



CITY COUNCIL STAFF REPORT

DATE: March 19, 2014

PUBLIC HEARING

SUBJECT: GERARD AND JANET BIEGEL, OWNERS FOR TENTATIVE TRACT MAP 36715 OF ONE (1) LOT EQUALING 35,672-SQUARE FEET FOR THE PUPOSE OF A NINE (9) UNIT CONDOMINIUM PROJECT CONSISTING OF THREE BUILDINGS ON COMMON GROUND LOCATED AT 100 NORTH CERRITOS ROAD, ZONE R-2, SECTION 13. (GM)

CASE: TPM 36715

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council to review a request for a Tentative Tract Map resulting in one lot equaling 35,672-square feet for the purpose of a nine (9) unit condominium project consisting of three, one-story buildings on common ground known as the Sofia Condominiums.

RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FOR TENTATIVE TRACT MAP 36715 OF ONE (1) LOT EQUALING 35,672-SQUARE FEET FOR THE PUPOSE OF A NINE (9) UNIT CONDOMINIUM PROJECT CONSISTING OF THREE BUILDINGS ON COMMON GROUND LOCATED AT 100 NORTH CERRITOS ROAD, ZONE R-2, SECTION 13"

PRIOR ACTIONS:

On September 25, 2013, the Planning Commission approved a Major Architectural Application to construct a nine-unit condominium complex with common outdoor areas, off-street parking, and landscaping; and recommend approval to City Council a General Plan Amendment to change the subject parcel land use designation from "Office" to "Medium Density Residential".

ITEM NO. 113

On November 6, 2013, the City Council adopted Resolution 23454 adopting a Negative Declaration and approving an amendment to the 2007 General Plan changing the land use designation from “Office” to “Medium Density Residential”.

On February 26, 2014, the Planning Commission reviewed and recommended approval of TTM 36715 for a Tentative Tract Map resulting in one lot equaling 35,672-square feet for the purpose of a nine (9) unit condominium project consisting of three, one-story buildings on common ground known as the Sofia Condominiums. The Planning Commission recommended that a previously approved Condition of Approval regarding the undergrounding of utilities (Engineering Condition #47) remain.

BACKGROUND:

Related Relevant City Actions by Planning, Fire, Building, etc...	
9/25/2013	Planning Commission approves a Major Architectural application for the development of a 9-unit condominium complex; a Negative Declaration; and recommends approval to the City Council for a General Plan amendment changing the land use designation from “Office” to “Medium Density Residential”
11/6/2013	City Council approves General Plan Amendment changing the parcel land use designation from “Office” to “Medium Density Residential”, and adopting a Negative Declaration.
2/26/2014	Planning Commission conducts a public hearing for TTM 36715 resulting in one lot equaling 35,672-square feet for the purpose of a nine (9) unit condominium project consisting of three, one-story buildings on common ground known as the Sofia Condominiums.

Most Recent Ownership	
2012	Gerard and Janet Biegel

Neighborhood Notification	
2/13/2014	Email notification was sent to representatives of Movie Colony East, and Sunmor Neighborhood Organizations

Field Check	
February 2014	Staff visited site to observe existing conditions

Notification	
3/4/2014	Notice sent to all property owners within 500 feet of subject site

Details of Application Request	
Site Area	
Net Area	35,672- square feet – Parcel 1

Surrounding Property	Existing General Plan Designations	Existing Land Use	Existing Zoning Designations
Subject Property	MDR (Medium Density Residential)	Multi-Family Residential - Vacant	R-2 (Multi-Family Residential)
North	VLDR (Very Low Density Residential)	Single-Family Residential	R-1-C
South	O (Office)	Office	R-2
East	O (Office)	Office	R-2
West	O (Office)	Office	R-2

DEVELOPMENT STANDARDS: Proposed Condominium Development

Analysis of proposed project against the Development Standards of the Zone

	R-2 Zone (PSZC 92.03.03) Required	Proposed Project
Lot Area	Minimum 20,000 sf	35,766 square feet (conforms)
Lot Width	170 feet (siding on a major street)	179 feet (conforms)
Lot Depth	150 feet	189 feet (conforms)
Front Yard	25 feet	25 feet (conforms)
Street Side Yard	Special Setback on Tahquitz 75 feet from Center of Roadway	75 feet (conforms)
Interior Side Yard	10 feet	10 feet (conforms)
Rear Yard	10 feet	10 feet (conforms)
Building Height (max.)	24 feet and 2 stories	13 feet and 1 story (conforms)
Building Coverage (max.)	Min 50% of lot must be usable landscaped area	54% (conforms)
Covered off-street Parking	1 covered space per unit	13 spaces covered (conforms)
Dwelling size	Minimum 3,000 net square feet of lot area per dwelling unit.	35,766 and 9 units 3,974 sf of net site area/unit (conforms)
Perimeter Walls	Max 6 ft, less than 60% of lot length, masonry or dec. metal 6 ft high wall bet. R-1 and R-2	5'-4" masonry at front yards, less than 60% of lot length (conforms) 6 ft high wall bet. R-2 and R-2 (conforms)
Projections into setbacks	Eaves may project 4 inches/ft of setback; max 4 ft in front yard	Eaves project 2 ft at bldg., and 3 feet at carport covers (conforms)

PROJECT DESCRIPTION:

The applicant is seeking approval for a Tentative Tract Map to one (1) lot equaling 35,672-square feet in size for the purpose of a nine (9) unit condominium project. Previously the Planning Commission approved Case 3.3625 MAJ for the construction of three buildings containing nine (9) condominium units. The City Council approved a General Plan Amendment (Case 5.1299 GPA) to change the land use designation to MDR (Medium Density Residential) and adopted a Negative Declaration for the project. The California Subdivision Map Act requires that a Tentative Tract Map be adopted for condominium map purposes by the local governing body. Section 9.62.020 of the Palm Springs Municipal Code states “*any form of community ownership, shall be approved only if the proposed condominium use of the property will be in conformity with the General Plan and lawfully constructed in accordance with the applicable zoning regulations*”. The approval of the General Plan Amendment, the Major Architectural Application, and adoption of the Negative Declaration clears the way for approval of the Tentative Tract Map application.

ANALYSIS:

Tentative Tract Map

Findings are required for the proposed subdivision pursuant to Section 66474 of the California Subdivision Map Act. If any of these findings are not met, the City shall deny approval:

a. That the proposed Tentative Parcel Map is consistent with all applicable general and specific plans.

The TTM proposes one (1) lot equaling 35,672-square feet for the purpose of a nine (9) unit condominium project. The proposed development consists of six, two-bedroom units and three one-bedroom units in three buildings. The three buildings are attached to one another with small roofs spanning between them and thus, for zoning purposes are evaluated as one building. The proposed use meets the density requirement for Medium Density Residential (MDR) consistent with the General Plan land use designation, and this finding has been met.

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

The proposed subdivision is consistent with the R-2 zone in which the property is located. The Tentative Tract Map will consist of one lot equaling 35,672-square feet. The design of the proposed condominium development is consistent with the applicable zoning and the finding has been met.

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

The proposed development on a vacant flat lot will have access to two public streets. The surrounding neighborhood is a mix of residential properties, office buildings and other commercial establishments. Site modifications include the placement of new sidewalks, a complex perimeter wall, with new building construction consisting of one-story buildings. The site is physically suited for this type of development and the finding has been met.

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

The proposed nine (9) unit condominium project on a 35,672-square foot lot is consistent with the allowable density of 6.1 – 15 dwelling units per acre in the MDR General Plan designation. In addition, the R-2 zone requires 3,000-square feet per dwelling unit which is within the zone density requirement.

e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.

The Tentative Tract Map associated with Cases 3.3625 and 5.1299 GPA have been reviewed under the California Environmental Quality Act, and deemed a project. An initial study has been conducted and the City has concluded that there are no significant impacts caused by the proposed project. A Negative Declaration has been adopted.

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

The design of the proposed condominium complex includes connections to all public utilities including water and sewer systems. The private driveways from East Tahquitz Canyon Way and North Cerritos Drive will provide access to the subject lot. Pedestrian access will connect the Sofia Condominiums to existing sidewalks.

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

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

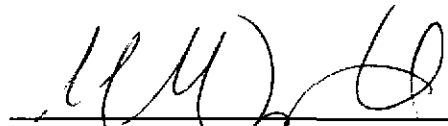
ENVIRONMENTAL DETERMINATION:

The subject application has been evaluated and deemed a project under the guidelines of the California Environmental Quality Act (CEQA). An initial study has been conducted and the City has concluded that there are no significant impacts caused by

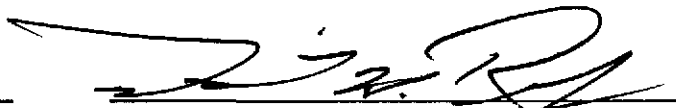
the proposed project. A Negative Declaration was adopted by the City Council on November 6, 2013.

FISCAL IMPACT:

No fiscal impact.



M. Margo Wheeler, AICP
Director of Planning Services



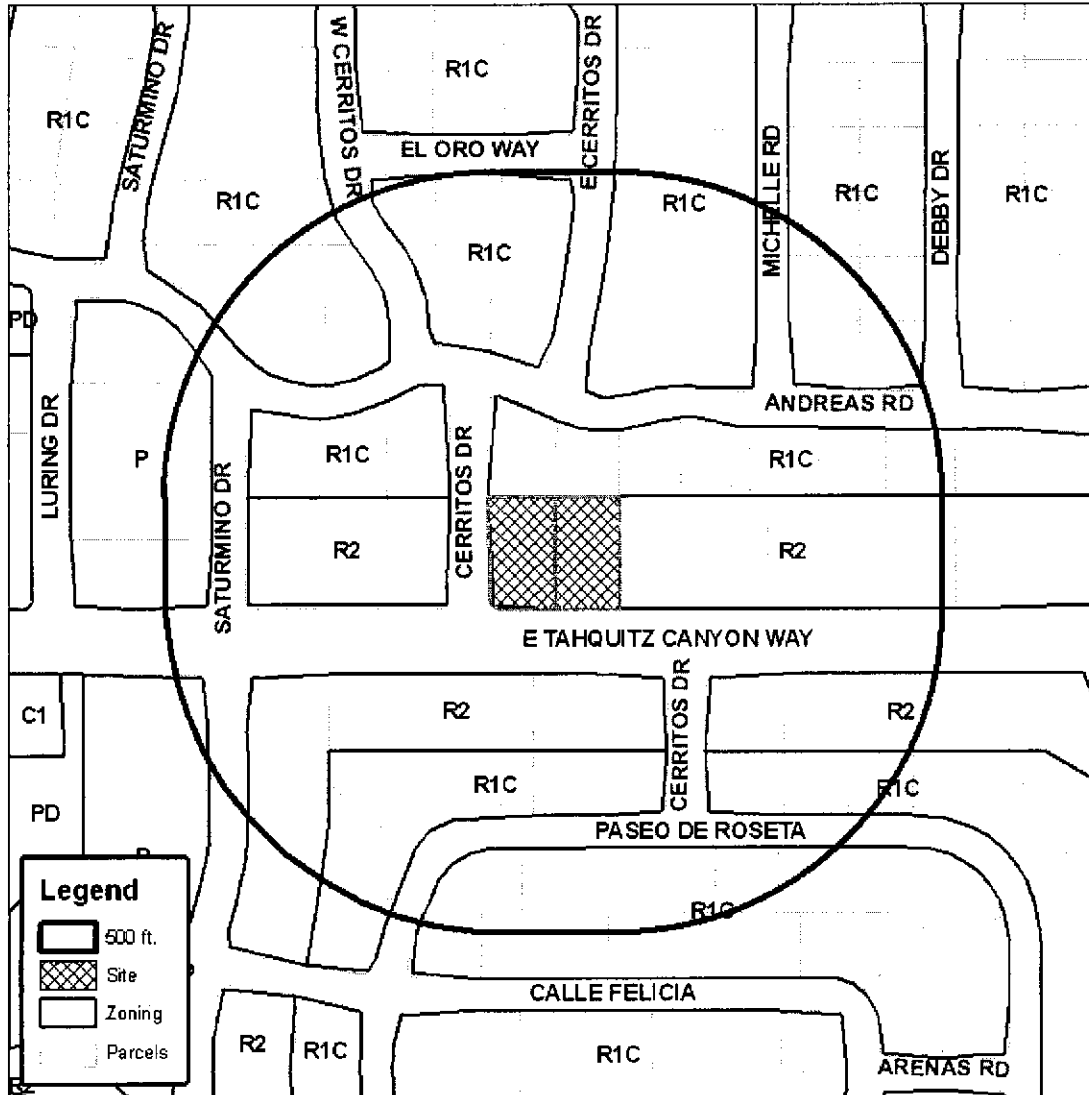
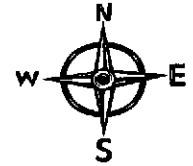
David H. Ready, City Manager

Attachments:

1. 500' Vicinity Map
2. Draft Resolution
3. Planning Commission Resolution # 6386
4. Conditions of Approval
5. City Council Staff Report 11/6/2013
6. City Council Minutes 11/6/2013
7. Planning Commission Staff Report 9/25/2013
8. Planning Commission Staff Report 2/26/2014
9. Planning Commission Minutes 2/26/14
10. TTM 36715



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE : TTM 36715

APPLICANT: Gerard and Janet Biegel

DESCRIPTION: A Tentative Tract Map (TTM) to create a one lot, condominium map of nine (9) units located at 100 North Cerritos Drive, Zone R-2, Section 13.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF CASE TTM 36715, A TENTATIVE TRACT MAP OF ONE (1) LOT EQUALING 35,672-SQUARE FEET FOR THE PUPOSE OF A NINE (9) UNIT CONDOMINIUM PROJECT CONSISTING OF THREE BUILDINGS ON COMMON GROUND LOCATED AT 100 NORTH CERRITOS ROAD, ZONE R-2, SECTION 13, APN 502-075-001, 002

WHEREAS, Gerard and Janet Biegel ("the applicant") has filed an application with the City pursuant to Chapter 9.62 of the City's Municipal Code (Maps) and Section 66474 of the State of California Subdivision Map Act, for a Tentative Tract Map proposing to subdivide one large lot into two lots; and

WHEREAS, the applicant submitted an application to Title 9 of the Palm Springs Municipal Code and Section 66474 of the California Subdivision Map Act for Tentative Tract Map 36715; and

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case TPM 36715 was given in accordance with applicable law; and

WHEREAS, on February 26, 2014, a public meeting on Case TTM 36715 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, at said meeting the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the Staff report, and all written and oral testimony presented and voted 6-1 to recommend approval of the Tentative Tract Map by Resolution, subject to Conditions of Approval; and

WHEREAS, City has evaluated the project pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined that the project is Categorically Exempt from further analysis pursuant to Section 15315 of the CEQA guidelines (Minor Land Divisions); and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider TTM 36715 was given 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, and all written and oral testimony presented.

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

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City Council adopts a Class 15 Categorical Exemption (Minor Land Division) for the proposed tract map.

Section 2: Pursuant to Municipal Code Chapter 9.64 (Maps) and the State of California Subdivision Map Act Section 66474, the City Council finds as follows:

a. That the proposed Tentative Tract Map is consistent with all applicable general and specific plans.

The TTM proposes one (1) lot equaling 35,672-square feet for the purpose of a nine (9) unit condominium project. The proposed development consists of six, two-bedroom units and three one-bedroom units in three buildings. The three buildings are attached to one another with small roofs spanning between them and thus, for zoning purposes are evaluated as one building. The proposed use meets the density requirement for Medium Density Residential (MDR) consistent with the General Plan land use designation, and this finding has been met.

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

The proposed subdivision is consistent with the R-2 zone in which the property is located. The Tentative Tract Map will consist of one lot equaling 35,672-square feet. The design of the proposed condominium development is consistent with the applicable zoning and the finding has been met.

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

The proposed development on a vacant flat lot will have access to two public streets. The surrounding neighborhood is a mix of residential properties, office buildings and other commercial establishments. Site modifications include the placement of new sidewalks, a complex perimeter wall, with new building construction consisting of one-story buildings. The site is physically suited for this type of development and the finding has been met.

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

The proposed nine (9) unit condominium project on a 35,672-square foot lot is consistent with the allowable density of 6.1 – 15 dwelling units per acre in the MDR General Plan designation. In addition, the R-2 zone requires 3,000-square feet per dwelling unit which is within the zone density requirement.

e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.

The Tentative Tract Map associated with Cases 3.3625 and 5.1299 GPA have been reviewed under the California Environmental Quality Act, and deemed a project. An initial study has been conducted and the City has concluded that there are no significant impacts caused by the proposed project. A Negative Declaration has been adopted.

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

The design of the proposed condominium complex includes connections to all public utilities including water and sewer systems. The private driveways from East Tahquitz Canyon Way and North Cerritos Drive will provide access to the subject lot. Pedestrian access will connect the Sofia Condominiums to existing sidewalks.

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

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves Case TTM 36715 a Tentative Tract Map of one (1) lot equaling 35,672-square feet for the purpose of a nine (9) unit condominium project at 100 North Cerritos Road; subject to the attached conditions set forth in Exhibit A.

ADOPTED this 19th day of March 2014.

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

RESOLUTION NO. 6386

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE TRACT MAP 36715 OF ONE (1) LOT EQUALING 35,672-SQUARE FEET FOR THE PURPOSE OF A NINE (9) UNIT CONDOMINIUM PROJECT AND ADOPTING A NEGATIVE DECLARATION FOR THE SOFIA CONDOMINIUMS LOCATED AT 100 NORTH CERRITOS ROAD, ZONE R-2, SECTION 13

WHEREAS, Gerard and Janet Biegel ("the applicant") has filed an application with the City pursuant to Chapter 9.62 of the City's Municipal Code (Maps) and Section 66474 of the State of California Subdivision Map Act, for a Tentative Tract Map proposing one lot; and

WHEREAS, a notice of public hearing for Case TTM 36715 was given in accordance with applicable law; and

WHEREAS, on February 26, 2014, a public meeting on Case TTM 36715 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, City has evaluated the application and deemed the request a project pursuant to the guidelines of the California Environmental Quality Act (CEQA). An initial study has been conducted and the City has concluded that there are no significant impacts caused by the proposed project and a Negative Declaration has been adopted by the City Council on November 6, 2013; and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: A Negative Declaration (ND) has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's CEQA Guidelines. The Planning Commission reviewed the initial study and concluded that there are no significant impacts caused by the proposed project. The Planning Commission independently reviewed and considered the information prior to its review of this Tentative Tract Map application and the ND reflects the Planning Commission's independent judgment and analysis.

Section 2: Pursuant to Municipal Code Chapter 9.64 (Maps) and the State of California Subdivision Map Act Section 66474, the Planning Commission finds as follows:

a. That the proposed Tentative Tract Map is consistent with all applicable general and specific plans.

The TTM proposes one (1) lot equaling 35,672-square feet for the purpose of a nine (9) unit condominium project. The proposed development consists of six, two-bedroom units and three one-bedroom units in three buildings. The three buildings are attached to one another with small roofs spanning between them and thus, for zoning purposes are evaluated as one building. The proposed use meets the density requirement for Medium Density Residential (MDR) consistent with the General Plan land use designation, and this finding has been met.

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

The proposed subdivision is consistent with the R-2 zone in which the property is located. The Tentative Tract Map will consist of one lot equaling 35,672-square feet. The design of the proposed condominium development is consistent with the applicable zoning and the finding has been met.

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

The proposed development on a vacant flat lot will have access to two public streets. The surrounding neighborhood is a mix of residential properties, office buildings and other commercial establishments. Site modifications include the placement of new sidewalks, a complex perimeter wall, with new building construction consisting of one-story buildings. The site is physically suited for this type of development and the finding has been met.

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

The proposed nine (9) unit condominium project on a 35,672-square foot lot is consistent with the allowable density of 6.1 – 15 dwelling units per acre in the MDR General Plan designation. In addition, the R-2 zone requires 3,000-square feet per dwelling unit which is within the zone density requirement.

e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.

The Tentative Tract Map associated with Cases 3.3625 and 5.1299 GPA have been reviewed under the California Environmental Quality Act, and deemed a project. An initial study has been conducted and the City has concluded that there are no significant impacts caused by the proposed project. A Negative Declaration has been adopted.

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

The design of the proposed condominium complex includes connections to all public **13**

utilities including water and sewer systems. The private driveways from East Tahquitz Canyon Way and North Cerritos Drive will provide access to the subject lot. Pedestrian access will connect the Sofia Condominiums to existing sidewalks.

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

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

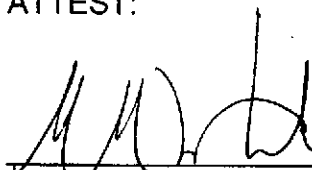
NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends that the City Council approves Case TTM 36715 a Tentative Tract Map of one (1) lot equaling 35,672-square feet for the purpose of a nine (9) unit condominium project at 100 North Cerritos Road; subject to the attached conditions set forth in Exhibit A.

ADOPTED this 26th day of February 2014.

AYES: 6, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson and Chair Donenfeld
NOES: 1, Commissioner Calderine
ABSENT: None
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



M. Margo Wheeler, AICP
Director of Planning Services

RESOLUTION NO. 6386

EXHIBIT A

CITY OF PALM SPRINGS

Tentative Tract Map 36715
Case 3.3625 MAJ / 5.1299 GPA ^{TTM} Case # 36715 Date 2/26/14 Initial GM

APPROVED BY PLANNING COMMISSION

Nine-unit condominium at the Northeast Corner of
Tahquitz Canyon Way and North Cerritos Road Case # _____ Date _____ Initial _____

APPROVED BY CITY COUNCIL

Resolution # _____ Ordinance # _____

February 26, 2014

APPROVAL SUBJECT TO ALL REQUIRED

CONDITIONS BY ABOVE BODIES

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 3.3625 MAJ / 5.1299 GPA and TTM 36715; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped February 14, 2013, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of

Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case TTM 36715 & 3.3625 MAJ / 5.1299 GPA. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of the Major Architectural Application (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts

Conditions of Approval

Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 11. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 12. CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances
- ADM 13. CC&R's.
- ADM 22. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:
- a. The document to convey title
 - b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
 - c. Provisions for joint access to the proposed parcels, and any open space restrictions.

- d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances,

ADM 23. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes

ADM 24. CC&R's Noise Disclosure. The CC&R's shall have a disclosure statement regarding the location of the project relative to roadway noise, City special events, roadway closures for special events and other activities which may occur in the Central Business District, Desert Museum and Desert Fashion Plaza. Said disclosure shall inform perspective buyers about traffic, noise and other activities which may occur in this area.

ADM 25. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

- ENV 3. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 4. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)
- a. A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
 - b. Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of

Conditions of Approval

Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.

- PLN 3. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median. (for projects on Palm Canyon or Tahquitz Canyon Way).
- PLN 4. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 5. Flat Roof Requirements. Roof materials on flat roofs (less than 2:12) must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 or a minimum SRI of 64 and a three-year aged solar reflectance of 0.55 or greater. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 6. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 7. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 8. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 9. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 10. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 11. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

- PLN 12. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 13. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.
- PLN 14. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
 - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 15. (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

GENERAL

1. All requirements and improvements identified in Exhibit A (Conditions of Approval) of City Council Resolution No. 23454 adopted November 6, 2013, for Case No. 3.3625 MAJ / 5.1299 GPA, are incorporated herein by reference.

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. The applicant shall be required to construct asphalt concrete paving for the on-site travel way in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete, as may be determined by the City Engineer. Paving of the on-site travel way in one lift prior to completion of on-site construction will not be allowed, unless prior authorization has been obtained from the City Engineer. Completion of asphalt concrete paving for travel ways prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs, as required by the City Engineer.

E. TAHQUITZ CANYON WAY

- ENG 4. Remove existing street improvements as necessary to reconstruct the east half of a 6 feet wide cross gutter and spandrel at the northeast corner of the intersection of E. Tahquitz Canyon Way and E. Cerritos Drive with a flow line parallel with and located 41 feet north of the centerline of E. Tahquitz Canyon Way in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 5. Construct a minimum 24 feet wide driveway approach located approximately 25 feet west of the east property line in accordance with City of Palm Springs

Standard Drawing No. 201. The driveway shall have right-turn ingress and right-turn egress access only.

- ENG 6. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, *Washingtonia Filifera* (California fan palm) palm trees with tree wells (14 feet from ground to fronds in height) shall be planted approximately 60 feet apart along the entire frontage of Tahquitz Canyon Way with the exact number to be determined by the City Engineer based upon final site layout. The minimum trunk diameter and tree height shall be consistent with palm trees along E. Tahquitz Canyon Way in the vicinity; palm trees selected by the applicant shall be pre-approved by the City Engineer prior to planting. The applicant shall be responsible for installation of an irrigation and lighting system and for the perpetual maintenance of the new palm trees and other parkway landscaping along the Tahquitz Canyon Way frontage to the satisfaction of the City Engineer. Note that palm tree maintenance includes shearing off of dead palm fronds in compliance with City palm tree trimming policy.
- ENG 7. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

E. CERRITOS DRIVE

- ENG 8. Construct a 6 inch curb and gutter, 20 feet east of centerline along the entire frontage that matches existing curb return at the northeast corner of the intersection of E. Tahquitz Canyon Way and E. Cerritos Drive in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 9. Construct driveway approach to accommodate bay parking stalls along the E. Cerritos Drive frontage in accordance with City of Palm Springs Standard Drawing No. 201. The proposed driveway approach shall be located approximately 130 feet north of the south property line. Bay parking stalls shall be located completely on-site, behind sidewalk, and not within public right-of-way.
- ENG 10. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 11. Construct pavement with a minimum pavement section of 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean saw cut edge of pavement along the entire E. Cerritos Drive frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 300. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical

Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 12. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

ENG 13. Dedicate an easement for the right of ingress and egress for service and emergency vehicles and personnel over the proposed private travel way.

ENG 14. The on-site drive aisle shall be two-way with a minimum 24 feet wide travel way (as measured from face of curb) where no on-street parking is proposed.

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

ENG 16. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.

ENG 17. The minimum pavement section for all on-site pavement (drive aisles and parking spaces) shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

SANITARY SEWER

ENG 18. All sanitary facilities shall be connected to the public sewer system via the proposed on-site private sewer system. New laterals shall not be connected at manholes.

ENG 19. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.

Conditions of Approval

- ENG 20. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 21. Applicant shall connect to the existing public sewer mainline located approximately 7.5 feet north of the north right-of-way of E. Tahquitz Canyon Way and extend the 8 inch VCP sewer main to the project site located approximately 100 feet to the west from the existing terminus that is approximately aligned with S. Cerritos Drive. No laterals shall be connected at manholes, but shall be connected in accordance with City of Palm Springs Standard Drawing No. 405.
- ENG 22. All sewer mains constructed by the developer and to become part of the City sewer system shall be digitally video recorded by the City prior to acceptance of the sewer system for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
- ENG 23. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING

- ENG 24. Submit a Precise Grading and Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.
- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10"

Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.

- b. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Final Water Quality Management Plan.

- ENG 25. Prior to approval of a Grading Plan or issuance of any permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 26. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed as necessary. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 27. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 28. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 29. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

Conditions of Approval

- ENG 30. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blow sand relating to this property and development.
- ENG 31. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 32. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 33. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 34. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 35. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations

imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

ENG 36. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

ENG 37. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

ENG 38. Prior to issuance of certificate of occupancy or final City approvals, the applicant shall:

- a. demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
- b. demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and
- c. demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

Conditions of Approval

- ENG 39. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to E. Tahquitz Canyon Way or N. Cerritos Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 40. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property, as described in the Preliminary Hydrology Study for this project (dated May 6, 2013) by Amir Engineering. The volume of increased stormwater runoff due to development of the site, and the required stormwater runoff mitigation measures for the proposed development shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study.
- ENG 41. Construct storm drain improvements, including but not limited to catch basins, drywells, and storm drain lines, for drainage of the on-site travel way into the on-site underground percolation field, as described in the Preliminary Hydrology Study (dated May 6, 2013) for this project, prepared by Amir Engineering. The hydrology study for this project shall be amended to include catch basin sizing, drywell sizing, storm drain pipe sizing, and underground percolation field sizing calculations and other specifications for construction of required on-site storm drainage improvements.
- ENG 42. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 43. The applicant shall install a series of drywells, within the underground percolation field proposed in the development as necessary to collect and percolate stormwater runoff, including nuisance water, from the tributary area within the development that has drainage directed to the underground percolation field. The drywells shall be appropriately sized to accommodate the expected daily nuisance water, as well as runoff from ordinary storm events (2-year storm events), unless otherwise approved by the City Engineer. Provisions shall be included in the Covenants, Conditions and Restrictions (CC&R's) for this development that require the routine maintenance of the drywells by the Home Owners Association (HOA), including the right of the City to inspect and

Conditions of Approval

require the HOA to remove and replace the drywells if they fail to function, causing stagnant water to accumulate above ground within the basin. The City shall be given the right, in the interest of the public's health, safety, and welfare, to order the removal and replacement of drywells in the event the HOA is non-responsive to the City's written notice, with costs to be recovered against the HOA by the City in accordance with state and local laws and regulations.

- ENG 44. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

- ENG 45. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
- ENG 46. All proposed utility lines shall be installed underground.
- ENG 47. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the north property line meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan,

Conditions of Approval

informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy. **APPLICANT TO SUBMIT ADDITIONAL INFORMATION TO THE CITY ENGINEER FOR CONSIDERATION OF DEFERRAL TO COVENENT OF THE UNDERGROUNDING REQUIRMENT.**

- ENG 48. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 49. Upon approval of any improvement plan (if required) 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 by the City Engineer.
- ENG 50. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 51. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 52. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 53. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

MAP

- ENG 54. The existing parcels identified as Lots 25 and 26 of the Luring Sands Park map, Map Book 20, Page 71, shall be merged. An application for a parcel merger

shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.

TRAFFIC

- ENG 55. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks (or pedestrian paths of travel) shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the E. Tahquitz Canyon Way and N. Cerritos Drive frontages of the subject property.
- ENG 56. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 57. The applicant shall install a Type R6-1 "One Way" sign within the E. Tahquitz Canyon Way median for traffic egressing from the site, opposite the 24 feet wide driveway, as required by the City Engineer.
- ENG 58. Install a stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of E. Tahquitz Canyon Way and entry driveway in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 59. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 60. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated 2/14/13.

The submitted plans do not provide enough detail. Additional requirements may be required at that time based on revisions to site plans.

- FID 2. Fire Department Conditions were based on the 2010 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- FID 4. **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.
- FID 5. **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. **The private driveway from Simms Road to San Rafael Road is designated at a fire lane.**
- FID 6. **Fire Lane Marking (CFC 503.3):** Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or

prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility.

- FID 7. **Reduced Roadway Width:** Areas with reduced roadway width at entry and exit gates, entry and exit approach roads, traffic calming areas that are under 36 feet wide require red painted curb to maintain minimum 24 foot clear width. Red curb shall be stenciled "NO PARKING" and "FIRE LANE" with white paint.
- FID 8. **Fire Apparatus Access Gates (8.04.260 PSMC):** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock during construction.
- FID 9. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- FID 10. **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.
- FID 11. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 12. **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.
- FID 13. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 14. **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

Conditions of Approval

code official is authorized to require a key box to be installed in an approved location.

- FID 15. **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. All man gates shall be included.
- FID 16. **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 17. **Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 1,500 GPM with the installation of fire sprinklers based on Appendix B of the 2010 CFC.
- FID 18. **Identification (CFC 510.1):** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
- FID 19. **NFPA 13D Sprinkler System Required (903.2.8):** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.
- FID 20. **Audible Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.
- FID 21. **Valve and Water-Flow Monitoring (CFC 903.4):** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID 22. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, current edition.

FID 23. Portable Fire Extinguisher (CFC 906.1): Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards.

FID 23 Residential Smoke and Carbon Monoxide Alarms Installation with Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3; CRC R315): Provide and install Residential Smoke and Carbon Monoxide Alarms (Kidde SM120X Relay / Power Supply Module connected to multi-station Kidde smoke and carbon monoxide alarms or equal system and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected so that operation of any smoke alarm, carbon monoxide alarm or fire sprinkler flow switch causes all smoke and carbon monoxide alarms within the dwelling to sound and activate the exterior horn/strobe.

The wiring of this system shall be in accordance with Kidde SM120X Relay / Power Supply Module manual and Figure 2 (see attached). The 120 volt device wired to turn on when alarm sounds is the exterior horn / strobe. The pull for fire device is the fire sprinkler flow switch.

FID 24 Additional Residential Smoke Alarm Requirements (NFPA 72: 29.5.1.3): Where the interior floor area for a given level of a dwelling unit, excluding garage areas, is greater than 1,000 Sq. Ft., the additional requirements are that all points on the ceiling shall have:

A smoke alarm within a distance of 30 ft. travel distance or

An equivalent of one smoke alarm per 500 Sq. Ft. of floor area.

One smoke alarm per 500 Sq. Ft. is evaluated by dividing the total interior square footage of floor area per level by 500 Sq. Ft.

FID 25 Carbon Monoxide Alarm or Detector Locations (NFPA 720: 9.4.1.1 & 9.4.1.2; CRC R315.3): Carbon monoxide alarms or detectors shall be installed as follows:

- (1) Outside of each separate dwelling unit sleeping area in the immediate vicinity of the bedrooms
- (2) On every occupiable level of a dwelling unit, including basements, excluding attics and crawl spaces
- (3) Other locations where required by applicable laws, codes, or standards

Conditions of Approval

Each alarm or detector shall be located on the wall, ceiling, or other location as specified in the manufacturer's published instructions that accompany the unit.

END OF CONDITIONS



CITY COUNCIL STAFF REPORT

DATE: November 6, 2013

PUBLIC HEARING

SUBJECT: A GENERAL PLAN AMENDMENT BY THE CITY OF PALM SPRINGS FOR ZONING CONSISTENCY, AND A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ON A ROUGHLY 35,766 SQUARE FOOT PARCEL AT THE NORTHEAST CORNER OF NORTH CERRITOS ROAD AND EAST TAHQUITZ CANYON WAY; APN'S 502-075-001 and 502-075-002; ZONE R-2 (CASE 3.3625 MAJ / 5.1299 GPA)

FROM: David Ready, City Manager

BY: Department of Planning Services

SUMMARY

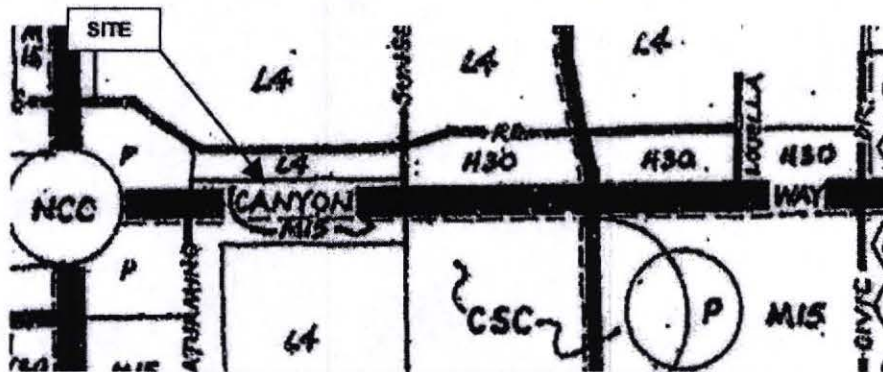
A General Plan Amendment changing the land use designation from "O" (Office) to "MDR" (Medium Density Residential) for zoning consistency on a roughly 35,766 square foot parcel at the northeast corner of East Tahquitz Canyon Way and North Cerritos Road; Zone R-2.

RECOMMENDATION:

1. Open the Public Hearing and receive testimony.
2. Close the public hearing and adopt Resolution ____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN, ADOPTED BY RESOLUTION 22077, CHANGING THE LAND USE DESIGNATION FOR A ROUGHLY 35,766 SQUARE FOOT PARCEL LOCATED AT THE NORTHEAST CORNER OF EAST TAHQUITZ CANYON WAY AND NORTH CERRITOS DRIVE, FROM "O" (OFFICE) TO "MDR" (MEDIUM DENSITY RESIDENTIAL) FOR ZONING CONSISTENCY."

ISSUES

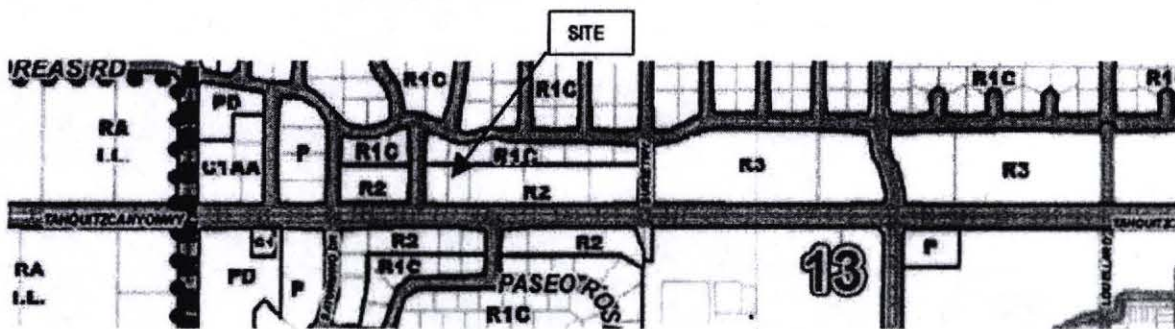
For many years parcels along the north side of Tahquitz Canyon Way between roughly Sunrise Way and Farrell Drive were zoned R-2 (Limited multi-family residential) with the General Plan Land Use designation of "MDR" (Medium Density Residential), as a buffer between the single family zone to the north and this major thoroughfare.



PORTION OF THE 1994 PALM SPRINGS GENERAL PLAN
SHOWING THE SUBJECT SITE AS "M15" (MEDIUM DENSITY RESIDENTIAL)

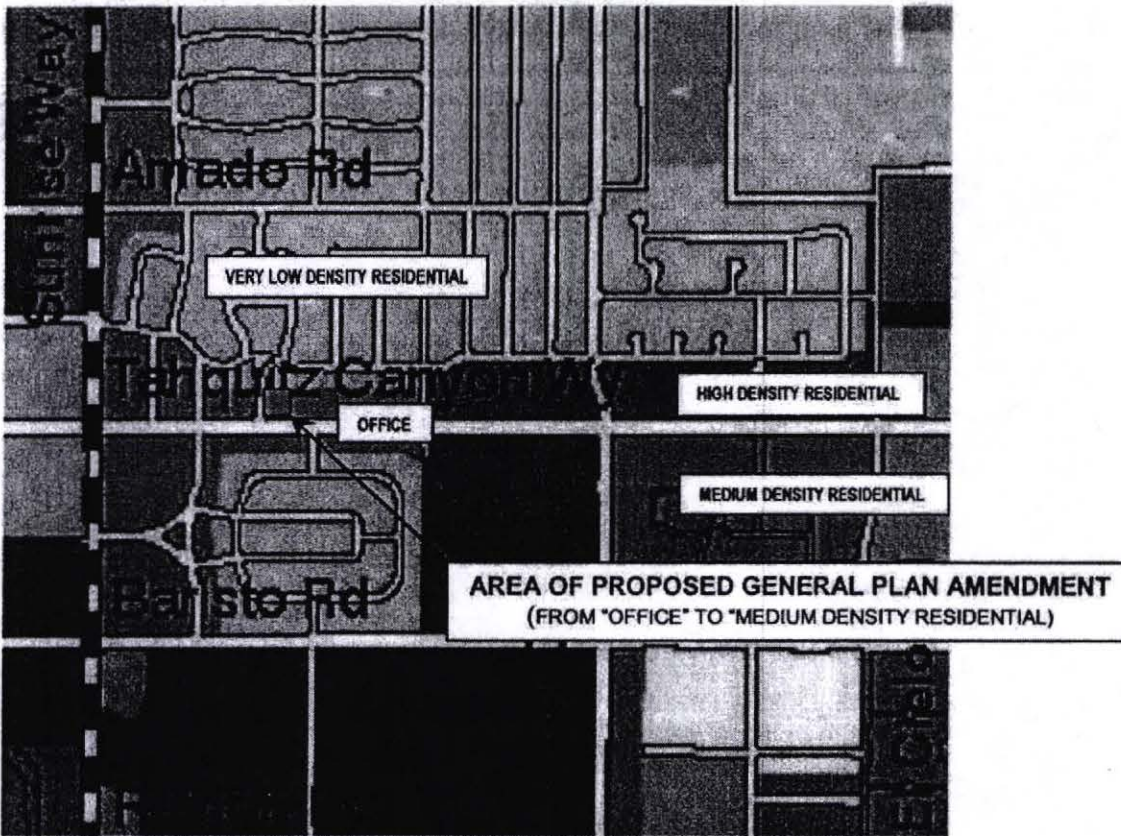
In recognition of an emerging pattern of office development along this major thoroughfare in recent years, the 2007 update of the Palm Springs General Plan changed the land use designation from "MDR" to "O" along Tahquitz Canyon Way¹.

The City had not yet updated the zoning code to "P" (Professional), (which is the corresponding zoning designation for office uses) when this application for a residential use was received. Residential uses are not permitted in the "O" land use designation, and thus the General Plan must be amended to be consistent with the zoning code for this particular parcel in order to approve the proposed condominium use. The proposed multi-family development is a "right of zone" use in the underlying R-2 zone. Below is a portion of the 2013 Zoning Map and on the following page is a portion of the 2007 General Plan Land Use Map showing the proposed GPA.



PORTION OF THE 2013 ZONING MAP SHOWING THE SITE IN THE R-2 ZONE

¹ Offices are a permitted use along major thoroughfares in the R-2 zone with approval of a Conditional Use Permit.



PORTION OF THE 2007 GENERAL PLAN MAP SHOWING PROPOSED GPA AREA

Two exhibits showing a detailed portion of the General Plan Amendment proposal is attached to this staff report as 'Exhibit A'.

BACKGROUND INFORMATION

A Major Architectural Application was received by the Planning Department proposing a nine-unit condominium development on the subject parcel. Residential condominiums, are a "by right" use in the underlying R-2 zone, however with the 2007 General Plan Land Use designation change from "M15" (Medium Density Residential) to "O" (Office), proposing a residential use on this parcel was no longer consistent with the General Plan. (A finding of project consistency with the City's General Plan is a requirement of a favorable determination of the environmental analysis of a project under CEQA)

As noted above, while early development in the fifties and sixties was multi-family residential in nature, the past twenty years or so has seen this segment of Tahquitz Canyon Way buildout with office uses. The subject parcel is considered an "infill" lot, since it is one of the only remaining undeveloped lots along this segment of Tahquitz.

The change in land use designation in the 2007 General Plan from residential to office was logical and appropriate given that the long term growth and redevelopment along this stretch was pointed in the direction of transitioning from residential to office. California

State Law requires that a City's Zoning Map and General Plan Land Use Map be "consistent", however as a Charter City, Palm Springs is exempt from this as a legal requirement. From a practical point of view, it behooves a City to achieve as much consistency as possible among its various land use regulatory documents to reduce ambiguity in the City's "vision" for each area, as well as to minimize confusion and delay in the processing of individual development applications.



AERIAL PHOTO OF PROJECT SITE

Table 1

<i>Neighborhood Meeting</i>	
None	(the subject parcel is not in or near a recognized neighborhood organization).

Table 2

<i>Field Check</i>	
May 2013	The site is a pair of vacant lots in a fully developed area of the city.

Table 3

<i>Date of Purchase and current owner:</i>	
December 2012	Gerard & Janet Biegel

PRIOR CITY ACTIONS

Table 4

<i>Date</i>	<i>Event/Action</i>
April 8, 2013	Review and recommendation for approval of Case 3.3625 MAJ by the AAC
September 25, 2013	Planning Commission approval (7-0) of Major Architectural Application 3.3625 for a 9-unit condo and recommendation that the City Council approve GPA 5.1299 changing the land use designation for the subject parcel from "O" to "MDR".

At the Planning Commission hearing, the applicant submitted a request for removal of Engineering Condition of Approval #47 requiring undergrounding of the overhead utility lines; citing economic hardship. The Engineering Department met with representatives of the applicant and reviewed materials submitted in support of the request. Engineering does not believe a compelling argument has been made supporting their request to defer or delete the undergrounding requirement. Therefore, it is staff's recommendation that

Condition of Approval ENG #47 remain as is, requiring the undergrounding now of the utility poles and overhead lines associated with this project.

ANALYSIS

The subject parcel is comprised of two vacant lots (a lot merger is required as a condition of approval) in an area fully developed with residential and office uses. The tables below provide further analysis of the project.

Table 5 – Surrounding Existing Uses, General Plan, and Zoning Designation

Surrounding Property	Existing Land Use	General Plan	Zoning
Subject Property	Vacant	O (Office)	R-2 Limited Multi-Family Residential
North	Single Family Residential	VLDR (Very Low Density Residential)	R-1-C
South	Office	O (Office)	R-2
East	Office	O (Office)	R-2
West	Office	O (Office)	R-2

Table 6

<i>Is the project located in any specific plan, special planning area, zoning overlays, conservation areas, historic district, specific plan or planned development district?</i>		
Zone or Overlay:	Yes/No:	Remarks (if any)
Neighborhood Org?	No	
Specific Plan?	No	
Existing Planned Development District?	No	
Planning Area?	No	
Resort Combining Zone?	No	
Airport non-suit Zone?	No	
Airport Land Use Compatibility Zone (AALUC)?	Yes	Zone E
Downtown Parking Combining Zone?	No	
Historic District Overlay?	No	
Tribal Land?	No	
Hillside or Major Thoroughfare?	Yes	Tahquitz Canyon Way is a Major Thoroughfare
Conservation Area as defined in the MSHCP?	No	
Wind Energy Overlay?	No	
Watercourse or Floodplain?	No	
Other		

FINDINGS

General Plan Amendment Findings. State of California Governmental Code Sections 65350 – 65362, outline the procedures and requirements for Cities and Counties to

create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. Staff has evaluated the GPA based upon the following:

- Compatibility of the proposed designation with adjacent land uses
- Potential adverse impacts to existing or future development in the vicinity.

Compatibility of the proposed designation with adjacent land uses.

The project site is surrounded by a variety of existing land uses including professional offices, single family residential and multi-family residential development. For many years, the General Plan land use designation for the subject parcel was "MDR" (Medium Density Residential). The City anticipated multi-family residential uses along Tahquitz Canyon Way and in the fifties and sixties, some was developed. However in that past two decades, professional office uses have been developed along Tahquitz. As a result, the area now contains a fairly even mix of offices and multi-family residential apartments and condominiums that co-exist harmoniously.

The 2007 General Plan update changed the land use designation for this stretch of Tahquitz from "MDR" to "O" (Office). The Office land use designation does not include residential development. Typically zoning and general plan land use designations are consistent, however at the time this application was submitted, the City had not yet processed the zone change from R-2 (residential) to "P" (Professional Office uses).

Office uses and limited multi family residential are generally considered a compatible set of land uses, and certainly the existing development pattern along Tahquitz would prove this out. Thus the proposed GPA reverting back from "O" to "MDR" is compatible with existing development patterns in the vicinity.

Potential adverse impacts to existing or future development in the area.

Both office and multi-family residential uses exist harmoniously along the north side of Tahquitz Canyon Way from roughly Sunrise Way to Civic Drive. The General Plan Amendment from "O" to "MDR" for the subject parcel provides consistency with the underlying R-2 zone designation. The proposed GPA was analyzed in the CEQA report and as noted, no significant adverse impacts were identified. The area around the proposed project is fully built out and the proposed project represents infill development of a type, density, massing and scale that is consistent with and complementary to, the existing neighborhood in which it is proposed.

Staff has concluded that the requested General Plan Amendment poses no detrimental impacts to existing or future development in the vicinity.

ENVIRONMENTAL ANALYSIS

The subject application has been evaluated and deemed a project under the guidelines of the California Environmental Quality Act (CEQA). An initial study has been conducted

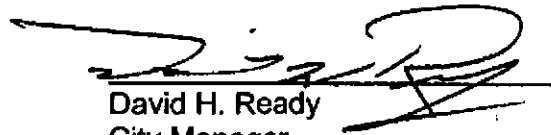
and the City has concluded that there are no significant impacts caused by the proposed project. A Negative Declaration has been proposed. A 20-day public comment period was given and no comments were received that would require recirculation of the proposed Negative Declaration.

NOTIFICATION

A written public hearing notice was made in accordance with applicable law. Comments received have been attached to this staff report.



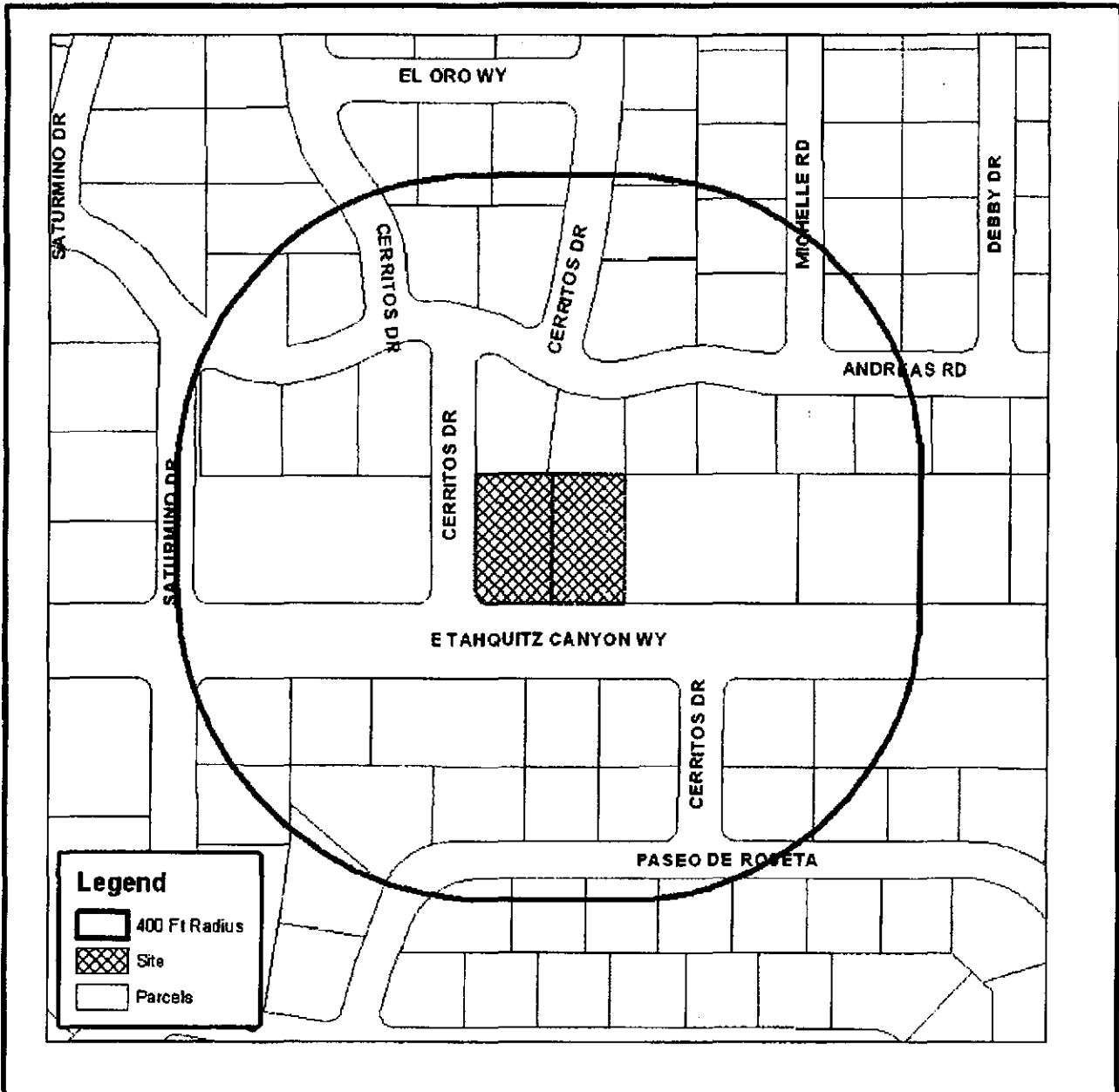
Margo Wheeler, AICP
Director of Planning Services



David H. Ready
City Manager

Attachments:

- Vicinity Map
- Draft Resolution and Conditions of Approval
- Exhibit A – Portion of the General Plan Land Use Map showing proposed change.
- Environmental Initial Study and proposed Negative Declaration
- Correspondence between City Public Works and applicant regarding undergrounding of overhead utility lines.
- Planning Commission staff report of 9.25.13
- Planning Commission minutes of 9.25.13
- Public comment letters.



CITY OF PALM SPRINGS

CASE : 3.3625 MAJ / 5.1299 GPA

APPLICANT: Jim Cioffi for Gerard and Janet Biegel

DESCRIPTION: A major architectural application proposing development of a residential condominium project comprised of nine dwelling units in three buildings, a swimming pool, off-street parking and landscaping. The project includes a General Plan Amendment for zoning consistency to change the land use designation from O (Office) to MDR (Medium Density Residential) on a roughly 0.82-acre (35,766 square foot) parcel at the northeast corner of East Tahquitz Canyon Way and North Cerritos Road, Zone R2, Section 13.

- 1.A. PRAETOR INVESTMENT, LLC, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 333 (PDD 333) AND TENTATIVE PARCEL MAP (TPM 35236) FOR THE DEVELOPMENT OF A 200-ROOM HOTEL, 50 RESIDENTIAL UNITS AND A PARKING STRUCTURE LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD:**

Item 1A Staff Report

ACTION: 1) Direct the Planning Commission to take action on the project at the November 13, 2013, meeting; 2) Continue the Public Hearing to November 20, 2013, with no public testimony at this time; and 3) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

- 1.B. GENERAL PLAN AMENDMENT FOR ZONING CONSISTENCY AND A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ON A ROUGHLY 35,766 SQUARE FOOT PARCEL AT THE NORTHEAST CORNER OF NORTH CERRITOS DRIVE AND EAST TAHQUITZ CANYON WAY(CASE 3.3625 MAJ / 5.1299 GPA):**

Item 1B Staff Report Part 1 Pages 1-46

Item 1B Staff Report Part 2 Pages 47-100

Margo Wheeler, Director of Planning Services, provided background information as outlined in the staff report dated November 6, 2013.

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

JIM CIOFFI, provided background information on the request for the General Plan Amendment, and requested the City Council approve the General Plan Amendment.

TED LUCIANI, requested the City Council not defer the requirement for undergrounding utility lines as part of the project, and requested a traffic study regarding the project.

MICHAEL BONDA, Palm Springs, requested the City Council not defer the requirement for undergrounding utility lines as part of the project.

STEVEN STONER, Palm Springs, requested the City Council not defer the requirement for undergrounding utility lines as part of the project.

JIM CHOFFI, Rebuttal, stated the developer met with the immediate neighbors, and stated the developer is working on the undergrounding of utilities.

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

Mayor Pro Tem Mills requested staff address if the undergrounding was a component of the General Plan Amendment.

Councilmember Foat requested staff address if the driveways and undergrounding are part of the General Plan Amendment or part of the map.

Councilmember Lewin requested staff address if the map is reviewed by the Planning Commission and the City Council.

ACTION: Adopt Resolution 23454, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN, ADOPTED BY RESOLUTION NO. 22077, CHANGING THE LAND USE DESIGNATION FOR A ROUGHLY 35,766 SQUARE FOOT PARCEL LOCATED AT THE NORTHEAST CORNER OF EAST TAHQUITZ CANYON WAY AND NORTH CERRITOS DRIVE, FROM "O" (OFFICE) TO "MDR" (MEDIUM DENSITY RESIDENTIAL) FOR ZONING CONSISTENCY. APN'S 502-075-001 and 502-075-002; ZONE R-2." **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**



PLANNING COMMISSION STAFF REPORT

Date: September 25, 2013 Public Hearing

Subject: Major Architectural Application for a 9-unit Condominium and a General Plan Amendment for Zoning Consistency (Case 3.3625 MAJ / 5.1299 GPA)

Applicant: Gerard & Janet Biegel

Location: NE Corner of Tahquitz Canyon Way & Cerritos Road (APN's 502-075-001 and 502-075-002)

From: Department of Planning Services

SUMMARY

A Major Architectural application (MAJ) proposing to construct a nine-unit condominium complex with common outdoor areas, off-street parking and landscaping on a roughly 35,766 square foot lot at the northeast corner of Tahquitz Canyon Way and Cerritos Road and an General Plan Amendment for zoning consistency.

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
3.3625 MAJ / 5.1299 GPA	Staff recommends APPROVAL of the MAJ and that the Planning Commission RECOMMEND APPROVAL of the GPA by the City Council	SB 18 Noticing / CEQA / Public Hearing Notice

PRIOR ACTIONS:

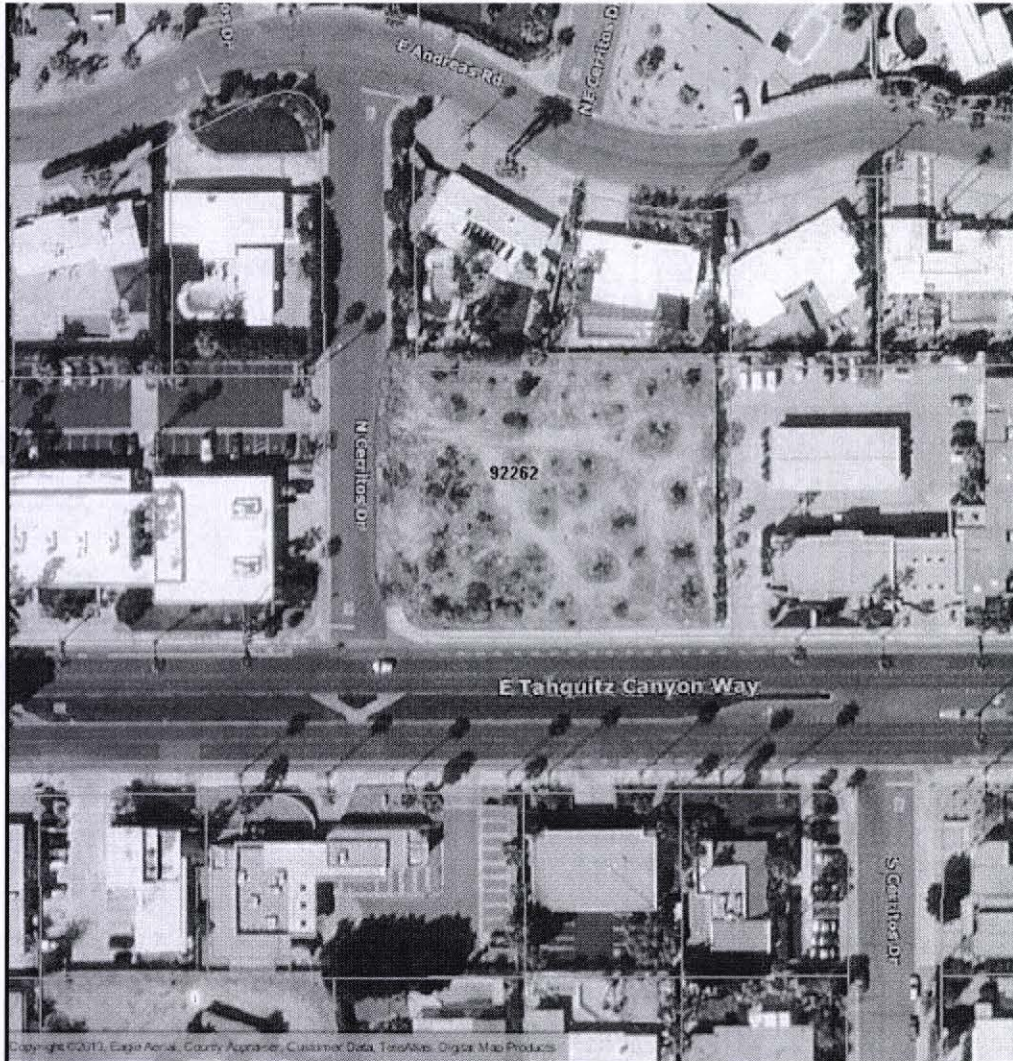
On April 8, 2013, the Architectural Advisory Committee (AAC) reviewed the project and voted unanimously to recommend approval to the Planning Commission.

BACKGROUND INFORMATION

<i>Neighborhood Meeting</i>	
None	

<i>Field Check</i>	
May 2013	The site is a pair of vacant lots in a fully developed area of the city.

<i>Date of Purchase and current owner:</i>	
December 2012	Gerard & Janet Biegel



AERIAL PHOTO OF PROJECT SITE

ANALYSIS

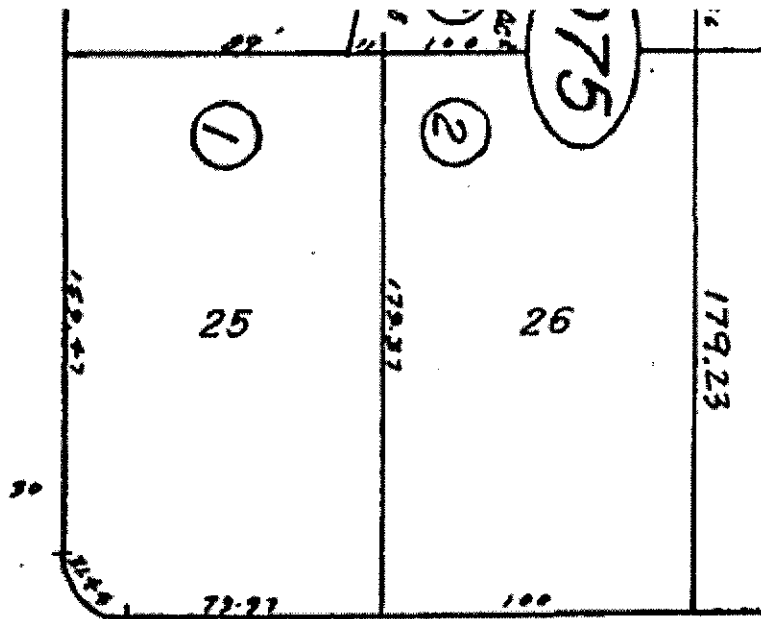
Table 1 – Surrounding Existing Uses, General Plan, and Zoning Designation

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>General Plan</i>	<i>Zoning</i>
Subject Property	Vacant	O (Office)	R-2 Limited Multi-Family Residential
North	Single Family Residential	VLDR (Very Low Density Residential)	R-1-C

South	Office	O (Office)	R-2
East	Office	O (Office)	R-2
West	Office	O (Office)	R-2

Table 2 – Analysis of Off-street Parking Requirements

Off-Street Parking Requirement (PSZC Section 93.06.00 (D))				
Use	Details	Required	Provided	Conforms
Residential Condominium	6, 2-bdrm units	1.5 sp/unit = 9 sp	1 space	
	3, 1-bdrm units	1.25 sp/unit = 4 sp		
	Guest Parking	1 sp/4 units = 3 sp		
	1 hc / 1-25 sp	1 space		
TOTAL		16 spaces	17 spaces	Yes



TRACT MAP SHOWING PROJECT SITE

Table 3: Analysis of proposed project against the Development Standards of the Zone

	R-2 Zone (PSZC 92.03.03) Required	Proposed Project
Lot Area	Minimum 20,000 sf	35,766 square feet (conforms)
Lot Width	170 feet (siding on a major street)	179 feet (conforms)
Lot Depth	150 feet	189 feet (conforms)
Front Yard	25 feet	25 feet (conforms)
Street Side Yard	Special Setback on Tahquitz 75 feet from Center of Roadway	75 feet (conforms)

Interior Side Yard	10 feet	10 feet (conforms)
Rear Yard	10 feet	10 feet (conforms)
Building Height (max.)	24 feet and 2 stories	13 feet and 1 story (conforms)
Building Coverage (max.)	Min 50% of lot must be usable landscaped area	54% (conforms)
Covered off-street Parking	1 covered space per unit	13 spaces covered (conforms)
Dwelling size	Minimum 2,000 net square feet of lot area per dwelling unit.	35,766 and 9 units 3,974 sf of net site area/unit (conforms)
Distance Bet. Bldgs	15 feet	12 feet (DOES NOT CONFORM)
Perimeter Walls	Max 6 ft, less than 60% of lot length, masonry or dec. metal 6 ft high wall bet. R-1 and R-2	5'-4" masonry at front yards, less than 60% of lot length (conforms) 6 ft high wall bet. R-2 and R-2 (conforms)
Projections into setbacks	Eaves may project 4 inches/ft of setback; max 4 ft in front yard	Eaves project 2 ft at bldg., and 3 feet at carport covers (conforms)

FINDINGS

Pursuant to Zoning Code Section 94.04.00 (Architectural Review)

The planning commission "... shall examine the material submitted with the architectural approval application and specific aspects of design shall be examined to determine whether the proposed development will provide desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:

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

The project proposes nine condominium units in three buildings arranged around an open landscaped courtyard with a common pool and terraces. Vehicular access it proposed off Tahquitz Canyon Way for a single loaded parking lot of thirteen (13) spaces. Additional bay parking is proposed taking access from Cerritos Drive. Pedestrian sidewalks are distinct and

separate from parking areas. The buildings are oriented to maximize views of the mountains to the west. The project conforms to this guideline.

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

The project is located in an area of mixed uses, some professional offices and some apartments. The proposed buildings are modern in their appearance, with simple rectilinear forms. The height of the proposed project is consistent with adjacent development. A similar project "Desert Holly", an older apartment complex just east of the subject site is similar in context. The project conforms to this guideline.

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

The building conforms to the development standards of the zone. Mechanical equipment is screened. The project conforms to this guideline.

4. Building design, materials and colors to be sympathetic with desert surroundings; AND

5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously; AND

6. Consistency of composition and treatment;

The proposed development incorporates stucco, precision concrete block, and glass in anodized aluminum frames. The project incorporates overhangs and roof structures giving the proposed development visual variety and protection of glazed area from the sun. The materials and colors are consistent with similar development in the vicinity. The project conforms to this guideline.

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

The project proposes a desert-appropriate plant palette. There are no specimen trees or other plants on the site. The project conforms to this guideline.

8. Signs and graphics, as understood in architectural design including materials and colors;

The architectural design, colors and graphics are simple, straightforward materials and design elements complementary to adjacent existing development from the 50's and 60's. Signage is not included in this application. The graphics and colors are generally neutral tones with accent panels of red. The project conforms to this guideline.

9. The planning architectural advisory committee may develop specific written guidelines to supplement the design criteria and carry out the purposes of this chapter.

Draft Conditions of approval are attached to this staff report and draft resolution as Exhibit A.

ENVIRONMENTAL ANALYSIS

The subject application has been evaluated and deemed a project under the guidelines of the California Environmental Quality Act (CEQA). An initial study has been conducted and the City has concluded that there are no significant impacts caused by the proposed project. A Negative Declaration has been proposed. A 20-day public comment period was given and no comments were received that would require recirculation of the proposed Negative Declaration.

NOTIFICATION

A written public hearing notice was made in accordance with applicable law. Public comment was received on the project which is attached to this staff report.



Ken Lyon
Associate Planner

Margo Wheeler, AICP
Director of Planning Services

Attachments:

- Vicinity Map
- Draft Resolution and Conditions of Approval
- Environmental Initial Study and proposed Negative Declaration
- Small Scale Plans, Sections, Elevations, Landscape
- Letter of public comment



PLANNING COMMISSION STAFF REPORT

DATE: February 26, 2014

SUBJECT: GERARD AND JANET BIEGEL, OWNERS FOR TENTATIVE TRACT MAP 36715 OF ONE (1) LOT EQUALING 35,672-SQUARE FEET FOR THE PUPOSE OF A NINE (9) UNIT CONDOMINIUM PROJECT CONSISTING OF THREE BUILDINGS ON COMMON GROUND LOCATED AT 100 NORTH CERRITOS ROAD, ZONE R-2, SECTION 13. (GM)

FROM: M. Margo Wheeler, AICP, Director of Planning Services

SUMMARY

The Planning Commission to review a request for a Tentative Tract Map resulting in one lot equaling 35,672-square feet for the purpose of a nine (9) unit condominium project consisting of three, one-story buildings on common ground known as the Sofia Condominiums.

RECOMMENDATION:

Approve with conditions.

ISSUES:

- At the Planning Commission hearing for Case 3.3625 MAJ, the applicant requested removal of Engineering Condition of Approval #47 requiring undergrounding of the overhead utility lines, citing economic hardship. The Engineering Division met with representatives of the applicant and reviewed materials submitted in support of request. Engineering recommends the condition remain.

BACKGROUND:

<i>Related Relevant City Actions by Planning, Fire, Building, etc...</i>	
9/25/2013	Planning Commission approves a Major Architectural application for the development of a 9-unit condominium complex; a Negative Declaration; and recommends approval to the City Council for a General Plan amendment changing the land use designation from "Office" to "Medium Density Residential"
11/6/2013	City Council approves General Plan Amendment changing the parcel land use designation from "Office" to "Medium Density Residential", and adopting a Negative Declaration.

Most Recent Ownership	
2012	Gerard and Janet Biegel

Neighborhood Notification	
2/13/2014	Email notification was sent to representatives of Movie Colony East, and Sunmor Neighborhood Organizations

Field Check	
February 2014	Staff visited site to observe existing conditions

Notification	
2/1/2014	Notice sent to all property owners within 500 feet of subject site

Details of Application Request	
Site Area	
Net Area	35,672- square feet – Parcel 1



Subject Site: Corner of East Tahquitz Canyon Way and North Cerritos Drive

ANALYSIS:

Surrounding Property	Existing General Plan Designations	Existing Land Use	Existing Zoning Designations
Subject Property	MDR (Medium Density Residential)	Multi-Family Residential - Vacant	R-2 (Multi-Family Residential)
North	VLDR (Very Low Density Residential)	Single-Family Residential	R-1-C
South	O (Office)	Office	R-2
East	O (Office)	Office	R-2
West	O (Office)	Office	R-2

DEVELOPMENT STANDARDS: Proposed Condominium Development

Analysis of proposed project against the Development Standards of the Zone

	R-2 Zone (PSZC 92.03.03) Required	Proposed Project
Lot Area	Minimum 20,000 sf	35,766 square feet (conforms)
Lot Width	170 feet (siding on a major street)	179 feet (conforms)
Lot Depth	150 feet	189 feet (conforms)
Front Yard	25 feet	25 feet (conforms)
Street Side Yard	Special Setback on Tahquitz 75 feet from Center of Roadway	75 feet (conforms)
Interior Side Yard	10 feet	10 feet (conforms)
Rear Yard	10 feet	10 feet (conforms)
Building Height (max.)	24 feet and 2 stories	13 feet and 1 story (conforms)
Building Coverage (max.)	Min 50% of lot must be usable landscaped area	54% (conforms)
Covered off-street Parking	1 covered space per unit	13 spaces covered (conforms)
Dwelling size	Minimum 3,000 net square feet of lot area per dwelling unit.	35,766 and 9 units 3,974 sf of net site area/unit (conforms)
Perimeter Walls	Max 6 ft, less than 60% of lot length, masonry or dec. metal 6 ft high wall bet. R-1 and R-2	5'-4" masonry at front yards, less than 60% of lot length (conforms) 6 ft high wall bet. R-2 and R-2 (conforms)
Projections into setbacks	Eaves may project 4 inches/ft of setback; max 4 ft in front yard	Eaves project 2 ft at bldg., and 3 feet at carport covers (conforms)

PROJECT DESCRIPTION:

The applicant is seeking approval for a Tentative Tract Map to one (1) lot equaling 35,672-square feet in size for the purpose of a nine (9) unit condominium project. Previously the Planning Commission approved Case 3.3625 MAJ for the construction of three buildings containing nine (9) condominium units. The City Council approved a General Plan Amendment (Case 5.1299 GPA) to change the land use designation to MDR (Medium Density Residential) and adopted a Negative Declaration for the project. The California Subdivision Map Act requires that a Tentative Tract Map be adopted for condominium map purposes by the local governing body. Section 9.62.020 of the Palm Springs Municipal Code states "any form of community ownership, shall be approved only if the proposed condominium use of the property will be in conformity with the General Plan and lawfully constructed in accordance with the applicable zoning regulations". The approval of the General Plan Amendment, the Major Architectural Application, and adoption of the Negative Declaration clears the way for approval of the Tentative Tract Map application.

Tentative Tract Map

Findings are required for the proposed subdivision pursuant to Section 66474 of the California Subdivision Map Act. If any of these findings are not met, the City shall deny approval:

a. That the proposed Tentative Parcel Map is consistent with all applicable general and specific plans.

The TTM proposes one (1) lot equaling 35,672-square feet for the purpose of a nine (9) unit condominium project. The proposed development consists of six, two-bedroom units and three one-bedroom units in three buildings. The three buildings are attached to one another with small roofs spanning between them and thus, for zoning purposes are evaluated as one building. The proposed use meets the density requirement for Medium Density Residential (MDR) consistent with the General Plan land use designation, and this finding has been met.

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

The proposed subdivision is consistent with the R-2 zone in which the property is located. The Tentative Tract Map will consist of one lot equaling 35,672-square feet. The design of the proposed condominium development is consistent with the applicable zoning and the finding has been met.

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

The proposed development on a vacant flat lot will have access to two public streets. The surrounding neighborhood is a mix of residential properties, office buildings and other commercial establishments. Site modifications include the placement of new sidewalks, a complex perimeter wall, with new building construction consisting of one-story buildings. The site is physically suited for this type of development and the finding has been met.

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

The proposed nine (9) unit condominium project on a 35,672-square foot lot is consistent with the allowable density of 6.1 – 15 dwelling units per acre in the MDR General Plan designation. In addition, the R-2 zone requires 3,000-square feet per dwelling unit which is within the zone density requirement.

e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.

The Tentative Tract Map associated with Cases 3.3625 and 5.1299 GPA have been reviewed under the California Environmental Quality Act, and deemed a project. An initial study has been conducted and the City has concluded that there are no significant impacts caused by the proposed project. A Negative Declaration has been adopted.

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

The design of the proposed condominium complex includes connections to all public utilities including water and sewer systems. The private driveways from East Tahquitz Canyon Way and North Cerritos Drive will provide access to the subject lot. Pedestrian access will connect the Sofia Condominiums to existing sidewalks.

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

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

ENVIRONMENTAL DETERMINATION:

The subject application has been evaluated and deemed a project under the guidelines of the California Environmental Quality Act (CEQA). An initial study has been conducted and the City has concluded that there are no significant impacts caused by the proposed project. A Negative Declaration was adopted by the City Council on November 6, 2013.

NOTIFICATION:

A public hearing notice was advertised and was mailed to all property owners within 500 feet of the subject property/adjacent property owners as well as relevant neighborhood organizations. As of the writing of this report, staff has received one telephone inquiry.

Glenn Mlaker, AICP
Assistant Planner

M. Margo Wheeler, AICP
Director of Planning Services

Attachments:

1. Vicinity Map
2. Resolution
3. Conditions of Approval
4. TTM 36715
5. Planning Commission Meeting Minutes of September 25, 2013
6. Correspondence from Neighbors

Motion: Commissioner Calerdine, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson and Chair Donenfeld

2B. GERARD AND JANET BIEGEL FOR A TENTATIVE TRACT MAP TO CREATE A ONE LOT CONDOMINIUM MAP OF NINE (9) UNITS LOCATED AT 100 NORTH CERRITOS DRIVE ZONE R-2. (CASE TTM 36715). (GM)

Associate Planner presented the proposed project as outlined in the staff report.

Chair Donenfeld opened the public hearing:

ERNEST VINCENT, legal representative for the applicant, thinks this is a valuable addition and commented on the major expense to require utility undergrounding for a small in-fill development such as this one.

TED LUCIANI, representing the neighbors, said the project is a beautiful design; however, there are concerns about the current infrastructure and this would be an opportunity to enhance the environment.

ERNEST VINCENT, applicant rebuttal, reiterated the major expense that would be involved to impose utility undergrounding.

CHAIR DONENFELD noted that the plan (design, streets and access) of the project has been approved, and the only issue is the tract map before the Commission today.

COMMISSIONER CALERDINE said he would like to City to consider an economic justification for the undergrounding of the utility lines.

ACTION: Recommend approval to the City Council with conditions and Engineering Condition of Approval #47 remain.

Motion: Commissioner Roberts, seconded by Commissioner Weremiuk and carried 6-1 on a roll call vote.

AYES: Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson and Chair Donenfeld

NOES: Commissioner Calerdine

OWNERS:
 SOUTHWEST SOUTH PROJECTS, L.P., A CALIFORNIA LIMITED PARTNERSHIP
 BY: PAVAN SOUTHERN PROJECTS, INC., A CALIFORNIA CORPORATION
 BY: GENERAL PARTNER

OWNER'S REPRESENTATIVE: AMIR A. HAJI, AS PRESIDENT AND UNIT A MEMBER AS SECRETARY
 1725 HAWTHORN ROAD
 LAKE COUNTRY, BRITISH COLUMBIA V4V 1A6, CANADA
 PHONE: HOME 250-766-3955 / CELL 780-635-1528

SITE ADDRESS:
 NOT APPLICABLE, VACANT LAND

ASSESSOR'S PARCEL NUMBER:
 502-075-001, 502-075-002

LEGAL DESCRIPTION:

PARCEL 1:
 LOT 25 OF LURING SANDS PARK TRACT MAP, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 20, PAGE 71 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AREA 17,858.87 SQ. FT. (0.41 AC)

PARCEL 2:
 LOT 26 OF LURING SANDS PARK TRACT MAP, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 20, PAGE 71 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AREA 17,829.85 SQ. FT. (0.41 AC)

ZONING CLASSIFICATION:

EXISTING ZONING:
 RESIDENTIAL R-2 (LIMITED MULTIPLE ZONE)

GENERAL OR SPECIFIC PLAN:

GENERAL PLAN:
 OFFICE

FLOOD ZONE:

MAP NO. 09045C1559C
 PANEL 1559C OF 3005
 MAP EFFECTIVE DATE: AUG. 28, 2008
 ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

EASEMENTS:

1 WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS:

2 RIGHT OF WAY AND RESERVATION AS SET OUT IN DEED FROM J.C. MC CALLUM ET AL. RECORDED IN BOOK 143, PAGE 478 OF DEEDS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA, AS FOLLOWS:

EXCEPT SUCH PARTS HEREOF AS ARE RESERVED FOR PUBLIC HIGHWAYS ON SAID MAP OF PALM VALLEY, AND THE RIGHT OF WAY IS HEREBY RESERVED FOR IRRIGATION DITCHES AND WATER PIPES THAT MAY BE REQUIRED BY THE GRANTORS OR THEIR ASSIGNS. (BLANKET IN NATURE UNABLE TO PLOT)

3 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS DELINEATED OR AS OFFERED FOR DEDICATION, ON THE MAP OF SAID TRACT/PLAT:

PURPOSE: PUBLIC UTILITIES
AFFECTS: AS SHOWN ON SAID MAP

4 COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, PARENTAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, ANTI-MARRIAGE, ANCESTRY, SOURCE OF INCOME, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT:

RECORDING DATE: APRIL 27, 1946
RECORDING NO. IN BOOK 748, PAGE 191 OF OFFICIAL RECORDS
 SAID COVENANTS, CONDITIONS AND RESTRICTIONS PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT THE LIEN OF ANY MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE.

5 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
IN FAVOR OF: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: ELECTRIC POLE LINES OR UNDERGROUND CONDUITS OR BOTH
RECORDING DATE: JULY 25, 1949
RECORDING NO. IN BOOK 997, PAGE 486 OF OFFICIAL RECORDS
AFFECTS: SAID LAND NAME PARTICULARLY DESCRIBED THEREIN

UTILITIES:
 GAS SOUTHERN CALIFORNIA GAS COMPANY.....200-427-2200
 ELECTRIC SOUTHERN CALIFORNIA EDISON.....760-202-4231
 TELEPHONE VERIZON CALIFORNIA, INC.....760-778-3603
 WATER DESERT WATER AGENCY.....760-325-4971
 TRASH DISPOSAL PALM SPRINGS DISPOSAL SERVICES.....760-327-1251
 CABLE TIME WARNER CABLE.....760-674-5452
 WASTEWATER VERIZON.....760-778-1365
 CITY OF PALM SPRINGS.....760-323-8186

WATER DISTRICT: DESERT WATER AGENCY (DWA)
SCHOOL DISTRICT: PALM SPRINGS UNIFIED
 800 EAST TAHQUITZ CANYON WAY
 PALM SPRINGS, CALIFORNIA 92262

NO.	AMENDMENT	DATE

IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
TENTATIVE TRACT MAP No. 36715
 FOR CONDOMINIUM PURPOSES
 BEING A SUBDIVISION OF LOTS 25 AND 26 OF THE LURING SANDS PARK TRACT MAP, IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.E.1/4 IN THE CITY OF PALM SPRINGS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN MAP BOOK 20, PAGE 71, OFFICIAL RECORDS OF RIVERSIDE COUNTY
 DECEMBER 2013
 AMIR ENGINEERING INC.

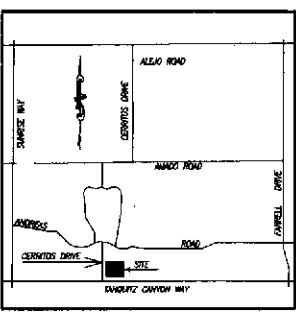
THE BOUNDARY SOLUTION FOR THIS IS MAP IS COMPILED FROM RECORD DATA OF LOTS 25 AND 26 OF THE LURING SANDS PARK TRACT MAP, AS FILED IN MAP BOOK 20, PAGE 71, O.R.C.

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELT
(C1)	31.44'	20.00'	587.04.307'

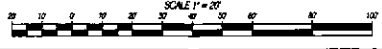
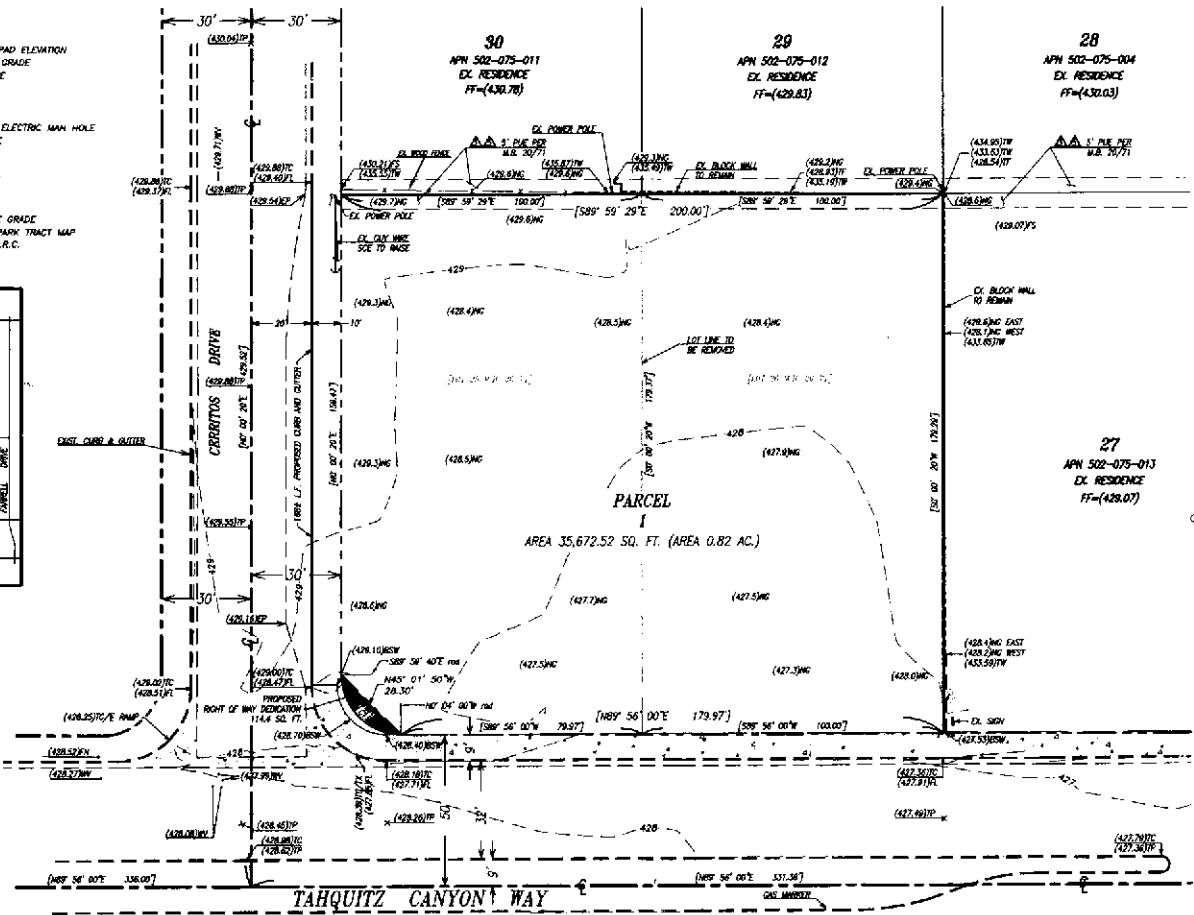
- GENERAL NOTES:**
- 1 THE TOPOGRAPHIC SURVEY IS BASED UPON A FIELD SURVEY BY AMIR ENGINEERING INC.
 - 2 THE CONTOUR INTERVAL IS EQUAL TO 1.00 FOOT
 - 3 LOCATION OF VISIBLE ABOVE GROUND UTILITIES SHOWN HEREIN AS LOCATED ON MAP
 - 4 UNDERGROUND UTILITY LOCATION SHOWN HEREIN ARE APPROXIMATE
 - 5 ALL SLOPES ARE AS SHOWN ON MAP
 - 6 GRADING PLANS WILL BE SUBMITTED AT TIME OF DEVELOPMENT

LEGEND

- (G03) EXISTING GUY ANCHOR GRADE
- (P1) EXISTING POWER POLE
- (428.3)ME EXISTING NATURAL GROUND GRADE/PAD ELEVATION
- 437.65(FT) EXISTING STRUCTURE FINISH FLOOR GRADE
- (SSMH) EXISTING SANITARY SEWER MAN HOLE
- (WM) EXISTING WATER METER
- (WV) EXISTING WATER VALVE
- (EWH) EXISTING FIRE HYDRANT
- (GTE MAN HOLE) EXISTING GENERAL TELEPHONE AND ELECTRIC MAN HOLE
- (427.35)EP EXISTING TOP OF PAVEMENT GRADE
- (428.25)TC EXISTING TOP OF CURB GRADE
- (427.75)FL EXISTING FLOWLINE GRADE
- (427.95)SOW EXISTING BACK OF SIDEWALK GRADE
- (429.55)TP EXISTING TOP OF PAVEMENT GRADE
- (428.66)FS EXISTING FINISH SURFACE GRADE
- (427.60)CV EXISTING IRRIGATION CONTROL VALVE GRADE
- [XXX.XX] RECORD DATA PER LURING SANDS PARK TRACT MAP AS FILED IN M.B. 20 PAGE 71, O.R.C.



VICINITY MAP
 N.T.S.



RECEIVED
 JAN 22 2014
 PLANNING SERVICES
 DEPARTMENT

AMIR ENGINEERING INC.
 CIVIL ENGINEERING / PLANNING / SURVEYING
 150 LURING DRIVE, SUITE A, PALM SPRINGS CA 92262
 PH. (760) 318-7424 FAX (760) 318-7410

Cindy Berardi

From: TWL <teddytune@yahoo.com>
Sent: Monday, March 10, 2014 2:16 PM
To: Cindy Berardi
Subject: Fw: Tentative Parcel Map 36715 (2)
Attachments: City Engineers Letter 10-28-13.docx; Staff Report Regarding 3.362 MAJ (Zoning).pdf

Dear Cynthia if not too late -- could you also ensure that the City's Engineer's recommendations (from page 48) of the City Council Staff report from 11/6/13th also be included front and center for easier viewing.

I have found that these reports get buried and Council flusters -- Again, I have attached it separately for your convenience along with the staff report from where it originated.

Sincerely yours,
TED
Ted William Luciani
SPNO (interim Secretary)
Teddytune@yahoo.com
760-327-2124

From: Savat Khamphou
Sent: Monday, October 28, 2013 9:51 AM
To: 'Ralph'
Cc: Ken Lyon; Carol Templeton; Dave Barakian; Margo Wheeler
Subject: RE: Project Memos & Reports for Monday, October 28, 2013 9:51 AM

Mr, Hitchcock

At a meeting on October 9^h you asked the Planning Commission to waive the requirements for undergrounding utilities. You mentioned that undergrounding affected poles on the new development would require the installation of additional poles and that this would be a financial hardship for the developer if this requirement is imposed upon. The Planning Commission deferred that decision to Public Works & Engineering and also requested supporting documentation and a letter of support from Southern California Edison. At meeting on October 23 with Carol Templeton and Savat Khamphou, you provided verbal explanations and two copies of a single plan sheet supporting your case. Dave Barakian, Director of Public Works, and I had a teleconference with you on October 24, and we listened to your explanation and also provided an alternative for undergrounding to meet the requirements. However, we reiterated the need for supporting documentation to present to the Planning Commission, such as a detailed cost estimate, and letters of support from the affected utilities, so we can make our determination.

We have received the following attached information from you in addition to the plan drawing received on October 23". We also explained to you that we cannot waive the requirement and that the best we could do is a deferral of undergrounding with a covenant recorded, if appropriate justification with supporting documentation was provided and approved by the Director of Public Works.

Based on the information provided, we cannot support deferral of the undergrounding requirements, therefore, the conditions of approval still apply.

Per our teleconference on October 24^h, we suggested that you keep the poles at east and west ends of the property line and underground the pole in between the two poles. This would also satisfy the undergrounding requirement by the City and should reduce the scope and cost of undergrounding requirements.

Please feel free to call us if you have any questions. Thank you.

Savat Khamphou
Assistant Director of Public Works/
Assistant City Engineer
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
(760) 323-8253 x8744
(760) 219-5404 (cell)

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



Date: March 19, 2014

Subject: TTM 36715 at 100 North Cerritos Drive, The Sofia Condominiums

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on March 8, 2014.

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

A handwritten signature in black ink, appearing to read "C.A.B.", is written over a horizontal line.

Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk and on March 6, 2014.

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

A handwritten signature in black ink, appearing to read "C.A.B.", is written over a horizontal line.

Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on March 6, 2014, 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.

A handwritten signature in black ink, appearing to read "C.A.B.", is written over a horizontal line.

Cynthia A. Berardi, CMC
Deputy City Clerk

Cindy Berardi

From: Joanne Bruggemans
Sent: Wednesday, March 05, 2014 3:39 PM
To: Baristo; Movie Colony East; Sunmor
Cc: Cindy Berardi; Glenn Mlaker
Subject: PHN for CC Mar 19 2014 Sofia Condominiums TTM 36715
Attachments: PHN Sofia Condominiums TTM 36715 Mar 19 2014.pdf

Please find the attached Public Hearing Notice of the City Council of a proposed project in the vicinity of your neighborhood organization.

Thank you,

Joanne

Joanne Bruggemans
City of Palm Springs
Planning Services Department
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
Phone: (760) 323-8245 Fax: (760) 322-8360
Email: joanne.bruggemans@palmspringsca.gov

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

TENTATIVE PARCEL MAP 36715
THE SOFIA CONDOMINIUMS
100 NORTH CERRITOS 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 March 19, 2014. 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 the hearing is to consider Case TTM 36715 an application by owners Gerard and Janet Biegel, for a Tentative Tract Map to create a one lot, condominium map of nine (9) units. The project is located at 100 North Cerritos Drive, Zone R-2, Section 13.

ENVIRONMENTAL DETERMINATION: A Negative Declaration in conjunction with Case 3.3625 MAJ was prepared for this project under the guidelines of the California Environmental Quality Act (CEQA) and was adopted by the Planning Commission at their hearing of September 25, 2013. Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

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 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]).

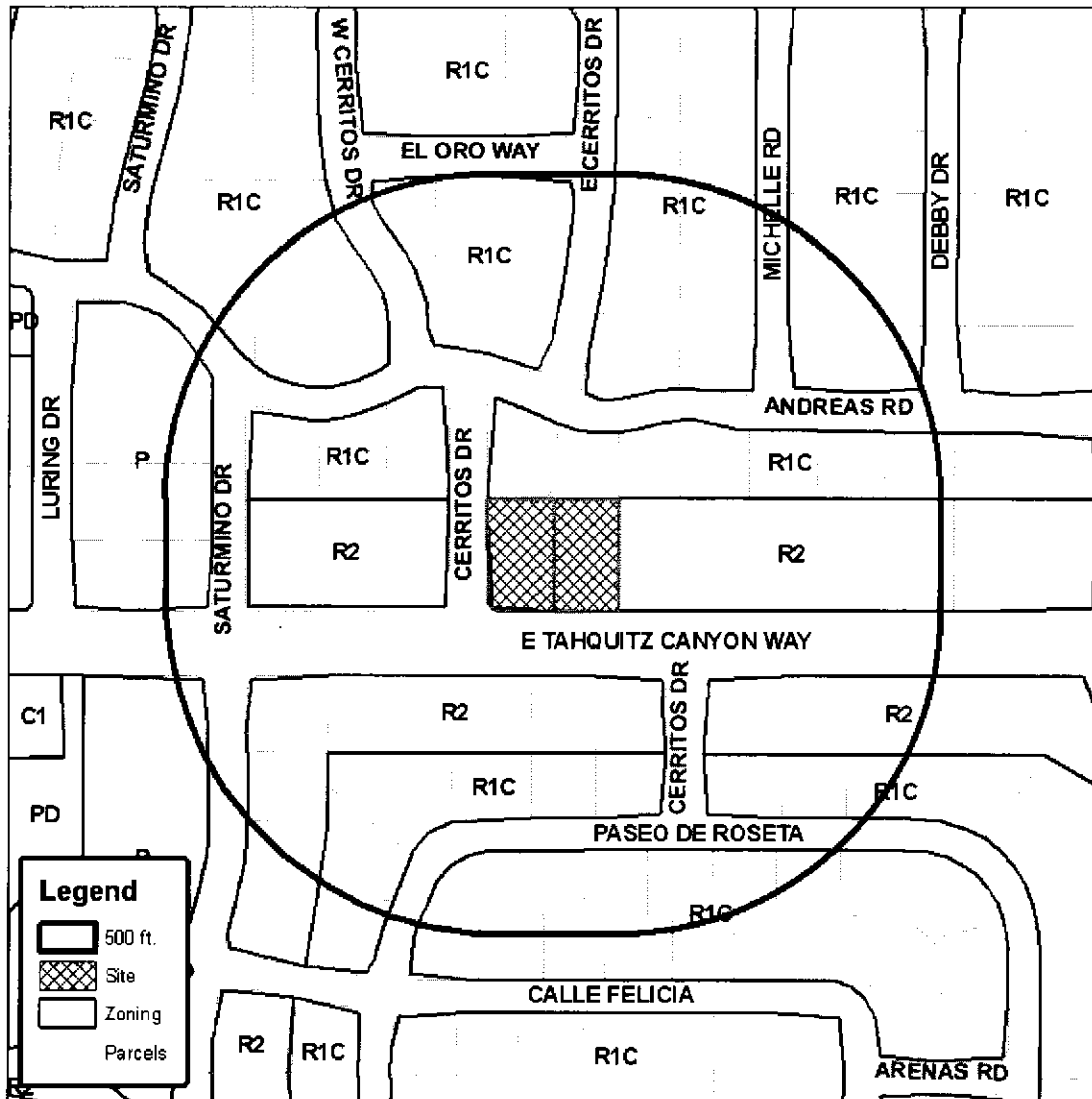
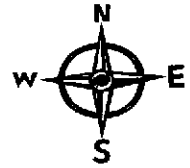
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Glenn Mlaker, Assistant Planner, Planning Services Department, at (760) 323-8245.

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


James Thompson, City Clerk



**Department of Planning Services
Vicinity Map**



CITY OF PALM SPRINGS

CASE: TTM 36715

APPLICANT: Gerard and Janet Biegel

DESCRIPTION: A Tentative Tract Map (TTM) to create a one lot, condominium map of nine (9) units located at 100 North Cerritos Drive, Zone R-2, Section 13.