



## CITY COUNCIL STAFF REPORT

DATE: October 19, 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 30-ACRE PARCEL NORTH OF 19<sup>TH</sup> AVENUE AND EAST OF HALLECK AVENUE. THE APPLICATION INCLUDES A TENTATIVE PARCEL MAP (TPM 35681) TO SUBDIVIDE THE 30-ACRE PARCEL INTO SIX PARCELS. SECTION 15 (APN 666-320-007, 009 and 013)

CASE: 5.1209 CZ TPM 35681

FROM: David H. Ready, City Manager

BY: Craig Ewing, AICP, Director of Planning Services

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### SUMMARY

The applicant, Noble & Company is requesting a change of zone (CZ) from E-I to M-2 for a roughly 30-acre parcel on the north side of 19<sup>TH</sup> Avenue east of Halleck Avenue. The application includes a Tentative Parcel Map (TPM) to subdivide the property into six parcels. A public hearing is required.

### RECOMMENDATION:

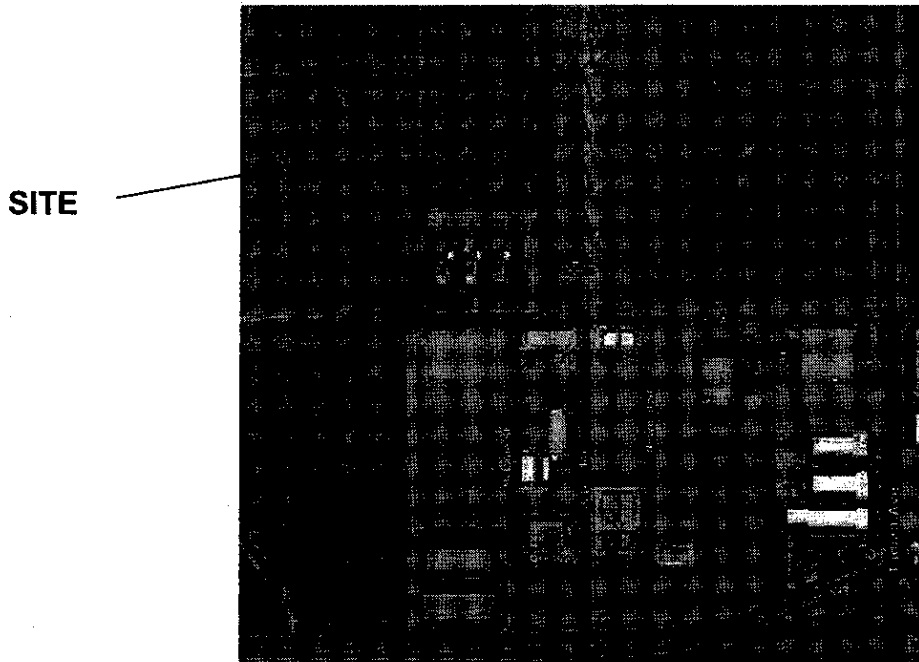
Introduce on first reading Ordinance No. \_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A CHANGE OF ZONE FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING) FOR A ROUGHLY 30-ACRE PARCEL (APN 666-320-007, 009, and 013)"

Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 35681 TO SUBDIVIDE 30 ACRES (APN 666-320-007, 666-320-009, AND 666-320-013), SECTION 15, INTO SIX PARCELS (CASE 5.1209CZ TPM 35681)"

ITEM NO. 16

**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 north side of 19th Avenue (which is a secondary thoroughfare in the General Plan), east of Halleck Avenue. It is immediately adjacent to the "peaker plant", a gas powered electrical generating plant.



**AERIAL PHOTO SHOWING THE SUBJECT PARCEL.**

The parcels are currently vacant, with sparse natural desert scrub vegetation. The northeastern parcel has a topographical condition comprising a drainage swale in the north-south direction. The parcels slope gently upward from south to north. The applicant is proposing to subdivide the existing three parcels into six parcels with access from a proposed new public street.

The 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 (Wind Turbines)	Industrial	M-2
South	Industrial (Gas Electrical Generating Plant)/Vacant	Industrial	M-2
West	Vacant	Industrial	E-1

**ANALYSIS:**

General Plan

The subject property is designated Industrial (0.5 FAR) in the General Plan. This designation is intended to promote areas of development of industrial uses that do not detract from the City's desire to be a premier resort community. Industrial uses within the City will expand the City's job base and are therefore important to the City's overall economic vitality and balance of land uses. The parcels are also within the Wind Energy Overlay. This overlay is intended to identify areas where WECS (Wind Energy Conversion Systems) or wind turbines are allowed. Not more than 15% of the total acreage in this overlay area may be developed with industrial and/or regional business center uses (depending on the underlying General Plan land use designation).

Zoning

The easternmost parcel (APN 666-320-013) is zoned M-2 (Manufacturing) and the other two parcels (APN 666-320-007 and 009) are zoned E-I (Energy-Industrial). The change of zone application proposes that the two lots presently zoned Energy-Industrial be changed to the M-2 zone (Manufacturing).

The proposed subdivision and M-2 Zone development standards are analyzed in Table 2.

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

	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 (abutting a secondary)	8.65 acres	585 feet	644 feet
Lot 2	100	150	9.14 acres	620 feet (average)	664 feet
Lot 3	100	150	1.99 acres	254 feet	290 feet (average)
Lot 4	100	150	2.41 acres	300 feet (average)	290 feet (average)
Lot 5	100	150	2.44 acres	332 feet	332 feet
Lot 6	100	150	2.45 acres	328 feet	332 feet

As noted, all proposed lots within TPM 35681 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.*

Alternative energy industries such as solar collectors, Wind Energy Conversion Systems (WECS), cogeneration plants, and natural gas powered electrical generation plants are permitted within the M-2 zone with a Conditional Use Permit (CUP). These uses are also permitted with a CUP in the E-I zone. 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 the more expansive set of development opportunities permitted in the M-2 zone, without the 15% limitation imposed by the E-I zone.

There currently are no WECS (wind turbines) on any of the subject parcels. The applicant has noted that the parcels under consideration are not viable wind sites because of wind access setbacks (between rows of turbines) from existing turbines. Up-wind projects (or anticipated re-powering of existing upwind projects) make the subject land non-viable for wind development.

#### **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 M-2 zone conforms to the General Plan Land Use Designation of Industrial. Of the three parcels that comprise this project one is already zoned M-2, thus, the applying the proposed M-2 zone to the other two parcels would establish a contiguous M-2 zone with other land with the same zone designation. The General Plan Industrial land use designation encourages manufacturing and industrial uses of the type that are permitted in the M-2 zone that are not detrimental to the premier resort nature of Palm Springs. Staff therefore believes the proposed change of zone and land uses permitted therein are in conformity with the General Plan. The change of zone will permit greater development density because the E-1 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.

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 six 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. 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 Subdivision Map Act.

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

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The proposed project is consistent with the General Plan designation of Industrial land use which allows a maximum density of 0.5 FAR (Floor area ratio) per lot.

- 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 without major topographical features or challenges. Manufacturing and industrial uses are already developed in the vicinity of the project site. Drainage issues, if any, will be addressed as a condition of approval. Roadways are proposed that meet or exceed the minimum standards set forth by the City's Public Works Department. The site is immediately adjacent to major and secondary thoroughfares that, upon final buildout, 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 0.5 FAR as the allowable maximum density outlined in the General Plan. The lots are generally flat and lack any challenging topography or other physical barriers to development. 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 the project is not likely to cause environmental damage or substantially and avoidably injure 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 develop that is anticipated. Proposed 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. Comments were received and Staff has responded to all comments. The comments did not provide any new information or cause further analysis to be initiated. 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.

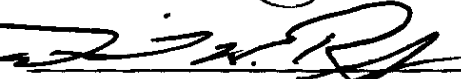
#### **NOTIFICATION:**

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.

FISCAL IMPACT: None.

  
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Craig A. Ewing, MCF,  
Director of Planning Services

  
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Thomas J. Wilson,  
Assistant City Manager

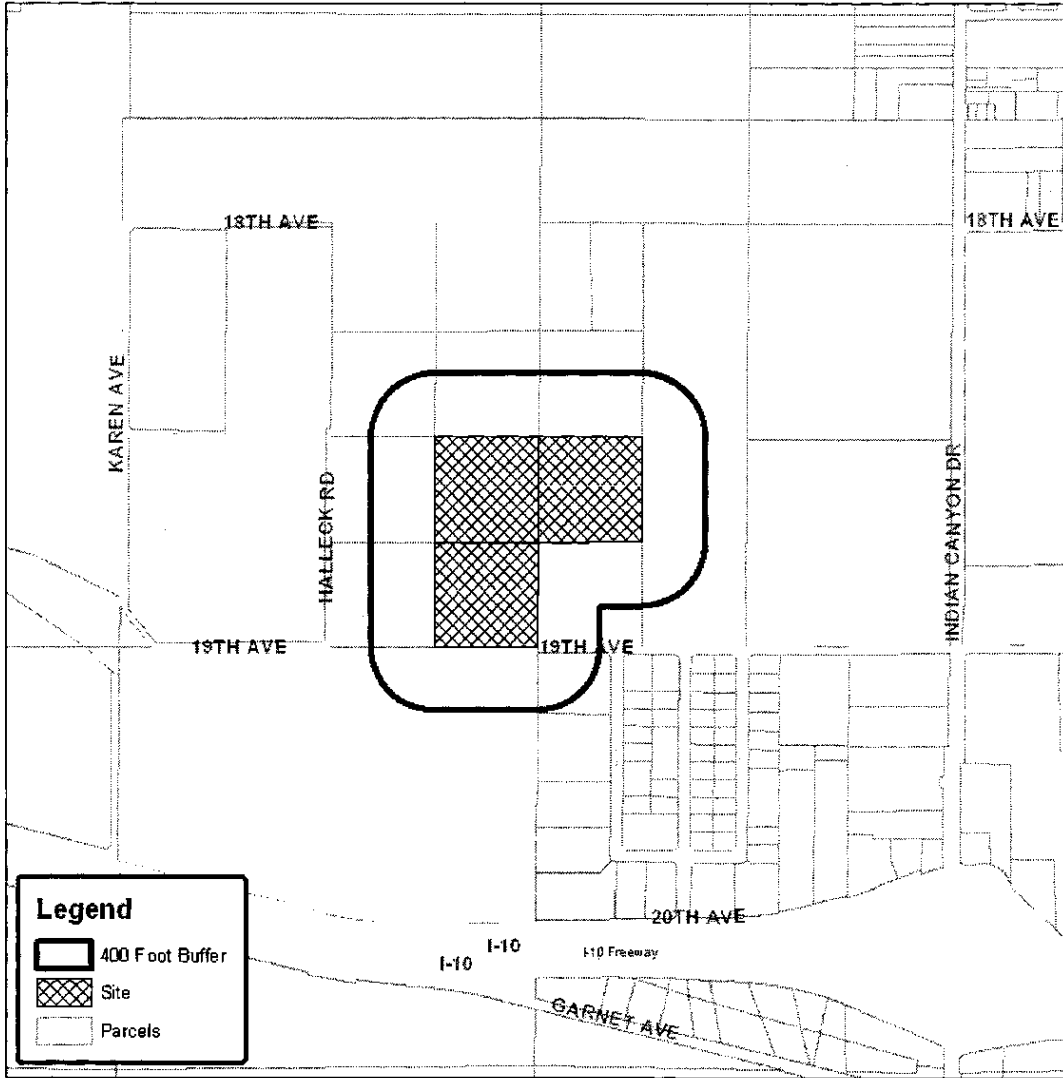
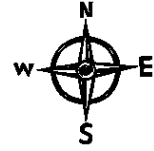
  
\_\_\_\_\_  
David H. Ready, City Manager

#### **Attachments:**

1. 400' Vicinity Map
2. Draft Ordinance
3. Draft Resolution and Conditions of Approval
4. Minutes of Planning Commission Meeting of September 28, 2011
5. Planning Commission Staff Report and Resolution No. 6231
6. Tentative Parcel Map 35681



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE:** 5.1209 CZ  
TPM 35681

**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 an approximately 30 acre parcel north of 19<sup>th</sup> Avenue, west of Indian Canyon Drive, and east of Karen Avenue. The application includes a Tentative Parcel Map (TPM) proposing to subdivide the site into 6 parcels.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 35681 TO SUBDIVIDE 30 ACRES (APN 666-320-007, 666-320-009, AND 666-320-013), SECTION 15, INTO SIX PARCELS (CASE 5.1209CZ TPM 35681)

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 30 acre parcel, north of 19<sup>th</sup> Avenue and east of 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 5.1209 CZ TPM 35681 was given in accordance with applicable law; and

WHEREAS, on September 28, 2011, a public meeting on Case 5.1209 CZ TPM 35681 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 and voted 6-0-1 (Klatchko absent) to approve the project and recommend approval by the City Council subject to conditions of approval.

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1209 CZ TPM 35681, was given in accordance with applicable law; and

WHEREAS, on October 19, 2011, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, at said public hearing the City Council considered Case 5.1209 CZ TPM 35681 Change of Zone, including the staff report, the associated MND, and all written and public testimony related to Case 5.1209 CZ TPM 35681.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE 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 Municipal Code Chapter 9.64 (Maps) and the State of California Subdivision Map Act Section 66474, the City Council 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 Industrial land use which allows a maximum density of 0.5 FAR (Floor area ratio) per lot.*

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. 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 without major topographical features or challenges. Manufacturing and industrial uses are already developed in the vicinity of the project site. Drainage issues, if any, will be addressed as a condition of approval. Roadways are proposed that meet or exceed the minimum standards set forth by the City's Public Works Department. The site is immediately adjacent to major and secondary thoroughfares that, upon final build out, would be conducive for carrying traffic to future industrial uses on the site. Therefore, 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 0.5 FAR as the allowable maximum density outlined in the General Plan. The lots are generally flat and lack any challenging topography or other physical barriers to development. 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 the project is not likely to cause environmental damage or substantially and avoidably injure 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 develop that is anticipated. Proposed 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.*

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves Case 5.1209 CZ TPM 35681 a Tentative Parcel Map subdividing into six parcels a roughly 30 acre parcel north of 19<sup>th</sup> Avenue and east of Halleck Avenue, subject to the attached conditions set forth in Exhibit A.

ADOPTED this 19<sup>th</sup> day of October, 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 \

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 30-ACRE PARCEL (APN 666-320-007, 009, and 013) FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING); THE PARCEL IS LOCATED NORTH OF 19<sup>TH</sup> AVENUE AND EAST OF HALLECK AVENUE, SECTION 15.

WHEREAS, On April 14, 2008, Noble & Company (the Applicant) filed an application for a Change of Zone, requesting to change the zoning designation of an approximately 30 acre parcel identified as APN 666-320-007, 009, and 013 from zone E-I (Energy Industrial) to zone M-2 (Manufacturing); 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 30 acre parcel into six lots; and

WHEREAS, a notice of public hearing for Case 5.1209 CZ TPM 35681 was given in accordance with applicable law; and

WHEREAS, on September 28, 2011, a public meeting on Case 5.1209 CZ TPM 35681 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, at said hearing the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented and voted 6-0-1 (Klatchko absent) to approve the Change of Zone and Tentative Parcel Map and recommend its approval to the City Council subject to Conditions of Approval.

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1209 CZ TPM 35681, was given in accordance with applicable law; and

WHEREAS, on October 19, 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 5.1209 CZ TPM 35681, and

WHEREAS, at said public hearing the City Council considered Case 5.1209 CZ TPM 35681 Change of Zone, including the staff report, the associated MND, and all written and public testimony related to Case 5.1209 CZ TPM 35681.

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 (Change of Zone) –*“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 M-2 zone conforms to the General Plan Land Use Designation of Industrial. Of the three parcels that comprise this project one is already zoned M-2, thus, the applying the proposed M-2 zone to the other two parcels would establish a contiguous M-2 zone with other land with the same zone designation. The General Plan Industrial land use designation encourages manufacturing and industrial uses of the type that are permitted in the M-2 zone that are not detrimental to the premier resort nature of Palm Springs. The proposed change

of zone and land uses permitted therein are in conformity with the General Plan. 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.

*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 six 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 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. 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 5.1209 CZ Change of Zone and a thirty-day waiting period before it is effective allowing the approval of Case 5.1209 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 30 acre parcel in conjunction with Case 5.1209 CZ TPM 35681.

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 19<sup>th</sup> day of October, 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:

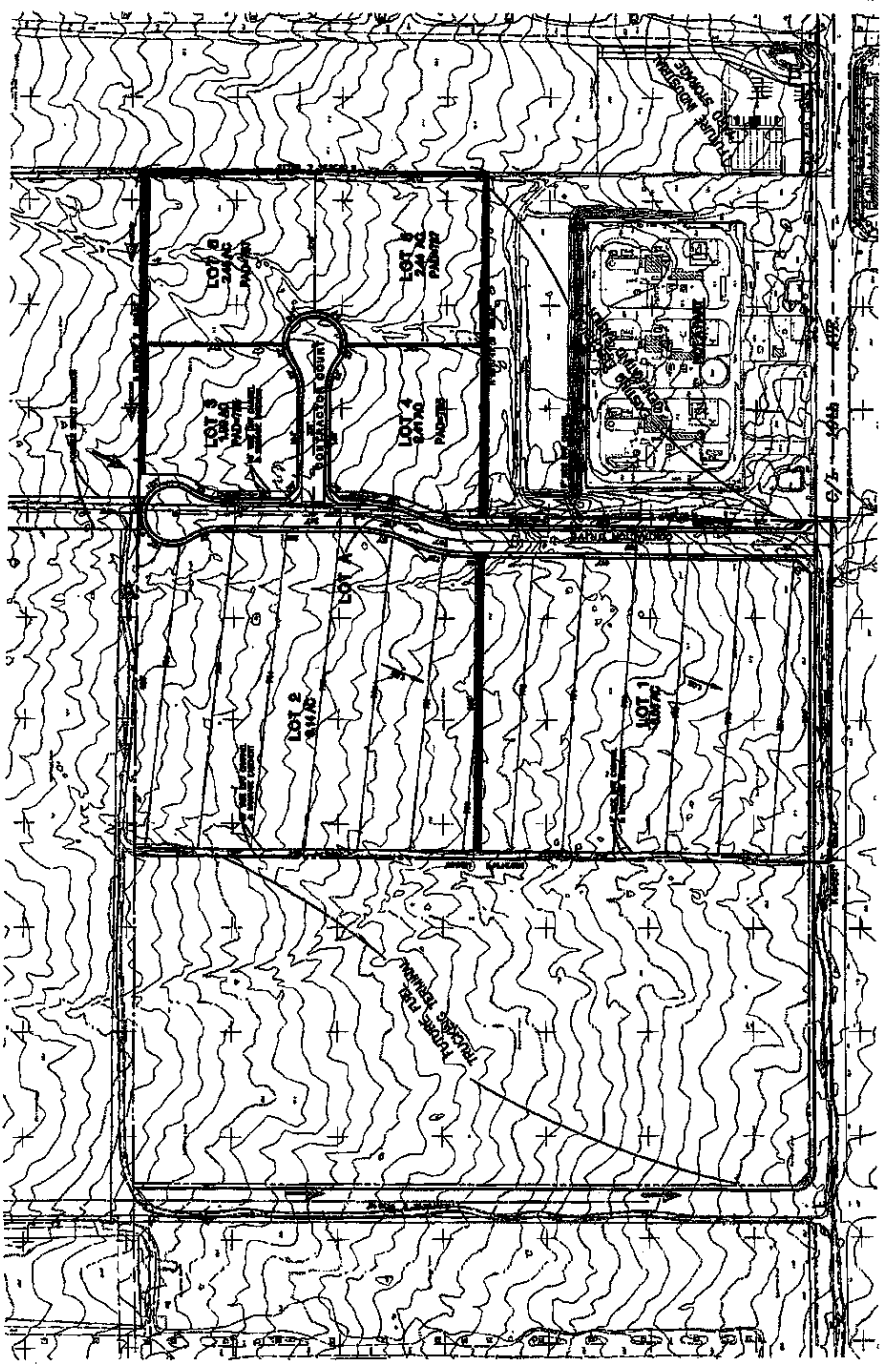
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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



**TENTATIVE PARCEL MAP NO. 35681**

NO.	REVISIONS	DATE



**TENTATIVE PARCEL MAP NO. 35681**

**OWNER'S DECLARATION**  
 I, the undersigned, being the owner of the above described property, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same is in accordance with the facts and circumstances of the property.

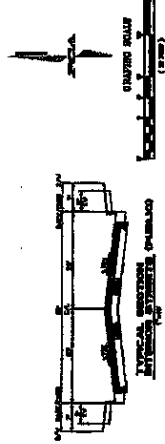
**NOTARIES PUBLIC**  
 My commission expires on \_\_\_\_\_, 20\_\_.

**ADJACENT PARCELS**  
 TO THE NORTH: \_\_\_\_\_  
 TO THE SOUTH: \_\_\_\_\_  
 TO THE EAST: \_\_\_\_\_  
 TO THE WEST: \_\_\_\_\_

**NOTES:**  
 1. THIS MAP IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY.  
 2. THE CITY OF FALLS SPRING HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY CODE.  
 3. THE CITY OF FALLS SPRING HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY CODE.

**FLOOD AND FLOOD ZONES:**  
 THIS MAP IS NOT A FLOOD ZONE MAP. FOR FLOOD ZONE INFORMATION, CONTACT THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AT 1-800-358-6242.

**EARTHQUAKE DATA:**  
 THIS MAP IS NOT AN EARTHQUAKE HAZARD MAP. FOR EARTHQUAKE HAZARD INFORMATION, CONTACT THE U.S. GEOLOGICAL SURVEY AT 1-800-358-6242.



PREPARED BY <b>PLANNING SERVICES</b>	CITY OF FALLS SPRING TENTATIVE PARCEL MAP NO. 35681
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**RECEIVED**

APR 15 2008

**PLANNING SERVICES**

NO. 35681

1. CONSENT CALENDAR:

- 1A. Case 5.0856 CUP - A request by Freeway Development, LLC, for a one-year time extension for a previously approved Conditional Use Permit for a 65-unit hotel with two drive-thru restaurants located at 610 West Garnet Avenue, Zone M-1-P, Section 15. (Project Planner, Glenn Mlaker, AICP, Assistant Planner)

**ACTION:** To approve a one-year time extension from August 13, 2011 to August 12, 2012. Motion J.R. Roberts, seconded by Leslie Munger and unanimously carried 5-0 on a roll call vote.

**AYES:** Leslie Munger, Tracy Conrad, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson  
**ABSENT:** Philip Klatchko

2. OTHER BUSINESS:

- 2A. Case SP 11-009 Sign Program - A request by Best Signs, Inc. to implement a sign program for a restaurant, hotel and tennis club complex located at 701 West Baristo Road, Zone R-2 and R-G-A (8), Section 15. (Project Planner: David A. Newell, Associate Planner)

David Newell, Associate Planner, provided background information as outlined in the staff report dated September 26, 2011.

Commissioner Conrad expressed appreciation that the applicant brought forward the sign program; however, she noted that some of the sign design did not appear to be in keeping with the historic features of the site.

Commissioner Munger spoke in favor of the proposed signage.

**ACTION:** To approve, subject to Conditions of Approval. Motion J.R. Roberts, seconded by Leslie Munger and unanimously carried 5-0 on a roll call vote.

**AYES:** Leslie Munger, Tracy Conrad, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson  
**ABSENT:** Philip Klatchko

3. PUBLIC HEARINGS:

- 3A. Case 5.1209 CZ / TPM 35681 - A request by Noble & Company for a Change of Zone (CZ) from Energy Industrial (E-I) to Manufacturing (M-2) and a Tentative Parcel Map (TPM) 35681 to subdivide a roughly 30 acre parcel into 6 parcels, located north of 19th Avenue and west of Indian Canyon Drive, Zone E-I, Section 15. (Project Planner: Ken Lyon, Associate Planner)

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated September 28, 2011.

Chair Donenfeld opened the public hearing:

-Fritz Noble, applicant, stated that the parcels under consideration are not viable wind sites because of wind access setbacks from the surrounding turbines. He requested that engineering condition #35 specify that the bond will be required at the time of grading permit.

There being no further appearances the public hearing was closed.

**ACTION:** To adopt the draft Negative Declaration and approve Case 5.1209 Change of Zone and Tentative Parcel Map 35681, subject to Conditions of Approval, as amended:

-Engineering Condition #35, to be modified to include, "at the time a grading permit is issued."

Motion Tracy Conrad, seconded by Vice Chair Hudson and unanimously carried 5-0 on a roll call vote.

**AYES:** Leslie Munger, Tracy Conrad, J.P. Roberts, Chair Donenfeld, Vice Chair Hudson  
**ABSENT:** Philip Klatenko

3B. Case 5.1272 ZTA - An application by the City of Palm Springs to amend the Palm Springs Zoning Code to establish regulations allowing off-site advertising displays (billboards). (A. Ewert, AICP, Director of Planning Services)

Director Ewert provided background information as outlined in the staff report dated September 28, 2011.

Chair Donenfeld opened public comments:

-Betsy Hayes-Gonzalez, real estate leasing manager, Lamar Outdoor Advertising, stated that their intent is not to bring a large number of signs to the city but provide information and help promote business for merchants by reaching out to tourists.

-William Houck, digital manager for Lamar Advertising, reiterated that they are not looking at building new billboards but instead use new digital technology that will allow them to maximize the real estate footprint.

There being no further appearances the public hearing was closed.



## Planning Commission Staff Report

Date: September 28, 2011

Case: 5.1209 CZ and TPM 35681

Application Type: Change of Zone and Tentative Parcel Map

Location: North of 19th Avenue and west of Indian Canyon Drive

Applicant: Fred Noble for Wintec Energy, LP

Zone: E-I and M-2

General Plan: Industrial / Wind Energy Overlay

APN: 666-320-007, 009 and 013

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

Project Planner: Ken Lyon, Associate Planner

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### **PROJECT DESCRIPTION:**

The application is a request by Fred Noble of Wintec Energy, LP, for Tentative Parcel Map 35681 to subdivide three parcels comprising approximately 30.19 acres into six lots. The project is located north of 19th Avenue and west of Indian Canyon Drive; Section 15/T3/R3. It is also a Change of Zone request to change the zone designation of two of the three parcels (APN 666-320-007, 009 and 013) from E-I (Energy-Industrial) to M-2 (Manufacturing).

### **RECOMMENDATION:**

That the Planning Commission recommends that the City Council:

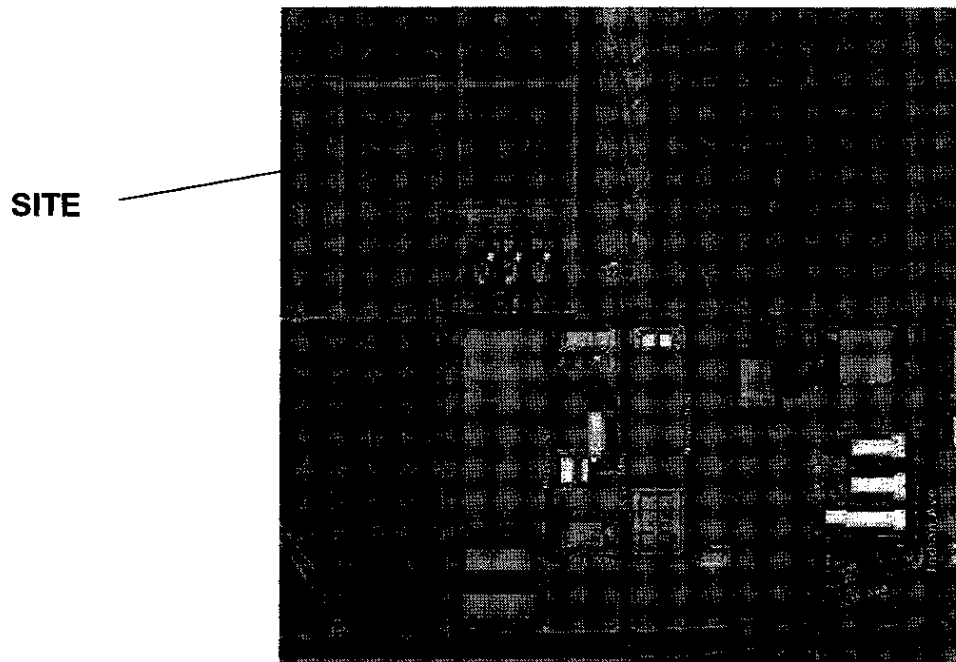
- Certify the Negative Declaration pursuant to the California Environmental Quality Act (CEQA),
- Approve Tentative Parcel Map 35681 as proposed and subject to the attached conditions of approval, and
- Approve the Change of Zone request for parcels 666-320-007, 009 and 013 from E-I (Energy Industrial) to M-2 (Manufacturing).

**PRIOR ACTIONS TAKEN ON THE PROJECT:**

There are no prior actions for this project.

**BACKGROUND AND SETTING:**

The subject site is located on the north side of the City of Palm Springs, north of Interstate 10. It is roughly sited west of Indian Canyon Drive on the north side of 19th Avenue (which is a secondary thoroughfare in the General Plan), immediately adjacent to the “peaker plant”, a gas powered electrical generating plant.



**AERIAL PHOTO SHOWING PROJECT AREA (INTERSTATE-10 IS AT THE BOTTOM OF THIS PHOTO)**

The parcels are currently vacant, with sparse natural desert scrub vegetation. The northeastern parcel has a topographical condition comprising a drainage swale in the north-south direction. The parcels slope gently upward from south to north. The applicant is proposing to subdivide the existing three parcels into six parcels with access from a proposed new public street.

The 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 (Wind Turbines)	Industrial	M-2
South	Industrial (Gas Electrical Generating Plant)/Vacant	Industrial	M-2
West	Vacant	Industrial	E-I

**ANALYSIS:**

General Plan

The subject property is designated Industrial (0.5 FAR) in the General Plan. This designation is intended to promote areas of development of industrial uses that do not detract from the City's desire to be a premier resort community. Industrial uses within the City will expand the City's job base and are therefore important to the City's overall economic vitality and balance of land uses. The parcels are also within the Wind Energy Overlay. This overlay is intended to identify areas where WECS (Wind Energy Conversion Systems) or wind turbines are allowed. Not more than 15% of the total acreage in this overlay area may be developed with industrial and/or regional business center uses (depending on the underlying General Plan land use designation).

Zoning

The easternmost parcel (APN 666-320-013) is zoned M-2 (Manufacturing) and the other two parcels (APN 666-320-007 and 009) are zoned E-I (Energy-Industrial). The change of zone application proposes that the two lots presently zoned Energy-Industrial be changed to the M-2 zone (Manufacturing).

The proposed subdivision and M-2 Zone development standards are analyzed in Table 2.

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

	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 (abutting a secondary)	8.65 acres	585 feet	644 feet
Lot 2	100	150	9.14 acres	620 feet (average)	664 feet
Lot 3	100	150	1.99 acres	254 feet	290 feet (average)
Lot 4	100	150	2.41 acres	300 feet (average)	290 feet (average)
Lot 5	100	150	2.44 acres	332 feet	332 feet
Lot 6	100	150	2.45 acres	328 feet	332 feet

As noted, all proposed lots within TPM 35681 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.*

Alternative energy industries such as solar collectors, Wind Energy Conversion Systems (WECS), cogeneration plants, and natural gas powered electrical generation plants are permitted within the M-2 zone with a Conditional Use Permit (CUP). These uses are also permitted with a CUP in the E-I zone. 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 the more expansive set of development opportunities permitted in the M-2 zone, without the 15% limitation imposed by the E-I zone.

There currently are no WECS (wind turbines) on any of the subject parcels. The applicant has noted that the parcels under consideration are not viable wind sites because of wind access setbacks (between rows of turbines) from existing turbines. Up-wind projects (or anticipated re-powering of existing upwind projects) make the subject land non-viable for wind development.

## **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 M-2 zone conforms to the General Plan Land Use Designation of Industrial. Of the three parcels that comprise this project one is already zoned M-2, thus, the applying the proposed M-2 zone to the other two parcels would establish a contiguous M-2 zone with other land with the same zone designation. The General Plan Industrial land use designation encourages manufacturing and industrial uses of the type that are permitted in the M-2 zone that are not detrimental to the premier resort nature of Palm Springs. Staff therefore believes the proposed change of zone and land uses permitted therein are in conformity with the General Plan. 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.

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 six 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. 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 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 Industrial land use which allows a maximum density of 0.5 FAR (Floor area ratio) per lot.

- 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 without major topographical features or challenges. Manufacturing and industrial uses are already developed in the



vicinity of the project site. Drainage issues, if any, will be addressed as a condition of approval. Roadways are proposed that meet or exceed the minimum standards set forth by the City's Public Works Department. The site is immediately adjacent to major and secondary thoroughfares that, upon final buildout, 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 0.5 FAR as the allowable maximum density outlined in the General Plan. The lots are generally flat and lack any challenging topography or other physical barriers to development. 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 the project is not likely to cause environmental damage or substantially and avoidably injure 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 develop that is anticipated. Proposed 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.

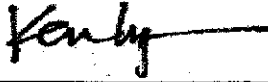
#### **ENVIRONMENTAL ASSESSMENT:**

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. Comments were received and Staff has responded to all comments. The comments did not provide any new information or cause further analysis to be initiated. 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.



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Ken Lyon  
Associate Planner

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Craig A. Ewing, AICP  
Director of Planning Services

**ATTACHMENTS**

- Vicinity Map
- Draft Resolution with Conditions of Approval
- Reduced copy of Tentative Parcel Map 35681

RESOLUTION NO. 6231

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF CASE 5.1209 CZ / TPM 35681, 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 30 ACRE PARCEL INTO SIX PARCELS NORTH OF 19<sup>TH</sup> AVENUE, EAST OF HALLETT AVENUE; ZONE E-I, SECTION 15/T3/R4; APN 666 320 007, 009, AND 013.

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 30 acre parcel, north of 19<sup>th</sup> Avenue and east of 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 5.1209 CZ TPM 35681 was given in accordance with applicable law; and

WHEREAS, on September 28, 2011, a public meeting on Case 5.1209 CZ TPM 35681 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 significant.

**Section 2:** Pursuant to PSZC Section 94.07.00 (Change of Zone), the Planning Commission finds 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 M-2 zone conforms to the General Plan Land Use Designation of Industrial. Of the three parcels that comprise this project one is already zoned M-2, thus, the applying the proposed M-2 zone to the other two parcels would establish a contiguous M-2 zone with other land with the same zone designation. The General Plan Industrial land use designation encourages manufacturing and industrial uses of the type that are permitted in the M-2 zone that are not detrimental to the premier resort nature of Palm Springs. The proposed change of zone and land uses permitted therein are in conformity with the General Plan. 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.

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 six 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 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. 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 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 Industrial land use which allows a maximum density of 0.5 FAR (Floor area ratio) per lot.*

- 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. 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 without major topographical features or challenges. Manufacturing and industrial uses are already developed in the vicinity of the project site. Drainage issues, if any, will be addressed as a condition of approval. Roadways are proposed that meet or exceed the minimum standards set forth by the City's Public Works Department. The site is immediately adjacent to major and secondary thoroughfares that, upon final build out, would be conducive for carrying traffic to future industrial uses on the site. Therefore, 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 0.5 FAR as the allowable maximum density outlined in the General Plan. The lots are generally flat and lack any challenging topography or other physical barriers to development. 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 the project is not likely to cause environmental damage or substantially and avoidably injure 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 develop that is anticipated. Proposed 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.*

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends that the City Council approves Case 5.1209 CZ TPM 35681 a change of zone from Energy Industrial (E-I) to Manufacturing (M-2) and a Tentative Parcel Map subdividing into six parcels a roughly 30 acre parcel north of 19<sup>th</sup> Avenue and east of Karen Avenue, subject to the attached conditions set forth in Exhibit A.

ADOPTED this 28th day of September 2011.

AYES: 5, Conrad, Vice Chair Hudson, Munger, Roberts and Chair Donenfeld  
NOES: None  
ABSENT: 1, Klatchko  
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

  
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Craig A. Ewing, AICP  
Director of Planning Services

RESOLUTION NO. 6231

EXHIBIT A

Case 5.1209 CZ TPM 35681  
A Change of Zone from E-1 to M-2 and a Tentative Parcel Map  
19<sup>th</sup> Avenue west of North Indian Canyon Drive

September 28, 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 5.1209 CZ TPM 35681; 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 (March 26, 2009), including site plans, tentative parcel map, 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 35681 located at 19<sup>th</sup> Avenue west of North Indian Canyon Drive date stamped March 26, 2009. 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 5.1209 CZ TPM 35681. 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. 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 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

- ADM 9. Community Services District. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.



## 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](http://www.dfg.ca.gov) for more information.
- ENV 3. 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 4. 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 5. 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 6. a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic

Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.

- b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

### **PLANNING DEPARTMENT CONDITIONS**

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 3. 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 4. Update of City's Zoning Map. Upon approval of the proposed Change of Zone, Tract Map and/or Planned Development District, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.

### **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. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. The proposed public streets shall be designed to convey the tributary 100-year stormwater runoff within proposed street right-of-way and public drainage easements. Final right-of-way and/or drainage easement widths shall be determined upon approval of a final hydraulic and hydrology study for this project.

### **LOT A: 19TH AVENUE**

- ENG 4. Dedicate the ultimate half street right-of-way of 44 feet along the entire frontage, together with a property line - corner cut-back at the northwest and northeast corners of the intersection of 19th Avenue and Contractor Drive, in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 5. Construct an 8 inch curb and gutter, 32 feet north of centerline along the entire frontage, to match existing curb and gutter east of the site, with a 35 feet radius curb return and spandrel at the northwest and northeast corners of the intersection of 19th Avenue and Contractor Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

- ENG 6. Construct a 6 feet wide cross gutter across the intersection of 19th Avenue and Contractor Drive with a flow line parallel with and located 32 feet north of the centerline of 19th Avenue in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 7. Construct a 5 feet wide sidewalk behind the curb along the entire frontage, in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 8. Construct Type A curb ramp meeting current California State Accessibility standards at the northeast and northwest corners of the intersection of 19th Avenue and Contractor Drive in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 9. 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 19th Avenue frontage 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.
- ENG 10. Install a redwood header along the new edge of pavement located along the centerline of 19th Avenue, as required by the City Engineer.
- ENG 11. All required street improvements for 19th Avenue shall be completed prior to approval of a Parcel Map, or shall be secured pursuant to a subdivision improvement agreement approved in conjunction with the approval of the Parcel Map.

**LOT B: CONTRACTOR DRIVE & CONTRACTOR COURT (PUBLIC STREETS)**

- ENG 12. Dedicate the ultimate full street right-of-way of 66 feet along the entire proposed street frontages, along with right-of-way appropriate to accommodate the two proposed cul-de-sacs, together with property line – corner cut-backs at the northeast and southeast corners of the intersection of Contractor Drive and Contractor Court, in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 13. Construct 6 inch curb and gutter, 25 feet from centerline along both sides of the 66 feet wide portion of the frontages of Contractor Drive and Contractor Court, with 35 feet radius curb returns and spandrels at the northeast and southeast corners of the intersection of Contractor Drive and Contractor Court, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

- ENG 14. Construct 6 inch curb and gutter throughout the two proposed cul-de-sacs in accordance with City of Palm Springs Standard Drawing No. 101, modified with R=31 feet, and City of Palm Springs Standard Drawing No. 200. Construct both cul-de-sacs with a minimum curb radius of 43 feet throughout the cul-de-sac bulb.
- ENG 15. Construct a 6 feet wide cross gutter and spandrel across the intersection of Contractor Drive and Contractor Court with a flow line parallel with and located 25 feet east of the centerline of Contractor Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 16. Construct a 5 feet wide sidewalk behind the curb along the entire frontages of Contractor Drive and Contractor Court in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 17. Construct Type A curb ramps meeting current California State Accessibility standards at the northeast and southeast corners of the intersection of Contractor Drive and Contractor Court in accordance with City of Palm Springs Standard Drawing No. 212.
- 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, within Contractor Drive and Contractor Lane, 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.
- ENG 19. All required street improvements for Lot B (Contractor Drive and Contractor Court) shall be completed prior to approval of a Parcel Map, or shall be secured pursuant to a subdivision improvement agreement approved in conjunction with the approval of the Parcel Map.

#### SANITARY SEWER

- ENG 20. This project is subject to the requirements of the Mission Springs Water District (MSWD). Upon the development of any of the six parcels, provisions for public sanitary sewer service must be arranged for directly with MSWD. The applicant should contact MSWD (at 760-329-6448) and determine what requirements MSWD may have for provisions of sanitary sewer service to the property.
- ENG 21. This project is subject to the requirements of the Mission Springs Water District (MSWD), as outlined in their letter to the City of Palm Springs dated April 4, 2011.
- ENG 22. Submit public sewer improvement plans prepared by a California registered civil engineer to Mission Springs Water District (MSWD) for review and approval. All

bonds required by MSWD for the sewer service must be submitted to MSWD prior to the final design plans being signed. The plans shall be approved by MSWD prior to approval of a Parcel Map.

- ENG 23. Construct public sewer improvements, in accordance with sewer improvement plans approved by Mission Springs Water District (MSWD). A private sewer lateral shall be installed to each of the six proposed parcels for future connection of the private on-site sewer systems, to the public sewer, in accordance with the Mission Springs Water District Master Sewer Plan, specifications, rules, laws, ordinances, and regulations.
- ENG 24. All required sewer improvements within 19<sup>th</sup> Avenue and Lot "B" shall be completed prior to approval of a Parcel Map, or shall be secured pursuant to a subdivision improvement agreement approved in conjunction with the approval of the Parcel Map.
- ENG 25. The applicant shall be required to connect to the MSWD public sewer system as soon as it is available.

#### GRADING

- ENG 26. The property is subject to sheet flow storm runoff. Future buildings shall be flood proofed by sufficiently elevating building pads. Proposed pad elevations shall be established a minimum of 18 inches above the adjacent flowline of drainage swales or surrounding ground surface, as required by the City Engineer.
- ENG 27. Submit a Rough Grading Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the

Grading plan. The Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

a) The first submittal of the Rough Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Tentative Parcel Map and/or Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Final Hydrology Study/Report; and a copy of the associated Water Quality Management Plan.

ENG 28. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 29. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 30. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

ENG 31. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

ENG 32. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the streets, roadways, or gutters.

ENG 33. Notice of Intent to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.

- ENG 34. Projects causing soil disturbance of one acre or more, must comply with, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). Where applicable, the project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 35. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development at the time a grading permit is issued.
- ENG 36. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 37. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 38. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### WATER QUALITY MANAGEMENT PLAN

- ENG 39. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance



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

**ENG 40.** A project-specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property or public streets is prohibited. Construction of operational BMP's shall be incorporated into the Rough Grading Plan.

**ENG 41.** Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in Property Owner Association Conditions, Covenants and Restrictions (CC&Rs); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

**ENG 42.** Prior to City acceptance of the project, the applicant shall:

- Demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
- Demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved project-specific WQMP, conditions of approval, or grading/building permit conditions; and,
- Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/occupants.

#### **DRAINAGE**

**ENG 43.** All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City

Engineer shall be required to contain the increased stormwater runoff generated by the development of the property, as described in the Preliminary Hydrology Study prepared by Pardue, Cornwell and Associates, Inc. (dated September 20, 2010), and to determine required stormwater runoff mitigation measures for the proposed development. The Preliminary Hydrology Study (dated September 20, 2010) shall be referenced for design of future development within Tentative Parcel Map No. 35681; final sizing and location of on-site individual retention basins on each of six parcels will be done as individual site plans are proposed. Final sizing and location of earthen channels, and other specifications for construction of required on-site storm drainage improvements shall be finalized in the final hydrology study for this project and approved by the City Engineer. Redesign or changes to site configuration or layout consistent with the findings of the final hydrology study may be necessary upon review and approval of the final hydrology study.

- ENG 44. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to 19<sup>th</sup> Avenue, Contractor Drive, or Contractor Court. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to an on-site retention basin on each of the six individual parcels, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 45. Construct on-site drainage improvements as necessary to convey the off-site tributary 100-year stormwater runoff, as described in the Preliminary Hydrology Study for Tentative Parcel Map No. 35681, prepared by Pardue, Cornwell and Associates, Inc. (dated September 20, 2010). The drainage channels shall be designed to prevent flooding of upstream properties, and the drainage channels shall be designed to ensure the developed 100-year stormwater runoff volume and velocity released onto 19th Avenue is equal to or less than the undeveloped 100-year stormwater runoff volume and velocity. The hydrology study for Tentative Parcel Map No. 35681 shall be amended to include drainage channel sizing, inlet and outlet design, and other specifications for construction of required on-site storm drainage improvements.
- ENG 46. Measures to retain increased stormwater runoff on-site have been deferred for implementation with development of each individual parcel within Tentative Parcel Map 35681. Requirements for the construction of on-site stormwater runoff retention improvements for each parcel shall be noticed by a statement on the parcel map, with the following note: "For all stormwater runoff falling on each individual parcel, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by development of each individual parcel. A hydrology study shall be prepared to determine the volume of increased stormwater runoff due to development of the parcel, and to determine required on-site stormwater runoff mitigation measures for the parcel. No off-site retention facility exists to contain increased stormwater runoff.

from development of each parcel. Construction of on-site retention facilities will be required as a condition to develop each individual parcel.”

## GENERAL

- ENG 47. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
- ENG 48. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.
- ENG 49. All proposed utility lines shall be installed underground.
- ENG 50. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 51. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe

Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

- ENG 52. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to acceptance of the project by the City. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 53. Nothing shall be constructed or planted in the corner cut-off area of any intersection which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 54. The applicant shall contact Mission Springs Water District at (760) 329-6448 to determine the requirements for extending water service to the project site. 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.
- ENG 55. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

#### MAP

- ENG 56. 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 issuance of building permits.
- ENG 57. Dedicate drainage easements as necessary to convey the off-site tributary 100-year stormwater runoff, as described in the Preliminary Hydrology Study for Tentative Parcel Map No. 35681, prepared by Pardue, Cornwell and Associates, Inc. (dated September 20, 2010). Final public street right-of-way and/or drainage easement widths shall be determined upon approval of a final hydraulic and hydrology study for this project.
- ENG 58. In accordance with Government Code Section 66411.1 (b), the Tentative Parcel Map is a subdivision of five or more parcels, and is subject to construction of all required public improvements. Prior to approval of a Parcel Map, all required public improvements shall be completed to the satisfaction of the City Engineer, or shall

be secured by a construction agreement in accordance with Government Code Section 66462.

ENG 59. 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.

#### TRAFFIC

ENG 60. Submit traffic striping plans for 19<sup>th</sup> Avenue prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to acceptance of the improvements by the City.

ENG 61. Install a 30 inch stop sign, street name sign, stop bar, and "STOP" legend at the intersection of Contractor Drive and 19th Avenue, and at the intersection of Contractor Drive and Contractor Court, in accordance with City of Palm Springs Standard Drawing No. 620 through 625.

ENG 62. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

ENG 63. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

ENG 64. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

#### 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 March 5, 2008.

**FID 1 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.

**FID 2 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.

**FID 3 Fire Department Access:** Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)

**Minimum Access Road Dimensions:**

**FID 4** 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.

**FID 5** Roads must be 30 feet wide when parking is not allowed on only one side of the roadway.

**FID 6** Roads must be 40 feet wide when parking is not restricted.

**FID 7 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.

**FID 8 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)

**FID 9 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.

**MISSION SPRINGS WATER DISTRICT CONDITIONS:**

The Project site is located within the boundaries of Mission Springs Water District (MSWD) service area. The project is located west of Indian Canyon Drive and adjacent to 19<sup>th</sup> Avenue on the north.

**Water service is available for the proposed project provided the following conditions of service are completed:**

- MSW 1. The developer must comply with all the rules, laws, ordinances, and regulations of the Mission Springs Water District at the time that the service water application is submitted.
- MSW 2. The developer must apply for water service and submit payment regarding all of the District fees, charges, and deposits. Fees will be based on the Master Meter size i.e. (Domestic 2" - Water Connection fee \$23,201.00 + 2" meter installation fee of \$2,110.00. Irrigation meter ¾" - Water Connection Fee \$ 4,353.00, and meter installation fee \$975.00). All fees are subject to change due to the actual time of application for services from the District.
- MSW 3. The installation of backflow prevention devices will be required.
- MSW 4. Water service will be made available through the future transmission line designed and constructed by BP for the Fueling Center along 19<sup>th</sup> Avenue. This line will be a 12 inch transmission line. Please note there may be a reimbursable cost to the BP Center once the applicant connects to this line. Also note, if the BP center does not construct this line before the applicant for PM 35681 starts construction, then said applicant will be responsible for the construction of the 12 inch transmission line. A reimbursement agreement can be made between the owner and MSWD for any offsite Regional facilities that are constructed and not directly related to this project. Water infrastructure will be required to be installed on all offsite, and adjacent public streets with the project boundary. All MSWD standards will apply to the construction of the infrastructure onsite and offsite. Developer Guidelines and Procedures may be found at our web site at [www.mswd.org](http://www.mswd.org).
- MSW 5. Installation of fire line services will be required per Palm Springs Fire Department Standards and MSWD Standards. A double check detector assembly (DCDA) will be a requirement at the time of installation.
- MSW 6. The Mission Springs Water District requires all of its facilities to be installed within the public right-of-way. Recorded and dedicated easements (per final

map dedications and approvals) will also be required per final design approval if public right-of-way does not exist.

- MSW 7. The developer must submit hydraulic calculations to the District indicating the availability of the required fire flows as determined by the Palm Springs Fire Department.
- MSW 8. The developer must comply with all the District standards and conditions and have final approval of all design plans by the District Engineer and/or his/her designee, and the District General Manager.
- MSW 9. The developer will be required to bond all infrastructure and be required to supply a warranty bond for the infrastructure. This warranty bond will be released 1 year from the District's acceptance of the infrastructure.
- MSW 10. Some of the infrastructure must be constructed in certain phases and in a manner to serve the project. The phasing and approval of these facilities and infrastructure will be at the discretion and approval of the District Engineer, and/or General Manager.
- MSW 11. Sewer Service is currently unavailable in this area. Future service will be provided by MSWD. Dry sewers will be required to be installed onsite and offsite.
- MSW 12. The developer must comply with all the rules, laws, ordinances, and regulations of The Mission Springs Water District at the time of application of sewer service.
- MSW 13. The developer must make an application for sewer service with payment of all fees charges and deposits. (i.e. multifamily, residential - sewer connection fee per MSWD fee schedules).
- MSW 14. The developer must hook up to the sewer once it becomes available.
- MSW 15. Dry sewers may be installed for the project onsite and offsite within public streets to conform to MSWD Standards. A future interceptor will be built along Indian Avenue to the Regional Waste Facility on 20<sup>th</sup> and Little Morongo Rd. for future service. The future point of connection for the project site will be on 19<sup>th</sup> to Indian Avenue.
- MSW 16. The developer must comply with all the District standards and conditions and have final approval of all design plans by the District Engineer and/or his/her designee, and the District General Manager.
- MSW 17. The developer will be required to bond all infrastructure and be required to supply a warranty bond for the infrastructure. This warranty bond will be released 1 year from the District's acceptance of the infrastructure.



- MSW 18. Some of the infrastructure must be constructed in certain phases and in a manner to serve the project. The phasing and approval of these facilities and infrastructure will be at the discretion and approval of the District Engineer, and/or General Manager.
- MSW 19. All new residential and commercial development should comply with *Mission Springs Water District's Water Efficient Landscaping Guidelines*. This policy requires outdoor water conservation practices within MSWD's service area, specifically: (1) the creation of landscape plans featuring the use of California native desert friendly plants; and (2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers, etc.) appropriate to an arid desert climate. For additional details, please contact Brent Gray at 329-5169, ext. 131.
- MSW 20. All bonds required for sewer and water service must be presented to the Mission Springs Water District before final design plans are signed.

**END OF CONDITIONS**



NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

CASE 5.1209 CHANGE OF ZONE AND  
TENTATIVE PARCEL MAP 35681

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of October 19, 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 filed by Noble and Company, LLC requesting a Change of Zone (CZ) from E-I (Energy Industrial) to M-2 (Manufacturing) for approximately 30 acres north of 19<sup>th</sup> Avenue, west of Indian Canyon Drive, and east of Karen Avenue. The application includes a request for approval of a Tentative Parcel Map to subdivide the site into six 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. Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, and submit written comments at, or prior to, the City Council hearing.

**REVIEW OF PROJECT INFORMATION:** The staff report and other supporting documents regarding this are available for public review at City Hall between the hours of 8:00 a.m. to 11 a.m. and 2 p.m. to 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)).

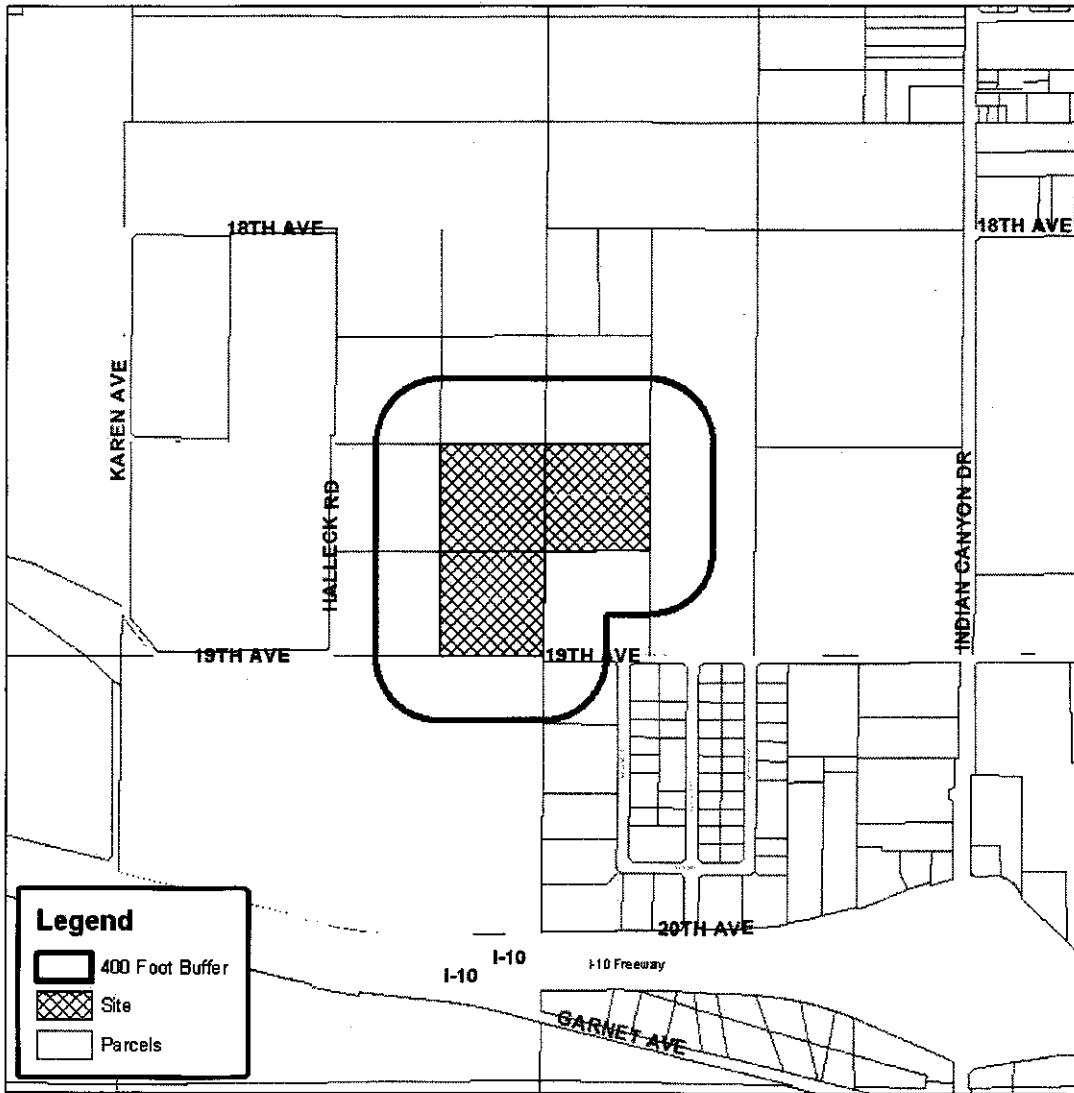
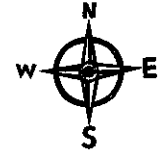
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, Associate Planner, at (760) 323-8245.

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:** 5.1209 CZ  
TPM 35681

**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 approximately 30 acres north of 19<sup>th</sup> Avenue, west of Indian Canyon Drive, and east of Karen Avenue. The application includes a request for approval of a Tentative Parcel Map to subdivide the site into six parcels.