



CITY COUNCIL STAFF REPORT

DATE: May 4, 2011 PUBLIC HEARING

SUBJECT: AN APPLICATION BY NOBLE & COMPANY REQUESTING A CHANGE OF ZONE (CZ) FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING) FOR AN APPROXIMATELY 98-ACRE PARCEL AT THE SOUTHEAST CORNER OF KAREN AVENUE AND 19TH AVENUE. THE APPLICATION INCLUDES A TENTATIVE PARCEL MAP (TPM 36073) TO SUBDIVIDE THE 98 ACRE PARCEL INTO THREE PARCELS. (APN 666-330-001-7)

CASE: 5.1212 CZ – TPM 36073

FROM: David H. Ready, City Manager

BY: Craig Ewing, AICP, Director of Planning Services

SUMMARY

The applicant, Noble & Company is requesting a change of zone (CZ) from E-I to M-2 for a roughly 98-acre parcel on the north side of Interstate 10 (southeast corner of Karen Avenue and 19th Avenue). The application includes a Tentative Parcel Map (TPM) to subdivide the property into three parcels. A public hearing is required.

RECOMMENDATION:

Introduce on first reading Ordinance No. ____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A CHANGE OF ZONE FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING) FOR A ROUGHLY 98-ACRE PARCEL (APN 666-330-001-7) LOCATED AT THE SOUTHEAST CORNER OF KAREN AVENUE AND 19TH AVENUE, SECTION 15

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP TPM 36073 TO SUBDIVIDE A ROUGHLY 98 ACRE SITE (APN 666-330-001-7), SECTION 15, INTO THREE PARCELS, SUBJECT TO THE CONDITIONS OF APPROVAL SHOWN IN EXHIBIT A."

ITEM NO. 1A

BACKGROUND:

The subject site is located on the north side of the City, north of Interstate 10. It is roughly sited west of Indian Canyon Drive on the south side of 19th Avenue (which is a secondary thoroughfare in the General Plan), east of Karen Road, and north of 20th Avenue (which is a collector street and frontage road for Interstate 10). It is southwest of the “peaker plant”, a gas powered electrical generating plant.

The parcel is currently vacant with sparse natural desert scrub vegetation. The Garnet Creek Wash lies in roughly a northwest-southeast orientation on the western third of the site and is identified in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) as a critical fluvial sand transport conservation corridor.



AERIAL PHOTO SHOWING THE SUBJECT PARCEL.

Further discussion on the Garnet Creek Wash is included in the environmental analysis. A utility corridor runs in a northwest-southeast orientation across roughly the middle of the site. The parcels slope gently upward from south to north. The applicant is proposing to subdivide the site into three parcels: A 45.35-acre and a 2.26 parcel east of the power line easement, and a 51.23 acre parcel west of the utility easement.

The current land uses, General Plan and Zoning designations for the surrounding properties are shown in Table 1 below.

Table 1: Surrounding land uses, General Plan and Zoning designations

	Land Use	General Plan	Zoning
North	Vacant	Industrial	E-1
East	Industrial	Regional Business Center	M-2
South	Industrial/Vacant	Regional Business Center	M-2
West	Vacant	Industrial	E-1

RELATED PRIOR ACTIONS:

On March 9, 2011, the Planning Commission reviewed Case 5.1253 CUP / 6.524 VAR and voted 6-0 to approve a 4.96 Megawatt Solar Energy Production Facility on roughly 24 acres in the northwest portion of the 98 acre parcel that is the subject of this zone change application.

On March 23, 2011, the Planning Commission voted 6-0 to recommend approval by the City Council of the Change of Zone and the Tentative Parcel Map.

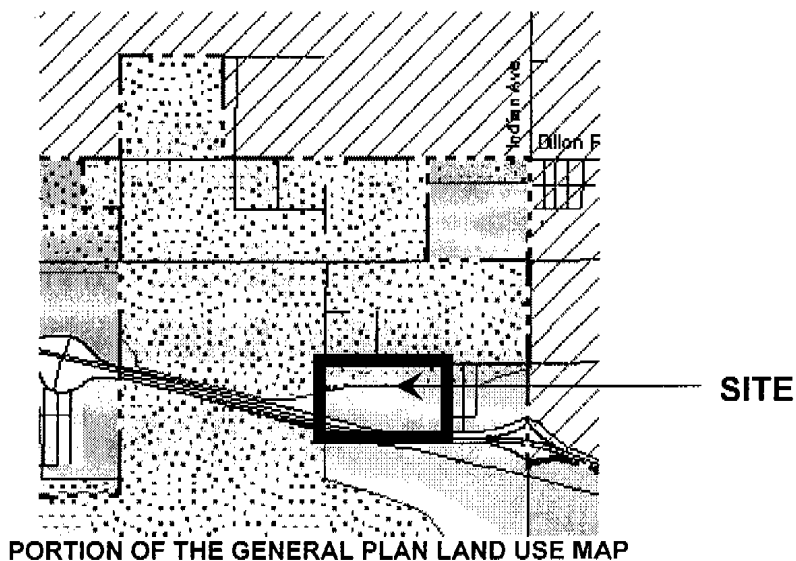
On April 6, 2011, the City Council denied an appeal by the applicant/appellant (Solar Power Inc) seeking relief from the imposition of public arts fees and directed staff to return with a recommendation for a revised policy for imposition of public art and building permit fees on solar production projects.

ANALYSIS:

General Plan

The subject property is designated Regional Business Center (RBC) (0.5 FAR-Industrial, 0.35 FAR-Office, 0.5 FAR-Commercial) in the General Plan. This designation is intended to promote a wide variety of business activities in a multi-use environment that benefit from their close proximity to the freeway. Uses in this area are intended to provide large-scale development opportunities that serve an area larger than the City proper. The parcels just east of the subject parcel are also zoned M-2 and are also within the RBC land use area.

The northern portion of the 98-acre parcel (approximately 30 acres) is also within the Wind Energy Overlay (WEO) (shown as the dotted area in the map below). This overlay is intended to identify areas where WECS (Wind Energy Conversion Systems) or wind turbines are allowed. Further discussion of the Wind Energy Overlay is provided below.



The proposed change of zone and parcel map were evaluated for consistency against the policies and goals of the City's General Plan and found to be consistent. A full analysis of the relevant policies of the General Plan is outlined in the findings portion of this staff report.

Change of Zone – Density Discussion.

The project proposes to change the zone designation from Energy - Industrial to M-2 (Manufacturing). One key difference between the two zone designations is lot coverage. The maximum lot coverage for non-wind energy uses in the E-I zone is limited to 15% of the lot area. In the M-2 zone however, the maximum lot coverage is 60% for any use. The potential impacts of this four-fold increase in lot coverage that would be possible with the proposed zone change are evaluated in the environmental analysis.

There is also a density limitation imposed by the General Plan. The General Plan RBC land use designation denotes a maximum "Floor Area Ratio" or "FAR" as 0.5 for Industrial and Commercial uses and 0.35 for Office uses¹. This FAR applies to any zone within the RBC land use designation. Thus for projects that may be proposed requiring a finding of consistency with the General Plan (such as uses requiring a Conditional Use Permit) the maximum lot coverage would be 50% for industrial or commercial uses, and 35% for office uses that require a CUP. The proposed lot coverage for "right of zone" uses would be 60%.²

In addition to the M-2 zone lot coverage limits and the General Plan FAR limits, there is a portion of the site that is also within the wind energy overlay (WEO). The proposed change of zone and parcel map do not adversely impact land use policies related to the Wind Energy Overlay.

Zoning

The change of zone application proposes that all lots within the proposed subdivision be zoned M-2 (Manufacturing). As shown in the Planning Commission staff report, all the proposed lots are conforming to the development standards of the zone.

The M-2 zone allows a broader range of permitted uses than the E-I zone (see list of permitted uses for M-1 and E-I attached to the Planning Commission Staff Report). The applicant desires more intensive development opportunities that are permitted in the M-2 zone without the 15% limitation imposed by the E-I zone development regulations.

FINDINGS:

Change of Zone Findings.

The findings for a Change of Zone are found in PSZO Section 94.07.00 (A) as follows:

¹ Floor Area Ratio (FAR) is the ratio of the total floor area of a building to the total area of the site and describes the intensity of development of a site for non-residential uses.

² A finding of consistency with the General Plan is not required for most right of zone uses.

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The proposed change from E-I to M-2 conforms to the General Plan Land Use Designation of Regional Business Center. The change of zone will permit greater development density because the E-I zone restricts non-WECS uses to 15% of the total lot, whereas the M-2 zone allows up to 60% of the total lot area to be developed with buildings and uses consistent with the zone. This increased density is evaluated in the associated environmental analysis. The proposed change of zone and parcel map are consistent with the policies and goals of the City's General Plan as follows:

Policy LU12.1 Promote the development of high-quality regional and freeway-serving land uses that generate a sense of place and arrival into the City at the interchanges of Gene Autry Drive and Indian Canyon Drive with I-10

The proposed zone change from E-I to M-2 and Tentative Parcel Map is consistent with this policy because the M-2 zone allows for uses and densities that are complementary and appropriate for this site which is visible from the freeway, adjacent to other M-2 zones and near the interchange of Indian Canyon Drive and the I-10.

Policy LU12-5 Periodically reevaluate the concentration, type, and mix of commercial, office and industrial development that is appropriate and sustainable adjacent to the freeway.

The proposed change of zone from E-I to M-2 presents an appropriate opportunity for the City to consider the potential to increase the concentration and allowable density for this freeway-fronting parcel.

2. *The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The application proposes three (3) lots each of which are conforming to the minimum size and dimensional requirements for the M-2 zone. The area in which the parcels are located is a zone in which industrial uses are permitted and current development patterns are already emerging that are consistent with the uses permitted in the M-2 zone. Therefore, staff has concluded that the property and the proposed parcels are suitable for the uses permitted in the proposed zone.

3. *The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The change of zone request allows consistency in development patterns and proposed uses that are similar to those in adjacent parcels with the M-2 zone to the east. The parcels are currently undeveloped and by making the change of zone at this time, future development patterns should emerge that are complementary and consistent with one another. There are no residential zones in the vicinity of these parcels. For these reasons, Staff believes the change of zone is necessary and proper at this time and poses no detrimental impact on adjacent properties.

Tentative Parcel Map Findings

The following findings are required pursuant to Section 66474 of the State of California Subdivision Map Act.

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

The proposed project is consistent with the General Plan designation of Regional Business Center land use which allows a maximum density of 0.5 FAR (Floor area ratio) Industrial and Commercial and 0.35 FAR for Office uses per lot. The proposed change of zone and parcel map are consistent with the policies and goals of the City's General Plan as follows:

Policy LU12.1 Promote the development of high-quality regional and freeway-serving land uses that generate a sense of place and arrival into the City at the interchanges of Gene Autry Drive and Indian Canyon Drive with I-10

The proposed zone change from E-I to M-2 and Tentative Parcel Map is consistent with this policy because the M-2 zone allows for uses and densities that are complementary and appropriate for this site which is visible from the freeway, adjacent to other M-2 zones and near the interchange of Indian Canyon Drive and the I-10.

Policy LU12-5 Periodically reevaluate the concentration, type, and mix of commercial, office and industrial development that is appropriate and sustainable adjacent to the freeway.

The proposed change of zone from E-I to M-2 presents an appropriate opportunity for the City to consider the potential to increase the concentration and allowable density for this freeway-fronting parcel.

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

The proposed lots meet or exceed the development standards for the zone in terms of minimum area, dimensional requirements, and access to a designated public roadway. Therefore staff has concluded that the proposed subdivision is consistent with the development standards for the zone in which they are located.

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

The project site is generally flat, gently sloping native desert vegetation. The Garnet Creek Wash crosses the site and a Southern California Edison power transmission right-of-way also crosses the site. Manufacturing and industrial uses are already developed in the vicinity of the project site. Drainage issues, if any, are addressed in the environmental analysis along with proposed mitigation measures. Roadways are proposed that meet or exceed the minimum standards set forth by the City's Public Works Department. The site is adjacent to a secondary thoroughfare (19th Avenue) and a collector street (20th Avenue) and near a major thoroughfare (Indian Canyon Drive) such that public roads would be conducive for carrying traffic to future industrial uses on the site. Therefore, staff believes the site is indeed suitable for this type of development.

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

The lots proposed to be created exceed the minimum lot size for the zone and are adequate in physical condition to allow up to 0.5 FAR as the allowable maximum density outlined in the General Plan and up to 60% lot coverage as imposed by the M-2 zone development standards. The Garnet Creek Wash Conservation Corridor crosses the site, but development adjacent to it will be conditioned to address stormwater, preservation of the wash as a fluvial sand transport corridor pursuant to the CVMSHCP and other factors related to the wash. Therefore the project site is physically suited for the proposed density of development.

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

An environmental study has been performed on the project and through that analysis, it has been determined that with the proposed mitigation measures, any potentially significant impacts will be reduced to less than significant levels, thus the project will not cause injury to fish, wildlife, or their habitats.

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

All typical or routine municipal services will be required for any future development that is anticipated. Roadway access, widths, and other characteristics are consistent with the City's development standards and regulatory guidelines for this type of subdivision. There are no known issues related to the design of the proposed subdivision that would cause any adverse public health problems.


- 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 is no known public access across the subject property; therefore, the subdivision will not conflict with easements for access through or use of the property.

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the application has been deemed “a project”. An initial study was conducted and potentially significant impacts caused by the proposed project were identified and a 20-day period for public review was provided commencing February 8, 2011 and ending February 27, 2011. A series of mitigation measures have been proposed that would reduce any potentially significant impacts to levels less than significant. The owner has agreed in writing to all the proposed mitigation measures. Thus a Notice of Intent to Adopt a Mitigated Negative Declaration has been filed.


FISCAL IMPACT: None.



Craig A. Ewing, AICP,
Director of Planning Services



Thomas J. Wilson,
Assistant City Manager



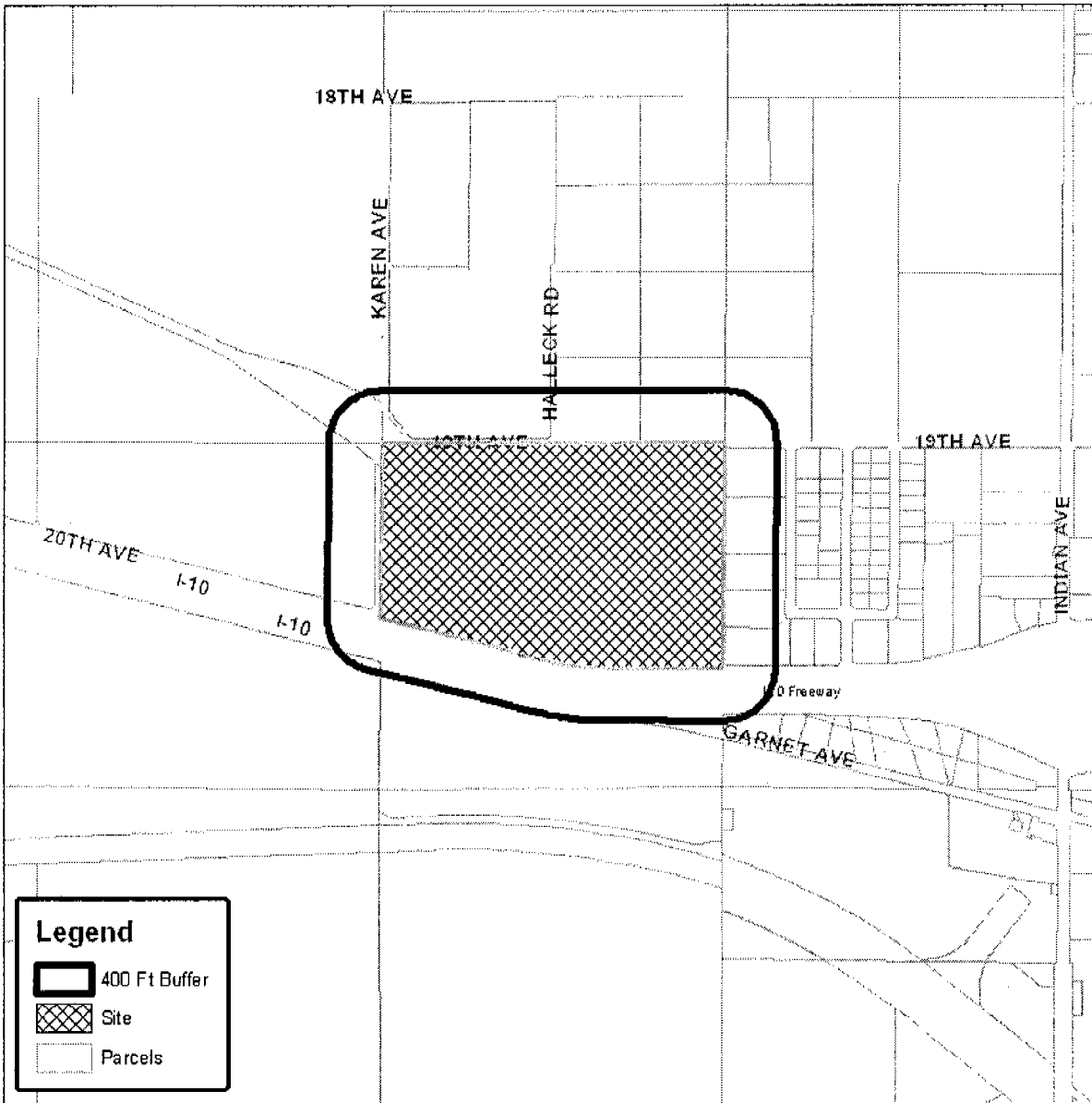
David H. Ready, City Manager

Attachments:

1. 400' Vicinity Map
2. Draft Ordinance
3. Draft Resolution and Conditions of Approval
4. Minutes of Planning Commission Meeting of March 23, 2011
5. Planning Commission Staff Report
6. Tentative Parcel Map 36073



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO.: 5.1212 CZ and
TPM 36073

APPLICANT: Noble & Company,
LLC

DESCRIPTION: A request by Noble & Company, LLC for a Change of Zone from Energy-Industrial (E-I) to Manufacturing (M-2) for a roughly 98 acre parcel at the southeast corner of 19th Avenue and Karen Avenue. The application includes a Tentative Parcel Map (TPM) proposing to subdivide the site into 3 parcels.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 98 ACRE PARCEL (APN 666-330-001-7) FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING); THE PARCEL IS LOCATED SOUTH OF 19TH AVENUE AND EAST OF KAREN AVENUE, NORTH OF INTERSTATE 10, SECTION .

WHEREAS, On August 14, 2008, Noble & Company (the Applicant) filed an application for a Change of Zone, requesting to change the zoning designation of an approximately 98 acre parcel identified as APN 666-330-001-7 from zone E-I (Energy Industrial) to zone M-2 (Manufacturing); and

WHEREAS, on February 2, 2011, the City issued a Notice of Intent to adopt a Mitigated Negative Declaration (MND). The Initial Study and proposed MND was submitted for a 20-day public comment period beginning on February 8, 2011 and ending on February 27, 2011; and

WHEREAS, all public comments received on the MND were reviewed and written responses were provided, and

WHEREAS, on March 23, 2011, a public hearing to consider Case 5.1212 CZ TPM 36073, was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on March 23, 2011 , the Planning Commission adopted Resolution 6189, a recommendation to the City Council to approve Case 5.1212 CZ TPM 36073, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1212 CZ TPM 36073, was given in accordance with applicable law; and

WHEREAS, on May 4, 2011, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, a Change of Zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1212 CZ TPM 36073, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider said Ordinance adopting the Change of Zone and approving the Tentative Parcel Map held by the City Council in accordance with applicable law; and

WHEREAS, at said public hearing the City Council considered Case 5.1212 CZ TPM 36073 Change of Zone, including the staff report, the associated MND, and all written and public testimony related to Case 5.1212 CZ TPM 36073.

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

SECTION 1. Pursuant to CEQA, the City Council hereby adopts the Mitigated Negative Declaration as an adequate analysis of the potential environmental impacts of the proposed Change of Zone and Tentative Parcel map. The City Council further finds that with adoption of the proposed mitigation measures, all potentially significant impacts will be reduced to less than significant impacts.

SECTION 2: Pursuant to Zoning Code Section 94.07.00 –*“the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property”*:

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The proposed change from E-I to M-2 conforms to the General Plan Land Use Designation of Regional Business Center. The change of zone will permit greater development density because the E-I zone restricts non-WECS uses to 15% of the total lot, whereas the M-2 zone allows up to 60% of the total lot area to be developed with buildings and uses consistent with the zone. This increased density is evaluated in the associated environmental analysis. The proposed change of zone and parcel map are consistent with the policies and goals of the City’s General Plan as follows:

Policy LU12.1 Promote the development of high-quality regional and freeway-serving land uses that generate a sense of place and arrival into the City at the interchanges of Gene Autry Drive and Indian Canyon Drive with I-10

The proposed zone change from E-I to M-2 and Tentative Parcel Map is consistent with this policy because the M-2 zone allows for uses and densities that are complementary and appropriate for this site which is visible from the freeway, adjacent to other M-2 zones and near the interchange of Indian Canyon Drive and the I-10.

Policy LU12-5 Periodically reevaluate the concentration, type, and mix of commercial, office and industrial development that is appropriate and sustainable adjacent to the freeway.

The proposed change of zone from E-I to M-2 presents an appropriate opportunity for the City to consider the potential to increase the concentration and allowable density for this freeway-fronting parcel.

2. *The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The application proposes three (3) lots each of which are conforming to the minimum size and dimensional requirements for the M-2 zone. The area in which the parcels are located is a zone in which industrial uses are permitted and current development patterns are already emerging that are consistent with the uses permitted in the M-2 zone. Therefore, the City Council has concluded that the property and the proposed parcels are suitable for the uses permitted in the proposed zone.

3. *The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The change of zone request allows consistency in development patterns and proposed uses that are similar to those in adjacent parcels with the M-2 zone to the east. The parcels are currently undeveloped and by making the change of zone at this time, future development patterns should emerge that are complementary and consistent with one another. There are no residential zones in the vicinity of these parcels. For these reasons, the change of zone is necessary and proper at this time and poses no detrimental impact on adjacent properties.

SECTION 3. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of Case 5.1212 CZ Change of Zone and a thirty-day waiting period before it is effective allowing the approval of Case 5.1212 CZ.

SECTION 4. The City Council adopts an ordinance to approve the zone map change which changes the zoning designation from E-I (Energy-Industrial) to M-2 (Manufacturing) for an approximately 98 acre parcel southeast of the intersection of Karen Avenue and 19th Avenue, in conjunction with Case 5.1212 CZ TPM 36073.

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

SECTION 6. Publication: The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED this 4th day of May, 2011.

MAYOR

ATTEST:

City Clerk

CERTIFICATION:

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California \

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF CASE 5.1212 CZ / TPM 36073, A TENTATIVE PARCEL MAP TO SUBDIVIDE A ROUGHLY 98 ACRE PARCEL INTO THREE PARCELS AT THE SOUTHEAST CORNER OF 19TH AVENUE AND KAREN AVENUE; ZONE E-I, SECTION 15/T3/R4; APN 666 330 001.

WHEREAS, 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 Parcel Map proposing to subdivide a 98 acre parcel (APN 666 330 001) into three lots; and

WHEREAS, a notice of public hearing for Case 5.1212 CZ TPM 36073 was given in accordance with applicable law; and

WHEREAS, on March 23, 2011, a public meeting on Case 5.1212 CZ TPM 36073 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, at said meeting the Planning Commission carefully reviewed all material and information related to Case 5.1212 CZ TPM 36073 and voted 6-0 to recommend approval of the project to the City Council, subject to Conditions of Approval noted in Exhibit A. and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") An Initial Study was conducted and the project was found to cause potentially significant impacts to the environment. Mitigation measures have been proposed reducing any potentially significant impacts to less than significant. The applicant has agreed in writing to all proposed mitigation measures. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public comment for a period of 20 days. No new information was discovered that would require further analysis under CEQA; and

WHEREAS, a notice of public hearing of the City Council of the City of Palm Springs for Case 5.1212 CZ TPM 36073 was given in accordance with applicable law, and

WHEREAS, on May 4, 2011 a public hearing on Case 5.1212 CZ TPM 36073 was held by the City Council in accordance with applicable law, and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City Council adopts a Mitigated Negative Declaration including mitigation measures that reduce any potentially significant impacts caused by the project to less than significant.

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:

The following findings are required pursuant to Section 66474 of the State of California Subdivision Map Act.

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

The proposed project is consistent with the General Plan designation of Regional Business Center land use which allows a maximum density of 0.5 FAR (Floor area ratio) Industrial and Commercial and 0.35 FAR for Office uses per lot. The proposed change of zone and parcel map is consistent with the policies and goals of the City's General Plan as follows:

Policy LU12.1 Promote the development of high-quality regional and freeway-serving land uses that generate a sense of place and arrival into the City at the interchanges of Gene Autry Drive and Indian Canyon Drive with I-10

The proposed zone change from E-I to M-2 and Tentative Parcel Map is consistent with this policy because the M-2 zone allows for uses and densities that are complementary and appropriate for this site which is visible from the freeway, adjacent to other M-2 zones and near the interchange of Indian Canyon Drive and the I-10.

Policy LU12-5 Periodically reevaluate the concentration, type, and mix of commercial, office and industrial development that is appropriate and sustainable adjacent to the freeway.

The proposed change of zone from E-I to M-2 presents an appropriate opportunity for the City to consider the potential to increase the concentration and allowable density for this freeway-fronting parcel.

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

The proposed lots meet or exceed the development standards for the zone in terms of minimum area, dimensional requirements, and access to a designated public roadway. Therefore the City Council has concluded that the proposed subdivision is consistent with the development standards for the zone in which they are located.

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

The project site is generally flat, gently sloping native desert vegetation. The Garnet Creek Wash crosses the site and a Southern California Edison power transmission right-of-way also crosses the site. Manufacturing and industrial uses are already developed in the vicinity of the project site. Drainage issues, if any, are addressed in the environmental analysis along with proposed mitigation measures. Roadways are proposed that meet or exceed the minimum standards set forth by the City's Public Works Department. The site is adjacent to a secondary thoroughfare (19th Avenue) and a collector street (20th Avenue) and near a major thoroughfare (Indian Canyon Drive) such that public roads would be conducive for carrying traffic to future industrial uses on the site. The site is indeed suitable for this type of development.

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

The lots proposed to be created exceed the minimum lot size for the zone and are adequate in physical condition to allow up to 0.5 FAR as the allowable maximum density outlined in the General Plan and up to 60% lot coverage as imposed by the M-2 zone development standards. The Garnet Creek Wash Conservation Corridor crosses the site, but development adjacent to it will be conditioned to address stormwater, preservation of the wash as a fluvial sand transport corridor pursuant to the CVMSHCP and other factors related to the wash. Therefore the project site is physically suited for the proposed density of development.

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

An environmental study has been performed on the project and through that analysis, it has been determined that with the proposed mitigation measures, any potentially significant impacts will be reduced to less than significant levels, thus the project will not cause injury to fish, wildlife, or their habitats.

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

All typical or routine municipal services will be required for any future development that is anticipated. Roadway access, widths, and other characteristics are consistent with the City's development standards and regulatory guidelines for this type of subdivision. There are no known issues related to the design of the proposed subdivision that would cause any adverse public health problems.

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 is a utility easement that crosses the site, but no known public access across the

subject property; therefore, the subdivision will not conflict with easements for access through or use of the property.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves Case 5.1212 CZ TPM 36073 a Tentative Parcel Map subdividing a roughly 98 acre parcel at the southeast corner of 19th Avenue and Karen Avenue (APN 666 330 001) into three parcels, subject to the Conditions of Approval set forth in Exhibit A.

ADOPTED this 4th day of May, 2011.

CITY OF PALM SPRINGS, CALIFORNIA

MAYOR

ATTEST:

City Clerk

CERTIFICATION:

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Resolution No. _____ is a full, true, and correct copy, and was adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California \

RESOLUTION NO. ____

EXHIBIT A

Case 5.1212 CZ TPM 36073

A Change of Zone from E-1 to M-2 for a roughly 98 acre parcel
at the southeast corner of Karen Avenue and 19th Avenue
and a Tentative Parcel Map subdividing the same parcel into three parcels.

May 4, 2011

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 5.1212 CZ TPM 36073; 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 September 11, 2008, 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. Tentative Map. This approval is for Tentative Parcel Map 36073 located at the southeast corner of Karen Avenue and 19th Avenue, date stamped September 11, 2008. 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 6. 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 5.1212 CZ TPM 36073. 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 7. 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 8. Time Limit on Approval. Approval of the Tentative Parcel Map (TPM) 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. Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval
- ADM 9. 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 22. 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. Garnet Wash Fluvial Sand Transport Conservation Corridor. The Garnet Wash passes through this site. The wash is defined within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) as a critical conservation corridor for the movement of water borne sand from the source areas (mountains to the northwest) to the deposition area (Whitewater flood plain). Specific restrictions on development within the Conservation Corridor would apply to any future proposed development of that portion of the site. Reference the CVMSHCP.org website for further requirements and restrictions.
- ENV 4. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.
- ENV 5. 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 6. 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)
- ENV 7. 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. 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 2. Update of City's Zoning Map. Upon approval of the proposed Change of Zone, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.
- PLN 3. (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.

STREETS

ENG 1. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.

ENG 2. Construction of street improvements is not required at the time of approval of a parcel map for TPM 36073. Obligation for construction of street improvements shall be deferred until development of the parcels created by TPM 36073 is proposed.

20TH AVENUE

ENG 3. Dedicate additional right-of-way as needed for the ultimate street right-of-way width of 66 feet across entire frontage of the property, together with a property line - corner cut back at the northeast corner of the intersection of 20th Avenue and Karen Avenue, in accordance with City of Palm Springs Standard Drawing No. 105.

ENG 4. Construct an 8 inch curb and gutter 25 feet on both sides of the centerline along the entire frontage of the property with a 35 feet radius curb return and spandrel at the northeast corner of the intersection of 20th Avenue and Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

ENG 5. Construct an 8 feet wide cross gutter and spandrel across the east side of the

intersection of 20th Avenue and Karen Avenue with a flow line parallel with and located 20 feet east of the centerline of Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

- ENG 6. Construct a 5 feet wide sidewalk behind the curb along the entire frontage of the property (north side only), in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 7. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of 20th Avenue and Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 8. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to edge of proposed gutter (full width) along the entire frontage, in accordance with City of Palm Springs Standard Drawing No. 110 and 310. 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.

19TH AVENUE

- ENG 9. Dedicate the ultimate half street public right-of-way width of 44 feet along the entire frontage of the property, together with a property line - corner cut back at the southeast corner of the intersection of 19th Avenue and Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 10. Construct an 8 inch curb and gutter 32 feet south of centerline along the entire frontage with a 35 feet radius curb return and spandrel at the southeast corner of the intersection of 19th Avenue and Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 11. Construct drainage improvements as necessary to convey the 100-year stormwater runoff from Garnet Wash under the intersection of 19th Avenue and Karen Avenue, as required by Riverside County Flood Control District ("RCFC") and the City Engineer. Submit a hydraulic study for review and approval by RCFC and the City Engineer for a determination of required drainage improvements.
- ENG 12. Construct a 5 feet wide sidewalk behind the curb along the entire frontage of the property, in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 13. Construct a Type A curb ramp meeting current California State Accessibility standards at the southeast corner of the intersection of 19th Avenue and Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 212.

ENG 14. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to centerline along the entire frontage of the property, in accordance with City of Palm Springs Standard Drawing No. 110 and 330. 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.

KAREN AVENUE

ENG 15. Dedicate the ultimate half street right-of-way width of 30 feet along the entire frontage of the property, together with a property line - corner cut back at the northeast corner of the intersection of Karen Avenue and 20th Avenue and at the southeast corner of the intersection of Karen Avenue and 19th Avenue, in accordance with City of Palm Springs Standard Drawing No. 105.

ENG 16. Construct a 6 inch curb and gutter 20 feet east of centerline along the entire frontage of the property with a 35 feet radius curb return and spandrel at the northeast corner of the intersection of Karen Avenue and 20th Avenue and at the southeast corner of the intersection of Karen Avenue and 19th Avenue, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

ENG 17. Construct a 5 feet wide sidewalk behind the curb along the entire frontage of the property (identified by Assessor's Parcel No. 666-330-001) in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 18. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to 12 feet west of centerline along the entire frontage of the property, in accordance with City of Palm Springs Standard Drawing No. 110 and 315. 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 19. This project is subject to the requirements of the Mission Springs Water District (MSWD). Upon the development of any of the three parcels, provisions for public sanitary sewer service must be arranged for directly with MSWD. The applicant should contact MSWD and determine what requirements MSWD may have for provisions of sanitary sewer service to the property.

DRAINAGE

ENG 20. A hydraulic study shall be submitted to the City of Palm Springs for review and approval prior to issuance of a grading permit for Parcel 2. The Hydraulic Study shall include a HEC-RAS Analysis, a scour analysis determining maximum depth of scour along the Garnet Wash within the project site limits, establish the base flood elevations and the limits of the 100-year floodway and floodplain along the Garnet Wash.

GENERAL

ENG 21. The applicant shall contact Mission Springs Water District at (760) 329-6448 to determine the requirements for extending water service to the project. The applicant may be responsible for the design and construction of off-site water line improvements or payment of applicable fair-share costs of off-site water line improvements constructed by others.

MAP

ENG 22. A Parcel Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcels and all lots created therefrom, and copies of record documents shall be submitted with the Parcel Map to the Engineering Division as part of the review of the Map.

ENG 23. In accordance with Government Code 66411.1 (a), all required public improvements shall be listed in an Improvement Certificate on the Parcel Map and clearly noted that the required public improvements will be the minimum development requirements for Parcels 1, 2, and 3 of Tentative Parcel Map No. 36073, but shall be completed prior to issuance of a building permit on the parcels.

TRAFFIC

ENG 24. Submit traffic striping and signage plans for 20th Avenue, 19th Avenue, and Karen Avenue, prepared by a California registered civil engineer, for review and approval by the City Engineer.

FIRE DEPARTMENT CONDITIONS

These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the preliminary site plan dated August 6, 2008.

FIR1. **Plot Plan:** Prior to completion of the project, a 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.

- FIR2. Road Design:** Fire apparatus access roads shall be designed and constructed as all weather capable and able to support a fire truck weighing 73,000 pounds GVW. (503.2.3 CFC) The minimum inside turning radius is 25 feet, with an outside radius of 43 feet.
- FIR3. Fire Department Access:** Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)
- FIR4. Minimum Access Road Dimensions:** 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. Roads must be 30 feet wide when parking is not allowed on only one side of the roadway. Roads must be 40 feet wide when parking is not restricted.
- FIR5. Turn -Around Requirements:** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. (503.2.4 CFC) The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 43 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.
- FIR6. Water Systems and Hydrants:** Underground water mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (508 CFC). Installation, testing, and inspection will meet the requirements of NFPA 24 1995 edition. Prior to final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the Fire Department. (9-2.1 NFPA 24 1995 edition)
- FIR7. Fire hydrant systems:** Following Fire Department selection of hydrant locations, plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. (508.5 CFC). All fire hydrants shall be installed in accordance with Mission Springs Water District specifications and standards. No landscape planting, walls, fences, signposts, or aboveground utility facilities are permitted within 3 feet of fire hydrants, or in line with hose connections.

END OF CONDITIONS

ACTION: To approve, subject to Conditions of Approval. **Motion Doug Donenfeld, seconded by Leslie Munger and unanimously carried on a roll call vote.**

Commissioner Conrad returned to the Council Chamber at 2:18 p.m.

3. PUBLIC HEARINGS:

3A. Case 5.1212 CZ TPM 36073; An application by Noble & Company for a Change of Zone from Energy Industrial (E-I) to Manufacturing (M-2) and a Tentative Parcel Map (TPM 36073) to subdivide an approximately 98 acre parcel into 3 parcels.

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated March 23, 2011.

Chair Caffery opened the public hearing:

-Fritz Noble, spoke on behalf of the applicant, provided details on the project's vision for the frontage of subject property. Mr. Noble requested a revision to engineering condition #12 be changed from 8 feet to 5 feet to be the same as the other sidewalks.

There being no further appearances the public hearing was closed.

ACTION: To adopt the Mitigated Negative Declaration (MND) and recommend approval of the project to the City Council, subject to the attached Conditions of Approval, as amended:

-Revise Engineering Condition #12 to reflect construction of sidewalk to be 5 feet wide. **Motion Tracy Conrad, seconded by Doug Hudson and unanimously carried on a roll call vote.**

3B. Case 5.1222 ZTA and 5.1225 ZTA - Zoning Ordinance Amendments of Section 93.13.00.A of the Palm Springs Zoning Code relating to the definition of "hillside area" and Section 91.00.10 relating to the definition of "building height". (Project Planner: Craig A. Ewing, AICP, Director of Planning Services)

Director Ewing provided background information as outlined in the staff report as dated March 23, 2011.

Chair Caffery opened the public hearing and with no appearances coming forward the public hearing was closed.



Planning Commission Staff Report

Date: March 23, 2011
Case: 5.1212 CZ and TPM 36073
Application Type: Change of Zone (CZ) and Tentative Parcel Map (TPM)
Location: East of Karen Avenue, between 19th and 20th Avenue, west of Indian Canyon Drive, north of the I-10 freeway
Applicant: Noble & Company, LLC
Zone: E-I (Energy Industrial)
General Plan: Regional Business Center
APN: 666-330-001-7
From: Craig A. Ewing, AICP, Director of Planning Services
Project Planner: Ken Lyon, Associate Planner

PROJECT DESCRIPTION:

An application by Noble & Company, LLC, to change the zone designation of a roughly 98-acre parcel from E-I (Energy-Industrial) to M-2 (Manufacturing). It is also a Tentative Parcel Map application (TPM 36073), to subdivide the parcel into three lots.

RECOMMENDATION:

That the Planning Commission recommends that the City Council:

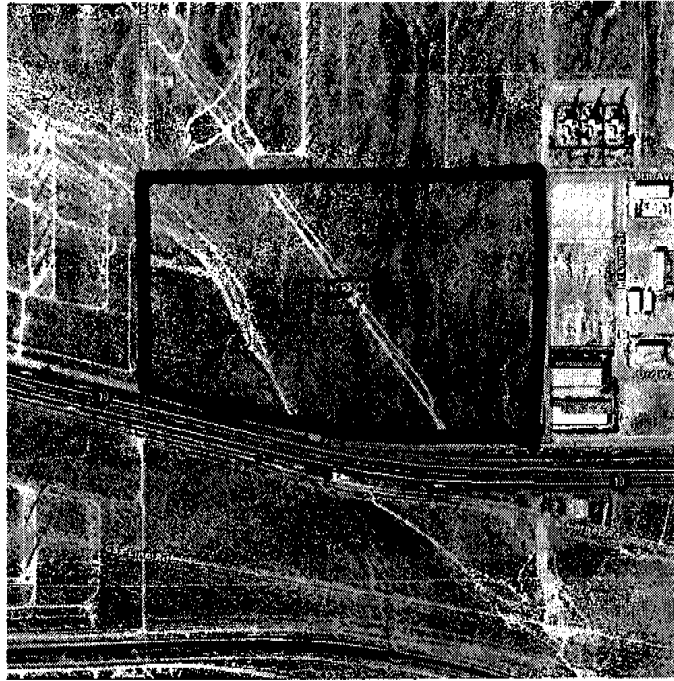
- Adopt the Mitigated Negative Declaration pursuant to the guidelines of the California Environmental Quality Act (CEQA),
- Approve the Change of Zone request for parcel 666-330-001-7 from E-I to M-2.
- Approve Tentative Parcel Map 36073, an application to subdivide roughly 98 acres into three parcels, subject to the attached conditions of approval.

PRIOR ACTIONS TAKEN ON THE PROJECT: None

BACKGROUND AND SETTING:

The subject site is located on the north side of the City, north of Interstate 10. It is roughly sited west of Indian Canyon Drive on the south side of 19th Avenue (which is a secondary

thoroughfare in the General Plan), east of Karen Road and north of 20th Avenue (which is a collector street and frontage road for Interstate 10). It is southwest of the “peaker plant”, a gas powered electrical generating plant.



AERIAL PHOTO SHOWING THE SUBJECT PARCEL.

The parcel is currently vacant with sparse natural desert scrub vegetation. The Garnet Creek Wash lies in roughly a northwest-southeast orientation on the western third of the site and is identified in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) as a critical fluvial sand transport conservation corridor. Further discussion on the Garnet Creek Wash is included in the environmental analysis. A utility corridor runs in a northwest-southeast orientation across roughly the middle of the site. The parcels slope gently upward from south to north. The applicant is proposing to subdivide the site into three parcels: A 45.35-acre and a 2.26 parcel east of the power line easement, and a 51.23 acre parcel west of the utility easement.

The current land uses, General Plan and Zoning designations for the surrounding properties are shown in Table 1 below.

Table 1: Surrounding land uses, General Plan and Zoning designations

	Land Use	General Plan	Zoning
North	Vacant	Industrial	E-I
East	Industrial	Regional Business Center	M-2
South	Industrial/Vacant	Regional Business Center	M-2
West	Vacant	Industrial	E-I

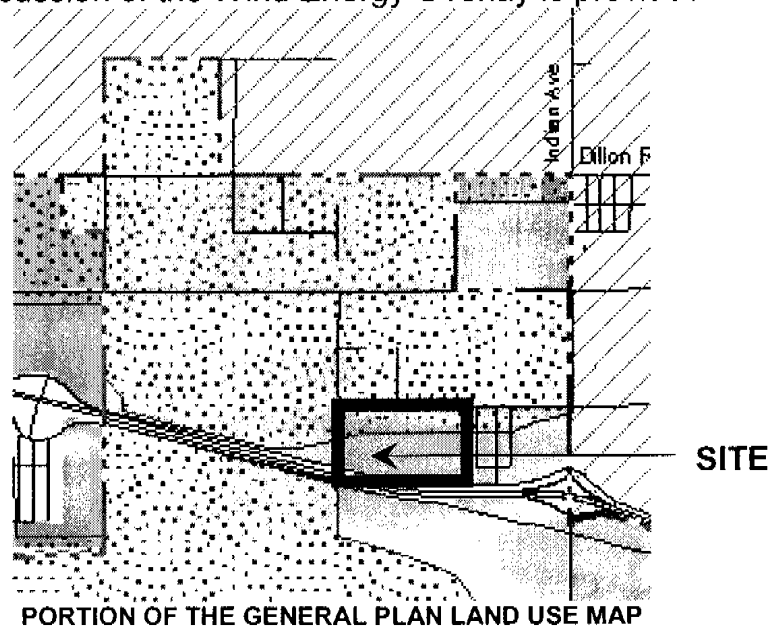
ANALYSIS:

General Plan

The subject property is designated Regional Business Center (RBC) (0.5 FAR-Industrial, 0.35

FAR-Office, 0.5 FAR-Commercial) in the General Plan. This designation is intended to promote a wide variety of business activities in a multi-use environment that benefit from the ir close proximity to the freeway. Uses in this area are intended to provide large-scale development opportunities that serve an area larger than the City proper. The parcels just east of the subject parcel are also zoned M-2 and are also within the RBC land use area.

The northern portion of the 98-acre parcel (approximately 30 acres) is also within the Wind Energy Overlay (WEO) (shown as the dotted area in the map below). This overlay is intended to identify areas where WECS (Wind Energy Conversion Systems) or wind turbines are allowed. Further discussion of the Wind Energy Overlay is provided below.



The proposed change of zone and parcel map were evaluated for consistency against the policies and goals of the City's General Plan as follows:

Policy LU12.1 Promote the development of high-quality regional and freeway-serving land uses that generate a sense of place and arrival into the City at the interchanges of Gene Autry Drive and Indian Canyon Drive with I-10

The proposed zone change from E-I to M-2 and Tentative Parcel Map is consistent with this policy because the M-2 zone allows for uses and densities that are complementary and appropriate for this site which is visible from the freeway, adjacent to other M-2 zones and near the interchange of Indian Canyon Drive and the I-10.

Policy LU12-5 Periodically reevaluate the concentration, type, and mix of commercial, office and industrial development that is appropriate and sustainable adjacent to the freeway.

The proposed change of zone from E-I to M-2 presents an appropriate opportunity for the City to consider the potential to increase the development concentration and allowable density for this freeway-fronting parcel that is also in close proximity to the Indian Canyon Drive / I-10 interchange.

Change of Zone – Density Discussion.

The project proposes to change the zone designation from Energy - Industrial to M-2 (Manufacturing). One key difference between the two zone designations is lot coverage. The maximum lot coverage for non-wind energy uses in the E-I zone is limited to 15% of the lot area. In the M-2 zone however, the maximum lot coverage is 60% for any use. The potential impacts of this four-fold increase in lot coverage that would be possible with the proposed zone change are evaluated in the environmental analysis.

There is also a density limitation imposed by the General Plan. The General Plan RBC land use designation denotes a maximum "Floor Area Ratio" or "FAR" as 0.5 for Industrial and Commercial uses and 0.35 for Office uses¹. This FAR applies to any zone within the RBC land use designation. Thus for projects that may be proposed requiring a finding of consistency with the General Plan (such as uses requiring a Conditional Use Permit) the maximum lot coverage would be 50% for industrial or commercial uses, and 35% for office uses that require a CUP. The proposed lot coverage for "right of zone" uses would be 60%.²

In addition to the M-2 zone lot coverage limits and the General Plan FAR limits, there is a portion of the site that is also within the wind energy overlay (WEO). The General Plan states,

"Industrial and Clean Energy uses in these areas may occupy up to 15% of the total acreage within the Industrial and Regional Business Center uses."

Roughly thirty (30) acres of the subject parcel lie within the WEO. The General Plan addresses the 15% coverage limit restriction of the WEO differently than the 15% lot coverage limit of the E-I zone. The Zoning Code lot coverage limit is parcel-specific. The General Plan WEO development limit is based on 15% of the *total land area* covered by the WEO overlay. This limit is not parcel specific; it is a percentage of all developed land within the Wind Energy Overlay³. The concept allows density for development in the WEO areas – up to the maximum allowable density of the Zoning Code and General Plan - on a "first in" basis, until the maximum of 15% (256 developed acres) is reached. Development that is proposed after that limit is reached (some time in the future), will likely require further study and adjustment (including possible additional mitigation measures) to the General Plan Environmental Impact Report. The potential impact of the 15% development limit imposed by the WEO will be evaluated at the time future development applications are received for the proposed parcels with the overlay. In summary, the proposed change of zone and parcel map do not adversely impact land use policies related to the Wind Energy Overlay.

Zoning

The change of zone application proposes that all lots within the proposed subdivision be

¹ Floor Area Ratio (FAR) is the ratio of the total floor area of a building to the total area of the site and describes the intensity of development of a site for non-residential uses.

² A finding of consistency with the General Plan is not required for most right of zone uses.

³ There are roughly 1,706 acres in the Industrial and Regional Business Center land use areas that are also covered by the Wind Energy Overlay. Fifteen percent of the 1,706 acres may be developed with buildings or structures, (or roughly 256 acres). As of January 2009, roughly 19 acres were developed with buildings or structures (or roughly 1%).

zoned M-2 (Manufacturing). The proposed subdivision and M-2 Zone development standards are analyzed below in Table 2.

Table 2: M-2 Zone Requirements and the Proposed Subdivision

	M-2 Minimum Requirements		Proposed Subdivision		
	Lot Depth	Lot Width	Lot Area (20,000sf min, 40,000 sf min on secondary thoroughfare)	Lot Depth	Lot Width
Lot 1	200 feet (fronting a secondary)	200 feet	45.35 acres (conforms)	1,738 feet	1,458 feet (varies)
Lot 2	200	200	51.23 acres (conforms)	1,322 feet (varies)	802 feet (varies)
Lot 3	200	200	2.26 acres (this lot is a triangular parcel and conforms)	516 feet	390 feet

All lots within the proposed subdivision conform to the minimum area and dimensional standards for the M-2 zone.

The Zoning Ordinance provides the following description for the M-2 zone and the E-I zone:

92.17.1.00 "M-2" manufacturing zone. The "M-2" manufacturing zone is intended to provide for the development of industrial uses which include fabrication, manufacturing, assembly or processing which do not in their maintenance, assembly, manufacture or plant operation create by-products to any degree which will adversely affect the resort-open space environment of the city.

92.17.2.00 "E-I" energy industrial zone. The "E-I" energy industrial zone is intended to provide areas for alternative energy development and limited industrial uses in those areas which by virtue of strong prevailing winds are ideally suited for large-scale development of wind energy. Alternative energy development is intended as the principal land use, with the permitted industrial uses serviced directly, and primarily, by alternative energy for electrical needs. The retention of open space is encouraged. No industrial use shall be permitted which, by the nature of its development or operation, will in any way adversely affect the resort environment of the city.

The M-2 zone allows a broader range of permitted uses than the E-I zone (see list of permitted uses for M-1 and E-I attached). Alternative energy industries such as solar collectors, Wind Energy Conversion Systems (WECS), cogeneration plants, and natural gas powered electrical generation plants are permitted with a CUP in both zones. Within the E-I zone, however, the strict requirements of open space and a 15% limitation on non-WECS industrial uses presumes that the primary land use would be for wind turbines. The applicant desires more intensive development opportunities that are permitted in the M-2 zone without the 15% limitation imposed by the E-I zone development regulations.

A separate conditional use permit and variance application has been recently received by the

City for a solar collector array proposed on roughly 24 acres at the northwest corner of proposed Parcel 2. That application is not related to this one, and is being processed separately. The Change of Zone is not anticipated to adversely impact that proposed project application. Approval of the change of zone however, may eliminate the necessity for the variance on that project⁴.

FINDINGS:

Change of Zone Findings.

The findings for a Change of Zone are found in PSZO Section 94.07.00 (A) as follows:

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The proposed change from E-I to M-2 conforms to the General Plan Land Use Designation of Regional Business Center. The change of zone will permit greater development density because the E-I zone restricts non-WECS uses to 15% of the total lot, whereas the M-2 zone allows up to 60% of the total lot area to be developed with buildings and uses consistent with the zone. This increased density is evaluated in the associated environmental analysis. The proposed change of zone and parcel map are consistent with the policies and goals of the City's General Plan as follows:

Policy LU12.1 Promote the development of high-quality regional and freeway-serving land uses that generate a sense of place and arrival into the City at the interchanges of Gene Autry Drive and Indian Canyon Drive with I-10

The proposed zone change from E-I to M-2 and Tentative Parcel Map is consistent with this policy because the M-2 zone allows for uses and densities that are complementary and appropriate for this site which is visible from the freeway, adjacent to other M-2 zones and near the interchange of Indian Canyon Drive and the I-10.

Policy LU12-5 Periodically reevaluate the concentration, type, and mix of commercial, office and industrial development that is appropriate and sustainable adjacent to the freeway.

The proposed change of zone from E-I to M-2 presents an appropriate opportunity for the City to consider the potential to increase the concentration and allowable density for this freeway-fronting parcel.

2. *The subject property is suitable for the uses permitted in the proposed*

⁴ The setback for energy uses in E-I is 50 feet, in the M-2 zone it is 25 feet; thus the other project, involving a solar panel array with 20 foot requested setbacks could potentially achieve their setback request with only an Administrative Minor Modification (AMM) rather than a Variance.

zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.

The application proposes three (3) lots each of which are conforming to the minimum size and dimensional requirements for the M-2 zone. The area in which the parcels are located is a zone in which industrial uses are permitted and current development patterns are already emerging that are consistent with the uses permitted in the M-2 zone. Therefore, staff has concluded that the property and the proposed parcels are suitable for the uses permitted in the proposed zone.

3. *The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The change of zone request allows consistency in development patterns and proposed uses that are similar to those in adjacent parcels with the M-2 zone to the east. The parcels are currently undeveloped and by making the change of zone at this time, future development patterns should emerge that are complementary and consistent with one another. There are no residential zones in the vicinity of these parcels. For these reasons, Staff believes the change of zone is necessary and proper at this time and poses no detrimental impact on adjacent properties.

Tentative Parcel Map Findings

The following findings are required pursuant to Section 66474 of the State of California Subdivision Map Act.

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

The proposed project is consistent with the General Plan designation of Regional Business Center land use which allows a maximum density of 0.5 FAR (Floor area ratio) Industrial and Commercial and 0.35 FAR for Office uses per lot. The proposed change of zone and parcel map are consistent with the policies and goals of the City's General Plan as follows:

Policy LU12.1 Promote the development of high-quality regional and freeway-serving land uses that generate a sense of place and arrival into the City at the interchanges of Gene Autry Drive and Indian Canyon Drive with I-10

The proposed zone change from E-I to M-2 and Tentative Parcel Map is consistent with this policy because the M-2 zone allows for uses and densities that are complementary and appropriate for this site which is visible from the freeway, adjacent to other M-2 zones and near the interchange of Indian Canyon Drive and the I-10.

Policy LU12-5 Periodically reevaluate the concentration, type, and mix of commercial, office and industrial development that is appropriate and sustainable adjacent to the freeway.

The proposed change of zone from E-I to M-2 presents an appropriate opportunity for the

City to consider the potential to increase the concentration and allowable density for this freeway-fronting parcel.

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

The proposed lots meet or exceed the development standards for the zone in terms of minimum area, dimensional requirements, and access to a designated public roadway. Therefore staff has concluded that the proposed subdivision is consistent with the development standards for the zone in which they are located.

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

The project site is generally flat, gently sloping native desert vegetation. The Garnet Creek Wash crosses the site and a Southern California Edison power transmission right-of-way also crosses the site. Manufacturing and industrial uses are already developed in the vicinity of the project site. Drainage issues, if any, are addressed in the environmental analysis along with proposed mitigation measures. Roadways are proposed that meet or exceed the minimum standards set forth by the City's Public Works Department. The site is adjacent to a secondary thoroughfare (19th Avenue) and a collector street (20th Avenue) and near a major thoroughfare (Indian Canyon Drive) such that public roads would be conducive for carrying traffic to future industrial uses on the site. Therefore, staff believes the site is indeed suitable for this type of development.

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

The lots proposed to be created exceed the minimum lot size for the zone and are adequate in physical condition to allow up to 0.5 FAR as the allowable maximum density outlined in the General Plan and up to 60% lot coverage as imposed by the M-2 zone development standards. The Garnet Creek Wash Conservation Corridor crosses the site, but development adjacent to it will be conditioned to address stormwater, preservation of the wash as a fluvial sand transport corridor pursuant to the CVMSHCP and other factors related to the wash. Therefore the project site is physically suited for the proposed density of development.

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

An environmental study has been performed on the project and through that analysis, it has been determined that with the proposed mitigation measures, any potentially significant impacts will be reduced to less than significant levels, thus the project will not cause injury to fish, wildlife, or their habitats.

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

All typical or routine municipal services will be required for any future development that is anticipated. Roadway access, widths, and other characteristics are consistent with the City's development standards and regulatory guidelines for this type of subdivision. There are no

known issues related to the design of the proposed subdivision that would cause any adverse public health problems.

- 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.*

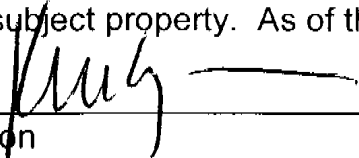
There is no known public access across the subject property; therefore, the subdivision will not conflict with easements for access through or use of the property.

ENVIRONMENTAL ASSESSMENT:

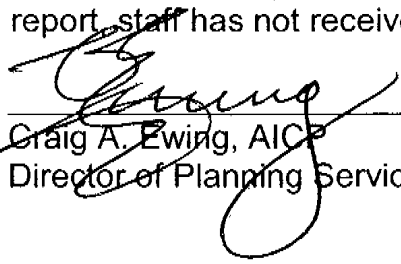
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the application has been deemed "a project". An initial study was conducted and potentially significant impacts caused by the proposed project were identified and a 20-day period for public review was provided. A series of mitigation measures have been proposed that would reduce any potentially significant impacts to levels less than significant. The owner has agreed in writing to all the proposed mitigation measures. Thus a Notice of Intent to Adopt a Mitigated Negative Declaration has been filed.

NOTIFICATION:

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



Ken Lyon
Associate Planner



Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS

- Vicinity Map
- Draft Resolution with Conditions of Approval
- Reduced copy of Tentative Parcel Map
- Zoning Code Sections 92.17.1.01 (M-2 Permitted Uses), 92.17.2.01 (E-I Permitted Uses)

file

RESOLUTION NO. 6189

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF CASE 5.1212 CZ / TPM 36073, A REQUEST FOR A CHANGE OF ZONE FROM ENERGY-INDUSTRIAL (E-I) TO MANUFACTURING (M-2) AND A TENTATIVE PARCEL MAP TO SUBDIVIDE A ROUGHLY 98 ACRE PARCEL INTO THREE PARCELS AT THE SOUTHEAST CORNER OF 19TH AVENUE AND KAREN AVENUE; ZONE E-I, SECTION 15/T3/R4; APN 666 330 001.

WHEREAS, Noble & Company, LLC, "applicant", has filed an application with the City pursuant to Section 94.07.00 (Change of Zone) of the Zoning Code seeking approval for a zone change from Energy Industrial (E-I) to Manufacturing (M-2) for a roughly 98 acre parcel at the southeast corner of 19th Avenue and Karen Avenue; and

WHEREAS, the applicant has also 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 Parcel Map proposing to subdivide the same 98 acre parcel into three lots; and

WHEREAS, a notice of public hearing for Case 5.1212 CZ TPM 36073 was given in accordance with applicable law; and

WHEREAS, on March 23, 2011, a public meeting on Case 5.1212 CZ TPM 36073 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") An Initial Study was conducted and the project was found to cause potentially significant impacts to the environment. Mitigation measures have been proposed reducing any potentially significant impacts to less than significant. The applicant has agreed in writing to all proposed mitigation measures. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public comment for a period of 20 days. No new information was discovered that would require further analysis under CEQA; 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, the Planning Commission recommends that the City Council adopts a Mitigated Negative Declaration including mitigation measures that reduce any potentially significant impacts caused by the project to less than

suitable for the uses permitted in the proposed zone.

3. *The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The change of zone request allows consistency in development patterns and proposed uses that are similar to those in adjacent parcels with the M-2 zone to the east. The parcels are currently undeveloped and by making the change of zone at this time, future development patterns should emerge that are complementary and consistent with one another. There are no residential zones in the vicinity of these parcels. For these reasons, Staff believes the change of zone is necessary and proper at this time and poses no detrimental impact on adjacent properties.

Section 3: Pursuant to Municipal Code Chapter 9.64 (Maps) and the State of California Subdivision Map Act Section 66474, the Planning Commission finds as follows:

The following findings are required pursuant to Section 66474 of the State of California Subdivision Map Act.

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

The proposed project is consistent with the General Plan designation of Regional Business Center land use which allows a maximum density of 0.5 FAR (Floor area ratio) Industrial and Commercial and 0.35 FAR for Office uses per lot. The proposed change of zone and parcel map is consistent with the policies and goals of the City's General Plan as follows:

Policy LU12.1 Promote the development of high-quality regional and freeway-serving land uses that generate a sense of place and arrival into the City at the interchanges of Gene Autry Drive and Indian Canyon Drive with I-10

The proposed zone change from E-I to M-2 and Tentative Parcel Map is consistent with this policy because the M-2 zone allows for uses and densities that are complementary and appropriate for this site which is visible from the freeway, adjacent to other M-2 zones and near the interchange of Indian Canyon Drive and the I-10.

Policy LU12-5 Periodically reevaluate the concentration, type, and mix of commercial, office and industrial development that is appropriate and sustainable adjacent to the freeway.

The proposed change of zone from E-I to M-2 presents an appropriate opportunity for the City to consider the potential to increase the concentration and allowable density for this freeway-fronting parcel.

All typical or routine municipal services will be required for any future development that is anticipated. Roadway access, widths, and other characteristics are consistent with the City's development standards and regulatory guidelines for this type of subdivision. There are no known issues related to the design of the proposed subdivision that would cause any adverse public health problems.

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 is a utility easement that crosses the site, but no known public access across the subject property; therefore, the subdivision will not conflict with easements for access through or use of the property.

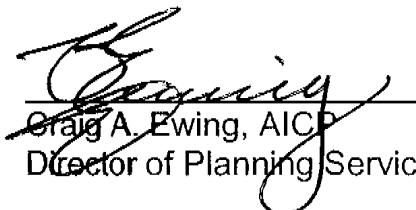
NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends that the City Council approves Case 5.1212 CZ TPM 36073 a change of zone from Energy Industrial (E-I) to Manufacturing (M-2) and a Tentative Parcel Map subdividing into three parcels a roughly 98 acre parcel at the southeast corner of 19th Avenue and Karen Avenue, subject to the attached conditions set forth in Exhibit A.

ADOPTED this 23rd day of March 2011.

AYES: 6, Conrad, Hudson, Klatchko, Munger, Donenfeld and Chair Caffery
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA


Craig A. Ewing, AICP
Director of Planning Services

the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.

- ADM 6. 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 5.1212 CZ TPM 36073. 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 7. 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 8. Time Limit on Approval. Approval of the Tentative Parcel Map (TPM) 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. Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval
- ADM 9. 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.

ground surface.

- ENV 6. 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)
- ENV 7. 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. 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:
- The document to convey title.
 - Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - 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 2. Update of City's Zoning Map. Upon approval of the proposed Change of Zone, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.
- PLN 3. (add any additional conditions imposed by the Planning Commission or City

intersection of 20th Avenue and Karen Avenue with a flow line parallel with and located 20 feet east of the centerline of Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

- ENG 6. Construct a 5 feet wide sidewalk behind the curb along the entire frontage of the property (north side only), in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 7. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of 20th Avenue and Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 8. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to edge of proposed gutter (full width) along the entire frontage, in accordance with City of Palm Springs Standard Drawing No. 110 and 310. 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.

19TH AVENUE

- ENG 9. Dedicate the ultimate half street public right-of-way width of 44 feet along the entire frontage of the property, together with a property line - corner cut back at the southeast corner of the intersection of 19th Avenue and Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 10. Construct an 8 inch curb and gutter 32 feet south of centerline along the entire frontage with a 35 feet radius curb return and spandrel at the southeast corner of the intersection of 19th Avenue and Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 11. Construct drainage improvements as necessary to convey the 100-year stormwater runoff from Garnet Wash under the intersection of 19th Avenue and Karen Avenue, as required by Riverside County Flood Control District ("RCFC") and the City Engineer. Submit a hydraulic study for review and approval by RCFC and the City Engineer for a determination of required drainage improvements.
- ENG 12. Construct a 5 feet wide sidewalk behind the curb along the entire frontage of the property, in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 13. Construct a Type A curb ramp meeting current California State Accessibility standards at the southeast corner of the intersection of 19th Avenue and Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 212.

ENG 20. A hydraulic study shall be submitted to the City of Palm Springs for review and approval prior to issuance of a grading permit for Parcel 2. The Hydraulic Study shall include a HEC-RAS Analysis, a scour analysis determining maximum depth of scour along the Garnet Wash within the project site limits, establish the base flood elevations and the limits of the 100-year floodway and floodplain along the Garnet Wash.

GENERAL

ENG 21. The applicant shall contact Mission Springs Water District at (760) 329-6448 to determine the requirements for extending water service to the project. The applicant may be responsible for the design and construction of off-site water line improvements or payment of applicable fair-share costs of off-site water line improvements constructed by others.

MAP

ENG 22. A Parcel Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcels and all lots created therefrom, and copies of record documents shall be submitted with the Parcel Map to the Engineering Division as part of the review of the Map.

ENG 23. In accordance with Government Code 66411.1 (a), all required public improvements shall be listed in an Improvement Certificate on the Parcel Map and clearly noted that the required public improvements will be the minimum development requirements for Parcels 1, 2, and 3 of Tentative Parcel Map No. 36073, but shall be completed prior to issuance of a building permit on the parcels.

TRAFFIC

ENG 24. Submit traffic striping and signage plans for 20th Avenue, 19th Avenue, and Karen Avenue, prepared by a California registered civil engineer, for review and approval by the City Engineer.

FIRE DEPARTMENT CONDITIONS

These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the preliminary site plan dated August 6, 2008.

FIR1. **Plot Plan:** Prior to completion of the project, a 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.

Palm Springs Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[ZONING CODE](#)[Chapter 92.00 ZONING REGULATIONS](#)**E-I****92.17.2.01 Uses permitted.****A. Uses Permitted.**

Building, structures and land shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses. All uses shall be subject to the standards in Section 92.17.2.03.

1. Accessory uses to permitted uses; provided, such uses are established on the same parcel as, and do not substantially alter the character of, the principal use:

- a. Storage of trucks and other vehicles,
- b. Storage of materials and machinery,
- c. Offices and maintenance shop structures,
- d. Caretaker's residence two thousand (2,000) square feet maximum,
- e. Meteorological towers under two hundred (200) feet in height;

2. Fabrication.

- a. Manufactured housing and mobilehomes,
- b. Cans and containers,
- c. Cutlery, tableware, hand tools and hardware,
- d. Wrought iron,
- e. Fencing,
- f. Metal buildings,
- g. Ordnance and firearms, not including explosives,
- h. Vehicles, aircraft, boats, parts and repairs,
- i. Railroad equipment,
- j. Motorcycles, bicycles and parts,

k. Travel trailers and recreational vehicles;

3. Manufacturing.

- a. Agricultural chemicals, not including pesticides and fertilizers,
- b. Bakeries,
- c. Bottling plants,
- d. Ceramic products using only previously pulverized clay and fired in kilns using only electricity or gas,
- e. Electronics (electrical and related parts, electrical appliances, electrical devices, motors, and radio, television and phonograph),
- f. Furniture upholstery,
- g. Garment manufacturing,
- h. Glass blowing, pressing and cutting,

- i. Instruments (electronic, medical and dental tools, precision, and timing and measuring),
- j. Knitting, floor covering, and yarn and thread mills,
- k. Laboratories (dental, electrical, optical, mechanical and medical),
- l. Lumber yard (including incidental millwork but not including planing mill),
- m. Machinery and Shop.
 - i. Blacksmith and forging shop,
 - ii. Cabinet or carpenter shop,
 - iii. Electric motor rebuilding,
 - iv. Engines, turbines and parts,
 - v. Farm, garden construction and industrial machinery,
 - vi. Lighting and wiring,
 - vii. Machine shop,
 - viii. Sheet metal shop,
 - ix. Welding shop,
 - x. Painting and powder coating,
- n. Manufacturing (compounding, processing, packaging or treatment of such products as):
 - i. Bakery goods,
 - ii. Candy,
 - iii. Concrete, gypsum, plaster and mineral products,
 - iv. Cosmetics,
 - v. Drugs,
 - vi. Food products,
 - vii. Fruit and vegetables (packing only),
 - viii. Glassware,
 - ix. Honey extraction plant,
 - x. Leather,
 - xi. Nonalcoholic beverages,
 - o. Manufacture and maintenance of electrical and neon signs,
 - p. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously-prepared materials:
 - i. Canvas,
 - ii. Cellophane,
 - iii. Cloth,
 - iv. Cork,
 - v. Felt,
 - vi. Fiber,
 - vii. Fur,
 - viii. Glass,
 - ix. Leather,

- x. Metals,
- xi. Paper (no milling),
- xii. Plaster,
- xiii. Plastic,
- xiv. Precious or semiprecious stones or metals,
- xv. Rubber,
- xvi. Shells,
- xvii. Textiles,
- xviii. Tobacco,
- xix. Wood,
- xx. Yarns,
- q. Novelties and holiday paraphernalia,
- r. Office and related machinery (audio and visual machinery, computers),
- s. Paper and paperboard mills,
- t. Pharmaceuticals (cosmetics, drugs, perfumes, soap and toiletries),
- u. Rubber and metal stamps,
- v. Shoes,
- w. Stone cutting and related activities,
- x. Textiles;
- 4. Processing.
 - a. Carpet and rug cleaning,
 - b. Cleaning and dyeing,
 - c. Laundry;
- 5. Services.
 - a. Governmental facilities,
 - b. Newspaper publishing,
 - c. Ice and cold storage plant,
 - d. Offices (business, professional and research),
 - e. Printing, lithographing, publishing,
 - f. Public utility service yards,
 - g. Radio and television broadcasting;
- 6. Wholesaling and warehousing.
- B. Similar Uses Permitted by Commission Determination.

The commission may, by resolution, permit any other uses which it may determine to be similar to those listed above, in conformity with the intent and purpose of this zone, and not more obnoxious or detrimental to the public health, safety and welfare, or to other uses permitted in this zone, as provided in Section 94.01.00. All uses shall be subject to the property development standards in Section 92.17.2.03 and the performance standards in Section 92.17.2.04.

- C. Uses Permitted by Land Use Permit.

1. Modifications to existing WECS, subject to the requirements and standards contained in Section 94.02.00(I)(8);
 2. Meteorological towers in excess of two hundred (200) feet in height;
 3. Operations and facilities providing tours of alternative energy facilities;
 4. Recycling collection center;
 5. Vehicle impound yards.
- D. Uses Permitted by Conditional Use Permit.

The following uses may be permitted subject to approval of a conditional use permit, as provided in Section 94.02.00:

1. Acid and abrasives manufacturing;
2. Animal hospitals, shelters or kennels;
3. Brewery, distillery or winery;
4. Chemical plating shop;
5. Concrete batch plants and asphalt plants;
6. Disposal service operations;
7. Energy Use.
 - a. Solar collectors,
 - b. Wind energy conversion systems (WECS), subject to the requirements and standards contained in Section 94.02.00(H)(8),
 - c. Co-generation facilities;
8. Fertilizer production;
9. Meat packing plants, not including slaughtering or rendering of animals;
10. Natural gas storage, above ground;
11. Paints and varnishes manufactured and incidental storage;
12. Paper storage and recycling, outdoor;
13. Petroleum and bulk fuel storage, above ground;
14. Planing mill;
15. Poultry and egg processing;
16. Recycling/salvage center.

(Ord. 1553 (part), 1998; Ord. 1447 (part), 1993)

Palm Springs Municipal Code**Up****Previous****Next****Main****Search****Print****No Frames**ZONING CODEChapter 92.00 ZONING REGULATIONS**92.17.2.03 Property development standards. - E-I**

The following property development standards shall apply to all land and buildings in the "E-I" zone, except that any lot created in compliance with applicable laws and ordinances in effect at the time of its creation may be used as a building site.

These standards may be altered where a specific development plan is approved under a planned development or a conditional use permit or otherwise approved master plan of development where the development meets the intent of this Zoning Code.

A. Lot Area.

Each lot shall have a minimum area of five (5) acres.

B. Lot Dimensions.

1. Each lot shall have a minimum width of two hundred fifty (250) feet.

2. Each lot shall have a minimum depth of two hundred fifty (250) feet.

C. Height Limits.

1. Buildings and structures shall have a height not greater than thirty (30) feet.

a. Exceptions.

Projections above the height limit shall be permitted according to the provisions of Section 93.03.00.

2. WECS shall be subject to the requirements and standards contained in Section 94.02.00(H)(8).

D. Yards.**1. General Provisions.**

Section 93.01.00 shall apply.

2. Energy Uses.

a. The minimum setback from any property line shall be fifty (50) feet.

b. The setback for WECS shall be determined by the provisions of Section 94.02.00(H)(8).

3. Other Uses.

a. No building shall be erected closer than twenty-five (25) feet from the front property line. Not less than twenty-five (25) percent of such yard shall be landscaped and maintained.

b. Where the E-I zone abuts a street which is a boundary with a residential or open space zone, there shall be a yard abutting such street of not less than one hundred (100) feet. The twenty-five (25) feet nearest the street shall be landscaped and maintained. The remainder may be used for parking.

c. Where the E-I zone abuts property in a residential or open space zone, there shall be a yard of not less than one hundred (100) feet. The twenty-five (25) feet nearest the property line shall be landscaped and maintained. The remainder shall not be used for parking, loading or storage.

d. Landscaped buffers at least fifteen (15) feet in width may be required by the planning commission along interior yards.

E. Walls, Fences and Landscaping.

The provisions of Section 93.02.00 shall apply.

Exception.

1. Fences and walls shall not exceed eight (8) feet in height in any required interior side or rear yard.

2. Barbed wire may be used for security purposes at alternate energy installations.

F. Coverage.

The site developed for permitted uses, other than energy uses (Section 92.17.2.00(D)(4)), shall not occupy an area greater than fifteen (15) percent of any lot or planned development.

G. Access.

The provisions of Section 93.05.00 shall apply.

H. Off-street Parking.

The provisions of Section 93.06.00 shall apply.

I. Off-street Loading and Trash Areas.

The provisions of Section 93.07.00 shall apply.

J. Signs.

The provisions of Section 93.20.00 shall apply.

K. Outdoor Storage.

1. Outdoor storage and activities associated with permitted uses shall be adequately screened from view from any public street or abutting residential property by a solid masonry wall. Such wall shall return along any interior side property line which is perpendicular to such public street or residential property for a distance of not less than twenty-five (25) feet. Other fencing may be of chain link, or other open style, if the entire length of such fence is landscaped so to screen the storage area from view. Such landscaping shall be allowed to grow to eight (8) feet in height and shall be adequately maintained and irrigated. Items shall not be stacked or stored higher than the wall if located within twenty-five (25) feet from any public street or residential property. All enclosures and stored materials must comply with fire department regulations for access and fire protection.

2. All enclosures and stored materials must comply with fire department requirements for access and fire protection.

3. No materials or waste shall be deposited or stored in any form or manner that they may be transferred off the lot by normally-occurring natural causes or forces. Waste which might cause dust or fumes or which constitutes a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored only in closed containers in required enclosures.

L. Antennas.

The provisions of Section 93.08.00 shall apply.

M. Public Art.

The provisions of Section 93.11.00 shall apply.

(Ord. 1447 (part), 1993)

Palm Springs Municipal Code**Up****Previous****Next****Main****Search****Print****No Frames**ZONING CODEChapter 92.00 ZONING REGULATIONS**M-2****92.17.1.01 Uses permitted.****A. Uses Permitted.**

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses. All uses shall be subject to the standards in Section 92.17.1.03.

1. All uses permitted in the "C-1," "C-2," "C-M," "M-I-P" and "M-1" zones, Sections 92.12.01, 92.14.01, 92.15.01, 92.16.01 and 92.17.01, unless otherwise regulated herein.
2. Adult oriented business.
3. Fabrication.
 - a. Manufactured housing and mobilehomes;
 - b. Cans and containers;
 - c. Cutlery, tableware, hand tools and hardware;
 - d. Wrought iron;
 - e. Fencing;
 - f. Metal buildings;
 - g. Ordinance and firearms, not including explosive;
 - h. Vehicles, aircraft, boats and parts;
 - i. Railroad equipment;
 - j. Motorcycles, bicycles and parts;
 - k. Travel trailers and recreational vehicles.
4. Manufacturing.
 - a. Manufacturing, compounding, processing, packaging or treatment of such products as:
 - i. Meat and poultry products (if connected to an adequate sewer system),
 - ii. Nonalcoholic beverages,
 - iii. Leather, including tanning and finishing,
 - iv. Glassware,
 - v. Concrete, gypsum, plaster and mineral products;
 - b. Knitting, floor covering, and yarn and thread mills;
 - c. Saw and planing mills;
 - d. Paper and paperboard mills;
 - e. Agricultural chemicals, not including pesticides and fertilizers;
 - f. Stone cutting and related activities;
 - g. Glass blowing, pressing and cutting;
 - h. Machinery and shop:
 - i. Engines, turbines and parts,

- ii. Farm, garden construction and industrial machinery,
 - iii. Lighting and wiring.
5. Medical Cannabis Cooperative or Collective, subject to the property development standards contained in Section 93.22.00 of this Code.
 6. Services.
 - a. Equipment sales, rental and storage;
 - b. Trailer and boat storage;
 - c. Auction houses, subject to Municipal Code Chapter 5.04;
 - d. Caretaker's residence (one thousand (1,000) square feet maximum), as an accessory use.

B. Similar Uses Permitted by Commission Determination.

The commission may, by resolution, permit any other uses which it may determine to be similar to those listed above, in conformity with the intent and purpose of this zone, and not more obnoxious or detrimental to the public health, safety and welfare, or to other uses permitted in this zone, as provided in Section 94.01.00. All uses shall be subject to the property development standards in Section 92.17.1.03.

C. Uses Permitted by Land Use Permit.

1. Uses permitted by land use permit in the "M-I-P" and "M-I" zones, Sections 92.16.01(C), and 92.17.01(C), unless otherwise permitted;
2. Operations and facilities providing tours of alternative energy facilities.

D. Uses Permitted by Conditional Use Permit.

The following uses may be permitted subject to approval of a conditional use permit, as provided in Section 94.02.00:

1. Uses permitted by conditional use permit in the "M-I-P" and "M-I" zones, Sections 92.16.01(D), and 92.17.01(D), unless otherwise permitted;
2. Acid and abrasives manufacturing;
3. Ambulance services, and accessory uses customarily incident to the permitted use; provided that, the site is located at least five hundred (500) feet from any property zoned residential;
4. Bail bond offices;
5. Brewery, distillery or winery;
6. Check cashing facilities;
7. Concrete batch plants and asphalt plants;
8. Disposal service operations;
9. Energy Uses.
 - a. Solar collectors,
 - b. Wind energy conversion systems (WECS), subject to the requirements and standards contained in Section 94.02.00(H)(8),
 - c. Cogeneration facilities,
 - d. Natural gas powered electric generation plants that do not exceed two hundred (200) megawatts in size;
10. Fertilizer production, organic or inorganic;
11. Heavy equipment storage and rental;
12. Meat packing plants, not including slaughtering or rendering of animals;

13. Paints and varnishes manufacturing and incidental storage;
14. Paper storage and recycling, not within a building;
15. Pawn brokers;
16. Petroleum and bulk fuel storage, above ground;
17. Poultry and egg processing;
18. Natural gas storage, above ground;
19. Nightclubs/cocktail lounges as a primary use;
20. Recycling of wood, metal and construction wastes.

(Ord. 1758 § 4, 2009; Ord. 1697 § 2, 2006; Ord. 1595 § 1, 2001; Ord. 1553 (part), 1998; Ord. 1511 (part), 1995; Ord. 1502 (part), 1995; Ord. 1500 (part), 1995; Ord. 1447 (part), 1993)

Palm Springs Municipal Code

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ZONING CODE

Chapter 92.00 ZONING REGULATIONS

92.17.1.03 Property development standards. - M-2

The following property development standards shall apply to all land and buildings in the M-2 zone, except that any lot created in compliance with applicable laws and ordinances in effect at the time of its creation may be used as a building site.

These standards may be altered where a specific development plan is approved under a planned development or a conditional use permit or otherwise approved master plan of development where the development meets the intent of this Zoning Code.

A. Lot Area.

Except where lot sizes are otherwise established by an approved master plan, each lot shall have a minimum area of twenty thousand (20,000) square feet, except that lots which abut a major or secondary thoroughfare shall have a minimum area of forty thousand (40,000) square feet.

B. Lot Dimensions.

1. Width.

Each lot shall have a minimum width of one hundred fifty (150) feet, except that lots which abut a major or secondary thoroughfare shall have a minimum width of two hundred (200) feet.

2. Depth.

Each lot shall have a minimum depth of one hundred (100) feet, except that lots which abut a major or secondary thoroughfare shall have a minimum depth of two hundred (200) feet.

C. Building Height.

1. Buildings and structures shall have a height not greater than thirty (30) feet.

2. Exceptions.

a. Permitted Projections Above Building Height Limit.

The provisions of Section 93.03.00 shall apply.

b. Buildings and structures shall have a height not greater than forty (40) feet, provided that any portion of buildings in excess of thirty (30) feet are: (1) located on a parcel of not less than one (1) acre in size; and (2) set back one (1) foot from any property line for every one (1) foot of vertical rise. Buildings which exceed forty (40) feet in height may be permitted pursuant to the provisions of Sections 93.04.00 and 94.02.00.

D. Yards.

1. General Provisions.

a. The provisions of Section 93.01.00 shall apply.

b. The following provisions shall apply to lots which front on private, as well as public, streets.

2. Front Yard.

No building shall be erected closer than twenty-five (25) feet from the front property line. Parking bays, on local or collector streets only, shall be permitted within the front yard or street side yard; provided, the entire parking bay is located on private property. Not less than twenty-five (25) percent of such yard shall be landscaped and maintained.

3. Yard--Transition.

Where a nonresidential lot abuts the boundary line of a residential zone, the side or rear yard which is adjacent to the residential zone shall have a minimum width or depth of twenty (20) feet regardless of any other provisions of this Zoning Code.

a. Industrial establishments in the M-2 Zone, abutting a street which is a residential zone boundary, shall establish and maintain a landscaping screen not less than twenty-five (25) feet wide.

b. Where M-2 industrial property abuts residential property there shall be a six (6) foot masonry wall on the property line with the ten (10) feet nearest the wall in a landscaping screen.

c. Where a six (6) foot masonry wall exists on the residential property line or within one (1) foot of such property line, the required six (6) foot masonry wall may be waived; however, the required ten (10) foot landscaping screen shall be installed and maintained.

d. Where the M-2 zone abuts an alley, no building shall be erected less than twenty-five (25) feet from the side of the alley opposite the subject property.

E. Walls, Fences and Landscaping.

Walls, fences and landscaping shall be installed as required in Section 93.02.00 or as stated in Section 92.17.1.03(D). All walls shall be constructed of solid masonry materials.

1. Exception.

Walls shall not exceed eight (8) feet in height in any interior side or rear yard. Walls not to exceed eight (8) feet in height may encroach into any front yard not more than five (5) feet.

F. Coverage.

Lot area coverage by buildings or structures shall not exceed sixty (60) percent of the total lot area.

G. Access.

The provisions of Section 93.05.00 shall apply.

H. Off-street Parking.

The provisions of Section 93.06.00 shall apply.

I. Off-street Loading and Trash Areas.

1. The provisions of Section 93.07.00 shall apply.

2. Loading docks which are located within one hundred fifty (150) feet of a residential zone boundary shall be screened from view from the residential area.

J. Signs.

The provisions of Section 93.20.00 shall apply.

K. Outdoor Storage and Waste Disposal.

1. Outdoor storage and activities associated with permitted uses shall be adequately screened from view from any public street or abutting residential property by a solid masonry wall. Such wall shall return along any interior side property line which is perpendicular to such public street or residential property for a distance of not less than twenty-five (25) feet. Other fencing may be of chain link, or other open style, if the entire length of such fence is landscaped so to screen the storage area from view. Such landscaping shall be allowed to grow to eight (8) feet in height and shall be adequately maintained and irrigated. Items shall not be stacked or stored higher than the wall if located within twenty-five (25) feet from any public street or residential property. All enclosures and stored materials must comply with fire department regulations for access and fire protection.

2. No materials or wastes shall be deposited or stored in such form or manner that they may be transferred off the lot by normally-occurring natural causes or forces. Wastes which might cause fumes or dust

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**

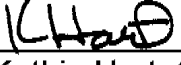


City Council
Meeting Date: May 4, 2011
Subject: Case 5.1212 Change of Zone and TPM 36073
Noble & Company LLC

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on April 23, 2011.

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




Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on April 20, 2011.

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




Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on April 20, 2011, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (25 notices)

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



Kathie Hart, CMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1212 CHANGE OF ZONE AND
TENTATIVE PARCEL MAP 36073

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of May 4, 2011. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an application requesting a Change of Zone (CZ) from E-I (Energy Industrial) to M-2 (Manufacturing) for a 98-acre parcel north of the I-10, west of Indian Canyon Drive, east of Karen Avenue, and South of 19th Avenue. The application includes a request for approval of a Tentative Parcel Map to subdivide the parcel into three parcels

ENVIRONMENTAL DETERMINATION: An environmental assessment has been prepared under the guidelines of the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration has been proposed.

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.

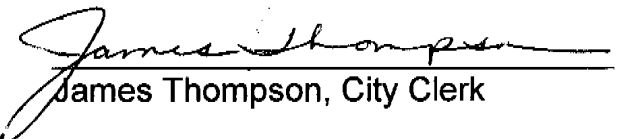
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the public hearing and/or in writing before the hearing. Written comments may be made to the Planning Commission by letter (for mail or hand delivery) to:

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)).

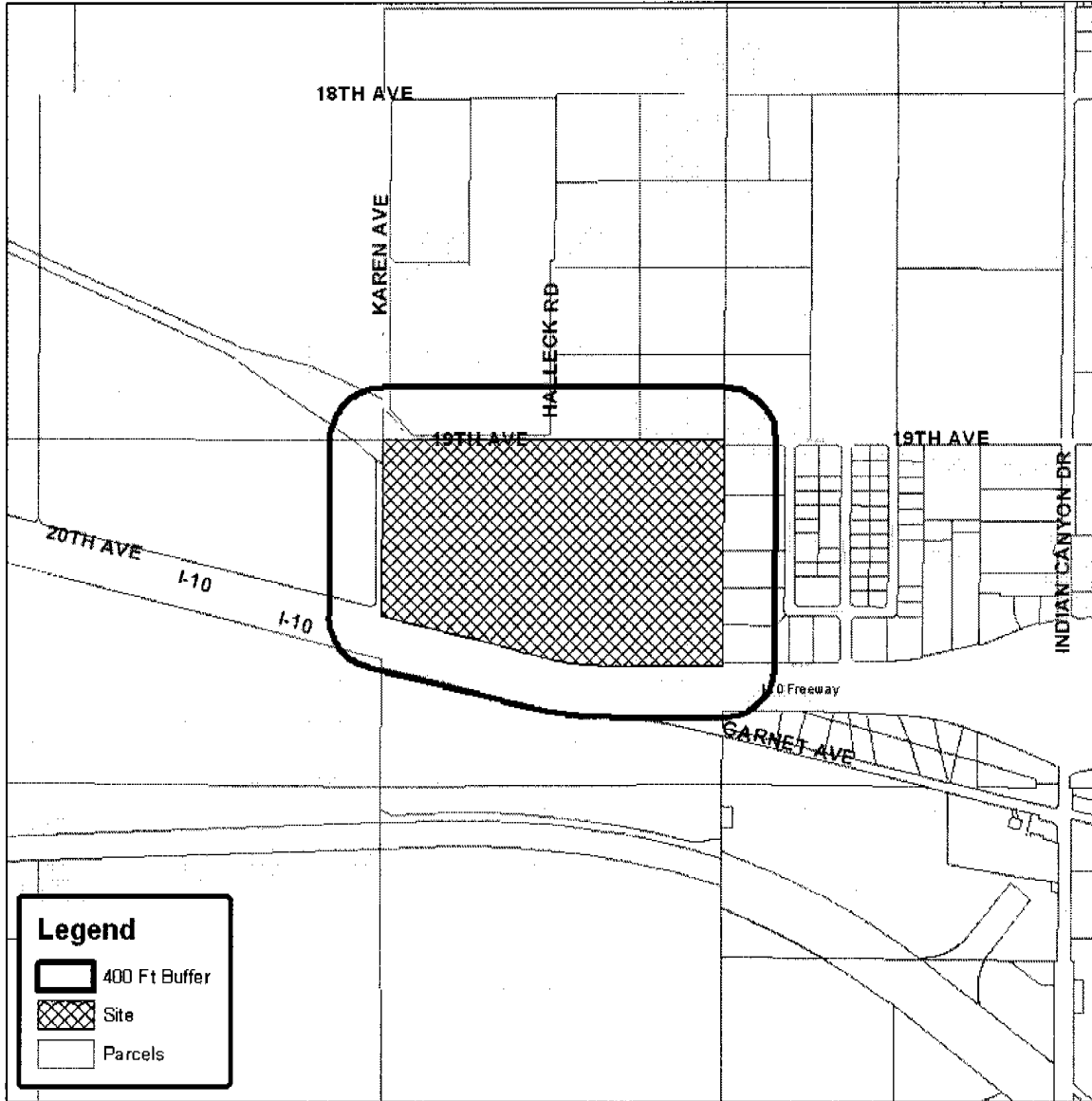
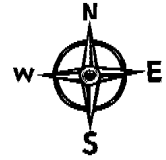
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, Associate Planner, (760) 323-8245.

Si necesita ayuda con esta carta, por favor 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 NO.: 5.1212 CZ and
TPM 36073

APPLICANT: Noble &
Company, LLC

DESCRIPTION: A request by Noble & Company, LLC for a Change of Zone from Energy-Industrial (E-I) to Manufacturing (M-2) for a 98-acre parcel at the southeast corner of 19th Avenue and Karen Avenue. The application includes a Tentative Parcel Map (TPM) proposal to subdivide the site into three parcels.