

Planning Commission Staff Report

DATE: SEPTEMBER 25, 2024 PUBLIC HEARING

SUBJECT: REQUEST BY MARK TEMPLE, OWNER REQUESTING A TWO (2)

YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP (TTM) 38042 TO SUBDIVIDE ONE (1) LOT INTO THIRTY-ONE (31) SINGLE-FAMILY RESIDENTIAL LOTS LOCATED AT THE EAST TERMINUS OF

VERONA ROAD, ZONE R-1-E; (CASE TTM 38042 TE) (GM)

FROM: Department of Planning Services

SUMMARY

The Planning Commission will consider a two-year (2) time extension request for a previously approved Tentative Tract Map (TTM 38042) to subdivide one (1) lot into thirty-one (31) single-family residential lots named Casa Verona. The project was previously approved by the Planning Commission on September 14, 2022.

RECOMMENDATION:

1. Approve a two (2) year extension of time for Tentative Tract Map (38042).

PRIOR ACTIONS:

Related Relevant City Actions by Planning, Fire, Building, etc		
09/14/2022	The Planning Commission approved Resolution #6922 recommending	
	approval to the City Council for a Change of Zone to R-1-E; adoption of a	
	Mitigated Negative Declaration per CEQA; and a Tentative Tract Map	
	(TTM 38042) to subdivide one lot into thirty-one (31) single-family lots.	
10/13/2022	The City Council approved a Change of Zone to R-1-E for the property	
	known as Casa Verona at the East terminus of Verona Road.	

Most Recent Ownership		
05/12/2006	Mark Temple	

Property Posting		
None	Not Required	

Notification		
08/29/2024	Notice of public hearing mailed to addresses within 500-feet of the site,	
notifying that the subject application would be considered by the Planning		
	Commission at a public hearing on September 11, 2024. The public	

hearing notice was also emailed to Neighborhood Organizations within one mile of the project site.

Field Check	
08/2024 Staff visited site to observe existing conditions	

Details of Application Request		
Site and Building Area		
Over All Site	6.44-acres	

Surrounding	Existing Land Use	Existing General	Existing Zoning
Property	Per Chapter 92	Plan Designation	Designation
Subject Property	Undeveloped	LDR	R-1-D
North	Vacant	LDR	PDD 315
South	Vacant	LDR	R-1-D
East	Watercourse	OS - W	W
West	Single-Family	VLDR	R-1-C

PROJECT DESCRIPTION:

The overall project was approved as a Change of Zone to the R-1-E zone; adoption of a Mitigated Negative Declaration per CEQA; and a Tentative Tract Map (TTM 38042) to subdivide one (1) lot into thirty-one (31) single-family residential lots. In order to exercise the TTM entitlements, the applicant is required to final the Tract Map within two (2) years of the project approval date. Alternatively, an extension of time may be granted by the Planning Commission in accordance with the procedures outlined in Section 94.12.00 of the Zoning Code. The applicant seeks approval of a one-year extension of time for the TTM approval.



BACKGROUND AND SETTING:

The applicant, Mark Temple, received approval by the Planning Commission and City Council to change the current zoning designation of single-family residential R-1-D (7,500-square foot lot) to R-1-E (5,000-square foot lot). The proposal included a tentative tract map to subdivide the 6.44-acre parcel into thirty-one (31) lots for future development. There were no building elevations proposed as part of the application; any proposed buildings on the lots will be reviewed under a separate application in the future.

The applicant is seeking a two (2) year extension of time for a Tentative Tract Map (TTM 38042) to subdivide one lot into thirty-one (31) single-family lots per the R-1-E zoning. One September 14, 2022, the Planning Commission adopted a Mitigated Negative Declaration per CEQA; approved the Tentative Tract Map (38042) and recommended approval for a Change of Zone to the City Council. The City Council approved the Change of Zone on October 13, 2022. At the time of the entitlements, the site was undeveloped and remains vacant. The time limit for filing of a final map per the conditions of approval is two (2) years from the effective date of the original Planning Commission approval which was on September 14, 2022. As of the writing of this report, a final map has not been filed with the City Engineering Department.

ANALYSIS:

Extension of Time Request:

REQUIRED FINDINGS:

Palm Springs Zoning Code (PSZC) Section 94.12.00 establishes guidelines relative to the "Extension of Time" and sets forth procedures and criteria for approving these requests. The applicant submitted responses to these criteria – see Attached letter. Staff evaluated the request and provided an analysis of its conformance to these criteria below.

1. The requested extension of time is consistent with the General Plan and any applicable specific plan, and the proposed project remains consistent with those plans as they exist at the time the extension request is being considered;

The subject property is designated "Low Density Residential (LDR)" by the General Plan Land Use Map. The LDR designation is described as "Representing typical single-family detached residential development with a density 4.1 to 6.0 dwelling units per acre".

The LDR land use is intended for single-family residential on lot sizes permitted in the R-1-E to R-1-C zones. The City of Palm Springs General Plan provides a

series of goals and objectives in the Housing Element and the approved TTM will further advance the following:

- Goal HS1 Facilitate a broad range of housing types, prices, and opportunities to address current and future housing needs in the community.
 - HS1 Provide adequate residential sites to accommodate new housing through land use, zoning, and specific plan designations.
 - HS 1.4 Review and revise development standards as available land continues to diminish and housing demands increases, the City will need to consider higher density housing opportunities, particularly on underutilized land.

The approval of a one-year time extension of the TTM will allow the applicant to finalize the map for future development that utilizes smaller lots and increases density meeting the General Plan goals stated and the finding is met.

2. The findings made in support of the original approval remain valid and are still appropriate;

The Planning Commission adopted Resolution #6922 on September 14, 2022 for the TTM and the project's layout, design and overall scope have not changed, and the proposal remains compatible with existing developments in the surrounding areas. Thus, the findings made in support of the original approval remain valid and appropriate and this finding has been met.

3. There have been no significant changes to the proposed project, or to areas within the geographic proximity of the proposed project that negates the appropriateness of the project, or new information concerning new or substantially more severe environmental effects which would require a reevaluation of the project under the California Environmental Quality Act (CEQA);

There have been no significant changes to the surrounding area negating the previous CEQA determination. The proposed Casa Verona site remains unchanged with the Serena Park development anticipated to move forward in the near future and other potential developments in the immediate area. There is no new information available to negate the appropriateness of the project, nor is there new information concerning new or substantially more severe environmental effects which would require a reevaluation of the project under CEQA. This finding has been met.

4. The subject site has been properly maintained in accordance with the Property Maintenance Standards of this Title;

The site remains a vacant open lot and has been treated with a chemical sealant that suppresses dust particles from becoming airborne. There are no active code enforcement cases for the vacant lot, and the owner has maintained the site in a reasonable clean and debris free state and this finding has been met.

5. The applicant has demonstrated convincingly and clearly that the project will be substantially underway within the extended period.

The applicant's internal work has been underway in the two (2) years since the entitlements were granted. Meetings have taken place with the City Engineering Department to develop an appropriate water and sewer system that will meet the challenging topography at the site. The fact that substantial money has been spent on preparing water and sewer plans shows that the project is advancing and will be substantially underway within the two (2) year period, therefore, this finding can be met.

6. The applicant has made reasonable, substantial and timely efforts to exercise the entitlement and advance the project, such as, but not limited to, the prepayment of impact fees or submittal of permit applications.

As noted above, the applicant and City should have final water and sewer plans finalized soon and grading of the site is anticipated to begin within the next year with the submission of a Major Development and Major Architectural applications to be reviewed by the Planning Commission, and Architectural Review Committee. The actions are substantial moving the project forward.

7. Extenuating circumstances, not within the applicant's control, (financial inability and market conditions excepted), have prevented the applicant from exercising the entitlement within the initial time period granted, but that such circumstances are more likely than not to be removed in time for the applicant to substantially begin the project within the extended period.

The applicant states that project has not moved forward because of sewer lift system required on the negatively sloping site. The extension of time will allow for more time to overcome these issues and will fully bring the project to development. The City is aware of difficulties in developing in this area relative to water and sewer service. Other projects have experienced similar delays and hardships, and the finding has been met.

ENVIRONMENTAL DETERMINATION:

The Planning Commission adopted a Mitigated Negative Declaration (MND) at the meeting on September 14, 2022. The initial study determined that potential significant adverse impacts existed, and mitigation measures relative to Biological Resources and Cultural Resources would reduce the project impacts to less than significant.

CONCLUSION:

The applicant has demonstrated very clearly that significant efforts are being made to move the project forward by working with the City Engineering Department on water and sewer plans on the challenging site topography, plus has hired an architect to develop floor plans and building elevations. The applicant states that with the granting of the time extension, movement on the adjacent Serena Park community, and anticipated

lower interest rates, the project will receive financing and move forward; therefore, Staff recommends that the Planning Commission grant a one-year extension of time.

PREPARED BY:	Glenn Mlaker, AICP – Associate Planner
REVIEWED BY:	Edward Robertson – Principal Planner
REVIEWED BY:	Chris Hadwin – Planning Director

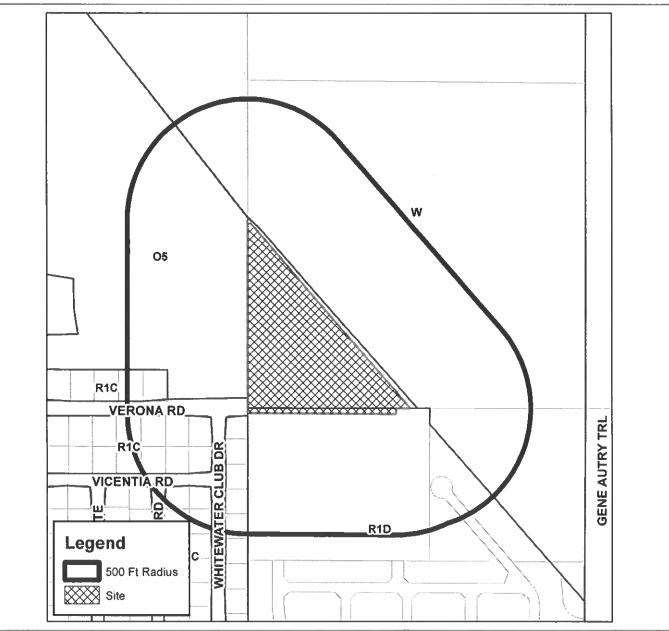
Attachments:

- 1. Vicinity Map
- 2. Resolution
- 3. Planning Commission Resolution #6922
- 4. Letter from Applicant
- 5. Tentative Tract Map #38042



Department of Planning Services Vicinity Map





CITY OF PALM SPRINGS

Case # TTM 38042 Time Extension

Casa Verona – East End of Verona Road

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A TWO (2) YEAR EXTENSION OF TIME FOR CASE NO. TENTATIVE TRACT MAP (TTM 38042) TO SUBDIVIDE ONE (1) PARCEL INTO THIRTY-ONE (31) SINGLE-FAMILY RESIDENTAL LOTS LOCATED AT THE EAST TERMINUS OF VERONA ROAD, ZONE R-1-E, APN 677-020-032.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

- A. Mark Temple, Owner ("Applicant") filed an application with the City, pursuant to Section 94.12.00 of the Zoning Code, for a two (2) year extension of time for the entitlement associated with Case No. TTM 38042, for the subdivision on one (1) lot into thirty-one (31) single-family residential lots located at the east terminus of Verona Road. ("the Project").
- B. On September 14, 2022, the Planning Commission held a public hearing on the Project and adopted a Mitigated Negative Declaration and approved a Change of Zone application to rezone the parcel to R-1-E zone and a Tentative Tract Map (38042) to subdivide the parcel into thirty-one single-family residential lots.
- C. A notice of public hearing of the Planning Commission of the City of Palm Springs to consider the Extension of Time for Case No. TTM 38042 was given in accordance with applicable law.
- D. On September 11, 2024, the Planning Commission held a public hearing on the extension of time request for Case No. TTM 38042 in accordance with applicable law.
- E. The proposed development is considered a "project" pursuant to the guidelines of the California Environmental Quality Act ("CEQA"). The Planning Commission adopted a Mitigated Negative Declaration (MND) at the meeting of September 14, 2022. The initial study determined that potential significant adverse impacts existed, and mitigation measures relative to Biological Resources and Cultural Resources would reduce the project impacts to less than significant.
- F. In accordance with the procedures and requirements of Section 94.12.00 of the Zoning Code, the Commission has evaluated the required findings and agrees with each as follows:
 - 1. The requested extension of time is consistent with the General Plan and any applicable specific plan, and the proposed project remains consistent with those plans as they exist at the time the extension request is being considered:

The subject property is designated "Low Density Residential (LDR)" by the General Plan Land Use Map. The LDR designation is described as "Representing typical single-family detached residential development with a density 4.1 to 6.0 dwelling units per acre".

The LDR land use is intended for single-family residential on lot sizes permitted in the R-1-E to R-1-C zones. The City of Palm Springs General Plan provides a series of goals and objectives in the Housing Element and the approved TTM will further advance the following:

- Goal HS1 Facilitate a broad range of housing types, prices, and opportunities to address current and future housing needs in the community.
 - HS1 Provide adequate residential sites to accommodate new housing through land use, zoning, and specific plan designations.
 - HS 1.4 Review and revise development standards as available land continues to diminish and housing demands increases, the City will need to consider higher density housing opportunities, particularly on underutilized land.

The approval of a one-year time extension of the TTM will allow the applicant to finalize the map for future development that utilizes smaller lots and increases density meeting the General Plan goals stated and the finding is met.

2. The findings made in support of the original approval remain valid and are still appropriate;

The Planning Commission adopted Resolution #6922 on September 14, 2022 for the TTM and the project's layout, design and overall scope have not changed, and the proposal remains compatible with existing developments in the surrounding areas. Thus, the findings made in support of the original approval remain valid and appropriate and this finding has been met.

3. There have been no significant changes to the proposed project, or to areas within the geographic proximity of the proposed project that negates the appropriateness of the project, or new information concerning new or substantially more severe environmental effects which would require a reevaluation of the project under the California Environmental Quality Act (CEQA):

There have been no significant changes to the surrounding area negating the previous CEQA determination. The proposed Casa Verona site remains unchanged with the Serena Park development anticipated to move forward in the near future and other potential developments in the immediate area. There is no new information available to negate the appropriateness of the project, nor is there new information concerning new or substantially more severe

environmental effects which would require a reevaluation of the project under CEQA. This finding has been met.

4. The subject site has been properly maintained in accordance with the Property Maintenance Standards of this Title;

The site remains a vacant open lot and has been treated with a chemical sealant that suppresses dust particles from becoming airborne. There are no active code enforcement cases for the vacant lot, and the owner has maintained the site in a reasonable clean and debris free state and this finding has been met.

5. The applicant has demonstrated convincingly and clearly that the project will be substantially underway within the extended period.

The applicant's internal work has been underway in the two (2) years since the entitlements were granted. Meetings have taken place with the City Engineering Department to develop an appropriate water and sewer system that will meet the challenging topography at the site. The fact that substantial money has been spent on preparing water and sewer plans shows that the project is advancing and will be substantially underway within the two (2) year period, therefore, this finding can be met.

6. The applicant has made reasonable, substantial and timely efforts to exercise the entitlement and advance the project, such as, but not limited to, the prepayment of impact fees or submittal of permit applications.

As noted above, the applicant and City should have final water and sewer plans finalized soon and grading of the site is anticipated to begin within the next year with the submission of a Major Development and Major Architectural applications to be reviewed by the Planning Commission, and Architectural Review Committee. The actions are substantial moving the project forward.

7. Extenuating circumstances, not within the applicant's control, (financial inability and market conditions excepted), have prevented the applicant from exercising the entitlement within the initial time period granted, but that such circumstances are more likely than not to be removed in time for the applicant to substantially begin the project within the extended period.

The applicant states that project has not moved forward because of sewer lift system required on the negatively sloping site. The extension of time will allow for more time to overcome these issues and will fully bring the project to development. The City is aware of difficulties in developing in this area relative to water and sewer service. Other projects have experienced similar delays and hardships, and the finding has been met.

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

THE PLANNING COMMISSION RESOLVES:

<u>Section 1</u>. That the findings and determinations reflected above are true and correct and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Resolution.

<u>Section 2</u>. Based on the foregoing, the Planning Commission hereby approves the one (1) year extension of time request for the Project, thereby extending the approval from September 11, 2024 to September 10, 2026.

<u>Section 3</u>. This action is not subject to CEQA pursuant to Section 15270 of the CEQA Guidelines.

ADOPTED this 25th day of September, 2024.

AYES: NOES: ABSENT: ABSTAIN:	
ATTEST:	CITY OF PALM SPRINGS, CALIFORNIA
Christopher Hadwin Director of Planning Services	

RESOLUTION NO. 6922

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A CHANGE OF ZONE APPLICATION FOR AN UNDEVELOPED 6.44-ACRE PARCEL FROM SINGLE-FAMILY RESIDENTIAL R-1-D (7,500-SQUARE FOOT LOT) TO R-1-E (5,000-SQUARE FOOT LOT); ADOPTION OF A MITIGATED NEGATIVE DECLARATION PER CEQA; AND A TENTATIVE TRACT MAP; TTM 38042 TO SUBDIVIDE THE SINGLE-FAMILY THIRTY-ONE (31)PARCEL INTO RESIDENTIAL LOTS LOCATED AT THE ÉAST TERMINUS OF VERONA ROAD, ZONE R-1-D. (CASE NOS. 5.1527 CZ & TTM 38402)

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

- A. Mark Temple, ("Applicant") has submitted applications with the City pursuant to Chapter 94.07.00 of Palm Springs Zoning Code for a Change of Zone request to change the current zoning designation of the subject parcel (see below) single-family residential R-1-D (7,500-square foot lot) to R-1-E (5,000-square foot lot) and pursuant to Chapter 9.62 of the City's Municipal Code for a tentative tract map (TTM 38042), to subdivide a vacant 6.44-acre parcel into thirty-one (31) single-family residential lots for the purpose of constructing new homes. The application includes the adoption of a Mitigated Negative Declaration to meet the requirements of the California Environmental Quality Act (CEQA). The project has been reviewed by the Riverside County Airport Land Use Commission (ALUC) due to the lot's location at the north end of the Palm Springs International Airport.
- B. A notice of the public hearing for Cases 5.1527-CZ and TTM 38042 was given in accordance with applicable law.
- C. On July 14, 2022, the project was reviewed by the Riverside County Airport Land Use Commission (ALUC) and was found consistent with the Airport Compatibility Plan subject to conditions which have been incorporated in the final Conditions of Approval as Attachment A.
- D. On September 14, 2022, a public hearing on the proposed Change of Zone Case 5.1527-CZ and Tentative Tract Map; TTM 38042 was held by the Planning Commission in accordance with applicable law.
- E. The Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

- F. The proposed project associated with the above applications ("Project") is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA").
- G. On March 29, 2022, the City issued a Notice of Intent (NOI) on the project indicating that a draft Initial Study and Mitigated Negative Declaration had been prepared and circulated to responsible agencies and interested groups and individuals for a 20-day review and comment period. The comment period ran from April 1, 2022 to April 20, 2022.
- H. The Draft Initial Study and Mitigated Negative Declaration (MND) was prepared to analyze and evaluate the potentially adverse environmental impacts that could result from approval of the Project. The Initial Study/Mitigated Negative Declaration determined that the implementation of mitigation measures (as attached with Conditions of Approval) will result in the project not having a significant effect on the environment.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1:

Section 94.07.00(A) of the Palm Springs Zoning Code (PSZC) requires that the following findings be made to justify a Change of Zone application. The Planning Commission hereby finds as follows:

1. The proposed change of zone is in conformity with the general plan map and report.

The requested change of zone is from R-1-D (7,500-square foot lot) to R-1-E (5,000-square foot lot); the General Plan designation of the property is LDR (Low Density Residential), which permits a density range of 4.1 to 6.0 dwelling units per acre. The proposed change of zone would be in conformity with the general plan land use designation given that the goal of the General Plan is to provide for neighborhood-related residential uses in the area. The proposed change of zone is being made in accordance with the procedures set forth in State Planning law and the change of zone hearings are being held in accordance with applicable laws.

The proposed change of zone will not require an amendment to the General Plan because the R-1-E zoning district is consistent with the LDR designation, which is for low density residential uses. The proposed change of zone will result in the creation of thirty-one (31) lots, which is consistent with the general plan for the low density of the subject site allowing twenty-six (26) to thirty-eight (38) units at this site. The Tentative Tract Map shows the street and parcel layouts with required water retention basins resulting in the proposed thirty-one (31) lots with limit area to increase the number.

The City of Palm Springs General Plan provides a series of goals and objectives in the Housing Element. The approval of the requested Change of Zone will further advance the following:

- Goal HS1- Facilitate a broad range of housing types, prices, and opportunities to address current and future housing needs in the community.
 - HS1 Provide adequate residential sites to accommodate new housing through land use, zoning, and specific plan designations.
 - HS1.4 Review and revise development standards as available land continues to diminish and housing demand increases, the City will need to consider higher density housing opportunities, particularly on underutilized land.

The proposed Change of Zone will allow for smaller lots and greater density housing as stated in the General Plan goals and objectives.

2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.

The application proposes thirty-one (31) lots each of which are conforming to the minimum size and dimensional requirements for the R-1-E zone. The area in which the subject 6.44-acre parcel is in the Gene Autry and Whitewater neighborhoods consisting primarily of single-family residences and the proposed development is consistent with the current development patterns. The development is served by the existing East Verona Road which will be extended to meet the development and will be well integrated into the fabric of the area. Therefore, the Commission concluded that the property is adequate in size and consistent with surrounding development as demonstrated by the new subdivision and suitable for the uses permitted in the proposed zone.

3. The proposed change of zone is necessary and proper at this time and is not likely to be detrimental to the adjacent property or residents.

The proposed Change of Zone of the approximately 6.44-acre parcel to R-1-E is proper at this time given that the parcel has remained undeveloped. The proposed change will allow the property to be developed appropriately and thereby help the City to meet its stated housing goals and needs by increasing density. The proposed zone change will not have adverse effects on existing and future surrounding land uses given that future properties and existing homes to the west, north and south of the site are also residential uses. The potential use of zero-lot line development will be separated from adjacent land uses due to the physical location of the lot at the terminus of East Verona Road and the existing Whitewater Channel. The change of zone request allows consistency in development patterns and proposed uses that are similar to those in adjacent parcels. The parcels to the south are currently undeveloped and by making

the Change of Zone at this time, future development patterns may emerge that are complementary and consistent with one another. For these reasons, the change of zone is necessary and proper at this time and poses no detrimental impact on adjacent properties.

Section 2:

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

1. The proposed Tentative Tract Map or Tentative Parcel Map is consistent with all applicable general and specific plans.

The Tentative Tract Map proposes the creation of thirty-one (31) single-family residential lots ranging in size from 5,300 to 5,400-square feet in size. The General Plan designation of the parcel is LDR; this designation allows low density residential development ranging from 4.1 to 6.0 units per acre. If approved, the proposed tentative parcel map will result in the potential development of thirty-one (31) single-family residences at a density of 4.8 dwelling units per acre. The future use will meet the density requirement for Low Density Residential (LDR) consistent with the General Plan land use designation, and thus, this finding has been met.

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

Pursuant to Government Code Section 66473.5, the proposed subdivision is compatible with the objectives, polices, and general land uses provided in the City's General Plan, given that the thirty-one (31) proposed lots reflect the Low-Density Residential designation of the General Plan. The subdivision will also be compatible with adjacent existing single-family homes located to the west and zoned R-1-C (10,000-square foot lots). The completion of the subdivision will result in the extension of East Verona Road plus new internal streets with curbs and gutters and sidewalks. All future access points, circulation and other improvements within the site will be subject to the Conditions of Approval associated with TTM 38042.

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

The undeveloped parcel is physically suited for the creation of thirty-one (31) lots and future development of detached single-family residences with an average lot size ranging from 5,300 to 5,400-square feet. The 6.44-acre parcel is relatively flat and adequate in size to accommodate the future thirty-one (31) residences, streets and on-site water retention basin meeting all applicable development standards of the R-1-E zone. Proposed conditions of approval will address all required site modifications consistent with City Standards and will assure safe access to the existing public streets.

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

The proposed thirty-one (31) lot subdivision will be on a 6.44-acre parcel; the lot sizes are consistent with the allowable density of 4.1 to 6.0 dwelling units per acre in the LDR General Plan designation. In addition, the R-1-E zone requires a minimum lot size of 5,000-square feet; the proposed lot sizes range between 5,300 to 5,400-square feet and each lot is relatively flat and can accommodate a typical single-family dwelling.

5. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.

The site is currently ungraded with minimal vegetation. A complete environmental analysis has been prepared and a Mitigated Negative Declaration determination has been made relative to any potential environmental impacts. The CEQA (MND) analysis reviewed impacts to the biological, cultural, traffic, greenhouse gas emissions, hydrology, noise, utilities, and wildlife. The site has not been previously identified as a habitat area. The design of the proposed subdivision as determined by the CEQA analysis will not cause environmental damage or injure fish or wildlife or their habitat because it is an infill lot that is not within any identified habitat or conservation area, therefore, there will be no environmental damage as a result of the proposed tract map.

6. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

The design of the proposed subdivision meets and exceed City Standards and will include connections to all public utilities including water and sewer systems. The extension of East Verona Road as a public street with private internal roadways built to City standards will provide access to the new lots. The subdivision will be ungated with pedestrian sidewalks connecting the development to the adjacent neighborhood.

7. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

There are no known public easements across the subject property; therefore, the design of the thirty-one (31) tract map will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

THE PLANNING COMMISSION RESOLVES:

That the findings and determinations reflected above are true and correct and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Resolutions. Based upon the foregoing, the Planning Commission hereby recommend approvals to the City Council of the Change of Zone application Case 5.1527-CZ and Tentative Tract Map (TPM 38042) application subject to the conditions set forth in the attached Exhibit A.

ADOPTED THIS 14th DAY OF SEPTEMBER, 2022.

AYES:

ERVIN, HIRSCHBEIN, MILLER, MORUZZI, ROBERTS, WEREMIUK

ABSENT:

AYLAIAN

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Christopher Hadwin

Director of Planning Services

RESOLUTION NO. 6922

EXHIBIT A

Cases: Change of Zone 5.1527-CZ & Tentative Tract Map 38042
Casa Verona
September 14, 2022

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. <u>Project Description</u>. This approval is for the project described per Case TTM 38042 and 5.1527-CZ, except as modified the conditions below.
- ADM 2. Tentative Tract Map. This approval is for Tentative Tract Map TTM 38042 located at easterly terminus of Verona Road with plans date stamped August 25, 2022, and on file in the Planning Division except as modified by the conditions below. This approval shall be subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. <u>Minor Deviations</u>. The Development Services Director or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Change of Zone 5.1517-CZ & Tentative Tract Map 38042. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will

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

- ADM 6. <u>Time Limit on Approval</u>. Approval of the Tentative Tract Map (TTM 38042) shall be valid for two (2) years from the effective date of approval unless an extension of time is granted by the Subdivision Map Act and or the Planning Commission. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 7. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05. Permits will not be issued until the appeal period has concluded.
- ADM 8. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas. setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for

commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and 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.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP)

 Local Development Mitigation Fee (LDMF) required. All projects within the
 City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians
 reservation are subject to payment of the CVMSHCP LDMF prior to the
 issuance of certificate of occupancy or as determined by an approved
 Development Agreement.
- ENV 2. Mitigation Monitoring. In accordance with Section 15063 of the CEQA Guidelines, the City of Palm Springs (Lead Agency) conducted an Initial Study and determined that the proposed project could have a significant effect on the environment. The Initial Study determined the project will not have a significant effect on the environment because mitigation measures will be implemented as listed below:

Biological Resources

BIO-1 If unavoidable project construction activities must begin during the nesting bird season (February 1st through August 31st), a preconstruction nesting bird survey shall be conducted no more than 14 days prior to initiation of ground disturbance and vegetation removal activities. The nesting pre-construction bird survey shall be conducted by a biologist familiar with identification of avian species known to occur in Riverside County. The nesting bird survey shall be conducted on foot inside the project boundary, including a 300-foot buffer for passerines (song birds) and 500-foot buffer for raptors in areas of suitable habitat. Inaccessible areas will be surveyed using binoculars to the extent practical. If nests are found, an avoidance buffer (dependent upon species, the proposed work activity, the existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. If a raptor nest is observed in a tree proposed for removal, the applicant must consult with CDFW. All construction personnel be notified of the existence of the buffer zone and to avoid entering the buffer zone during nesting season. No ground disturbing activities shall occur within this buffer area until the avian biologist has confirmed the breeding/nesting is completed and the young have fledge the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

- BIO-2 Prior to any ground or habitat disturbance associated with any Covered Activity on a site that provides potential burrowing owl habitat, the Covered Activity Proponent shall cause a pre-disturbance survey of the site to be conducted for presence of the species.
 - Surveys and relocation, if applicable, shall be conducted between September 1 and January 31. The Tribe and USFWS currently are working together to develop appropriate relocation protocols. It is anticipated that these protocols will, at a minimum, reflect the standards of the CDFG Staff Report on Burrowing Owl Mitigation (1995, as summarized below).
 - 2. Owls shall be excluded from burrows within the approved limit of disturbance and an appropriate buffer zone as determined by a Qualified Biologist by installing one-way doors in burrow entrances or other technique as deemed appropriate by the Tribe. The biological monitor must ensure through appropriate means (e.g., monitoring for owl use, excavating burrows) that the burrows to be impacted are not being used. If active relocation methods are employed, the destination will be selected by the Tribe on a case-by-case basis to provide the greatest long-term conservation potential for the species (regardless of whether it is within the Action Area). Factors to be considered habitat characteristics. long-term viability. and the presence/status of existing populations of this species on the available sites based on available information or reconnaissance by a Qualified Biologist. Artificial burrows will be constructed at the receptor site under supervision of the Qualified Biologist. Artificial burrows shall not be required for passive relocation unless there is already conserved land immediately adjacent to the parcel from which the owls will be passively relocated.

Occupied burrows shall not be disturbed during the nesting season unless a Qualified Biologist verifies through non-invasive methods that either the birds have not begun egg laying and incubation or juveniles from the occupied burrows are foraging independently and capable of independent survival.

BIO-3 The Applicant shall pay the THCP Mitigation Fee prior to building permit issuance.

Cultural Resources

- CUL-1 If buried cultural materials are discovered during the earth-moving operations, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds and, if necessary, develop a treatment pan in consultation with the City of Palm Springs and the appropriate Native American tribes.
- CUL-2 In the unexpected event human remains are uncovered during construction activities, all construction work taking place within the vicinity of the discovered remains must cease and the necessary steps to ensure the integrity of the immediate area must be taken. The County Coroner must be notified within 24 hours of the discovery of human remains. If the remains discovered are determined by the coroner to be of Native American descent, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would in turn contact the Most Likely Descendant (MLD) would determine further action to be taken. The MLD would have 48 hours to access the site and make a recommendation regarding disposition of the remains.

With incorporation of the above-mentioned mitigation measures, all project-related impacts would be reduced to less than significant.

PLANNING DIVISION CONDITIONS

- PLN 1. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
 - a. The document to convey title.
 - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
- PLN 2. <u>Update of City's Zoning Map</u>. Upon approval of the proposed Change of Zone, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.
- PLN 3. <u>Development Permit and Architectural Review</u>. Proposed homes to be reviewed by the Planning Commission and Architectural Review Committee

for final site plan, building elevations, and landscape plan.

- PLN 4. <u>Ungated Development.</u> Casa Verona shall remain as an ungated community within the Whitewater Club and Gene Autry Neighborhoods.
- PLN 5. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 6. Pad Elevations. Final building pad elevations shall not vary more than 12 inches above or below the pad elevation established by the approved preliminary grading plan and / or tentative map. Any deviations from this provision shall require approval by the Planning Commission.
- PLN 7. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
 - a. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - b. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for access into the proposed parcels. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

- ALUC 1 Any new outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
- ALUC 2 The following uses/activities are not included in the proposed project and shall be prohibited at this site:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
- (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- (e) Children's schools, day care centers, libraries, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses, and hazards to flight.
- ALUC 3 The attached notice shall be given to all prospective purchasers and/or tenants of the property and shall be recorded as a deed notice.
- ALUC 4 Any proposed detention basins or facilities shall be designed and maintained to provide for a maximum 48-hour detention period following the design storm and remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees or shrubs that produce seeds, fruits, or berries.

Landscaping in the detention basin, if not rip-rap, should be in accordance with the guidance provided in ALUC "LANDSCAPING NEAR AIRPORTS" brochure, and the "AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT" brochure available at RCALUC.ORG which list acceptable plants from Riverside County Landscaping Guide or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.

A notice sign, in a form similar to that attached hereto, shall be permanently affixed to the stormwater basin with the following language: "There is an airport nearby. This stormwater basin is designed to hold stormwater for only 48 hours and not attract birds. Proper maintenance is necessary to avoid bird strikes". The sign will also include the name,

telephone number or other contact information of the person or entity responsible to monitor the stormwater basin.

- ALUC 5. Buildings shall be limited to a maximum top point elevation of 521 feet above mean sea level, unless" Determination of No Hazard to Air Navigation" letter authorizing a higher top point elevations has been issues by the Federal Aviation Administration Obstructive Evaluations Service.
- ALUC 7. During initial sales of properties within the newly created subdivisions, large airport related informational signs shall be installed and maintained by the developer. These signs shall be installed in conspicuous locations and shall clearly depict the proximity of the property to the airport and aircraft traffic pattens. The ALUC overflights informational brochure shall be provided to prospective purchasers showing the locations of aircraft flight patterns, the frequency of overflights, the typical altitudes of the aircraft, and the range of noise levels that can be expected from individual aircraft overflights, as well and Compatibility Factors exhibit form the Palm Springs International Airport Land Use Compatibility Plan.

FIRE DEPARTMENT CONDITIONS

- FID 1. These Fire Department conditions may not provide all requirements. Owner/developer is responsible for all applicable state and locally adopted fire codes. Detailed plans are still required for review. Conditions are subject to final plan check and review.
- FID 2. Fire Department Conditions were based on the 2019 California Fire Code as adopted by City of Palm Springs, Palm Springs Municipal Code, PSFD Appendix "T" Development Requirements. This building will require fire sprinklers.
- FID 3. Conditions of Approval "Conditions of Approval" received from the Palm Springs Planning Department must be submitted with each plan set. Failure to submit will result in a delay of plan approval.
- Plans and Permits (CFC 105.1):

 Permits and scaled drawings are required for this project. Plan reviews can take up to 20 working days. Submit a minimum of three (3) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

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

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

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall include all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supporting data, (calculations and manufacturers technical data sheets) including fire flow data, shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

- FID 5. Access During Construction (CFC 503): Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13'-6". Fire Department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.
- FID 6. Fire Apparatus Access Roads: Detailed fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction. Plans shall include certification from a Registered Professional Engineer stating the roads are of all-weather construction and capable of supporting fire apparatus weighing 73,000 lbs. G.V.W.
- FID 7. **Designated Fire Lanes**: In private developments, designated fire lane shall not be less than twenty-four(24)feet wide (curb face to curb face) with no parking on either side and shall be identified as fire lanes with red

curb(s), stating in white lettering "NO PARKING FIRE LANE", or by approved signage, or by both red curb(s) with white lettering and signage.

- FID 8. Grade for Fire Apparatus Roads: The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus. No grade shall exceed 12%. Grade transitions shall not exceed maximum angle of approach and angle of departure based on the fire department's apparatus as determined by the fire code official.
- FID 9. Secondary Access Roads: A secondary access road shall be provided for all developments with thirty (30) or more dwelling units.
- FID 10. Dead-end Fire Apparatus Access Roads: 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. The City of Palm Springs has two (2) approved turn around provisions. One is a cul-de-sac with an outside turning radius of forty-five (45) feet from centerline; and the other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 8/3/2016.

ENGINEERING DEPARTMENT CONDITIONS

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

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

All Grading Plans, Improvement Plans, Required Studies and Documents listed below, must be submitted to Engineering Services Department for review and approval.

STREETS

ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit. All improvements are subject to inspection and a 48-hour inspection notification is required.

- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Services Department. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- Asphalt concrete paving for streets prior to completion of on-site construction activities, 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.
- ENG 4. The public street improvements outlined in these conditions of approval are intended to convey to the applicant an accurate scope of required improvements, however, the City Engineer reserves the right to require reasonable additional improvements as may be determined in the course of the review and approval of street improvement plans required by these conditions.

VERONA ROAD

- ENG 5. Dedicate additional right-of-way to provide the ultimate half street right-of-way width of 25 feet along the entire frontage.
- ENG 6. Construct a 6 inch curb and gutter, 18 feet north of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 7. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 8. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to six (6) feet south of centerline along the entire frontage for a total pavement width of twenty four (24) feet in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using

"R" values from the project site and submitted to the City Engineer for approval.

- ENG 9. Install a redwood header along the new edge of pavement located 6 feet south of centerline.
- ENG 10. Remove and replace existing asphalt concrete pavement where required, in accordance with applicable City standards.
- ENG 11. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

LOTS B, C AND D (INTERNAL PUBLIC STREETS)

- ENG 12. Dedicate right-of-way of 50 feet and throughout the cul-de-sacs over Lot "B", "C" and "D", together with property line corner cut backs at the northeast and southeast corners of the intersection of Lot "C" and Lot "D", in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 13. All on-site cul-de-sacs shall be constructed in accordance with City of Palm Springs Standard Drawing No. 101.
- ENG 14. Construct 6 inch curb and gutter, 18 feet from centerline along both sides of the internal public streets, with 25 feet radius curb returns, curb ramps, spandrels and cross gutters at all street intersections, in accordance with City of Palm Springs Standard Drawing No. 200, 206, 213.
- ENG 15. Construct driveway approach(es) in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 16. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 17. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire street frontages in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) 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.

SANITARY SEWER

- ENG 18. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 19. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Services Department. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 20. All sewer mains constructed by the developer and to become part of the City sewer system shall be digitally video recorded (Developer shall contact City treatment plant facility for acceptable digital video format) after construction and submitted to the City for review and a new video prior to acceptance of the sewer system (when project has been completed) for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
- ENG 21. Costs associated with design and construction of the off-site sewer extension may be reimbursed, pursuant to a Sewer Construction Refund Agreement approved by the City Council, in accordance with the policies established by Resolution 13773, and amended by Resolution 15975. Following completion and acceptance of the off-site sewer extension by the City Engineer, if reimbursement is requested in writing by the applicant, the applicant shall submit a formal request for preparation of a Sewer Construction Refund Agreement and a \$2,500 deposit for City staff time associated with the preparation of the Sewer Construction Refund 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 Sewer Construction Refund Agreement with the City Council, and shall submit additional deposits as necessary when requested by the City, which are included in the amount that may be reimbursed to the applicant through the Sewer Construction Refund Agreement. The Sewer Construction Refund Agreement is subject to the City Council's review and approval at a Public Hearing, and its approval is not guaranteed nor implied by this condition.
- ENG 22. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING

- ENG 23. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Services Department for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.
 - a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Services Department 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 Services Department 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 Services Department prior to approval of the Grading plan.
 - b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report; a copy of the project-specific Final Water Quality Management Plan.
- ENG 24. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist (a copy of the written approval must be provided to the City). The applicant shall contact the Tribal Historic Preservation Officer the or Tribal Archaeologist at THPO@aguacaliente.net to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other

construction, and to arrange payment of any required fees associated with Tribal monitoring.

- ENG 25. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 26. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 27. 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 28. Prior to issuance of grading permit, the applicant shall provide verification to the City that the Tribal Habitat Conservation Plan (THCP) fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the THCP.
- ENG 29. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 30. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 31. This project requires preparation and implementation of a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the approved final project-specific Water Quality Management Plan shall be incorporated by reference or attached to the SWPPP as the Post-Construction Management Plan. A

copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.

- ENG 32. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 33. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Services Department with the first submittal of a grading plan.
- ENG 34. 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 even though there may not be a grading plan for the project. Prior to issuance of Building Permits.
- ENG 35. The applicant shall provide Grading Certification for all building (or structure) pads in conformance with the approved grading plan to the Engineering Services Department for review and approval prior to issuance of Building Permits.
- ENG 36. In cooperation with the California 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" (Revised RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 6819 East Gage Avenue, Commerce, Ca 90040 (Phone(760)782-3271,(562)505-6415),Sonia.Oran@cdfa.ca.gov.

WATER QUALITY MANAGEMENT PLAN

ENG 37. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best

Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required.

- ENG 38. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- 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 and maintain the approved Final Project-Specific Water Quality Management Plan (WQMP). Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&Rs); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to issuance of any grading or building permits.

DRAINAGE

- All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMPs).
- ENG 41. All stormwater runoff passing through and falling onto the site shall be accepted and conveyed to a new drainage system to be constructed as part of the development. An on-site retention basin and other storm drainage facilities approved by the City Engineer shall be required.
- ENG 42. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or

other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. No more than 40-50% of the street frontage parkway/setback areas should be designed as retention basins. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.

- ENG 43. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$7287.76 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.
- ENG 44. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.

GENERAL

- ENG 45. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
- ENG 46. All proposed utility lines shall be installed underground.

- ENG 47. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone. television cable service, and similar service wires or lines, which are onsite, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published The existing overhead utilities across the southerly property line, meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Services Department prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Services Department identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.
- ENG 48. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- Upon approval of any improvement plan (if required) by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD drawing filetype), DXF (AutoCAD ASCII drawing exchange filetype), and PDF (Adobe Acrobat document filetype) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.
- ENG 50. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Services Department prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 51. 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.
- ENG 52. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers

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

MAP

- ENG 53. The developer shall apply for an annexation to the City of Palm Springs Community Facilities District established for public safety services and submit required applications, waivers, and consent forms to the annexation prior to approval of a final map. Payment of an annexation fee (\$7,500) and shall be made at the time of the application. The annexation shall be completed by action of the city council in a public hearing, prior to processing a final map for approval.
- ENG 54. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Services Department 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 Services Department as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.
- ENG 55. In accordance with Government Code Section 66411.1 (b), the Tentative Parcel Map is a subdivision of five or more lots (parcels), and is subject to construction of all required public improvements. Prior to approval of a Parcel Map, all required public improvements shall be completed to the satisfaction of the City Engineer, or shall be secured by a construction agreement in accordance with Government Code Section 66462.
- ENG 56. Acceptance of public improvements required of this development shall be completed by resolution of the City Council to release the faithful performance bond and acceptance of replacement maintenance bond to be held for one year. An inspection will be performed nine months after said acceptance as part of the notice of completion process, a notice of completion will be filed certifying the improvements are complete.

TRAFFIC

ENG 57. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks. Minimum clearance on public sidewalks shall be provided by either an additional dedication of a sidewalk easement if necessary and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the frontage of the subject property.

- ENG 58. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 59. Install street name signs, stop signs, stop bars, and "STOP" legends as necessary at all intersections in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 60. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.
- ENG 61. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

END OF CONDITIONS

Casa Verona, LLC

699 S Indian Trail Palm Springs, CA 92264 760/323-5310 Cell 760-774-3294 Fax 760/323-4303

July 19, 2024

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

Re: Extension of Time - Supplemental Letter

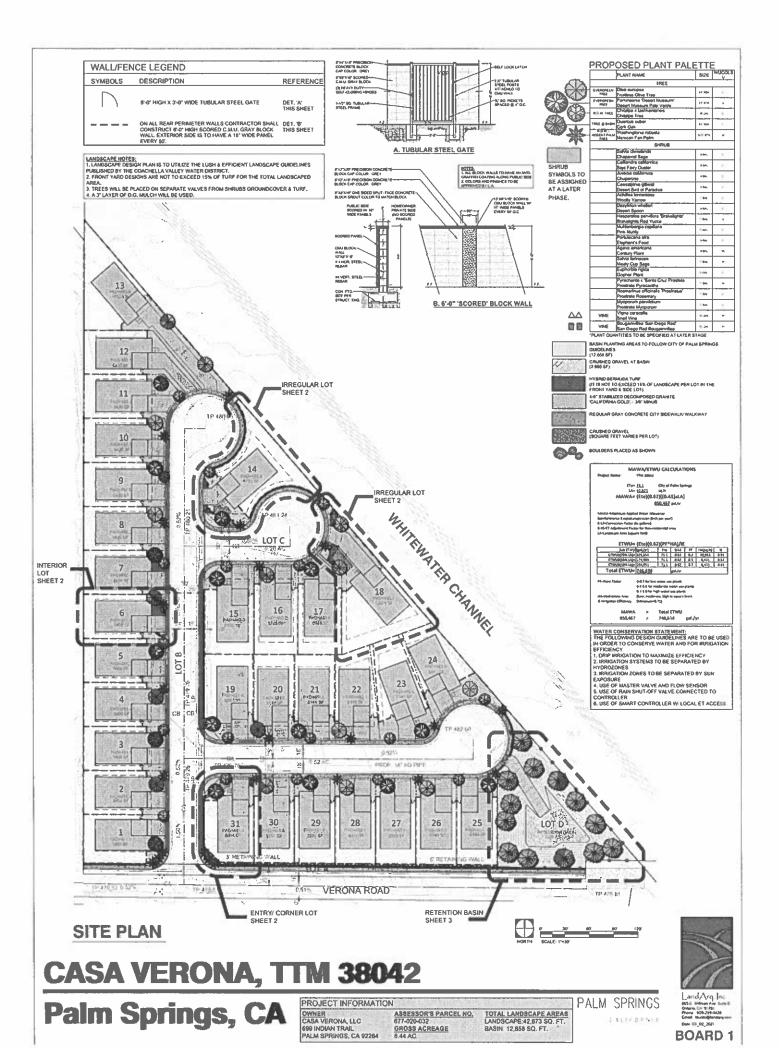
Dear City of Palm Springs Planning Commission,

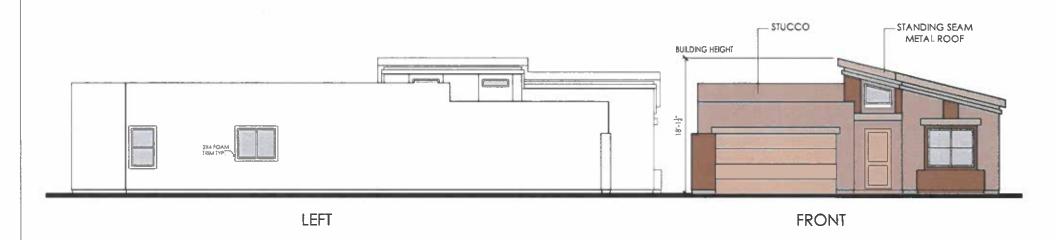
In request for our map extension we are writing to provide insight to the current status of our 6 acre parcel and help answer any questions you may have.

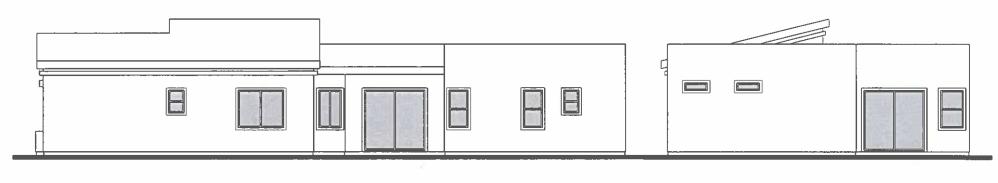
- 1. The nature of the use 31 single family homes
- 2. The amount of the owner's investments in improvements Many investments have been made on civil engineering, hydrology and surveying as well as a study to explore the possibility of a private sewer lift. Given the location and elevation of our 6 acre parcel it would require us to raise the parcel roughly 10' in order to connect to the existing sewer and have proper flow.
- 3. The convertibility of improvements to permitted uses Some of the improvements planned to take place are two new streets, water and private sewer lines, curb, gutter and sidewalks in addition to the 31 new construction residences.
- 4. The character of the neighborhood The goal is to design homes that are similar in size and architectural appeal to those located west of our property, providing a seamless transition to newer homes within the city.
- 5. The detriment, if any, caused to the neighborhood by continuance of the nonconforming use of structures The site is kept clean and free of debris as well as monitored for homeless issues and/or potential temporary homeless structures.
- 6. The amount of time required to amortize the investment It is our goal to start grading within the next year and finalize plans to construct. We have been at a standstill for numerous reasons (determining the sewer lift system feasibility, keeping an eye on the status of Serena Park, high construction costs, high financing and mortgage interest rates) but hope to soon provide cost effective, new construction homes withing the Palm Springs area.

Thank you,

Mark Temple Manager







RIGHT

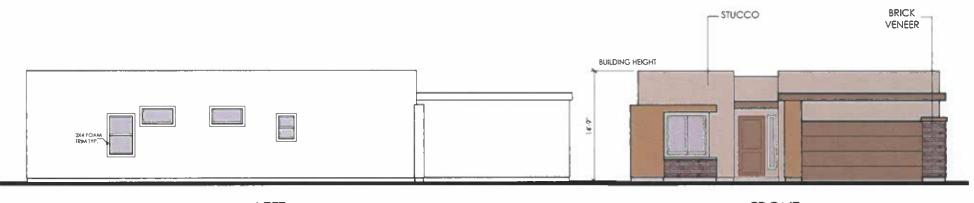


MODERN ELEVATIONS PLAN 1938 REAR

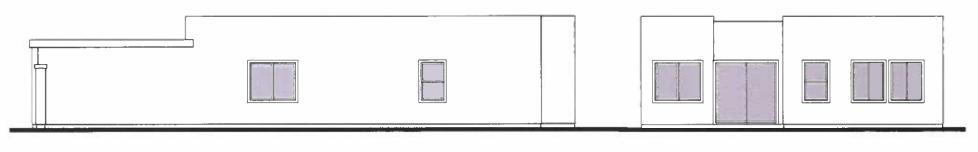
CASA VERONA

CONCEPT DESIGN TTM#38042

MARK A. TEMPLE CONSTRUCTION INC.



LEFT FRONT



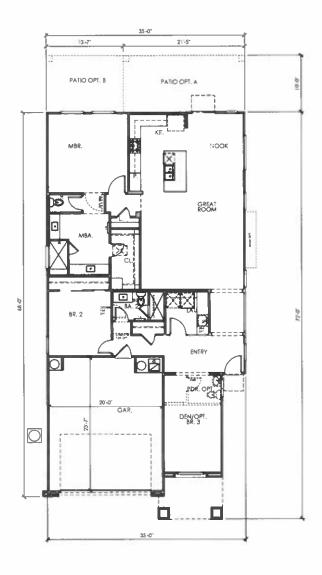
RIGHT

RFT DESIGN 13700 ALTON PKWY 157 IRVINE, CAUFORNIA 92618 1749,461.0605 CONTEMPORARY ELEVATIONS PLAN 1871 **REAR**

CASA VERONA

CONCEPT DESIGN TTM#38042

MARK A. TEMPLE CONSTRUCTION INC.





PLAN 1750 CASA VERONA

CONCEPT DESIGN TTM#38042

MARK A. TEMPLE CONSTRUCTION INC.

