



Planning Commission Staff Report

Date: July 28, 2010

Application I.D.: TPM 36318

Application Type: Parcel Map Waiver

Location: 2299 North Indian Canyon Drive

Applicant: ERETZ CNRC Properties, LLC

APN: 504-270-018

Zoning: R-2 (Limited Multiple-family Residential)

General Plan: MDR (Medium Density Residential)

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

Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The applicant has requested a parcel map waiver to subdivide one parcel into two separate lots for the property located at 2299 North Indian Canyon Drive.

RECOMMENDATION:

That the Planning Commission approve the request for a parcel map waiver to subdivide one parcel into two lots.

BACKGROUND AND SETTING:

The subject lot is approximately 3.14 acres in size and located at the southwest corner of North Indian Canyon Drive and Via Olivera. Because there are adequate existing improvements already on and adjacent to the lot such as utilities and streets, the applicant has requested that a parcel map waiver (rather than a parcel map subdivision) be the appropriate application for a developed lot. The adjacent land uses are shown in Table 1 below:

Table 1: General Plan Zoning and Adjacent Land Uses

	General Plan	Zoning	Land Uses
North	MDR (Medium Density Residential)	R-2 (Limited Multiple-family Residential)	Vacant / Multiple Family Residential
South	MDR (Medium Density Residential)	R-2 (Limited Multiple-family Residential)	Parking Lot / Vacant
East	MDR (Medium Density Residential)	R-2 (Limited Multiple-family Residential)	Multiple-Family Residential
West	MU / MU (Mixed Use / Multi Use)	R-2 (Limited Multiple-family Residential)	Vacant

The northern portion of the subject parcel, which is proposed as Parcel 2 of the lot split, has an existing nursing care facility with 80 beds. The facility was approved as a Conditional Use Permit and constructed in 1964. An expansion of the facility on Parcel 2 of the proposed lot split was approved in 1981 under PD-134; however, the expansion was never developed.



Subject Lot

ANALYSIS:

PROPERTY DIVISION

The existing property is approximately 3.14 acres or 136,778 square feet in size. The existing lot width is 293 feet and lot depth is 460 feet. The subdivision will create two parcels:

1. Parcel 1 will be approximately 46,991 square feet in size, 170 feet wide and 278 feet deep.
2. Parcel 2 will be approximately 89,776 square feet in size, 290 feet wide and 306 feet deep.

The proposed parcels are located within the R-2 Zone and must comply with Section 92.03.03 of the Palm Springs Zoning Code (PSZC). The proposed subdivision is analyzed with the R-2 Zone requirements in Table 2 below:

Table 2: Development Standards for R-2 Zone and Proposed Subdivision

	R-2 Zone	Proposed Project (approximately)	
		Parcel 1 (Interior)	Parcel 2 (corner)
Lot Area	20,000 square feet	46,990.73 sq. ft.	89,776.18 sq. ft.
Lot Width, Interior.	130 feet	170 feet	--
Lot Width, Corner. Siding on Local Street (Via Olivera)	140 feet	--	290 feet
Lot Depth	175 feet	278 feet	306 feet

The proposed subdivision meets the minimum lot area and lot dimension requirements of the R-2 Zone.

MAP WAIVER

The applicant has applied for a parcel map waiver with a subsequent action to issue a Certificate of Compliance after the approval of the waiver. The City's Municipal Code outlines the process for a map waiver. Pursuant to the Palm Springs Municipal Code (PSMC) the following sections outline the process:

Section 9.63.160, *Application:*

"An application for a waiver of a parcel map, pursuant to Section 9.62.015 shall be filed on forms and accompanied by such data and information as may be prescribed by the director of planning and zoning together with an approved description of the real property involved."

Section 9.63.170, *Referrals:*

"Copies of the application may be referred to other appropriate city departments or other public or private agencies affected, together with a request for a written recommendation to be returned to the director of planning and zoning within fifteen working days. Failure to submit such written recommendations may be deemed waiver of any objections to the application."

The application was referred to the Engineering department, which stated that parcel map waivers are used when the property to be subdivided into new parcels is already

developed (thus, environmental, flood control and other related issues are already mitigated / resolved).

Section 9.62.070, *Waiver of a parcel map:*

"Except where required by the Subdivision Map Act, no parcel map need be filed or recorded provided that pursuant to the procedure set forth in Chapter 9.63, the planning commission finds and determines that the proposed division of land complies with all applicable requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of the Subdivision Map Act and any applicable provisions of this title."

The Subdivision Map Act allows parcel map waivers for the division of land of less than five parcels as long as the local agency (the City) provides a procedure for waiving the requirement for a parcel map. The Municipal Code sections below outline the procedures for a map waiver.

Section 9.63.180, *Planning commission action:*

"(a) The planning commission shall consider the application within forty-five days after the filing of the application. The planning commission may grant the application, provided that it finds that the proposal complies with applicable requirements as to area, general plan, improvements and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this title. The time limit for action may be extended by mutual consent of the subdivider and the director of planning and zoning.

(b) If a parcel map waiver approval is granted, a certificate of compliance shall be filed with the county recorder, which certificate shall describe the real properties involved, name the owners thereof, and state that a parcel map waiver has been granted by action of the planning commission, giving the date thereof."

Section 9.63.280, *Issuance when application for waiver of parcel map approved:*

"Upon request of the owner of the property, a certificate of compliance may be issued and filed for record for any real property for which an application for waiver of the requirement of a parcel map has been approved under this chapter."

After the Planning Commission makes the required findings for the map waiver, the approval process becomes similar to a Lot Line Adjustment (in that a Certificate of Compliance is issued creating the new parcels proposed as part of the parcel map

waiver. The Certificate of Compliance is processed by the Engineering Department at the staff level.)

REQUIRED FINDINGS:

The approval of the map waiver is dependent on the Planning Commission findings that the proposal complies with applicable requirements as to area, general plan, improvements and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this title.

1. Area

The R-2 Zone requires specifies minimum lot dimension and area requirements when a new subdivision is proposed. An analysis of these requirements and the proposed lot split is provided below:

	R-2 Zone	Proposed Project (approximately)	
		Parcel 1 (Interior)	Parcel 2 (corner)
Lot Area	20,000 square feet	46,990.73 sq. ft.	89,776.18 sq. ft.
Lot Width, Interior.	130 feet	170 feet	--
Lot Width, Corner. Siding on Local Street (Via Olivera)	140 feet	--	290 feet
Lot Depth	175 feet	278 feet	306 feet

Therefore, the proposed lot split is consistent with the Zoning Code development standard requirements.

2. General Plan

The General Plan designation is MDR (Medium Density Residential). The General Plan allows for residential uses with a maximum of 15 dwelling units per acre. According to the General Plan, "This residential land use category accommodates a range of residential housing types, including single-family attached, single-family detached, patio homes, duplexes, townhomes, multiple-family, and mobilehome projects." The proposed subdivision will allow for individual ownership of two parcels. Parcel 2 is an existing nursing care facility that was approved under a Conditional Use permit. Parcel 1 is vacant and will be developed according to the General Plan and Zoning Code.

3. Improvements and design

Street improvements are already installed. There are no improvements proposed for the division of the lot in question.

4. *Floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.*

The subject property is not located within a flood zone. Both proposed parcels have access to an improved public road. Sanitary sewer service is available in this area. Water service is available subject to the terms, conditions, limitations and restrictions set forth by Desert Water Agency. The streets are already improved and all utilities exist and are operating on the premises.

ENVIRONMENTAL ASSESSMENT:

Pursuant to Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) guidelines, the proposed project is categorically exempt because:

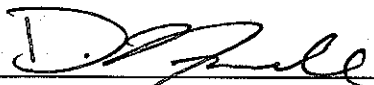
1. it is fewer than four parcels,
2. consistent with the General Plan and Zoning Ordinance (no variances or exceptions are required),
3. all services and access to the proposed parcels to local standards are available,
4. the parcel was not involved in a division of a larger parcel within the previous two years, and
5. the parcel does not have an average slope greater than twenty percent.

NOTIFICATION:

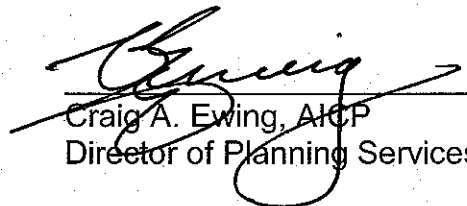
A notice of this public hearing was mailed to all property owners within the required four hundred foot (400') radius of the property in accordance with state law. As of the writing of this staff report, staff has received no comments from the public.

CONCLUSION:

The parcel waiver request complies with all of the requirements outlined in the aforementioned sections of the Municipal and Zoning Codes. Staff recommends approval of the proposed parcel map waiver request.



David A. Newell
Associate Planner



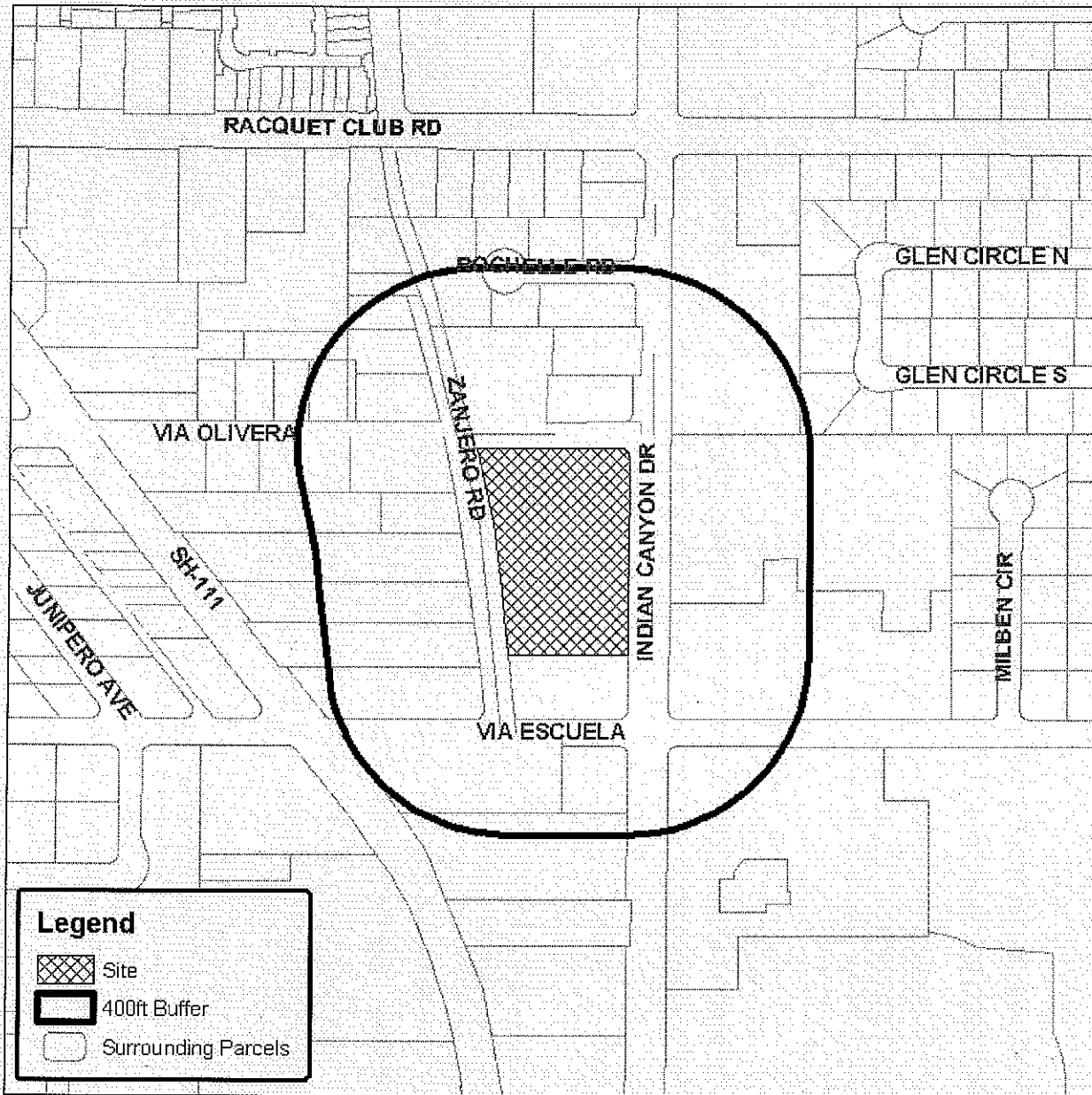
Craig A. Ewing, AICP
Director of Planning Services

Attachments:

1. 400' Vicinity Map
2. Draft Resolution with Conditions of Approval
3. Reduced TPM 36318



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE: TPM 36318 Parcel Map Waiver

APPLICANT: ERETZ CNRC Properties, LLC.

DESCRIPTION: A request for a parcel map waiver for TPM 36318 to split one parcel into two lots for the property located at 2299 North Indian Canyon Drive, Zone R-2, Section 3.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PARCEL MAP WAIVER TO SUBDIVIDE ONE PARCEL INTO TWO FOR THE PROPERTY LOCATED AT 2299 NORTH INDIAN CANYON DRIVE.

WHEREAS, ERETZ CNRC Properties, LLC (Applicant) has submitted a request that the Planning Commission waive the requirement for a parcel map (TPM 36318), and a request for a Certificate of Compliance to be issued and recorded, to subdivide one parcel into two parcels for the property located at the southwest corner of Via Escuela and North Indian Canyon Drive (2299 North Indian Canyon Drive), APN: 504-270-018, Zone R-2, Section 3; and

WHEREAS, on July 28, 2010, a public meeting on the map waiver request was held by the Planning Commission in accordance with applicable law; 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: Pursuant to the California Environmental Quality Act, CEQA guidelines Section 15315, Minor Land Divisions, of the CEQA guidelines, the proposed project is categorically exempt because it is fewer than four parcels, consistent with the General Plan and Zoning Ordinance, contains all available services, access to the proposed parcels to local streets are available, the parcel has not been involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than twenty percent.

Section 2: The proposal complies with applicable requirements as to area, general plan, improvements and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this title.

1. Area

The R-2 Zone requires specifies minimum lot dimension and area requirements when a new subdivision is proposed. An analysis of these requirements and the proposed lot split is provided below:

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3. *Improvements and design*

Street improvements are already installed. There are no improvements proposed for the division of the lot in question.

4. *Floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.*

The subject property is not located within a flood zone. Both proposed parcels have access to an improved public road. Sanitary sewer service is available in this area. Water service is available subject to the terms, conditions, limitations and restrictions set forth by Desert Water Agency. The streets are already improved and all utilities exist and are operating on the premises.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves the parcel map waiver TPM 36318, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 28th day of July, 2010.

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

TPM 36318

ERETZ CNRC Properties, LLC
2299 North Indian Canyon Drive

July 28, 2010

CONDITIONS OF APPROVAL

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

PLANNING

ADMINISTRATIVE

- ADM 1. Project Description. This approval is for the project described per Case TPM 36318 Parcel Map Waiver, except as modified by the conditions below;
- ADM 2. Parcel Map Waiver. This approval is for Parcel Map Waiver TPM 36318 located at 2299 North Indian Canyon Drive, date stamped July 1, 2010. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.
- ADM 3. 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 4. 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 Parcel Map Waiver TPM 36318. 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 or 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 further indemnification hereunder, 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 5. Time Limit on Approval. Approval of the Parcel Map Waiver (TPM 36318) shall be valid for a period of two (2) years from the effective date of the approval, unless an extension is granted by the Subdivision Map Act and / or the Planning Commission. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

ADM 6. 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.

ENGINEERING DEPARTMENT

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

MAP

TRB 1. The applicant shall submit an application to the Engineering Division for a Certificate of Compliance, prepared by either an appropriately licensed registered Civil Engineer or a Land Surveyor. The Certificate of Compliance shall be approved prior to issuance of a building permit on either of the two parcels comprising Tentative Parcel Map No. 36318.

END OF CONDITIONS

