



City Council Staff Report

DATE: November 19, 2008 Consent Calendar

SUBJECT: SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1753, AMENDING THE ZONING MAP BY APPROVING CASE 5.1193 PDD 354 A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR THE PROPERTY LOCATED AT 168 VIA ESCUELA ROAD

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1753.

RECOMMENDATION:

Waive further reading and adopt Ordinance No. 1753, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP BY APPROVING CASE 5.1193 PDD 354 A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR THE PROPERTY LOCATED AT 168 VIA ESCUELA ROAD, ZONE R-3, SECTION 3."

STAFF ANALYSIS:

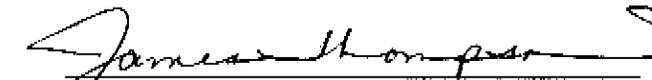
At its November 5, 2008, meeting Proposed Ordinance No. 1753 was introduced by the following vote:

AYES: Councilmember Hutcheson, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Mills.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.


James Thompson
City Clerk


David H. Ready, Esq., Ph.D.
City Manager

Attachment: Ordinance No. 1753

Item 2.F.

ORDINANCE NO. 1753

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP BY APPROVING CASE 5.1193 PDD 354 A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR THE PROPERTY LOCATED AT 168 VIA ESCUELA ROAD, ZONE R-3, SECTION 3.

WHEREAS, The applicant Michael Cartwright of Palm Springs Treatment Centers, Inc, has filed an application for a Planned Development District for an approximately 0.85-acre parcel at 168 Via Escuela Road, Section 3, APN: 504-270-016; and

WHEREAS, the Planned Development Application proposes certain deviations in the development standards including a fixed density of 28-beds in 14 rooms rather than the underlying calculation of density for assisted living facilities which is based on the number of beds times the average household size from the last census, and

WHEREAS, on September 10, 2008 a public hearing notice of the Planning Commission to consider Case 5.1193 PDD 354, was published in accordance with applicable law; and

WHEREAS, on September 10, 2008 a public hearing to consider Case 5.1193 PD354, a request for an Assisted Living Facility use and a Planned Development District, was held by the Planning Commission in accordance with applicable law; and

WHEREAS, at said hearing the Planning Commission considered the information provided, including all written and oral testimony and voted 6-0-1 to approve the Preliminary and Final Planned Development District in lieu of a Change of Zone and recommended approval of the PDD by the City Council, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1193 PDD 354 was given in accordance with applicable law; and

WHEREAS, on November 5, 2008, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, a Planned Development District in lieu of 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 5.1193 PDD 354, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider said Ordinance adopting Planned Development District 354 in lieu of a Change of Zone to allow a 28-bed, 14-room assisted living facility use on the parcel located at 168 Via Escuela Road, was held by the City Council in accordance with applicable law; and

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

SECTION 1. Pursuant to CEQA, the City Council finds that the Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorical Exempt as an infill development project per Section 15332 (Infill Development Projects).

SECTION 2: Pursuant to Section 94.07.00 the criteria for granting a Change of Zone, the City Council finds:

- a. *That the proposed Change of Zone is in conformity with the General Plan Map.*

The existing general plan designation of the subject property is (MDR), which allows for medium density residential development (6.1 to 15.0 dwelling units per acre). The proposed planned development district proposes a 28-bed assisted living facility with 14 rooms which is consistent with the General Plan; the PDD in lieu of a change of zone will be in conformity with the General Plan Map.

- b. *That 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.*

The property is surrounded by existing residential development. Access to the site is provided from Via Escuela Road and Zanjero Road. The size of the parcel is approximately 0.85 acres and accommodates the proposed development including all off street parking as well as parking for an adjacent and similar use to the south.

- c. *That the proposed Change of Zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent properties or residents.*

The proposed PDD in lieu of a change of zone provides for a 28-bed assisted living facility that is within the maximum density for the land use on which it is located. The facility will provide an alternative form of housing to address substance abuse recovery. There are similar uses to the south of this parcel and the overall development pattern of the site is similar to other existing development in the area. Therefore, the proposed PDD will not be detrimental to the adjacent properties or residents.

SECTION 3. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of the PDD in lieu of a change of zone and a thirty-day waiting period before it is effective allowing the approval of Planned Development District 354.

SECTION 4. The City Council approves Planned Development District 354 a PDD in lieu of a change of zone, Case 5.1193 subject to the Conditions of Approval attached hereto as Appendix A.

SECTION 5. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 6. 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 17th day of December, 2008.

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

APPENDIX A

ORDINANCE NO. 1753

EXHIBIT A

Case 5.1193 CUP PD 354
168 Via Escuela

November 5, 2008

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 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. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
- ADM 2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1193 CUP PD 354. 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 3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation 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 4. 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 5. 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 give 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 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).

CULTURAL RESOURCES

- ADM 6. 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.

- ADM 7. Given that portions of the project area are within an alluvial formation, the possibility of buried resources is increased. A Native American Monitor shall be present during all ground-disturbing activities.
- a. Experience has shown that there is always a possibility of buried cultural resources in a project area. Given that, a Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning and Zoning and after the consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to investigate and, if necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
 - b. Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning and Zoning Department prior to final inspection.
- ADM 9. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning and Zoning prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal.
- ADM 10. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning & Zoning prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

PLANNING CONDITIONS

- PLN 1. The Conditional Use Permit approval shall be valid for a period of two (2) years. Once constructed, the conditional use permit, provide all conditions of approval have been complied with, does not have a time limit. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

- PLN 2. Prior to submittal for plan check, the project shall be revised to incorporate significant, new "sustainability features" as its measure of "public benefit" provided in exchange for the City's approval of the Planned Development District. These sustainability features shall reflect the City's recently adopted sustainability policies. The proposed features shall be reviewed and approved by the Director of Planning Services.
- PLN 3. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning and Zoning for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
- PLN 4. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
- PLN 5. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
- PLN 6. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
- PLN 7. All materials on the flat portions of the roof shall be a reflective color for reduction of heat transmittance through the roof surface.
- PLN 8. All awnings shall be maintained and periodically cleaned.
- PLN 9. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
- PLN 10. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 9302.00.D.
- PLN 11. The street address numbering/lettering shall not exceed eight inches in height.
- PLN 12. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
- PLN 13. Details of pool fencing (material and color) and equipment area shall be submitted with final landscape plan.

- PLN 14. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 15. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 16. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 17. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.
- PLN 18. Within 60 days of approval of this application, provide proof of recordation with the County of Riverside Recorders Office of a permanent easement and deed restriction to ensure 8 off-street parking spaces are provided at 168 Via Escuela for the Assisted Living Facility/Substance Abuse Facility use at 2095 North Indian Canyon Drive

POLICE DEPARTMENT

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

BUILDING DEPARTMENT

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

ACCESSIBILITY

- ADA 1. To comply with CBC 1129B.3 the unloading access aisle for single disabled parking spaces shall be on the passenger side of the vehicle. The plan currently shows one of the access aisles on the driver's side. The plan will need to be revised to indicate code compliance for both disabled parking spaces.
- ADA 2. The plan will need to indicate the application of truncated domes in the level areas contiguous to the disabled parking access aisles in order to comply with CBC 1133B .8.5 for detectable warnings at hazardous vehicular areas.

- ADA 3. To comply with CBC 1111B.3 regarding recreational facilities, the swimming pool shall provide access for people with disabilities including wheelchair users. This will require the provision of a pool entry device (a pool lift).
- ADA 4. The ADA Accessible sleeping room and bathroom (including roll-shower) along with all the other common area facilities comply with CBC requirements in terms of floor space and location of fixtures.

ENGINEERING 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.

STREETS

- ENG 1. Engineering Division recommends deferral of off-site improvement items identified by ***“Deferred”*** at this time due to lack of full improvements in the immediate area. The owner shall execute a street improvement covenant agreeing to construct all required street improvements upon the request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be submitted with the Grading Plan, and shall be executed prior to approval of the Grading Plan or issuance of grading or building permits. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits. ***“Deferred”***
- 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 issuance of any building permits.

VIA ESCUELA

- ENG 5. Remove the existing driveway approaches along the Via Escuela frontage and construct new street improvements in accordance with applicable City standards.
- ENG 6. Construct the east half of a 6 feet wide cross gutter to match the existing cross gutter and a 25 feet radius curb return and spandrel at the northeast corner of the intersection of Zanjero Road and Via Escuela with a flow line parallel with and located 20 feet north of the centerline of Via Escuela in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 7. Construct a driveway approach to accommodate bay parking stalls along the Via Escuela frontage in accordance with City of Palm Springs Standard Drawing No. 201. Bay parking stalls shall be located completely on-site, behind sidewalk, and not within public right-of-way.
- ENG 8. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of Zanjero Road and Via Escuela in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 9. All broken or off grade street improvements shall be repaired or replaced.

INDIAN CANYON DRIVE

- ENG 10. Remove existing curb and gutter located 32 feet west of centerline and construct a 8 inch curb and gutter, 38 feet west of centerline along the entire frontage, with a 35 feet radius curb return and spandrel at the northwest corner of the intersection of Indian Canyon Drive and Via Escuela in accordance with City of Palm Springs Standard Drawing No. 200 and 206. ***“Deferred”***
- ENG 11. Construct a Type A curb ramp meeting current California State Accessibility standards at the northwest corner of the intersection of Indian Canyon Drive and Via Escuela in accordance with City of Palm Springs Standard Drawing No. 212. ***“Deferred”***
- ENG 12. Construct the north half of a 6 feet wide cross gutter at the northwest corner of the intersection of Indian Canyon Drive and Via Escuela with a flow line parallel with and located 38 feet west of the centerline of Indian Canyon Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206. ***“Deferred”***
- ENG 13. Construct a 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210. ***“Deferred”***

- ENG 14. Construct a 14-foot wide raised, landscaped median island as specified by the City Engineer across the entire frontage. ***“Deferred”***
- ENG 15. Construct pavement with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire Indian Canyon Drive frontage in accordance with City of Palm Springs Standard Drawing No. 110. Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane. ***“Deferred”***
- ENG 16. Remove the existing driveway approach and replace with new street improvements to match existing in accordance with applicable City standards.
- ENG 17. All broken or off grade street improvements shall be repaired or replaced.

ZANJERO ROAD

- ENG 18. Acquire an additional right-of-way of 20 feet across that certain 33 feet wide parcel of land identified as a Whitewater Mutual Water Company easement adjacent to the property as necessary to provide an ultimate right-of-way of 50 feet for Zanjero Road.
- ENG 19. Construct a roll curb located 16 feet east of centerline along the entire frontage, in accordance with applicable City standards.
- ENG 20. Construct a 4 feet wide sidewalk behind the roll curb and adjacent to the bay parking stalls in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 21. Construct pavement with a minimum pavement section of 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire Zanjero Road frontage in accordance with City of Palm Springs Standard Drawing No. 110.
- ENG 22. Coordinate with Whitewater Mutual Water Company to determine relocation requirements for the existing water lines and other facilities located within that certain 33 feet wide parcel of land identified as a Whitewater Mutual Water Company easement adjacent to the property and to be dedicated to the City for Zanjero Road right-of-way. The applicant shall be required to make appropriate arrangements to protect in

place or relocate the existing Whitewater Mutual Water Company facilities that are affected by the development. A letter of approval from Whitewater Mutual Water Company for relocated or adjusted water lines and other facilities shown on the street improvement plans shall be submitted to the Engineering Division prior to issuance of any permits.

SANITARY SEWER

ENG 23. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

GRADING

ENG 24. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that 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 the Grading plan.
- b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report.

- ENG 25. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 26. 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 27. 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 28. 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 29. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 30. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 31. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in

the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

- ENG 32. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Zanjero Road, Via Escuela or Indian Canyon Drive. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 33. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.
- ENG 34. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$6511.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

ON-SITE

- ENG 35. For on-site bay parking in residential and commercial zones, paving material shall be decorative paving, colored and/or patterned to relate to the overall design in accordance with Zoning Code 93.06.00.C.15.e.

GENERAL

- ENG 36. 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 37. All proposed utility lines shall be installed underground.
- ENG 38. 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 extending across the property 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 39. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

- ENG 40. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 41. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 42. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 43. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

TRAFFIC

- ENG 44. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 45. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 46. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.
- ENG 47. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan received by Planning Services and dated 3/21/2008. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. Access During Construction (CFC 503): Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 4. Fire Apparatus Access Gates (8.04.260 PSMC): Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock during construction.
- FID 5. Buildings and Facilities (CFC 503.1.1): Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Access is required on the north side of the project to meet this condition.
- FID 6. Premises Identification (CFC 505.1): New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 7. Key Box Required to be Installed (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

- FID 8. Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to association or facility locks. The nominal height of Knox lock box installations shall be 5 feet above grade. Location and installation of Knox key boxes must be approved by the fire code official.
- FID 9. Location of Knox boxes: A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.
- FID 10. Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 11. Water Plan (CFC 501.3 & 901.2): A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), Double Check Detector Assembly, Fire Department Connection and associated valves.
- FID 12. Fire Flow (CFC 508.3): Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 2,000 GPM based on the estimated 19,277 S.F. Type VB construction with the installation of fire sprinklers based on Appendix B of the 2007 CFC.
- FID 13. Identification (CFC 510.1): Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
- FID 14. NFPA 13R sprinkler systems (903.3.1.2). Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R.
- FID 15. Balconies and decks (903.3.1.2.1). Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

- FID 16. Audible Water Flow Alarms (CFC 903.4.2): An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.
- FID 17. Valve and Water-Flow Monitoring (CFC 903.4): All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID 18. Residential Smoke Alarms Installation With Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3): Provide Residential Smoke Alarms (FIREX # 0498 accessory module connected to multi-station FIREX smoke alarms or equal per dwelling and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected so that operation of any smoke alarm causes all smoke alarms within the dwelling to sound.
- FID 19. Fire Hydrant & FDC Location (CFC 912.2): Fire department connections shall be located on the front access side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official. The location of fire department connections shall be approved and installed as follows:
- a. Within 50 feet of an approved roadway or driveway and arranged so that hose lines can be readily attached to the inlets without interference from any nearby objects including buildings, fences, posts, plantings, or other fire department connections and or otherwise approved by the Fire Chief.
 - b. Within 30 feet of an approved hydrant. So that the inlet height shall not be less than 18 inches or more than 48 inches above grade.
 - c. Guard posts or other approved means may be required to protect fire department inlet connections from vehicular damage.
 - d. Fire department connection shall not be allowed in the rear of any building.
 - e. Fire department connections for NFPA 13R sprinkler systems shall be determined by the fire code official.
- FID 20. Fire Alarm System: Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 21. Portable Fire Extinguisher (CFC 906.1): Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire

extinguishers shall be installed so that the top is not more than 5 feet above the floor.

- FID 22. Special Provisions for licensed Care Facilities in Group R-4 Facilities Appendix Chapter 4:
- FID 23. Fire-resistance-rated construction provisions:
- FID 24. 425.5.1 Smoke barriers required. Group R-4 occupancies licensed as a Residential Care Facility (RCF) with individual floor areas over 6000 square feet (557 m²) per floor, shall be provided with smoke barriers, constructed in accordance with Section 709.
- FID 25. 425.5.2 Smoke partitions. In Group R-4 occupancies where smoke partitions are required, framing shall be covered with noncombustible materials having an approved thermal barrier with an index of not less than 15 in accordance with FM 4880, UL 1040, NFPA 286 or UL1715.
- FID 26. Fire alarm systems in Group R-4 occupancies. An approved fire alarm system shall be installed where required in Section 907.
- FID 27. Smoke alarms in Group R-4 occupancies. Smoke alarms shall be installed where required in Section 907.2.10
- FID 28. Means of egress provisions: General: In addition to the general means of egress requirements of Chapter 10, this section shall apply to Group R-4 occupancies.
- FID 29. Group R-4 occupancies shall have a minimum of two exits.

END OF CONDITIONS