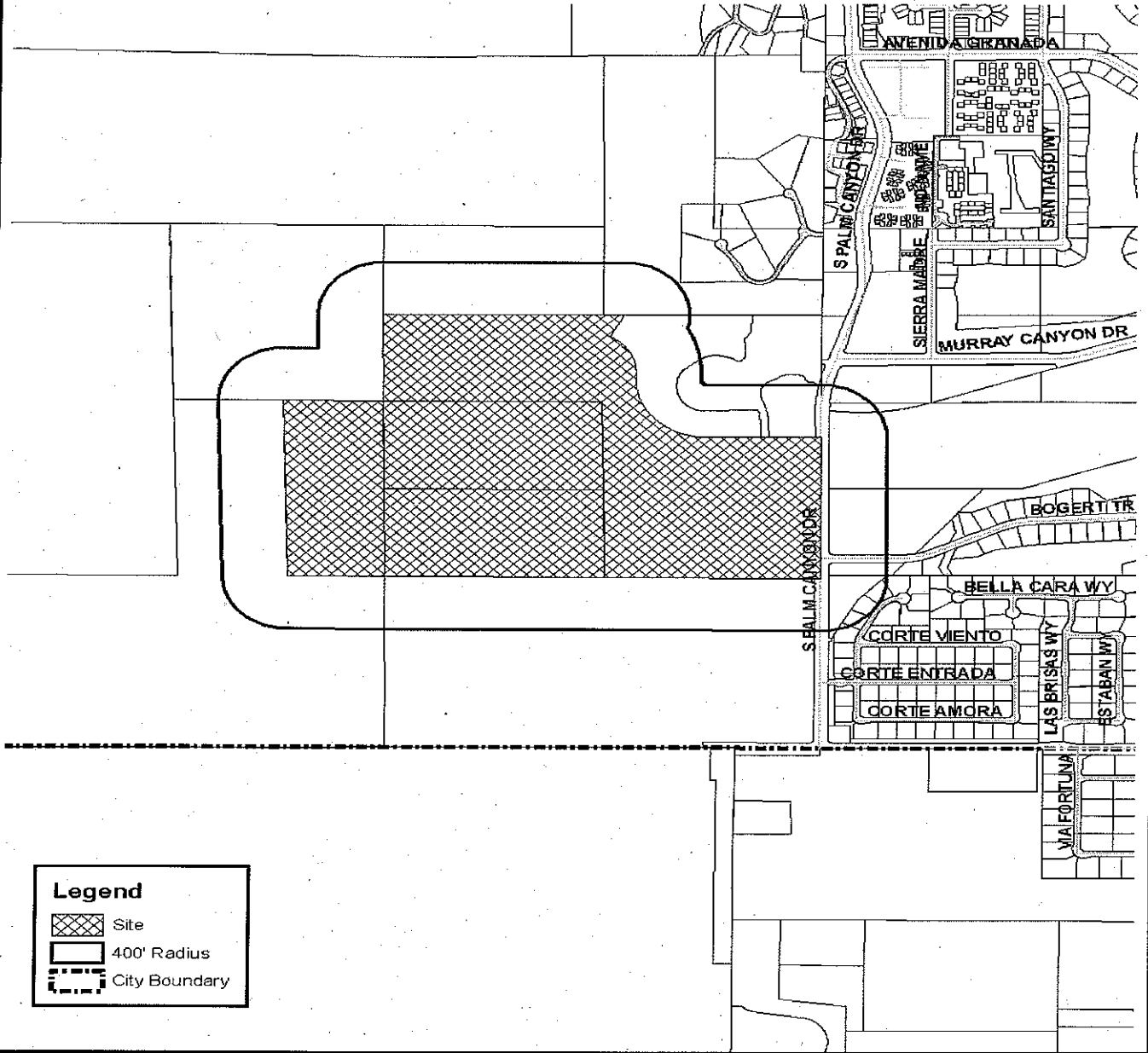
  
\_\_\_\_\_  
Craig A. Ewing, AICP, Director of Planning

Attachments:




1. Vicinity Map
2. Draft Resolution
3. Letter of Request
4. Excerpt of SB1185



# Department of Planning Services Vicinity Map



**Legend**

-  Site
-  400' Radius
-  City Boundary

## CITY OF PALM SPRINGS

**CASE NO:** 5.1070 / PD-317 /  
TTM 30047

**APPLICANT:** Larry Mathena for CT-  
Eagle Member LLC

**DESCRIPTION:** A request by Newport Federal – CT-Eagle Member LLC, for a one-year time extension for Planned Development District 317 and Tentative Tract Map 30047 (Eagle Canyon), a previously approved subdivision of an 80 acre portion of a 117-acre parcel into 75 single-family residences, 155 townhomes and an activity center at the west side of South Palm Canyon Drive near Bogert Trail, Zone PDD 317, GP Estate Residential, Section 34.

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA RECOMMENDING A ONE-YEAR TIME EXTENSION FROM JULY 5, 2009 TO JULY 5, 2010 FOR PLANNED DEVELOPMENT DISTRICT 317 ("EAGLE CANYON"), A PREVIOUSLY APPROVED SUBDIVISION OF 80 ACRES OF A 117-ACRE PARCEL INTO 75 SINGLE-FAMILY RESIDENCES, 155 TOWNHOMES AND AN ACTIVITY CENTER LOCATED ON THE WEST SIDE OF SOUTH PALM CANYON DRIVE, AT BOGERT TRAIL, ZONE PDD 317, SECTION 34/T4S/R4E.

WHEREAS, Newport Federal/CR-Eagle Member LLC ("Applicant") has filed an application with the City pursuant to Section 94.04.00(H) of the Palm Springs Zoning Code for a one-year time extension to commence construction for PD 317 located at the west side of South Palm Canyon Drive, at Bogert Trail, Zone PDD 317, Section 34/T4S/R4E.

WHEREAS, on June 14, 2006, the Planning Commission voted 6-0-1 to certify the addendum to the Canyon Park Specific Plan Environmental Impact Report (SCH #91012026), to approve Case 5.1070, the preliminary PDD #317 and Tentative Tract Map 30047 and recommend approval by the City Council (PC Resolution 5087), and

WHEREAS, on July 5, 2006 the City Council voted 3-0-2 unanimously to certify the addendum to the Canyon Park Specific Plan Environmental Impact Report (SCH #91012026), and to approve Case 5.1070, the preliminary Planned Development District #317, and Tentative Tract Map 30047 for the subject project (Council Resolution #21629), and

WHEREAS, on May 14, 2008 the Planning Commission voted 5-0-1 to approve a time extension from July 5, 2008 to July 5, 2009 (PC Resolution 7129) for Case 5.1070, the PDD and the Tentative Tract Map (#30047), and

WHEREAS, on June 18, 2008 the City Council approved a one year time extension for TTM 30047 from July 5, 2008 to July 5, 2009 (Council Resolution 22264), and

WHEREAS on July 14, 2009, The State of California adopted California SB1185 which added 12 months to certain entitlements. Tract Map #30047 was granted this "automatic" time extension, and

WHEREAS the subject time extension is the second time extension request on the subject project entitlement, and

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

WHEREAS, the Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that neither the

proposed changes to the project, any changed circumstances, nor new information will result in the identification of new significant impacts, or the substantial increase in the severity of significant impacts identified in certified EIR SCH#9102026 and thus no new environmental documentation is required; 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.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension for Case 5.1070 - PD 317 from July 5, 2009 to July 4, 2010 subject to the attached revised Conditions of Approval.

ADOPTED this 22nd day of July 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

---

Craig A. Ewing, AICP  
Director of Planning Services

**EXHIBIT A**

Case No. 5.1070 – PD-317, TTM 30047

Eagle Canyon

West side of South Palm Canyon Drive at Bogert Trail

**REVISED  
APPROVED CONDITIONS OF APPROVAL**

July 22, 2009

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

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

**PROJECT SPECIFIC CONDITIONS**

**Administrative**

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1070 Tentative Tract Map 30047 PD-317. 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



July 22, 2009

to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways, parkways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
4. **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.**

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

5. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial or industrial projects, 1/4% for new residential subdivisions, or 1/4% for new individual single-family residential units constructed on a lot located in an existing subdivision with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning Services and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

July 22, 2009

6. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland. The applicant shall submit a property appraisal to the Planning Services Department for the purposes of calculating the Park Fee. The Park Fee payment and/or parkland dedication shall be completed prior to the issuance of building permits.
7. **Time Limit on Time Extension Approval. Approval of the time extension for the Planned Development District (PDD) and the Tentative Tract Map shall be valid for a period of 1 (one) year from the effective date of the last time extension approval.**
8. **Tentative Tract Map** Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval

#### **Environmental Assessment**

9. The mitigation measures of the Addendum to Canyon Park Specific Plan EIR shall apply. The applicant shall submit a signed agreement that the mitigation measures will be included in the Planning Commission consideration of the environmental assessment. Mitigation measures are included in the EIR Addendum, and hereby incorporated into these conditions by reference.
10. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developers operations and activities for compliance with all applicable dust and noise operations, and cultural resource mitigation. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.
11. **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.**
12. **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.

13. CC&R's

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

CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:

- a. The document to convey title
- b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
- c. Provisions for joint access to the proposed parcels, and any open space restrictions.
- d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

**Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances.**

**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.**

- ~~9. The applicant prior to issuance of building permits shall submit three (3) sets of a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning Services for approval in a form to be approved by the City Attorney, to be recorded prior to certificate of occupancy. The CC&Rs shall be submitted with a list of the adopted conditions of approval and an indication of where applicable conditions are addressed in the CC&Rs. The CC&R's shall be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances.~~
- ~~10. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$2000, for the review of the CC&R's by the City Attorney. A filing fee, in accordance with the fee schedule adopted by the City Council, shall also be paid to the City Planning Services Department for administrative review purposes.~~

### **Final Design**

14. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
15. The final development plans shall be submitted in accordance with Section 94.03.00 of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission. Final development plans shall be submitted within two (2) years of the approval of the tentative tract map.
16. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits.

July 22, 2009

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

17. **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.

**General Conditions/Code Requirements**

18. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning Services for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
19. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
20. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
21. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
22. **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.**

- ~~23. All materials on the flat portions of the roofs shall be earth tone in color.~~
24. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.
25. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
26. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.
27. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
28. The street address numbering/lettering shall not exceed eight inches in height.
29. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety
30. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building.
31. Final architectural and landscaping designs shall be reviewed by the Architectural Advisory Committee.
32. Retaining walls, common and private landscaping areas shall incorporate on-site rocks and boulders to the greatest extent possible.
33. The applicant shall, as part of the first phase of development, extend the equestrian trail occurring on the northern property line to the western boundary of the flood control improvements (Lot GG), as mapped in the General Plan and Specific Plan. The applicant will also cooperate with the City in securing easements through the conservation lot (Lot EE), should the City wish to extend the trail through Lot EE after its dedication.

34. The applicant shall incorporate modifications to the landscaping in the median of the main drive to soften the perspective, by utilizing native and unstructured landscaping materials.
35. **Tribal Fees Required. As the property is Indian reservation land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council, including fees associated with the Tribal Habitat Conservation Plan, which shall be paid prior to receipt of the grading permit for the project.**

### Engineering Division

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

#### STREETS

1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
3. A Road and Bridge Impact Fee of \$2,704 per single family residence (or as may be adjusted annually in accordance with Chapter 9.69.060 of the Palm Springs Municipal Code), shall be paid prior to issuance of a building permit. If applicable, the applicant may enter into a Reimbursement Agreement with the City in accordance with Chapter 9.69.070 of the Palm Springs Municipal Code, for credit of costs associated with the construction of South Palm Canyon Drive.

**ENG 3A. 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.**

#### SOUTH PALM CANYON DRIVE

4. Dedicate additional right-of-way for a property line-corner cut-back at the northwest and southwest corners of the intersection of South Palm Canyon Drive and Lot "A" in accordance with City of Palm Springs Standard Drawing No. 105.

ENG 5. ~~Remove the existing asphalt concrete berm and construct a 6 inch curb and gutter, 32 feet west of centerline along the entire frontage, with~~ Remove existing street improvements as necessary to construct a 35 feet radius curb return and spandrel at the northwest and southwest corners of the intersection of South Palm Canyon Drive and the "Main Boulevard" (Lot "A") in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

~~5. Remove the existing asphalt concrete berm and construct a 6 inch curb and gutter, 32 feet west of centerline along the entire frontage, with a 35 feet radius curb return and spandrel at the northwest and southwest corners of the intersection of South Palm Canyon Drive and the "Main Boulevard" (Lot "A") in accordance with City of Palm Springs Standard Drawing No. 200 and 206.~~

6. Construct the intersection of the "Main Boulevard" (Lot "A") and South Palm Canyon Drive as a new street intersection with 35 feet radius curb returns, spandrels, and a 6 feet wide cross-gutter, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

7. Remove the existing Portland cement concrete improvements at the intersection of South Palm Canyon Drive/Bogert Trail and the "Main Boulevard" (Lot "A") and construct a new, decorative stamped, colored Portland cement concrete intersection. The decorative intersection shall have a stamped pattern and color subject to the review and approval of the Planning Commission as an element of the Final Planned Development. 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.

8. Construct a 30 feet wide emergency access driveway approach located approximately 145 feet south of the south Riverside County Flood Control easement line in accordance with City of Palm Springs Standard Drawing No. 201. The access shall be gated and locked; and lock box key provided to the Fire Department for emergency access.

~~9. Construct a 12 feet wide meandering combination sidewalk and bicycle path along the entire frontage. The construction shall be colored Portland cement concrete. The admixture shall be Palm Springs Tan, Desert Sand, or approved equal color by the Engineering Division. Dedicate an easement for pedestrian and bicycle path purposes for those portions of the meandering sidewalk and bicycle path that extend onto private property.~~



10. Construct a Type A curb ramp meeting current California State Accessibility standards at the northwest and southwest corners of the intersection of South Palm Canyon Drive/Bogert Trail and the "Main Boulevard" (Lot "A"), in accordance with City of Palm Springs Standard Drawing No. 212.
- ~~11. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 330. 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.~~
- ~~12. Widen the existing bridge over "Cherly Creek", also identified as the Arenas North Canyon drainage channel, (Bridge No. 56C-0352) as necessary to accommodate the widening of South Palm Canyon Drive from two to four lanes, including a 12 foot wide combination sidewalk and bicycle path. The bridge shall be designed to include required seismic retrofit (if any) of the existing bridge structure. Existing bridge deficiencies, as may be identified on the most current Caltrans Bridge Inspection Report, shall be corrected as part of the bridge widening.~~

ENG 13. The City of Palm Springs has received federal funds to construct a new all-weather crossing (bridge) at the Arenas Canyon South drainage channel, located immediately north of the Bogert Trail intersection. The City's federal grant covers the cost of the design and construction of a 4-lane bridge or other structure suitable for conveying the 100-year off-site tributary stormwater runoff volume. The City's project requires construction of interim drainage improvements on the applicant's property consisting of earthen berms and levees as necessary to channelize the alluvial fan flooding underneath the new all-weather crossing on South Palm Canyon Drive. The applicant shall grant to the City non-exclusive temporary easements necessary to enter the property and construct the required interim drainage improvements that are a part of the City's federal grant project. Within 30 days notice from the City to grant the required easements, the applicant shall execute the easements submitted by the City. The easement shall not preclude the applicant's subsequent use of the property, provided, the interim drainage improvements are reconstructed in a manner which maintains the channelization of stormwater runoff underneath the new all-weather crossing on South Palm Canyon Drive.

- ~~13. The Community Redevelopment Agency of the City of Palm Springs (CRA) is currently underway on the preliminary design and environmental analysis on a project to widen South Palm Canyon Drive from two to four lanes (identified as City Project No. 05-03), which includes most of the required South Palm Canyon Drive street improvements identified above. In the event City Project No. 05-03 has not~~

July 22, 2009

~~been completed prior to approval of a final map, the applicant shall be responsible for reimbursing the CRA costs incurred up to the date of final map approval on City Project No. 05-03, subject to the terms of a Subdivision Improvement Agreement. Preliminary and/or final engineering street and bridge improvement plans will be made available to the applicant following payment of costs to the CRA.~~

#### ON-SITE PRIVATE STREETS

14. The on-site layout of streets 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 and parking spaces as proposed.
15. Dedicate easements for public utility purposes, including sewers, with the right of ingress and egress for service and emergency vehicles and personnel over the proposed private streets.
16. Easements for on-site private streets to be considered as part of the common space to be maintained by a Homeowner's Association shall be reserved for the benefit of the owners, successors, and assignees on the final map.
17. Dedicate a 38 feet wide emergency access easement with the right of ingress and egress for service and emergency vehicles and personnel over Lot "AA" from South Palm Canyon Drive to the east end of Lot "X." The centerline of the easement shall be located approximately 145 feet south of the south Riverside County Flood Control easement line. A driveway within the easement shall be constructed with Portland cement concrete, turf-block or other material as approved by the Fire Marshall.
18. Construct 6 inch curb and gutter, 32 feet from centerline along both sides of the "Main Boulevard" (Lot "A") with 25 feet radius curb returns and spandrels at all interior street intersections, including a 24 feet wide raised, landscaped median island, in accordance with City of Palm Springs Standard Drawing No. 200 and 206. The applicant shall provide to the City Engineer evidence of approval by the Riverside County Flood Control and Water Conservation District (RCFC) for installation of the regional flood control box culvert, to be operated and maintained by RCFC, within and underneath the proposed landscaped median. Absent RCFC approval for the box culvert within and underneath the proposed landscaped median, the "Main Boulevard" (Lot "A") cross-section shall be redesigned to accommodate RCFC requirements for the location, installation, operation and maintenance of the regional flood control box culvert.
19. All interior private streets shall be constructed with a minimum 24 feet wide travelway, as measured from face of curb. Construct roll curb and gutter, 13 feet

and 11 feet from centerline along each side of the internal private streets as shown on the Interior Streets Typical Section shown on Tentative Tract Map 30047, with 25 feet radius curb returns and spandrels at all street intersections, and 6 feet wide cross-gutters at appropriate locations, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

20. Construct all street "knuckles" in accordance with City of Palm Springs Standard Drawing No. 104.
21. 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.
22. All on-site private streets shall be constructed with colored Portland cement concrete; or concrete pavers, with a natural color to match the existing Arenas Canyon alluvial fan, subject to the review and approval of the Planning Commission as an element of the Final Planned Development. 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.
23. Designated parking areas shall be constructed behind proposed roll curb and gutter, within the private street rights-of-way, as indicated in the Interior Streets Typical Section shown on Tentative Tract Map 30047. The designated parking areas shall be constructed with colored Portland cement concrete; or concrete pavers, with a natural color to match the existing Arenas Canyon alluvial fan, subject to the review and approval of the Planning Commission as an element of the Final Planned Development. The proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
24. Parking shall be restricted along both sides of the 24 feet wide on-site private streets, as necessary to maintain a minimum 24 feet wide clear two-way travel way, except where designated parking areas are provided. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the private streets as necessary to enforce parking restrictions. The Home Owners Association (HOA) shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

#### SANITARY SEWER

25. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

26. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
27. Construct an 8 inch V.C.P. sewer main across the frontages of the on-site private streets as required by the City Engineer and connect to the existing sewer system in South Palm Canyon Drive.

ENG 28. All sewer mains constructed by the applicant and to become part of the public sewer system shall be televised digitally video recorded prior to acceptance of the sewer system for maintenance by the City. A computer disc of the video recording shall be provided to the City Engineer for review. Any defects of the proposed sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.

ENG 28A. The project is subject to a sewer assessment fee of \$146.19 per lot for construction of the 15" sewer main in Avenida Granada, Calle Palo Fierro and Laverne Way. The fee shall be paid prior to issuance of the building permit.

~~28. All sewer mains constructed by the applicant and to become part of the public sewer system shall be televised prior to acceptance of the sewer system for maintenance by the City.~~

## GRADING

ENG 29. Submit a Rough Grading Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to

approval of the Grading plan. The Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

- a. The first submittal of the Rough Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Tentative Tract Map; a copy of current Title Report; a copy of Soils Report; a copy of the RCFC approved Off-Site Hydrology Study; and a copy of the Final On-Site Hydrology Study; and a copy of the associated Final Project-Specific Water Quality Management Plan.

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

- a. ~~The first submittal of the Rough Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Tentative Tract Map; a copy of current Title Report; a copy of Soils Report; a copy of the RCFC approved Off-Site Hydrology Study; and a copy of the Final On-Site Hydrology Study.~~

29a. 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.

July 22, 2009

- 29b. 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.
- 29c. 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 29D. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist, regarding tribal monitoring during grading. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

30. The applicant shall obtain approvals to perform grading within the Riverside County Flood Control and Water Conservation (RCFC) easement for the Arenas Cone levee located along the northerly property line. An Encroachment Permit shall be issued from RCFC, and a copy provided to the City Engineer, prior to approval of a grading plan. For RCFC requirements, contact the RCFC Encroachment Permit Section at (951) 955-1266.
31. The applicant shall obtain all necessary regulatory permits for construction within a natural watercourse or mapped floodplain (i.e. the Arenas North Canyon and Arenas South Canyon drainage areas), including a Section 1601/1603 Agreement from the California Department of Fish and Game, and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers. Evidence of the issuance of these, or other required regulatory permits, shall be provided to the City Engineer prior to approval of a grading plan.
32. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

ENG 33. Notice of Intent to comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.

ENG 33A. Projects causing soil disturbance of one acre or more, must comply with either the General Permit for Stormwater Discharges Associated with Construction Activity or the General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). Where applicable, the project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.

~~33. A National Pollutant Discharge Elimination System (NPDES) stormwater permit, issued from the California Regional Water Quality Control Board (Phone No. 760-346-7491) is required for the proposed development. A copy of the executed permit shall be provided to the City Engineer prior to issuance of a grading permit.~~

34. 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.

35. A 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 soils report shall be submitted to the Engineering Division with the first submittal of a grading plan.

ENG 35A. 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.

#### WATER QUALITY MANAGEMENT PLAN

36. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los

Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

ENG 36A. 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 Rough Grading Plan.

ENG 36B. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in Home Owners Association or Property Owner Association Conditions, Covenants and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent, if required. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

ENG 36C. 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 (where applicable).

## DRAINAGE

ENG 37. This property is located within a special flood hazard area (SFHA), and is subject to the provisions of Chapter 93-17.00 8.68 *et. seq.* ("Flood Damage Prevention") of the Palm Springs Zoning Municipal Code, and applicable state and federal laws and regulations. Specifically, this property is located within the special flood hazard areas identified for the Arenas North Canyon and Arenas South Canyon



drainage areas, consisting of designated SFHA's identified by Zone AO (Depth 1), Zone AO (Depth 2), Zone AO (Depth 3), and Zone A, as shown on the current Federal Insurance Rate Map (FIRM) for the City of Palm Springs, California, Riverside County, Community Panel Number 060257-0008G 06065C1568G, dated ~~June 18, 1996~~ August 28, 2008. The applicant shall comply with all applicable local, state and federal laws and regulations associated with development occurring within a SFHA.

ENG 38.

~~In accordance with 44 CFR 60.3(b)(3), the applicant is required to include in its proposal a determination of the Base Flood Elevations (BFE's) of the Special Flood Hazard Areas (SFHA's) in which the development is located. The determination of BFE's shall be provided to the City Engineer prior to submittal of a grading plan, a final map, or other element of the applicant's "proposal" to construct a subdivision of 50 or more lots, or on a parcel of 5 acres or more in size, located in a SFHA. In accordance with Chapter 8.68.150 of the Palm Springs Municipal Code, at a minimum, the following items shall be submitted to the City by the applicant before construction or other development begins within any Special Flood Hazard Area (SFHA): plans in triplicate drawn to scale showing the location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location; proposed locations of water supply, sanitary sewer, and other utilities; grading information showing existing and proposed contours, any proposed fill, and drainage facilities. The submittals shall be subject to review and approval by the City Engineer. Specifically, the following information is also required:~~

- a. Base Flood Elevation (BFE) information as specified in Chapter 8.68.070 or Section 8.68.140(c)(2) of the Palm Springs Municipal Code;
- b. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures. In Zone AO(2), all new construction shall be elevated above the highest adjacent grade to a height two feet above the depth number specified in feet on the Federal Insurance Rate Map (FIRM) or elevated at least 4 feet above the highest adjacent grade if no depth number is specified (see Section 8.68.170(c)(1)(b) of the Palm Springs Municipal Code);
- c. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 8.68.170(c)(2) of the Palm Springs Municipal Code and detailed in FEMA Technical Bulletin TB 3-93.
- d. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 8.68.170(c)(2) of the Palm Springs Municipal Code.
- e. For a crawl-space foundation, location, and total net area of foundation openings as required in Section 8.68.170(c)(3) of the Palm Springs Municipal Code and detailed in FEMA Technical Bulletins 1-93 and 7-93.

- f. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- g. All appropriate certifications listed in Section 8.68.140(e) of the Palm Springs Municipal Code.

ENG 39. In accordance with Chapter ~~93.17.18(C)~~ 8.68.190(A)1 of the Palm Springs Zoning Municipal Code, the Tentative Tract Map shall be revised to identify the Special Flood Hazard Area(s) (SFHA's) and the elevations of the base flood (BFE's). The final conformed copy of the approved Tentative Tract Map shall include the required information, including delineation of SFHA's and identification of associated BFE's.

- 37. This property is located within a special flood hazard area (SFHA), and is subject to the provisions of Chapter 93.17.00 *et. seq.* ("Flood Damage Prevention") of the Palm Springs Zoning Code, and applicable state and federal laws and regulations. Specifically, this property is located within the special flood hazard areas identified for the Arenas North Canyon and Arenas South Canyon drainage areas, consisting of designated SFHA's identified by Zone AO (Depth 1), Zone AO (Depth 2), Zone AO (Depth 3), and Zone A, as shown on the current Federal Insurance Rate Map (FIRM) for the City of Palm Springs, California, Riverside County, Community Panel Number 060257 0008C, dated June 18, 1996. The applicant shall comply with all applicable local, state and federal laws and regulations associated with development occurring within a SFHA.
- 38. In accordance with 44 CFR 60.3(b)(3), the applicant is required to include in its proposal a determination of the Base Flood Elevations (BFE's) of the Special Flood Hazard Areas (SFHA's) in which the development is located. The determination of BFE's shall be provided to the City Engineer prior to submittal of a grading plan, a final map, or other element of the applicant's "proposal" to construct a subdivision of 50 or more lots, or on a parcel of 5 acres or more in size, located in a SFHA.
- 39. In accordance with Chapter 93.17.18(C) of the Palm Springs Zoning Code, the Tentative Tract Map shall be revised to identify the Special Flood Hazard Area(s) (SFHA's) and the elevations of the base flood (BFE's). The final conformed copy of the approved Tentative Tract Map shall include the required information, including delineation of SFHA's and identification of associated BFE's.
- ~~40. In accordance with Chapter 93.17.10 of the Palm Springs Zoning Code, a Flood Hazard Report shall be submitted by the applicant before construction or other development begins within any Special Flood Hazard Area (SFHA). The Flood Hazard Report may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question;~~

- ~~existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. The Flood Hazard Report shall be subject to review and approval by the City Engineer. Specifically, the following information is required:~~
- ~~a. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all proposed residential structures (in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures); or~~
  - ~~b. Proposed elevation in relation to mean sea level to which any nonresidential structures will be floodproofed, if required in Chapter 93.17.18(A)(3)(b) of the Palm Springs Zoning Code; and~~
  - ~~c. All appropriate certifications listed in Chapter 93.17.12(A) of the Palm Springs Zoning Code; and~~
  - ~~d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.~~
41. 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. Conveyance of increased stormwater runoff downstream is not acceptable, unless it can be adequately demonstrated that downstream facilities (i.e. the Canyon South Golf Course) have been improved in a manner to accept increased stormwater runoff from this site, and that all appropriate water quality issues have been addressed on-site to allow the conveyance of on-site runoff to downstream properties.*** A Preliminary On-Site Hydrology Study for Tentative Tract Map 30047, prepared by VA Consulting, Inc., dated June 2006, has been submitted to, but not approved by the City Engineer. The Preliminary On-Site Hydrology Study shall be revised to address the ability for downstream facilities (i.e. the Canyon South Golf Course) to accept increased stormwater runoff, and what measures will be incorporated to demonstrate that water quality will not be degraded by conveyance of on-site runoff to downstream properties; or shall be amended to address the method and manner by which increased stormwater runoff generated on-site will be mitigated.
42. A Final On-Site Hydrology Study for Tentative Tract Map 30047 shall be prepared to include all appropriate hydraulic analysis for sizing of on-site privately maintained retention basins, storm drain pipes, catch basins and other on-site storm drain improvements, as may be necessary to mitigate increased stormwater runoff generated on-site. The Final On-Site Hydrology Study shall be subject to the review and approval by the City Engineer; and RCFC as may be necessary, which may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. No more than 40-50% of the street frontage, including any landscaped parkways, may be designed as dry retention basins. On-site open space, in conjunction with dry wells and other subsurface

solutions should be considered as alternatives to using landscaped parkways for on-site retention.

43. The applicant shall address the comments outlined in the letter from the Riverside County Flood Control and Water Conservation District (RCFC) dated October 17, 2005. Coordination between the applicant and RCFC, and RCFC's consultant contracted to prepare a Master Drainage Plan (MDP) for the South Palm Canyon area, shall be required as necessary for RCFC to complete the preparation of the MDP, including the establishment of approved locations for debris basins for the Arenas North Canyon and/or the Arenas South Canyon drainage areas.
44. A Preliminary Off-Site Hydrology Study for Tentative Tract Map 30047, *Flood Control Conceptual Design Report for Alturas Residential Development, Palm Springs, California*, prepared by VA Consulting, Inc., dated April 2005, has been submitted to, but not approved by Riverside County Flood Control and Water Conservation District (RCFC). The Off-Site Hydrology Study shall be revised as required by RCFC in its letter dated June 14, 2005, shall incorporate a design for the currently planned off-site flood control improvements by the Agua Caliente Band of Cahuilla Indians for the Arenas Lateral, and an "all-weather" crossing for stormwater runoff underneath South Palm Canyon Drive by either an underground culvert or an elevated bridge structure. A Final Off-Site Hydrology Study, approved by RCFC, shall be required prior to submittal of a rough grading plan for review and approval by the City Engineer.
45. As Tentative Tract Map 30047 requires the design and construction of regional flood control improvements on-site and off-site to be operated and maintained by the Riverside County Flood Control and Water Conservation District (RCFC), all preliminary and final hydrology studies and hydraulic analyses, and flood control improvement plans of regional flood control improvements for this development, including on-site storm drain improvements that may connect to regional flood control improvements, are subject to the review and approval by RCFC. Submit improvement plans prepared by a California registered Civil Engineer for the regional flood control improvements as identified in the Final Off-Site Hydrology Study approved by RCFC, to RCFC for review and approval. The regional flood control improvement plans shall be approved by RCFC prior to approval of a grading plan, approval of a final map, or any other City approval related to the design and construction of this project as determined by the City Engineer.
46. Submit storm drain improvement plans for the on-site storm drainage system for review and approval by the City Engineer.
- ENG 47. In accordance with Chapter ~~93.17.18(C)(6)~~ 8.68.140(A)5 and Chapter 8.68.140(D)2(b) of the Palm Springs Zoning Municipal Code and 44 CFR 60.3(d)(4), the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Conditional Letter of Map Revision (CLOMR). A complete application for the

CLOMR, including all appropriate technical studies and hydraulic analyses, and payment of required FEMA application fees, shall be submitted to FEMA for review and approval, prior to approval of a grading plan and issuance of grading permit. ***Final City approvals associated with this project, including approval of a Grading Plan for any portion of this property, or approval of a Final Map, will not be given by the City, until approval of the applicant's CLOMR application to FEMA is provided to the City by evidence of a CLOMR issued by FEMA.***

ENG 48. Within six months of information becoming available, the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Letter of Map Revision (LOMR) in accordance with Chapter 93.17.18(C)(6) 8.68.140(A)5 and Chapter 8.68.140(D)2(b) of the Palm Springs Zoning Municipal Code and 44 CFR 60.3(d)(4), the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Letter of Map Revision (LOMR). A complete application for the LOMR, including all appropriate technical studies and hydraulic analyses, record drawings ("as-builts"), topographic surveying, and payment of required FEMA application fees, shall be submitted to FEMA for review and approval, prior to issuance of a certificate of occupancy building permit. ***A Certificate of Occupancy building permit for construction of any building on this property currently located within a special flood hazard area will not be issued until the City receives final approval of the applicant's LOMR application to FEMA by evidence of a LOMR issued by FEMA.***

~~47. In accordance with Chapter 93.17.18(C)(6) of the Palm Springs Zoning Code and 44 CFR 60.3(d)(4), the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Conditional Letter of Map Revision (CLOMR). A complete application for the CLOMR, including all appropriate technical studies and hydraulic analyses, and payment of required FEMA application fees, shall be submitted to FEMA for review and approval, prior to approval of a grading plan. ***Final City approvals associated with this project, including approval of a Grading Plan for any portion of this property, or approval of a Final Map, will not be given by the City, until approval of the applicant's CLOMR application to FEMA is provided to the City by evidence of a CLOMR issued by FEMA.***~~

~~48. In accordance with Chapter 93.17.18(C)(6) of the Palm Springs Zoning Code and 44 CFR 60.3(d)(4), the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Letter of Map Revision (LOMR). A complete application for the LOMR, including all appropriate technical studies and hydraulic analyses, record drawings ("as-builts"), topographic surveying, and payment of required FEMA application fees, shall be submitted to FEMA for review and approval, prior to issuance of a certificate of occupancy. ***A Certificate of Occupancy for any building on this property will***~~

July 22, 2009

~~**not be issued until the City receives final approval of the applicant's LOMR application to FEMA by evidence of a LOMR issued by FEMA.**~~

49. Unless otherwise separately granted directly to the Riverside County Flood Control and Water Conservation District (RCFC) prior to approval of a final map, dedicate easements to the City of Palm Springs for regional flood control improvements, including the final footprint of the off-site debris basin and associated improvements as approved by RCFC, an easement for the south side of the Arenas North Canyon drainage channel, and easements of minimum width as may be specified by RCFC across Tentative Tract Map 30047, as necessary to convey off-site stormwater runoff as indicated by the Final Off-Site Hydrology Study approved by RCFC.
50. Reserve easements as necessary for the on-site private storm drain system to be privately maintained by the Home Owners Association (HOA), for the benefit of the owners, successors, and assignees within the final map.
51. The applicant shall be required to construct all on-site and off-site storm drain and flood control improvements, as identified in the Final On-Site Hydrology Study approved by the City Engineer, and the Final Off-Site Hydrology Study approved by the Riverside County Flood Control and Water Conservation District (RCFC). The applicant shall be required to enter into a Cooperative Agreement with the City and RCFC for the construction of required regional storm drain and flood control improvements, which shall be approved by the City and RCFC prior to issuance of a construction permit. The applicant may be required to enter into a Cooperative Agreement with the City and the Agua Caliente Band of Cahuilla Indians for construction of the currently planned off-site flood control improvements by the Agua Caliente Band of Cahuilla Indians for the Arenas Lateral.
52. The on-site storm drain system, as identified in the Final On-Site Hydrology Study approved by the City Engineer, shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site storm drain system acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 53. This project ~~may~~ 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, ~~may~~ 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. ~~If required, such~~ Such

July 22, 2009

measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

53. ~~This project may 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, may 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. If required, such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.~~
54. The project is subject to an "Area Benefit Fee" drainage fee of \$4,213 per acre, in accordance with Chapter 9.69.040, or as may be adjusted annually in accordance with Chapter 9.69.060 of the Palm Springs Municipal Code. The drainage fee shall be paid prior to issuance of a building permit.

## GENERAL

55. 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 55A. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.
56. All proposed utility lines shall be installed underground.
57. All existing utilities shall be shown on the Grading Plan required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 58. 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), and 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.
- ~~58. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD drawing file) and DXF (AutoCAD ASCII drawing exchange file). 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.~~
59. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
60. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.



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

MAP

62. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.
63. The applicant shall grant all rights, title and interest in Lot "EE" to the City of Palm Springs on the final map for open space purposes, free of any covenants, conditions or restrictions, subject to any easements that may be granted separately to the Riverside County Flood Control and Water Conservation District (RCFC) prior to approval of the final map.
64. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final Map.

- ENG 65. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), and DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

- ~~65. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines,~~

~~rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDRom/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD drawing file), DGN (Microstation drawing file), and DXF (AutoCAD ASCII drawing exchange file). Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.~~

- ~~66. The applicant shall be required to enter into a Subdivision Improvement Agreement with provisions associated with the reimbursement of costs incurred by the Community Redevelopment Agency of the City of Palm Springs (CRA) associated with the preliminary design and environmental analysis on a project to widen South Palm Canyon Drive from two to four lanes (identified as City Project No. 05-03), which includes most of the required South Palm Canyon Drive street improvements associated with Tentative Tract Map 30047. In the event City Project No. 05-03 has not been completed prior to approval of a final map, the applicant shall be responsible for reimbursing the CRA costs incurred up to the date of final map approval on City Project No. 05-03. Preliminary and/or final engineering street and bridge improvement plans will be made available to the applicant following payment of costs to the CRA. The applicant shall be required to submit a \$2,500 deposit for City staff time associated with the preparation of the Subdivision Improvement Agreement, including City Attorney fees. The applicant shall be responsible for payment of all associated staff time and expenses necessary in the preparation and processing of the Subdivision Improvement Agreement, and shall submit additional deposits as necessary when requested by the City. The Subdivision Improvement Agreement shall be approved by the City Attorney and executed by the applicant prior to approval of a final map.~~

## TRAFFIC

67. Prior to approval of a final map, a focused traffic study of the intersection of South Palm Canyon Drive and Bogert Trail shall be submitted for review and approval by the City Engineer. The focused traffic study shall be prepared by a California registered Civil Engineer or Traffic Engineer, and shall analyze current and future traffic volumes (both with and without consideration of this development being constructed), and shall determine whether traffic signal warrants are met. In the event a traffic signal warrant is met with consideration of the traffic generated by this project, the applicant shall be required to design and install a traffic signal at South Palm Canyon Drive/Bogert Trail and the "Main Boulevard" (Lot "A") intersection. The applicant shall submit traffic signal installation plans prepared by a California registered Civil Engineer or Traffic Engineer for review and approval by the City Engineer. The traffic signal shall be installed and operational prior to issuance of a Certificate of Occupancy, unless otherwise indicated by the focused traffic study or allowed by the City Engineer.

July 22, 2009

68. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk; or by the relocation of any obstructions within the public sidewalk along the South Palm Canyon Drive frontage of the subject property.
69. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, and striping associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ~~70. Submit traffic striping plans for South Palm Canyon Drive prepared by a California registered Civil Engineer or Traffic Engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.~~
71. Install street name, stop signs, stop bars, and "STOP" legends at on-site intersections as required by the City Engineer, and in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625.
72. Provide "end of road" metal guard rails and barricades, with appropriate warning signs and markers as required by the City Engineer, at the termini of the interior private streets identified as Lots "C," "D," "F," "H," "J," "K," and "M". End of road barriers, warning signs, and markers, shall meet applicable Caltrans Highway Design Manual, Manual of Uniform Traffic Control Devices (MUTCD), or other approved regulatory standards.
- ENG 73. Construction signing, lighting and barricading shall be provided for ~~on all projects 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 ~~State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996 Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent additions~~ editions in force at the time of construction.
- ~~73. Construction signing, lighting and barricading shall be provided for on all projects 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 State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996, or subsequent additions in force at the time of construction.~~

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

#### **Police Department**

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

#### **Building Department**

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

#### **Fire Department**

1. **Premises Identification:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. (901.4.4 CFC)
2. **Residential Smoke Detector Installation:** Provide Residential Smoke Detectors. Detectors shall receive their primary power from the building wiring, and shall be equipped with a battery backup. (310.9.1.3 CBC) In new construction, detectors shall be interconnected so that operation of any smoke detector causes the alarm in all smoke detectors within the dwelling to sound. (2-2.2.1 NFPA 72) Provide a note on the plans showing this requirement.
3. **Fire Department Access:** Fire Department Access Roads shall be provided and maintained in accordance with Sections 901 and 902 CFC. (902.1 CFC)
4. **Minimum Access Road Dimensions:**
  - a. Private streets shall have a minimum width of at least 20 feet, pursuant to California Fire Code 902.1 however, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. Generally, for two-way private streets, a minimum width of 24 feet will be required, unless otherwise allowed by the City engineer, to the minimum of 20 feet required by the Fire Code. No parking shall be allowed in either side of the roadway.
  - b. Roads must be 30 feet wide when parking is not allowed on only one side of the roadway.
5. Roads must be 40 feet wide when parking is not restricted.
6. **Turn-Around Requirements:** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. (902.2.2.4 CFC) The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside

July 22, 2009

turning radius of 45 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.

7. **Building or Complex Gate Locking Devices:** Locked gate(s) shall be equipped with a Knox key switch device or Key box. Boxes shall be mounted at 6 feet above grade. Contact the Fire Department at 760-323-8186 for a Knox application form. (902.4 CFC)
8. **Plot Plan:** Prior to completion of the project, a 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.
9. **Water Systems and Hydrants:** Underground water mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC). Prior to final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the fire department. (9-2.1 NFPA 24)
10. **Operational Fire Hydrants:** An operational fire hydrant(s) shall be installed within 250' of all combustible construction. No landscape planting, walls, or fencing are permitted within 3 feet of fire hydrants, except groundcover plantings.
11. **Fire Extinguisher Requirements:** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. (1002.1 CFC) Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.
12. **Fire Flow:** The required fire flow for this project is 1500 gallons per minute.
13. **Fire Sprinklers Required:** An automatic fire sprinkler system is required by local ordinance. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 1999 edition, as modified by local ordinance. The contractor should submit fire sprinkler plans as soon as possible. No portion of the fire sprinkler system, including water meters and underground water supply, may be installed prior to plan approval.

July 22, 2009

14. **Residential Smoke Detector Installation With Fire Sprinklers:** Provide Residential Smoke Detectors (FIREX # 0498 accessory module connected to multi-station FIREX smoke detectors or equal per dwelling and fire sprinkler flow switch). Detectors shall receive their primary power from the building wiring, and shall be equipped with a battery backup. (310.9.1.3 CBC) In new construction, detectors shall be interconnected so that operation of any smoke detector causes the alarm in all smoke detectors within the dwelling to sound. (2-2.2.1 NFPA 72) Provide a note on the plans showing this requirement.

**END OF CONDITIONS**

**CT- Eagle Member LLC  
20151 S.W. Birch Street, Suite 200  
Newport Beach, CA 92660  
(949) 752-5115**

May 14, 2009

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

Re: REQUEST FOR EXTENSION  
Case No. 5.1070  
Planned Development District 317  
Tentative Tract Map # 30047

Dear Mr. Robertson,

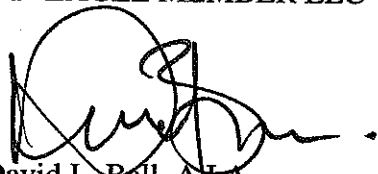
Newport Federal, as the applicant for Palm Springs Case No. 5.1070, Planned Development District 317 and Tentative Tract Map 30047, approved but the City Council on July 5, 2006 and later extended in April 2008, request and extension of time for both the Planned Development District and the Tentative Tract Map, due to the current economical situation.

Attached is a check in the amount of \$881.00 for the extensions fee. If you have any questions please feel free to call me at extension x22

Thank you.

Sincerely,

CT- EAGLE MEMBER LLC



David L. Ball AIA  
Senior Vice President

Cc: Robert Campbell  
James Watson  
Rich Meaney

*dball@ctrealtycorp.com*

**RECEIVED**

MAY 18 2009

PLANNING SERVICES  
DEPARTMENT

*517-460-077  
34/4/4*

*7001 SPLD*

BILL NUMBER: SB 1185 CHAPTERED  
BILL TEXT

## CHAPTER 124

FILED WITH SECRETARY OF STATE JULY 15, 2008  
APPROVED BY GOVERNOR JULY 15, 2008  
PASSED THE SENATE JULY 14, 2008  
PASSED THE ASSEMBLY JULY 14, 2008  
AMENDED IN ASSEMBLY JULY 14, 2008  
AMENDED IN ASSEMBLY JUNE 9, 2008  
AMENDED IN SENATE MAY 23, 2008  
AMENDED IN SENATE MAY 13, 2008  
AMENDED IN SENATE MAY 1, 2008  
AMENDED IN SENATE MARCH 24, 2008

INTRODUCED BY Senator Lowenthal  
(Principal coauthor: Assembly Member Houston)  
(Coauthor: Senator Dutton)  
(Coauthors: Assembly Members Solorio and Walters)

FEBRUARY 12, 2008

An act to amend Sections 66452.6 and 66463.5 of, to add Section 66452.21 to, and to amend and renumber Sections 66452.11 and 66452.12 of, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1185, Lowenthal. Land use: subdivision maps.

(1) The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. It generally requires a subdivider to submit, and have approved by, the city, county, or city and county in which the land is situated a tentative or vesting tentative map, which confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards. The act provides for the expiration of tentative or vesting tentative maps, after specified periods of time, and specifically extends by 12 months the expiration date of any tentative or vesting tentative map or parcel map for which a tentative or vesting tentative map has been approved that had not expired on May 15, 1996. This extension is in addition to any other extension of the expiration date provided for in specified provisions of the act. Any legislative, administrative, or other approval by any local agency, state agency, or other political subdivision of the state that pertains to a development project included in a map that is extended is to be extended by 12 months under specified conditions.

This bill would extend the applicable expiration date to 12 months, as specified, for any vesting tentative map, in addition to a tentative map, generally, that has not expired as of the date adding these provisions and that will expire, as specified, before January 1, 2011. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(2) The Subdivision Map Act provides that when a tentative map is required, an approved or conditionally approved tentative map must expire 24 months after its approval or conditional approval, or after



any additional time period as prescribed by local ordinance, not to exceed an additional 12 months. A subdivider may file with the appropriate legislative body, prior to the expiration of the approved or conditionally approved tentative map, an application to extend the time at which the map will expire for a period or periods not to exceed a total of 5 years.

This bill instead would allow the subdivider to file an application to extend the time at which the map will expire for a period or periods not to exceed a total of 6 years. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. However, if the subdivider is required to expend one hundred seventy-eight thousand dollars (\$178,000) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2005, and each calendar year thereafter, the amount of one hundred seventy-eight thousand dollars (\$178,000) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain

facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency which approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer

moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action prior to expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency which owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency which owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency which owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 2. Section 66452.11 of the Government Code, as added by Section 6 of Chapter 612 of the Statutes of 2007, is amended and renumbered to read:

66452.14 (a) Pursuant to the provisions of subparagraph (E) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice of the intent to convert 180 days prior to the termination of tenancy in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

""To the occupant(s) of

\_\_\_\_\_ :  
(address)

The owner(s) of this building, at (address), plans to convert this building to a (condominium, community apartment, or stock cooperative project). This is a notice of the owner's intention to convert the building to a (condominium, community apartment, or stock cooperative project).

A tentative map to convert the building to a (condominium,

community apartment, or stock cooperative project) was approved by the City on \_\_\_\_\_. If the City approves a final map, you may be required to vacate the premises, but that cannot happen for at least 180 days from the date this notice was served upon you.

Any future notice given to you to terminate your tenancy because of the conversion cannot be effective for at least 180 days from the date this notice was served upon you. This present notice is not a notice to terminate your tenancy; it is not a notice that you must now vacate the premises.

\_\_\_\_\_  
 (signature of owner or owner's agent)

\_\_\_\_\_  
 (date)''

The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

SEC. 3. Section 66452.12 of the Government Code, as added by Section 7 of Chapter 612 of the Statutes of 2007, is amended and renumbered to read:

66452.15 (a) Pursuant to subparagraph (F) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice within five days after receipt of the subdivision public report to each tenant of his or her exclusive right for at least 90 days after issuance of the subdivision public report to contract for the purchase of his or her respective unit in the form outlined in subdivision (b).

(b) The notice shall be as follows:

""To the occupant(s) of

\_\_\_\_\_  
 (address)

The owner(s) of this building, at (address), have received the final subdivision report on the proposed conversion of this building to a (condominium, community apartment, or stock cooperative project). Commencing on the date of issuance of the subdivision public report, you have the exclusive right for 90 days to contract for the purchase of your rental unit upon the same or more favorable terms and conditions than the unit will initially be offered to the general public.

\_\_\_\_\_  
 (signature of owner or owner's agent)

\_\_\_\_\_  
 (date)''

The written notices to tenants required by this section shall be deemed satisfied if the notices comply with the legal requirements for service by mail.

SEC. 4. Section 66452.21 is added to the Government Code, to read:

66452.21. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that added this section became effective and that will expire before January 1, 2011, shall be

extended by 12 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval has not expired on the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Section 66452.13.

(d) For purposes of this section, the determination of whether a tentative subdivision map or parcel map expires before January 1, 2011, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (e) of Section 66463.5 approved on or before the date that the act that added this section became effective and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before the date that the act that added this section became effective. The determination shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

SEC. 5. Section 66463.5 of the Government Code is amended to read:

66463.5. (a) When a tentative map is required, an approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months.

(b) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(c) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. Prior to the expiration of an approved or conditionally approved tentative map, upon the application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(d) (1) The period of time specified in subdivision (a) shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(e) The period of time specified in subdivision (a), including any

extension thereof granted pursuant to subdivision (c), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is, or was, pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(f) For purposes of this section, a development moratorium shall include a water or sewer moratorium or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a parcel map.

(g) Notwithstanding subdivisions (a), (b), and (c), for the purposes of Chapter 4.5 (commencing with Section 66498.1), subdivisions (b), (c), and (d) of Section 66498.5 shall apply to vesting tentative maps prepared in connection with a parcel map except that, for purposes of this section, the time periods specified in subdivisions (b), (c), and (d) of Section 66498.5 shall be determined from the recordation of the parcel map instead of the final map.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit cities, counties, and a city and county to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry, it is necessary that this act take immediate effect.