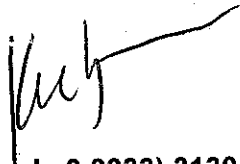




# CITY OF PALM SPRINGS

## DEPARTMENT OF PLANNING SERVICES

### MEMORANDUM

**Date:** October 14, 2009  
**To:** The Planning Commission  
**From:** Ken Lyon, Associate Planner   
**Subject:** Case 5.1231 PDD 356 (formerly 3.3333) 3130 North Indian Canyon Drive  
51-unit for-sale condominium townhome development

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This case was initially scheduled for a public hearing by the Planning Commission on July 22, 2009, however it was continued at the request of the applicant.

The public comment letters that were included with the July 22, 2009 packet have not been included in this packet. If you no longer have that set of materials and wish to review them, please contact me and I will make arrangements for you to receive a second set of those previously submitted public comment letters.

Thank you.



## Planning Commission Staff Report

Date: October 14, 2009

Case No.: 5.1231 PDD 356 (formerly Case 3.3333) and TTM 36185

Application Type: Planned Development District and Tentative Tract Map

Location: 3130 North Indian Canyon Drive

Applicant: Community Dynamics Inc.

Zone: R-2 Multi-Family Residential

General Plan: Mixed Use/Multi-Use

APN: 501-031-028

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

Project Planner: Ken Lyon , Associate Planner

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### **PROJECT DESCRIPTION**

An application by Community Dynamics, Inc. requesting approval of a Planned Development District to construct a 51-unit moderate income for-sale condominium town-home development. The project features off street parking and landscaping on an approximately 3.6 acre parcel. There is a Tentative Tract Map application for condominium purposes. The PDD seeks relief from setbacks and other development standards and proposes public benefits.

### **RECOMMENDATION**

That the Planning Commission approves Case 5.1231 for preliminary PDD 356, subject to the attached Conditions of Approval and recommends approval of Case 5.1231 PDD 356 and Tentative Tract Map 36185 by the City Council subject to Conditions of Approval. Staff notes that this recommendation is a "close call" and as such has identified in this staff report certain project characteristics that led to that conclusion.

**PRIOR ACTIONS TAKEN ON THE PROJECT**

On August 19, 2008, Pre-application 08-006 was processed by the Planning Department for proposed 52-unit for-sale condominium development at 3130 North Indian Canyon Drive.

On April 20, 2009, the Architectural Advisory Committee (AAC) reviewed the proposed project (Case 3.3333) and voted 5-0-1 (Parker absent) to restudy the project. Specific recommendations from that meeting are included in the attached Exhibit B.

On June 8, 2009, the applicant submitted a revised design. The Architectural Advisory Committee evaluated the revised project and voted 4-0-3 (Hudson, Ortega absent, Parker abstained, Cohen included making a quorum) to recommend approval of the project subject to the following conditions:

- 1 Create a pedestrian walkway between the back-to-back patios with access gates into each patio.
- 2 Reduce the parapet heights at least 9 to 12 inches to reduce the top heavy appearance of the buildings.

On September 3, 2009, the applicant resubmitted the project as a Planned Development District.

**BACKGROUND AND SETTING**

The proposed multi-unit housing project is located on an approximately 3.6 acre vacant parcel at the southeast corner of North Indian Canyon Drive and San Rafael Road. The parcel is flat with a variety of scrub vegetation. It was purchased by the City's Redevelopment Agency several years ago for the purpose of producing affordable housing. The site was previously graded for a low-income housing project that was not constructed. The site is located in an area of single family and multi-family residences. There is a scattering of commercial/industrial uses northwest of the site. The project application is in response to a Request for Proposal from the City's Community Development Agency to product at least 30 affordable housing units.

The table below denotes the Zoning, General Plan and existing land uses surrounding the parcel.

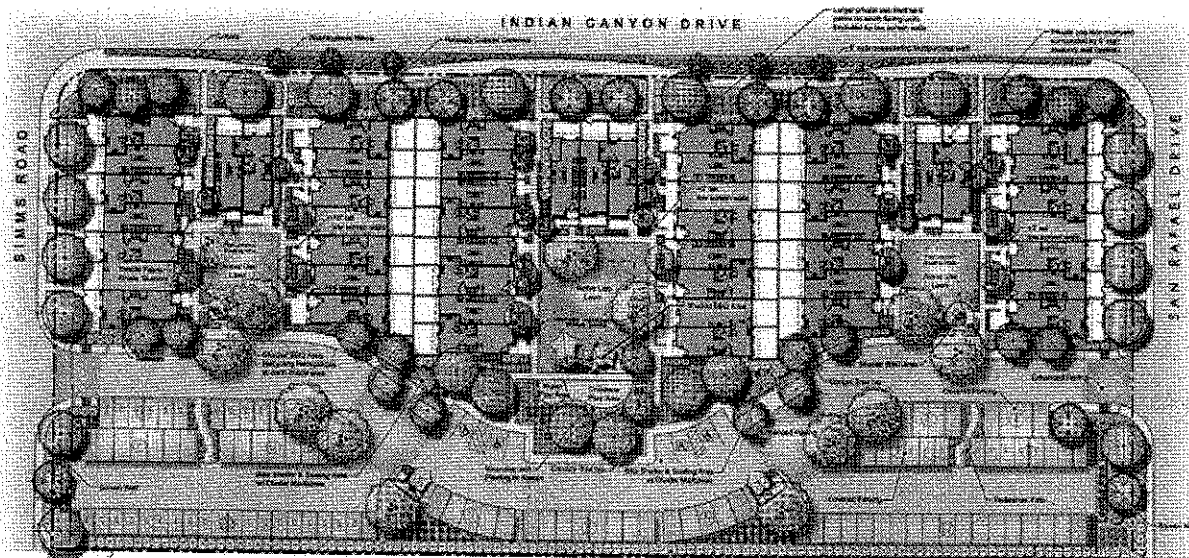
Table 1.0: Surrounding land uses, General Plan, Zoning

	<b>General Plan</b>	<b>Zone</b>	<b>Land Use</b>
North	MDR (Medium Density Residential)	PDD 315	Multi-Family Residential (Palermo Development (Case 5.1029) w/commercial uses at the immediate corner
South	MDR	R-2	Multi-Family Residential (Sunnyview Villas)
East	VLDR (Very Low Density Residential)	R-1-C	Single Family Residential (Racquet Club Estates Neighborhood Association)
West	Mixed/Multi Use, Estate Residential, Low density resid.	R-1-A, RGA-6 & R-2	Vacant (scattered single family residential) (Racquet Club West Neighborhood Association)

The project site is located along North Indian Canyon Drive, a major thoroughfare and designated truck route which generates a significant amount of road noise<sup>1</sup>. Immediately to the east, are six architecturally significant single family "Wexler Steel Homes" which are designated Class 1 Historic Sites. The neighborhood to the east is essentially built out with single family residences. To the west is a neighborhood of estate residential lots with a scattering of built homes and some vacant lots. Sunnyview Villas, a low-income rental apartment complex, is located to the south. To the north is the recently constructed condominium development called Palermo. The Palermo project was approved with approximately 10,000 square feet of commercial retail uses at the northeast corner of San Rafael and Indian Canyon Drive that have not yet been constructed. This area of the City is exposed to very high winds and blowing sand.

### PROJECT DESCRIPTION:

The proposed project is comprised of 51 two-story residential town-home condominium units within nine buildings<sup>2</sup>. Six of the buildings contain 6 to 8 units each and 3 of the buildings contain 2 to 3 units. The buildings are configured to create three common-use courtyards and individual outdoor patios for each unit. There are 24 two-bedroom 1,142 square foot units and 27 three-bedroom 1,353 square foot units. The units are intended to provide moderate income for-sale units with a price range between \$237,500 and \$267,500.



<sup>1</sup> The speed limit on this section of Indian Canyon Drive is 45 miles per hour and this is a designated Truck Route in the City's General Plan Circulation Element.

<sup>2</sup> Addendum 1 of the City's RFQ for developer selection clarified that the prospective developer may propose as few as 30 units, but is also free to propose to develop up to the maximum unit density allowed by the zone, (in this case 53 units). This developer proposed 51 units.

Site Plan Concept: The project has been designed with the front doors of the units facing the courtyards as a means of encouraging interaction among residents and to provide a sense of community within the complex. In doing so, the roughly half the back yard patios are oriented toward the streets and the remaining units have a "back-to-back" configuration with the patios abutting the patios of the building behind them.

Roughly twenty-two of the units have their back patios facing north. The applicants' shade studies indicate that these patios will likely be entirely in shade during the winter months. In response to winter shade concerns by the Architectural Advisory Committee during the pre-application process, these particular units are also provided with small front yard patios facing south. These patios are surrounded with low, two foot high masonry walls. These "front porch patios" face the three courtyards and are intended to provide a sense of social and community connection between the residents. Similar patios can be seen in the Sunnyview apartments to the south of the proposed development.

Landscaping: The project proposes a drought tolerant landscape palette in a contemporary, geometric arrangement. Plant material is proposed that requires minimal maintenance while providing areas of shade, color, and texture. Landscape material along the east property line is designed to provide visual separation and privacy between the R-2 structures on the site and the homes and yards of the adjacent R-1 zone, once it is mature. Minimal turf is proposed in the courtyards for recreational purposes and "smart controllers" are proposed to avoid watering during times of natural precipitation.

Parking: A 116-car parking lot (102 spaces are provided with carports) is located on the east half of the site and is separated from the courtyards and buildings by a meandering drive aisle that is accessed from Simms Road and San Rafael. The carports vary in height between 8'-6" and 9'-6" in height in order to break up the long horizontal rooflines. Open landscaped walkways also break the carports into smaller clusters.<sup>3</sup> The site is not gated or walled, but a series of masonry walls around the individual patios and at the ends of the carports provide a sense of enclosure around the perimeter of the site. Two trash/recycling enclosures are provided within the parking area. Sidewalks are proposed along the perimeter street fronts, around the perimeter of the courtyards, and along the internal driveway and parking lot.

Open Space: Open space is provided in three common area courtyards that are created between the rows of town-homes. These contain covered barbeque areas and one water play area for children in the center courtyard. Areas for construction of future swimming pools are identified in the two smaller courtyards; but for now, these are proposed as landscaped, grassy play areas.

<sup>3</sup> All site lighting including lighting at the carports must conform to the City's Outdoor Lighting Ordinance which strictly controls spillover of light onto adjacent properties.

Setbacks. The setback along San Rafael is considered the front yard setback. It is proposed at 24 feet. The proposed buildings are also 24 feet from the property line fronting Indian Canyon Drive and 24 feet from the property line fronting Simms Road. The six longer buildings are sited in an east west orientation. Four of the buildings are approximately 125 feet from the east property line. Two of the buildings are approximately 110 feet from the east property line. The remaining three buildings are approximately 186 feet from the east property line. These east setbacks average 140 feet. Further discussion of setbacks is provided in the Analysis Section below.

Architecture: The architecture of the buildings is comprised of simple contemporary volumes using multi-colored muted tones of stucco and brightly colored front doors that differentiate one unit from the other. The back of the buildings are articulated with deep window insets with accent colors that give the buildings a fresh, modern appearance. The parapet height and surface of each unit are varied and create visual separation between units. Thin metal sun shades are proposed over some of the windows, while other are set back into the façade to protect them from the direct impact of the sun. The back yard patios are enclosed with six foot high masonry walls in a stack bond appearance. The patios facing Indian Canyon Drive are designed with seven foot high masonry walls to mitigate road noise in those particular patios. All the buildings are proposed with various sustainability features including photovoltaic (PV) panels to power the common interior areas and circuitry to accommodate future PV's for the individual units. The design is anticipated to exceed Title 24 standards by approximately 25%. Bicycle racks are integrated in the site plan as well.

Construction Phasing: The project is proposed to be constructed in phases. Phase "1" involves construction of all site improvements including underground utilities and infrastructure, private drives, curb & gutter, parking, etc. This will be followed by two phases of "vertical construction"; 27 townhomes (on the northern part of the site) as Phase "2" and 24 townhomes (on the southern part of the site) as Phase "3". Common area improvements such as courtyard improvements, walkways and landscaping will be constructed as part of the two vertical construction phases. The north side landscaping will be completed in Phase "2" and the south side landscaping completed in Phase "3".

Proposed Development Standards: A comparison of the permitted R-2 development standards and the proposed development standards are included in Table 2 on the following page.

**Table 2.0: Zone R-2 Development Standards and Proposed Standards for PDD 356**

	<b>R-2 Development Standards</b>	<b>Proposed Development</b>
Lot Area	20,000 square feet	158,058 square feet 3.63 ac.) (conforms)
Lot Width	170 Feet	266 Feet (conforms)
Lot Depth	150 Feet	551 Feet (conforms)
Yards between R-1 and R-2 zones	150' when R-2 zoned property abuts R-1 zoned property, for structures greater than fifteen (15) feet and more than one (1) story	Nine - 2 story buildings, an average of 140 feet from the east of the site. <b>(Requires PDD approval to conform)</b>
Density	3,000sf of lot area/unit	3,099 sf of lot area/unit (51 Units) (conforms)
Building Height	24 Feet (two stories)	24 feet (conforms)
Front Yard (San Rafael Road)	30 Feet	24 feet <b>(requires PDD approval to conform)</b>
Side Yard (N. Indian Canyon)	30 Feet (side fronting a major thoroughfare)	24 feet <b>(requires PDD approval to conform)</b>
Side Yard (interior east side yard)	10 Feet	8 feet to carports <b>(requires PDD approval to conform)</b>
Rear Yard (Simms Road)	15 Feet	24 feet (conforms)
Landscape Open Space	50% of the site area shall be usable open space.	52% - (conforms)
Lot coverage	Not to exceed 30%	21% - (conforms)
Separation from adjacent zones.	6 ft. high wall & screening landscaping between R-1 & R-2.	6 foot high wall provided with landscaping (conforms)
Walls	Maximum 6 foot high	7 foot high masonry walls at patios fronting Indian Canyon to mitigate road noise <b>(requires PDD to conform)</b>
Parking	Per PSZO 93.06.00 51 units as designed requires 110 spaces	116 spaces provided – conforms – see below for more detail on parking conformance
Building Distance	15'-0" & bldgs. opposite a courtyard shall be 30' apart.	Varies (16'-2" is smallest; Courtyard min. is 72') (conforms)

**P L A N N E D   D E V E L O P M E N T   D I S T R I C T**

## ANALYSIS:

### GENERAL PLAN:

The project is located in an area designated as "mixed use/multi-use" on the General Plan. The General Plan describes mixed use as follows:

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

The specific mixed use area in which this project is located is "The Indian Canyon Drive and San Rafael Road Mixed Use area". The General Plan describes it as follows:

*"The northwest corner of Indian Canyon and San Rafael is characterized by a collection of small industrial businesses, multifamily residential uses and several vacant parcels. This area provides a prime opportunity to introduce a mixed-use area that contains uses that would be complementary to and supported by a higher education campus, which is proposed a block north of this area."*

The project does not propose a mix of uses; rather, it proposes a development of only residential uses. The General Plan does not *require* that a project include a mix of uses, only that it is encouraged. Interconnecting residential and commercial uses through pedestrian linkages is encouraged. Development of facilities and gathering places that provide for the social and health needs (daycare centers, social-service providers, medical facilities, etc) are also encouraged, but not required.

The project proposes 51 residential units on 3.6 acres, or roughly 14.1 du/acre and thus conforms to the General Plan density limit of 15 du/acre for Mixed Use areas.

The project is consistent with the following policies of the City's General Plan:

Policy LU8.1: *"Encourage new mixed-use/multi-use developments in areas that are currently vacant or underutilized"*

The project proposes a residential development on a vacant site within a designated mixed-use/multi-use area.

Policy LU8.7: *"On-site parking is encouraged to be accessed from side streets or public alleys to minimize traffic impacts on major streets..."*

The project provides access to the on-site parking lot from entry points on the side streets of Simms and San Rafael which abut the project site.



Action item HS1.3 *"Continue to offer financial incentives for the production of affordable housing"*.

The Redevelopment Agency has provided the parcel to the applicant for the express purpose of developing affordable housing.

Action item HS3.1 *"Provide home ownership assistance for moderate income households"*

Through the provision of the land at no cost, the Redevelopment Agency has assisted the developer in creating moderate income housing units for purchase.

Policy CD3.3 *"Ensure that nodes and activity centers are provided with appropriate pedestrian amenities such as shade structures, seating, bike racks, drinking fountains..."*

The project as proposed provides three courtyards for recreational use by the residents of the development. These include shade structures, seating, barbeque facilities, a children's water play feature, and provision for future swimming pools.

*Policy NS1.7 Allow new developments in areas exposed to noise levels greater than 60 dB CNEL only if appropriate mitigation measures are included such that applicable noise standards are met.*

The project is located along a major thoroughfare that is also a truck route in the City's General Plan (Indian Canyon Drive). The outdoor patios and other outdoor living space along the west side of the parcel are located in a portion of the site that is predicted in the City's General Plan Noise Element to be exposed to 70 dB CNEL noise levels. The applicant has secured the services of a licensed acoustical consultant to evaluate the potential impacts of road noise on the proposed outdoor patios (letter attached). The consultant has concluded that the noise impacts can be reduced to less than significant levels (65dB CNEL is stated in the General Plan as an acceptable noise level for multi-family outdoor spaces) by constructing the perimeter patio walls and gates to a height of 7 feet. The maximum height of such walls pursuant the Zoning Ordinance is 6 feet, thus the added height is a development standard for which the PDD seeks relief. The proposed project has incorporated these seven foot high masonry walls into the base design scope, therefore, no further mitigation measures are necessary.

Based on the above analysis, staff has concluded that the proposed project is consistent with the General Plan.

#### ZONING ORDINANCE:

Site Plan Analysis: As noted above, the applicant has configured the site plan to create three large common courtyard areas and oriented the units so that their front doors face

these courtyards. Staff believes that the applicant's efforts to energize the courtyards by locating the front doors toward them create several concerns:

- The back sides of roughly half the units face the streets.
- Many of the back patios face the noise and traffic of Indian Canyon Drive and San Rafael as well as the strong northwesterly winds and blowing sand.
- Many of the back patios will be in shade throughout the winter months.
- The 'back-to-back' patio configuration does not provide a back door entry into roughly half the units (carrying groceries and the like from the parking lot will require entering through the living rooms).
- The 'back-to-back' patios may provide little audible privacy because they are so close to one another.
- Without strict application of HOA rules, the front-facing patios may develop unwanted accumulations of cluttered items and stored articles that may degrade the appearance of the development.

The existing environmental conditions may cause the outdoor patio spaces of many of the units to be less desirable because of the noise, wind and solar conditions. The courtyard-focused site plan is somewhat contrary to the character of the adjacent single family homes whose front doors face the streets. So, while the proposed development has many attractive attributes in its favor and conforms in terms of density and most development standards, Staff remains concerned about the issues noted above. The AAC's recommendation of a pedestrian pathway between the back-to-back patios will provide important pedestrian access between the parking areas and the service (kitchen) side of the units. Their recommendations have been included as a Condition of Approval for the project and would be reviewed as part of the Final PDD.

Setbacks. Table 2 shows the required and proposed setbacks. The three street-side setbacks are relatively routine in their analysis. The east side setback however, is unique as outlined in Zoning Ordinance Section 92.03.03(E)(2):

*"When R-2 zoned property abuts R-1 zoned property, all structures within one hundred fifty (150) feet of the R-1 zone boundary line shall have a height of not greater than fifteen (15) feet and shall not exceed more than one (1) story. This setback line may vary by fifty (50) feet if the average setback is one hundred fifty (150) feet and the planning commission determines that no detrimental effects will result."*

The code thus would allow structures in an R-2 zone that are greater than 15 feet in height to be as close as 100 feet to a property line common to an R-1 zoned property. The developer has elected to locate the two-story buildings a minimum of 110 feet away from the R-1 zoned properties to the east. By providing a more generous minimum setback, an effort has been made to respect the viewsheds and privacy from those adjacent single family homes.

Pursuant to the Code, the other two-story elements may be as far away as 200 feet from the common lot line, as long as the *average* is 150 feet. In this case the other two-story building elements are further away, at approximately 125 feet and 186 feet from the property line of the abutting R-1 zone. Although these structures are all set back well beyond the minimum of 100 feet, the average setback of all nine buildings is 140 feet, which is 7% less than the 150 foot average required by the Code. This smaller average setback is a development standard for which the PDD seeks relief.

Parking Analysis: In accordance with PSZO Section 93.06.00 *Off-street parking*, the project's 51 units require 110 spaces. The project provides 116 spaces. These are comprised of 46 compact and 70 standard spaces. One hundred and two (102) spaces are provided with carport structures to provide shade along the eastern portion of the site. Down-directed lighting will be mounted on the underside of these carports and will be required to conform to the City's outdoor lighting ordinance for cut-off angles and control of light spillage and glare onto adjacent parcels. The project also provides five accessible parking spaces. As configured, the project conforms to the City's off-street parking requirements.

#### Planned Development District

Section 94.03.00 of the Zoning Ordinance states:... *"The Planned Development District is designed to provide various types of land use, which can be combined in compatible relationships with each other as part of a totally planned development. It is the intent of this district to insure compliance with the general plan and good zoning practice while allowing certain desirable departures from the strict provisions of specific zone classifications. The advantages, which are intended to result from the application of the planned development district, are to be insured by the adoption of a precise development plan with a specific time limit for commencement of construction."*

The applicant is seeking relief from the following development standards:

1. Front yard setbacks (20% reduction) from 30 feet to 24 feet along San Rafael Drive.
2. Side-front yard setbacks (20% reduction) from 30 feet to 24 feet along North Indian Canyon Drive.
3. Interior side yard setbacks (20% reduction) from 10 feet to 8 feet for the carport structures along the east side of the site.
4. Average setback between two story R-2 and adjacent R-1 (reduced 10 feet from 150 feet average to 140 foot average)
5. Increase in height of masonry walls around the patios facing Indian Canyon Drive from 6 feet to 7 feet to mitigate road noise impacts on these outdoor patios.

The Regional Housing Needs Assessment Goals ("RHNA"). The State of California, through the regional associations of governments, makes periodic projections of affordable housing needs throughout the state. The Southern California Association of

Governments (SCAG) has the task of assigning "fair share goals" to Cities and Counties in its jurisdiction. The City of Palm Springs "RHNA goals" include the production of 421 moderate income housing units during the planning period 2006 to 2014. The 51 moderate income units proposed in this application will count toward Palm Springs efforts to encourage the production of affordable units during this planning period.

## REQUIRED FINDINGS

### Planned Development District

The provisions of Section 94.03.00(B) "Planned Development District" of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the preliminary development plan for the PD are in conformity with the required findings and conditions set forth in Section 94.02.00 (Conditional Use Permit), the General Plan and sound community development. The City Council adopted a policy in 2007 requiring a development to provide a public benefit in exchange for relief from development standards sought through a PDD. The analysis of public benefit is provided below.

Request for Preliminary and Final PDD hearing combined. The applicant has requested that this hearing be considered as both the preliminary and the final PDD hearing. Typically, a PDD is first submitted as a preliminary PDD for Planning Commission and City Council approvals. After preliminary approvals, the applicant usually develops the project details, elevations and overall architectural scope to a more precise level. After these more detailed project designs are complete, the applicant is typically required to submit a Final PDD for Planning Commission approval to affirm that the Final design is substantially in conformance to that which was approved at the preliminary hearing.

The applicant has indeed brought the design development of this Preliminary PDD submittal to roughly the level that the Commission is used to seeing at Final PDD. However, there are several recommended Conditions of Approval, (including those recommendations from the Architectural Advisory Committee) that Staff believes deserve further design response from the applicant and review by the City. The execution of the AAC recommendations could take a variety of design forms. Staff believes the design outcome is critical enough to warrant that the Final PDD submission be done in the usual way, with a subsequent review of the Final PDD by the AAC and a hearing by the Planning Commission.

Staff has made the following findings in support of establishing the proposed Planned Development District:

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

PLANNED DEVELOPMENT DISTRICT

The project proposes multi-family residential units at less than 15 dwelling units per acre. Section 94.03.00(B)(1) denotes a PDD for a residential development is a use for which a PDD is permitted. Therefore the project conforms to this finding.

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

The project proposes 51 condominium units for purchase by those with income levels that qualify as "moderate-income". The project will contribute to the City's inventory of affordable income residential units as outlined by the State of California Regional Housing Needs Assessment (RHNA). The project is consistent with numerous policies of the City's General Plan including the production of affordable housing, creation of incentives for purchase of residential units, provision of amenities and features to enhance the livability of the development, and configuration of roadway access to off-street parking.

The project is proposed with reduced setbacks to enable a site design with three sizable courtyards for recreational use. The front, side-front, and interior side yard setback reductions are within the reductions allowed via an Administrative Minor Modification (AMM) in the zoning ordinance. The height of the proposed buildings is within the maximum allowable height permitted for the zone. Zoning Code Section 92.03.03(E)(2) allows structures taller than 15 feet to be as close as 100 feet to abutting R-1 zones as long as the average setback is 150 feet. The closest two-story structure in this project is approximately 110 feet from the abutting R-1 zone. The design is proposed with landscaping that when mature, will provide screening so that sightlines from windows on second levels will not compromise the privacy of the adjacent single family residences to the east. Furthermore, east-facing second floor windows will be non-operable and glazed with translucent (frosted) glass to allow light, and reduce potential privacy issues toward the R-1 zone from these windows.

The configuration of street-facing back patios and back-to-back patio may cause these areas to be of limited use, but the three common courtyards provide ample usable outdoor space for residents. Therefore Staff believes the use is desirable for the production of affordable housing, is in harmony with various objects of the General Plan and is not detrimental to existing or future uses in the zone.

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

The site is approximately 3.6 acres and 51 units are proposed at a density of just under 15 dwelling units per acre which is the maximum permissible for the zone. The

applicant has designed the project with three sizable outdoor courtyards, and has requested deviations from the underlying development standards (setbacks) to do so. The code requires 110 off-street parking spaces and 116 are provided. A six foot masonry wall and landscaping that conforms to the code is proposed that separates this R-2 development from the adjacent R-1. The reduction requested in front and side-front setbacks via the PDD are within the 20% reduction permissible in the zoning code under an AMM, and thus are "reasonable". The perimeter setbacks also are similar to the existing front yard setbacks of the adjacent R-1 zoned development.

The design proposes a 140 foot average setback between the two-story R-2 structures and the adjacent R-1 zone. Although this is 7%, or ten (10) feet less than the required average 150 foot of the Zoning Code, the closest two story building is 110 feet from the abutting R-1 zone. This is a 10 feet *greater* setback than the 100 foot minimum allowed by the Code and was designed in order to respect views and privacy of the adjacent R-1 residences. The applicant has also proposed landscaping that, when mature, will provide additional visual privacy between the homes and yards of the adjacent R-1 zone and the two story buildings proposed.

The gates and masonry walls around the patios facing Indian Canyon Drive are proposed to be 7 feet high (one foot higher than permitted by the Zoning Code for this zone) in order to mitigate excessive road noise to which these outdoor patios are exposed. Therefore staff believes the site and the proposed development are adequate for the proposed use. With the implementation of the recommendations from the AAC which are incorporated into the draft Conditions of Approval, design adjustments will be made to allow the development to fit better into the community.

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

The project proposes a density that is within the permissible limits of the Zoning Code and General Plan. Access to the off-street parking is proposed from side streets which is consistent with policies of the General Plan to avoid traffic conflicts on a major thoroughfare. Therefore staff has concluded that the project is consistent with this finding.

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

Staff has provided a draft set of Conditions of Approval for the subject project which includes recommendations made by the City's Architectural Advisory Committee.

Public Benefit. The City Council adopted a policy on September 17, 2008 requiring Planned Development District projects to provide specific public benefits proportionate

PLANNED DEVELOPMENT DISTRICT

to extent of the deviations being requested from the development standards of the underlying zone. Proportionality is discussed in the policy as follows:

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

The concept of a public benefit being above and beyond "required improvements" is discussed as follows:

*A feature, improvement or dedication may only be considered as a public benefit when it exceeds the level of improvement needed to mitigate a project's environmental impacts or comply with dedication or exactions which are imposed on all projects, such as Quimby Act, public art, utility undergrounding, etc.*

The deviations from the zoning ordinance requested by this PDD application involve setbacks and wall height at outdoor patios. On a scale of "Low, Moderate, or High", Staff believes the magnitude of the deviations being requested is "moderate".

The applicant has proposed that the following aspects of the project be recognized as the "public benefit" derived by the approval of the PDD application (see attached letter from applicant for more details):

- The project itself is a public benefit: Bringing affordable housing to Palm Springs.<sup>4</sup>
- Sustainability features that aid in the City accomplishing its Sustainability Goals, including photovoltaic panels, bicycle racks, and performance criteria that meet or exceed California and City Standards for recycling programs, indoor air quality levels, energy and water consumption.

Staff will incorporate the Commissions' recommendations to the City Council on Public Benefit into the final resolution.

Tentative Tract Map Pursuant to Section 66474 of the Subdivision Map Act of the State of California, the following findings relating to the Tentative Tract Map application apply:

- a. The proposed Tentative Parcel Map is consistent with all applicable general and specific plans.*

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<sup>4</sup> The Request for Proposals (RFP) from the City's Redevelopment Authority requested proposals for a 30-unit affordable housing project but noted that developers could propose a higher density up to the limit allowed by the Zone. The developer proposed a 52-unit (later 51-unit) development, thereby proposing a greater number of affordable units than initially requested by the City and thus providing additional public benefit.

The proposed project is consistent with the General Plan designation of Mixed-use/Multi-use, which provides a maximum density maximum of 15 dwelling units per acre. There are no Specific Plans related to this site. The project proposes a density of 14 du/acre which is consistent with the General Plan.

- b. The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*

The subject property is zoned R-2 (Multiple Family Residential), which allows one dwelling unit per 3,000 square feet of lot area. The proposed design conditions are consistent with the zone as shown in Table 2 above. With the approval of the Planned Development District 356, the project will be consistent with the development standards of the zone, as revised by the PDD.

- c. The site is physically suited for this type of development.*

The 3.6 acre site accommodates the density permitted in the Zoning Ordinance and General Plan and provides adequate outdoor landscaped recreational space and off-street parking. The applicant's design creates three sizeable outdoor courtyards and provides 2% more usable outdoor space than is required for the zone. In order to create these spaces, the applicant is proposing slightly smaller setbacks, including 20% reduction in front, side and side-front yard setbacks and a 7% setback (from an average of 150 feet to an average of 140 feet) between R1 and R2 zones for structures greater than one story and fifteen feet in height. The applicant believes adjusting these setbacks via the PDD creates a project with more desirable usable outdoor space for the residents of the project. The site is able to accommodate the necessary access for the off-street parking from the side streets which is consistent with policies of the City's General Plan. The site is physically adequate for provision of the total off-street parking requirements. Therefore staff has concluded that the site is physically suited for this type of development even though the proposed site design requires relief from certain development standards.

- d. The site is physically suited for the proposed density of development.*

The proposed tract map would create a map for condominium purposes on a site that conforms to the density requirements (15du/acre) for this land use designation in the Palm Springs General Plan and conforms to the density of the Zoning Ordinance for the R-2 zone. The site is therefore physically suited for the proposed density.

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

The project proposes a residential complex of buildings, parking, landscape, and play areas. It is not within or near a conservation area as designated by the City. Therefore the project conforms to this finding.



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

The subdivision in which this project is located has all the required public utilities and the existing street provides an orderly system of ordinary and emergency access to the project site. The adjacent roadway network is predicted in the General Plan Traffic Study to adequately handle the projected vehicular traffic loads contemplated with this density of development. Therefore, there are no serious public health problems that would be created by the proposed tentative tract map or the proposed site improvements.

- g. *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.*

The public easements at the subject property for roadway right of ways are not in conflict with the development because there are no proposed improvements or site modification proposed with this tract map. All utilities are located within and around the existing development. Roadway width right of way dedications are noted on the tract map and are consistent with the local and state requirements for these segments of roadway.

## CONCLUSION

In conclusion, the project is consistent with the policies of the General Plan. It is consistent with the findings of the State Subdivision Map Act and with most of the applicable provisions of the City's Zoning Ordinance. The deviations from the development standards sought through the PDD appear appropriate. The integration of the recommendations by the AAC for access to the back-to back patios and lowered parapet heights would improve the project. The project would add to the City's inventory of moderate income housing stock and creates a complex with many attributes including sustainability features. Balancing these qualities with Staff's concerns regarding the site plan however, (notably the back patios facing the northwesterly winds and noise of North Indian Canyon Drive, the back-to-back patio configuration, distance of two story development to the adjacent R1 zone, and front doors facing the courtyards instead of the side streets) makes it a "close call" in recommending approval of this project.

## ENVIRONMENTAL ASSESSMENT

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an initial study was done and the project has been determined to be "Categorically Exempt" from further environmental review pursuant to Section 15332 (Infill development) The City has concluded that project is an infill development and meets all the following conditions of Section 15332:

- a The project is consistent with the General Plan and Zoning designation and regulations.

- b The site is less than five acres.
- c The site is not habitat for endangered, rare, or threatened species.
- d The project would not result in any significant effects relating to traffic, noise, air quality or water quality.
- e The project can be adequately served by all required utilities and public services.

**NOTIFICATION:**

Notification of the public hearing was provided to property owners within a 400 foot radius of the subject site. Staff has received correspondence and public comment which are attached to this report.

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

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

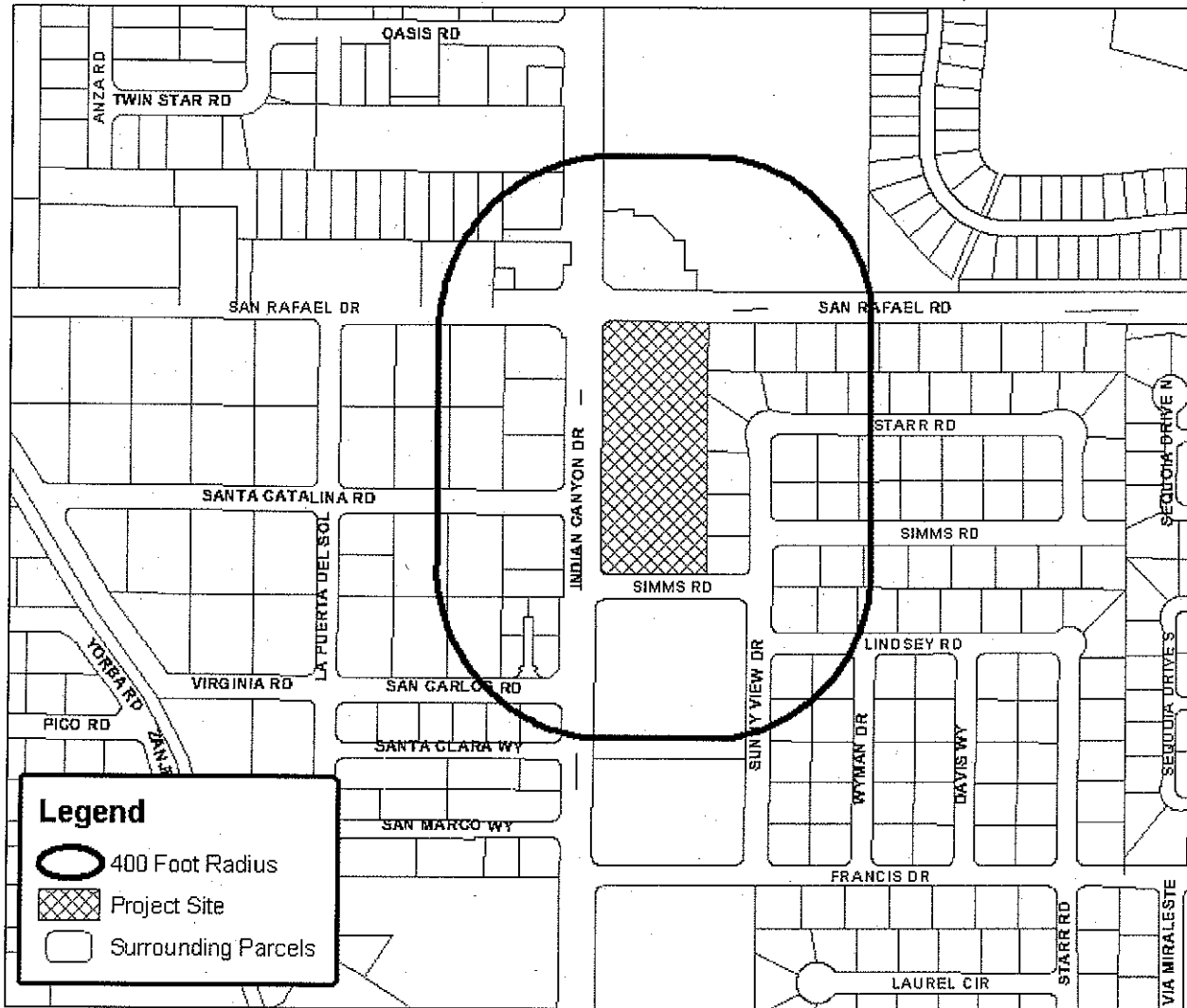
**ATTACHMENTS**

1. Vicinity Map
2. Draft Resolution w/Conditions of Approval (Exhibit A)
3. AAC comments from 4-20-09 review (Exhibit B)
4. Initial Study
5. Reduced plans
6. Roberts to Lyon letter dated 9-16-09 on proposed Public Benefits
7. Hale to Roberts letter dated 9-23-09 on acoustical analysis of road noise
8. Public Correspondence.

PLANNED DEVELOPMENT DISTRICT



# Department of Planning Services Vicinity Map



**Legend**

- 400 Foot Radius
- Project Site
- Surrounding Parcels

## CITY OF PALM SPRINGS

**CASE NO:** 5.1231 PDD 356 & TTM 36185

**APPLICANT:** Community Dynamics

**DESCRIPTION:** A PDD application by Community Dynamics for a 51-unit moderate income condominium development on approximately 3.6 acres at 3130 North Indian Canyon Drive; Zone R2, Section 2/T4/R3.

RESOLUTION NO. \_\_\_\_

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1231 PDD 356, AND TTM 36185, A PLANNED DEVELOPMENT DISTRICT APPLICATION AND TENTATIVE TRACT MAP FOR CONSTRUCTION OF A 51-UNIT MODERATE INCOME CONDOMINIUM COMPLEX WITH OFF-STREET PARKING AND LANDSCAPING ON AN APPROXIMATELY 3.6 ACRE PARCEL AT 3130 NORTH INDIAN CANYON DRIVE, ZONE R-2, SECTION 2(IL), T4/R3, APN 501-031-028.

WHEREAS, Community Dynamics, Inc. ("Applicant"), has filed a Planned Development District Application (PDD 356) (previously 3.3333 MAJ) and a Tentative Tract Map application (TTM) with the City pursuant to Section 9.62 of the Municipal Code (Maps), Section 94.03.00 of the Zoning Ordinance (Planned Development District) and Section 94.02.00 (Conditional Use Permit), for construction of a 51-unit moderate income condominium complex with off-street parking, and landscaping; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was conducted, the proposed project was evaluated and determined to be Categorically Exempt under CEQA Section 15332 "Infill Development", and

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

WHEREAS, said public hearing was continued to a date certain of September 9, 2009, and

WHEREAS, on September 9, 2009, a public hearing was scheduled by the Planning Commission in accordance with applicable law, and

WHEREAS, at said public hearing the subject project was continued to an indefinite date, and

WHEREAS, on October 14, 2009, a public hearing was scheduled by the Planning Commission in accordance with applicable law, and

WHEREAS, at said public hearing, the Planning Commission 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, all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA Guidelines), the Planning Commission has determined that the proposed project is Categorically Exempt under Section 15332 "Infill Development".

Section 2: Pursuant to Section 94.02.00 (Planned Development District) of the Zoning Ordinance, the Planning Commission finds that the proposed uses as shown on the preliminary development plan for PDD 356 are in conformity with the required findings and conditions set forth in Section 94.02.00 (Conditional Use Permit), the General Plan and sound community development as follows:

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

The project proposes multi-family residential units at less than 15 dwelling units per acre. Section 94.03.00(B)(1) denotes a PDD for a residential development is a use for which a PDD is permitted. Therefore the project conforms to this finding.

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

The project proposes 51 condominium units for purchase by those with income levels that qualify as "moderate-income". The project will contribute to the City's inventory of affordable income residential units as outlined by the State of California Regional Housing Needs Assessment (RHNA). The project is consistent with numerous policies of the City's General Plan including the production of affordable housing, creation of incentives for purchase of residential units, provision of amenities and features to enhance the livability of the development, and configuration of roadway access to off-street parking.

The project is proposed with reduced setbacks to enable a site design with three sizable courtyards for recreational use. The front, side-front, and interior side yard setback reductions are within the reductions allowed via an Administrative Minor Modification (AMM) in the zoning ordinance. The height of the proposed buildings is within the maximum allowable height permitted for the zone. Zoning Code Section 92.03.03(E)(2) allows structures taller than 15 feet to be as close as 100 feet to abutting R-1 zones as long as the average setback is 150 feet. The closest two-story structure in this project is approximately 110 feet from the abutting R-1 zone. The design is proposed with landscaping that when mature, will provide screening so that sightlines from windows

on second levels will not compromise the privacy of the adjacent single family residences to the east. Furthermore, east-facing second floor windows will be non-operable and glazed with translucent (frosted) glass to allow light, and reduce potential privacy issues toward the R-1 zone from these windows.

The configuration of street-facing back patios and back-to-back patio may cause these areas to be of limited use, but the three common courtyards provide ample usable outdoor space for residents. Therefore the use is desirable for the production of affordable housing, is in harmony with various objects of the General Plan and is not detrimental to existing or future uses in the zone.

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

The site is approximately 3.6 acres and 51 units are proposed at a density of just under 15 dwelling units per acre which is the maximum permissible for the zone. The applicant has designed the project with three sizable outdoor courtyards, and has requested deviations from the underlying development standards (setbacks) to do so. The code requires 110 off-street parking spaces and 116 are provided. A six foot masonry wall and landscaping that conforms to the code is proposed that separates this R-2 development from the adjacent R-1. The reduction requested in front and side-front setbacks via the PDD are within the 20% reduction permissible in the zoning code under an AMM, and thus are "reasonable". The perimeter setbacks also are similar to the existing front yard setbacks of the adjacent R-1 zoned development.

The design proposes a 140 foot average setback between the two-story R-2 structures and the adjacent R-1 zone. Although this is 7%, or ten (10) feet less than the required average 150 foot of the Zoning Code, the closest two story building is 110 feet from the abutting R-1 zone. This is a 10 feet *greater* setback than the 100 foot minimum allowed by the Code and was designed in order to respect views and privacy of the adjacent R-1 residences. The applicant has also proposed landscaping that, when mature, will provide additional visual privacy between the homes and yards of the adjacent R-1 zone and the two story buildings proposed.

The gates and masonry walls around the patios facing Indian Canyon Drive are proposed to be 7 feet high (one foot higher than permitted by the Zoning Code for this zone) in order to mitigate excessive road noise to which these outdoor patios are exposed. Therefore the site and the proposed development are adequate for the proposed use. With the implementation of the recommendations from the AAC which are incorporated into the draft Conditions of Approval, design adjustments will be made to allow the development to fit better into the community.

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

The project proposes a density that is within the permissible limits of the Zoning Code and General Plan. Access to the off-street parking is proposed from side streets which is consistent with policies of the General Plan to avoid traffic conflicts on a major thoroughfare. Therefore the project is consistent with this finding.

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

A set of Conditions of Approval for the subject project which includes recommendations made by the City's Architectural Advisory Committee are attached as Exhibit A.

Section 3: The City Council adopted a policy on September 17, 2008 requiring Planned Development District projects to provide specific public benefits proportionate to extent of the deviations being requested from the development standards of the underlying zone. The Planning Commission recommends the City Council adopt the following with regard to the Public Benefit provided by this project:

The deviations from the zoning ordinance requested by this PDD application involve setbacks and an increase in wall height at patios facing Indian Canyon Drive. The Planning Commission believes the magnitude of the deviations being requested is "moderate" and recommends to the City Council that the following aspects of the project be recognized as the "public benefit" derived by the approval of the PDD application:

- The project itself is a public benefit: Bringing affordable housing to Palm Springs.
- Sustainability features that aid in the City accomplishing its Sustainability Goals, including photovoltaic panels, bicycle racks, and performance criteria that meet or exceed California and City Standards for recycling programs, indoor air quality levels, energy and water consumption.

Section 4: Pursuant to Section 66474 of the Subdivision Map Act of the State of California, the Planning Commission makes the following findings relating to Tentative Tract Map No. 36185:

- a. The proposed Tentative Parcel Map is consistent with all applicable general and specific plans.*

The proposed project is consistent with the General Plan designation of Mixed-use/Multi-use, which provides a maximum density maximum of 15 dwelling units per acre. There are no Specific Plans related to this site. The project proposes a density of 14 du/acre which is consistent with the General Plan.

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

The subject property is zoned R-2 (Multiple Family Residential), which allows one dwelling unit per 3,000 square feet of lot area. The proposed design conditions are consistent with the zone as shown in Table 2 above. With the approval of the Planned Development District 356, the project will be consistent with the development standards of the zone, as revised by the PDD.

*c. The site is physically suited for this type of development.*

The 3.6 acre site accommodates the density permitted in the Zoning Ordinance and General Plan and provides adequate outdoor landscaped recreational space and off-street parking. The applicant's design creates three sizeable outdoor courtyards and provides 2% more usable outdoor space than is required for the zone. In order to create these spaces, the applicant is proposing slightly smaller setbacks, including 20% reduction in front, side and side-front yard setbacks and a 7% setback (from an average of 150 feet to an average of 140 feet) between R1 and R2 zones for structures greater than one story and fifteen feet in height. The applicant believes adjusting these setbacks via the PDD creates a project with more desirable usable outdoor space for the residents of the project. The site is able to accommodate the necessary access for the off-street parking from the side streets which is consistent with policies of the City's General Plan. The site is physically adequate for provision of the total off-street parking requirements. Therefore the site is physically suited for this type of development even though the proposed site design requires relief from certain development standards.

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

The proposed tract map would create a map for condominium purposes on a site that conforms to the density requirements (15du/acre) for this land use designation in the Palm Springs General Plan and conforms to the density of the Zoning Ordinance for the R-2 zone. The site is therefore physically suited for the proposed density.

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

The project proposes a residential complex of buildings, parking, landscape, and play areas. It is not within or near a conservation area as designated by the City. Therefore the project conforms to this finding.



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

The subdivision in which this project is located has all the required public utilities and the existing street provides an orderly system of ordinary and emergency access to the project site. The adjacent roadway network is predicted in the General Plan Traffic Study to adequately handle the projected vehicular traffic loads contemplated with this density of development. Therefore, there are no serious public health problems that would be created by the proposed tentative tract map or the proposed site improvements.

- g. 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.*

The public easements at the subject property for roadway right of ways are not in conflict with the development because there are no proposed improvements or site modification proposed with this tract map. All utilities are located within and around the existing development. Roadway width right of way dedications are noted on the tract map and are consistent with the local and state requirements for these segments of roadway.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves the preliminary Planned Development District for Case 5.1231 PDD 356 subject to the attached Conditions of Approval in Exhibit A, and recommends that the City Council approves the Preliminary PDD for Case 5.1231 PDD 356 and Tentative Tract Map 36185 subject to the conditions set forth in Exhibit A

ADOPTED this fourteenth day of October, 2009.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

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

EXHIBIT A

Case 5.1231 PDD 356 (formerly 3.3333), TTM 36185  
3130 North Indian Canyon Drive  
Fifty-one moderate-income for-sale condominium town-homes

October 14, 2009

**CONDITIONS OF APPROVAL**

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

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

**ADMINISTRATIVE CONDITIONS**

- ADM1 Project Description. This approval is for the project described as Case (5.1231 PDD 356, TTM 36185); except as modified by the conditions below;
- ADM2 Reference documents. The site shall be developed and maintained in accordance with the approved plans, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved conditions below.
- ADM3 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.
- ADM4 Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM5 Tentative Map. This approval is for Tentative Tract Map 36185 located at 3130 North Indian Canyon Drive. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.
- ADM6 Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim,

action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1231 PDD 356, TTM 36185. 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.

ADM7 Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

ADM8 Time Limit on Approval. Approval of the Tentative Tract Map (TTM) and preliminary Planned Development District Applications (PDD) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

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.

ADM9 Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ADM10 Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee

shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM11 Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM12 Community Services District. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- ADM13 CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances.

- ADM 14. 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.
  - e. Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances,
- ADM 15. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.
- ADM 16. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

## ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV1 Tribal Habitat Conservation Plan (THCP) Development Permit Fee. All projects within the City of Palm Springs on lands within the Tribal Reservation of the Agua Caliente Band of Cahuilla Indians are subject to payment of THCP fees prior to the issuance of certificate of occupancy.
- ENV2 Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid (projects that are Categorically Exempt from CEQA).

ENV3 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.

ENV4 Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.

ENV5 Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)

a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.

b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

#### **PLANNING DEPARTMENT CONDITIONS**

PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section

93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.

- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
- PLN 3. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
1. Provide a pedestrian walkway between the back-to-back patios to afford access to the back patios and kitchens of the units.
  2. Reduce the parapet heights to reduce the 'heavy appearance' of the facades at least 9 to 12 inches.
- PLN 4. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan. Bright white should be avoided where possible."
- PLN 5. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned
- PLN 6. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 7. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 8. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.

- PLN 9. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 10. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 11. 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 12. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and owners. Location and design shall be approved by the Director of Planning.
- PLN 13. Documents Required. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
  - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
  - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 14. Future swimming pool sites. Assure in the site/civil/underground utility development that underground utilities are not located in the areas indicated for the future swimming pools.
- PLN 15. Patio enclosure walls. Utilize stack bond concrete block or 8 inch scored face concrete block to avoid a running bond appearance to the patio walls.
- PLN 16. Roof Mechanical Access. Provide permanent securable means of access to service and maintain the roof top mechanical units (example; lockable roof access ladders) as approved by the Director of Planning.
- PLN 17. (add any additional conditions imposed by the Planning Commission or City Council here)



### **POLICE DEPARTMENT CONDITIONS**

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

### **ACCESSIBILITY CONDITIONS**

- ADA 1. Project shall conform to all codes and regulations relating to accessibility in all aspects of the development.

### **BUILDING DEPARTMENT CONDITIONS**

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

### **ENGINEERING DEPARTMENT CONDITIONS**

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

#### **STREETS**

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. 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.
- ENG 3. The applicant shall be required to construct on-site asphalt concrete paving 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. Install on-site asphalt concrete paving 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 on-site asphalt concrete paving prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to project acceptance, 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.

## INDIAN CANYON DRIVE

- ENG 4. Dedicate additional right-of-way for a property line - corner cut-back at the northwest and southwest corners of the site, in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 5. Construct an 8 inch curb and gutter, 38 feet east of centerline along the entire frontage, with a 35 feet radius curb return (and spandrel) at the northeast corner of the intersection of Indian Canyon Drive and Simms Road, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 6. Remove the existing street improvements as necessary to construct the north half of an 8 feet wide cross gutter and spandrel at the northeast corner of the intersection of Indian Canyon Drive and Simms Road with a flow line parallel with and located 38 feet east of the centerline of Indian Canyon Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 7. Construct a meandering 8 feet wide sidewalk along the entire frontage. A sidewalk easement shall be dedicated for those portions of the meandering sidewalk that extend onto private property.
- ENG 8. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of Indian Canyon Drive and Simms Road, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 9. If not already constructed by others, construct a 14-foot wide raised landscaped median island across the entire frontage. Provide a 100 feet long northbound left turn pocket at San Rafael Drive with a 90 feet long bay taper. Provide a 50 feet long southbound left turn pocket at Simms Road with a 60 feet long bay taper. The left turn pockets and bay taper lengths may be revised by the City Engineer, and shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual.
- ENG 10. Submit landscaping and irrigation system improvement plans for the median for review and approval by the City Engineer and Director of Parks and Recreation, in conjunction with the associated street improvement plans. The irrigation system shall be separately metered from the parkway landscaping to be maintained by the applicant, for future use by the City upon acceptance of the median landscaping by the City. The plans shall be approved in conjunction with the street improvement plans for the median and prior to issuance of a building permit, unless otherwise allowed by the City Engineer.
- ENG 11. All median landscaping shall be guaranteed for a period of 90 days from the date of acceptance by the City Engineer. Any landscaping that fails during the 90-day landscape maintenance period shall be replaced with similar plant

material to the satisfaction of the City Engineer, and shall be subject to a subsequent 90-day landscape maintenance period.

ENG 12. Construct pavement with a minimum pavement section of 5 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 clean sawcut edge of pavement along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 340. 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 13. Construct a minimum 1" asphalt concrete overlay from the future easterly median curb over existing asphalt concrete pavement along the Indian Canyon Drive frontage, or as required by the City Engineer. Final overlay requirements shall be determined by the City Engineer upon review of street improvement plans and proposed cross-sections.

#### SAN RAFAEL DRIVE

ENG 14. Remove existing street improvements as necessary to construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 215 feet east of the centerline of Indian Canyon Drive. This driveway access shall not be gated.

ENG 15. Construct a Type A curb ramp meeting current California State Accessibility standards at each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

ENG 16. All broken or off grade street improvements shall be repaired or replaced.

#### SIMMS ROAD

ENG 17. Remove existing street improvements and construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 215

feet east of the centerline of Indian Canyon Drive. This driveway access shall not be gated.

- ENG 18. Construct a Type A curb ramp meeting current California State Accessibility standards at each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 19. 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 20. All broken or off grade street improvements shall be repaired or replaced.

#### ON-SITE

- ENG 21. All on-site drive aisles shall be two-way with a minimum 24 feet wide travelway (as measured from face of curb) where no on-street parking is proposed.
- ENG 22. All on-site private drive aisles shall be two-way with a minimum 32 feet wide travelway (as measured from face of curb) where on-street parallel parking is proposed on one-side of the street.
- ENG 23. The on-site parking lot shall be constructed with curbs and cross gutters as necessary to accept and convey surface drainage, in accordance with applicable City standards.
- ENG 24. Parking shall be restricted as necessary to maintain a 24 feet wide clear two-way travelway. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the drive aisles as necessary to enforce parking restrictions. The Home Owners Association shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions required for the development.
- ENG 25. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.
- ENG 26. The minimum pavement section for all on-site pavement shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a

minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

#### SANITARY SEWER

- ENG 27. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 28. The on-site private sewer system shall connect to the existing public sewer main with standard sewer lateral connections in accordance with City of Palm Springs Standard Drawing No. 405.
- ENG 29. On-site private sewer plans shall be submitted to the Engineering Division for review and approval. Private on-site sewer mains for residential projects shall conform to City sewer design standards, including construction of 8 inch V.C.P. sewer main and standard sewer manholes. Sewer manhole covers shall be identified as "Private Sewer". A profile view of the on-site private sewer mains is not necessary if sufficient invert information is provided in the plan view, including elevations with conflicting utility lines. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division.
- ENG 30. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.

#### GRADING

- ENG 31. Submit a Precise Grading and Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.
- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has

completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving plan.

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

- ENG 32. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 33. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 34. 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 35. 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.

If there is a gap in the project phasing of more than 30 days, the disturbed areas on-site shall be permanently stabilized and the perimeter fencing removed.

- ENG 36. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 37. Notice of Intent to comply with the California General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 38. Projects causing soil disturbance of one acre or more, must comply with either the General Permit for Stormwater Discharges Associated with Construction Activity or the General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). Where applicable, the project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 39. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 40. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 41. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.

ENG 42. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### WATER QUALITY MANAGEMENT PLAN

ENG 43. 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.

ENG 44. 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 Final Project-Specific 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 Covenants, Conditions, 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. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

ENG 45. 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 Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions: and,
- c) Demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners/occupants.



## DRAINAGE

- ENG 46. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer, shall be required to contain the increased stormwater runoff generated by the development of the property, as described in the Preliminary Hydrology Study for Palm Springs – Indian Canyon, Tentative Tract No. 36185, prepared by MSA Consulting, Inc., (dated April 17, 2009), and to determine required stormwater runoff mitigation measures for the proposed development. Final retention system sizing and other stormwater runoff mitigation measures, and other specifications for construction of required on-site storm drainage improvements shall be finalized in the final hydrology study for this project and approved by the City Engineer. Redesign or changes to site configuration or layout consistent with the findings of the final hydrology study may be necessary upon review and approval of the final hydrology study.
- ENG 47. The proposed underground retention system shall be installed on-site. The underground stormwater retention system shall be sized to have a sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required retention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Provisions for maintenance of the underground stormwater retention system shall be included in Covenants, Conditions, and Restrictions (CC&R's) for the Home Owners Association (HOA), including reference to the fact that maintenance and/or replacement of the system may require removal of existing landscaping improvements at the sole expense of the HOA. The CC&R's shall reserve the right of the City to inspect and ensure that the underground retention system is operable, and in the event of its failure, shall provide the City the right to advise the HOA and require its repair or replacement to the satisfaction of the City Engineer.
- ENG 48. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Indian Canyon Drive, San Rafael Drive, or Simms Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 49. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.

- ENG 50. Construct storm drain improvements, including but not limited to catch basins and storm drain lines for on-site drainage into the underground retention system, as described in the Preliminary Hydrology Study for Palm Springs – Indian Canyon, Tentative Tract No. 36185, prepared by MSA Consulting, Inc., (dated April 17, 2009). The hydrology study for Tentative Tract No. 36185 shall be amended to include catch basin sizing, storm drain pipe sizing, and underground retention system sizing calculations and other specifications for construction of required on-site storm drainage improvements.
- ENG 51. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 52. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.
- ENG 53. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$6,511.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

#### GENERAL

- ENG 54. 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 55. 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.
- ENG 56. All proposed utility lines shall be installed underground.
- ENG 57. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the west and north property lines 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 Division 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 Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.

- ENG 58. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 59. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 60. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to acceptance of the project by the City. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 61. 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 62. 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 63. 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.
- ENG 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), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

## TRAFFIC

- ENG 66. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the two driveway access points into the development in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
- ENG 67. Submit traffic striping plans for Indian Canyon Drive, prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.
- ENG 68. The applicant shall provide and install a 9500 lumen high pressure sodium vapor safety street light with glare shield on a marbelite pole on the northeast corner of Indian Canyon Drive and Simms Road with the mast arm over Indian Canyon Drive. The pole and luminaire shall be furnished by the developer. The developer shall coordinate with Southern California Edison for required permits and work orders necessary to provide electrical service to the street light.
- ENG 69. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 70. 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 71. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and