



## PLANNING COMMISSION STAFF REPORT

DATE: October 22, 2014

SUBJECT: DOS PALMAS DEVELOPMENT LLC FOR TENTATIVE PARCEL MAP 36693 TO SUBDIVIDE ONE LARGE PARCEL INTO TWO LOTS RESULTING IN A 10,070-SQUARE FOOT LOT AND A REMAINDER LOT APPROXIMATELY 58,831-SQUARE FEET AT THE CORNER OF EAST SUNNY DUNES ROAD AND SOUTH SUNRISE WAY, ZONE R-1-C AND RMHP, SECTION 23. (GM)

FROM: Flinn Fagg, AICP, Director of Planning Services

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### SUMMARY

The Planning Commission to review a request for a Tentative Parcel Map to subdivide one large parcel into two lots resulting in a 10,070-square foot lot and a remainder lot approximately 58,831-square feet.

### RECOMMENDATION:

Approve as submitted with conditions.

### ISSUES:

- Planning Commission approved Resolution 6382 for Tentative Parcel Map 36693 at their February 12, 2014 meeting.
- City Council reviewed Tentative Parcel Map 36693 at their April 2, 2014 and denied the proposal.
- Proposed lot will be a continuation of an existing single-family residential development known as Alexander Estates III.
- Applicant believes that historical information regarding access to property was not conveyed to the City Council and has resubmitted the application.

### BACKGROUND:

<i>Related Relevant City Actions by Planning, Fire, Building, etc</i>	
3/27/1996	Planning Commission approves TTM 28309, an application by Desert Chapel Church to subdivide 3.22 acres into 3-professional office lots and 10-residential lots. Site plan shows access to professional office lots from Sunny Dunes Road and South Sunrise Way.
12/17/2003	Planning Commission approves TTM 28308 reducing the number of single-family residential lots to 7.

3/17/2004	City Council approves TTM 28308 and Planned Development District Case 5.0954 PD-242 to subdivide 3.22 acres into 7- residential lots and 3-professional office lots. Approved site plan limits access to professional lots from Sunrise Way.
11/14/2007	Planning Commission grants time extension for Planned Development District Case 5.0954 – PD 242. (PD expires in 2008)
12/17/2008	City Council denies a request for a General Plan Amendment and Change of Zone for the remainder parcel.
2013	Construction begins on 7 new homes within TTM 28306.
2/12/2014	Planning Commission approves TPM 36693 to subdivide one large parcel into one single-family residential lot and a 58,831-square foot remainder lot.
4/2/2014	City Council denies request for TPM 36693.
9/18/2014	Dos Palmas Development re-submits application for TPM 36693.

***Most Recent Ownership***

2012	Dos Palmas Development LLC
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***Neighborhood Notification***

10/9/2014	Email notification was sent to representatives of Warm Sands, Tahquitz River Estates, Deepwell, Sonora Sunset, and Baristo Neighborhood Organizations
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***Field Check***

October 2014	Staff visited site to observe existing conditions
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***Notification***

10/9/2014	Notice sent to all property owners within 500 feet of subject site
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***Details of Application Request***

***Site Area***

Net Area	10,071-square feet – Lot 1 58,831-square feet – Remainder Lot
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Subject Site: Corner of East Sunny Dunes Road and South Sunrise Way

**ANALYSIS:**

<b>Surrounding Property</b>	<b>Existing General Plan Designations</b>	<b>Existing Land Use</b>	<b>Existing Zoning Designations</b>
Subject Property	VLDR (Very Low Density Residential)	Single-Family Residential - Vacant	R-1-C (Single-Family)/ RMHP (Residential Mobile Home Park)
North	MDR (Medium Density Residential)	Residential Mobile Home Park	RMHP (Residential Mobile Home Park)
South	VLDR (Very Low Density Residential)	Single-Family Residential	R-1-C (Single-Family Residential)
East	Public (Church)	Desert Chapel Church	PD - Church
West	VLDR (Very Low Density Residential)	Single-Family Residential	R-1-C (Single-Family Residential)

**DEVELOPMENT STANDARDS:**

	<b>R-1-C</b>	<b>Proposed Project</b>
Lot Area	10,000 – sq. ft.	10,070- sq. ft. (conforms)
Lot Width	100 feet	100 feet (conforms)
Lot Depth	100 feet	100.70 feet (conforms)
Front Yard	25 feet	25 feet (conforms)
Side Front Yard	10 feet	10 feet (conforms)
Rear Yard	15 feet	15 feet (conforms)
Building Height (max.)	12 feet at setback line to max 18 at a 4:12 slope	New construction (conforms)
Bldg. Coverage	35% lot coverage	New construction (conforms)
House / Garage	1,100 – sq ft	New construction (conforms)
Off-street parking	2 covered spaces	2 covered provided (conforms)

## PROJECT HISTORY

- The Planning Commission on March 27, 1996 reviewed and approved Case 5.0710 PD-242 & TTM 28308 for the subdivision of 3.22-acres into three (3) professional office lots and ten (10) residential lots. A site plan was approved showing access to the professional lots from both Sunny Dunes Road and South Sunrise Way.
- The Planning Commission on December 17, 2003 reviewed a request to reduce the number of single-family lots to seven (7). This action increased the lot sizes to 10,000-square feet consistent with neighboring R-1-C lots. The revised site plan eliminated the commercial driveway on Sunny Dunes Road with all access from South Sunrise Way addressing concerns of the adjacent neighbors.
- On March 17, 2004 the City Council approved TTM 28308 for a subdivision of a 3.22-acre parcel into seven (7) single-family residential lots and three (3) professional office lots with access from South Sunrise Way.
- The City Council on December 17, 2008 denied a request for a General Plan Amendment and a Change of Zone for the remainder parcel. The request was to change the land use designation to Neighborhood Community Commercial (NCC) and change the zoning from Residential Mobile Home Park (RMHP) to General Commercial (C-1).
- The Planning Commission on February 12, 2014 approved the subdivision TPM 36693 creating one 10,000 single-family residential lot and a 58,831-square foot remainder lot. The new lot will allow the applicant to construct one house.
- The City Council on March 5, 2014 held a public hearing, discussed the proposal and voted to continue.
- The City Council on April 2, 2014 continued a public hearing for TPM 36693 to subdivide one lot and voted to deny the request. Council comments focused on access to the remainder lot and future development of the site.

## PROJECT DESCRIPTION:

The applicant is seeking approval to subdivide one (1) large lot into one 10,070-square foot lot and one (1) 58,831-square foot remainder lot. Dos Palmas Development has

built seven single-family houses on lots fronting East Sunny Dunes Road commonly known as Alexander Estates III. The developer intends to build a single-family residence on the vacant 10,070-square foot lot which is flat and partially graded. Access to the new single-family lot will be from a new driveway consistent with other lots in the immediate neighborhood. The construction of sidewalks and other connections to public water and sewer will be part of the conditions of approval. The remainder vacant lot is currently zoned Residential Mobile Home Park (RMHP) and will continue in its current state until such time as a new development proposal is submitted.

Tentative Parcel Map

Findings are required for the proposed subdivision pursuant to Section 66474 of the California Subdivision Map Act. If any of these findings are not met, the City shall deny approval:

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

The TPM proposes one single-family residential lot with one remainder lot adjacent to the public street. The proposed lot sizes meet the density requirement for Very Low Density Residential (VLDR) consistent with the General Plan land use designation. No specific plans are associated with the subject property. The proposed map is consistent with the applicable general plan, and this finding has been met.

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

The proposed subdivision is consistent with the R-1-C and RMHP zones in which the property is located. The new single-family residential lot will equal 10,070-square feet with the required lot dimensions and minimum density consistent with the R-1-C zone. The remainder lot equaling approximately 58,831-square feet will satisfy the requirements of the RMHP zone awaiting future development. The design of the proposed subdivision is consistent with the applicable zoning and the finding has been met.

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

A portion of the project site will be graded to accommodate construction of a single-family residence. Site modifications include the placement of a new sidewalk along the street and private driveway from East Sunny Dunes Road providing adequate vehicular access to the public street. The site is physically suited for this type of development and the finding has been met.

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

The proposed project of one single-family dwelling unit of 10,070-square feet or roughly 4.0 du/ac is consistent with the allowable density under the General Plan. The site abuts improved public streets with existing utilities and right-of-way widths that are projected in the City's 2007 General Plan update to operate at normal levels of service (LOS).

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

The Tentative Parcel Map has been reviewed under the California Environmental Quality Act, and subsequent to Section 15315 is considered Categorically Exempt as a "Minor Land Division" located in an urbanized residential area of four or fewer parcels. The proposed subdivision is consistent with the General Plan with no variances or exceptions required. The site is a flat lot with an average slope less than 20% and does not include any natural habitat. The project will therefore not damage or 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.*

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The private driveway will provide access to the subject lot. The remainder lot will not have direct access to public utilities or streets until such time the lot is developed.

*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 are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

**ENVIRONMENTAL DETERMINATION:**

Pursuant to Section 15315 of the California Environmental Act (CEQA), the project is considered a "Minor Land Division" and is Categorically Exempt. The preparation of further environmental assessment is not necessary since the proposed subdivision meets the standards as stated above. The present request will not result in any new environmental impacts.

**NOTIFICATION:**

A public hearing notice was advertised and was mailed to all property owners within 500 feet of the subject property/adjacent property owners as well as relevant neighborhood organizations. As of the writing of this report, staff has not received any comments.



Glenn Mlaker, AICP  
Assistant Planner



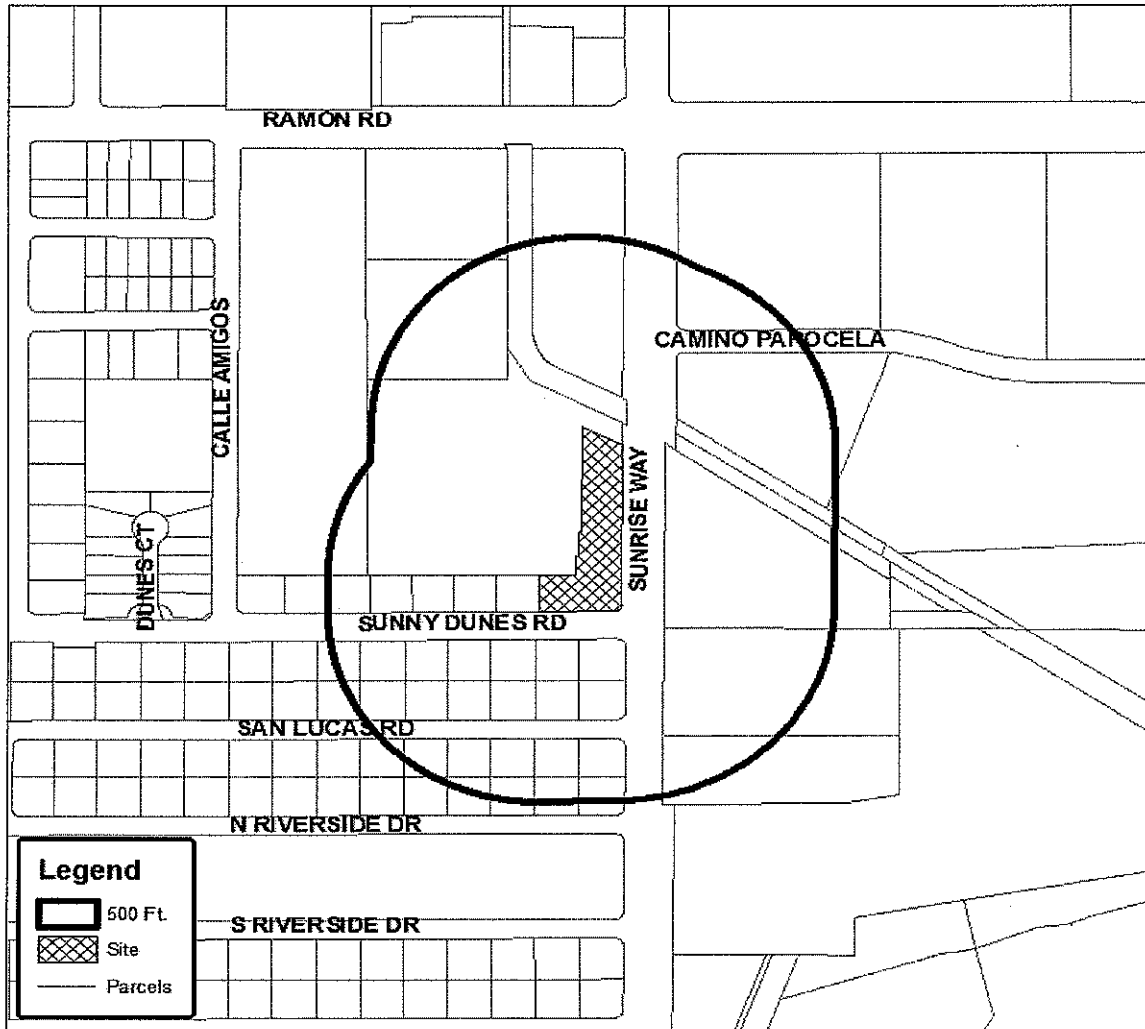
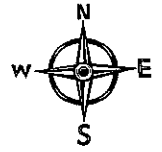
Flinn Fagg, AICP  
Director of Planning Services

**Attachments:**

1. Vicinity Map
2. Resolution
3. Conditions of Approval
4. Justification Letter from Applicant
5. Minutes of Planning Commission Meeting March 27, 1996
6. Approved site plan approved 1996
7. City Council Resolution 20848 approved March 17, 2004
8. Approved revised site plan approved 2004 showing access from Sunrise Way
9. Minutes of Planning Commission meeting February 12, 2014
10. Minutes of City Council meeting December 17, 2008
11. Minutes of City Council meeting March 5, 2014
12. Minutes of City Council meeting April 2, 2014
13. TPM 36693



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** TPM 36693

**APPLICANT:** Dos Palmas Development,  
LLC

**DESCRIPTION:** A Tentative Parcel Map to subdivide one large lot into two lots resulting in a 10,000 square foot lot and an approximately 58,900 square foot remainder lot at the corner of East Sunny Dunes Road and South Sunrise Way, Zone R-1-C, Section 23.



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA RECOMMENDING APPROVAL BY THE CITY COUNCIL OF CASE TPM 36693, A TENTATIVE PARCEL MAP TO SUBDIVIDE ONE LARGE LOT INTO TWO LOTS RESULTING IN A 10,070-SQUARE FOOT LOT AND A REMAINDER LOT APPROXIMATELY 58,831-SQUARE FEET LOCATED AT THE CORNER OF EAST SUNNY DUNES ROAD AND SOUTH SUNRISE WAY, ZONE R-1-C AND RMHP, SECTION 23, APN 508-240-011.

WHEREAS, Dos Palmas Development LLC ("the applicant") has filed an application with the City pursuant to Chapter 9.62 of the City's Municipal Code (Maps) and Section 66474 of the State of California Subdivision Map Act, for a Tentative Parcel Map proposing to subdivide one large lot into two lots; and

WHEREAS, a notice of public hearing for Case TPM 36693 was given in accordance with applicable law; and

WHEREAS, on February 12, 2014, a public meeting on Case TPM 36693 was held by the Planning Commission in accordance with applicable law and approved Resolution 6382; and

WHEREAS, on March 5, 2014 the City Council held a public hearing on Case TPM 36693 and voted to continue; and

WHEREAS, on April 2, 2014 the City Council opened the continued public hearing on Case TPM 36693 and voted to deny the application; and

WHEREAS, City has evaluated the project pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined that the project is Categorically Exempt from further analysis pursuant to Section 15315 of the CEQA guidelines (Minor Land Divisions); 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 adopt a Class 15 Categorical Exemption (Minor Land Division) for the proposed parcel map.

Section 2: Pursuant to Municipal Code Chapter 9.64 (Maps) and the State of California Subdivision Map Act Section 66474, the Planning Commission

finds as follows:

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

The TPM proposes one single-family residential lot with one remainder lot adjacent to the public street. The proposed lot sizes meet the density requirement for Very Low Density Residential (VLDR) consistent with the General Plan land use designation. No specific plans are associated with the subject property. The proposed map is consistent with the applicable general plan, and this finding has been met.

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

The proposed subdivision is consistent with the R-1-C and RMHP zones in which the property is located. The new single-family residential lot will equal 10,070-square feet with the required lot dimensions and minimum density consistent with the R-1-C zone. The remainder lot equaling approximately 58,831-square feet will satisfy the requirements of the RMHP zone awaiting future development. The design of the proposed subdivision is consistent with the applicable zoning and the finding has been met.

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

A portion of the project site will be graded to accommodate construction of a single-family residence. Site modifications include the placement of a new sidewalk along the street and private driveway from East Sunny Dunes Road providing adequate vehicular access to the public street. The site is physically suited for this type of development and the finding has been met.

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

The proposed project of one single-family dwelling unit of 10,070-square feet or roughly 4.0 du/ac is consistent with the allowable density under the General Plan. The site abuts improved public streets with existing utilities and right-of-way widths that are projected in the City's 2007 General Plan update to operate at normal levels of service (LOS).

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

The Tentative Parcel Map has been reviewed under the California Environmental Quality Act, and subsequent to Section 15315 is considered Categorical Exempt as a "Minor Land Division" located in an urbanized residential area of four or fewer parcels. The proposed subdivision is consistent with the General Plan with no variances or exceptions required. The site is a flat lot with an average slope less than 20% and does not include any natural habitat. The project will therefore not damage or 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.*

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The private driveway will provide access to the subject lot. The remainder lot will not have direct access to public utilities or streets until such time the lot is developed.

*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 are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends that the City Council approves Case TPM 36693 a Tentative Parcel Map subdividing one large lot into two lots resulting in a 10,070-square foot lot and a remainder lot approximately 58,831-square feet at the corner of East Sunny Dunes and South Sunrise Way; subject to the attached conditions set forth in Exhibit A.

ADOPTED this 22nd day of October 2014.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Flinn Fagg, AICP  
Director of Planning Services

RESOLUTION NO.  
**EXHIBIT A**

Case TTM 36693  
A two-lot parcel map  
On the corner of East Sunny Dunes Road and South Sunrise Way

October 22, 2014

**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 TPM 36693; and the conditions below;
- ADM 2. 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 3. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 4. Tentative Map. This approval is for Tentative Parcel Map 36693 located on the northwest corner of East Sunny Dunes Road and South Sunrise Way date stamped February 12, 2014. 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 5. 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 TPM 36693. 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 6. 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 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.

## **ENVIRONMENTAL ASSESSMENT CONDITIONS**

ENV 1. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$50 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).

- 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. 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 4. 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 5. 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. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 2. 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.
- 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. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
  - b. 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. (add any additional conditions imposed by the Planning Commission or City Council here)

### **POLICE DEPARTMENT CONDITIONS**

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security

### **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 plan(s) shall be approved by the City Engineer prior to issuance of any building permits.

## SUNNY DUNES ROAD (FRONTAGE OF PROPOSED LOT 1)

- ENG 3. Remove existing street improvements as necessary to construct a driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 4. Construct a 5 feet wide sidewalk behind the curb along the entire frontage to match existing sidewalk to the west in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 5. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

## SANITARY SEWER

- ENG 6. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

## GRADING

- ENG 7. Submit cut and fill quantities to City Engineer to determine if a Grading Plan is required. If required, the Grading Plan shall be submitted to the Engineering Division for review and approval by the City Engineer prior to issuance of grading permit. If the earthwork quantity is less than 50 cubic yards, a formal grading plan is not required. To qualify for the exemption, a signed original written statement of design earthwork quantities from the owner (or design professional, prepared on company letterhead) shall be provided to the Engineering Division. Exemption of a formal Grading Plan reviewed and approved by the City Engineer does not exempt the applicant from a site grading plan that may be required from the Building Department, or any other requirement that may be necessary to satisfy the California Building Code.
- a) 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.

- b) The first submittal of the Precise 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 or site plan; a copy of current Title Report; and a copy of Soils Report.

- ENG 8. Prior to approval of a Grading Plan (or issuance of a Grading Permit), 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 9. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 10. Temporary dust control 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 11. 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 12. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 13. 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 at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 14. 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 (if required) or prior to issuance of any permit.
- ENG 15. 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 even though there may not be a grading plan for the project. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 16. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan (if required), to the Engineering Division prior to construction of any building foundation.
- ENG 17. 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 (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

## DRAINAGE

- ENG 18. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMP's).
- ENG 19. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

## GENERAL

- ENG 20. 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, Mission Springs Water District, 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 21. All proposed utility lines shall be installed underground.
- ENG 22. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 23. Upon approval of any improvement plan (if required) 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 by the City Engineer.
- ENG 24. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record

drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

- ENG 25. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway 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 26. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 27. 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 28. 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 parcel 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 29. In accordance with Government Code 66411.1 (a), all required public improvements shall be listed in an Improvement Certificate on the Parcel Map and clearly noted that the required public improvements will be the minimum development requirements for Parcel 1 of Tentative Parcel Map No. 36693, but shall be completed prior to issuance of a building permit on Parcel 1 of TPM36693.
- ENG 30. Upon approval of a parcel map, the parcel map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital

data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

- ENG 31. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks (or pedestrian paths of travel) shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the Sunny Dunes Road frontage of the Parcel 1 of TPM36693.
- ENG 32. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 33. 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 January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 34. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

**FIRE DEPARTMENT CONDITIONS**

(none at this time)

**END OF CONDITIONS**

To: City of Palm Springs Planning Commission

December, 09 2013

I Paul Hryn of Dos Palmas Development, LLC am the current owner of the remainder parcel of tract map 28308 which is currently undeveloped land zoned R-1-C and R-MHP. I am requesting the approval of Tentative Parcel Map no 36693 which will create one 10,000.50 sq.ft lot in the current R-1-C zoning and one 1.35 AC lot in the same mixed zone of R-1-C / R-MHP. The creation of the R-1-C parcel will adjoin the existing 7 R-1-C lots ( TM 28308) previously approved by the City of Palm Springs. Our intention is to construct a mid century modern home of approximately 2200 sq similar to the homes under construction on the 7 lots of TM 28308 to the west along Sunny Dunes. Your approval on this project is greatly appreciated.

Thank you

Paul Hryn

Dos Palmas Development, LLC  
1278 Glenneyre Street, suite 133  
Laguna Beach, Ca 92651  
949-795-0777  
hrynco@cox.net

RECEIVED

DEC 09 2013

PLANNING SERVICES  
DEPARTMENT

M/S/C (Marantz/Johnson; Mills, Fontana, Helm abstained) approving the final development plans for the cancer treatment center as submitted.

\* \* \* \* \*

**MISCELLANEOUS ITEMS.**

CASE 11.26-STREET NAME CHANGE. Initiation by the CITY OF PALM SPRINGS of a street name change from Garnet Station Road to Palm Springs Station Road. The roadway is located on the south side of the Southern Pacific Railroad, west of Indian Canyon Drive, Section 22.

Director stated that the roadway will provide access into the new Palm Springs railroad station and the name change would allow better identification for the location of the station.

M/S/C (Helm/Duffy) approving the street name change from Garnet Station Road to Palm Springs Station Road.

\* \* \* \* \*

CITY COUNCIL ACTIONS. Update.

Council Actions. Approved the vacation of a portion of Tachevah; reviewed advertising guidelines for Palm Springs Visitors' Guide; reviewed reorganization program in the Airport and Public Works Departments; approved moving Code Enforcement officers from the Fire Department to Planning & Building; and continued two PacBell projects proposed for City property.

\* \* \* \* \*

**PUBLIC HEARINGS**

CASE 5.0710-PD-242/TTM 28308. Application by DESERT CHAPEL for a planned development district and tentative tract map to subdivide 3.22 acres into three professional office lots and ten residential lots on the northeast corner of Sunrise Way/Sunny Dunes, RMHP/R-1-C Zones, Section 23.

(Commission response to written comments on Draft Negative Declaration; action.)

Planner (Coyle) stated as follows: The proposal is to subdivide the property into ten single family residential lots and three professional lots. The applicant proposes to modify the R-1-C Zone standards for the single family lots and the P Zone standards for the professional lots. Staff is

recommending that the number of residential lots be reduced from ten to eight to increase the lot sizes. The eight lots would still exceed the General Plan and zoning density and the applicant is proposing a density transfer from the M15 designation to the L4 designation. The applicants are proposing a 10 foot setback instead of the required 25 feet for parking along Sunrise Way. The shopping center north of the project was also approved with a 10 foot setback. Staff is recommending a 25 foot setback (removing four stalls on Sunny Dunes) to the first parking space adjacent to driveways for proper stacking distance. The applicant is requesting to defer required masonry walls until the professional office lots are developed. Residential lot walls will be constructed as the lots develop. The residents north of the residential lots request that a wall be constructed along the residences north property line at the time the subdivision improvements are installed. Cost of the wall is a concern to the applicants. A traffic study is required to see if the signal is warranted on Sunrise Way and whether or not a median should be installed. Engineering Division is recommending that the developer construct the extension of the west side of the Baristo Channel box on Sunrise Way to accommodate street widening in accordance with the General Plan. Staff met with the applicant and conditions have been revised. The applicant has no problems with the revised conditions. One property owner sent a letter asking that the 10 residential lots be reduced to eight. Conditions that were changed were #18, #24, #42, and #64 (on file in the Department of Planning & Building).

Director stated that the professional lots on the frontage are for professional office use only, not commercial; that to have commercial uses, the applicant would have to apply for another planned development district; that the frontage would resemble the offices along Tahquitz Canyon; that no variances to the setback on the eight lots would be supported; that the intent was to develop a creative program to allow property development including a density transfer; that there is a sidewalk in front of the shopping center in the area which may be extended across the box culvert under the "missing links" program.

Discussion followed on the sizes of the eight residential lots and sidewalks.

Chairman declared the hearing open.

Don Schroeder, Desert Chapel, stated that there were no objections to the revised conditions.



John Menzies, Ramon Park representative, stated that the church bought the property from the park; that the park members were asked for approval of the project; that the members understood that the property was to be developed for multi-family houses for retired church people and the office building was to have been the parking lot for the church; that it was supposed to have been completed in two years but now the proposal is different; that the main concern was to have a full building of the fence around the perimeter of the property; that the commercial portion will have a six foot fence but the balance will be done on a piecemeal basis which is not acceptable and the members' only concern.

Planner stated that the Commission had in the past recommended construction of a wall in situations like this, but the church may have an issue because of cost; that between Lots 10 & A there will be a wall to screen views from residential lots.

Director stated that 10 years ago staff would have recommended that all walls be built as part of subdivision improvements; that the subject wall could become graffiti filled because of its length; that the wall should be installed when the single family lots are developed; that when the first commercial building is built, the entire wall would be built on the commercial property; and that it was difficult to get the City's graffiti painting truck back to paint out the graffiti; that the block wall around the residential properties will be consistent from the mobile home park side with only subtle color differences.

Planner stated that the residential phasing was on a lot to lot basis.

Chairman stated that he wished the houses were not in a straight row but the setbacks did not allow staggering and perhaps the lots could be landscaped fully.

Director stated that setbacks could be varied five feet if they average 25 feet on a block plan, but the issue is difficult to administer because the first person who develops gets the reduced setback; that if the applicant wants to prepare an exhibit to address the issue, staff will review it; and that there would be no deviation from the 25 foot setback for garages.

M/S/C (Helm/Marantz; Mills abstained-business related) ordering filing of a Negative Declaration and approving the application based on findings and subject to conditions in the staff report and resolution (on file in the Department of Planning & Building) including the revised conditions noted in the conditions attached to the Commission resolution.

\* \* \* \* \*

196-  
 5.0710  
 EXISTING CHURCH

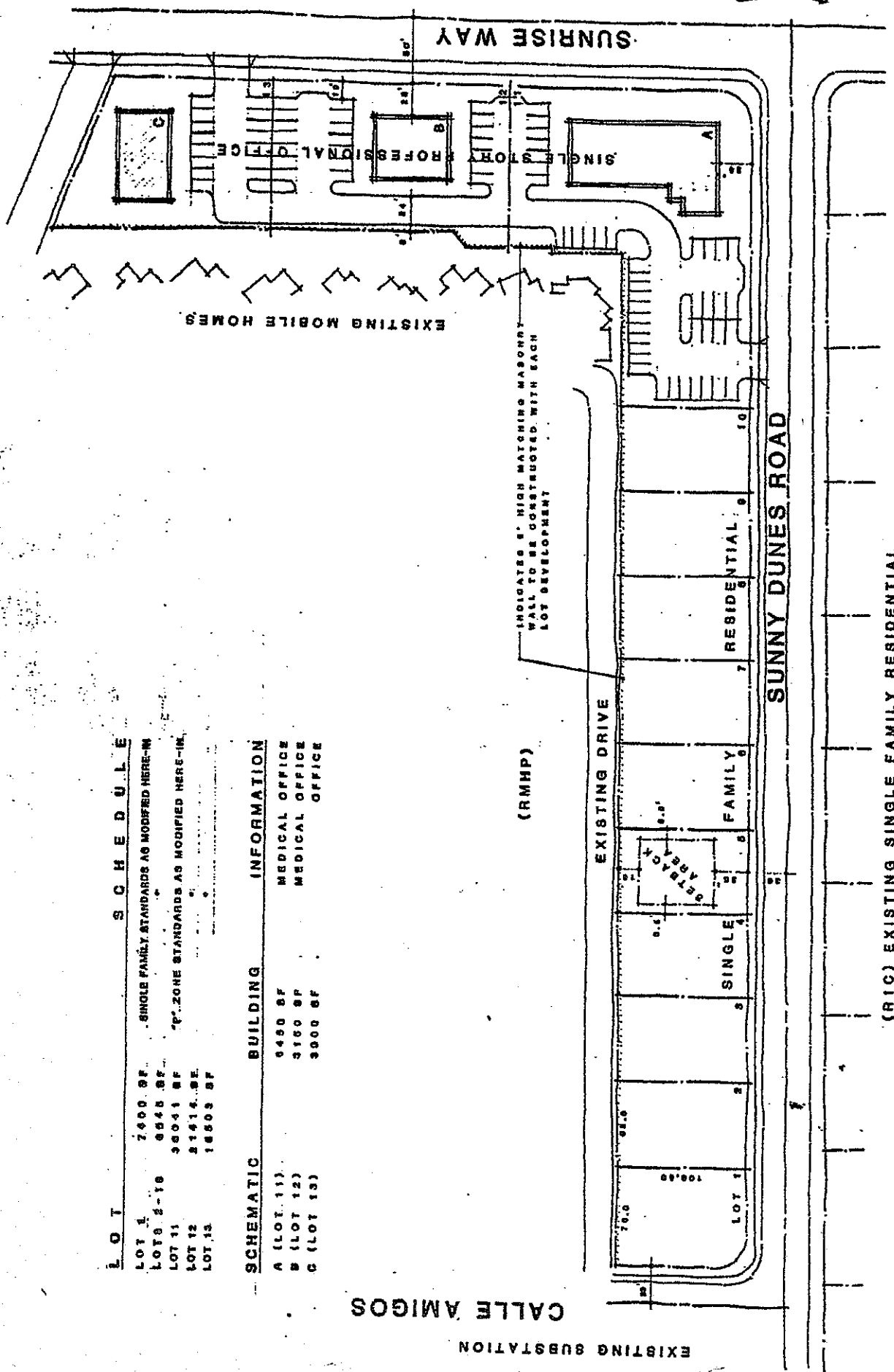
**SCHEDULE**

LOT	AREA (SF)	STANDARD
LOT 1	7,400 SF	SINGLE FAMILY STANDARDS AS MODIFIED HERE-IN
LOTS 2-16	6,548 SF	"C" ZONE STANDARDS AS MODIFIED HERE-IN
LOT 11	3,604 SF	
LOT 12	2,141 SF	
LOT 13	1,653 SF	

**SCHEMATIC BUILDING INFORMATION**

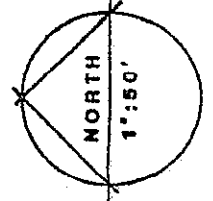
SCHEMATIC	BUILDING	AREA (SF)	STANDARD
A (LOT 11)	MEDICAL OFFICE	6,450 SF	"C" ZONE STANDARDS AS MODIFIED HERE-IN
B (LOT 12)	MEDICAL OFFICE	3,160 SF	
C (LOT 13)	MEDICAL OFFICE	3,000 SF	

EXISTING SUBSTATION  
 CALLE AMIGOS



PRELIMINARY SITE PLAN  
 15 DECEMBER 1961

PROFESSIONAL / RESIDENTIAL PROJECT FOR DESERT CHAPEL  
 CHRISTOPHER S. MILLS • ARCHITECT



RESOLUTION NO. 20848

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.0954-PD-242/TTM 28308, A PRELIMINARY PLANNED DEVELOPMENT DISTRICT AND A TENTATIVE TRACT MAP, TO SUBDIVIDE 3.22 ACRES INTO SEVEN (7) SINGLE FAMILY RESIDENTIAL LOTS AND THREE (3) PROFESSIONAL OFFICE LOTS FOR FUTURE DEVELOPMENT, SUBJECT TO THE CONDITIONS STATED, LOCATED AT THE NORTHWEST CORNER OF SUNRISE WAY AND SUNNY DUNES, R-1-C AND RMHP ZONES, SECTION 23.

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WHEREAS, the Desert Chapel, (the "Applicant") has filed an application with the City pursuant to Section 9402.00 of the Zoning Code and the Palm Springs Municipal Code Section 9.60 for a Planned Development District and Tentative Tract Map to subdivide 3.22 acres into eight (8) single family residential lots and three (3) professional office lots at the northwest corner of Sunrise Way and Sunny Dunes (the "Project"), R-1-C and RMHP Zones, Section 23; and

WHEREAS, the Applicant has filed an application for Planned Development District 242 and Tentative Tract Map 28308 with the City and has paid the required filing fees; and

WHEREAS, the General Plan designation for the subject site is L4 (Low Residential - 4 units per acre) along Sunny Dunes and M15 (Medium Residential - 15 units per acre) along Sunrise Way; and

WHEREAS, the General Plan designation of M-15 and a R-2 Zone standard are compatible and normally used together; and

WHEREAS, the Planned Development District application has been submitted in-lieu of a change of zone to R-2; and

WHEREAS, "P" Professional office uses are allowed by conditional use permit in the R-2 zone provided the property fronts on a Major Thoroughfare; and

WHEREAS, the "P" zone has been used as a point of comparison for property development standards for those professional offices; and

WHEREAS, said Planned Development District and Tentative Tract Map were submitted to appropriate agencies as required by the subdivision requirements of the Palm Springs Municipal Code, with the request for their review, comments and requirements; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Applicant's application for Planned Development District 242 and Tentative Tract Map 28308 were given in accordance with applicable law; and

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WHEREAS, on December 17, 2003, a public hearing on the application for Planned Development District 242 and Tentative Tract Map 28308 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the meeting on the Project, including but not limited to the staff report, all environmental data and all written and oral testimony presented.

WHEREAS, on December 17, 2003, the Planning Commission in accordance with applicable law voted to reduce the number of residential lots from eight (8) to seven (7) and recommend that the City Council approve the proposed project, subject to conditions; and

WHEREAS, notice of a public hearing of the City Council of the City of Palm Springs to consider Applicant's application for Planned Development District 242 and Tentative Tract Map 28308 were given in accordance with applicable law; and

WHEREAS, on January 21, 2004, a public hearing on the application for Planned Development District 242 and Tentative Tract Map 28308 was held by the City Council in accordance with applicable law; and

WHEREAS, on January 21, 2004, following the public hearing on the application for Planned Development District 242 and Tentative Tract Map 28308, the City Council directed staff to meet with the applicant and community to develop a solution which addressed community concerns; and

WHEREAS, on March 4, 2004, a community meeting was conducted, where the neighbors and applicant had an opportunity to discuss the project; and

WHEREAS, at the community meeting residents presented a revised site plans which provided alternative design scenarios for the applicant to consider; and

WHEREAS, the applicant reviewed the neighborhood input suggestions and submitted a redesigned site plan which incorporated some of the neighborhood's suggestions for review on March 9, 2004; and

WHEREAS, a revised site plan incorporates a number of suggestions requested by the community; and

WHEREAS, pursuant to Government Code Section 66412.3, the City Council has considered the effect of the proposed Subdivision, Tentative Tract Map 28308, on the housing needs of the region in which Palm Springs is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources; and

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WHEREAS, the approval of the proposed Subdivision represents the balance of these respective needs in a manner which is most consistent with the City's obligation pursuant to its police powers to protect the public health, safety, and welfare; and

WHEREAS, pursuant to Section 15332 of the California Environmental Quality Act ("CEQA") guidelines, the City Council finds that the proposed planned development district and subdivision are considered an in-fill development, are less than five acres in area are substantially surrounded

by urban development, and have all utility services available at the project site, and are therefore exempt from further environmental review under state law; and

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

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

- Section 1: Pursuant to CEQA, the City Council finds that pursuant to Section 15332 of the California Environmental Quality Act ("CEQA") guidelines, the proposed planned development district and subdivision are considered an in-fill development, are less than five acres in area are substantially surrounded by urban development, and have all utility services available at the project site, and are therefore exempt from further environmental review under state law; and
- Section 2: Pursuant to Government Code Section 66473.5, the City Council finds that the proposed subdivision and the provisions for its design and improvement are compatible with the objectives, policies, and general land uses and program provided in the City's General Plan and any applicable specific plan.
- Section 3: Pursuant to Government Code Section 66474 (Subdivision Map Act), the City Council finds that with the incorporation of those conditions attached in Exhibit A:

1. The proposed Tentative Map is consistent with applicable general and specific plans.

The proposed project is consistent with the General Plan. The General Plan designation for the site is M15 and L4, medium and low density residential, respectively. The General Plan would allow twenty-four (24) dwelling units on the project site. The applicant is proposing eight (8) units and therefore, is well within the density parameters of the General Plan. The General Plan designation of M15 and an R-2 Zoning standard are compatible and normally used together. The Planned Development District application has been submitted in-lieu of a change of zone to R-2. Professional Office use is allowed in the R-2 zone provided the property fronts on a Major Thoroughfare. The City Council has used the "P" zone for property development standards.

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2. The design of improvement of the proposed subdivision is consistent with the General Plan and any applicable Specific Plan.

Pursuant to Government Code Section 66473.5 the City Council finds that the proposed subdivision and the provisions for its design and improvement are compatible with the objectives, polices, and general land uses and program provided in the City's General Plan. All street, drainage, and utilities improvements are subject to the standards of the General Plan and Conditions of Approval associated with TTM 28308.

3. The site is physically suitable for the type and density of development contemplated by the proposed subdivision.

The City Council finds that the site is appropriate for the development of seven (7) single family residential lots and three (3) professional parcels, on 3.2 acres of land. The proposed development is well under the maximum allowable density of twenty-four (24) units, as permitted under the General Plan and Zoning Code. There will be no incompatibility issues as the subject property is surrounded by a single-family residential use to the south and west, a church to the east, and a mobile home park to the north. The applicant proposes a mixed use project with professional offices on the major thoroughfare and low density residential development on the secondary thoroughfare that will be compatible with the surrounding neighborhood.

4. The design of the proposed subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

The project site is surrounded by urban development on all four directions. The site has not been previously identified as habitat area. The design of the proposed subdivision or the proposed improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

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

The design of the subdivision and proposed improvements must follow the conditions of approval including, but not limited to, the application of the Uniform Building Code Seismic Safety Standards, and the City of Palm Springs Fugitive Dust Control Ordinance in order to ensure public health and safety.

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6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The applicant will be required to install the required street improvements as part of the project.

Section 4: Pursuant to Zoning Ordinance Section 9402.00, the Planning Commission finds that:

- a. The use applied for at the location set forth in the application is properly one for which a Planned Development District is authorized by the City's zoning ordinance.

The General Plan designation of M15 and an R-2 Zoning standard are compatible and normally used together. The Planned Development District application has been submitted in-lieu of a change of zone to R-2 and staff has used the "P" zone as a point of comparison for property development standards. Professional office uses are allowed in the R-2 zone, with a conditional use permit, provided the property fronts on a Major Thoroughfare. Pursuant to the Zoning Ordinance for the underlying R-1-C zone, single-family residential development is a permitted use.

- b. The said use is necessary or desirable for the development of the community, and is in harmony with the various elements or objectives of the General Plan, and is not detrimental to the existing or future uses specifically permitted in the zone in which the proposed use is to be located.

This mixed use project is in harmony with the objectives of the General Plan, is desirable for the development of the community and is not detrimental to the existing or future uses specifically permitted in the zone for which it is proposed.

The revised site plan results in increased size for the single family residential lots, to minimum 10,000 square feet in area, 100' by 100' lots, which are consistent with development on the south side of Sunny Dunes and comply with Section 92.01.03 of the Zoning Ordinance, R-1-C zone development standards. The revision results in a reduction in the number of residential lots originally proposed from eight to seven. The increase in lot area, lot size and reduction in the number of lots addressed community concerns that the proposed lots are designed according to the R-1-C standards and match existing development patterns on the south side of Sunny Dunes.

The revised site plan results in the elimination of the commercial driveway on Sunny Dunes. This driveway has been relocated to Sunrise Way. A break of the proposed landscape median which will be constructed as a result of this project, to allow left-in and left-out turning movements. The elimination of the driveway along Sunny Dunes addresses concerns about additional commercial traffic to Sunny Dunes.

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The revised plan results in reduced setbacks to the parking lot along Sunny Dunes and Sunrise Way. The "P" Professional zone standards require a 25' landscape setback from the street to parking area, the strict implementation of these code provisions would result in the elimination of sixteen (16) parking spaces, nine (9) along Sunny Dunes and seven (7) on Sunrise. This would result in non-compliance with the Section 94.06.00 of the Parking Ordinance. To address the neighbor concerns, the applicant is proposing a 10' landscaped setback to the street frontages. These setbacks would include decorative block walls 4' in height, which would serve to screen vehicles in the parking areas, and reduce their visibility. The twenty-five (25') landscaped setback to parking along Sunny Dunes Way addresses concerns about the aesthetic impacts of the project.

- c. The site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of land in the neighborhood.

The project site is 3.2 acres and is of adequate size to accommodate said use. Pursuant to the development standards for the R-1-C and RMHP zone, limited single-family residential and mobile home park zone standards, respectively, the proposed project presents a more creative approach in the development of land and creates a harmonious in-fill development in a single and multiple family neighborhood. Surrounding street facades are staggered with multi-level structures, walls, courtyards and pedestrian access ways. The intent of the project is to blend with the adjacent neighborhood rather than stand apart as a walled and gated island. This Planned Development District intends to maintain good zoning practices while including certain desirable departures from the strict provisions of the R-1-C and RMHP zoning classifications.

Therefore, it is determined that the site for the intended use is adequate in size and shape to accommodate seven (7) single family residential parcels and the three (3) professional parcels.

- d. The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.

The proposed project will contribute to improvement of the existing street system that will serve the site, and with said improvements, the public street system will be adequate to carry the type and quantity of traffic to be generated by the proposed use.

- e. The conditions to be imposed are deemed necessary to protect the public health, safety and general welfare, of the existing neighborhood in which this project is situated.

The conditions imposed are necessary to bring the project into compliance with



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applicable zoning, building, and other regulations to protect the public health, safety, and general welfare of the existing neighborhood in which this project is located.


- f. A nexus and rough proportionality have been established for requirement of dedication of the additional right-of way to the City and the off-site improvements as related to the tentative parcel map.

The right-of -way dedication and off-site improvements, which are required by the Zoning Ordinance, are related to the project since the project access must use Sunrise Way and Sunny Dunes. Also, the purpose of the right-of-way dedication for Sunrise Way along the eastern property boundary is to concur with the dedication of the subject street to match the commercial shopping center located to the immediate north. Currently, the subject property is vacant. Future property owners will benefit from any improvements made to Sunrise Way and Sunny Dunes such as dedication of easements, sidewalks/bikepaths and future widening. The required dedication of right-of way and improvements will provide safety benefits to the property owners and will aesthetically enhance the neighborhood.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves Case No. 5.0954, Planned Development District 242 and Tentative Tract Map 28308, subject to those conditions set forth in the Exhibit A on file in the Department of Planning and Zoning, which are to be satisfied prior to the issuance of a Certificate of Occupancy unless other specified.

ADOPTED THIS 17th day of March, 2004.

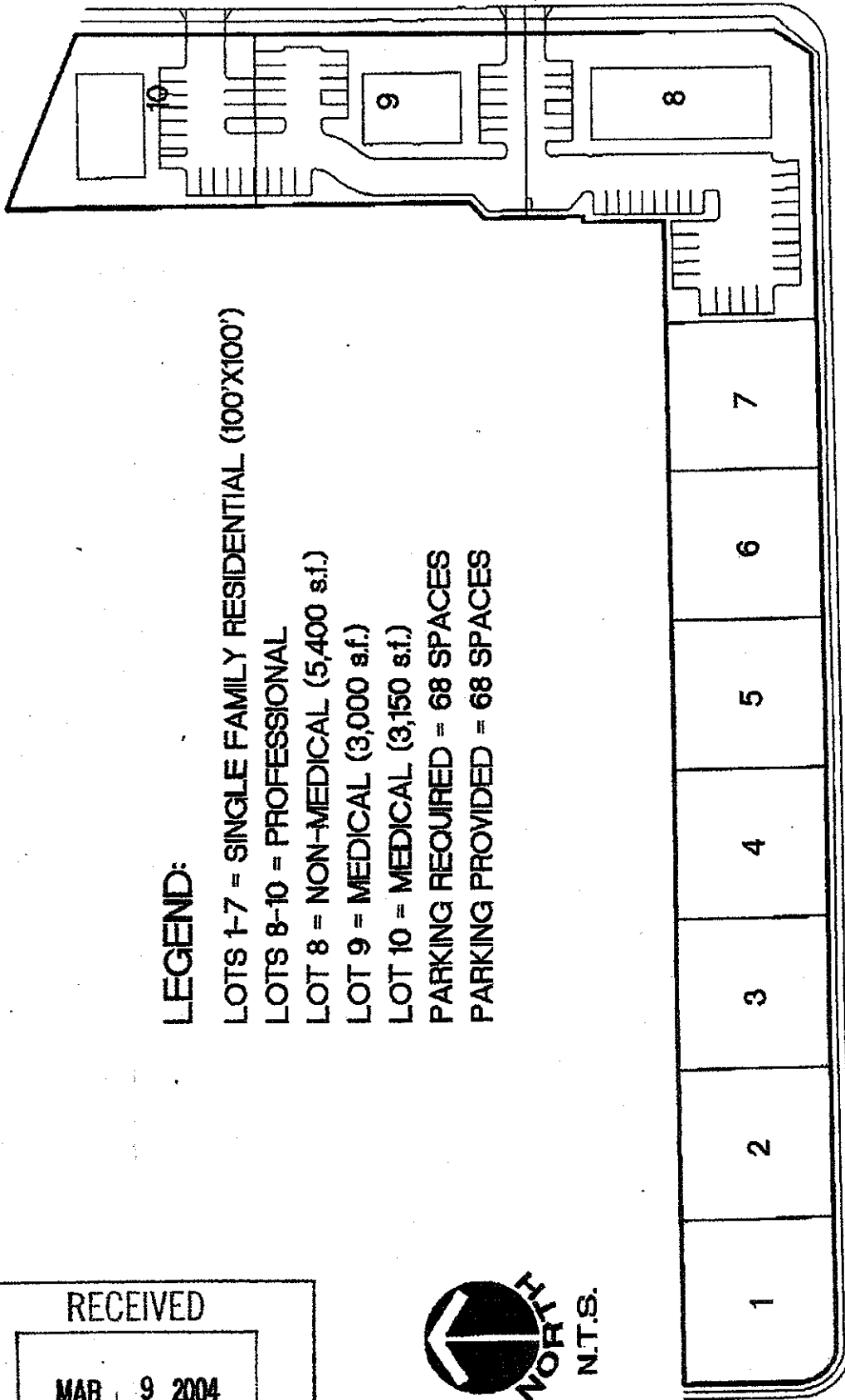
AYES: Members Foat, McCulloch, Pougnet and Mayor Oden  
 NOES: None  
 ABSENT: Member Mills  
 ABSTENTION: None

ATTEST:  
  
 City Clerk

CITY OF PALM SPRINGS, CALIFORNIA  
  
 City Manager

Reviewed and Approved as to Form:

SUNRISE WAY



**LEGEND:**

LOTS 1-7 = SINGLE FAMILY RESIDENTIAL (100'X100')

LOTS 8-10 = PROFESSIONAL

LOT 8 = NON-MEDICAL (5,400 s.f.)

LOT 9 = MEDICAL (3,000 s.f.)

LOT 10 = MEDICAL (3,150 s.f.)

PARKING REQUIRED = 68 SPACES

PARKING PROVIDED = 68 SPACES

SUNNY DUNES ROAD

**Site Plan Exhibit**

DESSERT CHAPEL  
SUNRISE WAY AND SUNNY DUNES

MAINIERO, SMITH AND ASSOCIATES, INC.  
PLANNING / CIVIL ENGINEERING / LAND SURVEYING

777 E. TELEHUTZ CANYON WAY, SUITE 301  
PALM SPRINGS, CALIFORNIA 92262-6784  
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PLANNING DIVISION

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**2. PUBLIC HEARINGS:**

**2A. DOS PALMAS DEVELOPMENT LLC, FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE ONE LARGE PARCEL INTO TWO LOTS RESULTING IN A 10,070-SQUARE FOOT LOT AND A REMAINDER LOT APPROXIMATELY 58,831-SQUARE FEET AT THE CORNER OF EAST SUNNY DUNES ROAD AND SOUTH SUNRISE WAY, ZONE R-1-C AND RMHP (CASE TPM 36693). (GM)**

Associate Planner Newell presented the proposed project.

Engineering staff responded to questions from the Commission regarding closing the gaps in the sidewalks; noting that staff is looking into this issue.

Chair Donenfeld opened the public hearing:

PAUL HRYN, addressed continuation of the sidewalks; said they are putting in 700 feet of sidewalk to the west; as they come up with a new plan for the remainder parcel it will be conditioned at the time.

There being no further appearances the public hearing was closed.

**ACTION:** Approve with conditions.

**Motion:** Commissioner Klatchko, seconded by Commissioner Calerdine and unanimously carried on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson and Chair Donenfeld

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**2B. LALITH CHANDRASENA FOR A CONDITIONAL USE PERMIT TO ALLOW MOTORCYCLE SALES AND REPAIR AT 6550 NORTH INDIAN CANYON DRIVE, ZONE HC (CASE 5.1325 CUP). (DN)**

Associate Planner Newell presented the proposed project as outlined in the staff report. He noted a correction to the name of the business as Palm Springs Motors (not Palm Springs Yamaha).

Staff noted this property is fully-developed with infrastructure built in.

Commissioner Roberts expressed concern with motorcycles test drives and outside placement shown on site.

Councilmember Weigel questioned if a Class 1 designation would require the restoration of the site, provided the background of the City Council's discussion and proceedings six months ago, and stated his support for a Class 2 designation.

Councilmember Hutcheson questioned if the property was in negotiation for sale or transfer and the future of the property, commented on the value to the neighborhood and the condition of the property, recommended the owner seek an offer to sell the property, and stated he is not in support of the demolition of the property at this time.

Mayor Pougnet requested staff address if the property was designated as a Class 2, could the City prohibit the demolition of the property.

Mayor Pro Tem Mills stated he is not opposed to a 45-day stay, but the City Council needs to deal with the issue, commented on the current condition of the property, and the history and background of the site.

**ACTION:** 1) Continue the Public Hearing to February 4, 2009; 2) Direct the City Clerk to Post a Notice of Continued Public Hearing; 3) Approve the Agreement to Extend Time for Action on Case No. HSPB-69, amending the Agreement to provide for the extension of time to February 5, 2009; and 4) Authorize the City Manager to execute the Agreement. A5771. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**1.C. APPLICATION BY SOUTHWEST REAL ESTATE HOLDINGS, LLC, FOR A GENERAL PLAN AMENDMENT AND A CHANGE OF ZONE FOR A PARCEL AT THE NORTHWEST CORNER OF SUNNY DUNES ROAD AND SUNRISE WAY; AND TENTATIVE TRACT MAP 28308 TO SUBDIVIDE A PORTION OF A 3.2 ACRE PARCEL FRONTING SUNNY DUNES ROAD INTO SEVEN RESIDENTIAL LOTS, CASE 5.1175 GPA, CZ, TTM 28308:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 17, 2008.

Mayor Pougnet opened the public hearing and the following speaker addressed the City Council.

PETER INTRAVARTOLO, provided a history of the property and stated the neighborhood came to agreement in 2002 with respect to the zoning of the parcel, stated his concerns for the change to a commercial designation, and requested the City Council prohibit an entry/exit on Sunny Dunes Road.

No further speakers coming forward, the public hearing was closed.

Mayor Pro Tem Mills commented on the configuration of the property and the limits to its use, stated he is not in support of the Zone Change and recommended the owner use the PDD process.

Councilmember Foat requested staff address the previous agreement and discussion on the property.

**ACTION:** Deny the Change of Zone and General Plan Amendment. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

~~**PUBLIC COMMENT:**~~

~~CURTIS BERGERON, Guide Dogs of the Desert, provided an update on the activities and programs of Guide Dogs of the Desert.~~

~~SID CRAIG, provided an update of the events for the upcoming Palm Springs Film Festival, and stated the organization is seeking additional volunteers.~~

~~**COUNCILMEMBER COMMENTS:** None.~~

~~**CITY MANAGER'S REPORT:**~~

~~City Manager Ready provided an update on the activities of Code Enforcement.~~

~~The City Council recessed at 8:06 p.m. and convened as the Community Redevelopment Agency.~~

~~The Community Redevelopment Agency adjourned at 8:10 p.m. and the City Council reconvened.~~

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.H., 2.J., 2.L., 2.N., and 2.O. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

**2.A. REPORT ON POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the December 17, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. APPROVAL OF MINUTES:**

**ACTION:** Approve the City Council Minutes of December 3, 2008, and December 10, 2008. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pougnet on the Minutes of December 10, 2008.**

## ACCEPTANCE OF THE AGENDA:

City Attorney Holland requested the City Council consider adding one item to the Consent Calendar as Item 2.M., approving an amendment to the Purchase and Sale Agreement with CDI Ventures, LLC, amending the name of the contracting party from CDI Ventures, LLC to Praetor Investments, LLC, modify the completion dates specifically to include the start of construction not to begin until September 1, 2014, and no later than October 15, 2014, building permits are required to be obtained prior to the demolition of the site, along with other miscellaneous provisions, and stated the terms of the amendment were analyzed late Tuesday, after the posting of the Agenda, and there is an immediate need to approve the amendment.

**ACTION:** 1) Find the amendment to the Purchase and Sale Agreement was completed after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Item; and 2) Add the Approval of an Amendment to the Agreement with CDI Ventures as Item 2.M. to the Consent Calendar. A6329. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

Mayor Pougnet noted his business relationship related abstention on Consent Calendar Item 2.E.

Councilmember Mills requested Items 2.D. and 2.K. be removed from the Consent Calendar for separate discussion and vote.

Councilmember Foat requested Item 2.I. be removed from the Consent Calendar for separate discussion.

**ACTION:** Accept the Agenda as amended. Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.

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## 1. PUBLIC HEARINGS:

### 1.A. DOS PALMAS DEVELOPMENT LLC FOR TENTATIVE PARCEL MAP 36693 TO SUBDIVIDE ONE LARGE PARCEL INTO TWO LOTS RESULTING IN A 10,070-SQUARE FOOT LOT AND A REMAINDER LOT APPROXIMATELY 58,831-SQUARE FEET AT THE CORNER OF EAST SUNNY DUNES ROAD AND SOUTH SUNRISE WAY (CASE TPM 36693):

Margo Wheeler, Director of Planning Services, provided background information as outlined in the Staff Report dated March 5, 2014.

Councilmember Foat requested the Planning Commission Minutes be included with the staff report, and requested staff address the undergrounding of utilities.

Mayor Pougnet opened the public hearing and the following speakers addressed the City Council.

JOHN HARMON, Palm Springs, stated the Development is a positive development for the neighborhood, and requested the City Council approve the project.

No further speakers coming forward the public hearing was closed.

Councilmember Mills requested staff address the access on Sunrise, and requested the City Council consider adding an Engineering Condition regarding the access on Sunrise.

Councilmember Foat stated due to the difficult lot, she does not believe it could be used for commercial purposes, and requested staff address the zoning of the property.

Councilmember Lewin requested staff address the frontage on Sunrise for the remainder parcel.

Councilmember Mills stated the access would have to be from the rear and coming out on Sunny Dunes with the building in the front on the lot.

Mayor Pro Tem Hutcheson suggested the City Council consider continuing the Public Hearing, for Staff to further review and inform the applicant to be present to address the City Council concerns.

**ACTION:** 1) Continue the Public Hearing to April 2, 2014; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing as required by law. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

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**PUBLIC COMMENT:**

EUGENE PRIETO, Palm Springs, requested the City Council consider renaming some City streets after fallen war heroes.

ELAINE CLERMONT, commented on a teacher at Saint Theresa School.

CHERYL HOUK, Palm Springs, commented on the noise caused by military jets at the Palm Springs International Airport.

JEROME CARLSON, Palm Springs, commented on urban beekeeping and requested the City Council allow urban beekeeping.

**REPORT OF CLOSED SESSION:** The meeting was called to order at 4:30 p.m., and the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda. City Attorney Holland reported the City Council provided direction to staff, otherwise took no reportable actions.

**ACCEPTANCE OF THE AGENDA:**

Councilmember Lewin noted his business related abstention on Item 2.D.

Mayor Pro Tem Hutcheson noted his business related abstention on Item 2.D., and requested Items 2.H. and 2.I. be removed from the Consent Calendar for separate discussion.

Councilmember Mills noted his abstention on Item 2.B.

Councilmember Foat requested Item 2.C. be removed from the Consent Calendar for separate discussion.

**ACTION:** Accept the Agenda as amended. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

**1. PUBLIC HEARINGS:**

**1.A. DOS PALMAS DEVELOPMENT LLC FOR TENTATIVE PARCEL MAP 36693 TO SUBDIVIDE ONE LARGE PARCEL INTO TWO LOTS RESULTING IN A 10,070-SQUARE FOOT LOT AND A REMAINDER LOT APPROXIMATELY 58,831-SQUARE FEET AT THE CORNER OF EAST SUNNY DUNES ROAD AND SOUTH SUNRISE WAY (CASE TPM 36693):**

Margo Wheeler, Director of Planning Services, provided background information as outlined in the Staff Report dated April 2, 2014.

Mayor Pougnet opened the public hearing, and the following speakers addressed the City Council.

PAUL HYRAN, Applicant, requested the City Council approve the project and the lot split.

No further speakers coming forward, the public hearing was closed.



Councilmember Mills requested the Applicant address the access to the site from Sunrise Way, and stated it would be better to approve the plans for the entire site.

Councilmember Lewin thanked the Applicant for the excellent project, and stated the City Council has an obligation to look at the long-term future of the site.

Councilmember Foat stated the project is a good project and stated she is prepared to approve the project.

**MOTION:** Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 36693 TO SUBDIVIDE ONE LARGE PARCEL INTO TWO LOTS RESULTING IN A 10,070 SQUARE FOOT LOT AND A REMAINDER LOT APPROXIMATELY 58,831 SQUARE FEET AT THE CORNER OF EAST SUNNY DUNES ROAD AND SOUTH SUNRISE WAY, ZONE R-1-C AND RMHP, SECTION 23 (CASE TPM 36693)."  
**Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and failed 2-3 on a roll call vote.**

**AYES:** Councilmember Foat and Mayor Pro Tem Hutcheson.  
**NOES:** Councilmember Lewin, Councilmember Mills, and Mayor Pougnet.

**1.B. PALM SPRINGS, LLC FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PRELIMINARY PLANNED DEVELOPMENT DISTRICT (PPD) 324 TO CONSTRUCT A MIXED USE DEVELOPMENT CONSISTING OF A 150 ROOM HOTEL WITH ANCILLARY RETAIL, PARKING STRUCTURE, AND VESTING TENTATIVE TRACT MAP 34190 AT 414 NORTH PALM CANYON DRIVE (CASE 5.1091 PDD 324):** Edward Robertson, Principal Planner, provided background information as outlined in the Staff Report dated April 2, 2014.

Mayor Pougnet opened the public hearing, and the following speakers addressed the City Council.

LAWRENCE RAEL, Applicant, commented on the history of the project, commented on the setback to the revised project, and introduced his project team who outlined the project.