



Planning Commission Staff Report

Date: July 8, 2009

Application I.D.: TPM 36032 & 6.514 VAR

Application Type: Parcel Map Waiver & Variance

Location: 700 Research Drive

Applicant: AT&T Corporate Real Estate

APN: 507-350-014

Zoning: M-1-P (Planned Research and Development Zone)

General Plan: IND (Industrial)

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

Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The applicant has requested a parcel map waiver to subdivide one parcel into two separate lots to be used for commercial / manufacturing purposes and a Variance to the minimum lot width requirement for the property located at 700 Research Drive.

RECOMMENDATION:

That the Planning Commission approve the request for a parcel map waiver and variance to subdivide one parcel into two lots.

BACKGROUND AND SETTING:

The lot is approximately 2.29 acres in size and located at the end of the Research Drive, a cul-de-sac street. Because there are adequate existing improvements already on and adjacent to the lot such as utilities and streets, the applicant has requested that a parcel map waiver rather than a parcel map subdivision be the appropriate application for a developed lot. The adjacent land uses are shown in Table 1 below:

Table 1: General Plan Zoning and Adjacent Land Uses

	General Plan	Zoning	Land Uses
North	IND (Industrial)	M-1-P (Manufacturing)	Multi-tenanted light manufacturing
South	IND (Industrial)	M-1-P (Manufacturing)	Self-storage facility
East	IND (Industrial)	M-1-P (Manufacturing)	Airport
West	IND (Industrial)	M-1-P (Manufacturing)	Commercial building

ANALYSIS:

PROPERTY DIVISION

The existing property is approximately 2.19 acres in size or 95,396 square feet. The existing lot width is 165 feet and lot depth is 594 feet. The subdivision will create two parcels. Parcel 1 will be approximately 40,000 square feet in size, 165 feet wide and 242 feet deep. Parcel 2 will be approximately 59,752 square feet in size, 165 feet wide and 352 feet deep. Parcel 1 will be landlocked; however, a thirty-six foot wide utility and reciprocal ingress / egress easement will provide sufficient access from Research Drive.

Pursuant to Section 92.16.03 of the Palm Springs Zoning Code (PSZC), the minimum lot area is 40,000 square feet, lot width is 200 feet and lot depth is 200 feet. The proposed subdivision is analyzed with the M-1-P Zone requirements in Table 2 below:

Table 2: Development Standards for M-1-P Zone and Proposed Subdivision

	M-1-P Zone	Proposed Project (approximately)	
		Parcel 1	Parcel 2
Lot Area	40,000 square feet	40,000 sq. ft.	59,752 sq. ft.
Lot Width	200 feet	165 feet	165 feet
Lot Depth	200 feet	242 feet	352 feet

The proposed subdivision does not meet the minimum lot width requirements of the M-1-P Zone. Therefore, the applicant has applied for a variance to reduce the lot width requirement by thirty-five feet. The lot width is not changing from that which exists today. Staff has provided recommended findings that support the variance in the Required Findings portion of the staff report.

MAP WAIVER

The applicant has applied for a parcel map waiver with a subsequent action to issue a Certificate of Compliance after the approval of the waiver. The City's Municipal Code outlines the process for a map waiver. Pursuant to the Palm Springs Municipal Code (PSMC) the following sections outline the process:

Section 9.63.160 of the PSMC, *Application:*

"An application for a waiver of a parcel map, pursuant to Section 9.62.015 shall be filed on forms and accompanied by such data and information as may be prescribed by the director of planning and zoning together with an approved description of the real property involved. (Ord. 1410 § 17, 1992: Ord. 1241 § 6 (part), 1985)."

Section 9.63.170 of the PSMC, *Referrals:*

"Copies of the application may be referred to other appropriate city departments or other public or private agencies affected, together with a request for a written recommendation to be returned to the director of planning and zoning within fifteen working days. Failure to submit such written recommendations may be deemed waiver of any objections to the application. (Ord. 1410 § 18, 1992: Ord. 1241 § 6 (part), 1985)."

The application was referred to the Engineering department, which stated that parcel map waivers are used when the property to be subdivided into new parcels is already developed (thus, environmental, flood control and other related issues are already mitigated / resolved).

Section 9.62.070 of the PSMC, *Waiver of a parcel map:*

"Except where required by the Subdivision Map Act, no parcel map need be filed or recorded provided that pursuant to the procedure set forth in Chapter 9.63, the planning commission finds and determines that the proposed division of land complies with all applicable requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of the Subdivision Map Act and any applicable provisions of this title. (Ord. 1241 § 5, 1985)."

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

Pursuant to Section 9.63.180 of the PSMC, *Planning commission action:*

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

may be extended by mutual consent of the subdivider and the director of planning and zoning.

(b) If a parcel map waiver approval is granted, a certificate of compliance shall be filed with the county recorder, which certificate shall describe the real properties involved, name the owners thereof, and state that a parcel map waiver has been granted by action of the planning commission, giving the date thereof. (Ord. 1410 § 19, 1992; Ord. 1241 § 6 (part), 1986.)"

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

"Upon request of the owner of the property, a certificate of compliance may be issued and filed for record for any real property for which an application for waiver of the requirement of a parcel map has been approved under this chapter. (Ord. 1241 § 6 (part), 1985.)"

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

REQUIRED FINDINGS:

VARIANCE

Pursuant to Section 94.06.00(B) of the PSZC, *the commission, before it may grant a variance, shall make a finding that in the evidence presented, all four (4) of the following conditions as set forth in state law exist in reference to the property being considered.*

- 1. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The subject property has an existing lot width of 165 feet. The subdivision proposes to maintain that width. The subject property is unable to obtain additional width due to its surroundings, and the strict application of the zoning code would deprive the subject property of a reasonable subdivision which would otherwise conform to all zoning standards.

- 2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The adjustment is an existing condition prior to the subdivision, and similar conditions exist on other properties to the north. Therefore, the adjustment will not be a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity and zone.

- 3. The granting of the variance will not be materially detrimental to the public health, safety, convenience or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The lot sizes are consistent with neighboring properties and any new construction will have to conform to the Palm Springs Zoning Code's development standards (setbacks, building height, coverage, etc.). This will ensure the health safety, and general welfare of persons residing or working on the site or in the vicinity.

- 4. The granting of such variance will not adversely affect the general plan of the city.*

The overall project is consistent with the General Plan Land Use of IND (Industrial), and no inconsistencies can be identified with the goals and policies of the General Plan. Any future land use will be required to be consistent with the General Plan. No specific plans are associated with this property.

MAP WAIVER

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

1. Area

The M-1-P Zone requires a minimum lot area of 40,000 square feet, lot width of 200 feet and lot depth of 200 feet. The subdivision will create two parcels. Parcel 1 will be approximately 40,000 square feet in size, 165 feet wide and 242 feet deep. Parcel 2 will be approximately 59,752 square feet in size, 165 feet wide and 352 feet deep. The subdivision is consistent with the Zoning Code's area and depth requirements. The proposed subdivision does not meet the minimum lot width requirement of the M-1-P Zone. However, the lot width is not changing from that which exists today. The proposed parcels will have sufficient area for future development as demonstrated by other properties in the vicinity.

2. General Plan

The General Plan designation is IND (Industrial). According to the General Plan, "Industrial uses typically include research and development parks, light

manufacturing, laboratories, and industrial services." The proposed subdivision will allow for individual ownership of two parcels and afford the opportunity for a wider variety of business activities.

3. *Improvements and design*

Street improvements are already installed. There are no improvements proposed for the division of the lot in question.

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

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

ENVIRONMENTAL ASSESSMENT:

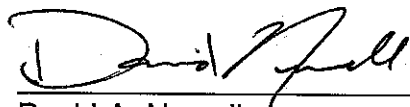
This project is categorically exempt from environmental review pursuant to Section 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA).

NOTIFICATION:

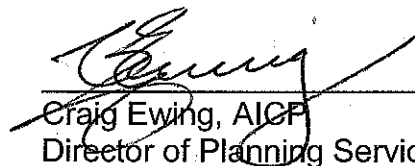
A notice of this public hearing was mailed to all property owners within the required four hundred foot (400') radius of the property in accordance with state law. As of the writing of this staff report, staff has received no comments from the public.

CONCLUSION:

The parcel waiver request complies with all of the requirements, except lot width, outlined in the aforementioned sections of the Municipal Code. The lot width is an existing condition that this and other properties in the vicinity have and would not change as a part of this approval. Therefore, staff is recommending approval of the parcel map waiver and variance requests.



David A. Newell
Associate Planner



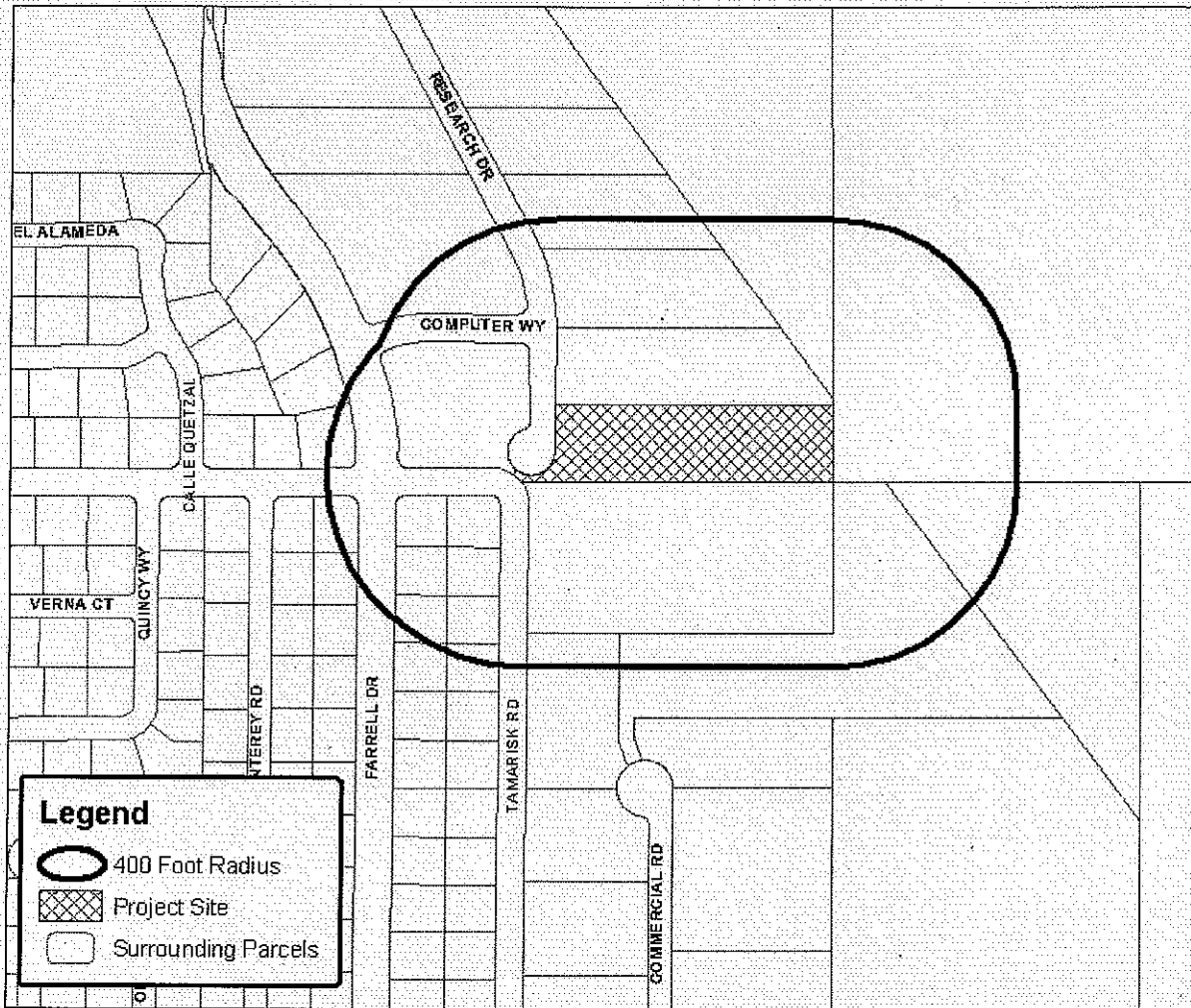
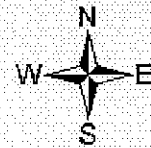
Craig Ewing, AICP
Director of Planning Services

Attachments:

1. 400' Vicinity Map
2. Draft Resolution with Conditions of Approval
3. Reduced TPM 36032



Department of Planning Services Vicinity Map



Legend

- 400 Foot Radius
- Project Site
- Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: 6.514 VAR
TPM 36032

APPLICANT: AT&T Corporate Real Estate

DESCRIPTION: To consider a request by AT&T Corporate Real Estate for a Variance application to Section 92.16.03.B.1 (Lot Dimensions) of the Palm Springs Zoning Code to allow a reduced lot width within the M-1-P (Planned Research and Development) Zone. The Zoning Code requires a minimum lot width of 200 feet and the proposal is to allow a 165-foot lot width for a proposed parcel map waiver application (TPM 36032) to split one parcel into two at 700 Research Drive.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PARCEL MAP WAIVER (TPM 36032) AND VARIANCE (6.514-VAR) TO SUBDIVIDE A 2.29 ACRE PARCEL INTO TWO LOTS WITH REDUCED LOT WIDTHS, LOCATED AT 700 RESEARCH DRIVE.

WHEREAS, AT&T Corporate Real Estate ("Applicant") has filed an application with the City pursuant to Section 9.62 of the Palm Springs Municipal Code, for a Parcel Map Waiver TPM 36032 and a Variance application 6.514 VAR for the subdivision of a 2.29 acre lot into two parcels located at 700 Research Drive, Zone M-1-P, Section 12; and

WHEREAS, notice of the public hearing of the Planning Commission of the City of Palm Springs to consider Variance 6.514 and Parcel Map Waiver TPM 36032, was given in accordance with applicable law; and

WHEREAS, on July 8, 2009, a public hearing on the application for Variance 6.514 and Parcel Map Waiver TPM 36032 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") and the project is categorically exempt under Section 15332 of the CEQA Guidelines; and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: The Planning Commission finds that this Variance and Parcel Map Waiver are Categorically Exempt from environmental review pursuant to Section 15332 (Class 32 – In-fill Development) of the California Environmental Quality Act (CEQA).

Section 2: The Planning Commission has determined that the proposal complies with applicable requirements as to area, general plan, improvements and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this title as follows:

1. Area

The M-1-P Zone requires a minimum lot area of 40,000 square feet, lot width of 200 feet and lot depth of 200 feet. The subdivision will create two parcels.

Parcel 1 will be approximately 40,000 square feet in size, 165 feet wide and 242 feet deep. Parcel 2 will be approximately 59,752 square feet in size, 165 feet wide and 352 feet deep. The subdivision is consistent with the Zoning Code's area and depth requirements. The proposed subdivision does not meet the minimum lot width requirement of the M-1-P Zone. However, the lot width is not changing from that which exists today. The proposed parcels will have sufficient area for future development as demonstrated by other properties in the vicinity.

2. *General Plan*

The General Plan designation is IND (Industrial). According to the General Plan, "Industrial uses typically include research and development parks, light manufacturing, laboratories, and industrial services." The proposed subdivision will allow for individual ownership of two parcels and afford the opportunity for a wider variety of business activities.

3. *Improvements and design*

Street improvements are already installed. There are no improvements proposed for the division of the lot in question.

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

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

Section 3: Pursuant to Section 94.06.00 of the Palm Springs Zoning Code, the Planning Commission finds that:

1. *The requested minor modification is consistent with the general plan, applicable specific plan(s) and overall objectives of the zoning ordinance;*

The subject property has an existing lot width of 165 feet. The subdivision proposes to maintain that width. The subject property is unable to obtain additional width due to its surroundings, and the strict application of the zoning code would deprive the subject property of a reasonable subdivision which would otherwise conform to all zoning standards.

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

The adjustment is an existing condition prior to the subdivision, and similar conditions exist on other properties to the north. Therefore, the adjustment will not be a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity and zone.

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

The lot sizes are consistent with neighboring properties and any new construction will have to conform to the Palm Springs Zoning Code's development standards (setbacks, building height, coverage, etc.). This will ensure the health safety, and general welfare of persons residing or working on the site or in the vicinity.

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

The overall project is consistent with the General Plan Land Use of IND (Industrial), and no inconsistencies can be identified with the goals and policies of the General Plan. Any future land use will be required to be consistent with the General Plan. No specific plans are associated with this property.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission approves the parcel map waiver TPM 36032 and Variance 6.514, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 8th day of July, 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO. _____

EXHIBIT A

TPM 36032 & 6.514 VAR

AT&T CORPORATE REAL ESTATE
700 RESEARCH DRIVE

July 8, 2009

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

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

PLANNING

ADMINISTRATIVE

- ADM 1. Project Description. This approval is for the project described per Case TPM 36032 Parcel Map Waiver and 6.514 Variance, except as modified by the conditions below;
- ADM 2. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 3. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 4. Parcel Map Waiver. This approval is for Parcel Map Waiver TPM 36032 located at 700 Research Drive, date stamped June 23, 2009. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers

or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning TPM 36032, a Parcel Map Waiver Application, and 6.514 VAR. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter or pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive further indemnification hereunder, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ADM 6. Time Limit on Approval. Approval of the Parcel Map Waiver (TPM 36032) and Variance (6.514 VAR) Applications shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

ADM 7. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ENGINEERING DEPARTMENT

ON-SITE

ENG 1. The applicant shall provide a copy of an executed and recorded reciprocal ingress/egress easement for Parcel 1 of Tentative Parcel Map No. 36032. The recorded easement shall be provided to the City Engineer prior to approval of a Certificate of Compliance for Parcels 1 and 2 of Tentative Parcel Map No. 36032.

MAP

ENG 2. The applicant shall submit an application to the Engineering Division for a Certificate of Compliance, prepared by either an appropriately licensed registered Civil Engineer or a Land Surveyor. The Certificate of Compliance shall be approved prior to issuance of a building permit on Parcel 2.

TRIBAL HABITAT CONSERVATION PLAN (THCP)

TRB 1. Prior to any ground disturbance, the applicant shall pay the Valley Floor Conservation Area fee (\$2,371/acre) to the Tribe as required by the THCP.

END OF CONDITIONS

