



Planning Commission Staff Report

Date: November 12, 2009

Case No.: 5.1228 – CUP

Type: Conditional Use Permit

Location: 6620 North Indian Canyon Drive (southeast corner of North Indian Canyon Drive and Interstate-10 eastbound onramp)

APN: 666-370-025

Applicant: Del Taco, LLC

General Plan: RBC (Regional Business Center)

Zone: H-C (Highway Commercial)

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

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The applicant has requested a Conditional Use Permit (CUP) to allow the use of a drive-through facility and an architectural approval for the construction of a restaurant building on a vacant lot located at 6620 North Indian Canyon Drive (southeast corner of North Indian Canyon Drive and Interstate-10 east bound onramp).

RECOMMENDATION:

That the Planning Commission approve Conditional Use Permit, Case No. 5.1228, including architectural approval, subject to the conditions outlined in the attached Resolution.

PRIOR ACTIONS:

On September 21, 2009, the Architectural Advisory Committee (AAC) reviewed the proposed project and by a vote of 5-0 restudied the proposal with the following comments:

1. Reduce the building height to twenty feet or less.
2. Prefer a more sustainable building.
3. Bring drive-through wall as far north as possible to mitigate wind at drive-through window.
4. On-site parking for RVs / boats may be desirable.
5. Screening of utility doors should be accommodated by landscaping.
6. Landscaping: California Pepper tree may not survive in extreme winds – use alternative such as a Mesquite or Acacia tree.
7. Landscaping: Bottle tree out of character for palette – use alternative.
8. Landscaping: Fortnight Lily, Golden Carpet, Texas Privet, bird of paradise, etc. will likely struggle in the sun and wind – consider more true desert plants instead.

On October 12, 2009, the Architectural Advisory Committee (AAC) reviewed the revised project and by a vote of 7-0 recommended approval to the Planning Commission with the following comments:

1. Overhangs should extend to a minimum of four to five feet from the building.
2. Parapet should be six inches above highest point of mechanical equipment on roof.
3. Plant spacing on final landscape plan needs to be looked at carefully.
4. Alternate plant should be considered for Pittosporum Tobira.
5. Provide wall or landscaping to mitigate wind at service door.

The applicant has incorporated these changes into the plans.

BACKGROUND AND SETTING:

The subject site is an approximately 0.79-acre parcel located at the southeast corner of North Indian Canyon Drive and the Interstate-10 (I-10) eastbound on-ramp. The site was originally an approximately 0.86-acre parcel; however, with the recent plans to modify the I-10 interchange, additional right-of-way was acquired from the subject site.

Table 1: The surrounding Land Uses are tabled below:

	Land Use	General Plan	Zoning
North	Interstate-10	RBC (Regional Business Center)	Unincorporated Area
East	Vacant	RBC (Regional Business Center)	HC (Highway Commercial)
South	Gas Station (Chevron)	RBC (Regional Business Center)	HC (Highway Commercial)
West	Gas Station (Pilot)	RBC (Regional Business Center)	HC (Highway Commercial)

The restaurant is proposed as a one-story building that is approximately 2,163 square feet in size. A sixty-five foot wide landscape buffer is proposed along the North Indian Canyon Drive frontage. A drive-through lane is proposed along the northern portion of the property which wraps around the building on the north and west sides. The drive-through service window is proposed to be covered. The parking lot is proposed to be located east of the building and will contain twenty-seven parking spaces. A reciprocal access easement is located on the east side of the Chevron property to the south and it provides the subject site access to Garnet Avenue. The easement is forty feet wide and includes a twenty-four foot wide driveway and a ten foot wide "RV & Bus Parking Only" lane.

ANALYSIS:

General Plan

The General Plan designation of the subject site is RBC (Regional Business Center). The General Plan states...

The RBC designation should the Regional Business Center area is intended to accommodate a wide variety of business activities in a multi-use environment. The RBC will provide job opportunities for the residents of Palm Springs and the whole of the Coachella Valley. Commercial, office, and industrial uses that can be supported by their proximity to the freeway are encouraged in this area... Commercial uses can include retail establishments, hotels, automobile dealerships, and other uses that serve a regional population.

The proposed drive-through restaurant is a commercial use that will serve the regional population.

Zoning

The site is located within the HC (Highway Commercial) zone. Pursuant to Section 92.14.1.01(A)(4) of the Palm Springs Zoning Code (PSZC), restaurants (all types) are permitted within the HC zone. A drive-through facilities is a permitted use with a conditional use permit pursuant to Section 92.14.1.00(D)(1) and 92.12.01(D)(13) of the PSZC.

Table 2: Proposed project compared to HC Development Standards:

	HC Zone Requirements	Proposed Project (approximate)
Front Yard Setback	25 feet	25 feet
Freeway (Side) Yard Setback	25 feet	33 feet
Side Yard Setback	20 feet	33 feet
Rear Yard Setback	20 feet	161 feet
Building Height	30 feet	20 feet
Maximum Lot Coverage	No Requirement	6.25%
Minimum Landscaped Area	20%	25%

The proposed project meets all the requirements of the HC zone and is consistent with the property development standards outlined therein.

Parking

The parking ratio outlined in Section 93.06.00(D) of the Zoning Code requires "one parking space for every thirty-five square feet of gross floor area where the public is served, or one space for every three seats." The proposed use will have a dining area that is approximately 800 square feet, which would require twenty-three parking spaces. The floor plan shows the restaurant has forty-four seats, which would require fifteen seats. The project proposes twenty-seven parking spaces and conforms to the off-street parking requirements of Section 93.06.00 of the PSZC.

As noted previously, the applicant intends to designate oversized vehicle parking on the access easement located on the property to the south. Section 92.14.1.03(1)(2) of the PSZC states...

The planning commission may allow a maximum of fifteen (15) of the total required parking spaces to be used for pull-through RV and truck parking spaces for restaurant, hotel and automobile service station, and other similar, uses. Such spaces shall be a minimum size of ten (10) feet by thirty-eight (38) feet, and may count as two standard spaces. A minimum of the first twenty (20) spaces required of any use shall be standard spaces.

The designated RV and truck parking area will be ten feet wide by approximately 153 feet long. This allows for up to four RVs/ trucks parked in the lane at one time. Therefore, the proposed plan exceeds the minimum parking requirements of the PSZC by providing more parking spaces and RV / truck parking spaces than necessary.

Drive-Through

Pursuant to Section 93.06.00(C)(18) of the PSZC, drive-through facilities must conform to four regulations. Staff has provided analysis after each regulation below.

- a. *Safe on- and off-site traffic and pedestrian circulation shall be provided, including, but not limited to, traffic circulation which does not conflict with entering or exiting traffic to the site, parking or pedestrian movements.*

The entrance to the drive-through facility is located at the end of a drive-aisle which has adequate stacking capability to allow for safe circulation. The exit of the drive-through allows adequate visibility for a safe transition to an interior driveway.

- b. *A stacking area shall be provided for each service window or machine and shall provide a minimum of seven (7) tandem standing spaces inclusive of the vehicle*

being serviced. The standing spaces shall not extend into the public right-of-way nor interfere with any internal circulation patterns. Vehicles at service windows or machines shall be provided with a shade structure.

The drive-through provides for nine tandem standing spaces inclusive of the vehicle being serviced. All nine spaces do not impede the nearby parking or the circulation of vehicles within the parking lot.

- c. *The drive-through facility shall be designed to integrate with existing or proposed structures, including roof lines, building materials, signage and landscaping.*

The proposed drive-through shade structure uses the same roof line as the overhangs located on all sides of the building and the colors and materials are all consistent with the proposed architecture of the building. Therefore, the facility is designed to integrate with the proposed structure.

- d. *Amplification equipment, lighting and location of drive-through elements and service windows shall be screened from public rights-of-way and adjacent properties.*

The drive-through elements and car stacking will be located behind a landscape screen that ranges from twelve feet to twenty feet in width. The service window is located behind a screen wall.

Architecture

The Zoning Ordinance, Section 94.04.00(D)(1-9), provides guidelines for the Architectural review of development projects to determine whether the proposed development will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance is evaluated, based on consideration of the following:

- 1. Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas;*

Access throughout the proposed project is designed according to the requirements of the Uniform Building Code and ADA rules, including accessible pathways, handicapped parking spaces and vehicular access. The buildings are oriented relative to the existing buildings in the immediate surroundings.

- 2. Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

The properties to the west and south are single-story automobile fuel stations. The proposed restaurant building has a harmonious relationship with the existing development since it is a one story restaurant building.

3. Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment;

The proposed height of twenty feet, mass of the building and setbacks are compliant with the requirements of the Palm Springs Zoning Code. Parking is adequate; the proposed landscape provides adequate screening and shading; and all mechanical equipment will be concealed behind a parapet wall.

4. Building design, materials and colors to be sympathetic with desert surroundings; 5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures, which are visible simultaneously; AND 6. Consistency of composition and treatment;

The proposed building is a simple design with basic materials that include stucco and metals. The colors include light tan for the main wall stucco and a darker brown for the wainscot. The metal overhang will be a deep red and the windows are proposed to be a bronze anodized aluminum. The proposed color palette reflects colors found in the surrounding mountains and desert vegetation.

The building is oriented to utilize good solar control with a consistent composition of architectural overhangs and projections. The pedestrian entry is located on the east side of the building and away from the prevailing winds. The drive-through window is shielded from the prevailing winds by a twelve foot high solid stucco wall. Therefore, the building design, materials, and colors are sympathetic with the desert surroundings.

7. Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;

The landscape design proposes drought tolerant trees, shrubs and groundcover. Drip emitters will deliver water to each individual plant, thereby practicing water efficient irrigation methods.

REQUIRED FINDINGS:

The Conditional Use Permit process outlined in Section 94.02.00 of the Zoning Code requires the Planning Commission to make a number of findings for approval of the permit. Those findings are analyzed by staff in order below:

- 1) *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 site is located within the HC (Highway Commercial) zone. Pursuant to Section 92.14.1.01(A)(4) of the Palm Springs Zoning Code (PSZC), restaurants (all types) are permitted within the HC zone. A drive-through facilities is a permitted use with a conditional use permit pursuant to Section 92.14.1.00(D)(1) and 92.12.01(D)(13) of the PSZC.

- 2) *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 General Plan designation of the subject site is RBC (Regional Business Center). The General Plan states...

The RBC designation should the Regional Business Center area is intended to accommodate a wide variety of business activities in a multi-use environment. The RBC will provide job opportunities for the residents of Palm Springs and the whole of the Coachella Valley. Commercial, office, and industrial uses that can be supported by their proximity to the freeway are encouraged in this area... Commercial uses can include retail establishments, hotels, automobile dealerships, and other uses that serve a regional population.

The proposed drive-through restaurant is a commercial use that will serve the regional population; therefore, the use is consistent with the General Plan. The use is not detrimental to existing or future uses specifically permitted in the zone since there are other drive-through restaurants that exist in the area.

- 3) *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 size of the proposed restaurant is approximately 2,163 square feet in area. The drive-through facility will allow up to nine vehicles without impeding parking lot traffic; a minimum of seven is required by the Zoning Code. The project proposes more parking spaces than is required by the PSZC, as well as additional parking for RV and truck parking. Adequate landscape buffers are provided for screening. Therefore, the project site is adequate in size and shape to accommodate the proposed project, right of way improvements, required parking and other features necessary to adjust such use to those existing or permitted future uses of land in the neighborhood.

- 4) *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 site is located on the east side of North Indian Canyon Drive and south of the I-10 freeway onramp. North Indian Canyon Drive is designated as a Major Thoroughfare on the City's General Plan Circulation Map; the thoroughfare is fully improved and will provide access to the proposed use.

- 5) *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. Such conditions may include:*
- a. *Regulation of use*
 - b. *Special yards, space and buffers*
 - c. *Fences and walls*
 - d. *Surfacing of parking areas subject to city specifications*
 - e. *Requiring street, service road, or alley dedications and improvements or appropriate bonds*
 - f. *Regulation of points of vehicular ingress and egress*
 - g. *Regulation of signs*
 - h. *Requiring landscaping and maintenance thereof*
 - i. *Requiring maintenance of grounds*
 - j. *Regulation of noise, vibrations, odors, etc.*
 - k. *Regulation of time for certain activities*
 - l. *Time period within which the proposed use shall be developed*
 - m. *Duration of use*
 - n. *Dedication of property for public use*
 - o. *Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare. No minor modifications to development standards are included.

CONCLUSION:

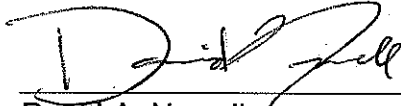
The proposed project is consistent with the use on the site and is compatible with the General Plan and Zoning Ordinance land uses. Staff recommends that the Planning Commission approve the building architecture and drive-through for the issuance of the Conditional Use Permit, Case 5.1228.

ENVIRONMENTAL DETERMINATION:

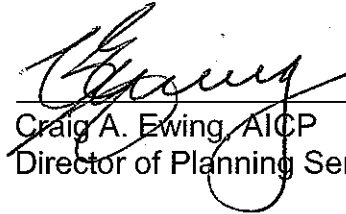
This project is categorically exempt from environmental review pursuant to Section 15303(c) (Class 3 – new restaurant not exceeding 2,500 square feet) of the California Environmental Quality Act (CEQA).

NOTIFICATION:

A notice was mailed to all property owners within a four hundred foot radius in accordance with state law. As of the writing of this report, no correspondence from the public has been received by staff.



David A. Newell
Associate Planner



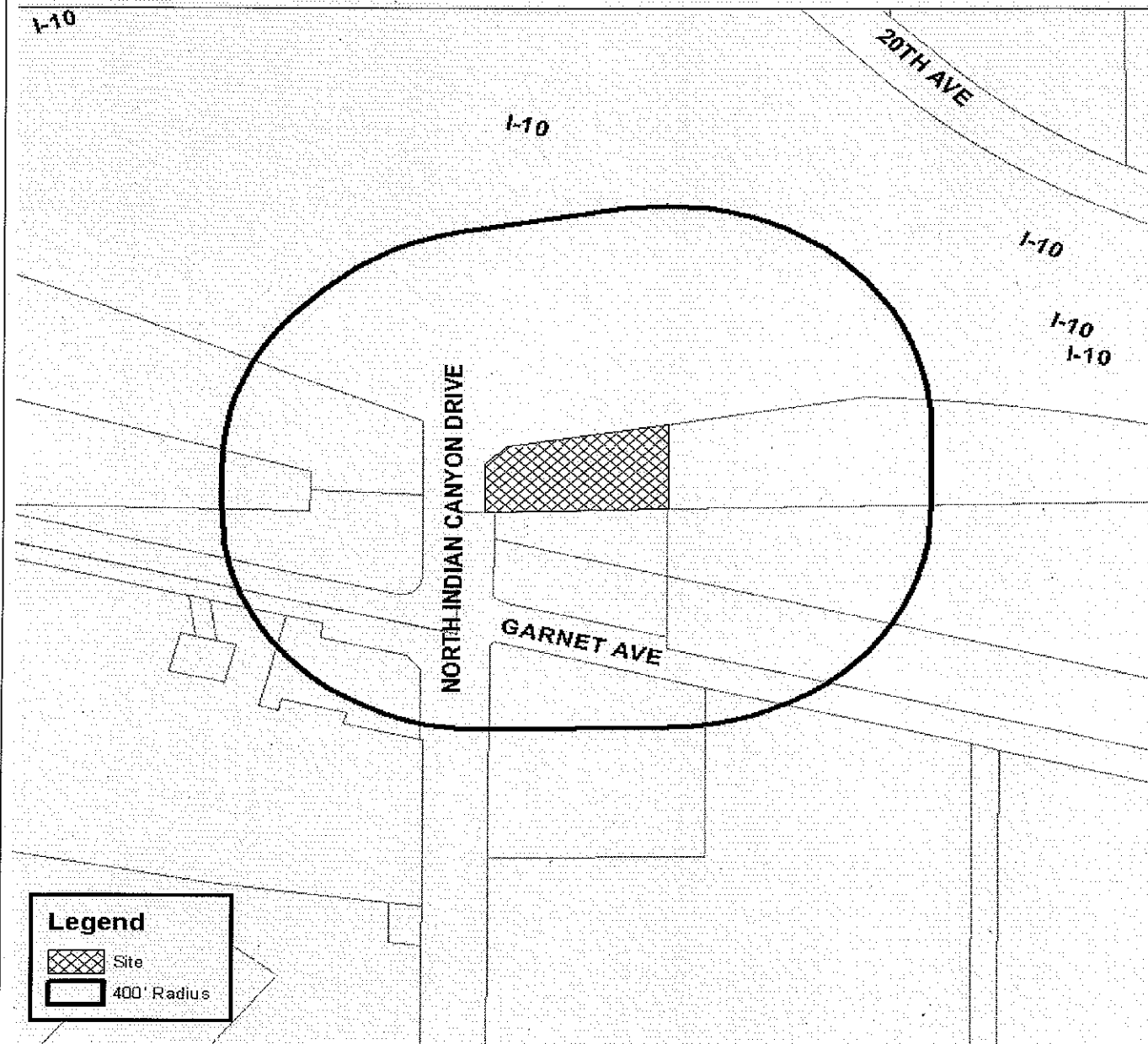
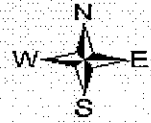
Craig A. Ewing, AICP
Director of Planning Services

Attachments:

1. 400' Radius Map
2. Draft Resolution & Conditions of Approval
3. Reduced Site Plan and Elevations



Department of Planning Services Vicinity Map



Legend

-  Site
-  400' Radius

CITY OF PALM SPRINGS

CASE NO: 5.1228 CUP

APPLICANT: Del Taco, LLC

DESCRIPTION: To consider an application by Del Taco, LLC., for a Conditional Use Permit to construct a new drive-through restaurant that is approximately 2,163 square feet in size on a vacant property located at 6620 North Indian Canyon Drive (east of Indian Canyon Drive and south of the Interstate-10 eastbound onramp), Zoned H-C.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NUMBER 5.1228 CONDITIONAL USE PERMIT TO ALLOW THE USE OF A DRIVE-THROUGH FACILITY AND THE CONSTRUCTION OF A NEW RESTAURANT LOCATED AT 6620 NORTH INDIAN CANYON DRIVE.

WHEREAS, Del Taco, LLC ("Applicant") filed an application with the City for a Conditional Use Permit to allow the use of a drive-through facility and architectural approval of a restaurant building located at 6620 North Indian Canyon Drive, APN 666-370-025, Section 14/3/4; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider an application for Conditional Use Permit 5.1228 was issued in accordance with applicable law; and

WHEREAS, on November 12, 2009, the public hearing on the application for Conditional Use Permit 5.1228 was held by the Planning Commission in accordance with applicable law; and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: This project is categorically exempt from environmental review pursuant to Section 15303(c) (Class 3 – new restaurant not exceeding 2,500 square feet) of the California Environmental Quality Act (CEQA).

Section 2: Pursuant to Section 93.06.00(C)(18) of the PSZC, drive-through facilities must conform to the following regulations:

- a. *Safe on- and off-site traffic and pedestrian circulation shall be provided, including, but not limited to, traffic circulation which does not conflict with entering or exiting traffic to the site, parking or pedestrian movements.*

The entrance to the drive-through facility is located at the end of a drive-aisle which has adequate stacking capability to allow for safe circulation. The exit of the drive-through allows adequate visibility for a safe transition to an interior driveway.

- b. *A stacking area shall be provided for each service window or machine and shall provide a minimum of seven (7) tandem standing spaces inclusive of the vehicle*

being serviced. The standing spaces shall not extend into the public right-of-way nor interfere with any internal circulation patterns. Vehicles at service windows or machines shall be provided with a shade structure.

The drive-through provides for nine tandem standing spaces inclusive of the vehicle being serviced. All nine spaces do not impede the nearby parking or the circulation of vehicles within the parking lot.

- c. *The drive-through facility shall be designed to integrate with existing or proposed structures, including roof lines, building materials, signage and landscaping.*

The proposed drive-through shade structure uses the same roof line as the overhangs located on all sides of the building and the colors and materials are all consistent with the proposed architecture of the building. Therefore, the facility is designed to integrate with the proposed structure.

- d. *Amplification equipment, lighting and location of drive-through elements and service windows shall be screened from public rights-of-way and adjacent properties.*

The drive-through elements and car stacking will be located behind a landscape screen that ranges from twelve feet to twenty feet in width. The service window is located behind a screen wall.

Section 3: Pursuant to Section 94.04.00 of the Zoning Ordinance, the Planning Commission finds

1. *Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas;*

Access throughout the proposed project is designed according to the requirements of the Uniform Building Code and ADA rules, including accessible pathways, handicapped parking spaces and vehicular access. The buildings are oriented relative to the existing buildings in the immediate surroundings.

2. *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

The properties to the west and south are single-story automobile fuel stations. The proposed restaurant building has a harmonious relationship with the existing development since it is a one story restaurant building.

3. *Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment;*

The proposed height of twenty feet, mass of the building and setbacks are compliant with the requirements of the Palm Springs Zoning Code. Parking is adequate; the proposed landscape provides adequate screening and shading; and all mechanical equipment will be concealed behind a parapet wall.

4. *Building design, materials and colors to be sympathetic with desert surroundings;*
AND
5. *Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures, which are visible simultaneously;*
AND
6. *Consistency of composition and treatment;*

The proposed building is a simple design with basic materials that include stucco and metals. The colors include light tan for the main wall stucco and a darker brown for the wainscot. The metal overhang will be a deep red and the windows are proposed to be a bronze anodized aluminum. The proposed color palette reflects colors found in the surrounding mountains and desert vegetation.

The building is oriented to utilize good solar control with a consistent composition of architectural overhangs and projections. The pedestrian entry is located on the east side of the building and away from the prevailing winds. The drive-through window is shielded from the prevailing winds by a twelve foot high solid stucco wall. Therefore, the building design, materials, and colors are sympathetic with the desert surroundings.

7. *Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;*

The landscape design proposes drought tolerant trees, shrubs and groundcover. Drip emitters will deliver water to each individual plant, thereby practicing water efficient irrigation methods.

Section 4: The Conditional Use Permit process outlined in Section 94.02.00 of the Zoning Code requires the Planning Commission to make a number of findings for approval of the permit. Therefore, the Planning Commission finds:

1. *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 site is located within the HC (Highway Commercial) zone. Pursuant to Section 92.14.1.01(A)(4) of the Palm Springs Zoning Code (PSZC), restaurants (all types) are permitted within the HC zone. A drive-through facilities is a permitted use with a conditional use permit pursuant to Section 92.14.1.00(D)(1) and 92.12.01(D)(13) of the PSZC.

2. *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 General Plan designation of the subject site is RBC (Regional Business Center). The General Plan states...

The RBC designation should the Regional Business Center area is intended to accommodate a wide variety of business activities in a multi-use environment. The RBC will provide job opportunities for the residents of Palm Springs and the whole of the Coachella Valley. Commercial, office, and industrial uses that can be supported by their proximity to the freeway are encouraged in this area... Commercial uses can include retail establishments, hotels, automobile dealerships, and other uses that serve a regional population.

The proposed drive-through restaurant is a commercial use that will serve the regional population; therefore, the use is consistent with the General Plan. The use is not detrimental to existing or future uses specifically permitted in the zone since there are other drive-through restaurants that exist in the area.

3. *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 size of the proposed restaurant is approximately 2,163 square feet in area. The drive-through facility will allow up to nine vehicles without impeding parking lot traffic; a minimum of seven is required by the Zoning Code. The project proposes more parking spaces than is required by the PSZC, as well as additional parking for RV and truck parking. Adequate landscape buffers are provided for screening. Therefore, the project site is adequate in size and shape to accommodate the proposed project, right of way improvements, required parking and other features necessary to adjust such use to those existing or permitted future uses of land in the neighborhood.

4. *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 site is located on the east side of North Indian Canyon Drive and south of the I-10 freeway onramp. North Indian Canyon Drive is designated as a Major Thoroughfare on the City's General Plan Circulation Map; the thoroughfare is fully improved and will provide access to the proposed use.

5. *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. Such conditions may include:*
- a. *Regulation of use*
 - b. *Special yards, space and buffers*
 - c. *Fences and walls*
 - d. *Surfacing of parking areas subject to city specifications*
 - e. *Requiring street, service road, or alley dedications and improvements or appropriate bonds*
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 - g. *Regulation of signs*
 - h. *Requiring landscaping and maintenance thereof*
 - i. *Requiring maintenance of grounds*
 - j. *Regulation of noise, vibrations, odors, etc.*
 - k. *Regulation of time for certain activities*
 - l. *Time period within which the proposed use shall be developed*
 - m. *Duration of use*
 - n. *Dedication of property for public use*
 - o. *Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare. No minor modifications to development standards are included.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Conditional Use Permit 5.1228, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 12th day of November, 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO. _____

EXHIBIT A

Case 5.1228 CUP
Del Taco, LLC

6610 North Indian Canyon Drive

November 12, 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

- ADM 1 Project Description. This approval is for the project described per Case 5.1228 CUP except as modified by the conditions below.
- ADM 2 Reference documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (date), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3 Conform to all codes and regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4 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.
- ADM 5 Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case 5.1228 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6 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.
- ADM 7 Time Limit on Approval. Approval of this Conditional Use Permit, including Architectural Approval, 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. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.
- ADM 8 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.
- ADM 9 Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and 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.

- ADM 10 Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Police or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.
- ADM 11 Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 12 Seating Count. The applicant shall be limited to a maximum of 47 indoor seats as shown on the approved floor plan. Any deviation from these numbers shall require prior approval by the Director of Planning.
- ADM 13 Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.
- 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).

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 to the Department of Planning Services 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. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.
- 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 that is visible from adjacent streets or residential and commercial areas.
- PLN 8. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 9. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 10. 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 11. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. The City has acquired on behalf of the California Department of Transportation ("Caltrans") a portion of this property required for construction of the Indian Canyon Drive / Interstate 10 Interchange Project to be constructed by the City. The portion of the property acquired in fee is identified as Caltrans Parcel 20557-1, acquired by Grant Deed recorded September 16, 2009, as Instrument No. 482151, records of Riverside County, California. The applicant shall be required to obtain Caltrans approvals for use of this area.
- ENG 3. The applicant shall be required to appropriate landscape Caltrans Parcel 20557-1 with substantial landscaping, as required by the City Engineer. A landscaping plan showing planting of large shrubs, palm trees, decorative hardscape and boulders, and other landscape materials, shall be submitted to the City Engineer for approval. **It is the intent of this condition that this area be significantly landscaped to the degree allowed by Caltrans.** The landscaping plan shall conform to all Caltrans requirements. The landscaping plan shall require review and approval by the Architectural Advisory Committee prior to the City Engineer's approval. Following the City Engineer's approval, the applicant shall submit the landscaping plan to Caltrans for final approval and permitting. The applicant shall be required to maintain the landscaping in accordance with Caltrans requirements.

ENG 4. Access to the property is provided by joint use of the existing driveway by the adjacent property. A copy of the recorded access easement (recorded August 25, 1998, as Instrument No. 356232) shall be submitted to the City Engineer prior to approval of Precise Grading and Paving Plan.

N. INDIAN CANYON DRIVE

ENG 5. The existing joint use access driveway shall be used. No new access shall be allowed. The applicant is advised that restricted access rights have been acquired from the property adjacent to Caltrans Parcel 20557-1.

ENG 6. The City has acquired right-of-way over a portion of this property required for construction of the Indian Canyon Drive / Interstate 10 Interchange Project to be constructed by the City. The portion of the property acquired is identified as Parcel CI-10, acquired by Grant Deed recorded September 16, 2009, as Instrument No. 482152, records of Riverside County, California. No additional right-of-way dedication is required.

ENG 7. No new improvements are required adjacent to Indian Canyon Drive. The applicant is advised that the Indian Canyon Drive / Interstate 10 Interchange Project to be constructed by the City will require removal and reconstruction of the existing joint use access driveway, as well as construction of new street improvements along Indian Canyon Drive. The City has acquired a Temporary Construction Easement (recorded September 16, 2009, as Instrument No. 482153), which grants the City certain rights to enter the property as required to construct the Interchange Project. The applicant is advised to review the Temporary Construction Easement for further information.

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

GARNET AVENUE

ENG 9. Construct a 24 feet wide full access driveway approach in accordance with City of Palm Springs Standard Drawing No. 201. The centerline of the driveway approach shall be located approximately 25 feet west of the east property line of that parcel identified by Assessor's Parcel No. 669-091-018.

ENG 10. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

ENG 11. The southerly 24 feet of the site is restricted by an existing access easement recorded August 25, 1998, as Instrument No. 356233. Access through this area shall be preserved in accordance with the terms of the easement. A copy of the easement shall be provided to the City Engineer with submittal of the Precise Grading and Paving Plan.

ENG 12. The minimum pavement section 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.

ENG 13. The applicant shall obtain necessary easements or other approvals from the adjacent property owner to construct the proposed improvements extending off-site to Garnet Avenue. A copy of a recorded access easement shall be submitted to the City Engineer prior to approval of the Precise Grading and Paving Plan.

SANITARY SEWER

ENG 14. The City recommends that the applicant contact the Riverside County Health Department and the Colorado River Basin Regional Water Quality Control Board (RWQCB) for requirements related to the construction of private septic systems for non-residential uses. Private septic systems may now require additional environmental requirements and/or permits from Riverside County and the RWQCB.

ENG 15. This project is subject to the requirements of the Mission Springs Water District.

ENG 16. Submit public sewer improvement plans prepared by a California registered civil engineer to Mission Springs Water District (MSWD) for review and approval. All bonds required by MSWD for the sewer service must be submitted to MSWD prior to the final design plans being signed. The plans shall be approved by MSWD prior to issuance of building permit.

ENG 17. Construct public sewer improvements, in accordance with sewer improvement plans approved by Mission Springs Water District (MSWD). A private sewer lateral shall be installed for future connection of the private on-site sewer system, to the public sewer, in accordance with the Mission Springs Water District Master Sewer Plan, specifications, rules, laws, ordinances, and regulations. All required sewer improvements shall be completed prior to issuance of building permit.

ENG 18. The applicant shall be required to connect to the MSWD public sewer system as soon as it is available.

GRADING

ENG 19. Submit a Precise Grading and Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise

Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.

- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving plan.
 - b. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; a copy of the project-specific Water Quality Management Plan); and a copy of recorded access easement agreements affecting the property.
- ENG 20. 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 21. 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 22. 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 23. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 24. Notice of Intent to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (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 25. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). 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 26. 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 27. 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 28. 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 29. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 30. 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 31. 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 Property Owner 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 Final 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 32. 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 (where applicable).

DRAINAGE

- ENG 33. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property as described in the Preliminary Hydrology Study prepared by Amir Engineering & Surveying (dated October 22, 2009), and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures 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 34. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to N. Indian Canyon Drive, Garnet Avenue, or any part of Interstate 10. 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. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMP's).
- ENG 35. 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 (if any).

ENG 36. The applicant shall provide a summary of existing and proposed drainage to Caltrans, such that a determination of any impacts to the Interstate 10 on-ramp can be made by Caltrans.

GENERAL

- ENG 37. 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 38. All proposed utility lines shall be installed underground.
- ENG 39. 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 40. 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 41. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to

approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

- ENG 42. 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 43. 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.
- ENG 44. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

TRAFFIC

- ENG 45. As determined by the City of Palm Springs Del Taco Traffic Impact Analysis (revised October 13, 2009) submitted by Kunzman Associates, the following mitigation measure(s) will be required:
- a. Pay a fair share contribution determined as 1.00% (or \$2,500) for the future interconnection of the traffic signal at the intersection of N. Indian Canyon Drive and 20th Avenue. The applicant shall pay the fair share contribution prior to issuance of certificate of occupancy.
- ENG 46. The off-site recreational vehicle (RV)/bus parking area along the east property lines of those parcels identified by Assessor's Parcel No. (APN) 669-091-017 and APN 669-091-018, shall be appropriately signed and striped to indicate the existence of the RV/bus parking area located east of the two-way private travelway.
- ENG 47. 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 48. 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 49. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California

Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

ENG 50. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated 7/17/09. The submitted plans do not provide enough detail. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 4. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- FID 5. **Fire Lane Marking (CFC 503.3):** Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
- FID 6. **Roadway Dimensions:** The Palm Springs Fire Department requirements for two-way private streets, is a **minimum width of 24 feet**, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

- FID 7. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 8. **Turning radius (CFC 503.2.4):** Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 9. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 10. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.
- FID 11. **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** A new commercial fire hydrant shall be installed within 250 feet of all combustible construction. It shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 12. **Identification (CFC 510.1):** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
- FID 13. **NFPA 13 Fire Sprinkler System is Required:** The location of this project is beyond the five-minute fire department emergency response time and will require the installation of an approved automatic fire sprinkler system. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2002 Edition, except the seismic bracing and restraints shall comply with NFPA 13, 2007 Edition using C_p of 0.74 and l/r Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval.
- FID 14. **Fire Hydrant & FDC Location (CFC 912.2):** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets,

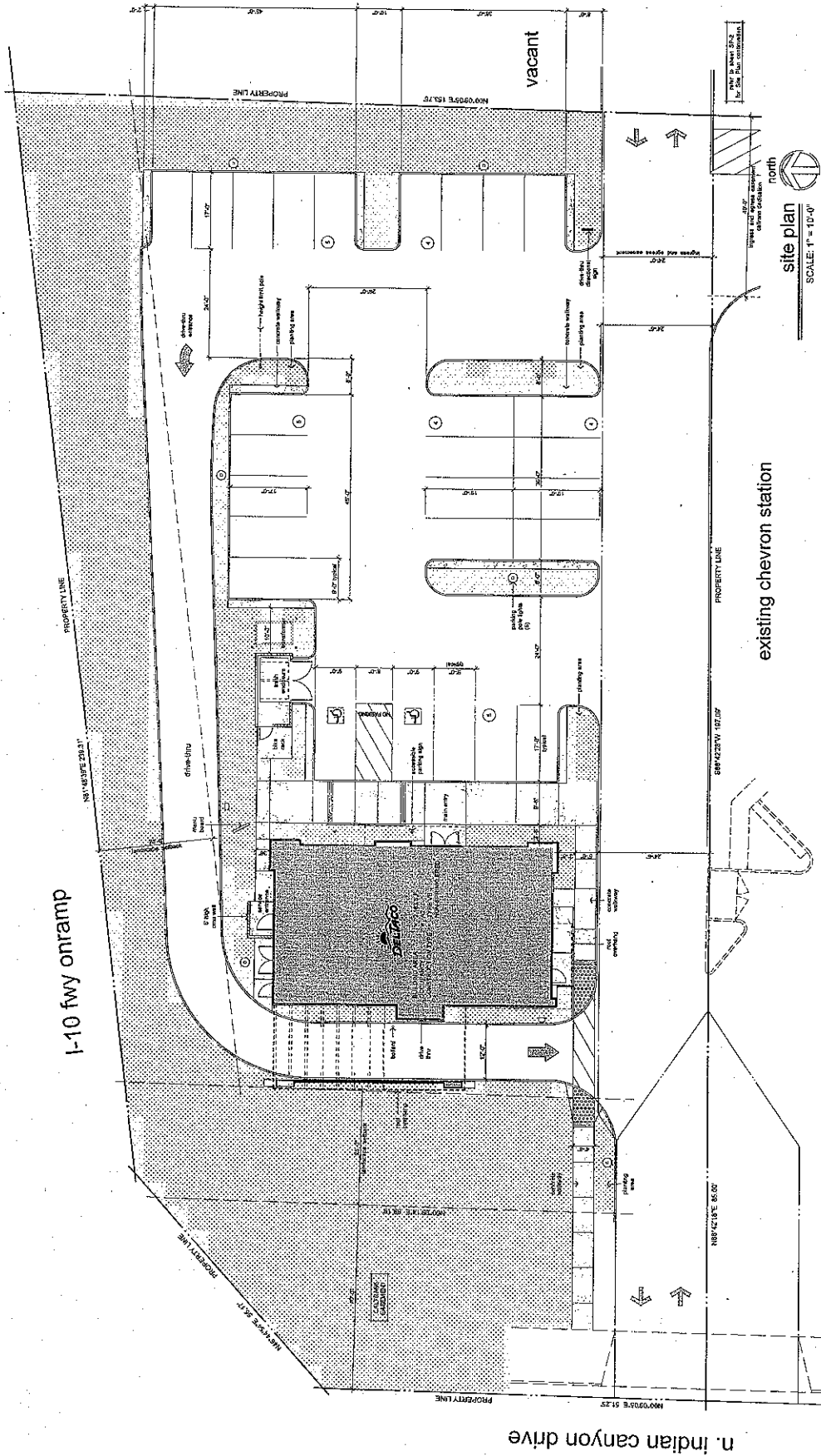
railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.

- FID 15. **Fire Department Connections (CFC 912.2.1 & 912.3):** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
- FID 16. **Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 1,500 GPM with the installation of an automatic fire sprinkler system. The fire flow was based on Appendix B of the 2007 CFC.
- FID 17. **Valve and Water-Flow Monitoring (CFC 903.4):** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID 18. **Central Station Protective Signaling Service (CFC 903.4.1):** A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.
- FID 19. **Audible Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.
- FID 20. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 21. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top is not more than 5 feet above the floor.
- FID 22. **Portable Fire Extinguishers for Food Processing Equipment (CFC 906.4):** In addition to the fixed system, a fire extinguisher listed and labeled for Class K fires shall be installed within 30 feet of commercial food heat

processing equipment, as measured along an unobstructed path of travel. The preferred location is near the exit from the cooking equipment area.

- FID 23. Fire Suppression Systems Testing (CFC 904.4 & NFPA 17A: 6.4.1):** The hood and duct fire extinguishing system shall be function tested prior to final acceptance. Call the fire prevention secretary at 760-323-8186 for an inspection appointment.

END OF CONDITIONS



I-10 fwy onramp

n. indian canyon drive

existing chevron station

SP-1

site plan

Del Taco - Palm Springs, California



DEL TACO, LLC • 25521 Commerce Drive • Lake Forest, CA 92630

October 5, 2009



3199 C. Airport Loop Drive • Costa Mesa, California 92626 • phone 714.745.8812

site plan
SCALE: 1" = 10'-0"

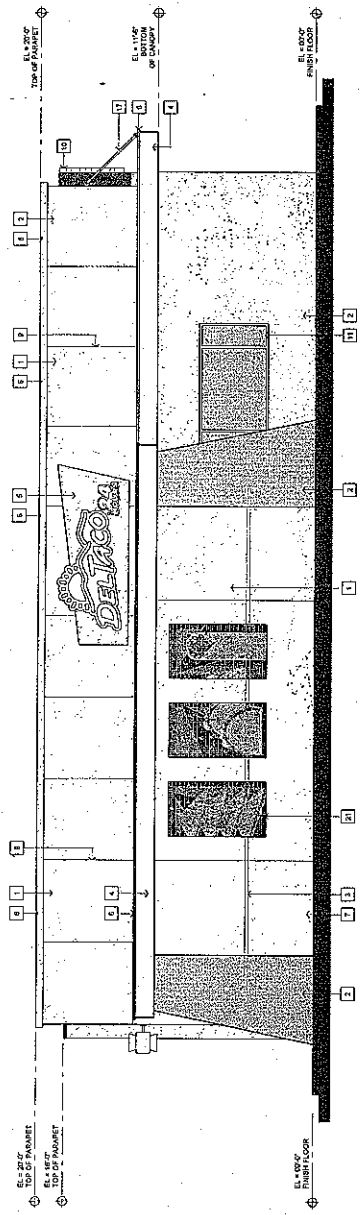


EXTERIOR ELEVATION KEY NOTES

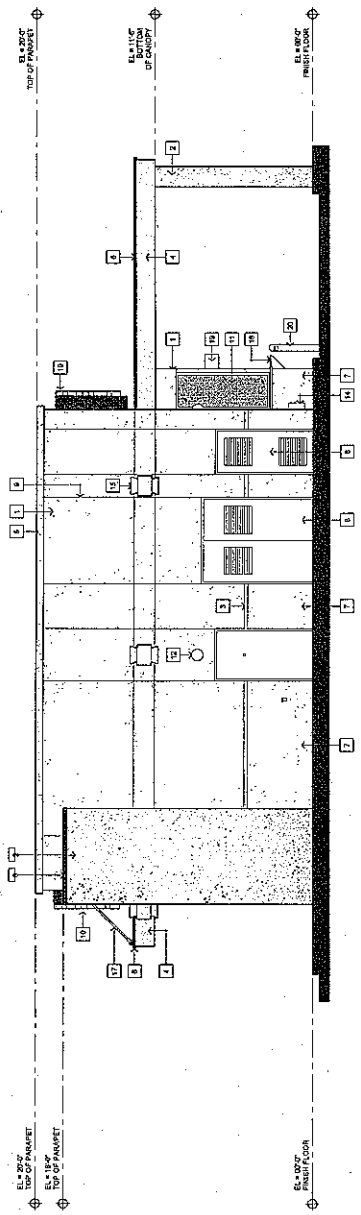
- 1 MAIN EXTERIOR WALL FIELD COLOR
- 2 MAIN EXTERIOR WALL FIELD AND TRIMER COLOR
- 3 ACCENT COLOR ABOVE WAHSCOT
- 4 ROOF CANOPY COLOR
- 5 ROOF CANOPY COLOR
- 6 WAHSCOT FIELD / PARAPET CAP
- 7 WAHSCOT COLOR
- 8 DOOR / WINDOW FRAME COLOR
- 9 PLASTER CONTROL JOINT
- 10 BUILDING SIGNAGE
- 11 ANODIZED ALUMINUM STOREFRONT SYSTEM
- 12 DOOR CASERNA BY ADT
- 13 WATER SERVICE WITH HOSE BIBB
- 14 GAS METER
- 15 LIGHTING FIXTURES
- 16 DEL TACO SIGN LOGO
- 17 ROOF CANOPY SUPPORT BRACE
- 18 STAINLESS SHEET AT DRIVE-THRU
- 19 RY-FAN ABOVE DRIVE-THRU
- 20 DECLARED
- 21 WALL NETWORK

EXTERIOR FINISH LEGEND

- FE4 MAIN EXTERIOR WALL FIELD COLOR
MATERIAL: FINE SAND/FLAT COBE
COLOR: 21600 SUNNY YELLOW (50% BRILL)
- FE3 MAIN EXTERIOR WALL FIELD COLOR
MATERIAL: PALLA & WEDGE JAMES
COLOR: 21630 GOLDEN/WHISKEY (FLAT)
- FE5 ACCENT COLOR ABOVE WAHSCOT
MATERIAL: FINE SAND/FLAT COBE
PLASTER TEXTURE
COLOR: AS-30 MOUNTAIN LAUREL (LOW/USURE)
- FE4 ROOF CANOPY COLOR
MATERIAL: ALUMINUM BRICK/METAL
COLOR: E25 KENTWICK RED (SFA&GL092)
- FE5 ROOF WAHSCOT BOX
MATERIAL: FINE SAND/FLAT COBE
COLOR: 21600 SUNNY YELLOW (50% BRILL)
- FE6 PARAPET FIELD
MATERIAL: CALUMBER METAL FLAKING
COLOR: 21630 BLACK/SHANE
- FE2 WAHSCOT COLOR
MATERIAL: FINE SAND/FLAT COBE
PLASTER TEXTURE
COLOR: 21630 PONY BROWN



west elevation
SCALE: 1/4" = 1'-0"



north elevation
SCALE: 1/4" = 1'-0"

EL-2

exterior elevations



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