



CITY COUNCIL STAFF REPORT

DATE: January 5, 2011

PUBLIC HEARING

SUBJECT: CASE 5.1154 SP – THE DESERT PALISADES SPECIFIC PLAN: AN APPLICATION FOR A SPECIFIC PLAN, GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND TENTATIVE TRACT MAP (35540) FOR DEVELOPMENT OF 110 HOMESITES, A DWA DUAL TANK WATER RESERVOIR, AND RELATED FACILITIES ON A ROUGHLY 117-ACRE SITE IN PLANNING AREA 4 OF THE ESA-SP ZONE (CHINO CONE). THE PROJECT IS LOCATED AT THE WESTERN TERMINUS OF WEST RACQUET CLUB ROAD, SECTION 4, TOWNSHIP 4, RANGE 4 (IL).

FROM: David H. Ready, City Manager

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

SUMMARY

The City Council will consider an application by Pinnacle View, LLC ("applicant") for a Specific Plan in Planning Area 4 of the ESA-SP (Environmentally Sensitive Area – Specific Plan) zone. The application includes

- A General Plan Amendment (GPA)
- A Change of Zone (CZ)
- A Specific Plan (SP)
- A Tentative Tract Map (TTM)
- A Fiscal Impact Study (as required by the Zoning Code for the ESA-SP zone)

The project proposes a Specific Plan (SP) to develop approximately 117 acres for 110 homesites, private roads, public trails, open space, landscaping and an approximately 1.7 acre dual tank domestic water reservoir for the Desert Water Agency. The infrastructure for the project, such as roads, utilities, perimeter landscape buffers and public access trails are to be constructed by the applicant. Homes would be built by future buyers of the individual lots, consistent with the development, design, and landscape standards set forth in the Specific Plan. The proposed water tanks would be developed by the DWA.

A public hearing is required for the City Council to consider the application and the Planning Commission's recommendations.

RECOMMENDATION:

That the City Council:

1. Open the public hearing, accept any testimony and close the public hearing.

Item No. 1.A.

2. Certify the Environmental Impact Report as an adequate analysis of the potential impacts of the proposed project under the guidelines of the California Environmental Quality Act (CEQA), along with the Mitigation Monitoring Plan.
3. Adopt Resolution No. ____, a resolution of the City Council of the City of Palm Springs, California approving the General Plan Amendment changing approximately 12 acres from Planning Area 4 to Planning Area 3 of the Special Policy Area Land Use designation.
4. Introduce on first reading Ordinance No. ____, an ordinance of the City Council of the City of Palm Springs, California, approving the Change of Zone, moving approximately 12 acres from Planning Area 4 to Planning Area 3 of the ESA-SP zone, and adopting the Desert Palisades Specific Plan, which modifies the density and development standards for Planning Area 4 of the Environmentally Sensitive Area – Specific Plan zone (ESA-SP zone), subject to the Conditions of Approval shown in Exhibit A.
5. Adopt Resolution No. ____, a resolution of the City Council of the City of Palm Springs, California approving Tentative Tract Map 35540, a subdivision of approximately 117 acres into 110 residential lots, and other lots for related facilities, subject to the Conditions of Approval shown in Exhibit A.

PRIOR ACTIONS:

On June 23, July 28, September 1, and October 27, 2010 the Planning Commission conducted a public hearing and deliberated on the project. On October 27, the Planning Commission voted 5 - 2 (Conrad, Hudson opposing) recommending that the City Council certify the Final Environmental Impact Report and approve Case 5.1154, including the Desert Palisades Specific Plan, subject to conditions of approval. Further discussion of the Planning Commission's actions is highlighted later in this staff report.

BACKGROUND:

The Purpose of a Specific Plan:

Specific Plans may be adopted by the City for the systematic implementation of the General Plan¹. As noted in the City's General Plan, *"they are typically implemented to provide customized zoning, and are generally used for large-scale projects that require a comprehensive approach to planning and infrastructure issues"*.

A Specific Plan has the potential to amend the City's fundamental land use and community development policies as they apply to the site. Even though analysis of a Specific Plan compares it to the existing General Plan and Zoning Code, the Specific Plan can amend each of these documents. Therefore, the Specific Plan can – and should be – evaluated on its own merits.

¹ Only a limited number of Specific Plans have been adopted in the City; they include Canyon Park, Canyon South (an amendment to the Canyon Park SP), The Section 14 Specific Plan, and the Museum Market Plaza SP.

Key questions for the Council to consider include:

- Does the proposed Specific Plan provide the right guidance to developing the properties it encompasses – both as an expression of General Plan goals, the regulations of the Zoning Code and as a stand-alone document?
- Does the potential development proposed in the Specific Plan reflect the City Council's vision for this part of the City, as characterized by the City's General Plan Special Policy Area and Zoning Ordinance's ESA-SP zone?
- Are there adequate procedures proposed in the Specific Plan for the City to evaluate and approve future development proposals within the boundaries of the Plan?

This staff report, the FEIR and its Technical Appendices, the Planning Commission staff reports and recommendation, and other attachments comprise the base of information for the Council review.

ANALYSIS

Introduction:

As noted in the project summary, the Desert Palisades Specific Plan (DPSP) is comprised of several distinct land use actions:

- A General Plan Amendment (GPA)
- A Change of Zone (CZ)
- A Specific Plan Application (SP)
- A Tentative Tract Map (TTM)

The City Council must certify the EIR as adequate and complete before it may act on the land use proposals.

A brief discussion of each land use action is provided below as well as a discussion of key elements of the Desert Palisades Specific Plan. The draft findings, required by State Law and the Zoning Ordinance, are then presented. The report concludes with a discussion of the Planning Commission's action and a summary of the Environmental Impact Report, including significant impacts.

A General Plan Amendment

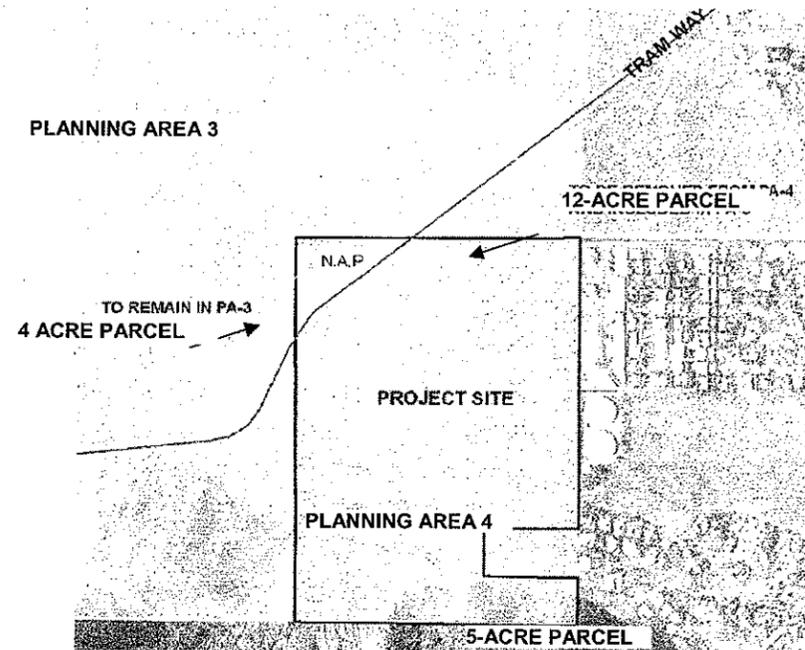
The proposal requires a General Plan Amendment to move roughly 12 acres from Planning Area 4 to Planning Area 3 of the Special Policy Land Use Area to more closely align the planning areas with land ownership of the individual parcels². This 12-acre parcel is part of a larger contiguous parcel of land under Indian ownership, all of which is in Planning Area 3. (see map below)

As it relates to the Chino Cone area, the General Plan notes the following with regard to density

² These Planning Areas correspond to the same Planning Areas in the ESA-SP zone.

in the Chino Cone Special Policy Land Use Area:

“Development densities in the Chino Cone are one dwelling unit per forty acres (1du/40ac). Development applications in excess of this density may be considered with the submittal of a Specific plan and its associated environmental documentation, which would by action, establish a general plan amendment.



AREA MAP SHOWING AREAS AFFECTED BY PROPOSED GENERAL PLAN AMENDMENT AND CHANGE OF ZONE

A Change of Zone

The project also includes a Change of Zone (CZ) application to move the same 12-acre parcel that is the subject of the General Plan Amendment from Planning Area 4 to Planning Area 3 of the ESA-SP zone.

A Specific Plan for Planning Area 4 of the ESA-SP zone.

The Desert Palisades Specific Plan (DPSP) lies within Planning Area 4 of the Environmentally Sensitive Area – Specific Plan (ESA-SP) zone.³ The ESA-SP zone was established in 2006 to provide for the development of environmentally sensitive areas of the city - primarily Chino Cone and the Snow Creek area - in a manner that will preserve the open, rural character of these areas. The purpose of the zone as stated in PSZC Section 93.21.1.00(B) is

“to facilitate the preservation of open space through the creation and implementation of development review considerations that will ensure the

³ The Desert Palisades project is also located in Section 4, which is part of the Agua Caliente Band of Cahuilla Indians reservation; however the ownership status of this parcel is fee simple. Tribal Planning Commission and Tribal Council have indicated that they will not require a formal review of the project prior to review by the Planning Commission and City Council.

evaluation of the suitability of the land for development in a manner which would preserve the character of the land.”

The provisions of the Desert Palisades Specific Plan, if approved, would supersede other provisions of the Palm Springs Zoning Code.

A Tentative Tract Map

A TTM to subdivide the roughly 117-acre parcel (roughly 100 net acres) for the 110 residential lots, private roads, public trails, open space and DWA reservoir site is also a part of this application. The resulting density is just over 1 dwelling unit per acre (1du/ac).

The map is configured with open space common areas between each lot to preserve the natural, rural character of the site and provide buffers between each homesite. A public-access trail is included in the map that roughly follows the roadbed of Old Chino Canyon Road. Other open space and out-lots are provided that preserve natural rock fields, arroyos and other existing features of the project site. Open space buffers are provided at the entire perimeter of the project site also, further preserving natural areas and providing visual buffers between the proposed development and adjacent roadways and neighboring parcels.

The proposed water reservoir site is part of the Desert Water Agency's General Plan for water service to the community. While the parcel is shown within the proposed Tentative Tract Map, the tanks would be constructed by the DWA. The tanks are exempt from the development standards of the City's Zoning Code, however the Agency has indicated it will follow the guidelines in the proposed Specific Plan for landscaping and painting the future tanks a color that blends with the surrounding environment.

The following sections provide a brief introduction to certain key components of the Specific Plan. The components include:

- Overall Vision
- Densities, Building Height and Development Standards
- Construction Phasing, Administration, and Fiscal Analysis

Overall Vision

The vision expressed in the Desert Palisades Specific Plan (DPSP) is for a high-end residential neighborhood that respects the rugged and unique characteristics of Chino Cone through comprehensive design standards and landscape guidelines. The design aesthetic described in the DPSP encourages contemporary architecture that blends into the terrain and is appropriate to the desert climate. Low flat roofs, durable materials, broad overhangs to protect glass from the intense desert sun, minimal site disturbance, and a recommended plant palette native to the Chino Cone and desert area are proposed. Preservation of open space, creation of public access trails, a nature interpretative center, and conformance with the rigorous standards ESA-SP zoning ordinance are part of the vision.

Densities, Building Height, Design Guidelines and Development Standards

The underlying ESA-SP zone for Planning Area 4 allows up to two (2) dwelling units per acre with the approval of a Specific Plan. The Desert Palisades project proposes just over 1 dwelling

unit per acre - well within the density limits imposed by the zone.

The DPSP limits the building height of main structures to one story and 18 feet (25 feet maximum with split level structures) and accessory structures (garages, carports, shade pavilions, gazebos, etc). to one story and 12 feet. The intent is to ensure the future residences do not stand out on the landscape, but rather are nestled into the topography and terrain of the site.

The DPSP provides comprehensive design guidelines and development standards for buildings and landscaping. In addition, the Planning Commission recommends that the following development standards as noted in the Conditions of Approval (COA) be incorporated into the text of the Specific Plan:

- COA PLN 36 Planning Commission approval required for common area landscaping, boulder berms and interpretative center(s).
- COA PLN 37 Lot coverage for any lot shall be 6,000 square feet regardless of lot size and merged or combined lots are not entitled to greater coverage limits.
- COA PLN 38 The subdivision may be provided with controlled access vehicular gates at the main entrances to the subdivision; however the gates shall be programmed to be open during the daytime from 8:00 a.m. to 8:00 p.m. and closed from 8:00 p.m. to 8:00 a.m. daily.
- COA PLN 39 Planning Commission Approval required for all future development applications including a 3-dimensional model or computer simulation and on-site story poles to demonstrate the proposed project height.
- COA PLN 40 Tennis Courts shall be conditionally permitted subject to conformance with the design guidelines and with approval by the Planning Commission.

Construction Phasing and Administration

Construction of the private roads, public trails, perimeter landscape buffer and utilities would occur as one complete phase. This is necessary because the roads and utilities must be installed in order to reach the DWA water reservoir site. Seasonal phasing is possible to ensure compliance with the Mitigation Plan avoiding construction activities during the lambing season for bighorn sheep.

The review process for future development starts with approval by the Home Owners Association (HOA). Development applications are then submitted to the City for analysis by City Staff, and approval by the Planning Commission.⁴ This is consistent with the City's procedures for Architectural Review (Zoning Code 94.04) and for hillside development (Zoning Code Section 93.18.00).

Fiscal Analysis

A fiscal impact report was prepared by Stanley Hoffman and associates as required by the ESA-SP zone. The report analyzed the projected costs and revenues to the City. The report concluded that there would be a net surplus to the city even without the increased valuation brought about by the sale of the lots.

⁴ Including review and recommendation by the Architectural Advisory Committee.

FINDINGS:

Findings for each aspect of the project are outlined below with staff's analysis of the project against those findings.

Specific Plan – California Governmental Code Findings:

Although there are no specific findings outlined in the State of California Governmental Code or the City's General Plan, State Governmental Code Section 65450 requires that Specific Plans be adopted in the same manner as a General Plan and that the following basic components must be in all Specific Plans:

1. *The distribution, location, and extent of the uses of land, including open space within the area covered by the plan.*

The Desert Palisades Specific Plan (DPSP) identifies the proposed land uses for all areas within the Specific Plan boundaries. These include 110 residential lots, open space, private roadways, and the location of a dual tank Desert Water Agency water reservoir. The extent of the uses (permitted uses) are delineated in the Specific Plan for the lots (single family residential) as is preservation of the open space including public access trails.

2. *The distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses proposed in the Plan.*

The DPSP identifies the location and proposed extent of all roadways, utilities, and other essential facilities and services. The design of all roadways, including surface materials, load capacities and right-of-way dimensions are outlined in the DPSP. The Specific Plan provides a comprehensive plan for all services and infrastructure necessary to support the proposed development.

3. *Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources.*

The DPSP provides a comprehensive set of Design, Architectural, and Landscape Guidelines for the development of the future 110 homesites. The project envisions that each home be customized and constructed by the future owners of the individual lots. The development standards provide for the integration of the future homes into the natural terrain, as well as conservation of topography, natural rock outcroppings and vegetative features.

4. *A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out items 1, 2 and 3 above.*

The DPSP provides procedural guidelines for the design review of the future homes to be

constructed on the individual lots. The project applicant identifies those portions of the project that will be developed, constructed and/or installed in advance of construction of the individual homesites, this includes roadway and utility infrastructure.

5. *The plan shall include a statement of the relationship of the Specific Plan to the General Plan.*

The DPSP provides a statement that describes the relationship between the Specific Plan and the City's General Plan. The DPSP is located in the Special Policy Area Land Use designation of the City's General Plan and is consistent with the General Plan's goals and policies for this area. Furthermore, the DPSP is consistent with the densities permitted by the General Plan with the submission of a Specific Plan for this Special Policy Area and with approval of the Specific Plan, becomes an amendment to the City's General Plan.

Specific Plan – General Plan Findings:

The Desert Palisades Specific Plan must be consistent with the goals and policies of the City's General Plan. Staff has identified the following General Plan policies and action items that it believes demonstrates consistency with the General Plan:

Policy LU13.1 Require that any development in the Chino Cone be harmonious with and respectful of the area's natural features.

The DPSP provides detailed design guidelines and development standards for structures and landscaping that provides for development that is integrated with the natural conditions of the Chino Cone area.

Policy LU 13.4 Allow for rural street profiles with French drain or similar type of stormwater control features and code-complaint pedestrian accommodations to traditional street standards and design of curbs and gutters to establish a natural streetscape that visually blends into the surrounding terrain.

The DPSP provides for a rural street profile with a v-profile and a center gutter. Street surfaces are to be precast pavers, (no asphalt) in colors that are harmonious with the local area.

Action LU13.1 Require preparation of a Specific Plan and associated environmental analysis prior to the approval of any development within the Chino Cone that differ from the residential uses permitted by right (1du/40 acres)

The DPSP provides a comprehensive Specific Plan and Environmental Impact Report in accordance with the PSZC Section 92.21.00 (ESA-SP) and the General Plan. The DPSP proposes a density of just under 1 du/ac, which is within the maximum permissible density of 2du/ac with a Specific Plan for Planning Area 4 of the ESA-SP.

In summary, staff concludes that the Specific Plan is consistent and harmonious with the City's General Plan.

Specific Plan – Zoning Code Findings.

There are three sets of findings in the Zoning Code that relate to Specific Plans and development within Specific Plans in the ESA-SP zone; they are:

- Section 92.21.1.05 (I) “*Design Review*”
- Section 94.04.00 (B) “*Architectural Review*”
- Section 92.21.1.06 (D) “*Requirements of a Specific Plan in the ESA-SP*”

Pursuant to PSZC Section 92.21.1.05(I) “*Design Review*” there are ten findings that must be made prior to approval of development within the ESA-SP. Finding 1 is noted below. Findings 2 through 10 of this code section are the same as findings 1 through 9 of Section 92.21.1.06(D) and are evaluated later in this section of the staff report

Section 92.21.1.05(I) states:

Any application for a development project within the ESA-SP zone may only be approved if, in addition to the findings contained in Section 94.04.00 of the Palm Springs Zoning Code, the following findings are made:

1. *The project demonstrates a complete and integrated vision for design, operation and use through the use of exemplary site planning, architecture, landscape architecture, materials and color principles and techniques.*

The Desert Palisades Specific Plan provides a comprehensive set of design guidelines, development standards, landscape guidelines and a plant palette for use in the design of each custom residence. In addition, the roads, trails, entry features, bridges, gates, buffer features, and interpretative sites are proposed with designs that integrate the natural topography, rock outcroppings, and landscape conditions that are unique to the Chino Cone area. The materials are consistent with the guidelines in the ESA-SP code and are required to blend with the natural colors of the rock and vegetation of the site.

Section 92.21.1.05(I) requires that findings contained in Section 94.04.00 “*Architectural Review*” be met by this Specific Plan. Staff notes that there are no specific “findings”. However in review of the code, Staff has identified the “purpose statement” of Section 94.04.00 which contains relevant “findings” that are applicable as follows:

1. *Recognize the interdependence of land values and aesthetics, and to provide a method by which the city may implement this interdependence to its benefit;*

The Desert Palisades Specific Plan proposes a subdivision of roughly 117 acres for 110 homesites, private roadways, public trails, open space, and landscaping for a residential community of custom built homes to be built by individual purchasers of the proposed lots. The DPSP provides for comprehensive design, development standards, and landscape guidelines that promote preservation of land values and aesthetics, and provide a process for review of all subsequent development within the Specific Plan.

2. *Encourage development of private and public property in harmony with the desired character of the city and in conformance with the guidelines herein provided with due regard to the public and private interests involved;*

The DPSP provides design, development standards, and landscape guidelines and a process for reviewing future development within the Specific Plan area. These standards, guidelines and procedures relate to the guidelines for Architectural Review in the City's Zoning Code. They provide a comprehensive guide to assure future development in the Specific Plan is in character with the community, harmonious with the environment, and takes into account both public and private interests by preserving public access trails, and promoting preservation of viewsheds, privacy for adjoining development and high quality development within the plan area.

3. *Foster attainment of those sections of the city's general plan which specifically refer to the preservation and enhancement of the particular character of this city and its harmonious development, through encouraging private interests to assist in their implementation, and assure that the public benefits derived from expenditures of public funds for improvement and a beautification of streets and other public structures and spaces shall be protected by the exercise of reasonable controls over the character and design of private buildings, public buildings, street scapes, and open spaces.*

The DPSP is consistent with policies of the General Plan for the Special Policy land use area which encourage the careful development of lands in this part of the City. The DPSP proposes features that benefit both the future private lot holder through thoughtful and complete design and landscape standards, as well as to ensure preservation of open space and public trails are maintained and improved. The DPSP proposes a set of development standards that require the careful integration of development into the natural topography and terrain of the Chino Cone area. It also provides for public enjoyment of this unique part of the City through the preservation of existing public access trails, establishment of new public access trails, and the physical improvement of these trails through surface improvements, interpretative signage, benches and special landscape treatment.

Pursuant to PSZC Section 92.21.1.06(D), a specific plan for a planning area within the ESA-SP zone may only be approved if, the following nine findings are made (these are the same as findings 2 through 10 of PSZC Section 92.21.1.05(I)):

1. *The development provided in the Specific Plan is harmonious with, adapted to, and respectful of, the natural features within minimal disturbance of terrain and vegetation.*

As proposed, the Desert Palisades project will respect existing topography and natural features as much as possible. Site disturbance will be limited to the initial grading for street and infrastructure installation, trails, landscape buffers, construction of a DWA dual tank water reservoir, and development that will occur in the future as individual owners develop their homesites. The lots range in size from 14,000 to 34,000 square feet. A maximum footprint of 6,000 square feet is permitted for home and accessory building construction for each lot, leaving

the remaining portion of each lot undisturbed.

2. *The development within the Specific Plan is properly located to protect sensitive wildlife habitat and plant species, and avoids interference with watercourses, arroyos, steep slopes, ridgelines, rock outcroppings and significant natural features.*

Existing vegetation will remain in its natural state and any landscaping introduced with future development will be in accordance with the landscape standards of the Specific Plan which encourages native species. The proposed lot lines for each residential lot are separated by common open space between lots that will remain undisturbed. The project is designed to preserve and avoid disturbance of large rock outcroppings as well as sensitive cultural areas. Existing drainage courses have been preserved in the project's design. Bridges or fair-weather crossings will be utilized in street design to span these areas.

3. *The development provided in the Specific Plan will be constructed with respect to buildings, accessory structures, fences, walls, driveways, parking areas, roadways, utilities and all other features, with natural materials, or be screened with landscaping, or be otherwise treated so as to blend in with the natural environment.*

The architectural and site design guidelines in the Specific Plan address these issues, including acceptable materials, screening requirements, and methods for the blending of building design with the natural environment.

4. *The development provided in the Specific Plan utilizes landscaping materials, including berms, boulders and plant materials which, insofar as possible, are indigenous and drought tolerant native species.*

All landscaping concepts and proposed perimeter berms/buffers described in the proposed Specific Plan will utilize materials currently found on-site or conducive to the Chino Cone area. Boulders removed during grading will be relocated to perimeter areas to create a natural buffer for adjacent residents and traffic along Tram Way. The proposed plant palette includes plants which are drought tolerant and normally found in undeveloped areas of the desert.

5. *The grading of land within the Specific Plan will be terrain sensitive and excessive building padding and terracing is avoided to minimize the scarring effects of grading on the natural environment.*

Grading will be required to construct the site's roadways/infrastructure and install utilities. The preliminary grading plan submitted with the Specific Plan is limited to only these roadways and related infrastructure. Once this initial phase of grading is completed, disturbed areas will be re-naturalized and lots will remain undisturbed until individual owners are ready to construct homes. The timing of these subsequent activities will be driven by market conditions and individual preferences. The architectural guidelines provided herein propose various home foundation systems intended to limit development impacts within each homesite. The incorporation of natural terrain and geographic features is also encouraged in home construction

pursuant to the design and development standards in the proposed Specific Plan.

6. *The Specific Plan preserves open space areas to the maximum extent permitted by the Ordinance and in accordance with the conservation plan, and adequate assurances are provided for the permanent preservation of such areas.*

According to the ESA-SP Zoning Ordinance, a minimum of 72% of the Planning Area is required to be left as undisturbed open space. The Desert Palisades project includes approximately 74% open space. This is based on the developable area of 100 acres. When accounting for the gross acreage of the project site (117 acres) the open space percentage is closer to 77%.

Based on the requirements for dwelling size (6,000 square feet), approximately 15 acres of the site would be developed with homes if the maximum buildout of 110 homes is reached. There are approximately 11 acres of private streets and rights-of-way proposed within the project. As a result, approximately 26 acres of the Planning Area would be disturbed by development. Areas between lots, drainage courses, and the on-site trail system are included in the 54 acres of undisturbed land shown as lots "A" through "I" on Tentative Tract Map 35540. Assigning lots to areas reserved for preservation is in accordance with the provisions of the ESA-SP Ordinance. Prohibiting mass grading of lots, limiting overall lot coverage, and allowing for large separations between home sites is also part of the project's broader goals to keep the site as natural and undisturbed as possible.

7. *The Specific Plan provides the maximum retention of vistas and natural topographic features including mountainsides, ridgelines, hilltops, slopes, rock outcroppings, arroyos, ravines, and canyons.*

The proposed SP includes a view analysis from various vantage points which has been expanded on in the EIR through a visual simulation that will place homes on the landscape to analyze impacts. Existing topography will be preserved as much as possible with limited grading, and a specific color and material palette is proposed for future homes to minimize the visual impact of development on the site from the surrounding areas of the City. The project is designed to preserve the existing topographic features including rock fields, outcroppings, natural slopes, ravines, and arroyos. There are approximately nine acres of hillside near the southern boundary of the project site on which no development or disturbance of any kind is proposed. Natural vistas and viewsheds will be preserved and development guidelines for the future development of homes are intended to nestle the structures within the topography of the site, as much as possible.

8. *The development provided in the Specific Plan has been adequately designed to protect adjacent property with appropriate buffers to maximize the enjoyment of property within the Specific Plan and surrounding properties.*

The project provides a separation of approximately 100 feet between the easternmost row of homes and the eastern boundary that separates Planning Area 4 from the adjacent Little Tuscany neighborhood. Similar buffers occur along the portion of the project that fronts Tram Way, and the northern boundary of the project. The Tram Way buffer along with the

topographic variation that exists between Tram Way and the project site will obscure most of the development from motorists along this roadway. Relocated boulders and scattered plantings will be also be incorporated into each buffer area in lieu of a block wall, creating a natural appearance while allowing for privacy and enjoyment of property between neighborhoods. The mountainous terrain adjacent to the southern boundary of the project prohibits any development from taking place.

9. *The development provided in the Specific Plan will not have a negative fiscal impact on the City or its citizens.*

A fiscal analysis was prepared for the project by Stanley R. Hoffman Associates, which presents the fiscal impact analysis for the Desert Palisades Specific Plan in 2010 dollars. The fiscal impact analysis projects recurring revenues and costs to the City's General Fund. According to the report, a recurring surplus is projected.

Change of Zone Findings.

Pursuant to PSZC Section 94.07.00 (Zoning Map Amendment), the commission in recommending and the council in reviewing a proposed change of zone, shall consider whether the following conditions exist in reference to the proposed zoning of the subject property:

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The project proposes a minor change in the zone boundaries for Planning Area 3 and Planning Area 4 of the ESA-SP zone. Specifically a triangular parcel to the north of the proposed Specific Plan which is presently in Planning Area 4 is proposed to be removed from Planning Area 4 and added to Planning Area 3. This roughly 12-acre triangular parcel is actually part of a larger Indian-owned property that crosses Tram Way, and is proposed to be included in a future Specific Plan for Planning Area 3.

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

The roughly 12-acre parcel proposed to be changed from Planning Area 4 to Planning Area 3 is actually a contiguous part of a larger Indian-owned parcel that is wholly within Planning Area 3. Moving this to Planning Area 3 makes it possible for this parcel to be incorporated into a logical larger area for a future Specific Plan in Area 3. The change from Planning Area 4 to Planning Area 3 makes the relationship to future planning efforts for this entire Indian-owned parcel feasible and practical.

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

The proposed change of this parcel from Planning Area 4 to Planning Area 3 is proper at this time because it allows the balance of Planning Area 4 to encompass the proposed Specific Plan. The ESA-SP zone notes that Specific Plans should encompass the entire planning area. In this case, the only remaining portion of Planning Area 4 that is not within the proposed Specific Plan is a small, roughly 5-acre parcel owned by an individual who elected not to participate in the Specific Plan.

Tentative Tract Map Findings.

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. In order to approve any map, the following findings must be affirmatively made:

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

The General Plan designation for the project area is "Special Policy Area". The Chino Cone Special Policy Area has an underlying density of 1 dwelling unit to 40 acres (du/ac), however with the approval of a Specific Plan submitted in conformity with the ESA-SP zone requirements of the Zoning Code, the density can be adjusted. The proposed Specific Plan application amends the General Plan and proposes a density of approximately 1 du/ac which is consistent with the ESA-SP zone. Thus, with the approval of SP the project will be consistent with the General Plan and the Specific Plan will become the amended standard for the project area.

- 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 ESA-SP (Environmentally Sensitive Area – Specific Plan). The ESA-SP zone requires the submission of a Specific Plan with full development standards design and landscape standards that preserve and respect the natural environment, open space and rural character of Chino Cone. The design and improvements of the proposed TTM incorporate all the required design, architectural and landscape standards as required by the ESA-SP. The proposed design and improvements are consistent with the zone.

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

The roughly 117 acre site accommodates the density permitted in the Zoning Ordinance and General Plan and provides comprehensive design, development, architectural and landscape standards in accordance with the ESA-SP. The site is proposed with roadways, trails, and open space that are integrated with the unique terrain and natural features such as drainage patterns and rock outcroppings. Therefore staff has concluded that the site is physically suited for this type of development.

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

The proposed tract map would create a subdivision of 110 lots on a site of approximately 117 acres. The site proposes private roadways, public access trails, and open space in addition to

the 110 homesites. The project conforms to the density requirements (roughly 1du/acre) for this land use designation in the Palm Springs General Plan with the application and approval of the associated Specific Plan and conforms to the density of the Zoning Ordinance for the ESA-SP zone for Planning Area 4. 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 subdivision of 110 lots on roughly 117 acres. It is designed and submitted with a Specific Plan application that includes comprehensive design, architectural, landscape, and development standards consistent with the requirements of the ESA-SP zone. The project proposes development in an environmentally sensitive manner including a landscape palette of native plant species. The design of the subdivision includes appropriate systems for storm water and other municipal services (water, sewer, electricity, etc) to be in underground installations and integrated with the natural surroundings and topography. The EIR for the project has evaluated the environmental impacts of the proposed project and concluded that with the proposed mitigation measures the projects' impacts are less than significant.

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

The subdivision is proposed with all the required public utilities, streets, and trails and provides an orderly system of 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 necessary for the subject project for roadway and trail right of ways are proposed to be carefully integrated within this tract map. Roadway width right of way dedications are noted on the tract map and are consistent with the local and state requirements. Trails are proposed that provide public access through the project with minimal disturbance to the proposed residences and are connected with the existing network of trails and public access roads in the vicinity of the project.

PLANNING COMMISSION ACTION

The Planning Commission conducted a public hearing on the draft Specific Plan and draft EIR beginning on June 23 and continuing on July 28, September 1, and October 27. The Planning Commission addressed many details in their review of the DPSP and the October 27, 2010 edition reflects their work and their recommendation.

There were five concerns expressed by the Commission that were incorporated by Staff as Conditions of Approval (COA's PLN 36 through PLN 40). These conditions reflect the recommendation of the Commission, while the text in the Specific Plan on these particular items reflects the preferences of the applicant. If the Council concurs with the recommendations of the Planning Commission, these conditions of approval will be incorporated into the regulatory text of the final issuance of the Specific Plan documents.

NOTICE

Notice was provided to properties owners within 400 feet of the project and by advertisement in the Desert Sun. Written communications on the project received prior to the preparation of this report are attached. Correspondence was also sent in accordance with SB 18 for tribal noticing. No specific comments were received. The project's EIR and draft documentation has been submitted to the Agua Caliente Band of Cahuilla Indians for review, and comments have been incorporated.

ENVIRONMENTAL:

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, a Notice of Preparation (NOP) of a Draft Environmental Impact Report was prepared and circulated for this project. The Draft EIR was released for review on January 21, 2010. Copies of the Draft EIR and Final EIR were previously distributed to the City Council. Notices of the reports were sent to all applicable agencies and published in accordance with CEQA. Comments were received by the City and responses to comments were provided in the final EIR.

City Staff and the Environmental Consultant have reviewed this project under the provisions of CEQA, and determined that the project had the potential for significant impacts. Potentially significant adverse impacts were evaluated and mitigation measures were proposed that would reduce the impacts to less than significant levels. Following is a sample of the types of impacts and a brief summary of the mitigation measures required. A full list of potentially significant impacts and a comprehensive Mitigation Monitoring Plan is included in the Final EIR.

- Air Quality Impacts during construction
 - Implementation of dust control measures, including PM-10 procedures will be enacted during construction. Rock crushing will not be utilized.
- Biological Impacts to Peninsular Bighorn Sheep
 - No grading activities will take place during the sheep lambing period from January 1 to June 30.
- Potential impacts to cultural resources.
 - Cultural monitoring and consultation with the Tribal Historic Preservation Officer is required.
- Impacts to stormwater runoff.
 - A stormwater pollution prevention plan shall be prepared in accordance with National Pollution Discharge Elimination System (NPDES) permit regulations.
- View Impacts
 - Natural rock and tree buffers will be constructed at the perimeter of the project site

to screen the site from adjacent roadways where possible. Naturalized landscape plans are proposed to screen both existing and future DWA water tank reservoirs.

- Traffic Impacts
 - The applicant will be required to pay a proportionate share of the cost of a future traffic light at the intersection of North Palm Canyon Drive and Via Escuela.

The final EIR concluded that the impacts would not be significant because the project modifications and mitigation measures incorporated into the project will reduce impacts to less than significant levels. The project applicant has agreed to the integration of all mitigation measures and procedures.

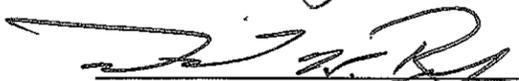
CONCLUSION:

Staff believes the proposed Desert Palisades Specific Plan is consistent with the required findings set forth for the ESA-SP zone in the Zoning Code. The project is also consistent with the policies and goals of the General Plan Special Policy Land Use Area and with State of California Governmental Code 6545 relating to the adoption of General Plan Amendments and Specific Plans. The project proposes architectural and landscape standards for future development that are compatible and sympathetic to the existing natural and environmentally sensitive conditions on the site. The project is consistent with the findings in the Zoning Code for a Change of Zone (CZ) and is also consistent with the State of California findings for a Tentative Tract Map (TTM). Staff believes that the proposed Specific Plan sets forth a comprehensive and sound set of proposed uses and development and design standards for a future neighborhood that is harmonious in its setting, complementary to the General Plan and Zoning Code for the Chino Cone Special Policy Area and the ESA-SP zone, and consistent with the City Council's vision for this very special part of the City.



Craig A. Ewing, AICP,
Director of Planning Services

Thomas J. Wilson,
Assistant City Manager, Dev't. Services



David H. Ready, City Manager

Attachments:

- Vicinity Map
- Draft Ordinances and Resolutions
- Conditions of Approval
- Public Correspondence

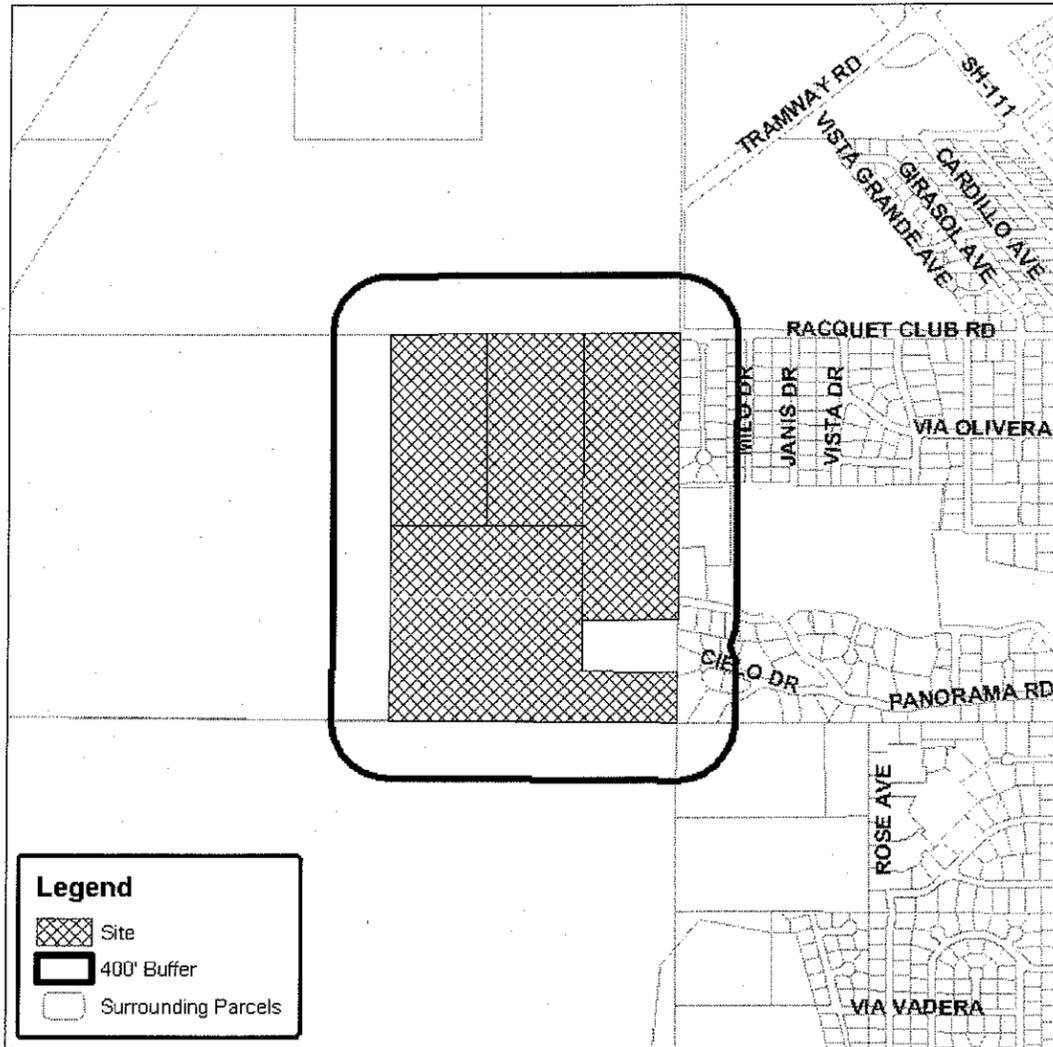
Documents provided under separate staff memo cover to the City Council dated 11-17-10:

- The Desert Palisades Specific Plan dated October 27, 2010
- Draft Environmental Impact Report (DEIR)
- Final Environmental Impact Report
- Technical Appendices to the DEIR

- Fiscal Impact Report
- Planning Commission staff reports and memos dated June 23rd, July 28th, September 1st, and October 27th, 2010.
- Public Correspondence received during the Planning Commission hearings
- Planning Commission Meeting Minute Excerpts
- Palm Springs Zoning Code Section 92.21.1.00 through 07 ("The ESA-SP Zone").



Department of Planning Services
Vicinity Map



CITY OF PALM SPRINGS

CASE: 5.1154 SP / TTM 35540 / CZ (Specific Plan, Tentative Tract Map, General Plan Amendment and Change of Zone)

APPLICANT: Pinnacle View, LLC

DESCRIPTION: To consider an application by Pinnacle View, LLC, for a Specific Plan on approximately 117 acres, adjacent to the Little Tuscany neighborhood and within the Chino Cone area. The project is located in Planning Area 4 of the Environmentally Sensitive Area – Specific Plan (ESA-SP) zone.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING THE ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND APPROVING A GENERAL PLAN AMENDMENT RELATED TO CASE 5.1154 SP; MODIFYING THE BOUNDARIES OF PLANNING AREA 3 AND PLANNING AREA 4 OF THE SPECIAL POLICY LAND USE AREA OF THE 2007 PALM SPRINGS GENERAL PLAN, ADOPTED BY THE CITY COUNCIL BY RESOLUTION NO. 22077

WHEREAS, on April 30, 2007, Ed Freeman on behalf of Pinnacle View, LLC ("the applicant") submitted an application for review pursuant to PSZC Sections 92.21.1.00 through 07 ("*Environmentally Sensitive Area – Specific Plan*"), and State of California Governmental Code Sections 65450 ("*General Plan and Specific Plans*"). The application includes a General Plan Amendment that proposes to change the boundaries of Planning Areas 3 and 4, of the Special Policy Land Use designation. The project site is located at the western terminus of Racquet Club Road; and

WHEREAS, on November 1, 2007, notice in accordance with State Governmental Code Section 65352.3, ("*SB 18*") was provided to Native American Tribal representatives, and

WHEREAS, on December 7, 2007, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan; the NOP comment period ran from December 7, 2007 to January 7, 2008; and

WHEREAS, on January 19, 2010 a Notice of Preparation (NOP) was issued to public agencies and interested parties noting a revised EIR would be prepared and a 45-day period was provided for responses to the NOP that ended on March 4, 2010, and

WHEREAS, on January 21, 2010 the DEIR was prepared and circulated for a 45-day public review period which ended on March 8, 2010, and

WHEREAS, all public comments received on the DEIR were reviewed and written responses were provided in a Final EIR (FEIR), and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider a recommendation to the City Council of Case 5.1154 SP, including the General Plan Amendment was given in accordance with applicable law; and

WHEREAS, on June 23, July 28, September 1, and October 27, 2010, a public hearing on Case 5.1154, (The Desert Palisades Specific Plan, Change of Zone and Tentative

Tract Map 35540), and associated Final Environmental Impact Report was held by the Planning Commission in accordance with applicable law, and

WHEREAS, on October 27, 2010, the Planning Commission approved Resolution 6161 recommending that the City Council certify the EIR as complete and approve Case 5.1154 SP Desert Palisades Specific Plan, including the General Plan Amendment, subject to Conditions of Approval, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1154 SP, TTM 35540, was given in accordance with applicable law; and

WHEREAS, on December 15, 2010, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, at said public hearing the City Council considered the application and the project including the General Plan Amendment, the staff report, the Desert Palisades Specific Plan, the associated EIR, and all written and public testimony related to Case 5.1154 SP and the General Plan amendment.

NOW THEREFORE, THE CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: That the EIR for the subject project is an adequate assessment of the potential adverse impacts of the proposed project under the guidelines of the California Environmental Quality Act (CEQA). That the mitigation measures outlined in the Mitigation Monitoring Plan is sufficient and adequate to reduce any potentially significant impacts to less than significant levels.

SECTION 2: That the proposed Desert Palisades Specific Plan is consistent with the Goals, Policies and Actions outlined in the City of Palm Springs General Plan as follows:

There are no specific findings for the approval of a Specific Plan, however the City Council finds the proposed Specific Plan is harmonious and consistent with General Plan policies and action items that are applicable to the project. The Specific Plan's proposal to amend the General Plan by changing an approximately 12 acre parcel from Planning Area 4 to Planning Area 3 within the Special Policy Area land use designation is consistent with the General Plan because the proposed parcel remains within the Special Policy area and its applicable goals, policies and action items.

Policy LU13.1: Require that any development in the Chino Cone be harmonious with and respectful of the area's natural features.

The DPSP provides detailed design guidelines and development standards for

structures and landscaping that provides for development that is integrated with the natural conditions of the Chino Cone area. The proposed change of approximately 12 acres from Planning Area 4 to Planning Area 3 of the Special Policy Area land use designation retains that area within the oversight of the Special Policy Area.

Policy LU 13.4: Allow for rural street profiles with French drain or similar type of stormwater control features and code-complaint pedestrian accommodations to traditional street standards and design of curbs and gutters to establish a natural streetscape that visually blends into the surrounding terrain.

The DPSP provides for a rural street profile with a v-profile and a center gutter. Street surfaces are to be precast pavers, (no asphalt) in colors that are harmonious with the local area. The proposed General Plan Amendment still requires development of the roughly 12 acre land area to be consistent with this policy of the General Plan that relates to the Special Policy Area.

Action LU13.1: Require preparation of a Specific Plan and associated environmental analysis prior to the approval of any development within the Chino Cone that differ from the residential uses permitted by right (1du/40 acres)

The DPSP provides a comprehensive Specific Plan and Environmental Impact Report in accordance with the PSZC Section 92.21.00 (ESA-SP) and the General Plan. The DPSP proposes a density of just under 1 du/ac, which is within the maximum permissible density of 2du/ac with a Specific Plan for Planning Area 4 of the ESA-SP. The General Plan Amendment allows the roughly 12 acre land area, which is a contiguous part of a roughly 200 acre parcel in Planning Area 3 to be incorporated into a future Specific Plan for Planning Area 3. It is logical and appropriate that this 12 acre land area be within the same future Specific Plan as the rest of the roughly 200 acre parcel.

THE CITY COUNCIL DOES HEREBY APPROVE THE GENERAL PLAN AMENDMENT, MOVING A ROUGHLY 12 ACRE LAND AREA FROM PLANNING AREA 4 TO PLANNING AREA 3 OF THE SPECIAL POLICY AREA LAND USE DESIGNATION.

ADOPTED this 15th day of December, 2010.

MAYOR

ATTEST:

City Clerk

CERTIFICATION:

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Resolution No. ____ is a full, true, and correct copy, adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF AN APPROXIMATELY 12 ACRE PORTION OF PLANNING AREA 4 TO PLANNING AREA 3 IN THE ENVIRONMENTALLY SENSITIVE AREA – SPECIFIC PLAN (ESA-SP) ZONE AND ADOPTING THE DESERT PALISADES SPECIFIC PLAN WHICH MODIFIES THE DENSITY AND DEVELOPMENT STANDARDS FOR PLANNING AREA 4 OF THE ESA-SP ZONE; LOCATED IN THE VICINITY OF TRAM WAY AND WEST OF THE WESTERN TERMINUS OF RACQUET CLUB ROAD, SECTION 4 (IL).

WHEREAS, On April 30, 2007, Ed Freeman on behalf of Pinnacle View, LLC (the Applicant) filed an application for a Specific Plan (Case 5.1154) for Planning Area 4, which included a Change of Zone, requesting to change the designation of an approximately 12 acre land area from Planning Area 4 to Planning Area 3 within the ESA-SP zone; The 12 acres is part of a roughly 200 acre parcel, identified as APN 504-020-010; and

WHEREAS, on December 7, 2007, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan; the NOP comment period ran from December 7, 2007 to January 7, 2008; and

WHEREAS, on January 19, 2010 a Notice of Preparation (NOP) was issued to public agencies and interested parties noting a revised EIR would be prepared and a 45-day period was provided for responses to the NOP that ended on March 4, 2010, and

WHEREAS, on January 21, 2010 the DEIR was prepared and circulated for a 45-day public review period which ended on March 8, 2010, and

WHEREAS, all public comments received on the DEIR were reviewed and written responses were provided in a Final EIR (FEIR), and

WHEREAS, on November 1, 2007, notice in accordance with State Governmental Code Section 65352.3, ("SB 18") was provided to Native American Tribal representatives, and

WHEREAS, a public hearing notice to consider Case 5.1154 SP, The Desert Palisades Specific Plan, including the roughly 12-acre Change of Zone request was published in accordance with applicable law; and

WHEREAS, on June 23, July 28, September 1, and October 27, 2010, a public hearing to consider Case 5.1154 SP, The Desert Palisades Specific Plan, which included the roughly 12-acre Change of Zone request was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on October 27, 2010, the Planning Commission adopted Resolution 6161 a recommendation to the City Council to approve Case 5.1154 SP, The Desert Palisades Specific Plan, including the roughly 12-acre Change of Zone, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1154 SP, The Desert Palisades Specific Plan and roughly 12-acre Change of Zone, was given in accordance with applicable law; and

WHEREAS, on December 15, 2010, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, pursuant to Section 66412.3 of the Subdivision Map Act, the City Council has considered the effect of the proposed project on the housing needs of the region, and has balanced these needs against the public service needs of residents and available fiscal and environmental resources; and

WHEREAS, a specific plan is a change to the zoning map and the text of the zoning code, in which it changes the density, development standards and procedures for a specific land area, and

WHEREAS, a change of zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1154 SP The Desert Palisades Specific Plan, including the 12-acre Change of Zone, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider said Ordinance adopting Desert Palisades Specific Plan for Planning area 4 of the ESA-SP zone and the roughly 12-acre Change of Zone, was held by the City Council in accordance with applicable law; and

WHEREAS, at said public hearing the City Council considered the Desert Palisades Specific Plan and associated Change of Zone, including the staff report, the associated EIR, and all written and public testimony related to Case

5.1154 SP.

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

SECTION 1. Certification of the EIR. Pursuant to CEQA, the City Council hereby certifies that the Environmental Impact Report (EIR) for Case 5.1154 SP, CZ adequately describes the environmental setting of the proposed project and its possible impacts. The City Council further finds that with adoption of the proposed mitigation measures, all potentially significant impacts will be reduced to less than significant impacts.

SECTION 2: Change of Zone Findings for the roughly 12-acre parcel. Pursuant to Section 94.07.00 –“the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property”:

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The project proposes a minor change in the zone boundaries for Planning Area 3 and Planning Area 4 of the ESA-SP zone. Specifically a triangular parcel to the north of the proposed Specific Plan which is presently in Planning Area 4 is proposed to be removed from Planning Area 4 and added to Planning Area 3. This roughly 12-acre triangular parcel is actually part of a larger Indian-owned property that crosses Tram Way, and is proposed to be included in a future Specific Plan for Planning Area 3.

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

The roughly 12-acre parcel proposed to be changed from Planning Area 4 to Planning Area 3 is actually a contiguous part of a larger Indian-owned parcel that is wholly within Planning Area 3. Moving this to Planning Area 3 makes it possible for this parcel to be incorporated into a logical larger area for a future Specific Plan in Area 3. The change from Planning Area 4 to Planning Area 3 makes the relationship to future planning efforts for this entire Indian-owned

parcel feasible and practical.

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

The proposed change of this parcel from Planning Area 4 to Planning Area 3 is proper at this time because it allows the balance of Planning Area 4 to encompass the proposed Specific Plan. The ESA-SP zone notes that Specific Plans should encompass the entire planning area. In this case, the only remaining portion of Planning Area 4 that is not within the proposed Specific Plan is a small, roughly 5-acre parcel that is contiguous to a parcel at 1090 El Cielo Road and both parcels are owned by the same individual. (1090 El Cielo is entirely outside the ESA-SP zone.)

SECTION 3: Findings for adoption of the Specific Plan. Although there are no specific findings outlined in the State of California Governmental Code or the City's General Plan, State Governmental Code Section 65450 requires that Specific Plans be adopted in the same manner as a General Plan and that the following basic components must be in all Specific Plans:

1. *The distribution, location, and extent of the uses of land, including open space within the area covered by the plan.*

The Desert Palisades Specific Plan (DPSP) identifies the proposed land uses for all areas within the Specific Plan boundaries. These include 110 residential lots, open space, private roadways, and the location of a dual tank Desert Water Agency water reservoir. The extent of the uses (permitted uses) are delineated in the Specific Plan for the lots (single family residential) and the uses for the open space is also identified for public access trails and a network of private roadways.

2. *The distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses proposed in the Plan.*

The DPSP identifies the location and proposed extent of all roadways, utilities, and other essential facilities and services such as solid waste disposal, domestic water, sewer, electricity, gas and other utilities. The design of all roadways, including surface materials, load capacities and right-of-way dimensions are outlined in the DPSP. The Specific Plan provides a comprehensive plan for all services and infrastructure necessary to support the proposed development.

3. *Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources.*

The DPSP provides a comprehensive set of Design, Architectural, and Landscape Guidelines for the development of the future 110 homesites. The project envisions that each home be customized and constructed by the future owners of the individual lots. The development standards provide for the integration of the future homes into the natural terrain as much as possible, as well as conservation of topography, natural rock outcroppings and vegetative features.

4. *A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out items 1, 2 and 3 above.*

The DPSP provides procedural guidelines for the design review of the future homes to be constructed on the individual lots. The project applicant identifies those portions of the project that will be developed, constructed and/or installed in advance of construction of the individual homesites, this includes roadway and utility infrastructure.

5. *The plan shall include a statement of the relationship of the Specific Plan to the General Plan.*

The DPSP provides a statement that describes the relationship between the Specific Plan and the City's General Plan. The DPSP is located in the Special Policy Area Land Use designation of the City's General Plan and is consistent with the General Plan's goals and policies for this area. Furthermore, the DPSP is consistent with the densities permitted by the General Plan with the submission of a Specific Plan for this Special Policy Area and with approval of the Specific Plan, becomes an amendment to the City's General Plan.

SECTION 4: Specific Plan – General Plan Findings of Consistency:

In addition, the Desert Palisades Specific Plan must be consistent with the goals and policies of the City's General Plan. The following General Plan policies and action items are applicable to the project:

Policy LU13.1 Require that any development in the Chino Cone be harmonious with and respectful of the area's natural features.

The DPSP provides detailed design guidelines and development standards for structures and landscaping that provides for development that is integrated with the natural conditions of the Chino Cone area.

Policy LU 13.4 Allow for rural street profiles with French drain or similar type of stormwater control features and code-complaint pedestrian accommodations to traditional street standards and design of curbs and gutters to establish a natural streetscape that visually blends into the surrounding terrain.

The DPSP provides for a rural street profile with a v-profile and a center gutter. Street surfaces are to be precast pavers, (no asphalt) in colors that are harmonious with the local area.

Action LU13.1 Require preparation of a Specific Plan and associated environmental analysis prior to the approval of any development within the Chino Cone that differ from the residential uses permitted by right (1du/40 acres)

The DPSP provides a comprehensive Specific Plan and Environmental Impact Report in accordance with the PSZC Section 92.21.00 (ESA-SP) and the General Plan. The DPSP proposes a density of just under 1 du/ac, which is within the maximum permissible density of 2du/ac with a Specific Plan for Planning Area 4 of the ESA-SP.

SECTION 5 Specific Plan – Zoning Code Findings.

There are three sets of findings in the Zoning Code that relate to Specific Plans and development within Specific Plans in the ESA-SP zone; they are:

- Section 92.21.1.05 (I) "Design Review"
- Section 94.04.00 (B) "Architectural Review"
- Section 92.21.1.06 (D) "Requirements of a Specific Plan in the ESA-SP"

Pursuant to PSZC Section 92.21.1.05(I) "Design Review" there are ten findings that must be made prior to approval of development within the ESA-SP. Finding 1 is noted below. Findings 2 through 10 of this code section are the same as findings 1 through 9 of Section 92.21.1.06(D) and are made herein.

Section 92.21.1.05(I) states:

Any application for a development project within the ESA-SP zone may only be approved if, in addition to the findings contained in Section 94.04.00 of the Palm Springs Zoning Code, the following findings are made:

1. *The project demonstrates a complete and integrated vision for design, operation and use through the use of exemplary site*

planning, architecture, landscape architecture, materials and color principles and techniques.

The Desert Palisades Specific Plan provides a comprehensive set of design guidelines, development standards, landscape guidelines and a plant palette for use in the design of each custom residence. In addition, the roads, trails, entry features, bridges, gates, buffer features, and interpretative sites are proposed with designs that integrate the natural topography, rock outcroppings, and landscape conditions that are unique to the Chino Cone area. The materials are consistent with the guidelines in the ESA-SP code and are required to blend with the natural colors of the rock and vegetation of the site.

Section 92.21.1.05(I) requires that findings contained in Section 94.04.00 "Architectural Review" be met by this Specific Plan. The "purpose statement" of Section 94.04.00 contains relevant "findings" that are applicable as follows:

1. *Recognize the interdependence of land values and aesthetics, and to provide a method by which the city may implement this interdependence to its benefit;*

The Desert Palisades Specific Plan proposes a subdivision of roughly 117 acres for 110 homesites, private roadways, public trails, open space, and landscaping for a residential community of custom built homes to be built by individual purchasers of the proposed lots. The DPSP provides for comprehensive design, development standards, and landscape guidelines that promote preservation of land values and aesthetics, and provide a process for review of all subsequent development within the Specific Plan.

2. *Encourage development of private and public property in harmony with the desired character of the city and in conformance with the guidelines herein provided with due regard to the public and private interests involved;*

The DPSP provides design, development standards, and landscape guidelines and a process for reviewing future development within the Specific Plan area. These standards, guidelines and procedures relate to the guidelines for Architectural Review in the City's Zoning Code. They provide a comprehensive guide to assure future development in the Specific Plan is in character with the community, harmonious with the environment, and takes into account both public and private interests by preserving public access trails, and promoting preservation of viewsheds, privacy for adjoining development and high quality development within the plan area.

3. *Foster attainment of those sections of the city's general plan which specifically refer to the preservation and enhancement of the particular character of this city and its harmonious*

development, through encouraging private interests to assist in their implementation, and assure that the public benefits derived from expenditures of public funds for improvement and a beautification of streets and other public structures and spaces shall be protected by the exercise of reasonable controls over the character and design of private buildings, public buildings, street scapes, and open spaces.

The DPSP is consistent with policies of the General Plan for the Special Policy land use area which encourage the careful development of lands in this part of the City. The DPSP proposes features that benefit both the future private lot holder through thoughtful and complete design and landscape standards, as well as to ensure preservation of open space and public trails are maintained and improved. The DPSP proposes a set of development standards that require the careful integration of development into the natural topography and terrain of the Chino Cone area. It also provides for public enjoyment of this unique part of the City through the preservation of existing public access trails, establishment of new public access trails, and the physical improvement of these trails through surface improvements, interpretative signage, benches and special landscape treatment.

Pursuant to PSZC Section 92.21.1.06(D), a specific plan for a planning area within the ESA-SP zone may only be approved if, the following nine findings are made (these are the same as findings 2 through 10 of PSZC Section 92.21.1.05(I)):

1. *The development provided in the Specific Plan is harmonious with, adapted to, and respectful of, the natural features within minimal disturbance of terrain and vegetation.*

As proposed, the Desert Palisades project will respect existing topography and natural features as much as possible. Site disturbance will be limited to the initial grading for street and infrastructure installation, trails, construction of a DWA dual tank water reservoir, and development that will occur in the future as individual owners develop their homesites. The lots range in size from 14,000 to 34,000 square feet. A maximum footprint of 6,000 square feet is permitted for home and accessory building construction for each lot, leaving the remaining portion of each lot undisturbed.

2. *The development within the Specific Plan is properly located to protect sensitive wildlife habitat and plant species, and avoids interference with watercourses, arroyos, steep slopes, ridgelines, rock outcroppings and significant natural features.*

Existing vegetation will remain in its natural state and any landscaping introduced

with future development will be in accordance with the landscape standards of the Specific Plan which encourages native species. The proposed lot lines for each residential lot are separated by common open space between lots that will remain undisturbed. The project is designed to preserve and avoid disturbance of large rock outcroppings as well as sensitive cultural areas. Existing drainage courses have been preserved in the project's design. Bridges or fair-weather crossings will be utilized in street design to span these areas.

3. *The development provided in the Specific Plan will be constructed with respect to buildings, accessory structures, fences, walls, driveways, parking areas, roadways, utilities and all other features, with natural materials, or be screened with landscaping, or be otherwise treated so as to blend in with the natural environment.*

The architectural and site design guidelines in the Specific Plan address these issues, including acceptable materials, screening requirements, and methods for the blending of building design with the natural environment.

4. *The development provided in the Specific Plan utilizes landscaping materials, including berms, boulders and plant materials which, insofar as possible, are indigenous and drought tolerant native species.*

All landscaping concepts and proposed perimeter berms/buffers described in the proposed Specific Plan will utilize materials currently found on-site or conducive to the Chino Cone area. Boulders removed during grading will be relocated to perimeter areas to create a natural buffer for adjacent residents and traffic along Tram Way. The proposed plant palette includes plants which are drought tolerant and normally found in undeveloped areas of the desert.

5. *The grading of land within the Specific Plan will be terrain sensitive and excessive building padding and terracing is avoided to minimize the scarring effects of grading on the natural environment.*

Grading will be required to construct the site's roadways/infrastructure and install utilities. The preliminary grading plan submitted with the Specific Plan is limited to only these roadways and related infrastructure. Once this initial phase of grading is completed, disturbed areas will be re-naturalized and lots will remain undisturbed until individual owners are ready to construct homes. The timing of these subsequent activities will be driven by market conditions and individual preferences. The architectural guidelines provided herein propose various home foundation systems intended to limit development impacts within each homesite. The incorporation of natural terrain and geographic features is also encouraged in home construction pursuant to the design and development standards in the

proposed Specific Plan.

6. *The Specific Plan preserves open space areas to the maximum extent permitted by the Ordinance and in accordance with the conservation plan, and adequate assurances are provided for the permanent preservation of such areas.*

According to the ESA-SP Zoning Ordinance, a minimum of 72% of the Planning Area is required to be left as undisturbed open space. The Desert Palisades project includes approximately 74% open space. This is based on the developable area of 100 acres. When accounting for the gross acreage of the project site (117 acres) the open space percentage is closer to 77%.

Based on the requirements for dwelling size (6,000 square feet), approximately 15 acres of the site would be developed with homes if the maximum buildout of 110 homes is reached. There are approximately 11 acres of private streets and rights-of-way proposed within the project. As a result, approximately 26 acres of the Planning Area would be disturbed by development. Areas between lots, drainage courses, and the on-site trail system are included in the 54 acres of undisturbed land shown as lots "A" through "I" on Tentative Tract Map 35540. Assigning lots to areas reserved for preservation is in accordance with the provisions of the ESA-SP Ordinance. Prohibiting mass grading of lots, limiting overall lot coverage, and allowing for large separations between home sites is also part of the project's broader goals to keep the site as natural and undisturbed as possible.

7. *The Specific Plan provides the maximum retention of vistas and natural topographic features including mountainsides, ridgelines, hilltops, slopes, rock outcroppings, arroyos, ravines, and canyons.*

The proposed SP includes a view analysis from various vantage points which has been expanded on in the EIR through a visual simulation that will place homes on the landscape to analyze impacts. Existing topography will be preserved as much as possible with limited grading, and a specific color and material palette is proposed for future homes to minimize the visual impact of development on the site from the surrounding areas of the City. The project is designed to preserve the existing topographic features including rock fields, outcroppings, natural slopes, ravines, and arroyos. There are approximately nine acres of hillside near the southern boundary of the project site on which no development or disturbance of any kind is proposed. Natural vistas and viewsheds will be preserved and development guidelines for the future development of homes are intended to nestle the structures within the topography of the site as much as possible.

8. *The development provided in the Specific Plan has been*

adequately designed to protect adjacent property with appropriate buffers to maximize the enjoyment of property within the Specific Plan and surrounding properties.

The project provides a separation of approximately 100 feet between the easternmost row of homes and the eastern boundary that separates Planning Area 4 from the adjacent Little Tuscany neighborhood. Similar buffers occur along the portion of the project that fronts Tram Way, and the northern boundary of the project. The Tram Way buffer along with the topographic variation that exists between Tram Way and the project site will obscure most of the development from motorists along this roadway. Relocated boulders and scattered plantings will be also be incorporated into each buffer area in lieu of a block wall, creating a natural appearance while allowing for privacy and enjoyment of property between neighborhoods. The mountainous terrain adjacent to the southern boundary of the project prohibits any development from taking place.

9. *The development provided in the Specific Plan will not have a negative fiscal impact on the City or its citizens.*

A fiscal analysis was prepared for the project by Stanley R. Hoffman Associates (March, 2007, revised June 2010), which presents the fiscal impact analysis for the Desert Palisades Specific Plan. The fiscal impact analysis projects recurring revenues and costs to the City's General Fund. Fiscal impacts were projected in year 2010 constant dollars. According to the report, a recurring surplus of about \$583.6 thousand was projected after buildout based on recurring revenues of about \$750.8 thousand and recurring costs of \$167.3 thousand. The large projected surplus for the proposed Specific Plan is a result of the substantial projected property tax, retail sales tax generated by the residents of the project and property tax in-lieu of vehicle license fees (VLF). Projected property taxes account for about 60 percent of projected recurring revenues, and are the result of the high-value, custom home residential development proposed.

SECTION 6. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of the Desert Palisades Specific Plan and roughly 12-acre change of zone and a thirty-day waiting period before it is effective allowing the approval of Case 5.1154 SP.

SECTION 7. The City Council adopts an ordinance to approve the Desert Palisades Specific Plan and the zone map change moving the roughly 12 acre parcel from Planning Area 4 to Planning Area 3, in conjunction with Case Number 5.1154 SP..

SECTION 8. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 9. Publication: The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED this 15th day of December, 2010.

MAYOR

ATTEST:

City Clerk

CERTIFICATION:

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING THE ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND APPROVING TENTATIVE TRACT MAP 35540 RELATED TO CASE 5.1154 SP; A SUBDIVISION OF APPROXIMATELY 117 ACRES FOR 110 HOMESITES, PRIVATE ROADS, PUBLIC TRAILS, OPEN SPACE, AND AN APPROXIMATELY 1.7 ACRE PARCEL FOR A DESERT WATER AGENCY DUAL TANK RESERVOIR IN PLANNING AREA 4 OF THE ENVIRONMENTALLY SENSITIVE AREA – SPECIFIC PLAN ZONE (ESA-SP). THE SITE IS LOCATED AT THE WESTERN TERMINUS OF RACQUET CLUB ROAD; SECTION 4(IL)

WHEREAS, on April 30, 2007, Ed Freeman on behalf of Pinnacle View, LLC (“the applicant”) submitted an application for review pursuant to PSZC Sections 92.21.1.00 through 07 (“*Environmentally Sensitive Area – Specific Plan*”), and a Tentative Tract Map (TTM 35540); that proposes to create a subdivision of 110 residential lots, private roadways, public trails, open space, and an approximately 1.7 acre parcel for a future Desert Water Agency dual tank domestic water reservoir, on an approximately 117-acre site. The project site is located at the western terminus of Racquet Club Road; and

WHEREAS, on November 1, 2007, notice in accordance with State Governmental Code Section 65352.3, (“*SB 18*”) was provided to Native American Tribal representatives, and

WHEREAS, on December 7, 2007, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan and Tentative Tract Map; the NOP comment period ran from December 7, 2007 to January 7, 2008; and

WHEREAS, on January 19, 2010 a Notice of Preparation (NOP) was issued to public agencies and interested parties noting a revised EIR would be prepared and a 45-day period was provided for responses to the NOP that ended on March 4, 2010, and

WHEREAS, on January 21, 2010 the DEIR was prepared and circulated for a 45-day public review period which ended on March 8, 2010, and

WHEREAS, all public comments received on the DEIR were reviewed and written responses were provided in a Final EIR (FEIR), and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider a recommendation to the City Council of Case 5.1154 SP, CZ, & TTM 35540 was given in accordance with applicable law; and

WHEREAS, on June 23, June 28, September 1, and October 27, 2010, a public hearing on Case 5.1154, (The Desert Palisades Specific Plan, including Tentative Tract Map 35540), and associated Final Environmental Impact Report was held by the Planning Commission in accordance with applicable law, and

WHEREAS, on October 27, 2010, the Planning Commission approved Resolution 6161 recommending that the City Council certify the EIR as complete and approve Case 5.1154 SP Desert Palisades Specific Plan, including Tentative Tract Map 35540, subject to Conditions of Approval.

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1154 SP, TTM 35540, was given in accordance with applicable law; and

WHEREAS, on December 15, 2010, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, at said public hearing the City Council considered the Specific Plan and the Tentative Tract Map No. 35540, including the staff report, the Desert Palisades Specific Plan, the associated EIR, and all written and public testimony related to Case 5.1154 SP and TTM 35540, and

WHEREAS, pursuant to Section 66412.3 of the Subdivision Map Act, the City Council has considered the effect of the proposed project on the housing needs of the region, and has balanced these needs against the public service needs of residents and available fiscal and environmental resources.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: That the EIR for the subject project is an adequate assessment of the potential adverse impacts of the proposed project under the guidelines of the California Environmental Quality Act (CEQA). That the mitigation measures outlined in the Mitigation Monitoring Plan is sufficient and adequate to reduce any potentially significant impacts to less than significant levels.

SECTION 2: That the proposed Tentative Tract Map #35540 is consistent with the required findings of the State of California Subdivision Map Act as follows:

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. In order to approve any map, the following findings must be affirmatively made:

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

The General Plan designation for the project area is "Special Policy Area". The Chino Cone Special Policy Area has an underlying density of 1 dwelling unit to 40 acres (du/ac), however with the approval of a Specific Plan submitted in conformity with the ESA-SP zone requirements of the Zoning Code, the density can be adjusted. The proposed Specific Plan application amends the General Plan and proposes a density of approximately 1 du/ac which is consistent with the ESA-SP zone which allows up to 2 du/ac with an approved specific plan. Thus, with the approval of SP the project will be consistent with the General Plan and the Specific Plan will become the amended zoning standard for the project area.

- 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 ESA-SP (Environmentally Sensitive Area – Specific Plan). The ESA-SP zone requires the submission of a Specific Plan with full development standards design and landscape standards that preserve and respect the natural environment, open space and rural character of Chino Cone. The design and improvements of the proposed TTM incorporate all the required design, architectural and landscape standards as required by the ESA-SP. The proposed design and improvements are consistent with the zone. Water Storage Facilities as part of the utility infrastructure associated with development within the ESA-SP zone are to be sited to minimize impacts on the surrounding environment and not be located on slopes greater than 3:1. The project is consistent with this guideline.

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

The roughly 117 acre site accommodates the density permitted in the Zoning Ordinance and General Plan and provides comprehensive design, development, architectural and landscape standards in accordance with the ESA-SP. The site is proposed with roadways, trails, and open space that are integrated with the unique terrain and natural features such as drainage patterns and rock outcroppings. The project proposes an approximately 1.7 acre parcel for a future Desert Water Agency dual tank domestic water reservoir that is consistent with that agency's General Plan. Therefore the site is physically suited for this type of development.

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

The proposed tract map would create a subdivision of 110 lots on a site of approximately 117 acres. The site proposes private roadways, public access trails, and

open space in addition to the 110 home sites. The project conforms to the density requirements (roughly 1du/acre) for this land use designation in the Palm Springs General Plan with the application and approval of the associated Specific Plan and conforms to the density of the Zoning Ordinance for the ESA-SP zone for Planning Area 4. 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 subdivision of 110 lots on roughly 117 acres. It is designed and submitted with a Specific Plan application that includes comprehensive design, architectural, landscape, and development standards consistent with the requirements of the ESA-SP zone. The project proposes development in an environmentally sensitive manner including a landscape palette of native plant species. The design of the subdivision includes appropriate systems for storm water and other municipal services (water, sewer, electricity, etc) to be in underground installations and integrated with the natural surroundings and topography. The EIR for the project has evaluated the environmental impacts of the proposed project and concluded that with the proposed mitigation measures, the projects' impacts are less than significant. 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 is proposed with all the required public utilities, streets, and trails and provides an orderly system of 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. The roughly 1.7 acre parcel proposed for a future Desert Water Agency dual tank reservoir is consistent with that Agency's General Plan and is proposed to be landscaped and painted to blend with the surrounding environment, thereby making its proposed development consistent with the development guidelines for water storage utilities in the ESA-SP zone.

- 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 necessary for the subject project for roadway and trail right of ways are proposed to be carefully integrated within this tract map. Roadway width right of way dedications are noted on the tract map and are consistent with the local and state requirements. Trails are proposed that provide public access through the project with minimal disturbance to the proposed residences and are connected with the existing network of trails and public access roads in the vicinity of the project. A

condition of approval (ENG 22) is provided to resolve easement issues with an adjacent 5-acre parcel as a condition of the recordation of the Final Tract map.

THEREFORE, THE CITY COUNCIL DOES HEREBY APPROVE CASE 5.1154 SP AND TENTATIVE TRACT MAP 35540 SUBJECT TO THE CONDITIONS OF APPROVAL IN EXHIBIT A.

ADOPTED this 15th day of December, 2010.

CITY OF PALM SPRINGS, CALIFORNIA

MAYOR

ATTEST:

City Clerk

CERTIFICATION:

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

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

EXHIBIT A

Case 5.1154 SP Desert Palisades Specific Plan, CZ and TTM 35540
West End of Racquet Club Road near Tram Way

December 15, 2010

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 5.1154 SP, CZ, TTM 35540; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the recommended specific plan, dated 10-27-10, including site plans, architectural elevations, exterior materials and colors, landscaping, Tentative Tract Map 35540, and grading on file in the Planning Division, Draft Environmental Impact Report dated December 2009, Final EIR with comments dated April, 2010, 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. Tentative Map. This approval is for Tentative Tract Map 35540, date stamped December 7, 2009. 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.

EXHIBIT A

Case 5.1154 SP Desert Palisades Specific Plan, CZ and TTM 35540
West End of Racquet Club Road near Tram Way

December 15, 2010

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- ADM 6. 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 5.1154 SP CZ & TTM 35540. 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 7. 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 8. Time Limit on Approval. Approval of the Tentative Tract Map (TTM) shall be valid for a period of two (2) years from the effective date of the approval. 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.
- ADM 9. 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 10. 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 11. 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).
- ADM 12. 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.
- ADM 13. Tribal Fees Required. As the property is Indian reservation land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council, including any applicable habitat conservation plan fees shall be paid prior to consideration of this project by the Planning Commission.
- ADM 14. CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City

Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances CC&R's.

ADM 22. 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. A provision shall be included establishing and adequate financial reserve fund and assuring the maintenance of all roads and infrastructure from the onset of the development shall be the responsibility of the HOA and that the developer assumes all maintenance responsibilities until such time as the lots have been sold and the HOA turned over to the Association.
- f. A provision in the CC&R's shall be included prohibiting open storage of any kind in carports.

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

ADM 25. Performance Agreement. Pursuant to PSZC Section 92.21.1.05(J) Prior to the issuance of any permit for grading or construction of any improvement on any property within an ESA-SP zone, the developer shall enter into an agreement with the city, in a form approved by the City Attorney, ensuring, should the improvement not be completed as permitted, that the land will be re-naturalized in compliance with the provisions of this section. The

obligations of the developer pursuant to such agreement shall be secured in amounts required by the City Engineer necessary to complete such re-naturalization consistent with the provisions of Chapter 9.65 of the Municipal Code; however, such security shall be in the form of cash, irrevocable letter of credit, assignment of a certificate of deposit, or similar form of security approved by the City Manager and the City Attorney.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) NOT required.
- ENV 2. 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 for more information.
- ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.
- ENV 4. 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.
- ENV 5. Archaeological Monitor(s) shall be present during all ground disturbing activities. Experience has shown that there is always a possibility of encountering buried cultural resources during construction related excavations, or archaeological testing/data recovery. Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist

(Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the City and the Agua Caliente Tribal Historic Preservation Office.

- ENV 6. Native American Monitor(s) shall be present during all ground activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Tribal Historic Preservation Office for additional information on the use and availability of Native American Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Tribal Historic Preservation Office. 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 Tribal Historic Preservation Office for approval.

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 Code and the outdoor lighting guidelines of the Desert Palisades Specific Plan, 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 and any state water efficiency ordinances. 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. Prior to submittal to the City, landscape plans shall also be certified by the Desert Water Agency that they are in conformance with the State Water Efficient Landscape Ordinance. Refer to Chapter 8.60 of the Municipal Code for specific requirements. (See Chapter 8.60.020 for exemptions)
- 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. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.

- 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 beige or tan.
- PLN 5. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 6. Roof-mounted Equipment. Roof mounted mechanical equipment is prohibited.
- 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 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. 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 12. No Mass Grading. Mass grading to create large, single-level flat pads is prohibited.

- PLN 13 Building Pad Height Limitations. Pad heights are not significantly raised beyond the natural topography. Any pad height more than two (2) feet above natural topography may be deemed significant.
- PLN 14 Drainage. The master plan of drainage shall be implemented.
- PLN 15 Retention basins are prohibited where a sufficient master plan of drainage has been implemented. Street and site plan layout shall follow natural terrain.
- PLN 16 No asphaltic concrete or grey concrete. Streets and paving areas are paved with decorative or colored concrete or pavers to match color of existing terrain. Asphaltic concrete shall not be allowed.
- PLN 17 No street lighting is allowed.
- PLN 18 Restore landscaping. Vegetation removed for utility construction or maintenance is replaced with appropriate landscaped areas.
- PLN 19 Underground Utility Lines. All utility lines are located underground, except screening from public view in a manner that represents natural desert landscaping may be allowed when undergrounding is not feasible.
- PLN 20 Water lines in street right-of-way. All water lines located in public or private street rights-of-way are located within the pavement sections.
- PLN 21 Easement for water lines not in street right-of-way. Water lines located outside of rights-of-way require waterline easements.
- PLN 22 Blend color of water storage facility. Any visible portion of a water storage facility has an exterior color to match surrounding native stone, soil color or backdrop.
- PLN 23 Coordinate with DWA. Location and design of water storage facilities are coordinated in advance with the Desert Water Agency.
- PLN 24 Location of water storage facilities. Water tanks are not located on slopes greater than 3:1.
- PLN 25 Wastewater lines in street right-of-way. All wastewater lines, including force mains, located in public or private street rights-of-way are located within the pavement sections.
- PLN 26 Easement for wastewater lines not in street right-of-way. Wastewater lines located outside of rights-of-way require sewer line easements that include full vehicular and equipment access.

- PLN 27 Exterior Building Colors. All exterior colors, materials and finishes blend with the color and texture of surrounding stone or soil.
- PLN 28 No Reflective Materials. Reflective building materials are not used. Solar panels shall be non-reflective.
- PLN 29 Blend with terrain. The forms of buildings, structures and other improvements are not repetitive, but respect and interpret the forms of the surrounding landscape and present a custom design appearance.
- PLN 30 Avoid massive building forms. Stepped elevations and floor levels are used to avoid massive building forms and wall surfaces.
- PLN 31 Screen mechanical equipment. All exterior mechanical equipment is screened with material that complements the surrounding structures and environment.
- PLN 32 Project gates, if proposed, shall be limited to vehicular access control only.
- PLN 33 Project signage shall be designed to blend with the natural environment.
- PLN 34 Curbs. No curbs shall be allowed.
- PLN 35 Interpretative Center. At least one nature interpretive center in each planning area shall be provided as part of the development of the public trails system, if applicable.
- PLN 36 Planning Commission approval required for common area landscaping, boulder berms and interpretative center(s). The design of landscaping in all common areas such as the entry feature, trail heads, perimeter boulder berms and open space, as well as the interpretative center(s) required by the ESA-SP zone development standards, shall be submitted to the Planning Commission for approval prior to submission for building permits. The Planning Commission review and approval shall include all landscaping, boulder berms, grading, proposed trails, interpretative center(s), site furnishings and structures, and construction staging areas. Minor changes to approved grading plans caused by unanticipated field conditions will be processed at the staff level. Major changes in grading will be resubmitted to the Planning Commission for approval.
- PLN 37 6,000 square foot lot coverage. The lot coverage for any lot within the Desert Palisades Specific Plan shall be 6,000, regardless of lot size. Merged or combined lots are not entitled to greater square footage of lot coverage.

- PLN 38 Control of vehicular gates into the Desert Palisades Specific Plan subdivision. The subdivision may be provided with controlled access vehicular gates at the main entrances to the subdivision, however the gates shall be programmed to remain open during the daytime, from 8:00 a.m. until 8:00 p.m. and closed from 8:00 p.m. until 8:00 a.m. daily. Emergency access gates (Sanborn Road and Tram Way) may remain closed except for emergency access.
- PLN 39 Planning Commission Approval Required Future development applications for individual homes or changes in the common areas of the Desert Palisades Specific Plan shall require Planning Commission approval pursuant to PSZC Section 94.04.00 (Architectural Approval) and 93.13.00 (Hillside Development). Submittals shall include a 3-dimensional representation of the proposed development, either in the form of a model, or computer-generated 3-dimensional simulation and story poles mounted on the site to demonstrate the proposed height of the development.
- PLN 40 Tennis Courts. Shall be conditionally permitted subject to conformance with the Design Guidelines of the Desert Palisades Specific Plan and approval by the Planning Commission.

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

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

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

GENERAL

- ENG 1. The applicant shall comply with all required Standard Conditions and Mitigation Measures identified in the Final Environmental Impact Report, whether or not

restated in these conditions of approval. All required plans shall be prepared in conformance with all applicable Standard Conditions and Mitigation Measures.

- ENG 2. Development of the site is subject to all applicable provisions of Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, whether or not restated in these conditions of approval. All required plans shall be prepared in conformance with all applicable provisions of the Code.

STREETS

- ENG 3. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 4. 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 approval of a final map.
- ENG 5. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, streets and paved areas shall be paved with decorative or colored concrete or pavers to match color of existing terrain. Asphaltic concrete shall not be allowed. All exterior colors, materials and finishes shall blend with the color and texture of surrounding stone or soil.
- ENG 6. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, project gates, if proposed, shall be limited to vehicular access control only. Pedestrian access into and through the site shall be maintained at all times.

TRAM WAY (PRIVATE)

- ENG 7. The applicant shall coordinate with the San Jacinto Winter Park Authority regarding construction scheduling and work occurring on Tram Way.
- ENG 8. The applicant shall be responsible for constructing full width improvements to Tram Way within the boundary of the project, consisting of a 40 feet wide street section with rolled curb and gutter, in accordance with a special street section for Tram Way approved by the San Jacinto Winter Park Authority. As an alternative, if approved by the San Jacinto Winter Park Authority, construction of the improvements may be deferred for completion by others on the condition that the applicant pays an in lieu fee to the San Jacinto Winter Park Authority representing the cost of the required improvements (subject to review and approval).
- ENG 9. A gated entry for emergency access shall be constructed on Tram Way. An Opticom or Tomar system (or approved equal) for automatic operation by

emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed, meeting the approval of the Fire Marshall.

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

RACQUET CLUB ROAD

ENG 11. Construct an appropriate taper or other transition as approved by the City Engineer, from the end of Racquet Club Road. The gated Main Entry shall be located on-site with an appropriate turn-around area for vehicles. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed, meeting the approval of the Fire Marshall.

ENG 12. All broken or off grade street improvements shall be repaired or replaced.

SANBORN WAY

ENG 13. A gated entry for emergency access shall be constructed on Sanborn Way. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed, meeting the approval of the Fire Marshall.

ENG 14. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE PRIVATE STREETS

ENG 15. All centerline radii shall be a minimum of 130 feet.

ENG 16. Dedicate an easement (40 feet wide) over the private streets to the City of Palm Springs for public utility purposes, with the right of ingress and egress for service and emergency vehicles and personnel.

ENG 17. Dedicate an easement over the emergency access roads to the City of Palm Springs for ingress and egress for service and emergency vehicles and personnel.

ENG 18. The alignment of the ingress and egress lanes of the Main Entry is subject to review and approval by the City Engineer. In accordance with Mitigation Measure (MM) 3.15-3(a) of the Final Environmental Impact Report, the gated access shall include adequate vehicle maneuvering and stacking space to avoid conflicts with internal and external traffic and circulation patterns. Adequate stacking capacity (100 feet minimum) and a turn-around shall be provided in advance of the gate.

ENG 19. Construct a concrete edge band, 12 feet on both sides of centerline along the entire frontages. The on-site streets shall be constructed with an inverted cross-section with a 3 feet wide concrete gutter along centerline. The pavement section shall be constructed using decorative colored concrete or pavers, with a pavement section capable of supporting emergency equipment weighing up to 73,000 pounds. Adjacent 8 feet wide shoulders shall be constructed with crushed native rock.

ENG 20. Construct a concrete edge band, 10 feet on both sides of centerline extending the length of the emergency access roads from Tram Way and Sanborn Way. The emergency access roads shall be constructed with a typical crowned or inverted cross-section with a 3 feet wide concrete gutter along centerline. The pavement shall be constructed using decorative colored concrete or pavers with a pavement section capable of supporting emergency equipment weighing up to 73,000 pounds.

ON-SITE

ENG 21. Dedicate an easement to the City of Palm Springs over the public trails proposed within the project.

ENG 22. Access easement dispute. There is currently a dispute regarding the existence of a road right-of-way over the Applicant's property benefiting the neighboring 5-acre property owned by Mr. Richard Kluszczynski. Prior to recordation of a final map, this dispute shall be resolved, either through mutual agreement of the Applicant and Mr. Kluszczynski or a final judicial determination.

ENG 23. The old Chino Canyon Road alignment shall be protected in place and used as a pedestrian trail connecting the Little Tuscany neighborhood westerly through the project.

ENG 24. Hiking trails shall remain open to the public. Provisions for maintaining public access to hiking trails extending through the project shall be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this project. In accordance with Mitigation Measure (MM) 3.13-4 of the Final Environmental Impact Report, the applicant shall implement additional security measures related to the public trails prior to occupancy of any future homes.

ENG 25. In accordance with Mitigation Measure (MM) 3.4-1 of the Final Environmental Impact Report, the applicant shall dedicate to the City of Palm Springs approximately 9.4 acres of hillside area within the project boundaries as open space for the Mountains and Canyons Conservation Area (MCCA) of the Tribal Habitat Conservation Plan (THCP).

SANITARY SEWER

- ENG 26. 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.
- ENG 27. Sewer improvement plans prepared by a California registered civil engineer shall be submitted to and approved by the City Engineer prior to approval of a final map. Sewer design shall meet or exceed public sewer design requirements as established by the City Engineer.
- ENG 28. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, all sewer mains located in private street rights-of-way shall be located within the pavement sections. Sewer lines located outside of rights-of-way shall require separate sewer easements that include full vehicular and equipment access.
- ENG 29. Construct an 8 inch vitrified clay pipe sewer main within all on-site streets located 5 feet from centerline or as required by the City Engineer and connect to the existing public sewer system at the west end of Racquet Club Road.

GRADING

- ENG 30. Mass grading of the site shall be prohibited.
- ENG 31. Rock Crushing. Rock crushing operations shall be limited to off-site locations only, as analyzed within the project's EIR. On-site rock crushing for the individual home sites is not permissible under this Specific Plan.
- ENG 32. Initial rough grading of the site shall be limited to that which is required for construction of the on-site utility and street infrastructure. In accordance with Mitigation Measure (MM) 3.3-1(a) of the Final Environmental Impact Report, grading of the on-site utility and street infrastructure shall be coordinated with and scheduled not to coincide with grading activities on the Desert Water Agency reservoir site.
- ENG 33. A grading plan for the Desert Water Agency reservoir site shall be submitted to and approved by the City Engineer prior to issuance of a grading permit. In accordance with Mitigation Measure (MM) 3.5-1 of the Final Environmental Impact Report, a Phase 2 investigation of certain archaeological sites shall be completed prior to development of the Desert Water Agency reservoir site.
- ENG 34. Rough grading of residential lots within the project is subject to separate architectural approvals of each individual lot on a case by case basis, in accordance with the development standards for Planning Area 4 of the ESA-SP Zone, as defined by the Desert Palisades Specific Plan (Case 5.1154).

- ENG 35. For the residential portion of the site, the on-site street improvement plans shall identify all required cut and fill slope requirements and shall be used as grading plans for that portion of the site. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, the following principles shall apply to the design of the on-site streets:
- a) The vertical profile shall be aligned to closely match the existing natural terrain.
 - b) Curvilinear alignments and gently rolling profiles shall be consistent with site topography.
 - c) Excavations and embankments shall be limited to the greatest extent possible. Maximum slope gradients within ten (10) feet of the roadway edge shall not exceed 4:1 for fill slopes and 3:1 for cut slopes.
 - d) Roadway slopes shall not create a continuous wall or cut/fill condition, but shall vary in height and present an undulating appearance consistent with the natural slope.
 - e) Slopes shall be rounded to blend into the existing terrain to produce a contoured transition.
- ENG 36. The applicant's contractors 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 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's contractor shall provide the Engineering Division with current and valid Certificates of Completion from AQMD for staff that has 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 plans, which shall be approved by the City Engineer prior to issuance of any permits.
- ENG 37. In accordance with Standard Condition (SC) 3.5-1 of the Final Environmental Impact Report, approved Native American cultural resource monitors and archaeological monitors shall be present during all ground disturbing activities. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to coordinate scheduling of monitors prior to construction. No permits shall be issued for ground disturbance activities until

evidence is provided to the City Engineer demonstrating that monitoring by approved Native American cultural resource monitors has been coordinated by the applicant.

- ENG 38. 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 39. 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 40. 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 41. Prior to issuance of any permit for ground disturbance activities, the applicant shall provide verification to the City that applicable fees have been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).
- ENG 42. 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 permit.
- ENG 43. Construction of this project must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, 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 44. 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 45. Prior to issuance of any permit within an Environmentally Sensitive Area – Specific Plan (ESA-SP) zone, the applicant shall enter into an agreement with the City, as approved by the City Attorney and City Engineer, ensuring that the land will be re-naturalized should the improvement covered by the permit not be completed, in accordance with the City of Palm Springs Zoning Code Section 92.21.1.05. The agreement shall be secured in amounts required by the City Engineer to complete re-naturalization consistent with the provisions of Chapter 9.65 of the Palm Springs Municipal Code; such security shall be in the form of cash, irrevocable letter of credit, assignment of a certificate of deposit, or similar form of security, as approved by the City Manager and City Attorney.
- ENG 46. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the plans for the project. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of any plans.
- ENG 47. 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 plans shall be certified by a California registered geotechnical or civil engineer, certifying that all construction 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 final approval will be issued until the required certification is provided to the City Engineer.

WATER QUALITY MANAGEMENT PLAN

- ENG 48. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a 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 adjacent properties is prohibited. Construction of operational BMP's shall be incorporated into required plans.
- ENG 49. Prior to issuance of any permit, 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 or 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 permit.

- ENG 50. Prior to any final City approvals, 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 51. The project site design does not provide for retention of the incremental increase of stormwater runoff due to development of the entire site. Grading plans of individual home sites within the project, subject to separate architectural approval on a case by case basis, and the grading plan for the Desert Water Agency reservoir site, shall incorporate on-site retention as required by the City Engineer.
- ENG 52. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, development of the site shall preserve existing drainage patterns, natural streams and local watershed boundaries. Future residential development of individual lots shall be required to preserve existing drainage channels that may extend across the lot. Provisions for protecting existing drainage channels and maintaining natural drainage systems, acceptable to the City Engineer, shall be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this project.
- ENG 53. This project includes and is subject to the design and construction of the upper segment of Line 2, as identified on the Master Drainage Plan for the Palm Springs Area. The applicant proposes, subject to Riverside County Flood Control & Water Conservation District (RCFC) approval, to construct that portion of Line 2 extending through the project site as an on-site stormwater detention facility until such time as Line 2 is fully extended in accordance with the Master Drainage Plan. At the time that Line 2 is extended in the future to convey on-site storm water runoff to the Whitewater River, the applicant shall be required to remove and replace, modify or otherwise improve the segment of Line 2 extending through the project site to function as a permanent flood control facility as required by RCFC.
- ENG 54. The design and construction of Line 2, as identified on the Master Drainage Plan for the Palm Springs Area, is subject to the review and approval by Riverside County Flood Control & Water Conservation District (RCFC). The alignment of Line 2 shall be revised as required by RCFC, and the northerly end of Line 2 adjacent to Street "A" shall be relocated to the east property line to facilitate

future extension of Line 2 as shown on the Master Drainage Plan. Submit storm drain plans prepared by a California registered civil engineer to RCFC for review and approval.

- ENG 55. On a final map, the applicant shall provide an irrevocable offer of dedication to the City of Palm Springs for an easement for storm drainage purposes over the alignment of Line 2 as approved by RCFC and the City Engineer. The offer of dedication shall be rejected, and pursuant to California Government Code Section 66477.2 (a), the City shall rescind the rejection and accept the offer of dedication at such time as Line 2 is fully extended in accordance with the Master Drainage Plan, and Line 2 is reverted from use as a privately maintained on-site stormwater detention facility to a publicly maintained storm drain facility.
- ENG 56. 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 Report for TTM35540, prepared by MSA Consulting, Inc., dated July 1, 2009 (or as may be amended). Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study.
- ENG 57. 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.
- ENG 58. Until such time as Line 2 is fully extended in accordance with the Master Drainage Plan, and while Line 2 extending through the project site is used as an on-site stormwater detention facility, Line 2 shall be privately maintained. Provisions for maintenance of Line 2, including obligations to remove and replace, modify or otherwise improve the segment of Line 2 extending through

the project site to function as a publicly maintained storm drain facility as required by RCFC, shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.

- ENG 59. The project is subject to flood control and drainage implementation fees. The drainage fee at the present time is \$6,511.00 per acre per Resolution No. 15189. Costs related to the design and construction of Line 2, if Line 2 will ultimately be operated and maintained by RCFC, may be credited against drainage fees otherwise due.

GENERAL

- ENG 60. 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 61. All proposed utility lines shall be installed underground.
- ENG 62. 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 south side of Tram Way extending through the project site 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 63. 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 64. 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 65. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of final approvals. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 66. 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.

MAP

- ENG 67. On the final map, the applicant shall make and provide for all required dedications and easements as required in these conditions of approval.
- ENG 68. In accordance with Mitigation Measure (MM) 3.5-1 of the Final Environmental Impact Report, a Phase 2 investigation of certain archaeological sites shall be completed prior to approval of a final map.
- ENG 69. 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 parcels 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 final map. The final map shall be approved by the City Council prior to issuance of building permits.
- ENG 70. In accordance with Section 66434 (g) of the Government Code, the existing public right-of-way for Chino Canyon Road extending through the property may be abandoned upon the filing of a final map identifying the abandonment of the right-of-way granted to the City of Palm Springs.

- ENG 71. In accordance with Mitigation Measure (MM) 3.6-5(b) of the Final Environmental Impact Report, all applicable Standard Conditions and Mitigation Measures related to future individual home construction shall be included in Covenants, Conditions, and Restrictions (CC&R's) required for the project. A copy of draft CC&R's shall be submitted to the City Attorney for review and approval prior to approval of a final map.
- ENG 72. In accordance with Standard Condition (SC) 3.13-2(a) and 3.13-11, the applicant shall annex the property into City of Palm Springs Community Facilities District (CFD) 2005-1 to fund future emergency services, in conjunction with the recordation of a final map.
- ENG 73. 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 74. Prior to approval of a final map, the applicant shall pay a fair share contribution of \$14,610 (equivalent to 4.87%) for design and construction of a future traffic signal at the intersection of N. Palm Canyon Drive and Via Escuela.
- ENG 75. 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.

FIRE DEPARTMENT CONDITIONS

These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the preliminary site plan dated received 12/26/07. Additional requirements may be required at that time based on revisions to site plans.

- FID 1. Plot Plan: Prior to completion of the project, a 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.
- FID 2. Fire Hazard Severity Zone: Applicant's project is located in a Fire Hazard Severity Zone determined by the State of California. Wild land Building Standards and Wild land Urban Interface requirements will need to be included in this project.
- FID 3. Secondary Fire Department Access: The secondary access point from Tram Way Road meets fire department requirements.
- FID 4. Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with Sections 901 and 902 CFC. (902.1 CFC)

Minimum Access Road Dimensions:

- a. 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 5. Access Gates: Fire/Police/Ambulance access gates shall be at least 14' in width when in the open position and equipped with a Knox (emergency access) key switch. A Knox key operated switch shall be installed at every automatic gate. Show location of switch on plan. Show requirement in plan notes.
- FID 6. Fire Apparatus Access Roads/Driveways: Fire department access roads/driveways shall be provided so that no portion of the exterior wall of the first floor of any building will be more than 150 feet from such roads. (902.2.1 CFC)
- FID 7. Vertical Fire Apparatus Clearances: Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 13 feet 6 inches. This will include clearance from vegetation and trees. (902.2.2.1 CFC)
- FID 8. Road Design: Fire apparatus access roads shall be designed and constructed as all weather capable and able to support a fire truck weighing 73,000 pounds GVW. (902.2.2.2 CFC) The minimum inside turning radius is 30 feet, with an outside radius of 45 feet.

- FID 9. Operational Fire Hydrant(s): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except groundcover plantings. (1001.7.2 CFC)
- FID 10. Water Systems and Hydrants: Underground water mains and fire hydrants shall be installed, completed, tested. Installation, testing, and inspection will meet the requirements of NFPA 24 1995 edition. Prior to final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the Fire Department. (9-2.1 NFPA 24 1995 edition)
- FID 11. Fire hydrant systems: Following Fire Department selection of hydrant locations, plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. (901.2.2.2 CFC). All fire hydrants shall be installed in accordance with Desert Water Agency specifications and standards. No landscape planting, walls, fences, signposts, or aboveground utility facilities are permitted within 3 feet of fire hydrants, or in line with hose connections
- FID 12. Chemical Rock Splitting. Nonex, along with other "high energy" explosives used for blasting operations is currently prohibited by the Palm Springs Fire Department. The fire department will approve non-explosive methods for rock splitting. Crackamite and Rock Frac have been deemed as acceptable products to perform rock splitting procedures by the Palm Springs Fire Department. There may be others that perform in a similar manner.

END OF CONDITIONS

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**

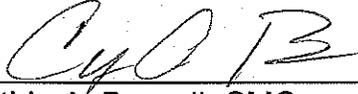


City Council
Meeting Date: December 15, 2010
Subject: Desert Palisades – Case 5.1154 TTM 35540

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on December 4, 2010.

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



Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on December 2, 2010.

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



Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on December 1, 2010, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (62 notices)

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



Cynthia A. Berardi, CMC
Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

DESERT PALISADES - CASE 5.1154
APPLICATION FOR A SPECIFIC PLAN, GENERAL PLAN AMENDMENT,
CHANGE OF ZONE, AND TENTATIVE TRACT MAP 35540
DEVELOPMENT OF 110 HOME SITES AT THE WESTERN END OF RACQUET
CLUB ROAD NEAR TRAM WAY

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of December 15, 2010. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an application by Pinnacle View, LLC, for a Specific Plan on an approximate 117 acres, adjacent to the Little Tuscany neighborhood and within the Chino Cone area. The project includes: 1) A General Plan Amendment to redesignate roughly 12 acres from Planning Area 3 to Planning Area 4 of the Special Policy land use area; 2) A Change of Zone adjusting the same 12 acre parcel within the ESA-SP Zone; 3) A Specific Plan proposing densities and development standards for 110 home sites, a water reservoir, roads, trails, open space, and common landscaping; and 4) A Tentative Tract Map for 110 home sites and related parcels. The project is located in Planning Area 4 of the Environmentally Sensitive Area – Specific Plan (ESA-SP) Zone.

ENVIRONMENTAL DETERMINATION: A Final Environmental Impact Report (FEIR) was prepared for this project under the guidelines of the California Environmental Quality Act (CEQA) and will be reviewed by the City Council at the hearing. Members of the public may view this document at the Planning Services Department, City Hall, between the hours of 8:00 a.m. to 11:00 a.m. and 2:00 p.m. to 6:00 p.m., Monday through Thursday.

REVIEW OF PROJECT INFORMATION: The staff report and other supporting documents regarding this project are available for public review at City Hall between the hours of 8:00 a.m. to 11:00 a.m. and 2:00 p.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

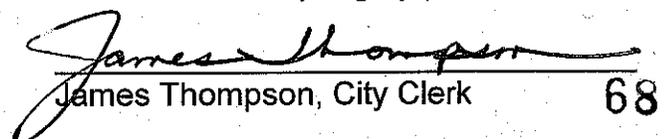
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. (Government Code Section 65009[b][2]).

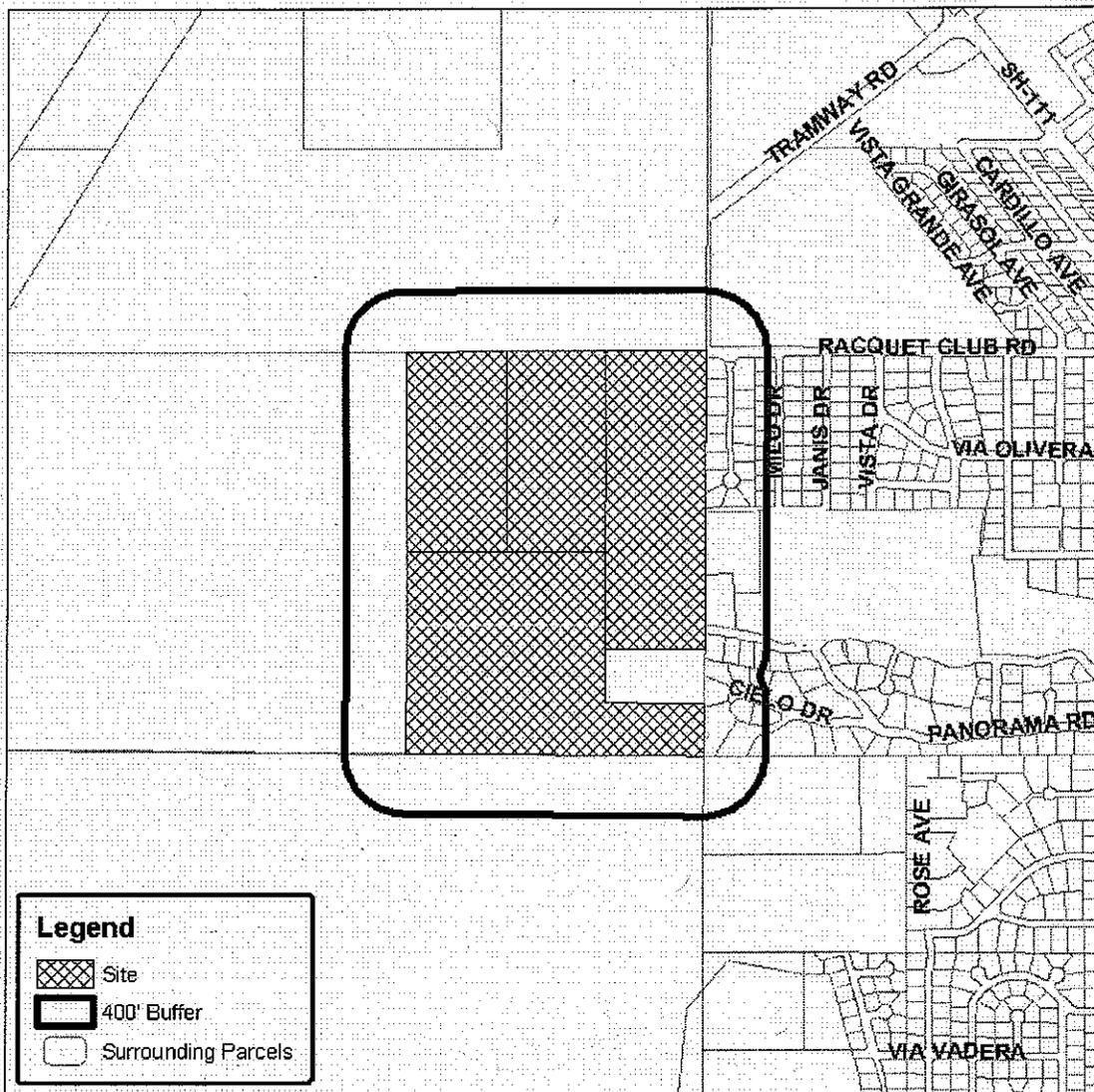
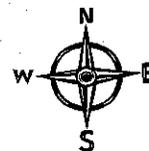
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, Associate Planner, Planning Services Department, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.


James Thompson, City Clerk



Department of Planning Services Vicinity Map



Legend

-  Site
-  400' Buffer
-  Surrounding Parcels

CITY OF PALM SPRINGS

CASE: 5.1154 SP / TTM 35540 / CZ (Specific Plan, Tentative Tract Map, General Plan Amendment, and Change of Zone)

APPLICANT: Pinnacle View, LLC

DESCRIPTION: To consider an application by Pinnacle View, LLC, for a Specific Plan on an approximate 117 acres, adjacent to the Little Tuscany neighborhood and within the Chino Cone area. The project is located in Planning Area 4 of the Environmentally Sensitive Area – Specific Plan (ESA-SP) Zone.



City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, CA 92262

Tel: (760) 323-8204 • Fax: (760) 322-8332 • TDD: (760) 864-9527 • Web: www.palmspringsca.gov

NOTICE OF CONTINUANCE

NOTICE IS HEREBY GIVEN that the Meeting of December 15, 2010, Public Hearing Item No. 1.B.

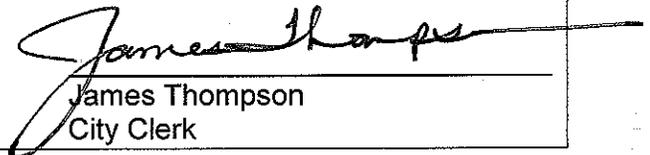
DESERT PALISADES SPECIFIC PLAN APPROVING A SPECIFIC PLAN, GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND TENTATIVE TRACT MAP (35540) FOR DEVELOPMENT OF 110 HOMESITES, DWA DUAL TANK WATER RESERVOIR, AND RELATED FACILITIES ON A ROUGHLY 117-ACRE SITE IN PLANNING AREA 4 OF THE ESA-SP ZONE (CHINO CONE) LOCATED AT THE WESTERN TERMINUS OF WEST RACQUET CLUB ROAD, SECTION 4, TOWNSHIP 4, RANGE 4 (IL) (CASE NO 5.1154 SP):

By a unanimous vote of the City Council of the City of Palm Springs the public hearing was continued to Wednesday, January 5, 2011, Council Chamber, 3200 E. Tahquitz Canyon Way, at 6:00 p.m., or as soon thereafter as possible.

AFFIDAVIT OF POSTING

State of California)
County of Riverside) ss.
City of Palm Springs)

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 6:00 p.m., December 16, 2010, as required by established policies and procedures.


James Thompson
City Clerk