



Planning Commission Staff Report

Date: September 14, 2011

Case No.: TTM 36387 Reversion to Acreage

Application Type: Tentative Parcel Map to Revert to Acreage

Location: 2705 East Tahquitz Canyon Way

Applicant: Brandenburg Family Associates

Zone: PD-71A

General Plan: MDR (Medium Density Residential)

APN: 502-530-001 thru -003; 502-530-007 thru -039 and -073;
502-540-001 thru -040; 502-540-061, -062 and -077;
502-541-027 thru -082; 502-541-084 and -086

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

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION

The applicant is proposing to remove parcel lines for a previously approved subdivision of approximately 24.4 acres of vacant land located at 2705 East Tahquitz Canyon Way. The property is located at the northeast corner of Farrell Drive and Baristo Road, and abuts Tahquitz Canyon Way to the north.

RECOMMENDATION

That the Planning Commission recommend approval of the proposed Tentative Parcel Map for reversion to acreage to the City Council.

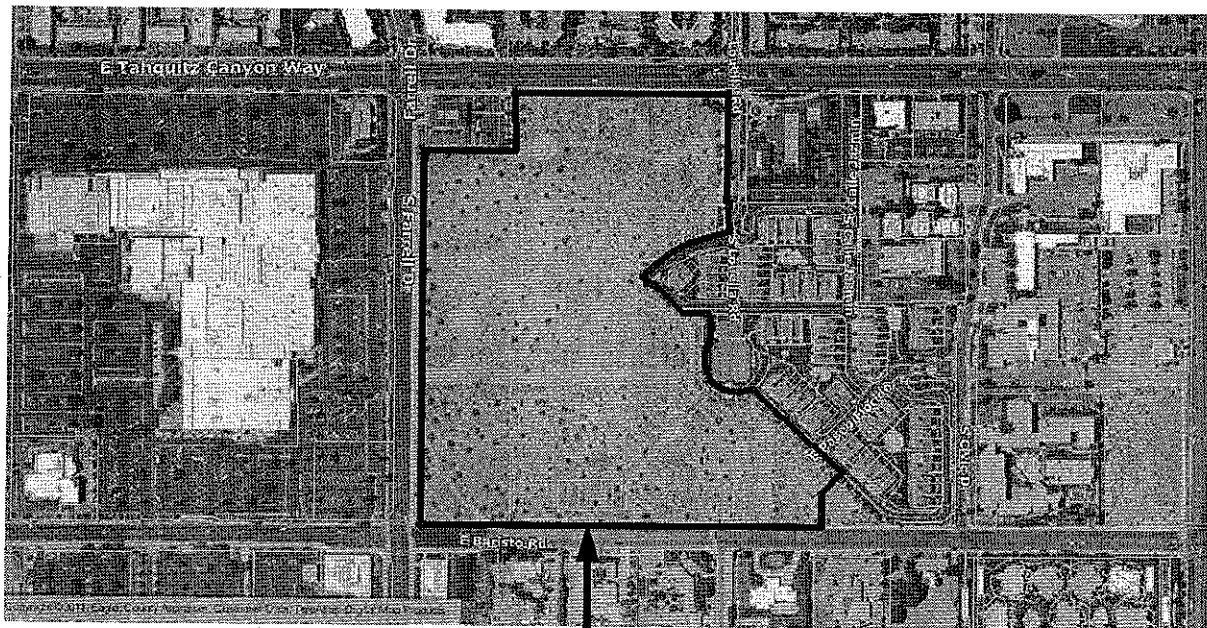
BACKGROUND AND SETTING

The project site is bounded on the north by Tahquitz Canyon Way, on the west by Farrell Drive, on the south by Baristo Road, and on the east by existing development that was part of an earlier phase of Tract Map 10346. The site was originally subdivided under Tract Map 10346 that contained 202 residential lots, six lots apparently intended for office use along Tahquitz Canyon Way and Farrell Drive, along with numbered common area lots and lettered street lots. The original project was partially constructed. 78 of the 202 residential units were constructed on the easterly portion of the original project site, and one office project was constructed at the southeast corner of Tahquitz Canyon Way and Louella Road.

In 2006, a new project was approved by the City Council to reconfigure the undeveloped lots into six condominium lots with a total of 156 residential units, two recreation areas, and internal access ways and common areas. The project was abandoned and is no longer a valid entitlement.

Table 1: Surrounding land uses, General Plan, Zoning

	Land Use	General Plan	Zoning
North	Apartments	HDR (High Density Residential)	R-3 (MFR & Hotel)
East	Offices and Condominiums	O (Office) and MDR (Medium Density Residential)	P and PD-71A
South	Single-Family Res'l	O and ER (Estate Residential)	P and R-1-A-H
West	Shopping Center	CSC (Community Shop. Center)	C-S-C



Proposed Reversion to Acreage

ANALYSIS

The process to revert subdivided property to acreage is outlined in Chapter 9.66 "Reversions" of the Palm Spring Municipal Code (PSMC) and Section 66499.11-66499.20 of the Subdivision Map Act. A reversion may be initiated by either the City Council or property owners. In this case, the property owner of all parcels has initiated the proceedings for reversion.

Pursuant to Section 9.66.044 of the PSMC, a reversion to acreage application requires a review and recommendation from the Planning Commission to the City Council. Prior to approving such an application, the Council is required to find that,

- (a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and*
- (b) Either*
 - (1) All owners of an interest in the real property within the subdivision have consented to reversion; or*
 - (2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or*
 - (3) No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record.*

Since all the streets within the subdivision were private, there were / are no dedications or offers of dedication to be vacated or abandoned by the reversion to acreage. All owners of an interest in the real property within the subdivision have consented to the reversion. Therefore, the proposed reversion is consistent with the required findings.

ENVIRONMENTAL ASSESSMENT

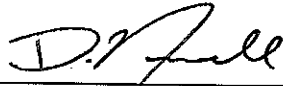
The project is categorically exempt from environmental review pursuant to Section 15305(c) (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act (CEQA).

CONCLUSION:

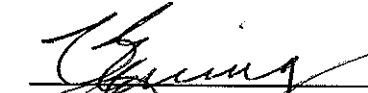
Based on the above analysis, Staff finds the project to be consistent with the requirements of Chapter 9.66 of the Palm Springs Municipal Code and Section 66499.11 through 66499.20 of the Subdivision Map Act. Staff recommends that the Planning Commission recommend approval of Tentative Parcel Map 36387 to the City Council.

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.



David A. Newell
Associate Planner



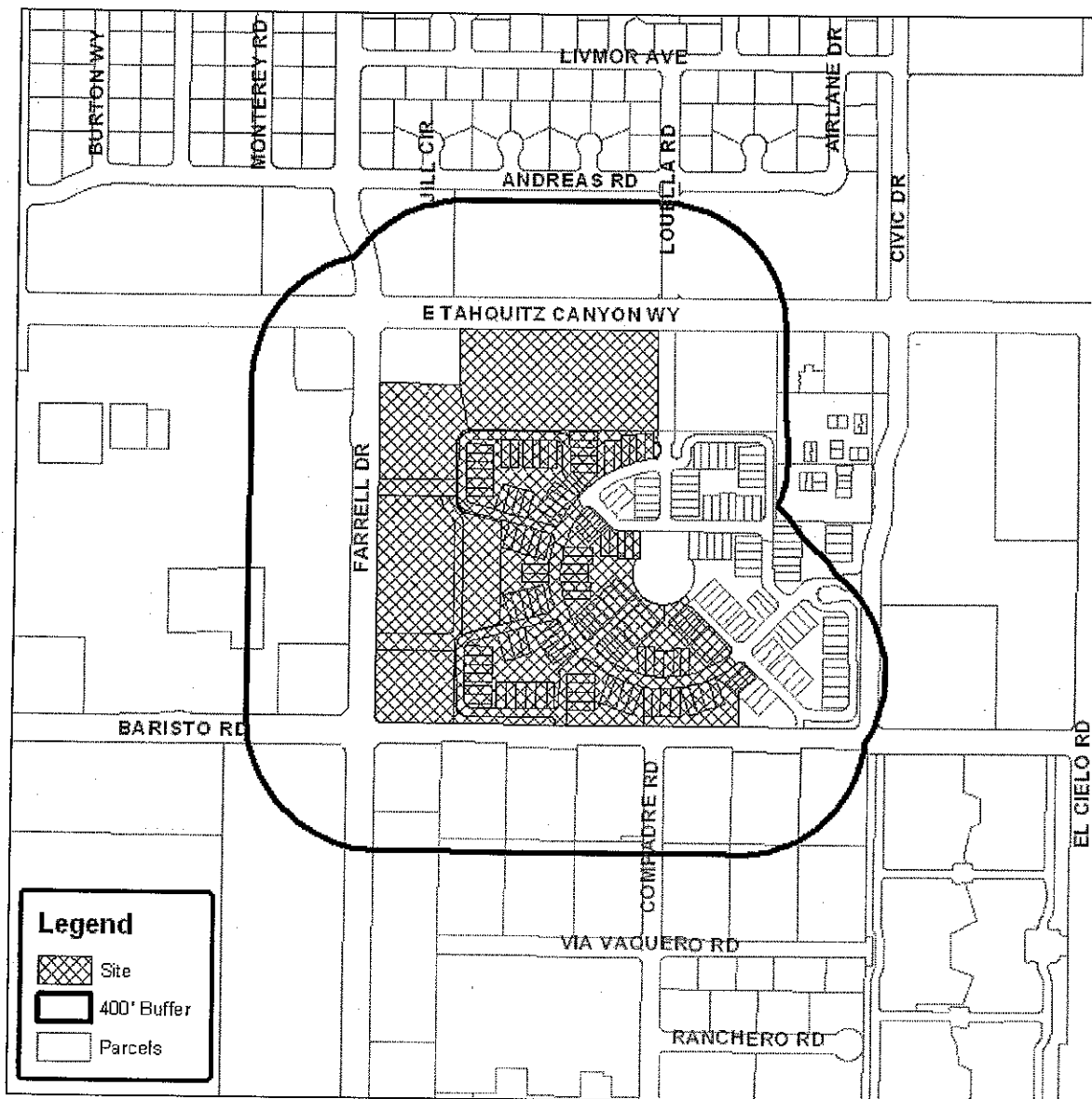
Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS

1. Vicinity Map
2. Tentative Parcel Map 36387
3. Draft Resolution with Conditions of Approval



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: TPM 36387

APPLICANT: Brandenburg Family Associates

DESCRIPTION: To consider an application by Brandenburg Family Associates to eliminate lot lines and revert approximately 24.4 acres of vacant property to one single parcel. The property is located at the northeast corner of Farrell Drive and Baristo Road, and abuts Tahquitz Canyon Way to the north, Zoned PD-71A / PD-71B, Section 13.

TENTATIVE PARCEL MAP NO. 36387

IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
 BEING A REVISION TO ACREAGE OF A PORTION OF THE AMENDED MAP OF TRACT NO. 10346, ON FILE IN BOOK 97, PAGES 72 TO 81, INCLUSIVE, OF MAPS, O.R., BEING IN THE SOUTHEAST QUARTER OF SECTION 13, T.4S., R.4E., S.B.M.

MAY - 2011



SURVEYOR'S NOIES

BASES OF BEARINGS, THE NUMBER OF BEARINGS FOR THIS SURVEY IS THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 13, T.4S., R.4E., S.B.M. EAST, S.B.M. ALSO BEING THE CENTRAL LINE OF TAHQUITZ CANYON WAY, AS SHOWN ON THE AMENDED MAP OF TRACT NO. 10346, ON FILE IN BOOK 97, PAGES 72 TO 81, INCLUSIVE, OF MAPS, O.R., BEING IN THE SOUTHEAST QUARTER OF SECTION 13, T.4S., R.4E., S.B.M. TAKEN AS N 89°58'17" W.

● INDICATES FOUND MONUMENT AS NOTED.

○ INDICATES SET 1" I.P. "P.L.S. 4889", FLUSH, UNLESS NOTED OTHERWISE

(-) INDICATES RECORD DATA PER AMENDED TRACT NO. 10346, MB 97/72-81.

REAR INDICATES RECORD AND MEASURED.

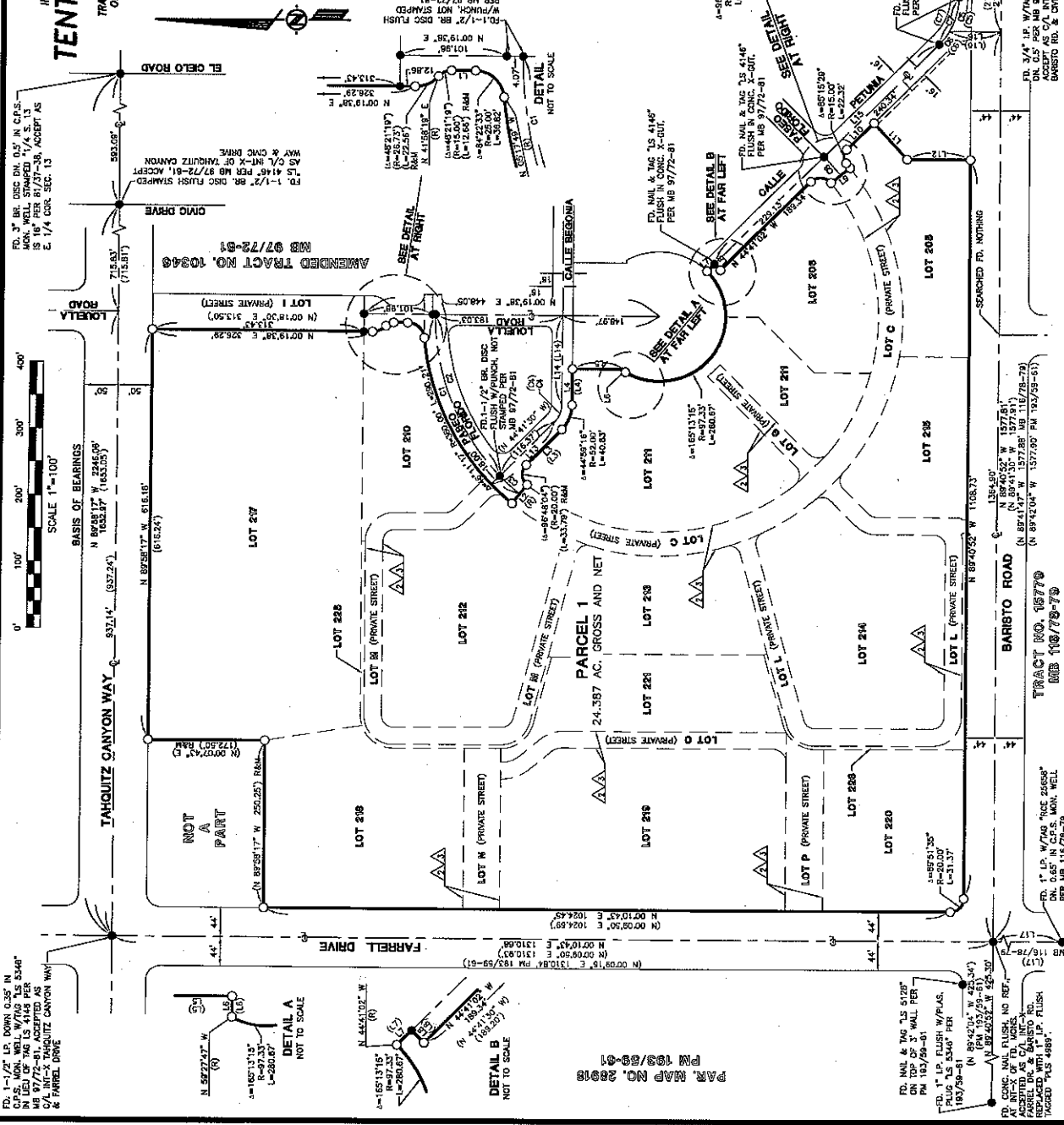
⊕ INDICATES CENTERLINE

TOTAL GROSS AREA = 24.387 ACRES (WITHIN DISTINCTIVE BORDER)

ALL LOT LINES WITHIN DISTINCTIVE BORDER OF THIS MAP TO BE DELETED BY REVISION TO ACREAGE BY THE RECORDING OF PARCEL MAP NO. 36387

EASEMENT NOTES:

- AN EASEMENT FOR WATER CONDUITS AND INCIDENTAL PURPOSES, IN FAVOR OF PARCEL MAP NO. 18379, IS SHOWN ON THIS MAP. THE EASEMENT IS SHOWN ON PAGE 471, O.R. (CANNOT BE LOCATED FROM THE RECORD)
- EASEMENTS FOR GASES, WATER AND PUBLIC UTILITIES ARE SHOWN ON LOTS 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.
- EASEMENTS FOR PIPE LINES AND INCIDENTAL PURPOSES, IN FAVOR OF TOWER CABLES COMPANY, PER INSTRUMENT NO. 216081, RECORDED IN BOOK 97, PAGE 72, O.R. (CANNOT BE LOCATED FROM THE RECORD)
- EASEMENTS FOR WALLS, ENCROACHMENTS, UTILITIES, INGRESS AND EGRESS AND INCIDENTAL PURPOSES PER INSTRUMENT NO. 233274, RECORDED 11/17/79, O.R. (UNLOCALIZED); DISSEMENTS TO BE ABANDONED BY REVISION TO ACREAGE(S).



LINE DATA

NO.	BEARING	LENGTH
1	N 0°13'30" E	253.77
2	N 89°58'17" W	516.18
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100	N 89°58'17" W	516.18

CURVE DATA

NO.	DELTA	RADIUS	LENGTH
1	111.111°	516.18	516.18
2	111.111°	516.18	516.18
3	111.111°	516.18	516.18
4	111.111°	516.18	516.18
5	111.111°	516.18	516.18
6	111.111°	516.18	516.18
7	111.111°	516.18	516.18
8	111.111°	516.18	516.18
9	111.111°	516.18	516.18
10	111.111°	516.18	516.18
11	111.111°	516.18	516.18
12	111.111°	516.18	516.18
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52	111.111°	516.18	516.18
53	111.111°	516.18	516.18
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55	111.111°	516.18	516.18
56	11		

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE PARCEL MAP (TPM) 36387, A REVERSION TO ACREAGE TO CREATE ONE PARCEL FROM 24.4-ACRES OF LAND PREVIOUSLY SUBDIVIDED LOCATED AT THE NORTHEAST CORNER OF FARRELL DRIVE AND BARISTO ROAD.

WHEREAS, Brandenburg Family Associates ("Applicant") has filed an application with the City pursuant to Section 9.66 of the Palm Springs Municipal Code and Section 66499.11 through 66499.20 of the Subdivision Map Act, for a reversion to acreage, TPM 36387, to remove parcel lines for a previously approved 24.4-acre subdivision of vacant land located northeast corner of Farrell Drive and Baristo Road (2705 East Tahquitz Canyon Way), Zone PD-71A, Section 13; and

WHEREAS, notice of the public hearing of the Planning Commission of the City of Palm Springs to consider TPM 36387, was given in accordance with applicable law; and

WHEREAS, on September 14, 2011, a public hearing on the application for TPM 36387 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") and the project is categorically exempt under Section 15305(c) of the CEQA Guidelines; 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: The Planning Commission finds that Tentative Parcel Map 36387 is Categorically Exempt from environmental review pursuant to Section 15305(c) (Class 5 – Minor Alterations in Land Use Limitations) of the California Environmental Quality Act (CEQA).

Section 2: Pursuant to Section 9.66 of the Palm Springs Municipal Code and Section 66499.11 through 66499.20 of the Subdivision Map Act, subdivided real property may be reverted to acreage only if the legislative body finds that,

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

(b) Either

- (1) All owners of an interest in the real property within the subdivision have consented to reversion; or*
- (2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or*
- (3) No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record.*

Section 3: The Planning Commission finds that there are no dedications or offers of dedication to be vacated or abandoned by the reversion to acreage, and all owners of an interest in the real property within the subdivision have consented to the reversion. Therefore, the proposed reversion is consistent with the required findings.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission recommends that the City Council approve Tentative Parcel Map 36387, subject to those conditions set forth in the attached Exhibit A..

ADOPTED this 14th day of September, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

TPM 36387

Brandenburg Family Associates
2705 East Tahquitz Canyon Way
(northeast corner of Farrell Drive and Baristo Road)

September 14, 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 Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

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

PLANNING

ADMINISTRATIVE

- ADM 1. Project Description. This approval is for the project described per Case TPM 36387, except as modified by the conditions below;
- ADM 2. Reversion to Acreage. This approval is for Tentative Parcel Map (TPM) 36387, reversion to acreage, located at 2705 East Tahquitz Canyon Way. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.
- ADM 3. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 4. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning TPM 36387. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm

Springs and the applicant will either undertake defense of the matter or pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive further indemnification hereunder, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ADM 5. Time Limit on Approval. Approval of TPM 36387 shall be valid for a period of two (2) years from the effective date of the approval, unless an extension is granted by the Subdivision Map Act and / or the Planning Commission and City Council. Extensions of time may be granted upon demonstration of good cause.

ADM 6. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00.

ENGINEERING DEPARTMENT

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

MAP

ENG 1. 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. The Parcel Map shall be approved by the City Council prior to recordation of the Parcel Map.

ENG 2. Upon approval of a parcel map, the parcel map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or

Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

- ENG 3. In accordance with Palm Springs Municipal Code 9.66.080, upon recordation of Parcel Map No. 36387, all remaining securities associated with the Subdivision Improvement Agreement (A1666) for underlying Final Tract Map 10346 may be released.

END OF CONDITIONS