



## CITY COUNCIL STAFF REPORT

DATE: July 21, 2010

PUBLIC HEARING

SUBJECT: The Loftin Firm – Palm Springs View Estates Mobile Home Park Tentative Tract Map 34627, for the conversion of an existing 184 unit rental mobile home park into a condominium park for resident ownership on approximately 25.9-acre parcel, located at 6300 Bolero Drive

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The City Council will consider a proposed subdivision of an existing 184 unit rental mobile home park into a condominium park for resident ownership on approximately 25.9-acre parcel. This item was previously reviewed by the Council at a public hearing on June 20, 2007.

### RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS CALIFORNIA APPROVING TENTATIVE TRACT MAP 34627 FOR THE CONVERSION OF AN EXISTING 184 SPACE RENTAL MOBILE HOME PARK TO A CONDOMINIUM PARK FOR RESIDENT OWNERSHIP LOCATED AT 6300 BOLERO DRIVE IN THE R-MHP (MOBILEHOME PARK) ZONE SECTION 29"

### PRIOR ACTIONS:

On May 9, 2007, the Planning Commission voted 5-0-2 (Commissioners Caffery and Scott absent), to recommend denial of the Tentative Tract Map 34627 for the conversion of a rental mobile home park to a condominium park for resident ownership. The Commission was of the opinion that the applicant did not adequately address the concerns that the Commission raised at the April 11, 2007 meeting (Meeting minutes attached).

On June 20, 2007, the City Council reviewed the project and voted to uphold the Planning Commission's recommendation to deny the proposal (Meeting minutes attached). The applicant filed a petition with the Riverside County Superior Court to set aside the Council's decision. The Superior Court, in a decision that was sustained by the Appellate Court, ordered the City Council to set aside its decision to deny the application and directed the City Council to conduct further proceedings and reconsider the application without deviating from the state-mandated criteria for approving mobilehome park applications.

### ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA guidelines, an Initial Study and a Negative Declaration was prepared for the proposed conversion of the mobile home park community to resident ownership.

### STAFF ANALYSIS:

Tentative Tract Map 34627 is a request for the conversion of an existing 184 space rental mobile home park into condominium lots for resident ownership within an R-MHP zoning designation. The subject property contains approximately 25.9-acres. The Palm Springs View Estates Mobile Home Park will remain a mobile home park community.

All Resident Households will be afforded the opportunity to either (1) buy the space on which their mobile home is situated, or (2) continue to rent the space on which their mobile home is situated, then the rent increases will be set in accordance with the provisions of California Government Code Section 66427.5.

### Tenant Impact Report

Under the Subdivision Map Act, Government Code Section 66427.5(b), the applicant is required to report on the impact of the conversion upon residents of the Mobilehome Park to be converted to resident ownership. The trial court determined that the amended Tenant Impact Report (TIR) that the applicant submitted to the City Council in 2007 was timely and adequately disclosed and addressed the issues raised by the City during the City's consideration of the application.

### Resident Survey

Under the provisions of Section 66427.5 (d) of the Subdivision Map Act, the applicant is also required to obtain a survey of support of the residents of the Mobilehome Park for the proposed conversion to resident ownership. As noted above, the judicial decisions rendered in the litigation between the City and the Applicant determined that state law does not authorize the City Council to perform any qualitative review of the survey results; the City Council is only allowed to inquire as to whether the survey was performed. If the City Council determines that the survey was in fact performed, then the requirement has been fully satisfied. The Applicant performed the survey and submitted it to the City as part of its application material in 2007.

Conclusions

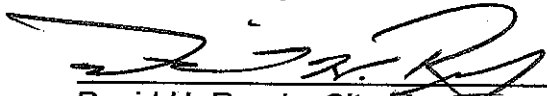
The courts have determined that the scope of the City Council's review of a mobilehome park conversion is limited to a determination of whether the applicant has complied with the specific requirements of Section 66427.5 of the Government Code. The City Council does not have any discretionary authority in this regard. For all practical purposes, the City Council has a purely ministerial role in the review of such applications. The applicant has performed each of the requirements of state law and therefore the City Council does not have the discretion to deny the application. Staff recommends that the City Council adopt the attached Resolution, approving Tentative Tract Map 34627, subject to standard conditions of approval applicable to tentative maps.

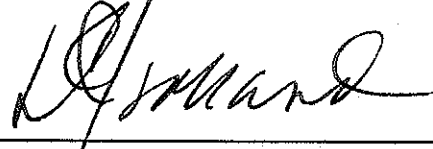
FISCAL IMPACT:

No fiscal impact.

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

  
\_\_\_\_\_  
Thomas Wilson, Assistant City Manager

  
\_\_\_\_\_  
David H. Ready, City Manager

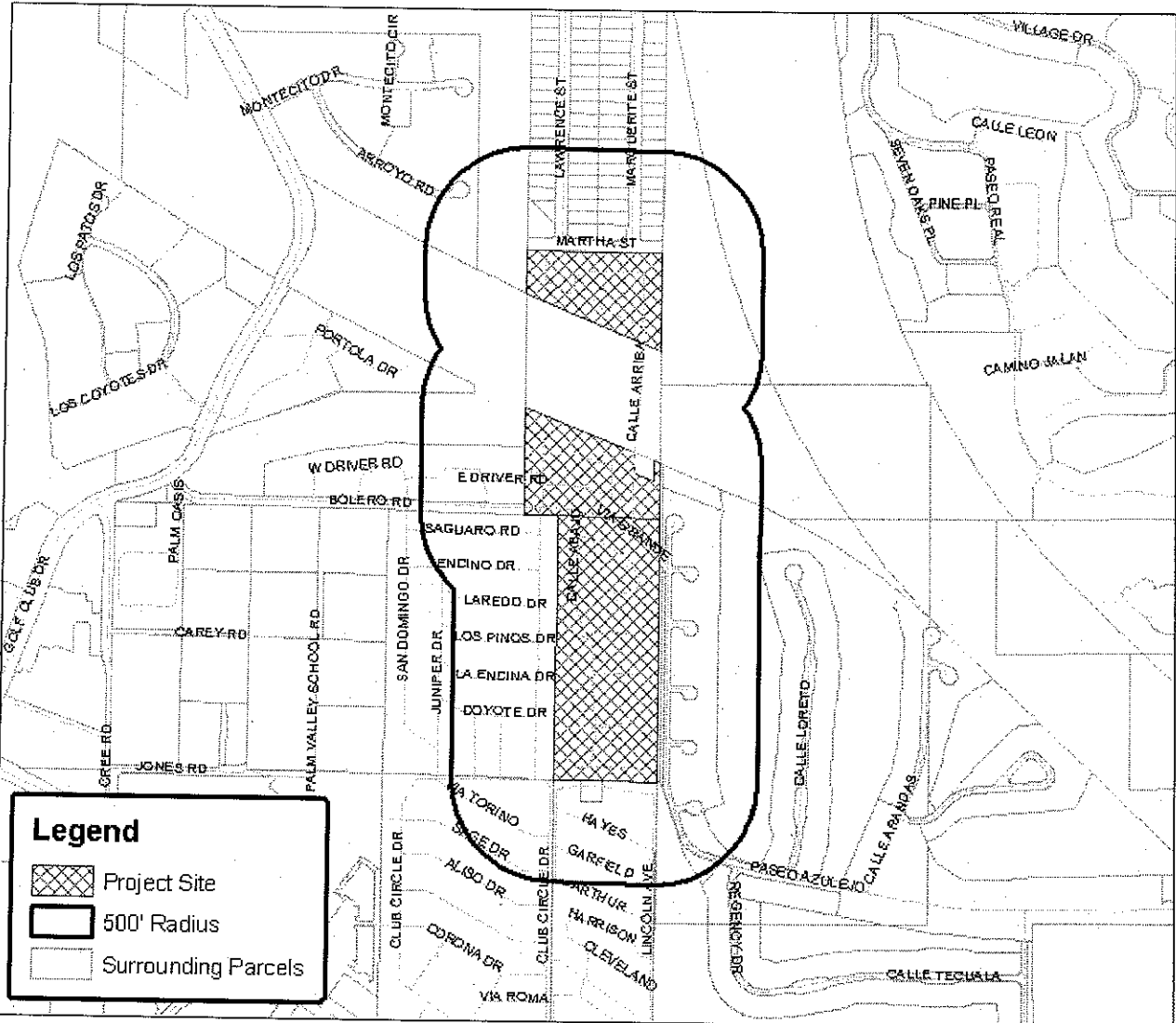
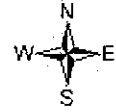
  
\_\_\_\_\_  
Doug Holland, City Attorney

Attachments:

1. Minutes of the Planning Commission
2. Minutes of the City Council
3. Draft Resolution and Conditions of Approval
4. Reduced Copy of Proposed Subdivision



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** TTM 34627

**APPLICANT:** The Loftin Firm  
Palm Springs View Estates  
Mobile home Park

**DESCRIPTION:** To consider an application by The Loftin Firm for Tentative Tract Map 34627 to convert an approximately 25.9 acre tract of 184 existing mobile home rental units to a resident-owned condominium mobile home park. The subject site is located at 6300 Bolero Drive, Zoned R-MHP, Section 29.

~~Allen Sanborn, architect & engineer for the project, provided further details pertaining to the original site plan and the entry access point for large delivery trucks and the loading zone.~~

~~-George Arce, owner & developer Phase II, thanked the Commission and staff for their hard work and is looking forward to the development.~~

There being no further comments, the Public Hearing was closed.

Commissioner Hutcheson requested engineering staff address any traffic calming devices installed on Cerritos and Chia Road. Mr. Fuller responded traffic speed bumps have been installed on Cerritos Road and further stated that both of these streets are collector roads (designed to connect neighboring roads to major roads).

Vice Chair Hochanadel noted this project is an enhancement for this area because this site is used as a dumping ground.

~~M/S/C (Vice Chair Hochanadel/Ringlein, 5-0, 2 absent/Scott/ Caffery) To recommend approval to the City Council, subject to Conditions of Approval.~~

**NOTE: The Planning Commission considered a request by The Loftin Firm for a continuation of this item to the meeting of June 13, 2007. The Planning Commission decided to proceed and hear the case.**

7. **Case TTM 34627 - An application by The Loftin Firm on behalf of the owners to subdivide the existing 184 space rental mobile home park, Palm Springs View Estates Mobile Home Park, for condominium purposes. The site is an approximate 25.9-acre tract and is located at 6300 Bolero Drive, Zoned R-MHP, Section 29, APN's: 681-310-018, 681-270-003, and 007. (Project Planner: Fred Lowndes, Associate Planner)**

Fred Lowndes, Associate Planner, provided background information as outlined in the staff report dated May 9, 2007. He reported this case was continued from the April 11th meeting to allow the applicant time to furnish an updated Tenant Impact Report (TIR) and have the City Attorney present at this meeting.

Vice Chair Hochanadel requested staff address the state's jurisdiction and the Commission's role in reviewing this project. Mr. Lowndes responded the Commission's role is to identify all the criteria has been met. He indicated the fire conditions have been satisfied by the fire department, however, the easement concern has not been addressed.

Chair Marantz opened the Public Hearing.

- Jon Rodrigue, The Loftin Firm representing the applicant, stated the concerns with the flow and pressure of the fire hydrant and access to the rear gate have been resolved. Mr. Rodrigue provided further details relating to location of the easement and the Tenant Impact Report.
- Dick Matthews, Palm Springs, stated a discrepancy with the distance of the fire hydrant and requested further study of the rental program.
- Bob Slagle, Palm Springs, addressed concerns with the Tenant Impact Report.
- Judy Farrell, Palm Springs, voiced concerns with economic displacement of the tenants.
- Arlene Battishill, Palm Springs, addressed concern for more renters protection especially tenants on fixed-incomes.
- Harold Baumea, Palm Springs, stated a discrepancy with the street names on the map and problems with sewer back-up and the sidewalk widths.
- Eddie Scott, Palm Springs, stated a concern with the sidewalk widths, sewer problems and the economic displacement of the tenants.
- Jon Rodrigue, applicant rebuttal, addressed the conversion process, the opportunity to purchase and inspections conducted by the state on the infrastructure of mobile home park.
- Jean Stevens, Palm Springs, addressed re-zoning of the mobile home park and a problem with home loans for low income residents.
- Tom Bennett, Palm Springs, voiced concern for more protection of the elders.

There being no further comments, the Public Hearing was closed.

Vice Chair Hochanadel requested clarification on the process of the sewer survey. Mr. Rodrigue responded the sewer survey is currently under process and the cost is \$50,000.

Marcus Fuller, Assistant Director of Public Works, summarized staff's decision to recommend denial, based on the Tenant Impact Report (TIR) submitted last year, it should include 1/2 of the mobile home park is within a flood zone, emergency access is prevented and the road is not on an easement of record.

Vice Chair Hochanadel requested staff address city liability. Staff responded that currently the mobile home park is under state control and once converted into resident ownership it is under local control.

Commissioner Hutcheson stated he felt Mr. Fuller summarized it well and there are too many unanswered questions. He made a motion to deny the project.

M/S/C (Hutcheson/Ringlein, 5-0, 2 absent/Scott/ Caffery) To recommend denial to the City Council.

~~6. **Case 6.497 VAR - An application by George and Donna Moore to allow an existing single-family dwelling addition constructed without permits within the required 15 foot setback located at 1590 Paseo El Mirador, Zone R-1-C, Section 11, APN: 507-122-004. (Project Planner: David Newell, Planning Technician)**~~

Edward Robertson stated after discussion with the applicant's attorney there was a mutual agreement to continue this item indefinitely pending a meeting between staff and the applicant.

Chair Marantz opened the Public Hearing, and there being no appearances, the Public Hearing was closed.

~~M/S/C (Hutcheson/Vice Chair Hochanadel, 6-0, 1 abstain/Caffery) To continue, to an indefinite date~~

**7. Case TTM 34627 - An application by The Loftin Firm on behalf of the owners to subdivide the existing 184 space rental mobile home park, Palm Springs View Estates Mobile Home Park, into a condominium park. The site is an approximate 25.9-acre and is located at 6300 Bolero Drive, Zoned R-MHP, Section 29, APN;s: 681-270-003, 681-270-007 & 681-310-018. (Project Planner: Fred Lowndes, Associate Planner)**

Fred Lowndes, Associate Planner, provided background information as outlined in the staff report dated April 11, 2007. He stated that all residents will be afforded the opportunity to either buy the space on which their mobile home is situated or continue to rent the space.

Chair Marantz requested staff address condition #7 regarding portions of the mobile home park which are not provided with a sewer system. Marcus Fuller, Assistant Director of Public Works, responded that the records for this mobile home park, built in the late 1960's, could not confirm that all of the park is connected to the public sewer system. Therefore he recommended condition is proposed.

Chair Marantz opened the Public Hearing:

The following persons spoke in support of the proposed project:

-Jon Rodrigue and Jacob Gould, representing the applicant, The Loftin Firm, provided an overview of the mobile home park using a power point presentation. Mr. Rodrigue provided further details relating to the benefits of the conversion process, the relevant agencies, the Tenant Impact Report (TIR), City Rent Control vs. State Rent, the emergency access and the sewer system.

The following persons spoke in opposition of the proposed project:

- Bob Slagle, Palm Springs, voiced concerns on a separate TIR hearing and summarized discrepancies on the application.
- Cal Hackler, Palm Springs, voiced concern with errors on the table for the low-income, survey date; and indicated 66% of residents do not support the conversion.
- Dick Matthews, Palm Springs, voiced concerns relating to the wash easement and indicated this would place a hardship on the owners.
- Erma Orsino, Palm Springs, concerned with the airplane noise which has affected the resale value.
- Eddie Scott, Palm Springs, requested delay in approval of this project; spoke about substandard lots and overhead utility lines.
- Don Leeker, Palm Springs, submitted photographs pertaining to the run-off water with mosquitoes in this area affecting health & safety.
- Melinda Woolley, Palm Springs, voiced concerns with the displacement of many residents.
- Tom Bennett, Palm Springs, stated most of the residents are in their golden years and requested postponement of the project.

There being no further appearances the Public Hearing was closed.

Craig A. Ewing stated he spoke with the City Attorney regarding the Community Facilities District and indicated this condition need to be imposed since no new units are being created.

Chair Marantz noted her concerns with the 40 year facility and the infrastructure problems.

Commissioner Ringlein requested the applicant address the tenants right to continue to rent indefinitely. Jon Rodrigue provided further details relating ownership of land, the condominium overly and the renter's and owner's rights.

Chair Marantz stated she did not feel she has enough information to make a decision at this point.

Commissioner Caffery clarified the Commission's role for this project is acceptance of the findings staff has provided. He summarized the findings and noted all the questions and concerns which have been brought up are State regulated. Craig A. Ewing responded that the internal improvements of the park are regulated by the State which prevent local involvement. Commissioner Caffery suggested a continuance with the City Attorney present to provide the Commission with the law. Otherwise he felt the conditions of approval met the findings.

Craig A. Ewing stated if there is an area of uncertainty on the Commissions part relating to an updated Tenant Impact Report (TIR) this may be an issue to explore at a future meeting.

Commissioner Hutcheson stated he prefers further clarification regarding the easement rather than adding a condition.

M/S/C (Caffery/Scott, 7-0) To continue, to an indefinite date, as amended:

\*The City Attorney to be present.

\*The City Attorney to advise the Commission on the submittal of an updated Tenant Impact Report.

\*Clarification on the easement location.

A recess was taken at 3:32 p.m. The meeting resumed at 3:43 p.m.

~~8. **Case 5-1127 MAJ / CPA / PDB 332 - An application by Khalil Allabouni for a proposed General Plan Amendment to reclassify existing land use of L-6 and M15 to GC (General Commercial) and a Change of Zone from R-G-A(6) and R-2 to Planned Development District (PD-332) to establish new design standards and guidelines for the development of a retail commercial and office complex to be located at 3201 North Indian Canyon Drive, Zoned R-G-A-6 and R-2, Section 3, APN's: 504-121-005; 006 and 010. (Project Planner: Fred Lowndes, Associate Planner)**~~

Fred Lowndes, Associate Planner, provided background information as outlined in the staff report dated April 11, 2007.

Chair Marantz requested staff address the surrounding areas and questioned the area toward the west of this property and the setbacks. Staff responded that the property towards the west is a single family residence and the remaining parcels are vacant.

Chair Marantz opened the Public Hearing.

-William Kleindienst, WWCO/Mills Architects, provided details pertaining to the distance from the residential area, landscaping, height, the elevator shaft, the meandering bike path and setbacks. He summarized a request for modification and/or deletion of conditions.

-Khris Benz, spoke in support of this project; stating this project will revitalize this area of the city.

-Phillip Trail, Palm Springs, spoke in support of this project, and stated this area is in need of commercial services.

~~There being no further comments, the Public Hearing was closed.~~

~~WITHIN THE CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES) ANNEXATION NO. 4." Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and carried 4-1 on a roll call vote.~~

~~AYES: Councilmember Foat, Councilmember Mills, Mayor Pro Tem Pougnet, and Mayor Oden.  
NOES: Councilmember McCulloch.~~

**1.E. THE LOFTIN FIRM FOR PALM SPRINGS VIEW ESTATES MOBILEHOME PARK TENTATIVE TRACT MAP 34627, FOR THE CONVERSION OF AN EXISTING 184 UNIT RENTAL MOBILEHOME PARK INTO A CONDOMINIUM PARK FOR RESIDENT OWNERSHIP ON AN APPROXIMATE 25.9-ACRE PARCEL, LOCATED AT 6300 BOLERO DRIVE:**

Fred Lowndes, Associate Planner, provided background information as outlined in the staff report dated June 20, 2007.

Councilmember McCulloch requested staff address the Applicant request to continue the Item.

Mayor Oden opened the public hearing, and the following speakers addressed the City Council.

JON RODRIGUE, Representing Applicant, requested a continuance to work with the residence group on infrastructure and a moderate income program, provided background information and incorporated information provided to the City Council as a part of the public hearing, and addressed the concerns of the residences.

Mayor Oden requested the Applicant address the timing of a continued public hearing.

Councilmember Foat requested the Applicant address how the residents could support the conversion without knowing the price.

Councilmember Pougnet commented on the request for continuance on the basis of the development of a moderate income impact program.

JUDY FARRELL, Palm Springs, stated there are no benefits for the homeowners, and in opposition of the conversion.

PATTI SHALLIES, Palm Springs, spoke in opposition to the conversion of the park to resident ownership.

HAROLD BAUMEA, Palm Springs, commented on issues of jurisdiction, access and emergency access, and in opposition to the conversion.

JAMIE MURO, Palm Springs, spoke in opposition to the conversion of the park to resident ownership.

ERMA ORSINO, Palm Springs, spoke in opposition to the conversion of the park to resident ownership.

ROBERT WALSH, Palm Springs, spoke in opposition to the conversion of the park to resident ownership.

GORDEN DODDS, Palm Springs, spoke in opposition to the conversion of the park to resident ownership.

VESTA RUTH, Palm Springs, read a letter from a resident in opposition to the conversion of the park to resident ownership.

DICK MATHEWS, Palm Springs, commented on the deficiencies on the application and title, spoke in opposition to the conversion of the park to resident ownership.

KRISTEN DOBIS, Palm Springs, commented on the relationship of the residents to the Loftin Group, spoke in opposition to the conversion of the park to resident ownership.

CAL HACKLER, President Palm Springs View Estates, commented on the financial impact to residents and rent control, spoke in opposition to the conversion of the park to resident ownership.

ARLENE BATTISHILL, commented on the jurisdiction of the wash parcel and road, spoke in opposition to the conversion of the park to resident ownership.

JEAN STEPHENS, commented on the recent improvements at the park, spoke in opposition to the conversion of the park to resident ownership.

BOB SLAGLE, Palm Springs, commented on jurisdiction issues, road and utility easements, spoke in opposition to the conversion of the park to resident ownership.

JOHN EMINGER, commented on the homeowners association, reserves, spoke in opposition to the conversion of the park to resident ownership.

JACKIE EMINGER, commented on disclosure, and spoke in opposition to the conversion.

WENDIE BUSIG-KOHN, requested the City Council not displace people.

JOHN RODRIGUE, Rebuttal, requested the City Council review the written materials that address the concerns of the residents.

No further speakers coming forward, the public hearing was closed.

Mayor Oden commented on the previous discussion with El Dorado Park, the impacts to the residents and the moderate income program, commented on the tenant impact report, the review by the Planning Commission, and requested the Applicant review several issues of the application.

Councilmember McCulloch requested the City Attorney address the action that is being taken by the City Council and the disclosure of materials that were presented after the application was filed.

Councilmember Mills requested the City Attorney address if the City can deny a map for public safety issues and how it relates to a Mobile Home Park, requested staff address the condition with respect to a 10-year program for rent control.

**ACTION:** Adopt Resolution No. 21941 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING TENTATIVE TRACT MAP 34627 FOR THE CONVERSION OF AN EXISTING 184 SPACE RENTAL MOBILEHOME PARK TO A RESIDENT-OWNED CONDOMINIUM PARK LOCATED AT 6300 BOLERO DRIVE ON PROPERTY ZONED R-MHP (MOBILEHOME PARK) SECTION 29." Motion Councilmember Foat, seconded by Mayor Oden and unanimously carried on a roll call vote.

The City Council recessed at 8:33 P.M.  
The City Council reconvened at 8:46 P.M.

~~4.F. **CASE NO. 5-1152 THE 2007 COMPREHENSIVE UPDATE OF THE PALM SPRINGS GENERAL PLAN:**~~

~~Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated June 20, 2007.~~

~~Councilmember Foat requested staff address the tracked changes version of the General Plan.~~

~~Councilmember Mills requested staff address if staff is recommending the changes in the tracked changes edition, and requested a larger copy of the map.~~

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 34627, FOR THE SUBDIVISION OF AN EXISTING 184 UNIT RENTAL MOBILE HOME PARK ON APPROXIMATELY 25.9-ACRE PARCEL INTO A CONDOMINIUM PARK . LOCATED AT 6300 BOLERO DRIVE, ZONED R-MHP, SECTION 29.

WHEREAS, The Loftin Firm (the "Applicant") has filed an application with the City pursuant to Section 9.62.010 of the Palm Springs Municipal Code, for Tentative Tract Map 34627; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Tentative Tract Map 34627 was given in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and an Environmental Assessment has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; and

WHEREAS, the subdivider has complied with the requirements of Government Code Section 66427.5(b) (the "Law") and the City Council, pursuant to judicial decisions relating to this application, does not have any discretion to qualitatively evaluate and review the subdivider's submission and has merely a ministerial role to play in the review of a mobilehome conversion under the Law; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Tentative Tract Map 34627 was given in accordance with applicable law; and

WHEREAS, On July 21 2010, a public hearing on the application for project was held by the City Council in accordance with applicable law; and

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

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

Section 1:

An Initial Study and a Negative Declaration was prepared pursuant to the California

Environmental Quality Act (CEQA) and the CEQA guidelines, the City Council hereby adopts the Negative Declaration for Tentative Tract Map 34627.

Section 2:

Resolution No. 21941 denying the proposed tentative map is set aside and repealed.

Section 3:

Tentative Tract Map Case No. TTM 34627 for the conversion of the existing 184 lot rental Mobile home Park to a resident owned condominium park is approved as required under the Law subject to the attached conditions of approval in Exhibit A

ADOPTED THIS 21<sup>st</sup> day of July, 2010

\_\_\_\_\_  
David H. Ready, City Manager

ATTEST:

\_\_\_\_\_  
James Thompson, 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, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 1<sup>st</sup> 2006, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California

EXHIBIT A

Tentative Tract Map 34627

CONDITIONS OF APPROVAL

6300 Bolero Drive

July 21, 2010

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.

PROJECT SPECIFIC CONDITIONS

1. The existing gate that serves that portion of Palm Springs Estates Mobile home Park that is located north of the Palm Canyon Wash shall be retrofitted to open electronically so that the resident can enter and leave without getting out of their vehicles and be a minimum width of 14 feet. An access code shall be given to emergency services (Fire / Police/ ambulance).
2. Prior to the recordation of the CC&R's, the property owner shall obtain a maintenance inspection for compliance with Title 25 of the California Code of Regulations which governs the interior of mobile home parks such as utilities, roads, the common areas and facilities, including without limitation such Title 25 requirements that apply to the park as marking lot lines, and all violations of Title 25 shall be remedied. Proof of remediation shall be confirmed in writing from HCD or such other entity or agency that performed the inspection and a copy of same provided to the City of Palm Springs.

ADMINISTRATIVE:

3. 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.
4. 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 TTM 34627. 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.

5. 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.
6. 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.
7. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development

shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland.

**POLICE DEPARTMENT:**

8. Developer shall comply with Section II of Chapter 8.04 of the Palm Springs Municipal Code.

**FIRE DEPARTMENT:**

9. Plot Plan: Prior to completion of the project, an 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.
10. 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:**

- 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.
11. 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.
  12. 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)
  13. 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)

14. 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.
15. 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)
16. 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)
17. 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.

#### **ENGINEERING:**

1. 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.
2. Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

#### **CALLE ARRIBA (PRIVATE STREET)**

3. The applicant shall provide proof of legal rights to use the existing private access road across the Palm Canyon Wash. The Grant Deed referred to on Tentative Tract Map 34627, recorded October 6, 1958, in Book 2343, Page 222, reserved an easement for road and water pipeline purposes over the easterly 60 feet of that property currently identified by Assessor's Parcel Number (APN) 681-270-020. The easement was reserved for benefit of Lawrence and Martha Crossley; no grant of easement to

successors or assigns has been provided or established. The applicant shall also address the fact that Calle Arriba is not physically located within the easterly 60 feet of the property identified by APN 681-270-020, and shall obtain an appropriate easement over the current location of Calle Arriba; or, upon verification of the legal rights to the easement reserved in the Grant Deed recorded October 6, 1958, in Book 243, Page 222, shall relocate Calle Arriba within the record easement. The applicant shall demonstrate legal rights of access across the property identified by APN 681-270-020 prior to approval of a final map.

4. The applicant shall improve the Calle Arriba crossing of the Palm Canyon Wash to meet or exceed a 100-year storm event. An "all weather" crossing shall be constructed. The applicant shall be responsible for submitting improvement plans and for securing approvals and an Encroachment Permit for required improvements within the Palm Canyon Wash from the Riverside County Flood Control & Water Conservation District. The Calle Arriba improvements shall be secured, pursuant to a Subdivision Improvement Agreement, or completed, prior to approval of a final map.

#### SANITARY SEWER

5. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
6. The applicant shall demonstrate that all buildings are connected to the public sewer system by means of an existing on-site private sewer system. Evidence shall be provided through as-built plans and/or digital video showing the existence of an on-site private sewer system serving the entire property identified within Tentative Tract Map 34627. Evidence demonstrating that all buildings are connected to the public sewer system shall be provided to the City Engineer, prior to approval of a final map.
7. Any portion of the property identified within Tentative Tract Map 34627 that is not currently provided with public sewer service by means of an on-site private sewer system connected to a public sewer main shall require construction of an on-site private sewer system meeting current City standards. Sewer plans shall be submitted to the Engineering Division for review and approval. Private on-site sewer mains for residential projects shall conform to City sewer design standards, including construction of 8 inch V.C.P. sewer main and standard sewer manholes. Sewer manhole covers shall be identified as "Private Sewer". A profile view of the on-site private sewer mains is not necessary if sufficient invert information is

provided in the plan view, including elevations with conflicting utility lines. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division. Any required sewer improvements shall be secured, pursuant to a Subdivision Improvement Agreement, or completed, prior to approval of a final map.

8. Provisions, acceptable to the City Engineer, for maintenance of the public sewer easement, recorded January 8, 1971, as Instrument No. 71-4970, shall be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this development. Notice shall be clearly included in the CC&R's defining the restrictions of development within the easement areas. The CC&R's shall advise the condominium owners of the City's right to enter the site, clear and remove any and all improvements and/or obstructions within the easement areas, and give the City the right to charge all costs incurred in enforcing this provision to the Home Owners Association. The CC&R's shall also advise the condominium owners of the fact that the City is not required to replace in like kind, any landscaping or other improvements within the public sewer easement areas in the event repair or replacement of the existing sewer main is required, and that the City shall be limited to leaving the property in a rough graded condition following any such repair or replacement.
9. All on-site private sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site private sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.

#### DRAINAGE

10. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMP's).
11. A portion of the property is located within a special flood hazard area (SFHA), and is subject to the provisions of Chapter 93.17.00 *et. seq.* ("Flood Damage Prevention") of the Palm Springs Zoning Code, and applicable state and federal laws and regulations. Specifically, a portion of the property, generally located south of Calle de Las Nube, is located within a designated SFHA identified by Zone A0 (Depth 3) as shown on

the current Federal Insurance Rate Map (FIRM) for the City of Palm Springs, California, Riverside County, Community Panel Number 060257 0009D, dated July 7, 1999. The applicant shall comply with all applicable local, state and federal laws and regulations associated with development occurring within a SFHA.

12. The applicant is advised that, pursuant to the provisions of Chapter 93.17.00 *et. seq.* ("Flood Damage Prevention") of the Palm Springs Zoning Code, and applicable state and federal laws and regulations, the placement of any new manufactured home, the removal and installation of a replacement manufactured home, or the substantial improvement of any existing manufactured home, located within a special flood hazard area (SFHA) must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one (1) foot above the base flood elevation, and be securely fastened to an adequately anchored foundation system to resist flotation, collapse or lateral movement. The base flood elevation specified for this property is 3 feet.
13. The applicant is advised that pursuant to federal regulations, the purchase of flood insurance is mandatory for all Federal or federally-backed financial assistance for the acquisition and/or construction of buildings in special flood hazard areas or SFHA's. For existing structures currently located in the SFHA, flood insurance will be required, unless the structures can be protected against flooding in accordance with Chapter 93.17.00 *et. seq.* ("Flood Damage Prevention") of the Palm Springs Zoning Code, and applicable state and federal laws and regulations. The applicant is advised to refer future owners of structures located in the SFHA to [www.floodsmart.gov](http://www.floodsmart.gov) for more information about mandatory flood insurance.

#### GENERAL

14. The record property owner shall enter into a covenant agreeing to underground all of the existing overhead utilities required by the Municipal Code in the future upon request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to approval of a final map. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time the covenant is submitted shall be paid by the applicant prior to approval of a final map.

15. 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.
16. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

#### MAP

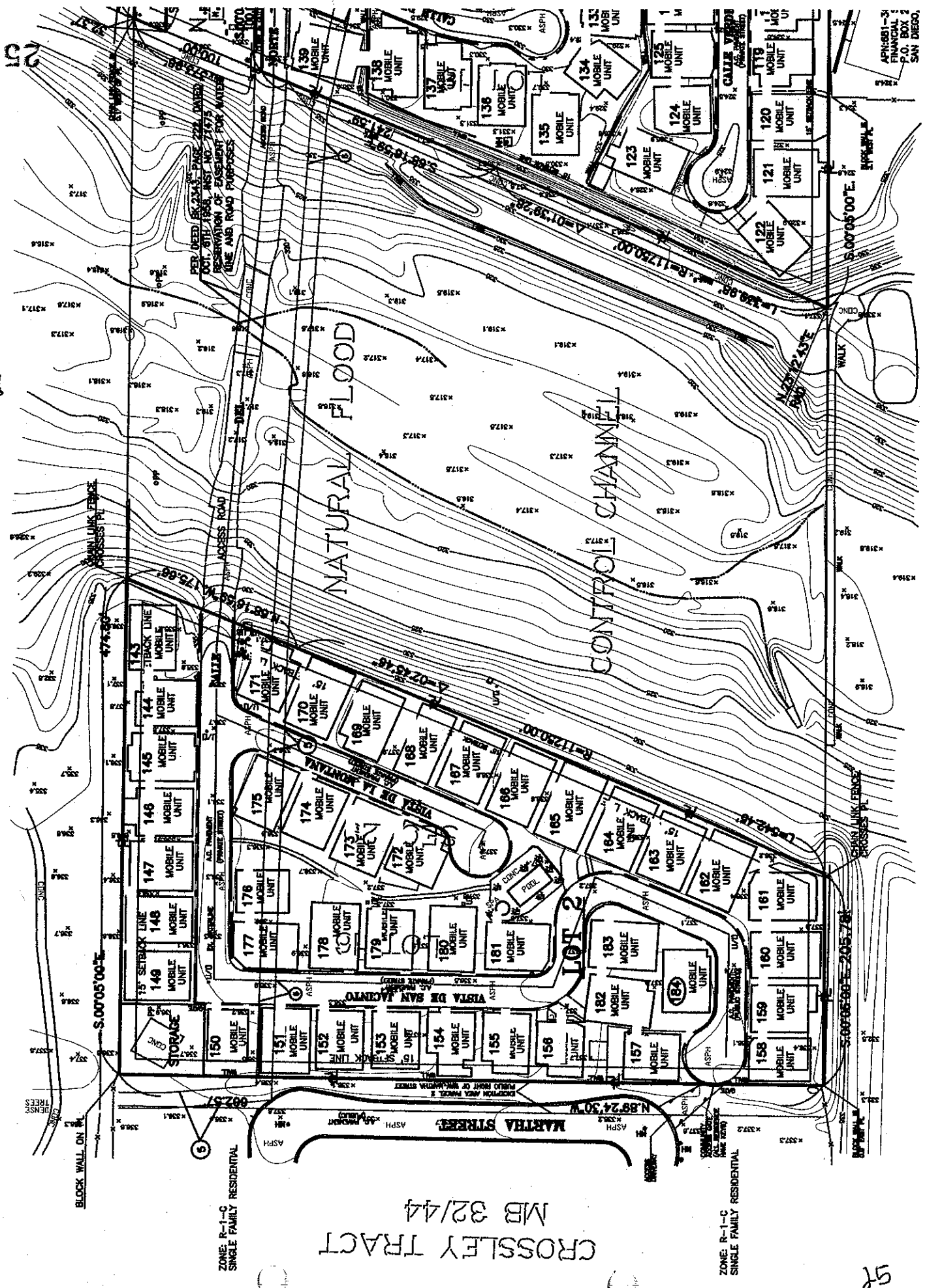
17. The applicant shall provide tenant notification for subdivisions to be created from the conversion of residential property into a condominium project in compliance with Sections 66427.1 and 66452.3 of the Subdivision Map Act.
18. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created there from, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to completion of condominium conversion process.
19. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of a Final Map.
20. 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.

**END OF CONDITIONS**

# TENTATIVE TRACT NO. 34627

CATHEDRAL CANYON COUNTRY CLUB



CROSSLEY TRACT  
MB 32/44

ZONE R-1-C  
SINGLE FAMILY RESIDENTIAL

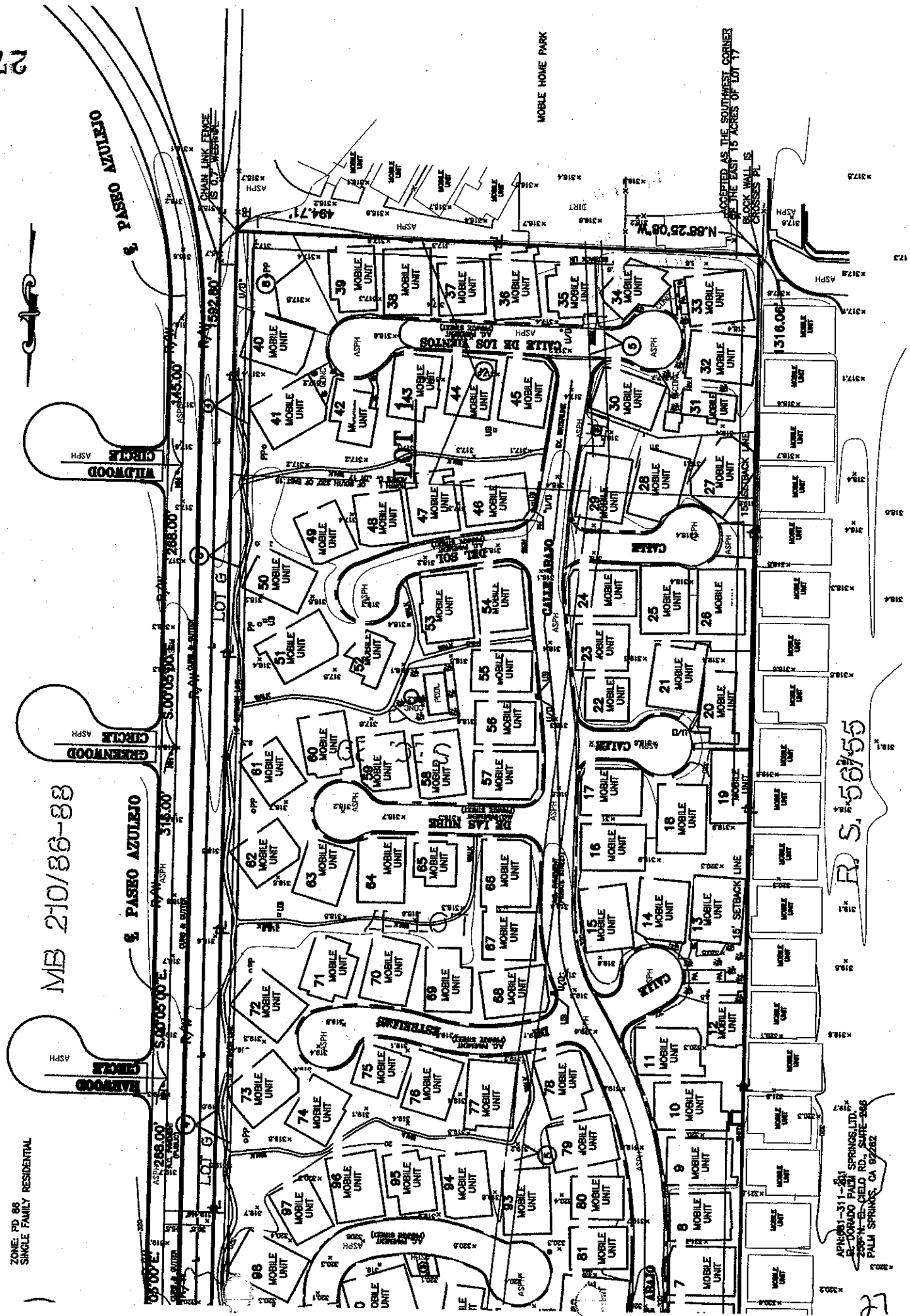
ZONE R-1-C  
SINGLE FAMILY RESIDENTIAL



# TENTATIVE TRACT NO. 34627

ZONE: PD 86  
SINGLE FAMILY RESIDENTIAL

MB 210/86-88



APN: 951-311-281  
BY: DORADO PALM SPRINGS, LTD.  
2505 N. E. CIELD RD., SUITE 248  
PALM SPRINGS, CA 92262

R. S. 56755

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



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City Council  
Meeting Date: July 21, 2010  
Subject: Palm Springs View Estates MHP – TTM 34627

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**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, Chief 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 July 10, 2010.

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

KHart

Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Kathie Hart, Chief 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 July 8, 2010.

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

KHart

Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF MAILING**

I, Kathie Hart, Chief 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 July 8, 2010, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (115 notices)

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

KHart

Kathie Hart, CMC  
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

TENTATIVE TRACT MAP 34627  
PALM SPRINGS VIEW ESTATES MOBILE HOME PARK  
6300 BOLERO DRIVE

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of July 21, 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 The Loftin Firm for Tentative Tract Map 34627 to convert an approximate 25.9 acre tract of 184 existing mobile home rental units to a resident-owned condominium mobile home park located at 6300 Bolero Drive, Zone R-MHP; Section 29.

**ENVIRONMENTAL DETERMINATION:** An Initial Study and a Negative Declaration was prepared under the guidelines of the California Environmental Quality Act (CEQA) and will be reviewed by the City Council at the meeting. Members of the public may view this document in the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, between the hours of 8:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 6:00 p.m. Monday through Thursday, and submit written comments at, or prior, to the City Council hearing.

**REVIEW OF PROJECT INFORMATION:** The staff report and other supporting documents regarding this matter are available for public review at the City Hall between the hours of 8:00 a.m. to 11:00 a.m. and from 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.

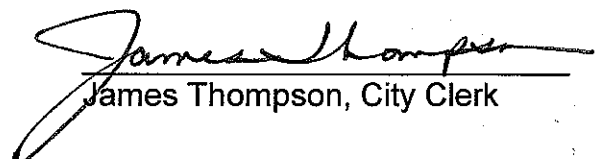
**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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 Edward O. Robertson, 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

