



CITY COUNCIL STAFF REPORT

DATE: December 17, 2008

PUBLIC HEARING

SUBJECT: CASE NO. 5.1175 GPA, CZ, TTM 28308 – AN 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, SECTION 23, TOWNSHIP 4, RANGE 4.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The proposed project is a request by Southwest Real Estate Holdings, owners, to request a General Plan Amendment changing the land use designation for that portion of the parcel fronting Sunrise Way from "VLDR" (Very Low Density Residential) to "NCC" (Neighborhood Community Commercial). The project also includes a request for a Change of Zone from RMHP (Residential Mobile Home Park) and R-1-C (Single Family Residential) to C-1 (Commercial) for that portion of the parcel fronting South Sunrise Way. Finally there is an application to create a tentative tract map to create seven (7) residential lots for that portion of the project fronting Sunny Dunes Road, leaving one remainder lot located at the northwest corner of Sunny Dunes Road and South Sunrise Way. The total project comprises approximately 3.2 acres of land.

RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. ____ "A RESOLUTION OF THE CITY OF PALM SPRINGS, CALIFORNIA AMENDING THE PALM SPRINGS GENERAL PLAN FOR A PARCEL OF LAND AT THE NORTHWEST CORNER OF SOUTH SUNRISE WAY AND SUNNY DUNES ROAD FROM "VLDR" (VERY LOW DENSITY RESIDENTIAL) TO "NCC" (NEIGHBORHOOD COMMUNITY COMMERCIAL).

3. Introduce on first reading Ordinance No. ____ "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE PALM SPRINGS ZONING MAP TO CHANGE THE ZONE DESIGNATION FOR A PROPOSED REMAINDER PARCEL AT THE NORTHWEST CORNER OF SUNNY DUNES ROAD AND SUNRISE WAY FROM RMHP (RESIDENTIAL MOBILE HOME PARK) AND R-1-C (SINGLE FAMILY RESIDENTIAL) TO C-1 (COMMERCIAL-RETAIL)".
4. Adopt Resolution No. ____ "A RESOLUTION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 28308 CREATING SEVEN RESIDENTIAL LOTS FRONTING SUNNY DUNES ROAD, SUBJECT TO CONDITIONS OF APPROVAL

PRIOR ACTIONS:

On November 12, 2008, the Planning Commission voted unanimously to recommend adoption of the Environmental Negative Declaration, and approval of the proposed General Plan Amendment, the Change of Zone, and Tentative Tract Map 28308, subject to conditions of approval.

BACKGROUND AND SETTING:

The subject site is a vacant L-shaped parcel of approximately 3.22 acres located at the northwest corner of South Sunrise Way and Sunny Dunes Road. As noted in the attached Planning Commission Staff Report, a similar project application was submitted and approved in 2004, however the parcel was sold and those entitlements expired.

The current applicant is seeking to subdivide a portion of the approximately 3.22-acre parcel into seven residential lots along Sunny Dunes Road, conforming to the General Plan land use designation of Very Low Density Residential (4 du/acre) and the R-1-C zoning standard. The remainder corner lot, which is approximately 1.57 acres, fronts South Sunrise Way and Sunny Dunes Road. A General Plan Amendment (GPA) is requested to change the land use designation from Very Low Density Residential to Neighborhood Community Commercial for this remainder parcel. A change of zone (CZ) is also requested for the remainder parcel from RMHP (Residential Mobile Home Park) and R-1-C (Single Family Residential) to C-1 (Commercial). The applicant originally intended to develop the lots, however due to deteriorating economic conditions, he intends to sell the lots for development by others.

STAFF ANALYSIS:

The proposed GPA would extend the Neighborhood Community Commercial land use that already exists north of this site at the Ralph's Shopping Center and the 505 Sunrise Way Center, along the Sunrise Way frontage. Staff believes this is a reasonable change because it provides additional commercial uses within a walkable distance of adjacent residential neighborhoods and avoids placing very low density residential uses and associated multiple curb cuts along the busy major thoroughfare of South Sunrise

Way. Furthermore, that portion of the lot that is zoned RMHP (Residential Mobile Home Park) does not meet the minimum 20 acre lot size requirement for the zone.

That portion of the 3.2 acre parcel that fronts Sunny Dunes would not change in its General Plan land use designation or in its zoning designation.

The seven residential lots proposed in the Tentative Tract Map conform to the zone and are consistent with the development pattern along Sunny Dunes Road as well as the General Plan.

Staff therefore recommends the General Plan Amendment, the Change of Zone, and the Tentative Tract Map subject to the conditions of approval attached as Exhibit A.

ENVIRONMENTAL ASSESSMENT

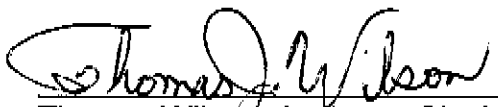
Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared and a Notice of Intent to adopt a Negative Declaration was sent to applicable agencies and published on September 10, 2008 in the Desert Sun for a 20-day review period ending September 30, 2008. The Initial Study and Negative Declaration are attached to this report.


NOTIFICATION:

Noticing to Native American Tribal governments relative to California SB 18 was made in accordance with State law. No objection or concern was received by the City. A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property. As of the writing of this report, staff has not received any comment.

FISCAL IMPACT: None.


Craig A. Ewing, AICP
Director of Planning Services


Thomas Wilson, Assistant City Manager

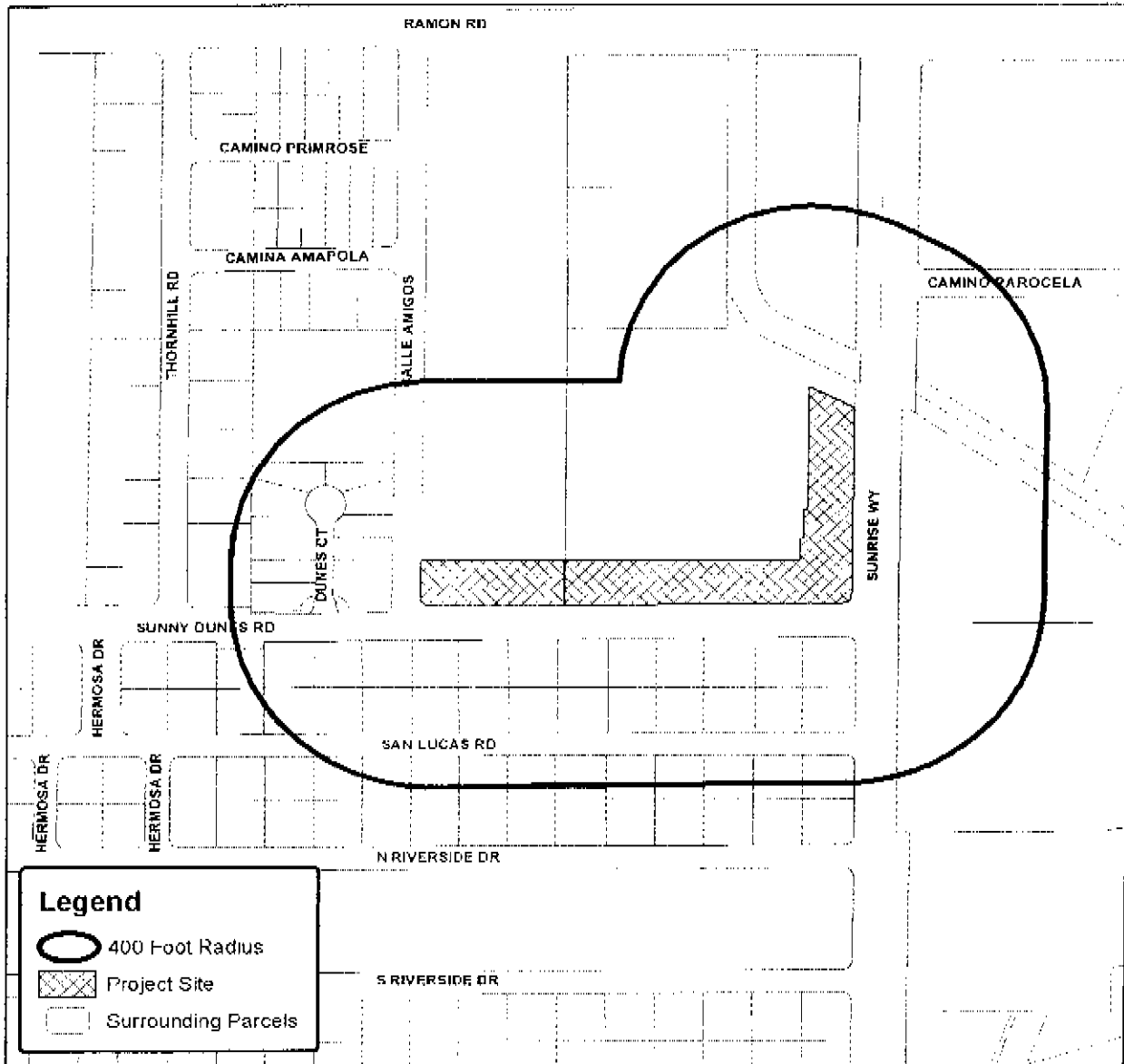

David H. Ready, City Manager

Attachments:

1. Vicinity Map
2. Draft Resolutions and Draft Ordinance.
3. Excerpts from Planning Commission Minutes of November 12, 2008
4. Planning Commission Resolution 7181
5. Staff Memo dated November 12, 2008 and Staff report dated October 22, 2008
6. Draft Negative Declaration and Notice of Intent
7. Reduced copy of Tentative Tract Map 28308.



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1175 CZ / GPA /
TTM 28308

APPLICANT: Southwest RE
Holdings, LLC

DESCRIPTION: To consider an application by Southwest RE Holdings, LLC to subdivide 3.22 acres into seven single-family residential lots and one commercial lot at the northwest corner of Sunny Dunes and South Sunrise Way, zoned R-1-C and RMHP. The application includes a General Plan Amendment, a Change of Zone and a Tentative Tract Map.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1175 GPA, CZ, TTM 28308, A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR A REMAINDER PARCEL OF APPROXIMATELY 1.57-ACRES AT THE NORTHWEST CORNER OF SUNNY DUNES AND SOUTH SUNRISE WAY FROM "VLDR" (VERY LOW DENSITY RESIDENTIAL) TO "NCC" (NEIGHBORHOOD COMMUNITY COMMERCIAL), SECTION 23, TOWNSHIP 4, RANGE 4.

WHEREAS, Southwest Real Estate Holdings, LLC. (the "Applicant") has filed a request for a General Plan Amendment to change the land use designation for an approximately 1.57 acre parcel at the northwest corner of Sunny Dunes and Sunrise Way from VLDR to NCC; and

WHEREAS, pursuant to the State of California Governmental Code Sections 65350 – 65362, procedures and requirements are established for Cities and Counties to create and amend their General Plan; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1175 GPA CZ TTM 28308, was given in accordance with applicable law; and

WHEREAS, on October 22, 2008, a public hearing on the application for Case 5.1175 GPA CZ TTM 28308 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, said public hearing was continued to a date certain of November 12, 2008 at which time the Planning Commission considered all oral and written testimony presented and voted unanimously to recommend certification of the environmental Negative Declaration, and to recommend approval by the City Council of Case 5.1175 GPA, CZ, TTM 28308, subject to conditions of approval, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1175 GPA CZ TTM 28308 was given in accordance with applicable law; and

WHEREAS, on December 17, 2008, a public hearing on the application was held by the City Council in accordance with applicable law; and

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

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

Section 1: Pursuant to the California Environmental Quality Act ("CEQA") guidelines, the proposed project consisting of a General Plan Amendment, a Change of Zone and a Tentative Tract Map will have no significant impacts on the environment and therefore hereby adopts the Negative Declaration.

Section 2: Pursuant to the State of California Governmental Code Sections 65350 – 65362, (procedures and requirements for Cities and Counties to create and amend their General Plan) the City Council finds that the requested General Plan Amendment is consistent with sound community planning practices, provides continuation of an adjacent neighborhood commercial land use designation, provides neighborhood serving commercial uses that could support adjacent existing residential neighborhoods, and provides for uses conducive to an area fronting a major thoroughfare that will not adversely affect the level of service for the surrounding circulation network of streets and roadways.

Section 3: The request for a General Plan Amendment for an approximately 1.57-acre parcel at the northwest corner of Sunny Dunes and Sunrise Way, changing the land use designation from VLDR (Very Low Density Residential) to NCC (Neighborhood Community Commercial) is hereby approved.

ADOPTED, this 17th day of December, 2008.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION:

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on December 17, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1175 GPA, CZ, TTM 28308, A TENTATIVE TRACT MAP TO SUBDIVIDE A PORTION OF AN EXISTING 3.22-ACRE PARCEL INTO SEVEN RESIDENTIAL LOTS FACING SUNNY DUNES ROAD, SECTION 23, TOWNSHIP 4, RANGE 4.

WHEREAS, Southwest Real Estate Holdings, LLC. (the "Applicant") has filed a request for a Tentative Tract Map to subdivide a portion of an existing 3.22 acre parcel into seven residential lots facing Sunny Dunes Road, and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1175 GPA CZ TTM 28308, was given in accordance with applicable law; and

WHEREAS, on October 22, 2008, a public hearing on the application for Case 5.1175 GPA CZ TTM 28308 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, said public hearing was continued to a date certain of November 12, 2008 at which time the Planning Commission considered all oral and written testimony presented and voted unanimously to recommend certification of the environmental Negative Declaration, and to recommend approval by the City Council of Case 5.1175 GPA, CZ, TTM 28308, subject to conditions of approval, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1175 GPA CZ TTM 28308 was given in accordance with applicable law; and

WHEREAS, on December 17, 2008, a public hearing on the application was held by the City Council in accordance with applicable law; and

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

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

Section 1: Pursuant to the California Environmental Quality Act ("CEQA") guidelines, the proposed project consisting of a General Plan Amendment, a Change of Zone and a Tentative Tract Map will have no significant impacts on the environment and therefore hereby adopts the Negative Declaration.

Section 2: Pursuant to Government Code Section 66473.5 the proposed subdivision and the provisions for its design and improvement are compatible with the objectives, polices, and general land uses and programs provided in the City's General Plan.

Section 3: Pursuant to Government Code Section 66474 (Subdivision Map Act), with the incorporation of the conditions attached in Exhibit A, the following findings are hereby made with respect to the Tentative Tract Map 28308:

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

The General Plan designation for the portion of the site where the seven residential lots are proposed is VLDR which allows 2.1 to 4.0 du/acre. The proposed parcels would conform to that density because they are all less than one quarter acre lots.

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 proposed subdivision and the provisions for its design and improvement are compatible with the objectives, polices, and general land uses provided in the City's General Plan because the seven proposed lots along Sunny Dunes Way reflect the Very Low Density designation of the General Plan. All street and other improvements are subject to the 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 proposed development has all the necessary street frontages, lot depths and dimensions required by the zones proposed or existing therein. The density as noted above is consistent with the General Plan. The applicant is proposing low density residential lots on the secondary thoroughfare of Sunny Dunes Road that will be compatible with the surrounding neighborhood. The site is physically suitable for the creation of lots that conform to the minimum size and dimensions required for the zone(s).

4. *The design of the proposed subdivision or the proposed improvements is 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 sides. The site has not been previously identified as a habitat area. The design of the proposed subdivision or the proposed improvements will not cause environmental damage or injure fish or wildlife or their habitat because it is an infill lot that is not within any recognized habitat or conservation area.

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

The proposed subdivision is designed to meet or exceed City Standards. The proposed residential lots and streets will be required to meet or exceed City Development Codes. Therefore, the project will not cause public health problems.

- 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.*

There are no known public easements or existing access across the property, therefore the design of the subdivision will not conflict with easements for access through or use of the subject property. Accesses to all lots proposed to be created have direct access to a public street.

Section 3: Tentative Tract Map 28308, a subdivision of a portion of an approximately 3.22-acre parcel for seven residential lots fronting Sunny Dunes Road is hereby approved, subject to conditions of approval attached hereto as Exhibit A.

ADOPTED, this 17th day of December, 2008.

ATTEST:

David H. Ready, City Manager

James Thompson, City Clerk

CERTIFICATION:

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on December 17, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP BY APPROVING CASE 5.1175 GPA, CZ, TTM 28308, A CHANGE OF ZONE FOR AN APPROXIMATELY 1.57-ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF SUNNY DUNES ROAD AND SUNRISE WAY, ZONE RMHP AND R-1-C, SECTION 23 TOWNSHIP 4, RANGE 4.

WHEREAS, The applicant Southwest Real Estate Holdings, LLC, has filed an application for a Change of Zone (CZ) for an approximately 1.57-acre remainder parcel at the northwest corner of Sunrise Way and Sunny Dunes Road (a portion of APN: 508-240-010); and

WHEREAS, a public hearing notice of the Planning Commission to consider Case 5.1175 GPA, CZ, TTM 28308 was published in accordance with applicable law; and

WHEREAS, on October 22, 2008 a public hearing to consider Case 5.1175 GPA CZ, TTM 28308 was held by the Planning Commission in accordance with applicable law. This public hearing was continued to a date certain of November 12, 2008 at the request of the applicant; and

WHEREAS, at said hearing the Planning Commission considered the information provided, including all written and oral testimony and voted 7-0-0 to recommended approval of the Change of Zone by the City Council, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1175 GPA CZ TTM 28308 was given in accordance with applicable law; and

WHEREAS, on December 17, 2008, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

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

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1175 GPA, CZ TTM 28308, and

WHEREAS, pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared for Case 5.1175 GPA, CZ

TTM 28308 and a Notice of Intent to adopt a Negative Declaration was sent to applicable agencies and published on September 10, 2008 in the Desert Sun for a 20-day review period ending September 30, 2008.

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

SECTION 1. Pursuant to the California Environmental Quality Act ("CEQA") guidelines, the proposed project consisting of a General Plan Amendment, a Change of Zone and a Tentative Tract Map will have no significant impacts on the environment and therefore hereby adopts the Negative Declaration; and

SECTION 2: Pursuant to Section 94.07.00 the criteria for granting a Change of Zone, the City Council finds:

1. *The proposed change of zone is in conformity with the general plan map. 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 requested change of zone from RMHP and R-1-C to C-1 is in conjunction with a General Plan Amendment changing the land use designation from VLDR and MDR to NCC. The proposed change of zone would be in conformity with the proposed general plan land use designation of NCC because both zone and land use designation provide for neighborhood-related commercial uses. The proposed change of zone is being made in accordance with the procedures set forth in State Planning law and the change of zone hearings are being held concurrent with the General Plan Amendment hearings.

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 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. Access to the proposed parcel is available from either South Sunrise Way or Sunny Dunes Road. Its size is in conformity with the minimum lot size required for the C-1 zone. Its relationship to similar or related uses is demonstrated because there are existing commercial uses and other C-1 zoned parcels to the north of the parcel and such uses are appropriate for a major thoroughfare such as South

Sunrise Way. The proposed C-1 zone relates to the adjacent residential zones because it would provide convenient commercial-retail-office uses within a walkable distance to these residential areas.

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 proposed change of zone is necessary and proper at this time because the size of the remainder parcel at 1.57-acres renders it too small for development as a residential mobile home park which requires a minimum lot size of 20 acres. The location of the parcel makes development of single family residences along Sunrise Way undesirable because multiple curb cuts required for single family development would exacerbate traffic flow along this major thoroughfare. Neighborhood commercial uses would be proper at this location because it is contiguous with other neighborhood commercial uses already developed in this area. It is also appropriate to consider this change of zone because it provides a logical transitional use between residential uses to the south and east, and commercial uses to the north.

SECTION 3. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of a change of zone and a thirty-day waiting period before it is effective allowing the approval of Case 5.1175 GPA CZ TTM 28308

SECTION 4. The City Council approves Case 5.1175 GPA, CZ, TTM 28308, a Change of Zone, subject to the Conditions of Approval attached hereto as Appendix A.

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

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

ADOPTED this 17th day of December, 2008.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION:

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

3. OTHER BUSINESS:

- 3A. Case 3.3297 MAA Time Extension - A request by Norman Freedberg of Fit To Be Tied for a two (2) year time extension of a non-conforming use located at 226 North Palm Canyon Drive, Zone CBD, Section 15, APN 513-091-005. (Project Planner: Glenn Mlaker, Assistant Planner)**

Glenn Mlaker, Assistant Planner, provided background information as outlined in the staff report dated November 12, 2008.

-Norman Freedberg, applicant, (responding to questions from the Commission) stated that new owners recently purchased the building and is currently operating on a month-to-month basis.

Discussion occurred on the notice of the non-conforming use to the applicant, consideration of relocation and the existing retail use.

Commissioner Ringlein commented that she has been a customer of this establishment for many years and does not see a reason to make any changes. Ms. Ringlein noted that perhaps the current zone text amendment is not appropriate and requested further review of the ordinance.

M/S/C (Ringlein/Caffery, 7-0) To approve, subject to Conditions of Approval.

4. PUBLIC HEARINGS:

- 4A. Case 5.1175 GPA / CZ / TTM 28308 - An application by Southwest Real Estate Holdings, LLC for a General Plan Land Use Map Amendment from VLDR (Very Low Density Residential) to NCC (Neighborhood Community/Commercial), a Change of Zone from RMHP (Residential Mobile Home Park) and R-1-C (Single Family Residential) to C-1 (Commercial) and a Tentative Tract Map to subdivide a 3.22 acre parcel into seven residential parcels and one remainder commercial parcel. The project is located at 657 South Sunrise Way, Section 23, APN: 508-231-005 and -010. (Project Planner: Ken Lyon, Associate Planner)**

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated November 12, 2008. Mr. Lyon reported that the revised map proposes only the seven residential lots and the commercial is now shown as the "remainder parcel" allowing the City to defer infrastructure improvements associated with that lot.

Chair Hochanadel opened the Public Hearing:

-John Sanborn, Sanborn A/E, thanked planning and engineering staff on the revision and felt that the change to the project is in the best interest for both parties; he was available for questions.

There being no further appearances, the Public Hearing was closed.

Commissioner Conrad recalled that many neighbors had concerns with the mixed-use project during the original public hearing and since no public testimony was made today speaks volumes about the project. Staff noted that the general response from neighbors has been positive.

M/S/C (Caffery/Scott, 7-0) To recommend adoption of the Negative Declaration to the City Council and approval of Case 5.1175 GPA, CZ and Tentative Tract Map 28308, subject to Conditions of Approval.

4B. Case 5.1208 CUP - An application by Longs Drugs for a Conditional Use Permit to allow the use of a drive-through facility at the existing building within the Smoke Tree Village Shopping Center located at 1785 East Palm Canyon Drive, Zone C-S-C, Section 25, APN: 511-020-010. (Project Planner: David A. Newell, Associate Planner)

Commissioner Conrad noted a financial conflict of interest and would not be participating in the discussion and vote. She left the Council Chamber at 2:50 p.m.

David Newell, Associate Planner, provided background information as outlined in the staff report dated November 12, 2008. Mr. Newell reported that part of this project includes removal of 29 parking spaces along the east side of the building.

Commissioner Donenfeld questioned if there is sufficient clearance for vehicles to make the turn into the drive-through. Staff responded that with the removal of the parking spaces there will be sufficient space.

Chair Hochanadel said he has noticed homeless people loitering near the recyclable bins and questioned if there is concern with drugs handed-out from the drive-through window. Staff responded that this issue was not raised by the police department; however, the Commission may impose a condition to address outdoor security issues.

Commissioner Caffery reiterated a concern with the clearance area for the drive-through. Marcus Fuller, Assistant Director of Works, responded that staff has reviewed the plan and concluded that the site access will allow for the turn movement.

Staff noted that a resolution of denial would be prepared and brought back to the Commission for their next meeting. Mr. Ewing reported that following the Commission's final action on the request, it may be appealed to the City Council.

2. OTHER BUSINESS:

2A. Case 10.466 DET - A request by William Richerson to allow a twelve (12) foot high flag pole within the front yard set-back area located at 5244 Menlo Circle, Zone R-1-C, Section 29, APN: 681-192-002. (Project Planner: Glenn Mlaker, Assistant Planner)

Glenn Mlaker, Assistant Planner, provided background information as outlined in the staff report dated October 22, 2008. Mr. Mlaker noted that a revised exhibit on the board includes the property line as it relates to the right-of-way. Staff confirmed that the flag pole is placed on city property.

Commissioner Conrad questioned the probability of the City requiring the right-of-way since this area has been improved with curb and gutter. Engineering staff responded that at some point in the future it may be required.

Staff reported that Code Enforcement received an anonymous complaint for the height and location of the flag pole. The flag pole was originally 20 feet in height but has been reduced to 12 feet.

Engineering staff confirmed that an encroachment permit would solve this problem.

Mr. Ewing suggested a conformance to determine if the location is within the existing right-of-way and if appropriate, to be resolved at staff level.

M/S/C (Conrad/Scott, 6-0-01 absent/Ringlein) To continue to a date uncertain, unless resolved at staff level.

3. PUBLIC HEARINGS

3A. Case 5.1175 CPA / CZ / TTM 28308 - An application by Southwest Real Estate Holdings, LLC for a General Plan Land Use Map Amendment from VLDR (Very Low Density Residential) to NCC (Neighborhood Community/Commercial), a Change of Zone from RMHP (Residential Mobile Home Park) and R-1-C (Single Family Residential) to C-1 (Commercial) and a Tentative Tract Map to subdivide a 3.22 acre parcel into seven residential parcels and one commercial parcel. The project is located at 657 South Sunrise Way, Section 23, APN: 508-231-005 and -010. (Project Planner: Ken Lyon, Associate Planner)

Staff reported that the applicant has requested a continuance of this project.

Chair Hochanadel opened the Public Hearing:

-Sherri Sale, Palm Springs, (lives across the street from the proposed project) expressed concern with the traffic impact that may result from the commercial/retail use.
-John Sanborn, Sanborn A/ E, (engineers for the project) stated that they are requesting a continuance to review the possibility of eliminating the commercial property from the tract map.

There being no further appearances, the Public Hearing was continued to November 12, 2008.

M/S/C (Conrad/Donenfeld, 6-0, 1 absent/Ringlein) To continue to the meeting of November 12, 2008.

3B. (Moved to the end of the agenda.)

3C. Case 5.1214 CUP - An application by Joseph Benham of Pete's Wine & Spirits for a Conditional Use Permit to allow the operation of a liquor store located at 200 North Palm Canyon Drive, Zone C-B-D, Section 15, APN: 513-091-008. (Project Planner David A. Newell, Associate Planner)

David A. Newell, Associate Planner, provided background details as outlined in the staff report dated October 22, 2008.

Chair Hochanadel opened the Public Hearing:

-Joseph Benham, owner, stated the purpose of this business is to sell high-end wine & spirits; and has been in business for 15 years.

There being no further appearances, the Public Hearing was closed.

Commissioner Conrad questioned if the General Plan limits the type of use in the CBD zone given that there are numerous liquor stores on Palm Canyon Drive. Staff responded that the issue of limiting businesses based on market conditions has not been raised by the City Council.

Commissioner Caffery expressed concern with a liquor store in the CBD zone especially the two glass corner walls and the visual appearance from the street.

file

RESOLUTION NO. 7181

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING APPROVAL OF CASE 5.1175 CHANGE OF ZONE, GENERAL PLAN AMENDMENT and TTM 28308, SUBJECT TO THE ATTACHED CONDITIONS, TO SUBDIVIDE 3.22 ACRES INTO SEVEN (7) SINGLE FAMILY RESIDENTIAL LOTS AND ONE (1) COMMERCIAL LOT FOR FUTURE DEVELOPMENT, LOCATED AT THE NORTHWEST CORNER OF SUNRISE WAY AND SUNNY DUNES, R-1-C AND RMHP ZONES, SECTION 23.

WHEREAS, Southwest RE Holding, LLC, (the "Applicant") has filed an application with the City pursuant to Section 94.02.00 of the Zoning Code and the Palm Springs Municipal Code Section 9.60 for a Change of Zone (CZ), General Plan Amendment, (GPA) and Tentative Tract Map 28308 to subdivide 3.22 acres into seven (7) single family residential lots and one (1) professional office lot at the northwest corner of Sunrise Way and Sunny Dunes, R-1-C and RMHP Zones, Section 23; and

WHEREAS, the current General Plan designation for the subject site is (Very Low Residential (VLDR) (2.1 to 4 units per acre) for that portion of the site fronting Sunny Dunes Way and Medium Density Residential (MDR) 6.1 to 15 units per acre) for that portion of the site fronting Sunrise Way; and

WHEREAS, the application for Tentative Tract Map (TTM 28308) is to subdivide the existing 3.22 acre parcel into seven single family residential parcels (approximately 10,000 square feet in size) along Sunny Dunes and one corner lot commercial parcel fronting South Sunrise Way; and

WHEREAS, the applicant has requested a General Plan Amendment (GPA) to change the land use designation on the proposed commercial corner lot parcel from Medium Density Residential (MDR) to Neighborhood Community Commercial (NCC); and

WHEREAS, the existing zoning for the parcel is R-1-C (10,000 sf minimum single family lots) along Sunny Dunes and RMHP (Residential Mobile Home Park) along Sunrise Way; and,

WHEREAS, the applicant has requested a Change of Zone (CZ) for that portion of the site comprising the proposed corner lot fronting Sunrise Way from RMHP to C-1 (Commercial/Retail); and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm

Springs to consider the above-mentioned applications were given in accordance with applicable law; and

WHEREAS, on November 12, 2008, a public hearing on Case 5.1175 GPA/CZ and Tentative Tract Map 28308 were held by the Planning Commission in accordance with applicable law; and

WHEREAS, pursuant to Government Code Section 66412.3, the Planning Commission 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

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 action is considered a Project and an initial study was conducted. A Notice of Intent to adopt a Negative Declaration was prepared and circulated for public review and comment for a period of 20 days from September 10, 2008 until September 30, 2008; and

WHEREAS, the Planning Commission has 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 including the environmental assessment prepared for the project and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to CEQA, the Planning Commission finds that pursuant to the California Environmental Quality Act ("CEQA") guidelines, the proposed project consisting of a General Plan Amendment, a Change of Zone and a Tentative Tract Map will have no significant impacts on the environment and therefore the Planning Commission hereby adopts the Negative Declaration.

Section 2: Pursuant to Government Code Section 66473.5 the Planning Commission 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 and any applicable specific plan.

Section 3: Pursuant to Government Code Section 66474 (Subdivision Map Act), the Planning Commission finds that with the incorporation of the conditions attached in Exhibit A, the following findings are hereby made with respect to the Tentative Tract Map 28308:

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

With the approval of the above-noted General Plan Amendment, the proposed project is consistent with the General Plan. The General Plan designation for the portion of the site where the seven residential lots are proposed is VLDR which allows 2.1 to 4.0 du/acre. The proposed parcels would conform to that density because they are all less than one quarter acre lots.

The proposed commercial lot at the corner of Sunrise Way and Sunny Dunes would conform to the General Plan after the above-mentioned GPA is approved.

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 proposed subdivision and the provisions for its design and improvement are compatible with the objectives, polices, and general land uses provided in the City's General Plan because the seven proposed lots along Sunny Dunes Way reflect the Very Low Density designation of the General Plan. With the approval of the requested GPA, the parcel proposed along South Sunrise way would also be consistent with the General Plan designation of NCC. All street and other improvements are subject to the 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 proposed development has all the necessary street frontages, lot depths and dimensions required by the zones proposed or existing therein. The density as noted above is consistent with the General Plan. The applicant is proposing a mixed use project with a commercial lot on the major thoroughfare and low density residential lots on the secondary thoroughfare that will be compatible with the surrounding neighborhood. The site is physically suitable for the creation of lots that conform to the minimum size and dimensions required for the zone(s).

4. *The design of the proposed subdivision or the proposed improvements is 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 sides. The site has not been previously identified as a habitat area. The design of the proposed subdivision or the proposed improvements will not cause environmental damage or injure fish or wildlife or their habitat because it is an infill lot that is not within any recognized habitat or conservation area.

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

The proposed subdivision is designed to meet or exceed City Standards. The proposed residential lots and streets will be required to meet or exceed City Development Codes. Therefore, the project will not cause public health problems.

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.*

There are no known public easements or existing access across the property, therefore the design of the subdivision will not conflict with easements for access through or use of the subject property. Access to all lots proposed to be created has direct access to a public street.

Section 4: Change of Zone Findings.

The Findings for a Change of Zone request are outlined in Section 94.07.00 "Zoning Map Amendment (Change of Zone)" of the Palm Springs Zoning Ordinance (PSZO) as follows:

A. Criteria for Granting a Change of Zone.

The commission in recommending and the council in reviewing a proposed change of zone, shall consider whether the following conditions exist in reference to the proposed zoning of the subject property:

1. *The proposed change of zone is in conformity with the general plan map. 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 requested change of zone from RMHP and R-1-C to C-1 is in conjunction with a General Plan Amendment changing the land use designation from VLDR and MDR to NCC. The proposed change of zone would be in conformity with the proposed general plan land use designation of NCC because both zone and land use designation provide for neighborhood-related commercial uses. The proposed change of zone is being made in accordance with the procedures set forth in State Planning law and the change of zone hearings are being held concurrent with the General Plan Amendment hearings.

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 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. Access to the proposed parcel is available from either South Sunrise Way or Sunny Dunes Road. Its size is in conformity with the minimum lot size required for the C-1 zone. Its relationship to similar or related uses is demonstrated because there are existing commercial uses and other C-1 zoned parcels to the north of the parcel and such uses are appropriate for a major thoroughfare such as South Sunrise Way. The proposed C-1 zone relates to the adjacent residential zones because it would provide convenient commercial-retail-office uses within a walkable distance to these residential areas.

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 proposed change of zone is necessary and proper at this time because the size of the parcel at 3.22 acres makes it too small for development as a residential mobile home park which requires a minimum lot size of 20 acres. The location of the parcel makes development of single family residences along Sunrise Way undesirable because multiple curb cuts required for single family development would exacerbate traffic flow along this major thoroughfare. Neighborhood commercial uses would be proper at this location because it is contiguous with other neighborhood commercial uses already developed in this area. It is also appropriate to consider this change of zone because it provides a logical transitional use between residential uses to the south and east, and commercial uses to the north.

Section 5: General Plan Amendment Findings.

State of California Governmental Code Sections 65350 – 65362, outlines the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. The requested GPA has been evaluated based upon the following:

- Compatibility of the proposed use with adjacent land uses
- Development patterns of the neighborhood.
- Applicable Goals, Policies and Actions of the General Plan.

Findings of Compatibility of the proposed land use designation with existing adjacent land uses.

The subject General Plan Amendment proposes to change the General Plan for only the proposed parcel fronting Sunrise Way at the corner of Sunny Dunes from Very Low Density Residential (VLDR) and Medium Density Residential (MDR) to Neighborhood/Community Commercial (NCC). This land use change is compatible with the adjacent land uses because the same land use designation exists immediately north of the subject parcel, on the 555 Sunrise Plaza site, and at the Ralph's Center at the northwest corner of Sunrise Way and Ramon Road.

The proposed GPA is also consistent with General Plan policy LU 4.6 noted below:

LU 4.6: Foster development of commercial centers and small-scale commercial retail in residential areas that encourage walkable connections between retail and residential uses.

The subject parcel is in a logical transition location between neighborhood commercial to the north and the residential areas to the south, east and west. It would enable development that is walkable, small-scale in nature, and provide commercial/retail amenities desirable to the residential neighborhoods that surround it.

Findings of consistency with development patterns in the neighborhood.

The requested change in land use to Neighborhood/Community Commercial is consistent with development patterns in the neighborhood because similar land uses already exist on the adjacent parcels to the north. The intersection of two major thoroughfares in the City, Ramon Road and Sunrise Way is adjacent to this proposed parcel. Not only is the change of land use to NCC consistent with existing land uses, it is

also more appropriate for commercial land uses to develop near this busy intersection, rather than residential uses, which is what the existing land use designations would allow. By allowing commercial/offices uses on the proposed parcel, these land uses can provide a buffer and transition between the busy intersection to the north, and the quieter residential neighborhoods to the south. It also potentially reduces the number of curb cuts onto Sunrise Way that individual single family residences would cause, thereby reducing possible adverse impacts on traffic flow caused by such multiple curb cuts.

Consistency with Goals, Policies and Action Items of the General Plan.

In addition to LU 4.6 noted above, the proposed change in land use for the proposed parcel is consistent with the General Plan in the following ways:

Goal LU 1: Establish a balanced pattern of land uses that complements the pattern and character of existing uses, offers opportunities for the intensification of key targeted sites, minimizes adverse environmental impacts, and has positive economic results.

The proposed GPA is consistent with this goal because it proposes land uses that complement the pattern and character of existing commercial/office uses, offers intensification of a proposed parcel near the intersection of two major thoroughfares where such uses are more appropriate than the existing residential land uses would allow, and would have positive economic results because it provides retail and office space in an area where existing neighborhood shopping centers have very low vacancy rates and turnover. The proposed commercial land use for this parcel would support not only the existing residential development to the south, but would also be supportive of the many small hotels and tourist resorts in the adjacent Warm Sands neighborhood.

Policy LU 8.7 On-site parking is encouraged to be accessed from side streets or public alleys to minimize traffic impacts on major streets and to avoid interruption in the street-front design of commercial centers.

The propose parcel has frontage on both Sunrise Way and on Sunny Dunes. Sunny Dunes, as the side street in this case, can effectively accommodate this policy, thereby reducing curb cuts and interruptions in traffic flow along the major thoroughfare of Sunrise Way.

Goal CD 18 Create attractive neighborhood retail centers that provide generous pedestrian amenities, distinctive architecture, and convenient access.

The proposed parcel that is the subject of this GPA is a transition point between existing commercial and residential areas. As such, it provides the opportunity for creation of a neighborhood gathering node, a possible gateway feature, and future development could be conditioned to provide an attractive focal point at the corner and pedestrian amenities within the site such as benches, shaded outdoor eating areas and gathering areas, bicycle racks and so on.


NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends approval of Case 5.1175 GPA/CZ 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 12th day of November, 2008.

AYES: 7, Caffery, Scott, Hochanadel, Cohen, Ringlein, Conrad and Donenfeld
NOES: None.
ABSENT: None.
ABSTAIN: None.

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO. 7181

EXHIBIT A

CASE NO. 5.1175 CZ GPA, TTM 28308

NORTHWEST CORNER SUNNY DUNES ROAD AND SOUTH SUNRISE WAY
APN# 508-231-005 and 508-240-010

ZONE R-1-C/RMHP, SECTION 23,

November 12, 2008

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

PROJECT SPECIFIC CONDITIONS

Administrative

- ADM 1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
- ADM 2. 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 5.1175 CZ GPA and TTM 28308. 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 3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation 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 4. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in-lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being ½% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 5. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland.
- ADM 6. The final development plans shall show seven (7) residential lots and one remainder lot.
- ADM 7. Perimeter walls shall be designed, installed and maintained in accordance with the corner cutback requirements as required in Section 93.92.00D. At the time of development of structures on the individual lots, a six foot decorative block wall shall be required to separate the individual residential lots, commercial lot and the mobile home park, and between the commercial lot and the residential lots.

ADM 8. This project is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid at or before Certificate of Occupancy or Final Inspection.

CC&R's

ADM 9. The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning and Zoning for approval in a form to be approved by the City Attorney, to be recorded prior to approval of a final map. The CC&R's shall be enforceable by the City, shall not be amended without City approval, shall require maintenance of all property in a good condition and in accordance with all ordinances.

ADM 10. At the time of filing of the CC&R's, the applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3500, for the review of the CC&R's by the City Attorney. An additional filing fee shall also be paid to the City Planning Department for administrative review purposes.

Cultural Resources

ADM 11. 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.

ADM 12. Given that portions of the project area are within an alluvial formation, the possibility of buried resources is increased. A Native American Monitor shall be present during all ground-disturbing activities.

- a. Experience has shown that there is always a possibility of buried cultural resources in a project area. Given that, 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 and Zoning and after the consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to investigate and, 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 and Zoning Department prior to final inspection.

PLANNING CONDITIONS

Final Design - Commercial (remainder) Lot

- PLN 1. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning and Zoning prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal.
- PLN 2. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning & Zoning prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized.

Final Design - Residential Lots

- PLN 3. Architectural approval is not required for the single family lots.
- PLN 4. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
- PLN 5. The design, height and texture and color of the buildings, fences and walls shall be submitted for review and approval prior to issuance of building permits. A six foot decorative block wall shall be constructed along the property line with the mobile home park and between the residential units. Walls separating the project site from the mobile home park along the entire north property line shall be constructed at the time of the construction of the subdivision improvements. Individual side property line walls may be constructed with individual buildings.
- PLN 6. The street address numbering/lettering shall not exceed eight inches in height.

GENERAL CONDITIONS/CODE REQUIREMENTS

- PLN 7. Tentative Tract Maps shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- PLN 8. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
- PLN 9. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
- PLN 10. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
- PLN 11. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
- PLN 12. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.

ENGINEERING

The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances.

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

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

SUNNY DUNES ROAD

ENG 3. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 4. All broken or off grade street improvements shall be repaired or replaced to the satisfaction of the City Engineer.

CALLE AMIGOS

ENG 5. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 6. All broken or off grade street improvements shall be repaired or replaced to the satisfaction of the City Engineer.

SANITARY SEWER

ENG 7. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

GRADING

ENG 8. Submit a Grading Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted

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

a. The first submittal of the 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 Tract Map or site plan, a copy of current Title Report; and a copy of Soils Report.

ENG 9. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

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

ENG 11. 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 12. 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 13. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

ENG 14. A Notice of Intent to Comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. 760-346-7491). A copy of the executed

letter issuing a Waste Discharge Identification number shall be provided to the City Engineer prior to issuance of a grading permit.

- ENG 15. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 16. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 17. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 18. 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 19. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board(RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat

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

- ENG 20. 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 per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

- ENG 21. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
- ENG 22. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of

the applicant to coordinate and arrange payment of any required fees for the utility companies.

- ENG 23. All proposed utility lines shall be installed underground.
- ENG 24. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the property meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.
- ENG 25. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 26. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 27. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to 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 28. 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 29. 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.

MAP

- ENG 30. A Final 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 Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.

- ENG 31. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file)), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

TRAFFIC

- ENG 32. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 33. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, and striping associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

- ENG 34. Construction signing, lighting and barricading shall be provided for on all projects 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 State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 2006, or subsequent additions in force at the time of construction.
- ENG 35. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

END OF CONDITIONS



Planning Commission Memo

Date: November 12, 2008

Case No.: 5.1175 GPA,CZ; TTM 28308

Application Type: General Plan Amendment, Change of Zone and Tentative Tract Map

Location: 657 South Sunrise Way (NWC Sunrise at Sunny Dunes)

Applicant: Southwest RE Holdings, LLC

General Plan: (Very Low Density Residential and Medium Density Residential)

Zone R-1-C (single family residential) and RMHP (Residential Mobile Home Park)

APNs: 508-231-010 and 508-231-005

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Ken Lyon, Associate Planner

On October 22, 2008, the Planning Commission held a public hearing on this case. At that hearing, the applicant requested the hearing be continued to a date certain to allow revisions in the Tentative Tract Map. The Planning Commission opened the public hearing, took public testimony, and voted 6-0-1 to continue the public hearing to a date certain of November 12, 2008.

A brief explanation of the changes made to the Tentative Tract Map is provided in this memo and the October 22, 2008 staff report is also attached giving full description of the project.

Changes made to the Tentative Tract Map

The original TTM was comprised of seven residential lots and one commercial lot. The revised map proposes only the seven residential lots. The area previously shown as the commercial lot is now shown as the "remainder parcel". The dimensions of each lot remains unchanged. Defining the proposed commercial parcel as a "remainder" lot allows the City to defer infrastructure improvements associated with that lot. Infrastructure improvements related to the commercial lot are more extensive than those associated with the residential lots. Development of the commercial lot will trigger curb, gutter, sidewalk, median improvements and possible cost sharing for the widening the bridge over the Baristo Channel immediately to the north of that parcel. Infrastructure improvements imposed through the Conditions of Approval on the Tentative Tract Map would now only apply to the proposed creation of the seven residential lots.

Because of deteriorating economic conditions, the applicant desires is to complete the subdivision -- but not develop the lots at this time. His intent is to sell the lots.

State subdivision law requires the City to incorporate conditions of approval for any related scope and cost for infrastructure improvements related to a tentative tract map. In the event the applicant desires to defer implementation of such improvements, the City is required to secure bonds equal to the value of the improvements. As noted above, no development is anticipated by the applicant at this time. By limiting the scope of the tract map to only the seven residential lots, bonds would only be needed for the improvements related to those seven lots. The City retains the ability to condition future developments on the "remainder parcel" for the more costly infrastructure improvements related to that lot. Staff believes the applicant's request is reasonable. Furthermore, it does not eliminate the City's ability to condition future development applications for infrastructure improvements made necessary by the development of the "remainder lot".

The following findings for the Tentative Tract Map are modified to reflect the revised scope of the map. The Conditions of Approval have also been revised to reflect only that scope related to the seven residential lots.

REVISED FINDINGS:

Tentative Tract Map Findings.

The applicant proposes a Tract Map to subdivide a portion of the 3.22 acre parcel into seven lots conforming to the R-1-C zone along Sunny Dunes. The findings for a Tentative Tract Map are found within Section 66426 et seq of the State of California Subdivision Map Act and are as follows;

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

With the approval of the above-noted General Plan Amendment, the proposed project is consistent with the General Plan. The General Plan designation for the portion of the site where the seven residential lots are proposed is VLDR which allows 2.1 to 4.0 du/acre. The proposed parcels would conform to that density because they are all less than one quarter acre lots.

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, staff believes that the proposed subdivision and the provisions for its design and improvement are compatible with the objectives, polices, and general land uses provided in the City's General Plan because the seven proposed lots along Sunny Dunes Way reflect the Very Low Density designation of the General Plan. All street and other improvements are subject to the 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 proposed development has all the necessary street frontages, lot depths and dimensions required by the zones proposed or existing therein. The density as noted above is consistent with the General Plan. The applicant is proposing low density residential lots on the secondary thoroughfare that will be compatible with the surrounding neighborhood. The site is physically suitable for the creation of lots that conform to the minimum size and dimensions required for the zone(s).

4. *The design of the proposed subdivision or the proposed improvements is 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 sides. The site has not been previously identified as a habitat area. The design of the proposed subdivision or the proposed improvements will not cause environmental damage or injure fish or wildlife or their habitat because it is an infill lot that is not within any recognized habitat or conservation area.

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

The proposed subdivision is designed to meet or exceed City Standards. The proposed residential lots and streets will be required to meet or exceed City Development Codes. Therefore, the project will not cause public health problems.

- 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.*

There are no known public easements or existing access across the property, therefore the design of the subdivision will not conflict with easements for access through or use of the subject property. All lots proposed have direct access to a public street.

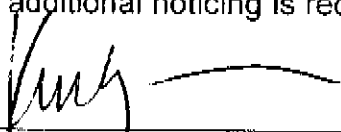
Because of the above affirmative findings, Staff recommends approval of the requested Tentative Tract Map.

ENVIRONMENTAL ASSESSMENT

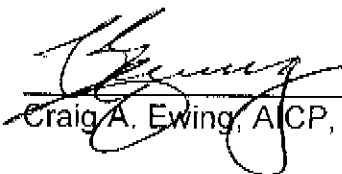
Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared on the project. A Notice of Intent to adopt a Negative Declaration was sent to applicable agencies and published on September 10, 2008 in the Desert Sun for a 20-day review period ending September 30, 2008. The Initial Study and Negative Declaration are attached to this report. An addendum to the Initial Study revising the description of the Tentative Tract Map is attached to this memo. This minor revision in project description does not change the environmental impact of the project. Therefore, Notice of Intent to adopt a Negative Declaration does not need to be recirculated.

NOTIFICATION

A public hearing notice of the October 22, 2008 meeting 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. Because the project was continued to a date certain, no additional noticing is required.



Ken Lyon, Associate Planner



Craig A. Ewing, AICP, Planning Director

ATTACHMENTS:

1. Vicinity Map
2. Excerpts from the minute of the 10-22-08 Planning Commission Meeting.
3. Planning Commission Staff Report dated 10-22-08
4. Draft Resolution
5. Conditions of Approval
6. Revised Tentative Tract Map
7. Initial Study w/addendum
8. Notice of Intent



Planning Commission Staff Report

Date: October 22, 2008

Case No.: 5.1175 GPA,CZ; TTM 28308

Application Type: General Plan Amendment, Change of Zone and Tentative Tract Map

Location: 657 South Sunrise Way (NWC Sunrise at Sunny Dunes)

Applicant: Southwest RE Holdings, LLC

General Plan: (Very Low Density Residential and Medium Density Residential)

Zone: R-1-C (single family residential) and RMHP (Residential Mobile Home Park)

APNs: 508-231-010 and 508-231-005

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Ken Lyon, Associate Planner

DESCRIPTION:

The proposed project is a request by Southwest RE Holdings, owners, to

1. Request a General Plan Amendment changing the land use designation for that portion of the project fronting Sunrise Way from "VLDR" (Very Low Density Residential) to "NCC" (Neighborhood Community Commercial).

2. Request a Change of Zone from RMHP (Residential Mobile Home Park) and R-1-C (Single Family Residential) to C-1 (Commercial) for the newly proposed parcel fronting South Sunrise Way,
3. Create a tentative tract map to create seven (7) residential lots and one commercial lot located at the northwest corner of Sunny Dunes Road and South Sunrise Way on approximately 3.2 acres of land,

RECOMMENDATION:

That the Planning Commission:

1. Adopt a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) and recommend that the City Council certify the Negative Declaration.
2. Recommend to the City Council approval of Case 5.1175 GPA, CZ, TTM 28308 subject to Conditions of Approval for the purpose of creating seven (7) residential lots and one commercial lot.

PRIOR ACTIONS:

On December 17, 2003, Case 5.0954-PD-242 and Tentative Tract Map 28308 were recommended for approval to the City Council by the Planning Commission.

On March 17, 2004, the City Council approved Case 5.0954-PD-242 and TTM 28308 for the subdivision of the approximately 3.22-acres to create seven (7) residential lots and three (3) professional office lots subject to attached conditions.

On April 12, 2006, the Planning Commission voted 7-0 to recommend that the City Council approve a one-year time extension from April 12, 2006 to April 12, 2007 for TTM 28308 and PD-242.

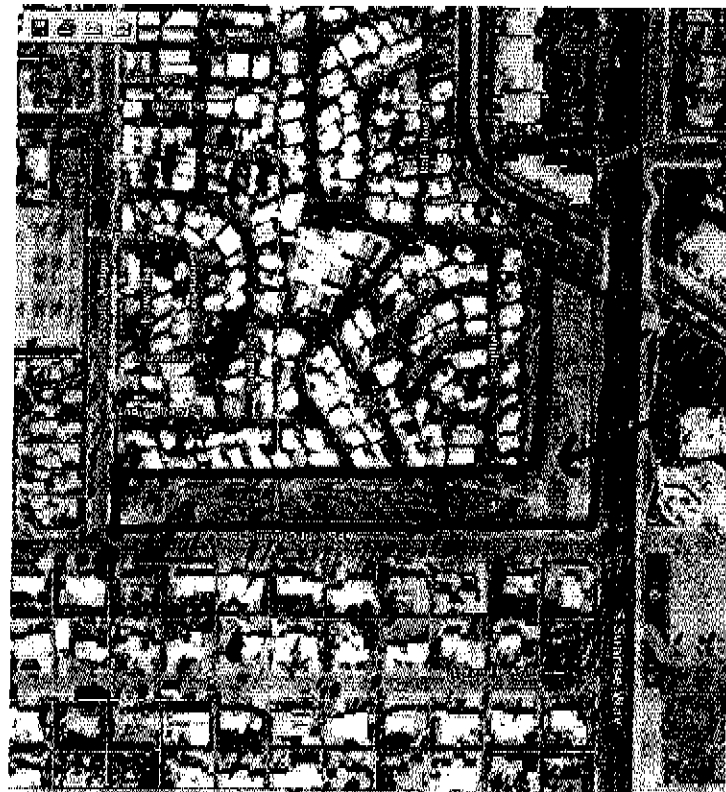
On September 6, 2006, the City Council approved a one-year time extension from April 12, 2006 to April 12, 2007 for Planned Development 242 and TTM 28308.

The parcels were sold and the original entitlement from 2004, which was extended to 2007 expired. On October 12, 2007 the current application was submitted, substantially similar to the original, but now including a necessary General Plan Amendment to change the land use designation for the parcel fronting Sunrise from "L4" to "NCC".

BACKGROUND AND SETTING:

The subject L-shaped parcel is located at the northwest corner of Sunny Dunes Road and South Sunrise Way. The parcel is generally flat and undeveloped. It is surrounded by a variety of uses: single family residential to the south, commercial to the north, institutional (church) to the east, and a mobile home park to the west. It is one of the last undeveloped sites in this area. The site represents a natural transition point between residential uses to the south and west and commercial/institutional uses to the north and east. The applicant, Southwest RE Holding, LLC, is proposing to subdivide approximately 3.22 acre parcel into seven (7) residential lots facing Sunny Dunes road and one commercial lot facing South Sunrise Way.

The seven single family lots would allow future single family residential uses that would essentially be a continuation of the existing single family development along this portion of Sunny Dunes Road and the single family residential development in the Deepwell neighborhood to the south. The proposed future commercial uses along South Sunrise Way would be a continuation of the commercial/office/retail development already in place north of this site with the 555 South Sunrise Plaza mixed-use center ("Guacamoles' Center") and other existing neighborhood-serving commercial/retail development at Sunrise and Ramon.

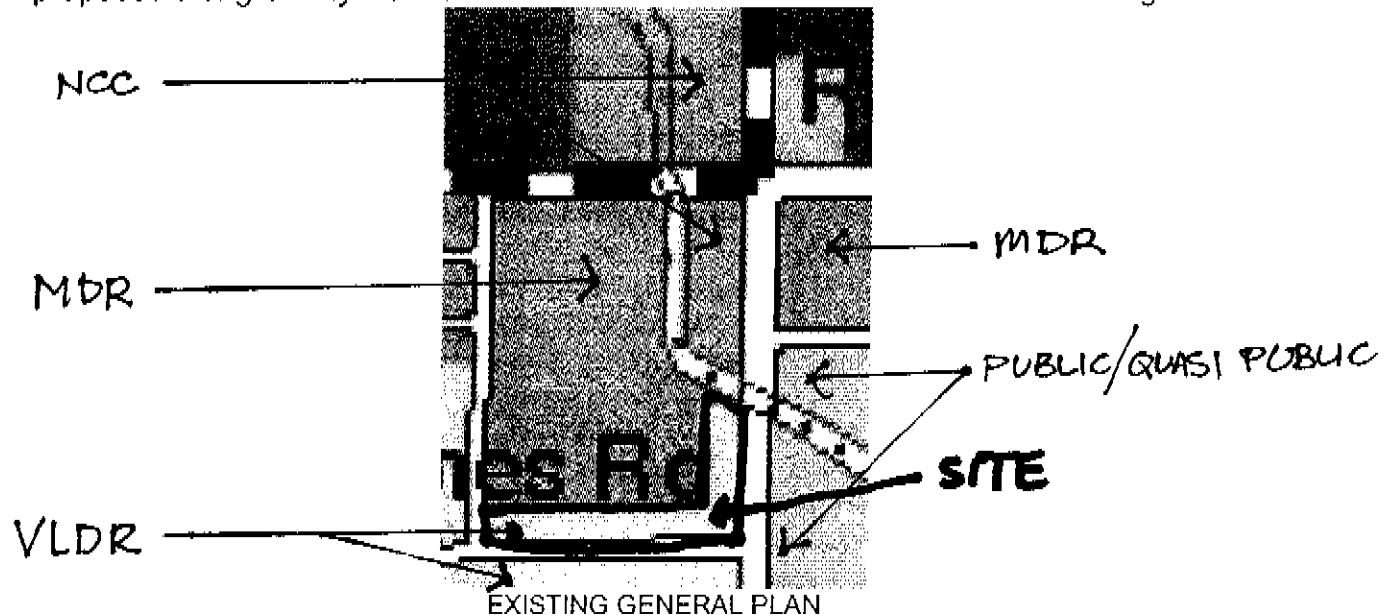


Aerial Photo showing site and surrounding development

ANALYSIS:

General Plan:

The proposed project site currently has two General Plan designations: that of Very Low Density Residential and Medium Density Residential. Very Low Density Residential (VLDR) allows densities between 2.1 and 4.0 du/acre, while Medium Density Residential (MDR) allows between 6.1 and 15 du/acre. The seven single family lots proposed along Sunny Dunes Road would conform to the VLDR land use designation.



The applicant is proposing a General Plan Amendment (GPA) for only the portion of the parcel that fronts South Sunrise Way. The request is to change the land use designation from Very Low Density Residential (VLDR) to Neighborhood/Community Commercial (NCC). The density standards for NCC are 0.35 FAR (Floor Area Ratio). The General Plan describes the NCC land use designation as follows:

Neighborhood/Community Commercial provides an opportunity for convenience commercial uses that serve adjacent residential neighborhoods. The commercial opportunities created under this designation are intended to be an integrated element of the neighborhood, providing to nearby residents services such as dry cleaners, grocery stores, bakeries, bank and post office branches, bookstores, drugstores, and smaller-scale restaurants. Harmonious relationships between these commercial uses and adjacent residential uses shall be achieved through compatibility of site design, building scale, and pathways, and circulation design, and architectural treatment of structures.

The General Plan contains policies that relate to commercial areas including:

LU 4.6: Foster development of commercial centers and small-scale commercial retail in residential areas that encourage walkable connections between retail and residential uses.

As noted above, this site lies at a transition point between residential uses to the south and west, and office/retail/commercial and institutional uses to the north and east. The 555 South Sunrise Plaza Center, which is immediately the north of this parcel at the corner of Sunrise Way and Ramon, is a medium-sized two-story commercial center within the neighborhood/community commercial (NCC) land use designation. That two-story center includes a pharmacy, several restaurants, a hair salon, a natural/organic food grocery store, offices and other uses that provide convenient retail and office services within walking distance of the adjacent mobile home park to the west, the single family residential to the south, and the multi-family condominiums at the southeast corner of Sunrise and Ramon. The Ralph's Center at the northwest corner of Sunrise and Ramon is also NCC. Thus the proposed General Plan Amendment request to change from VLDR to NCC for the Sunrise Way frontage of the subject parcel would result in a continuation of adjacent neighborhood serving commercial and office uses already in place along this segment of South Sunrise Way.

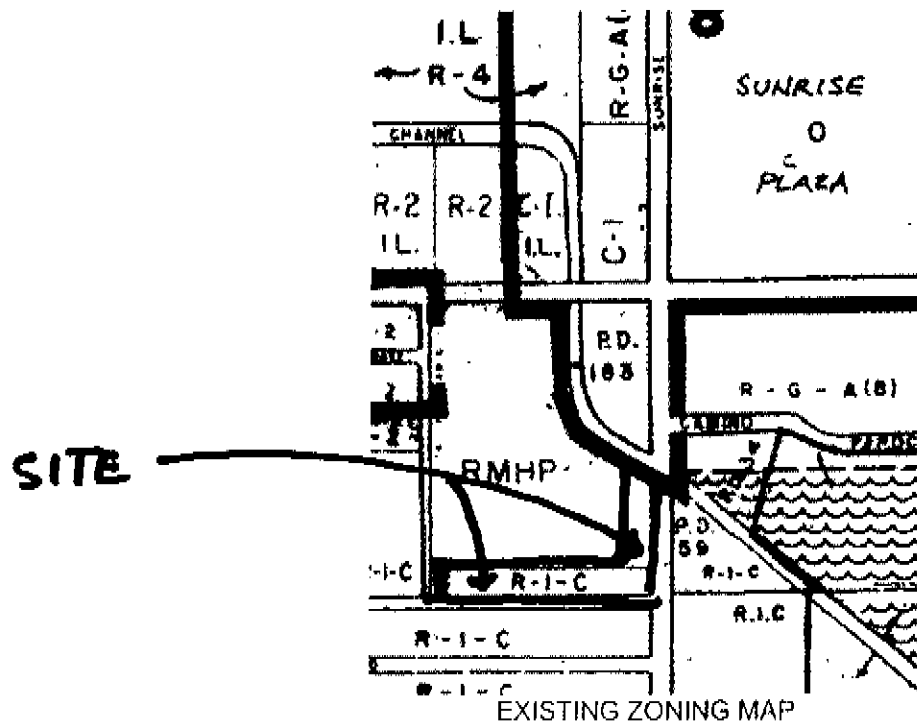
Zoning:

The parcel has two zoning designations; that of R-1-C (single family residential on minimum 10,000 sf lots adjacent to Sunny Dunes Road, which is designated as a Collector Street and RMHP (Residential Mobile Home Park) adjacent to South Sunrise Way, which is designated as a Major Thoroughfare.

The surrounding land use, General Plan Designations and Zoning is shown in Table 1:

Table 1 - Adjacent Land Uses, General Plan and Zoning

	General Plan	Zoning	Land Uses
North	NCC	C-1 and PD 183	555 Sunrise Plaza Shopping Center/Office/Retail
South	L-4	R-1-C	Single-Family Residential
East	L-4	R-1-C and PD-59	Institutional (Desert Chapel Church & School) & Condominiums
West	L-4 & M-15	R-1-C and RMHP	Single family residential & mobile home park



The application includes a change of zone (CZ) for that portion of the parcel that fronts South Sunrise Way (from RMHP to C-1) and the corner that fronts Sunny Dunes Road (from R-1-C to C-1). This change of zone would allow neighborhood serving retail and office uses for the proposed lot fronting Sunrise Way that would be similar to those at the 555 Sunrise Plaza Center immediately to the north. The remainder of the lot which fronts Sunny Dunes Road would remain R-1-C which would accommodate single family residential, consistent with the existing development along this segment of Sunny Dunes Road.

Site Plan and Project Design

The subject site is currently vacant. The request is for a Tentative Tract Map to create the seven (7) residential lots and one commercial lot. There are no buildings being proposed as part of this application, therefore architectural design approval for the commercial lot (required for structures proposed on a major thoroughfare) would be addressed under a future application. Architectural approval is not required for the single-family lots because they do not front a major thoroughfare.

The following Table 2 provides a comparison of the proposed project to the development regulations of the General Plan and Zoning Ordinance.

Table 2: Comparison of current zoning, and proposed development.

R-1-C Zone	Required	Proposed
Lot Area	10,000 Square Feet	10,000 Sq. Ft. – conforms
Lot Width (Interior)	100 Feet	100 Feet – conforms
Lot Width (Corner)	110 feet	110 feet – conforms
Lot Depth	100 Feet	100 Feet – conforms
Density	1 unit/10,000 sq. ft. or approximately 4 units/acre	1 unit/10,000 sq. ft. or approximately 4 units/acre – conforms
Building Height	24 feet (2 -Story)	None proposed
Set Back Front yard	25 feet	25 feet – See note below
Street Side Yard	20 feet	20 feet
Setback side yard	10 feet or	10 feet
Rear Yard Set Back	15 feet	15 feet
Open Space	45%	45%

Table 2 continues below with a comparison of the RMHP zone analysis.

RMHP Zone	Required	Proposed
Lot Area	10 acre minimum	3.22 acre site, existing site does not conform
Density	1 unit per 5,000 sf lot are per dwelling unit	1 unit per 10,000 sf lot
Building Height	24 feet (2 -Story)	None proposed
Set Backs	Setbacks shall conform to Section 93.01 (yards), with front yards at 40 feet, side and rear yards at 15 feet.	See note below

Note: Yard setbacks and open space is not evaluated with this application because no buildings are proposed at this time. No change in required yards and open space are proposed; future development is anticipated to conform to the development standards of the proposed change of zone.

The applicant is proposing a Change of Zone from R-1-C to C-1 for the portion of the parcel fronting South Sunrise Way. Table 3 below shows the development standards for the proposed zone.

Table 3: Zoning analysis for proposed C-1 zone

C-1 Zone	Required	Proposed
Lot Area	20,000 Square Feet	20,000 Sq. Ft. - conforms
Lot Width	100 Feet	100 Feet
Lot Depth	150 Feet	150 Feet
Building Height	30 feet (2 -Story)	None proposed
Density	1 unit/10,000 sq. ft. or approximately 4 units/acre	1 unit/10,000 sq. ft. or approximately 4 units/acre
Building Height	24 feet (2 -Story)	None proposed
Set Back Front yard	5 feet	See note below
Yard where C-1 abuts residential	20 feet w/6 foot wall & landscaping	
Building footprint	Minimum 2,000sf	

Note: No buildings are proposed at this time, however buildings proposed in the future would conform to these development standards.

REQUIRED FINDINGS:

There are three sets of findings relative to this application: Findings for the General Plan Amendment (GPA) request, the Change of Zone (CZ) request, and the Tentative Tract Map (TTM).

General Plan Amendment Findings.

State of California Governmental Code Sections 65350 – 65362, outline the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. Staff has evaluated the requested GPA based upon the following:

- Compatibility of the proposed use with adjacent land uses
- Development patterns of the neighborhood.
- Goals, Policies and Actions of the General Plan.

Findings of Compatibility of the proposed land use designation with existing adjacent land uses.

The subject General Plan Amendment proposes to change the General Plan for only the proposed parcel fronting Sunrise Way at the corner of Sunny Dunes from Very Low

Density Residential (VLDR) and Medium Density Residential (MDR) to Neighborhood/Community Commercial (NCC). Staff believes this land use change is compatible with the adjacent land uses because the same land use designation exists immediately north of the subject parcel, on the 555 Sunrise Plaza site, and at the Ralph's Center at the northwest corner of Sunrise Way and Ramon Road.

The proposed GPA is also consistent with General Plan policy LU 4.6 noted below:

LU 4.6: Foster development of commercial centers and small-scale commercial retail in residential areas that encourage walkable connections between retail and residential uses.

The subject parcel is in a logical transition location between neighborhood commercial to the north and the residential areas to the south, east and west. It would enable development that is walkable, small-scale in nature, and provide commercial/retail amenities desirable to the residential neighborhoods that surround it.

Findings of consistency with development patterns in the neighborhood.

The requested change in land use to Neighborhood/Community Commercial is consistent with development patterns in the neighborhood because similar land uses already exist on the adjacent parcels to the north. The intersection of two major thoroughfares in the City, Ramon Road and Sunrise Way is adjacent to this proposed parcel. Not only is the change of land use to NCC consistent with existing land uses, Staff believes it is also more appropriate for commercial land uses to develop near this busy intersection, rather than residential uses, which is what the existing land use designations would allow. By allowing commercial/offices uses on the proposed parcel, these land uses can provide a buffer and transition between the busy intersection to the north, and the quieter residential neighborhoods to the south. It also potentially reduces the number of curb cuts onto Sunrise Way that individual single family residences would cause, thereby reducing possible adverse impacts on traffic flow caused by such multiple curb cuts.

Consistency with Goals, Policies and Action Items of the General Plan.

In addition to LU 4.6 noted above, Staff believes the proposed change in land use for the proposed parcel is consistent with the General Plan in the following ways:

Goal LU 1: Establish a balanced pattern of land uses that complements the pattern and character of existing uses, offers opportunities for the intensification of key targeted sites, minimizes adverse environmental impacts, and has positive economic results.

The proposed GPA is consistent with this goal because it proposes land uses that complement the pattern and character of existing commercial/office uses, offers

intensification of a proposed parcel near the intersection of two major thoroughfares where such uses are more appropriate than the existing residential land uses would allow, and would have positive economic results because it provides retail and office space in an area where existing neighborhood shopping centers have very low vacancy rates and turnover. The proposed commercial land use for this parcel would support not only the existing residential development to the south, but would also be supportive of the many small hotels and tourist resorts in the adjacent Warm Sands neighborhood.

Policy LU 8.7 On-site parking is encouraged to be accessed from side streets or public alleys to minimize traffic impacts on major streets and to avoid interruption in the street-front design of commercial centers.

The propose parcel has frontage on both Sunrise Way and on Sunny Dunes. Sunny Dunes, as the side street in this case, can effectively accommodate this policy, thereby reducing curb cuts and interruptions in traffic flow along the major thoroughfare of Sunrise Way.

Goal CD 18 Create attractive neighborhood retail centers that provide generous pedestrian amenities, distinctive architecture, and convenient access.

The proposed parcel that is the subject of this GPA is a transition point between existing commercial and residential areas. As such, it provides the opportunity for creation of a neighborhood gathering node, a possible gateway feature, and future development could be conditioned to provide an attractive focal point at the corner and pedestrian amenities within the site such as benches, shaded outdoor eating areas and gathering areas, bicycle racks and so on.

Given the consistency findings noted above, Staff recommends approval of the General Plan Amendment for the proposed parcel fronting Sunrise Way changing the land use designation from VLDR and MDR to NCC.

Change of Zone Findings.

The Findings for a Change of Zone request are outlined in Section 94.07.00 "Zoning Map Amendment (Change of Zone)" of the Palm Springs Zoning Ordinance (PSZO) as follows:

An amendment to the zoning map changing any property from one zone to another shall be made according to the provisions of this section. An amendment to the zoning map constitutes a precise plan under the State Planning Law.

A. Criteria for Granting a Change of Zone.

The commission in recommending and the council in reviewing a proposed change of zone, shall consider whether the following conditions exist in reference to the proposed zoning of the subject property:

- 1. The proposed change of zone is in conformity with the general plan map. 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 requested change of zone from RMHP and R-1-C to C-1 is in conjunction with a General Plan Amendment changing the land use designation from VLDR and MDR to NCC. The proposed change of zone would be in conformity with the proposed general plan land use designation of NCC because both zone and land use designation provide for neighborhood-related commercial uses. The proposed change of zone is being made in accordance with the procedures set forth in State Planning law and the change of zone hearings are being held concurrent with the General Plan Amendment hearings.

- 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 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. Access to the proposed parcel is available from either South Sunrise Way or Sunny Dunes Road. Its size is in conformity with the minimum lot size required for the C-1 zone. Its relationship to similar or related uses is demonstrated because there are existing commercial uses and other C-1 zoned parcels to the north of the parcel and such uses are appropriate for a major thoroughfare such as South Sunrise Way. The proposed C-1 zone relates to the adjacent residential zones because it would provide convenient commercial-retail-office uses within a walkable distance to these residential areas.

- 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 proposed change of zone is necessary and proper at this time because the size of the parcel at 3.22 acres makes it too small for development as a residential mobile home park which requires a minimum lot size of 20 acres. The location of the parcel

makes development of single family residences along Sunrise Way undesirable because multiple curb cuts required for single family development would exacerbate traffic flow along this major thoroughfare. Neighborhood commercial uses would be proper at this location because it is contiguous with other neighborhood commercial uses already developed in this area. It is also appropriate to consider this change of zone because it provides a logical transitional use between residential uses to the south and east, and commercial uses to the north.

For these reasons, staff recommends approval of the proposed change of zone from RMHP and R-1-C to C-1.

Tentative Tract Map Findings.

The applicant proposes a Tract Map to subdivide the parcel into seven lots conforming to the R-1-C zone along Sunny Dunes and a single lot conforming to the C-1 zone at the corner of Sunrise Way and Sunny Dunes.

The findings for a Tentative Tract Map are found within Section 66426 et seq of the State of California Subdivision Map Act and are as follows;

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

With the approval of the above-noted General Plan Amendment, the proposed project is consistent with the General Plan. The General Plan designation for the portion of the site where the seven residential lots are proposed is VLDR which allows 2.1 to 4.0 du/acre. The proposed parcels would conform to that density because they are all less than one quarter acre lots.

The proposed commercial lot at the corner of Sunrise Way and Sunny Dunes would conform to the General Plan after the above-mentioned GPA is approved.

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, staff believes that the proposed subdivision and the provisions for its design and improvement are compatible with the objectives, polices, and general land uses provided in the City's General Plan because the seven proposed lots along Sunny Dunes Way reflect the Very Low Density designation of the General Plan. With the approval of the requested GPA, the parcel proposed along South Sunrise way would also be consistent with the General Plan designation of NCC. All street and other improvements are subject to the 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 proposed development has all the necessary street frontages, lot depths and dimensions required by the zones proposed or existing therein. The density as noted above is consistent with the General Plan. The applicant is proposing a mixed use project with a commercial lot on the major thoroughfare and low density residential lots on the secondary thoroughfare that will be compatible with the surrounding neighborhood. The site is physically suitable for the creation of lots that conform to the minimum size and dimensions required for the zone(s).

4. *The design of the proposed subdivision or the proposed improvements is 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 sides. The site has not been previously identified as a habitat area. The design of the proposed subdivision or the proposed improvements will not cause environmental damage or injure fish or wildlife or their habitat because it is an infill lot that is not within any recognized habitat or conservation area.

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

The proposed subdivision is designed to meet or exceed City Standards. The proposed residential lots and streets will be required to meet or exceed City Development Codes. Therefore, the project will not cause public health problems.

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.*

There are no known public easements or existing access across the property, therefore the design of the subdivision will not conflict with easements for access through or use of the subject property. Access to all lots proposed to be created have direct access to a public street.

Because of the above affirmative findings, Staff recommends approval of the requested Tentative Tract Map.

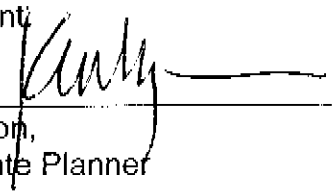
ENVIRONMENTAL ASSESSMENT

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared and a Notice of Intent to adopt a Negative Declaration was sent to applicable agencies and published on September 10, 2008 in the Desert Sun for a 20-day review period ending September 30, 2008. The Initial Study and Negative Declaration are attached to this report.

NOTIFICATION

Noticing to Native American Tribal governments relative to California SB 18 was made in accordance with State law. No objection or concern was received by the City.

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



Ken Lyon,
Associate Planner



Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Conditions of Approval
4. Tentative Tract Map
5. Initial Study
6. Notice of Intent

NOTICE OF INTENT

TO ADOPT THE NEGATIVE DECLARATION FOR
Case 5.1175 TTM 28308 An application by Southwest Real Estate Holdings for a Tentative
Tract Map, General Plan Amendment and Change of Zone for a 3.62 acre parcel at the
northwest corner of Sunny Dunes Road and South Sunrise Way, Palm Springs, California

September 10, 2008

- LEAD AGENCY:** City of Palm Springs
3200 East Tahquitz Way
Palm Springs, California 92262
- CONTACT PERSON:** Ken Lyon, Associate Planner (760) 323-8245
- PROJECT TITLE:** Case 5.1175 CZ GPA TTM 28308 An application by Southwest Real Estate Holdings for a Tentative Tract Map, General Plan Amendment and Change of Zone for a 3.62 acre parcel at the northwest corner of Sunny Dunes Road and South Sunrise Way
- PROJECT LOCATION:** Northwest corner of Sunny Dunes and South Sunrise Way, Palm Springs, CA
- PROJECT DESCRIPTION:** The project is a subdivision of a 3.62 acre parcel into seven residential single family lots fronting Sunny Dunes Road and one commercial lot facing South Sunrise Way. The project requires a Change of Zone (CZ) for the parcel fronting South Sunrise Way from RMHP to C-1 (Commercial) and a General Plan Amendment for the same lot from Medium Density Residential to Neighborhood Community/Commercial. The parcels are anticipated to be developed with single family residential units on the lots facing Sunny Dunes and a commercial/office/retail center for the parcel facing South Sunrise Way.
- FINDINGS/DETERMINATION:** The City has reviewed and considered the proposed project and has determined that the project will not have significant adverse impacts. The City hereby prepares and proposes to adopt a Negative Declaration for this project.
- PUBLIC REVIEW PERIOD:** A 20-day public review period for the Draft Negative Declaration will commence at 8:00 am on Wednesday September 10, 2008 and end on Tuesday September 30, at 5:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address: Ken.Lyon@palmsprings-ca.gov. Copies of the Negative Declaration and Initial Study are available for review at the above address and at the City library.
- PUBLIC MEETING:** This matter has been tentatively set for public hearing for the Planning Commission meeting on Wednesday October 8, 2008 and for the City Council meeting on Wednesday November 19, 2008.

ADDENDUM FOR THE

**INITIAL STUDY AND
NEGATIVE DECLARATION
FOR**

CASE 5.1175 TTM 28308

**AN APPLICATION BY SOUTHWEST REAL ESTATE HOLDINGS
FOR A TENTATIVE TRACT MAP, GENERAL PLAN AMENDMENT AND
CHANGE OF ZONE FOR A 3.62 ACRE PARCEL
AT THE NORTHWEST CORNER OF SUNNY DUNES ROAD
AND SOUTH SUNRISE WAY
PALM SPRINGS, CALIFORNIA**

ADDENDUM ISSUED 10-24-08



Prepared by:

City of Palm Springs

September, 2008

DESCRIPTION OF ADDENDA:

THIS ADDENDUM IS COMPRISED OF A REVISION IN THE DESCRIPTION OF THE PROJECT. THE APPLICANT HAS ELECTED TO REVISE THE TENTATIVE TRACT MAP TO INCLUDE ONLY THE SEVEN RESIDENTIAL LOTS PROPOSED TO BE CREATED THAT WOULD FRONT SUNNY DUNES ROAD.

THE REMAINDER OF THE ORIGINAL PARCEL WHICH IS THAT PORTION OF THE PARCEL THAT FRONTS SUNRISE WAY AND A PORTION OF THE CORNER FRONTAGE OF SUNNY DUNES ROAD IS STILL PROPOSED FOR A GENERAL PLAN AMENDMENT AND CHANGE OF ZONE AS WAS PREVIOUSLY DESCRIBED IN THE PROJECT DESCRIPTION.

THIS ADDENDA DOES NOT CHANGE THE INTENSITY OR MAGNITUDE OF THE SCOPE OF THE PROJECT AND THUS THE ENVIRONMENTAL EVALUATION HAS NOT BEEN MODIFIED.

THE PAGE INCLUDING THE DESCRIPTION OF THE PROJECT IS THE ONLY PAGE REISSUED AS PART OF THIS ADDENDA AND IS ATTACHED HEREIN.

ENVIRONMENTAL CHECKLIST FORM

1. Project title:

Case 5.1175 Tentative Tract Map 28308, Change of Zone, and General Plan Amendment; a subdivision of 3.62 acres at the northwest corner of Sunny Dunes Road and South Sunrise Way.

2. Lead agency name and address:

City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92263

3. Contact person and phone number:

Ken Lyon, Associate Planner; 760 323 8245

4. Project location:

Northwest corner of Sunny Dunes Road and South Sunrise Way
Palm Springs, Ca 92262

5. Project sponsor's name and address:

Southwest Real Estate Holdings, LLC
Don Gordon Taylor, Managing Member
5066 West 11200, North
Highland, Utah 84003
801-836 3263

6. General plan designation:

Very Low Density Residential and Medium Density Residential

7. Zoning:

R1C (single family residential) and RMHP (Residential Mobile Home Park)

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The project is a **Tentative Tract Map for the** subdivision of a 3.62 acre parcel into seven residential single family lots fronting Sunny Dunes Road, **The remainder lot is comprised of the land fronting Sunrise Way and the corner of Sunny Dunes Road.** and one commercial lot facing South Sunrise Way. The project requires a Change of Zone (CZ) for the **remainder** parcel fronting South Sunrise Way from RMHP to C-1 (Commercial) and a General Plan Amendment for the same **remainder** lot from Medium Density Residential to Neighborhood Community/Commercial. The parcels are anticipated to be developed with single family residential units on the lots facing Sunny Dunes and a commercial/office/retail center for the **remainder** parcel facing South Sunrise Way.



ADDENDUM FOR THE
INITIAL STUDY AND
NEGATIVE DECLARATION
FOR
CASE 5.1175 TTM 28308
AN APPLICATION BY SOUTHWEST REAL ESTATE HOLDINGS
FOR A TENTATIVE TRACT MAP, GENERAL PLAN AMENDMENT AND
CHANGE OF ZONE FOR A 3.62 ACRE PARCEL
AT THE NORTHWEST CORNER OF SUNNY DUNES ROAD
AND SOUTH SUNRISE WAY
PALM SPRINGS, CALIFORNIA

ADDENDUM ISSUED 10-24-08



Prepared by:
City of Palm Springs
September, 2008

DESCRIPTION OF ADDENDA:

THIS ADDENDUM IS COMPRISED OF A REVISION IN THE DESCRIPTION OF THE PROJECT. THE APPLICANT HAS ELECTED TO REVISE THE TENTATIVE TRACT MAP TO INCLUDE ONLY THE SEVEN RESIDENTIAL LOTS PROPOSED TO BE CREATED THAT WOULD FRONT SUNNY DUNES ROAD.

THE REMAINDER OF THE ORIGINAL PARCEL WHICH IS THAT PORTION OF THE PARCEL THAT FRONTS SUNRISE WAY AND A PORTION OF THE CORNER FRONTAGE OF SUNNY DUNES ROAD IS STILL PROPOSED FOR A GENERAL PLAN AMENDMENT AND CHANGE OF ZONE AS WAS PREVIOUSLY DESCRIBED IN THE PROJECT DESCRIPTION.

THIS ADDENDA DOES NOT CHANGE THE INTENSITY OR MAGNITUDE OF THE SCOPE OF THE PROJECT AND THUS THE ENVIRONMENTAL EVALUATION HAS NOT BEEN MODIFIED.

THE PAGE INCLUDING THE DESCRIPTION OF THE PROJECT IS THE ONLY PAGE REISSUED AS PART OF THIS ADDENDA AND IS ATTACHED HEREIN.

ENVIRONMENTAL CHECKLIST FORM

1. Project title:

Case 5.1175 Tentative Tract Map 28308, Change of Zone, and General Plan Amendment; a subdivision of 3.62 acres at the northwest corner of Sunny Dunes Road and South Sunrise Way.

2. Lead agency name and address:

City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92263

3. Contact person and phone number:

Ken Lyon, Associate Planner: 760 323 8245

4. Project location:

Northwest corner of Sunny Dunes Road and South Sunrise Way
Palm Springs, Ca 92262

5. Project sponsor's name and address:

Southwest Real Estate Holdings, LLC
Don Gordon Taylor, Managing Member
5066 West 11200, North
Highland, Utah 84003
801-836 3263

6. General plan designation:

Very Low Density Residential and Medium Density Residential

7. Zoning:

R1C (single family residential) and RMHP (Residential Mobile Home Park)

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The project is a **Tentative Tract Map for the** subdivision of a 3.62 acre parcel into seven residential single family lots fronting Sunny Dunes Road. **The remainder lot is comprised of the land fronting Sunrise Way and the corner of Sunny Dunes Road.** ~~and one commercial lot facing South Sunrise Way.~~ The project requires a Change of Zone (CZ) for the **remainder** parcel fronting South Sunrise Way from RMHP to C-1 (Commercial) and a General Plan Amendment for the same **remainder** lot from Medium Density Residential to Neighborhood Community/Commercial. The parcels are anticipated to be developed with single family residential units on the lots facing Sunny Dunes and a commercial/office/retail center for the **remainder** parcel facing South Sunrise Way.



9. Surrounding land uses and setting: Briefly describe the project's surroundings:

Immediately to the north, is a flood control channel.
To the north is a commercial/retail/office center.
To the east is multi-family residential (condominiums).
To the west is a residential mobile home park.
To the south is a single family residential neighborhood.

Sunrise way is a major thoroughfare in the General Plan. Sunny Dunes is a two-lane collector street.

This is one of the last undeveloped parcels in this part of the City.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

NONL.



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |



DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Ken Lyon Associate Planner

Date

Signature: Edward Robertson, Principal Planner

Date



EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration, Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not have an adverse effect on a scenic vista because there are no scenic vistas in the vicinity of the project. Furthermore, future development must conform to the height limits of the zoning ordinance. There are neither scenic resources on the site, nor any historic buildings and it is not within a state scenic highway. The project will not degrade the existing visual character or its surroundings because it proposes future development consistent with the adjacent uses. No new light or glare would be created because outdoor lighting must conform to the City's outdoor lighting ordinance which controls upward light glare.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project is within the urbanized area of the City of Palm Springs and will have no impact on agricultural lands.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not conflict with applicable air quality plans, will not violate any air quality standards or contribute to any existing air quality violation, will not increase net pollutants, expose sensitive receptors to substantial pollutant concentrations or create objectionable odors that would affect a substantial number of people. This is because the project will be required to comply to all air quality regulations in force for both construction activity and for the completed development once it is built. The City regulates and monitors PM-10 emissions and other particulate generating activities through its Dust Control officer.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not have a substantial impact on any special status species, any riparian habitat or other natural community, protected wetlands, will not interfere with native resident or migratory fish or wildlife species, or impede any wildlife nurseries, will not conflict with any local policies or ordinances protecting biological resources and will not conflict with any habitat conservation Plan. The project is not located in or near any biologically sensitive area, species, movement corridor, wildlife nursery, or conservation area of a habitat conservation plan. It is in a fully urbanized part of the City of Palm Springs.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in " 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to " 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project is not located in an area of any known cultural, archaeological, or paleontological resources and is not located in an area of any known human remains.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project is not located adjacent to any known seismic or other unstable geological conditions. The seismic zones mapped for the City of Palm Springs primarily exist along the northern portions of the City. This project is located in the southern part of the city. As is the case with all of California the region is subject to exposure to seismic movement. The City regulates quality of construction by application of the California Building Code with requires construction methods that respond to seismic exposure. Therefore there would be no adverse impacts created by this project or the future cumulative actions related to this project



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not expose people or the environment to hazardous substances because they are not anticipated to be present on this site or a part of this project. The project is not located in the vicinity of a private airstrip nor in an airport compatibility zone. The project will not interfere with the City's adopted emergency response plan because it proposes no changes or impacts to the circulation routes for evacuation. It is not near wildlands and therefore will not expose people or structures to risk of wildland fires.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
j) Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not violate any water quality standards, will not substantially deplete groundwater supplies, will not alter drainage patterns or substantially increase the rate of runoff or otherwise degrade watery quality. The future development of the site will be required to comply with all water discharge regulations of the City and County Flood Control Department. The project is not within a 100-year floodplan or hazard area and therefore will not expose people or structures to significant risk of loss due to flooding.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not divide an established community and will not conflict with any habitat conservation plan because it is not in a location to impact either of these factors.

The project will require an amendment to the General Plan and a Change of Zone. These applications are part of the scope of the project. Once those applications have been processed the project will not have any conflicts with any land use plans and will have less than a significant impact.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not cause any loss of mineral resources or the loss of mineral recovery from the site because there are no known mineral resources present on the site.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not expose persons to noise levels greater than standards established in the General Plan and other applicable standards. There are no known sources of excessive groundborne noise or vibration that would be generated from the project. The project may generate temporary or periodic noise increases during construction, but these will be mitigated by construction activities being limited to prescribed hours as outlined in the City's Zoning Ordinance. The project is neither located in an airport land use plan area nor within the vicinity of a private airstrip.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not cause substantial population growth in the area because it is an area already designated for very low density single family residential uses. The project will not displace housing or people because the site is presently vacant with no housing units built upon it.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not result in any substantial adverse physical impacts associated with the provision of city services or government facilities because it is consistent with the City's General Plan for projected uses in this area. With the application of the General Plan Amendment, the projected land use for the Sunrise Way fronting parcel will be consistent with adjacent commercial/retail land uses already recognized in the City's General Plan.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project neither proposes to add, nor increases the use of recreational facilities in the vicinity because The City already has adequate park and recreational lands and acreage and facilities for the area of the City in which this project is located.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not have any significant adverse impacts related to transportation or traffic because the buildout of the City in this area is complete and the roadway network operates at or below acceptable LOS levels. The future traffic analysis for the City does not indicate any deficiencies in roadway facilities caused by the full buildout of this part of the City.

The project will not cause any inadequate parking problems because when a development is entitled it will be required to provide off-street parking as outlined in the City's Zoning Ordinance.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will not exceed the wastewater treatment requirements because the treatment plant is under its maximum operating capacity and this project will add an insignificant amount of wastewater.

The project will not require the construction of new facilities for water, wastewater, or storm water because existing facilities are adequate and conditions of approval will require on-site retention/detention to assure no adverse impacts on stormwater systems occur. The project has sufficient water entitlements as supplied by the Desert Water Agency.

The project will not cause significant adverse impacts on the landfill capacity and will comply with state, federal and local statutes regulating solid waste.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wild-life population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

The project will have no impact on the quality of the environment, wildlife habitat or endangered species or cultural resources. It does not have individual or cumulative impacts that are significant. The project will not have a substantial adverse effect on human beings directly or indirectly.

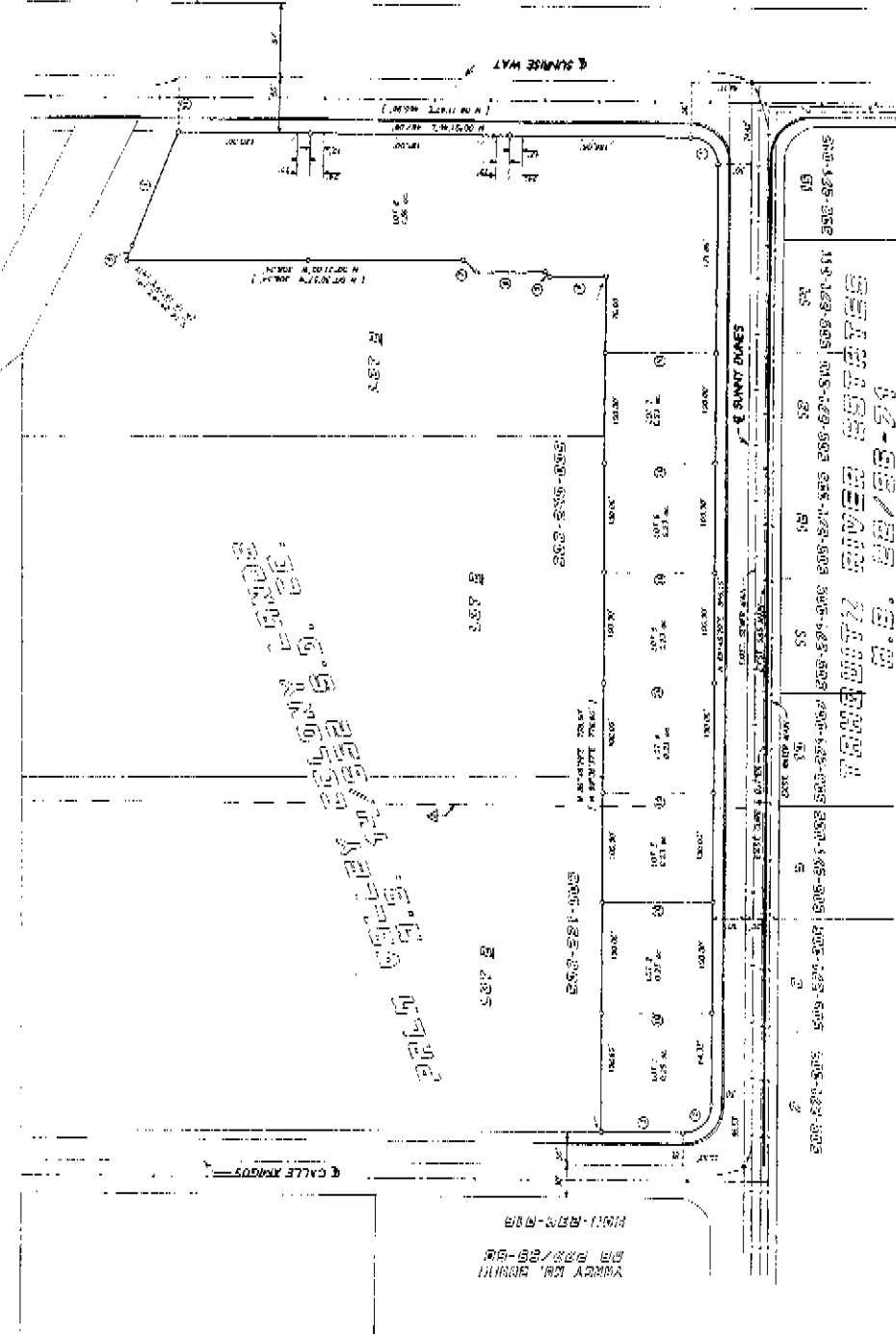


BY THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

TENTATIVE PARCEL MAP NO. 28308

APPROVED FOR THE CITY OF PALM SPRINGS, CALIFORNIA, BY THE CITY ENGINEER, ON SEPTEMBER 21, 2007, AND THE CITY ATTORNEY, ON SEPTEMBER 21, 2007.

SEPTEMBER 2007



OWNER:
SOUTHWEST FLE HOLDINGS, L.L.C.
2000 WEST 200TH STREET
TULSA, OKLAHOMA 74117

PREPARED BY:
SANDBORN A/E, INC.
17000 SAN JUAN AVENUE
P.O. BOX 1000
PALM SPRINGS, CA 92261

LEGAL DESCRIPTION:
SOUTHWEST FLE HOLDINGS, L.L.C. PARCEL MAP NO. 28308, SECTION 21, T4S, R1E, S12E, SAN JUAN AVENUE, PALM SPRINGS, CALIFORNIA

SCHOOL DISTRICT INFORMATION:
PALM SPRINGS UNIFIED SCHOOL DISTRICT
SCHOOL DISTRICT NO. 1

ASSESSOR'S PARCEL NUMBER:
300-100-000 000-00-000
300-100-000 000-00-000

AREA INFORMATION:
TOTAL AC. OF PARCELS: 1.4
TOTAL AC. OF LETTABLE LOTS: 0.4

GENERAL NOTES:
1. THE PROPERTY IS SUBJECT TO THE PALM SPRINGS COMMUNITY DEVELOPMENT ACT.
2. THE PROPERTY IS SUBJECT TO THE PALM SPRINGS COMMUNITY DEVELOPMENT ACT.
3. THE PROPERTY IS SUBJECT TO THE PALM SPRINGS COMMUNITY DEVELOPMENT ACT.
4. THE PROPERTY IS SUBJECT TO THE PALM SPRINGS COMMUNITY DEVELOPMENT ACT.
5. THE PROPERTY IS SUBJECT TO THE PALM SPRINGS COMMUNITY DEVELOPMENT ACT.
6. THE PROPERTY IS SUBJECT TO THE PALM SPRINGS COMMUNITY DEVELOPMENT ACT.
7. THE PROPERTY IS SUBJECT TO THE PALM SPRINGS COMMUNITY DEVELOPMENT ACT.

LAND USE INFORMATION:
SUNNY DUNES
RIVER ESTATES

UTILITIES:
WATER: PALM SPRINGS WATER AGENCY
SEWER: PALM SPRINGS WATER AGENCY
GAS: PALM SPRINGS WATER AGENCY
ELECTRICITY: PALM SPRINGS WATER AGENCY
CABLE: PALM SPRINGS WATER AGENCY
TELEPHONE: PALM SPRINGS WATER AGENCY

THOMAS GUIDE COORDINATES:
2000-0000-0000-0000
2000-0000-0000-0000
2000-0000-0000-0000
2000-0000-0000-0000
2000-0000-0000-0000

PLANNING SERVICES:
SANDBORN A/E, INC.
17000 SAN JUAN AVENUE
P.O. BOX 1000
PALM SPRINGS, CA 92261

RECEIVED
DEC 20 2007

PLANNING SERVICES

RECEIVED
DEC 20 2007

PLANNING SERVICES

SANBORN A/E, Inc.
77000 SAN JUAN AVENUE
SUITE 100
PALM SPRINGS, CA 92261
TEL: 760-325-2000
FAX: 760-325-2000

In the City of Palm Springs
TENTATIVE MAP - PARCEL NO. 28308
for
SOUTHWEST FLE HOLDINGS, L.L.C.

SHEET
1
OF 1 SHEETS
DATE
02/07

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



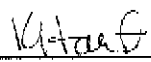
CITY CLERK'S DEPARTMENT
James Thompson, City Clerk

Meeting Date: December 17, 2008
Subject: Southwest RE Holdings – Case 5.1175 – TTM 28308

AFFIDAVIT OF MAILING

I, Kathie Hart, CMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on December 3, 2008, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (107 notices)

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

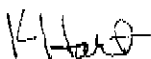


Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing will be published in the Desert Sun on December 6, 2008.

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

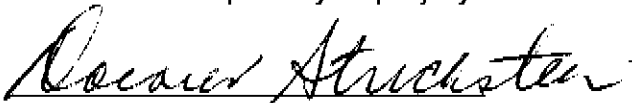


Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Dolores Strickstein, Secretary, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on December 5, 2008.

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



Dolores Strickstein
Secretary

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS
CASE 5.1175
GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND
TENTATIVE TRACT MAP 28308

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of December 17, 2008. The City Council meeting begins at 6:00 p.m. in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an application by Southwest RE Holdings, LLC to subdivide 3.22 acres into seven single-family residential lots and one remainder lot at the northwest corner of Sunny Dunes and South Sunrise Way, zoned R-1-C and RMHP. The application includes a General Plan Amendment request to change the land use designation for a proposed parcel fronting Sunrise way from VLDR (Very Low Density Residential) to NCC (Neighborhood Community/Commercial), a Change of Zone request to change the zone designation for the same proposed parcel fronting Sunrise Way from RHMP (residential mobile home park) and R-1-C to C-1 (Commercial), and a Tentative Tract Map to subdivide the 3.22 acre parcel into seven single-family lots along Sunny Dunes Road and one remainder lot along Sunrise Way.

ENVIRONMENTAL DETERMINATION: A Draft Negative Declaration was prepared for this project under the guidelines of the California Environmental Quality Act (CEQA) and will be reviewed by the City Council at the hearing. Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, and submit written comments at, or prior to, the City Council hearing.

REVIEW OF PROJECT INFORMATION: The staff report and other supporting documents regarding this project are also available for public review at City Hall between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact the Office of the City Clerk (760) 323-8204 if you would like to schedule an appointment to review these documents.

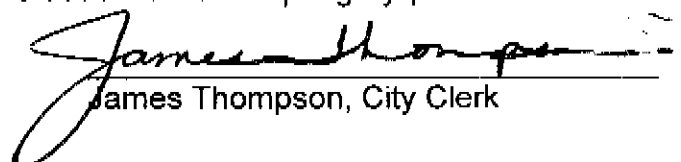
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. (Government Code Section 65009[b][2]).

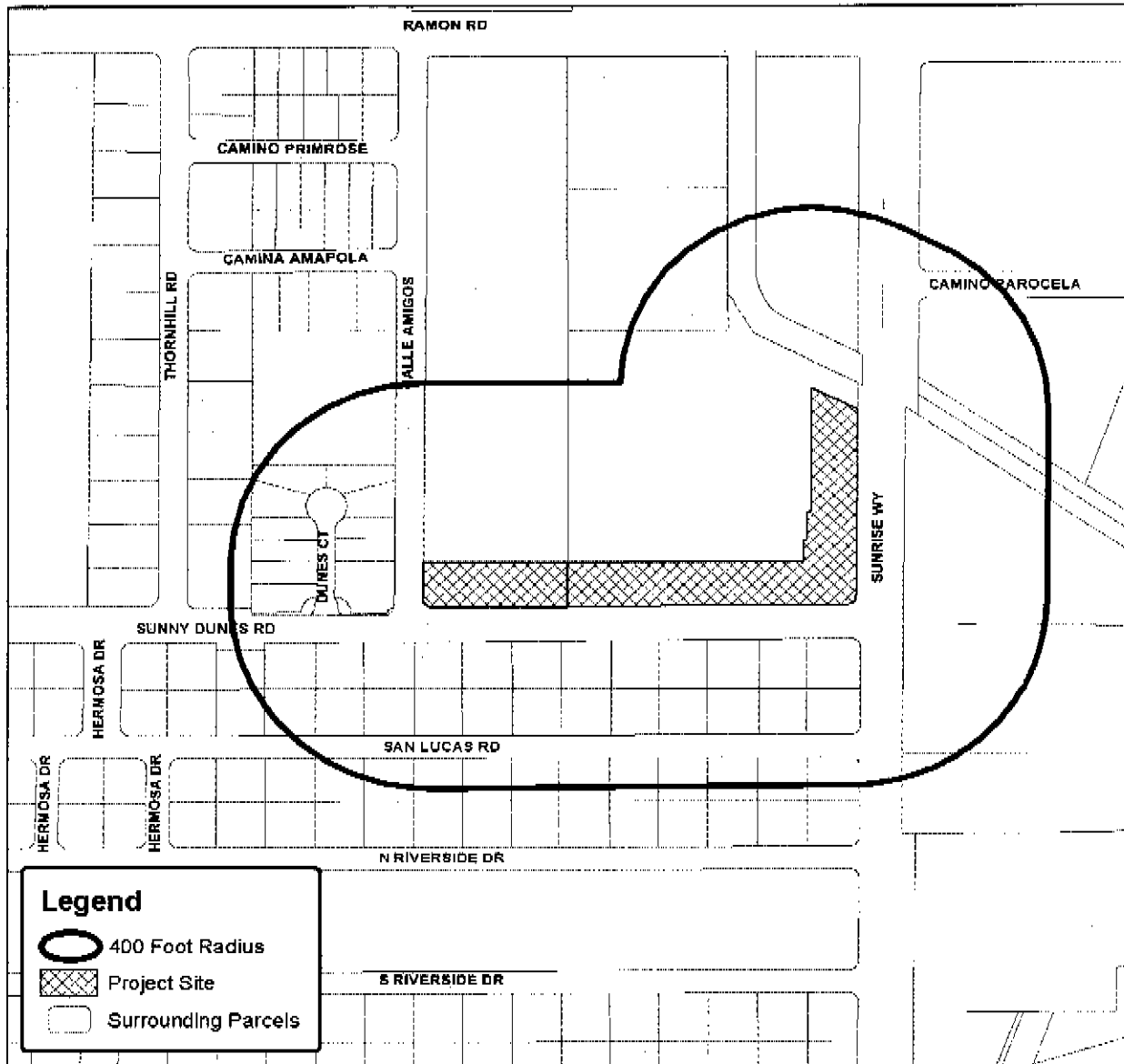
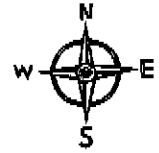
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, Associate Planner, Planning Services Department at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.





James Thompson, City Clerk



Department of Planning Services Vicinity Map



Legend

-  400 Foot Radius
-  Project Site
-  Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: 5.1175 CZ / GPA /
TTM 28308

APPLICANT: Southwest RE
Holdings, LLC

DESCRIPTION: Consideration to subdivide 3.22 acres into seven single-family residential lots and one remainder lot at the northwest corner of Sunny Dunes and South Sunrise Way, zoned R-1-C and RMHP. The application includes a General Plan Amendment, Change of Zone, and Tentative Tract Map.