



CITY COUNCIL STAFF REPORT

DATE: November 5, 2008

PUBLIC HEARING

SUBJECT: CASE NO. TPM 35958 – AVALON DEVELOPMENT INCORPORATED REQUESTING APPROVAL OF TENTATIVE PARCEL MAP 35958 TO SUBDIVIDE APPROXIMATELY 6.55 ACRES FOR CONDOMINIUM PURPOSES FOR THE PROPOSED DESERT OASIS INDUSTRIAL LOFTS LOCATED AT 400 WEST SAN RAFAEL DRIVE.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will consider a request by Avalon Development Incorporated to subdivide the subject site into eight parcels consisting of 58 industrial condominium units. The proposed Tentative Parcel Map is required to reconfigure the site for financing purposes only.

RECOMMENDATION

1. Open the public hearing and receive public testimony; and
2. Approve Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 35958 TO SUBDIVIDE APPROXIMATELY 6.55 ACRES FOR CONDOMINIUM PURPOSES FOR THE PROPOSED DESERT OASIS INDUSTRIAL LOFTS LOCATED AT 400 WEST SAN RAFAEL DRIVE, ZONE M-1, SECTION 34."

PRIOR ACTIONS

On March 28, 2007, the Planning Commission adopted the Negative Declaration and approved the site plans, landscape and architectural plans of the project.

On August 13, 2008, the Planning Commission voted 7-0 to recommend approval of the Tentative Parcel Map to the City Council.

ITEM NO. 16

BACKGROUND

The proposed project site is located along the north side of San Rafael Drive and south side of Radio Road. The property is west of Indian Canyon Drive and east of McCarthy Road. The subject property is vacant and is generally flat. To the north of the site, across Radio Road is a vacant lot. To the east, are industrial buildings and a towing service building. To the south across San Rafael Drive is vacant. To the west, is an existing industrial building, restaurant and multi-family residential.

Table 1: Surrounding land uses, General Plan, Zoning

	Land Use	General Plan	Zoning
North	Vacant	Mixed Use / Multi-Use	M-1 (Service / Manufacturing)
East	Industrial Buildings and Towing Yard	Mixed Use / Multi-Use	M-1 (Service / Manufacturing)
South	Vacant	Mixed Use / Multi-Use	R-2 (Limited Multiple-Family)
West	Industrial, Residential & Restaurant	Medium Density Residential	PDD 167 & PDD 87

On March 28, 2007, this 6.55-acre site was approved for the construction of 58 service / manufacturing lofts in seven buildings to be developed in two phases. Phase one will consist of buildings A, B, C, D and G and phase two will consist of buildings E & F. The proposed buildings will be one story plus a loft with a height of 25 feet. This applicant is now requesting approval of the associated Tentative Parcel Map for this project.

ANALYSIS

The subject property has a General Plan designation as Mixed Use / Multi Use. This designation states, *"specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses."*

The subject property is zoned M-1. The M-1 Zone is *"intended to provide for the development of service industries for commercial and hotel uses and for industrial uses which include fabrication, manufacturing, assembly or processing of materials that are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot, glare or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other zone."*

The proposed subdivision is to allow the sale of fifty-eight industrial lofts. These lofts were approved in seven buildings on a vacant lot for a well-planned research and business park. Uses permitted within the M-1 Zone support designer home furnishing

shops and include uses such as cabinet / carpenter machinery shop, manufacturing and treatment of wood, furniture upholstery, etc.

Tentative Parcel Map

The proposed tentative parcel map is a request for the creation of eight parcels from the existing two parcels. The subject property is an approximately 6.55-acre, relatively flat vacant parcel adjacent to existing industrial, commercial and residential uses. The proposed parcels will range from approximately 2,437.5 square feet to 183,082.6 square feet in size. A detailed analysis of the proposed individual parcels is provided in Table 2. The layout of the proposed parcel map will not affect the already established use, parking, access, maintenance and the overall design of the site.

Table 2: Proposed Parcels and Sizes

Proposed Parcels		
Parcel 1	8,274.3 SF	0.19 Acres
Parcel 2	12,352.0 SF	0.28 Acres
Parcel 3	19,832.5 SF	0.46 Acres
Parcel 4	19,832.5 SF	0.46 Acres
Parcel 5	19,832.5 SF	0.46 Acres
Parcel 6	19,832.5 SF	0.46 Acres
Parcel 7	2,437.5 SF	0.06 Acres
Parcel 8	183,082.6 SF	4.20 Acres
TOTAL	285,476.4 SF	6.55 ACRES

The proposed Tentative Parcel Map is required to reconfigure the site for financing purposes only. This was considered in the Negative Declaration, but was detached from action on the Major Architectural approval. The subdivision for financing purposes is not needed for construction of the industrial complex, and would not result in a physical change other than that already considered and previously approved.

A more detailed analysis can be seen in the attached Planning Commission staff report dated August 13, 2008. Findings in support of approving the proposed subdivision are included in the attached draft resolution of approval.

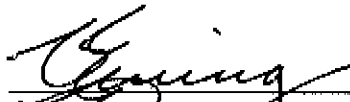
ENVIRONMENTAL ASSESSMENT

A Negative Declaration was previously adopted by the Planning Commission on March 14, 2007 for the site. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further documentation is not necessary since the circumstances surrounding the project have not changed. The proposed subdivision of the property could not intensify the proposed use, and could not result in any new

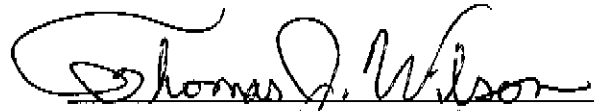
environmental impacts beyond those already identified and assessed in the certified Negative Declaration.

FISCAL IMPACT:

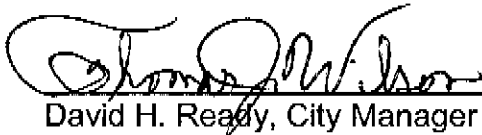
No fiscal impact.



Craig A. Ewing, AICP
Director of Planning Services



Thomas Wilson, Assistant City Manager
Development Services



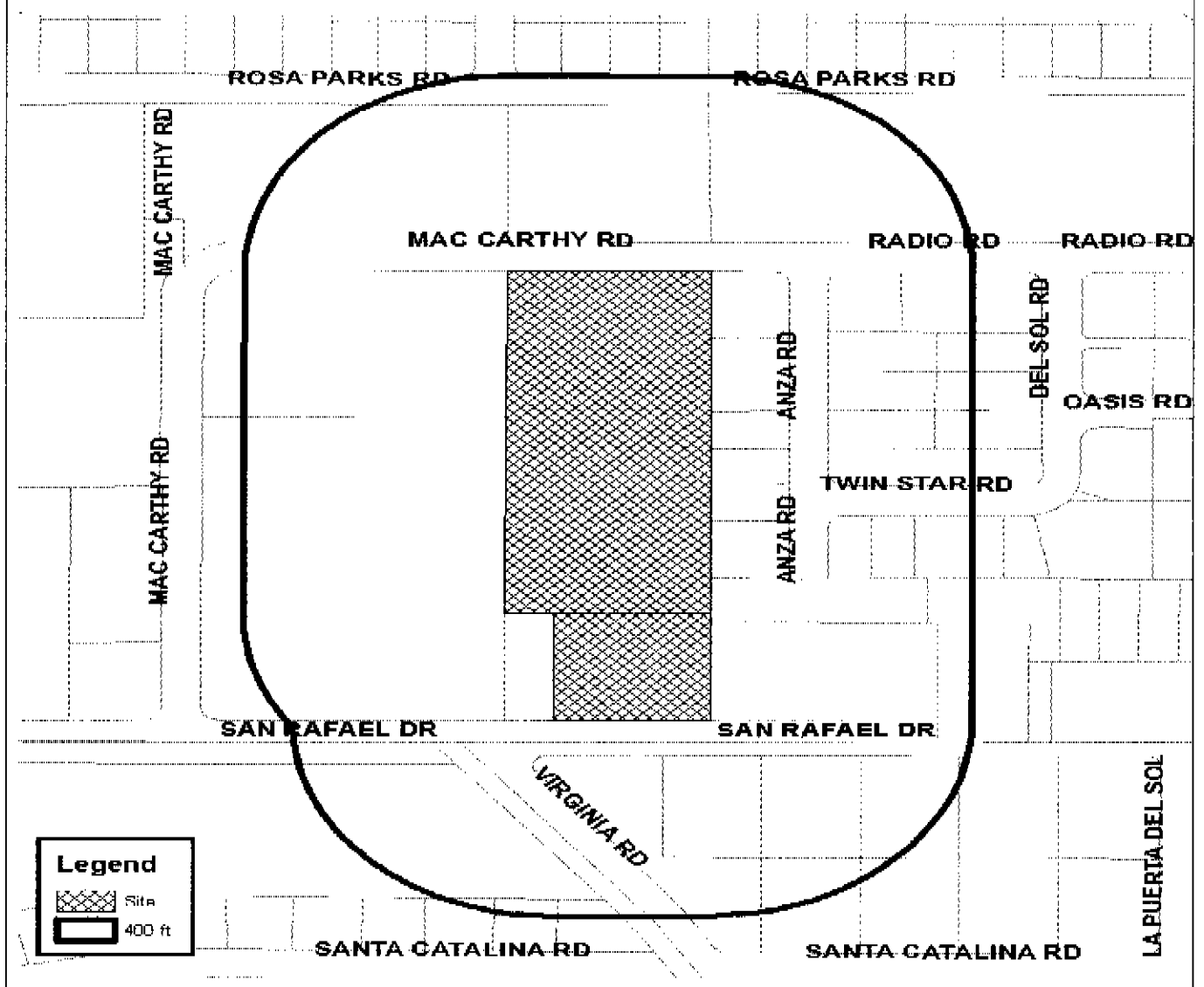
David H. Ready, City Manager

Attachments

1. Vicinity Map
2. Draft Resolution / Conditions of Approval
3. Planning Commission Minutes dated August 13, 2008
4. Planning Commission Staff Report dated August 13, 2008
5. Reduced copy of Tentative Parcel Map



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: TPM 35958

APPLICANT: Avalon Development
(Desert Oasis Industrial
Lofts, LLC)

DESCRIPTION: To consider an application by Avalon Development (Desert Oasis Industrial Lofts, LLC) for Tentative Parcel Map 35958, to allow the sale of 58 "For Sale" industrial lofts on approximately 6.55 acres located at 400 West San Rafael Drive., Zoned M-1.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 35958 TO SUBDIVIDE APPROXIMATELY 6.55 ACRES FOR CONDOMINIUM PURPOSES FOR THE PROPOSED DESERT OASIS INDUSTRIAL LOFTS LOCATED AT 400 WEST SAN RAFAEL DRIVE, ZONE M-1, SECTION 34.

WHEREAS, Avalon Development Incorporated, "Applicant", has filed applications with the City pursuant to Section 9.62 of the Municipal Code a Tentative Parcel Map (Case No. TPM 35958) to subdivide approximately 6.55 acres at 400 West San Rafael Drive, APN 680-170-044; and

WHEREAS, the Applicant has filed Tentative Parcel Map 35958 with the City and has paid the required filing fees; and

WHEREAS, said Tentative Parcel Map was submitted to appropriate agencies as required by the subdivision requirements of the Palm Springs Municipal Code, with the request for their review, comments, and requirements; and

WHEREAS, on August 13, 2008, the Planning Commission reviewed the proposed project and voted to recommend approval of the subdivision to the City Council; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider TPM 35958 was given in accordance with applicable law; and

WHEREAS, on November 5, 2008, a meeting 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 hearing on the project, including but not limited to the staff report, all written and oral testimony presented.

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

SECTION 1. Pursuant to CEQA, the City Council finds that the previously certified Negative Declaration adequately addresses the general setting of the project and its potentially significant impacts for the proposed project.

SECTION 2. Pursuant to Government Code Section 66473.5, the City Council finds that the proposed subdivision and the provisions for its design and improvement are

compatible with the objectives, policies, and general land uses and program provided in the City's General Plan and any applicable specific plan.

SECTION 3. Pursuant to Section 66474 of the Subdivision Map Act, the City Council finds:

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

The General Plan designation of the subject site is Mixed Use / Multi-Use, which states, "*specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses.*"

Land Use Policy LU3.1 states, "*encourage well-planned research and development areas and business parks that contain coordinated design guidelines and enhanced amenities.*"

Land Use Policy LU3.6 states, "*encourage the development of small-scale manufacturing uses that support the designer home furnishing shops, galleries, and other design-related uses.*"

The proposed subdivision is to allow the sale of fifty-eight industrial lofts. These lofts were approved in seven buildings on a vacant lot and will be a coordinated design for a well-planned research and business park. The M-1 Zone is "*intended to provide for the development of service industries for commercial and hotel uses and for industrial uses which include fabrication, manufacturing, assembly or processing of materials that are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot, glare or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other zone.*" Uses permitted within the M-1 Zone support designer home furnishing shops and may include cabinet / carpenter machinery shop, manufacturing and treatment of wood, furniture upholstery, etc.

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

The proposed project is consistent with the zoning designation of M-1, which allows the development of commercial/industrial uses on each parcel at the proposed location. The proposed subdivision and the provision for its design and improvements comply with the applicable development standards for streets and parcel design.

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

The project site is relatively flat and each parcel contains adequate developable building area. There are no known bodies of water, ravines, or significant topographic features on the subject property.

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

The Negative Declaration prepared for the site determined that the impacts of the project were less than significant to any environmental impacts affecting traffic, aesthetics, animals or plants. As stated earlier, there are no known bodies of water on the subject property and therefore no fish will be disturbed.

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

The design of the proposed subdivision includes the provision of public water and sewer systems, a drainage design that protects other commercial sites while providing water quality basins, and a street system which is consistent with City Standards.

- f. *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

There are no known public easements across the subject property; therefore, the design of the subdivision will not conflict with any public easements for access through or use of the property. The applicant is required to dedicate necessary easements for public access and circulation in and around the project site.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves Tentative Parcel Map 35958, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 5th day of November, 2008.

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 _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT A
CITY COUNCIL
CONDITIONS OF APPROVAL

TPM 35958

Avalon Development Incorporated
Desert Oasis Industrial Lofts

400 West San Rafael Drive

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

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 that supplement the zoning district regulations.
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 TPM 35958. 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.

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.
4. Pursuant to the Subdivision Map Act, Section 66473.1 the design of the subdivision shall provide, to the extent feasible for future passive or natural heating or cooling opportunities in the subdivision.
5. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
 - a. The document to convey title
 - b. Deed restrictions, easements, of Covenant Conditions and
 - c. Restrictions to be recorded.
6. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels, open space restrictions. The approved documents shall contain a provision, which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
7. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3500, for the review of the CC&R's by the City Attorney. A filing fee of \$675, in accordance with the fee schedule adopted by the City Council, shall also be paid to the City Planning Services Department for administrative review purposes.

ENGINEERING DEPARTMENT

GENERAL

1. All requirements and improvements identified in Exhibit A (Conditions of Approval) of Planning Commission Resolution No. 6078 adopted March 28, 2007, for Case No. 3.2826, are incorporated herein by reference.

RADIO ROAD

2. Dedicate an additional 3 feet to provide the ultimate half street right-of-way width of 33 feet along the entire frontage of the subject property, in accordance with City of Palm Springs Municipal Code Chapter 9.62.060.
3. Dedicate an easement 1 foot wide along the back of the proposed driveway approaches for sidewalk purposes, in accordance with City of Palm Springs Municipal Code Chapter 9.62.060.

MAP

4. A Parcel 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 Parcel Map to the Engineering Division as part of the review of the Map. The Parcel Map shall be approved by the City Council prior to issuance of building permits.
5. In accordance with Government Code Section 66411.1, the Tentative Parcel Map is a subdivision of five or more parcels, and is subject to construction of all required public improvements. Prior to approval of a Parcel Map, all required public improvements shall be completed to the satisfaction of the City Engineer, or shall be secured by a construction agreement in accordance with Government Code Section 66462.
6. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Parcel Map, or in the absence of a Parcel Map, shall be submitted and approved by the City Attorney prior to issuance of a Certificate of Occupancy.
7. Upon approval of a parcel map, the parcel 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.

FIRE DEPARTMENT

1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the preliminary site plan dated January 17, 2008.
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.
3. Plot Plan: Prior to completion of the project, a 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.
4. Fencing Requirements (8.04.260 PSMC): Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall remain intact until buildings are stuccoed or covered and secured with lockable doors and windows.
5. 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.
6. 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.
7. Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)
MINIMUM ACCESS ROAD DIMENSIONS:
 1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The Palm Springs Fire Department requirements for two-way private streets, is a minimum width of 24 feet is required for this project, unless otherwise

- allowed by the City engineer. No parking shall be allowed in either side of the roadway.
2. Roads must be 30 feet wide when parking is not allowed on only one side of the roadway.
 3. Roads must be 40 feet wide when parking is not restricted.
8. 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.
 9. Dimensions (CFC 503.2.1): Fire apparatus access roads shall have an unobstructed width of not less than 24 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.
 10. Surface (CFC 503.2.3): Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
 11. Turning radius (CFC 503.2.4): The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
 12. Dead Ends (CFC 503.2.5): Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 43 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.
 13. Aerial Fire Access Roads (CFC 503.2.8): Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Plans indicate that some buildings will be 40' in height. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
 14. Aerial Fire Access Road Width (CFC 503.2.8.1): Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.

15. Aerial Access Proximity to Building (CFC 503.2.8.2): At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
16. Security Gates (CFC 503.6): The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.
17. 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".
18. 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.
19. 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.
20. Key Box Contents (CFC 506.1): The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.
21. Fire Hydrant Flow and Number of Fire Hydrants (CFC 508.5): Fire hydrants shall be provided in accordance with CFC Appendix III-B for the protection of buildings, or portions of buildings, hereafter constructed. The required fire hydrant flow for this project is estimated as follows:
Phase 1
 - Building A = 9,325 S.F. Type V-B with fire sprinklers 1,500 GPM
 - Building B = 14,886 S.F. Type V-B with fire sprinklers 1,500 GPM
 - Building C = 23,876 S.F. Type V-B with fire sprinklers 1,500 GPM
 - Building D = 23,876 S.F. Type V-B with fire sprinklers 1,500 GPM

Phase 2

- Building E = 23,876 S.F. Type V-B with fire sprinklers 1,500 GPM
 - Building F = 23,876 S.F. Type V-B with fire sprinklers 1,500 GPM
 - Building G = 2,630 S.F. 1,500 GPM
22. 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.
 23. 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.
 24. NFPA 13 Fire Sprinklers Required: An automatic fire sprinkler system is required for buildings A, B, C, D, E, and F. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2002 Edition, except the seismic bracing and restraints shall comply with NFPA 13, 2007 Edition using Cp of 0.74 and I/r Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (16.1 NFPA 13, 2002 Edition and 10.10 NFPA 24, 2002 Edition)
 25. 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.
 26. 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.
 27. Central Station Protective Signaling Service (CFC 903.4.1): A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.
 28. Fire Hydrant & FDC Location (CFC 912.2): A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must

be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.

29. Fire Department Connections (CFC 912.2.1 & 912.3): Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
30. Fire Alarm System: Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
31. Fire Extinguisher Requirements (CFC 906): Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.
32. High-Piled Combustible Storage: High-piled shall be in accordance with Chapter 23 of the 2007 California Fire Code.
33. High-Piled Construction Documents (CFC 2301.3): At the time of building permit application for new structures designed to accommodate high-piled storage or for requesting a change of occupancy/use, and at the time of application for a storage permit, plans and specifications shall be submitted for review and approval. In addition to the information required by the *California Building Code*, the storage permit submittal shall include the information specified in this section. Following approval of the plans, a copy of the approved plans shall be maintained on the premises in an approved location.

END OF CONDITIONS

Craig A. Ewing, Director of Planning Services, provided details on the provisions surrounding the appointment and operation of the Architectural Advisory Committee (AAC). Staff noted that the AAC has a full seven members, but no licensed landscape architect, as required by the Code. Staff reported Section 2.06.10e states that all members must reside and be registered to vote within the City and it has been determined that one member, Mr. Allen Sanborn, is not a City resident. Staff recommends that the Planning Commission declare the position open and allow the City Clerk to post a vacancy for a Licensed Landscape Architect. Staff indicated that a resolution establishing the rules and regulations of the AAC would be brought back to the Commission for review.

Commissioner Donenfeld noted the unfortunate manner in which the situation was handled with Mr. Allen Sanborn, as well as, the necessity to abide by the residency requirement and the appropriateness of establishing a set of rules to govern the Architectural Advisory Committee.

Commissioner Conrad spoke in favor of maintaining "flexibility and less formality" for the AAC meetings. Commissioner Donenfeld noted that the Planning Commission has the authority to create the reorganization of the AAC and provide flexibility for its members, as well.

Commissioner Caffery noted that he is pleased with the ordinance (with a few minor changes) and the current panel of architects.

Commissioner Ringlein stated her concurrence with Commissioner's Donenfeld and Caffery.

M/S/C (Caffery/Ringlein, 7-0) To declare one (1) Architectural Advisory Commission position vacant.

Mr. Ewing provided details on a response letter to Mr. Allen Sanborn.

3. PUBLIC HEARINGS:

3A. Case TPM 35958 (Desert Oasis Industrial Lofts) - An application by Avalon Development Inc., to subdivide seven buildings consisting of fifty-eight units, parking and landscaping on an approximate 6.55-acre parcel located at 400 West San Rafael Drive, Zone M-1, Section 6, APN: 669-430-015 and 016. (Project Planner: David Newell, Associate Planner)

David A. Newell, Associate Planner, provided background information as outlined in the staff report dated August 13, 2008. Mr. Newell reported that a Negative Declaration

was previously adopted on March 14, 2007, for this site and no further environmental documentation is necessary.

Chair Hochanadel opened the Public Hearing:

-Andrew Kann, civil engineer for the project, was available for questions from the Commission.

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

M/S/C (Scott/Caffery, 7-0) To recommend approval to the City Council.

3B. Case 5.1110 PD 327/ TTM 35999 (The Nichols Building) - An application by Cioffi Architects for Nichols Properties, for a two-story mixed-use commercial/residential building with covered parking and associated landscaping on an approximate 24,167 square foot lot located at 901 North Palm Canyon Drive, Zone C-1, Section 10, APN: 505-263-006. (Project Planner: Ken Lyon, Associate Planner)

Chair Hochanadel noted a business-related conflict of interest and would not be participating in the discussion or vote. He left the Council Chamber at 1:45 p.m.

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated August 13, 2008.

Chair Cohen questioned if the AAC's recommendations were taken into consideration. Staff responded that the applicant and design architect were amenable to the AAC's recommendations.

Chair Cohen opened the Public Hearing:

-Jim Cioffi, project architect representing the applicant, provided background information on the prior Planning Commission approval and withdrawal of the project. Mr. Cioffi noted that the overhead pool deck has been eliminated and essentially the project is designed as previously approved.

-Daniel Argyros, one of the owners of John's restaurant, expressed support for the proposed project; he felt this project is a great step for revitalizing North Palm Canyon.

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

Commissioner Conrad spoke in favor of the project noting that this project is a true mixed-use project and is very well done.



Planning Commission Staff Report

Date: August 13, 2008

Case No.: TPM 35958 – Desert Oasis Industrial Lofts

Application Type: Tentative Parcel Map

Location: 400 West San Rafael Drive

Applicant: Avalon Development Incorporated

Zone: M-1 (Service / Manufacturing)

General Plan: Mixed Use / Multi-Use

APN: 669-430-015 and 669-430-016

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

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION

The proposed project will subdivide a previously approved Desert Oasis Industrial Lofts site that includes seven buildings consisting of fifty-eight units, parking and landscaping into eight separate parcels. The property is an approximately 6.55-acre parcel located at 400 West San Rafael Drive.

RECOMMENDATION

That the Planning Commission recommends that the City Council approve the proposed Tentative Parcel Map as submitted.

PRIOR ACTIONS

On March 28, 2007, the Planning Commission adopted the Negative Declaration and approved the site plans, landscape and architectural plans of the project.

BACKGROUND AND SETTING

The proposed project site is located along the north side of San Rafael Road and south side of Radio Road. The property is west of Indian Canyon Drive and east of McCarthy Road. The subject property is vacant and is generally flat. To the north of the site, across Radio Road is a vacant lot. To the east, are industrial buildings and a towing service building. To the south across San Rafael Road is vacant. To the west, is an existing industrial building, restaurant and multi-family residential.

Table 1: Surrounding land uses, General Plan, Zoning

	Land Use	General Plan	Zoning
North	Vacant	Mixed Use / Multi-Use	M-1 (Service / Manufacturing)
East	Industrial Buildings and Towing Yard	Mixed Use / Multi-Use	M-1 (Service / Manufacturing)
South	Vacant	Mixed Use / Multi-Use	R-2 (Limited Multiple-Family)
West	Industrial, Residential & Restaurant	Medium Density Residential	PDD 167 & PDD 87

On March 28, 2007, this 6.55-acre site was approved for the construction of 58 service / manufacturing lofts in seven buildings to be developed in two phases. Phase one will consist of buildings A, B, C, D and G and phase two will consist of buildings E & F. The proposed buildings will be one story plus a loft with a height of 25 feet. This applicant is now requesting approval of the associated Tentative Parcel Map for this project.

ANALYSIS

With the General Plan update in 2007, the designation of the subject site changed from Industrial to Mixed Use / Multi-Use. This designation states, *"specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses."*

Land Use Policy LU3.1 states, *"encourage well-planned research and development areas and business parks that contain coordinated design guidelines and enhanced amenities."*

Land Use Policy LU3.6 states, *"encourage the development of small-scale manufacturing uses that support the designer home furnishing shops, galleries, and other design-related uses."*

The M-1 Zone is "intended to provide for the development of service industries for commercial and hotel uses and for industrial uses which include fabrication, manufacturing, assembly or processing of materials that are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot, glare or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other zone."

The proposed subdivision is to allow the sale of fifty-eight industrial lofts. These lofts were approved in seven buildings on a vacant lot for a well-planned research and business park. Uses permitted within the M-1 Zone support designer home furnishing shops and include uses such as cabinet / carpenter machinery shop, manufacturing and treatment of wood, furniture upholstery, etc.

Tentative Parcel Map

The proposed tentative parcel map is a request for the creation of eight parcels from the existing two parcels. The subject property is an approximately 6.55-acre, relatively flat vacant parcel adjacent to existing industrial, commercial and residential uses. The proposed parcels will range from approximately 2,437.5 square feet to 183,082.6 square feet in size. A detailed analysis of the proposed individual parcels is provided in Table 2. The layout of the proposed parcel map will not affect the already established use, parking, access, maintenance and the overall design of the site.

Table 2: Proposed Parcels and Sizes

Proposed Parcels		
Parcel 1	8,274.3 SF	0.19 Acres
Parcel 2	12,352.0 SF	0.28 Acres
Parcel 3	19,832.5 SF	0.46 Acres
Parcel 4	19,832.5 SF	0.46 Acres
Parcel 5	19,832.5 SF	0.46 Acres
Parcel 6	19,832.5 SF	0.46 Acres
Parcel 7	2,437.5 SF	0.06 Acres
Parcel 8	183,082.6 SF	4.20 Acres
TOTAL	285,476.4 SF	6.55 ACRES

The proposed Tentative Parcel Map is required to reconfigure the site for financing purposes only. This was considered in the Negative Declaration, but was detached from action on the Major Architectural approval. The subdivision for financing purposes is not needed for construction of the shopping center, and would not result in a physical change other than that already considered and previously approved.

REQUIRED FINDINGS

Findings are required for the proposed subdivision pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

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

The General Plan designation of the subject site is Mixed Use / Multi-Use, which states, "specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses."

Land Use Policy LU3.1 states, "encourage well-planned research and development areas and business parks that contain coordinated design guidelines and enhanced amenities."

Land Use Policy LU3.6 states, "encourage the development of small-scale manufacturing uses that support the designer home furnishing shops, galleries, and other design-related uses."

The proposed subdivision is to allow the sale of fifty-eight industrial lofts. These lofts were approved in seven buildings on a vacant lot for a well-planned research and business park. Uses permitted within the M-1 Zone support designer home furnishing shops and include uses such as cabinet / carpenter machinery shop, manufacturing and treatment of wood, furniture upholstery, etc.

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

The proposed project is consistent with the zoning designation of M-1, which allows the development of commercial/industrial uses on each parcel at the proposed location. The proposed subdivision and the provision for its design and improvements comply with the applicable development standards for streets and parcel design.

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

The project site is relatively flat and each parcel contains adequate developable building area. There are no known bodies of water, ravines, or significant topographic features on the subject property.

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

The Negative Declaration prepared for the site determined that the impacts of the project were less than significant to any environmental impacts affecting traffic, aesthetics, animals or plants. As stated earlier, there are no known bodies of water on the subject property and therefore no fish will be disturbed.

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

The design of the proposed subdivision includes the provision of public water and sewer systems, a drainage design that protects other commercial sites while providing water quality basins, and a street system which is consistent with City Standards.

- f. *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

There are no known public easements across the subject property; therefore, the design of the subdivision will not conflict with any public easements for access through or use of the property. The applicant is required to dedicate necessary easements for public access and circulation in and around the project site.

ENVIRONMENTAL ASSESSMENT

A Negative Declaration was previously adopted by the Planning Commission on March 14, 2007 for the site. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further documentation is not necessary since the circumstances surrounding the project have not changed. The proposed subdivision of the property could not intensify the proposed use, and could not result in any new environmental impacts beyond those already identified and assessed in the certified Negative Declaration.

NOTIFICATION

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property/adjacent property owners. As of the writing of this report, staff has not received any comment.



David A. Newell
Associate Planner


for Craig A. Ewing, AICP
Director of Planning Services

~~ATTACHMENTS~~

- ~~1. Vicinity Map~~
- ~~2. Draft Resolution / Conditions of Approval~~
- ~~3. Tentative Parcel Map 35958~~

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



CITY CLERK'S DEPARTMENT
James Thompson, City Clerk

Meeting Date: November 5, 2008
Subject: Avalon Development – 400 West San Rafael Drive
TTM 35958

AFFIDAVIT OF MAILING

I, Kathie Hart, CMC, 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 October 23, 2008, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (76 notices)

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



Kathie Hart, CMC
Chief Deputy City Clerk

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 will be published in the Desert Sun on October 25, 2008.

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

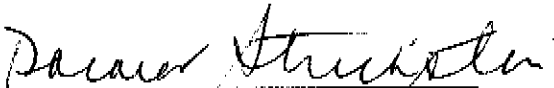


Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Dolores Strickstein, Secretary, 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 October 23, 2008.

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



Dolores Strickstein
Secretary

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

TENTATIVE PARCEL MAP 35958

AVALON DEVELOPMENT (DESERT OASIS INDUSTRIAL LOFTS, LLC)
400 WEST SAN RAFAEL 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 November 5, 2008. 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 Avalon Development (Desert Oasis Industrial Lofts, LLC) for Tentative Parcel Map 35958, to allow the sale of 58 "For Sale" industrial lofts on approximately 6.55 acres located at 400 West San Rafael Drive, Zoned M-1.

ENVIRONMENTAL DETERMINATION: A Negative Declaration was previously adopted by the Planning Commission on March 28, 2007. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further documentation is not necessary since the circumstances surrounding the project is not likely to change as a result of the proposed parcel map. The subdivision of the property could not intensify the proposed use, and could not result in any new environmental impacts beyond those already identified and assessed in the certified Negative Declaration.

REVIEW OF PROJECT INFORMATION: The staff report and other supporting documents regarding this project are available for public review at City Hall between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

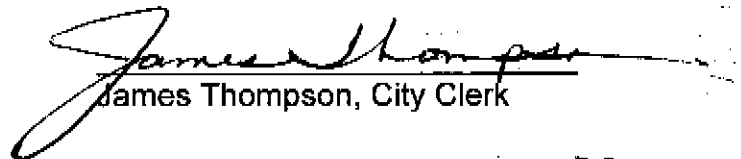
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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]).

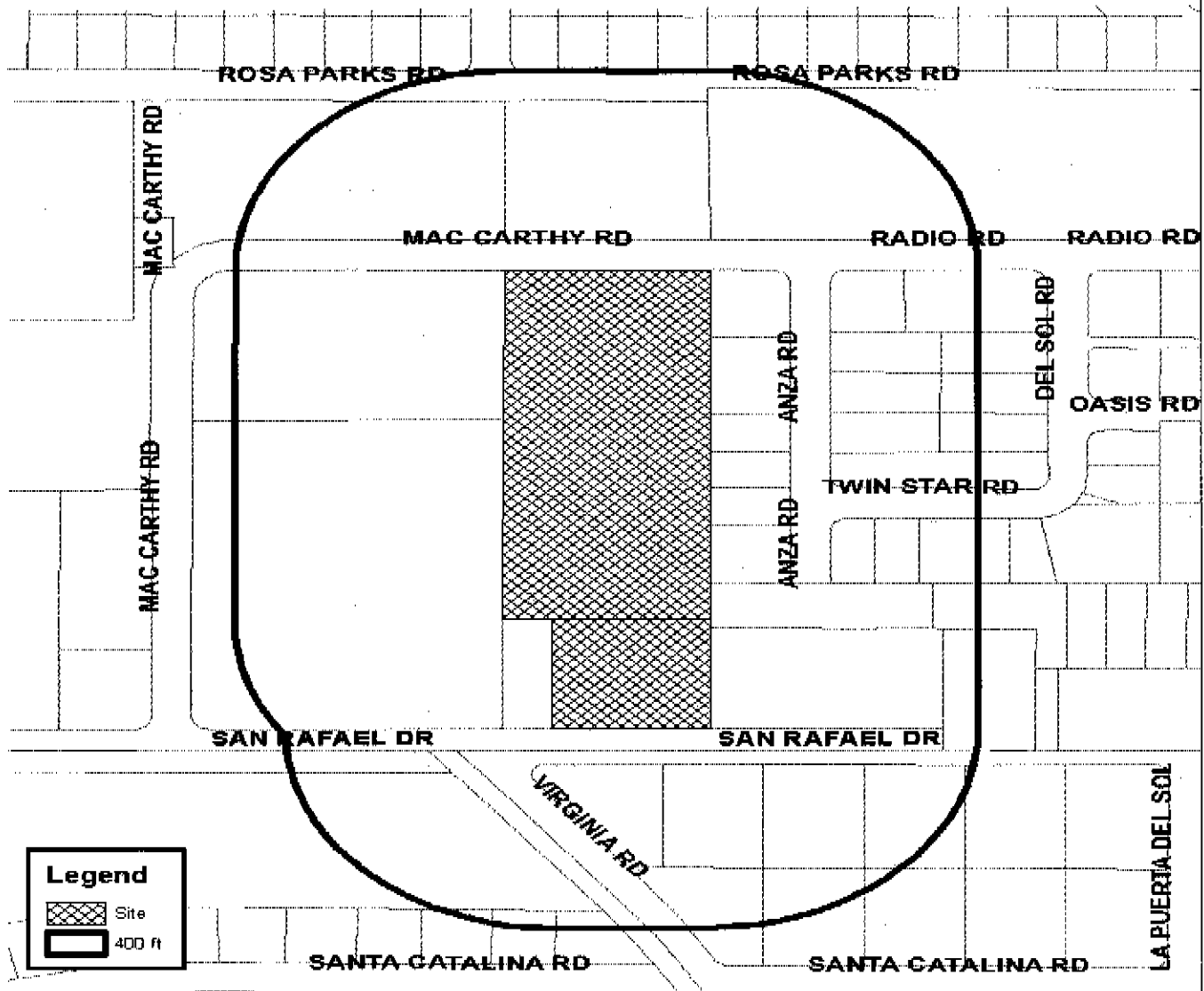
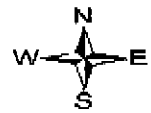
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David A. Newell, Department of Planning Services at (760) 323-8245.

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


James Thompson, City Clerk



Department of Planning Services Vicinity Map



Legend

-  Site
-  400 ft

CITY OF PALM SPRINGS

CASE NO: TPM 35958

APPLICANT: Avalon Development
(Desert Oasis Industrial
Lots, LLC)

DESCRIPTION: To consider an application by Avalon Development (Desert Oasis Industrial Lofts, LLC) for Tentative Parcel Map 35958, to allow the sale of 58 "For Sale" industrial lofts on approximately 6.55 acres located at 400 West San Rafael Drive., Zoned M-1.