



Planning Commission Staff Report

Date: March 14, 2012

Case: 5.1275 CZ, 7.1369 AMM and TPM 36438 (parcel map waiver)

Application Type: Change of Zone (CZ), Administrative Minor Modification (AMM) and Tentative Parcel Map Waiver (TPM)

Location: Northeast corner Tahquitz Canyon Way & Sunrise Way

Applicant: Wessman Holdings, LLC

Zone: C1-AA (Large Scale Retail Commercial)

General Plan: NCC (Neighborhood Community Commercial) and O (Office)

APN: 502 065 008 and 502 065 018

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

Project Planner: Ken Lyon, Associate Planner

PROJECT DESCRIPTION:

An application by Wessman Holdings LLC, to change the zone designation of a roughly 1.38-acre parcel from C1-AA (Large Scale Retail Commercial) to C1 (Retail Commercial). The application includes an Administrative Minor Modification for a five (5) foot reduction in setbacks along Tahquitz Canyon Way and a Tentative Parcel Map Waiver application (TPM 36438), to reconfigure the two lots that comprise the 1.38 acre parcel.

RECOMMENDATION:

That the Planning Commission

- Adopts the Negative Declaration pursuant to the guidelines of the California Environmental Quality Act (CEQA), and
- Approves the Administrative Minor Modification Case 7.1369 and
- Approves Tentative Parcel Map Waiver 36438, an application to reconfigure two lots that comprise a roughly 1.38 acre parcel,

And furthermore, that the Planning Commission recommends that the City Council:

- Adopt the Negative Declaration pursuant to the guidelines of the California Environmental Quality Act (CEQA), and
- Approve the Change of Zone request for parcel APN's 502 065 008 and 502 065 018 from C1-AA to C-1, subject to the attached conditions of approval.

PRIOR ACTIONS TAKEN ON THE PROJECT:

On October 13, 1976, the Planning Commission approved Case 2.982 for construction of a Carl's Junior Restaurant and renovation of a Phillips 66 automobile service station at the northeast corner of Tahquitz Canyon Way and Sunrise Way.

BACKGROUND AND SETTING:

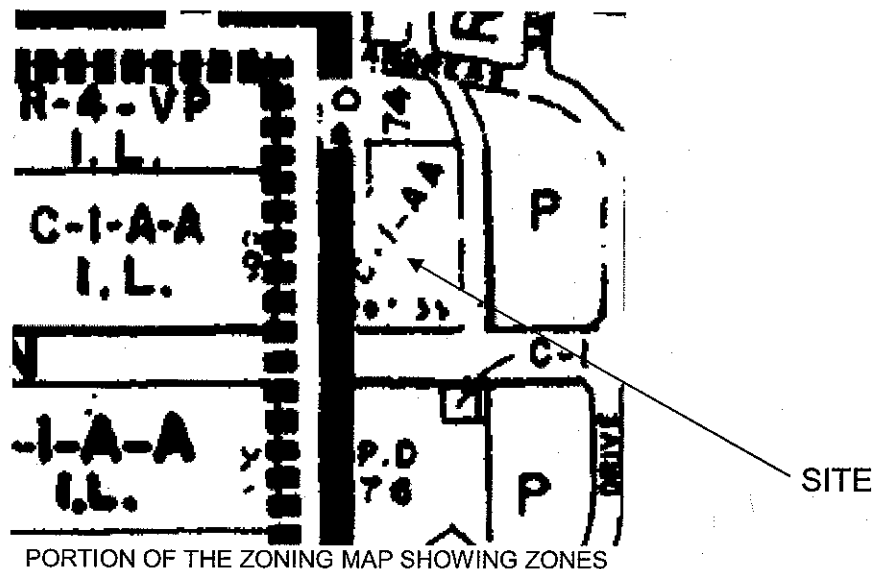
The subject parcel is located at the northeast corner of Sunrise Way and Tahquitz Canyon Way. The site is fully developed with existing office and restaurant uses in existing structures with on-site parking and landscaping.

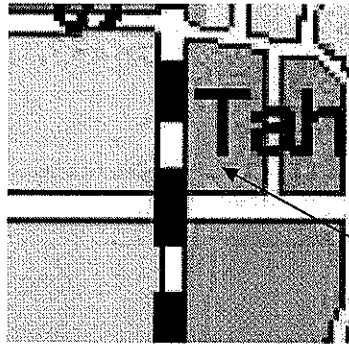
Both Tahquitz Canyon Way and Sunrise Way are designated as major thoroughfares on the City's General Plan Circulation Map. The parcels are currently fully developed and provide commercial uses that serve the adjacent residential neighborhoods and the community in general. Surrounding land uses are as follows:

Table 1: Adjacent General Plan Designations, Zones and Land Uses:

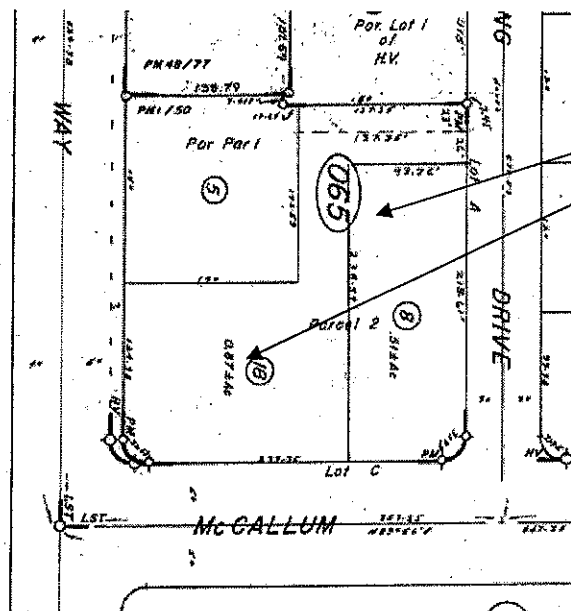
	General Plan	Zoning	Existing Land Uses
North	Neighborhood Community Commercial (NCC)	PD 74	Office
South	NCC	PD 76	Retail
East	O (Office)	P (Professional)	Professional Office
West	Tourist Resort Commercial	C-1-AA (Lg. Scale Commercial / Retail)	Vacant / Gas Station

The following graphics show portions of the zoning map, the general plan land use map, the tax map and an aerial photo showing the parcel and surrounding development.





PORTION OF THE GENERAL PLAN MAP SHOWING LAND USES



SITE

PORTION OF THE TAX MAP FOR THE
NORTHEAST CORNER OF TAHQUITZ AND SUNRISE WAY



AERIAL PHOTO SHOWING THE PARCEL AND SURROUNDING EXISTING DEVELOPMENT

The applicant seeks to reconfigure the two parcels within the Tentative Parcel Map to facilitate sale of the parcels. The minimum parcel size for the C-1-AA zone is two (2) gross acres, however the combined total area of the two lots is only roughly 1.38 acres. Reconfiguration of lots within a parcel map may occur only when the resultant lots conform to the development standards of the zone in which they are located. In this case, the combined lots are too small to meet the minimum lot area of the C-1-AA zone. The minimum lot size for the C-1 zone is only 20,000 square feet. Thus, by seeking approval of the zone change the proposed reconfigured lots would conform to the standards of the (new) zone.

The Administrative Minor Modification (AMM) is necessary to formally establish the front yard setback for the existing office building at seventy (70) feet from the centerline of Tahquitz Canyon Way as the legal conforming front yard setback for that lot for purposes of conformity findings for the Change of Zone. The minimum required setback pursuant to Zoning Code Section 93.01.02 is seventy-five (75) feet; thus the applicant is seeking a five foot reduction in this setback.

ANALYSIS:

General Plan

The subject property lies within two land use designations of the General Plan: Neighborhood Community Commercial (NCC; 0.35 FAR) and Office (O; 0.35 FAR). The "NCC" land use designation encourages convenience commercial uses that serve adjacent residential neighborhoods. The "O" land use designation allows for development of office uses. Retail uses in this district should be limited to uses directly related to office operations, such as restaurants, office supply stores and pharmacies associated with a medical building. Both land uses have a maximum floor area ratio (FAR) of 0.35¹ and existing uses on site are consistent with the land use designations in which they are located.

An analysis of the floor area ratio of the existing development for both parcels is shown here:

- Parcel 1: (Del Taco Building) 2,759 square feet. Proposed lot area: 24,630 square feet.
FAR: 0.15: conforms.
- Parcel 2: (Retail / Office Buildings total 9,190 square feet. Proposed lot area: 35,054 square feet. FAR: 0.26: conforms.

The proposed change of zone and parcel map were evaluated and found to be consistent with policies and goals of the City's General Plan as follows:

Policy LU4. Ensure that sufficient land is designated for commercial use in appropriate areas to support the current and future needs of the community and surrounding areas in a manner that responds to the changing market conditions.

The proposed zone change from C-1-AA to C-1 and the proposed Tentative Parcel Map is consistent with this policy. The land at this location is appropriate for commercial uses because it is at the intersection of two major thoroughfares and provides commercial and retail amenities to nearby residential neighborhoods.

¹ Floor Area Ratio (FAR) is the ratio of the total net floor area of a building to the total lot area and describes the intensity of use or density of a site.

Policy LU1.1 Ensure that development meets or exceeds the requirements and standards specified within each land use designation.

The existing commercial and office development on the subject parcels is developed with uses and densities that are consistent with the standards for the land use designation in which they are located.

Change of Zone.

The project proposes to change the zone designation from C-1-AA to C-1. The change of zone is necessary to facilitate the reconfiguration of lots within the parcel map. Findings for the change of zone are evaluated later in this staff report.

Zoning

The change of zone application proposes that all lots within the proposed subdivision be zoned C-1 (Commercial Retail). The proposed parcel reconfiguration and C-1 zone development standards are analyzed below in Table 2.

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

	C-1 Min. Requirements	Proposed Subdivision	
		Lot 1	Lot 2
Lot depth	150	170 ft (conforms)	287 ft (conforms)
Lot width	100	145 ft (conforms)	107 ft (conforms)
Lot Area	20,000 sf	0.56 ac (24,630 sf) conforms	0.80 acres (35,054 sf) (conforms)
Front Yard	5 feet	72 ft (conforms)	20 ft (conforms)
Special Setbacks	75 ft from centerline of Tahquitz Canyon Way	77.7 ft (conforms)	70 ft (conforms with approval of AMM)
Bldg Area	2,000 minimum	2,759 sf (conforms)	5,881 and 3,309 sf (conforms)
Bldg. Height	30 feet max	One story (conforms)	One story (conforms)
Landscaping	50% of yard areas created by required setbacks is to be landscaped.	95% is landscaped (conforms)	95% is landscaped (conforms)

Administrative Minor Modification Required.

The proposed reconfigured lots conform to the development standards of the zone except that the existing front yard along Tahquitz Canyon Way on lot 2 is slightly less than the required 75 feet for that street frontage. The applicant has included an Administrative Minor Modification (AMM) application seeking a five (5) foot reduction in the Tahquitz Canyon front yard setback from seventy-five (75) feet to seventy feet (70) feet. Findings for the AMM are included later in this staff report.

Parcel Map Waiver

The applicant has applied for a parcel map waiver. Pursuant to the California Subdivision Map Act Section 66428, California municipalities may waive the requirements for a parcel map upon

making certain findings that the proposed subdivision complies with specific requirements of the Map Act and local ordinances. Section 9 of the City's Municipal Code outlines the process and the requirements for granting approval of a parcel map waiver.

Municipal Code Section 9.62.070: Waiver of parcel map.

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

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

Section 9.63.180, *Planning Commission action:*

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

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

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

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

After the Planning Commission makes the required findings for the map waiver, the approval process becomes similar to a Lot Line Adjustment (in that a Certificate of Compliance is issued creating the new parcels proposed as part of the parcel map waiver). The Certificate of Compliance is processed by the Engineering Department at the staff level.

FINDINGS:

Three sets of findings will be analyzed below; (1) Change of zone findings, (2) Administrative Minor Modification findings and (3). Parcel Map Waiver findings.

Change of Zone Findings.

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

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

The proposed change from C-1-AA to C-1 conforms to the General Plan Land Use Designations of Neighborhood Community Commercial (NCC) and Office (O) in terms of uses on the site (which are commercial and office type uses) and the development density which is below the maximum 0.35 FAR for each proposed parcel. The Change of Zone is also consistent with policies of the General Plan as follows:

Policy LU4.1 Ensure that sufficient land is designated for commercial use in appropriate areas to support the current and future needs of the community and surrounding areas in a manner that responds to the changing market conditions.

The proposed zone change from C-1-AA to C-1 and the proposed Tentative Parcel Map is consistent with this policy. The land at this location is appropriate for commercial uses because it is at the intersection of two major thoroughfares and provides commercial and retail amenities to nearby residential neighborhoods.

Policy LU1.1 Ensure that development meets or exceeds the requirements and standards specified within each land use designation.

The existing commercial and office development on the subject parcels is developed with uses and densities that are consistent with the standards for the land use designation in which they are located.

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 two (2) lots each of which are conforming to the minimum size and dimensional requirements for the C-1 zone. The parcels are both fully developed with commercial and office uses that are permissible in the proposed C-1 zone. The parcels are located along major thoroughfares which have adequate capacity and physical configuration to provide safe and appropriate access to each of the proposed parcels.

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 reconfiguration of the parcels in a manner that is consistent with the development standards for the C-1 zone. As they presently exist, the lots would be considered "legal non-conforming" because they are less than the required minimum two acre lot size of the C-1-AA zone. The parcels are currently fully developed with uses and structures that are consistent with the C-1 zone. The change of zone is not detrimental to residential zones in the vicinity because the sites are developed with uses and structures that are supportive and convenient to the adjacent residential zone.

Findings for the Administrative Minor Modification

Pursuant to Zoning Code Section 94.06.01(A)(5), Findings are hereby made in support of the Administrative Minor Modification seeking reduction in the front yard setback from 75 feet from the centerline of the street right-of-way to 70 feet for Parcel 2 along Tahquitz Canyon Way :

1. *The requested minor modification is consistent with the General Plan, applicable Specific Plan(s) and overall objectives of the zoning ordinance.*

The General Plan designation for this property is O (Office). There is no General Plan Policy that would be adversely affected by this modification nor are there any specific plans associated with this property. The overall objective of the Palm Springs Zoning Code is the comprehensive and orderly planned use of land resources. The administrative minor modification establishes the findings and guidelines necessary to carry out minor but orderly development of exceptions to the ordinance. Section 94.06.01(A)(5) of the Palm Springs Zoning Code (PSZC) specifically allows for a 20% reduction of the required front yard set-backs and staff concludes that the request has met the finding.

2. *The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the minor modification.*

The set-back reduction request is to bring an existing development into conformance with the current zoning development standards for front yard setbacks along Tahquitz Canyon Way. The structures on the site were constructed around 1977 and the condition of the front yard setback at 70 feet from the Tahquitz centerline instead of the required 75 foot front yard setback has not adversely affected the neighboring properties and Staff concludes that the request has met this finding.

3. *The approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or in the vicinity.*

All construction on the site has existed for many years without detriment to the persons on or around the site. Consequently, staff concludes that the request has met the finding.

4. *The approval of the minor modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.*

The proposed reduction in setbacks is an administrative action to bring existing conditions into

conformance to enable processing of the requested zone change and tentative parcel map waiver. Staff concludes that the set-back reduction is justified because it reflects existing conditions that have been in place for many years without detrimental effect.

Parcel Map Waiver Findings

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

1. Area

The C-1 zone specifies minimum lot dimensions of 100 feet by 150 feet and a minimum lot area of 20,000 gross square feet. The proposed lots conform to these area requirements.

2. General Plan

The subject property lies within two land use designations of the General Plan: Neighborhood Community Commercial (NCC; 0.35 FAR) and Office (O; 0.35 FAR). The "NCC" land use designation encourages convenience commercial uses that serve adjacent residential neighborhoods. The "O" land use designation allows for development of office uses. Retail uses in this district should be limited to uses directly related to office operations, such as restaurants, office supply stores and pharmacies associated with a medical building. Both land uses have a maximum floor area ratio (FAR) of 0.35

An analysis of the floor area ratio of the existing development for both parcels is shown here:

Parcel 1: (Del Taco Building) 2,759 square feet. Proposed lot area: 24,630 square feet. FAR: 0.15: conforms.

Parcel 2: (Retail / Office Buildings total 9,190 square feet. Proposed lot area: 35,054 square feet. FAR: 0.26: conforms.

The proposed change of zone and parcel map were evaluated and found to be consistent with policies and goals of the City's General Plan as follows:

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The proposed zone change from C-1-AA to C-1 and the proposed Tentative Parcel Map is consistent with this policy. The land at this location is appropriate for commercial uses because it is at the intersection of two major thoroughfares and provides commercial and retail amenities to nearby residential neighborhoods.

Policy LU1.1 Ensure that development meets or exceeds the requirements and standards specified within each land use designation.

The existing commercial and office development on the subject parcels is developed with uses and densities that are consistent with the standards for the land use designation in which they are located.

3. *Improvements and design*

Street improvements are already installed. There are no improvements proposed for the reconfiguration of the lots under consideration.

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

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

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the application has been deemed "a project". An initial study was prepared and a 20-day period for public review and comments period commenced on January 27, 2012. Copies of the draft Initial Study were previously distributed to the Planning Commission as well. Notices of the report were sent to all applicable agencies. The review period ended on February 16, 2012. At the time of this writing, no comments have been received. The project was found to have no significant adverse impacts. Thus a Notice of Intent to Adopt a Negative Declaration has been filed.

NOTIFICATION:

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



Ken Lyon
Associate Planner



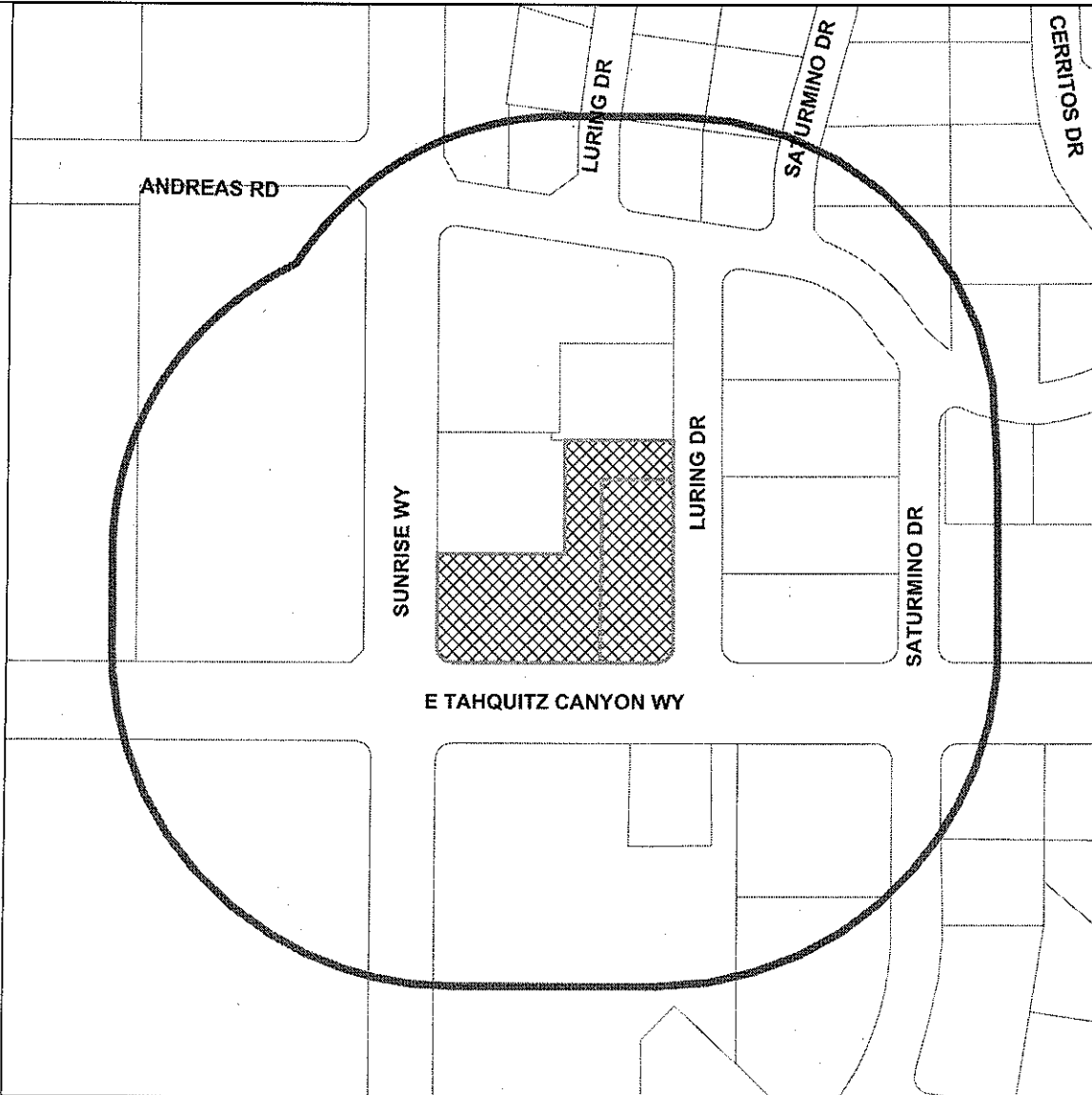
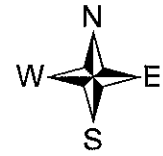
Graig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS

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



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1275 CZ TPM 36438

APPLICANT: Wessman Holdings, LLC

DESCRIPTION: An application for a change of zone (CZ) from C1AA (Large Scale Retail Commercial) to C1 (Retail Business) and a parcel map waiver to reconfigure two existing lots so that they conform to the minimum area requirements of the C-1 zone. The 1.38 acre parcel map is located at the northeast corner of Tahquitz Canyon Way and Sunrise Way. Section 13; APN's 502-065-018 and 502-065-008.

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF CASE 5.1275 CZ / 7.1369 AMM / TPM WAIVER 36438, A REQUEST FOR A CHANGE OF ZONE FROM C-1-AA (LARGE SCALE RETAIL COMMERCIAL) TO C-1 (COMMERCIAL RETAIL) AND A TENTATIVE PARCEL MAP WAIVER TO RECONFIGURE TWO PARCELS WITHIN A ROUGHLY 1.38-ACRE PARCEL MAP AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY, SECTION 13/T4/R4; APN'S 502-065-018 and 008.

WHEREAS, Wessman Holdings, 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 Large Scale Retail Commercial (C-1-AA) to Commercial Retail (C-1)-2) for a roughly 1.38-acre parcel at the northeast corner of Tahquitz Canyon Way and Sunrise Way; 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 waiver, proposing to reconfigure two lots within the same 1.38 acre parcel map, and

WHEREAS, a notice of public hearing for Case 5.1275 CZ / 7.1369 AMM / TPM Waiver 36438 was given in accordance with applicable law; and

WHEREAS, on March 14, 2012, a public meeting on Case 5.1275 CZ / 7.1369 AMM / TPM Waiver 36438 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 have no significant impacts to the environment. A Notice of Intent to Adopt a 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 Negative Declaration for the project.

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 proposed change from C-1-AA to C-1 conforms to the General Plan Land Use Designations of Neighborhood Community Commercial (NCC) and Office (O) in terms of uses on the site (which are commercial and office type uses) and the development density which is below the maximum 0.35 FAR for each proposed parcel. The Change of Zone is also consistent with policies of the General Plan as follows:

Policy LU4.1 Ensure that sufficient land is designated for commercial use in appropriate areas to support the current and future needs of the community and surrounding areas in a manner that responds to the changing market conditions.

The proposed zone change from C-1-AA to C-1 and the proposed Tentative Parcel Map is consistent with this policy. The land at this location is appropriate for commercial uses because it is at the intersection of two major thoroughfares and provides commercial and retail amenities to nearby residential neighborhoods.

Policy LU1.1 Ensure that development meets or exceeds the requirements and standards specified within each land use designation.

The existing commercial and office development on the subject parcels is developed with uses and densities that are consistent with the standards for the land use designation in which they are located.

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 two (2) lots each of which are conforming to the minimum size and dimensional requirements for the C-1 zone. The parcels are both fully developed with commercial and office uses that are permissible in the proposed C-1 zone. The parcels are located along major thoroughfares which have adequate capacity and physical configuration to provide safe and appropriate access to each of the proposed parcels.

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 reconfiguration of the parcels in a manner that is consistent with the development standards for the C-1 zone. As they presently exist, the lots would be considered "legal non-conforming" because they are less than the required minimum two acre lot size of the C-1-AA zone. The parcels are currently fully developed with uses and structures that are consistent with the C-1 zone. The change of zone is not detrimental to residential zones in the vicinity because the sites are developed with uses and structures that are supportive and convenient to the adjacent residential zone.

SECTION 3: Findings for the Administrative Minor Modification

Pursuant to Zoning Code Section 94.06.01(A)(5), Findings are hereby made in support of the Administrative Minor Modification seeking reduction in the front yard setback from 75 feet from the centerline of the street right-of-way to 70 feet for Parcel 2 along Tahquitz Canyon Way :

1. *The requested minor modification is consistent with the General Plan, applicable Specific Plan(s) and overall objectives of the zoning ordinance.*

The General Plan designation for this property is O (Office). There is no General Plan Policy that would be adversely affected by this modification nor are there any specific plans associated with this property. The overall objective of the Palm Springs Zoning Code is the comprehensive and orderly planned use of land resources. The administrative minor modification establishes the findings and guidelines necessary to carry out minor but orderly development of exceptions to the ordinance. Section 94.06.01(A)(5) of the Palm Springs Zoning Code (PSZC) specifically allows for a 20% reduction of the required front yard set-backs and staff concludes that the request has met the finding.

2. *The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the minor modification.*

The set-back reduction request is to bring an existing development into conformance with the current zoning development standards for front yard setbacks along Tahquitz Canyon Way. The structures on the site were constructed around 1977 and the condition of the front yard setback at 70 feet from the Tahquitz centerline instead of the required 75 foot front yard setback has not adversely affected the neighboring properties and Staff concludes that the request has met this finding.

3. *The approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or in the vicinity.*

All construction on the site has existed for many years without detriment to the persons

on or around the site. Consequently, staff concludes that the request has met the finding.

- 4. The approval of the minor modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.*

The proposed reduction in setbacks is an administrative action to bring existing conditions into conformance to enable processing of the requested zone change and tentative parcel map waiver. The set-back reduction is justified because it reflects existing conditions that have been in place for many years without detrimental effect.

SECTION 4: Parcel Map Waiver Findings

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

- 1. Compliance with minimum Area requirements*

The C-1 zone specifies minimum lot dimensions of 100 feet by 150 feet and a minimum lot area of 20,000 gross square feet. The proposed lots conform to these area requirements.

- 2. Consistency with the General Plan*

The subject property lies within two land use designations of the General Plan: Neighborhood Community Commercial (NCC; 0.35 FAR) and Office (O; 0.35 FAR). The "NCC" land use designation encourages convenience commercial uses that serve adjacent residential neighborhoods. The "O" land use designation allows for development of office uses. Retail uses in this district should be limited to uses directly related to office operations, such as restaurants, office supply stores and pharmacies associated with a medical building. Both land uses have a maximum floor area ratio (FAR) of 0.35

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The proposed change of zone and parcel map were evaluated and found to be

consistent with policies and goals of the City's General Plan as follows:

Policy LU4. Ensure that sufficient land is designated for commercial use in appropriate areas to support the current and future needs of the community and surrounding areas in a manner that responds to the changing market conditions.

The proposed zone change from C-1-AA to C-1 and the proposed Tentative Parcel Map is consistent with this policy because the land at this location is appropriate for commercial uses because it is at the intersection of two major thoroughfares and is adjacent to residential neighborhoods. The site is fully developed with commercial and office uses that are conveniently adjacent to nearby residential neighborhoods.

Policy LU1.1 Ensure that development meets or exceeds the requirements and standards specified within each land use designation.

The existing commercial and office development on the subject parcels is developed with uses and densities that are consistent with the standards for the land use designation in which they are located.

3. *Compliance in terms of existing improvements and design*

Street improvements are already installed. There are no improvements proposed for the reconfiguration of the lots under consideration.

4. *Compliance with requirements for floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.*

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends that the City Council approves Case 5.1275 CZ / 7.1369 AMM / TPM Waiver 36438; a change of zone from Large Scale Retail Commercial Retail (C-1-AA) to Commercial Retail (C-1) and a Tentative Parcel Map waiver reconfiguring two lots within a roughly 1.38 acre parcel at the northeast corner of Tahquitz Canyon Way and Sunrise Way, subject to the attached conditions set forth in Exhibit A.

ADOPTED this 14th day of March 2012.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO. _____

EXHIBIT A

Case 5.1275 CZ / TPM Waiver 36438
Northeast corner of Sunrise Way and Tahquitz Canyon Way

March 14, 2012

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 (5.1275 CZ / TPM Waiver 36438); 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 (January 3, 2012), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Tentative Map. This approval is for Tentative Parcel Map 36438 located at the northeast corner of Tahquitz Canyon Way and Sunrise Way, date stamped January 3, 2012. 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 5.1275 CZ / 7.1369 AMM / TPM Waiver 36438. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 7. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 8. 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. Maintenance of Outdoor Seating/Dining. Daily cleaning and wash down of sidewalks for any outdoor seating areas or paseos will be required. Contact Parks & Recreation at 760 323 8281 for information regarding the proper method of cleaning of sidewalks and pavers within the public rights-of-way.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) NOT required.

- ENV 2. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid (projects that are Categorically Exempt from CEQA).

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. All future changes in exterior lighting plans shall be submitted to the Planning Department for conformance with the City's Outdoor Lighting Ordinance, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards 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.
- PLN 2. Water Efficient Landscaping Conformance. Any future changes in landscaping greater than 2,500 square feet are required to conform to the State Water Efficient Landscape Ordinance. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 3. 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. All multi-tenant buildings are required to have an approved sign program. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of any future building permits or future sign permits.
- PLN 4. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 5. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 6. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on any existing or proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 7. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 8. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 9. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.

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. The Engineering Division recommends deferral of off-site improvement items (identified as "**Deferred**") at this time due to lack of full improvements in the immediate area. The owner shall execute an agreement, subject to the approval of the City Attorney, agreeing to construct all required street improvements upon the request of the City of Palm Springs City Engineer at such time as a modification or expansion of use of the existing Del Taco building is proposed that exceeds \$300,000. The agreement shall be executed and notarized by the property owner(s) prior to approval of a Certificate of Compliance by the City Engineer. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. The applicant shall submit a draft agreement for review by the City Attorney as necessary to facilitate this requirement.

ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits. **Deferred**

SUNRISE WAY

- ENG 3. Remove the existing 6 inch curb and gutter located 32 feet east of centerline and replace with an 8 inch curb and gutter located 38 feet east of centerline along the entire frontage to match existing curb and gutter north of the site, with a 35 feet radius curb return and spandrel at the northeast corner of the intersection of Sunrise Way and Tahquitz Canyon Way in accordance with City of Palm Springs Standard Drawing No. 200 and 206. **Deferred**
- ENG 4. Relocate the existing catch basin and storm drain improvements as necessary to facilitate the widening of Sunrise Way. **Deferred**
- ENG 5. Remove existing street improvements as necessary to construct the north half of an 8 feet wide cross gutter and spandrel at the northeast corner of the intersection of N. Sunrise Way and E. Tahquitz Canyon Way with a flow line parallel with and located 38 feet east of the centerline of Sunrise Way in accordance with City of Palm Springs Standard Drawing No. 200 and 206. **Deferred**
- ENG 6. Remove the existing 10 feet wide sidewalk along the entire frontage and construct a 12 feet wide Class I meandering bicycle path (Caltrans Design Manual, Chapter 1000 - Bikeway Planning and Design) along the entire frontage and in accordance with the Appendix F of the 2007 General Plan. The bicycle path shall be constructed of colored Portland cement concrete. The admixture shall be Desert Sand, Palm Springs Tan, or approved equal color by the Engineering Division. Additional right-of-way shall be dedicated as needed for any portion of the bicycle path that leaves the existing public right-of-way. Remove existing landscaping, palm trees, public water system appurtenances, and Riverside County Flood Control & Water Conservation District catch basin inlet as necessary to construct proposed bicycle path. **Deferred**
- ENG 7. Remove the existing curb ramp located at the northeast corner of the intersection of Sunrise Way and Tahquitz Canyon Way, as well as traffic signal pole and appurtenances as necessary, to construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of Sunrise Way and Tahquitz Canyon Way in accordance with City of Palm Springs Standard Drawing No. 112. **Deferred**
- ENG 8. Construct pavement with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 340. Additional pavement removal and replacement may be required

upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane. 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.

Deferred

MAP

ENG 9. The applicant shall submit an application to the Engineering Division for a Certificate of Compliance, prepared by either an appropriately licensed registered Civil Engineer or a Land Surveyor.

TRAFFIC

ENG 10. Relocate and modify the existing traffic signal poles, conduit, pull boxes and all appurtenances located on the northeast corner of the intersection of N. Sunrise Way and E. Tahquitz Canyon in accordance with the requirements of the City of Palm Springs. The applicant shall submit traffic signal modification plans prepared by a California registered civil engineer or traffic engineer for review and approval by the City Engineer. ***Deferred***

FIRE DEPARTMENT CONDITIONS

No conditions.

END OF CONDITIONS

IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
TENTATIVE PARCEL MAP NO. 36438
 BEING A SUBDIVISION OF PARCELS 2 OF PARCEL MAP NO. 1000
 SOUTHWEST 1/4 QUARTER OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 12 EAST, S.B.M.
 SANBORN A/E INC. JANUARY 2012

OWNER/DEVELOPER:
 15533 SUNRISE WAY, STE 300
 PALM SPRINGS, CALIFORNIA 92264

ENGINEER:
 SANBORN A/E INC.
 3000 SAN JACINTO DR
 SUITE 200
 PALM SPRINGS, CA 92270

UTILITY NOTIFICATIONS:

ELECTRIC: SO CALIFORNIA Edison
 GAS: SO CALIFORNIA GAS CO
 TELEPHONE: VERIZON
 TELEVISION: AT&T
 WATER: AT&T
 SEWER: AT&T

SCHOOL DISTRICT INFORMATION:
 PALM SPRINGS UNIFIED SCHOOL DISTRICT
 PALM SPRINGS, CALIFORNIA 92262

ASSESSOR'S PARCEL NUMBERS:
 202-025-004 018
 202-025-004 019
 202-025-004 020

FERMA FLOOD ZONE:
 FLOOD ZONE: C
 COMMUNITY FLOOD MAP NO. 0102070000
 DATE OF SOURCE: 01/20/1999

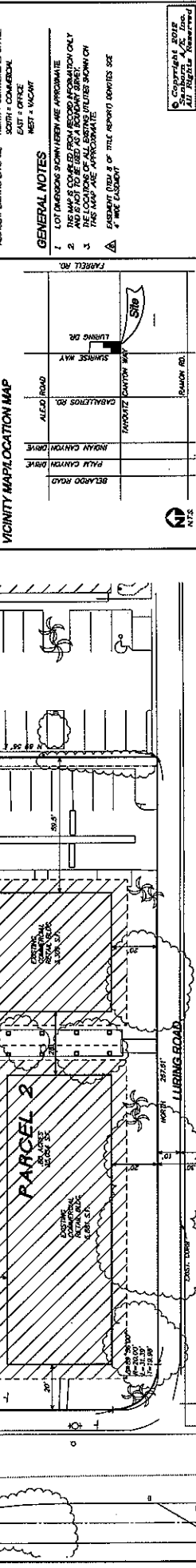
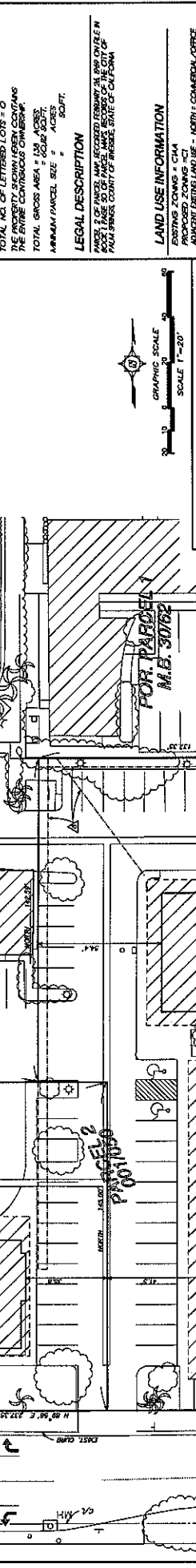
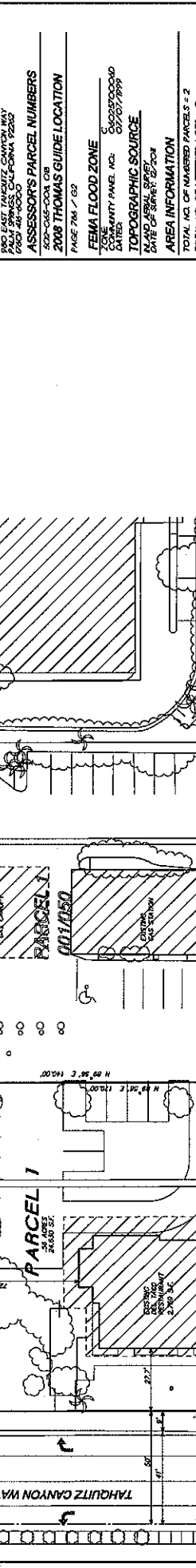
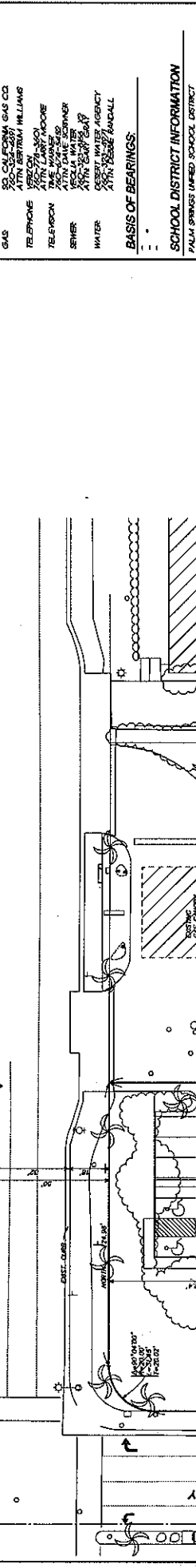
TOPOGRAPHIC SOURCE:
 DATE OF SOURCE: 01/20/1999

AREA INFORMATION:
 TOTAL NO. OF NUMBERED PARCELS = 2
 TOTAL NO. OF LETTERED LOTS = 0
 TOTAL GROSS AREA = 1.33 ACRES
 MINIMUM PARCEL SIZE = 0.25 ACRES

LEGAL DESCRIPTION:
 PARCELS 2 OF PARCEL MAP NO. 1000, BEING A SUBDIVISION OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 12 EAST, S.B.M., PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

LAND USE INFORMATION:
 EXISTING ZONING = C1A
 PROPOSED ZONING = C1A
 ADJACENT EXISTING LAND USE = RESIDENTIAL COMMERCIAL
 USE = OFFICE
 MEET = VACANT

GENERAL NOTES:
 1. LOT DIMENSIONS SHOWN HEREIN ARE APPROXIMATE.
 2. THIS MAP IS COVERED BY RECORD INFORMATION ONLY AND IS NOT TO BE USED AS A LEGAL INSTRUMENT.
 3. THIS MAP IS NOT TO BE USED AS A LEGAL INSTRUMENT.
 4. EXISTING (SHOW) & PROPOSED (DASH) DIMENSIONS SEE



TENTATIVE PARCEL MAP NO. 36438

SANBORN A/E INC.
 JOHN L. SANBORN
 3000 SAN JACINTO DR
 SUITE 200
 PALM SPRINGS, CA 92270
 TEL: (760) 323-0100
 FAX: (760) 323-0109

PLANNING SERVICES

JAN 03 2012

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