



PLANNING COMMISSION STAFF REPORT

DATE: February 28, 2024

PUBLIC HEARING

SUBJECT: A REQUEST BY THE MEZRAHI FAMILY TRUST, FOR A TENTATIVE PARCEL MAP (TPM 38635) TO SUBDIVIDE AN EXISTING PARCEL WITH AN EXISTING BUILDING, INTO TWO (2) SEPARATE PARCELS LOCATED AT 211 NORTH SUNRISE WAY, ZONE MR, WITHIN THE SECTION 14 SPECIFIC PLAN (CASE TPM 38635) (AR).

FROM: Department of Planning Services

SUMMARY:

This is a request for the Planning Commission to consider a proposed tentative parcel map to subdivide an existing parcel with a building into two separate parcels at 211 North Sunrise Way. The property is partially improved with the southeasterly portion of the lot consisting of a vacant commercial building that was once occupied by the Southern California Gas Company. A portion of the property consists of an unused parking lot, and the northern portion of the subject site is undeveloped.

The following application has been filed in conjunction with this request:

- Administrative Minor Modification application.

RECOMMENDATION:

That the Planning Commission approve the tentative parcel map as proposed, subject to the attached conditions of approval and the approval of the Administrative Minor Modification Application.

SCOPE OF REVIEW:

1. The Planning Commission shall review the Tentative Tract Map Application (TPM 38635) for conformance to the criteria listed in Section 66474 of the Subdivision Map Act.

BUSINESS PRINCIPAL DISCLOSURE:

A copy of the Disclosure form is attached to this report.

PROJECT DESCRIPTION:

The proposal is a tentative parcel map to subdivide one legal lot into two parcels to be designated as Parcel 1 and Parcel 2. Parcel 1 would become an L-shaped interior parcel, with a fully developed parking lot. Parcel 2 will consist of a vacant office commercial building with no associated parking. The applicant is seeking a tentative parcel map to facilitate the subdivision of the property into two separate lots.



Figure 1 Subject Site

BACKGROUND INFORMATION:

The subject site was acquired in 2019 by The Mezrahi Family Trust and is approximately 1.85 acres in size and is within the Section 14 Specific Plan area. The location is surrounded by well-established multi-family residential uses to the west; a home care facility to the north, office uses to the east and an undeveloped parcel on the south. The northern part of the parcel is mostly undeveloped. The applicant has now submitted a tentative parcel map to legally create two separate lots for financial purposes.

<i>Related Relevant City Actions</i>	
2009	The City approved a Reroof permit C25168.
2009	The Building Division issued Permit for Interior Remodel, and site improvements.

<i>Most Recent Change of Ownership</i>	
5/8/2019	Mezrahi Family Trust

<i>Neighborhood Meeting/Neighborhood Notice</i>	
02/22/24	A courtesy notice was emailed to Neighborhood Organizations within one mile of the project site.

<i>Field Check</i>	
01/18/2024	Staff visited site to observe existing conditions.

<i>Existing Street Improvement Conditions</i>			
<i>Street Name</i>	<i>Travel Lanes</i>	<i>Curb & Gutter</i>	<i>Sidewalk</i>
North Sunrise Way	4	Y	Y
East Andreas Road	2	Y	Y

DETAILS OF APPLICATION REQUEST:

<i>Site Area</i>	
Net Acres	1.85 Acres

<i>Surrounding Property</i>	<i>Existing Land Use Per Chapter 92</i>	<i>Existing Section 14 Plan Designation</i>	<i>Existing Zoning Designation</i>
Subject Property	Vacant Southern California Gas Company & parking lot	Section 14 Specific Plan (MR)	Medium Density Residential (MR)
North	Home Care	MR	MR
South	Undeveloped/Vacant	TRC (Tourist Resort Commercial)	Neighborhood Commercial (NC)
East	Office Uses	MR	Multi-Family Residential (R2)
West	Multi-Family Residential	HR (High Density Residential)	Medium Density Residential (MR)

<i>Special Plan Area</i>	<i>Compliance</i>
Section 14 Specific Plan	Y

ANALYSIS:

General Plan

Land Use Element.

The subject site is designated MDR (Medium Density Residential) by the General Plan Land Use Map. This designation permits a density of 6.1-15.0 dwelling units per acre. The two-lot residential subdivision of the existing 1.85-acre site is consistent with the MDR designation, which allows multi-family residential units as permissible use.

Zoning.

The subject property is located within the Section 14 Specific Plan and has a zoning designation of MR (Medium Density Residential), which allows the development of public utility structures and facilities and single family and multi-family residential homes.

Circulation Element.

The project site is located on the northwest corner of North Sunrise Way and East Andreas Road. Sunrise way is designated as a Major Thoroughfare and Andreas Road is designated a Local Street by the Circulation Plan. Since the applicant is proposing a lot split, no right-of-way dedications are required at this time.

Development Standards.

According to the Section 14 Specific Plan, the provisions of the R-2, Limited Multiple-Family Residential Zone, of Palm Springs Zoning Code (PSZC) shall apply in the Medium Density Residential zones. PSZC Section 92.03.03 sets specific property development standards relative to minimum lot dimensions and area when a new subdivision is proposed. An analysis of the required development standards and the proposed parcel map are provided in the table below:

Parcel 1

Development Standards	MR Zone	Proposed Parcel 1	Complies?
Lot Area	20,000 Sq. Ft.	59,843 SF	Y
Lot Width	130 Feet	152 FT	Y
Lot Depth	150 Feet	329.40 FT	Y

Parcel 2

Development Standards	MR Zone	Proposed Parcel 2	Complies?
Lot Area	20,000 Sq. Ft.	20,508 SF	Y
Lot Width	170 Feet	153 FT	Y, with AMM
Lot Depth	150 Feet	135 FT	Y, with AMM

Based on the analysis above, the project design is largely consistent with the Section 14, Specific Plan and R-2 Development Standards. Each parcel exceeds the minimum 20,000-square foot area. Parcel 1 will become an interior lot and will conform to the development standards. Parcel 2 will remain a corner lot and will become substandard in width and depth and will require an Administrative Minor Modification application to allow the reduction of lot dimensions by not more than 10% of the required zone, according to Section 94.06.01(A)(4). The applicant is conditioned (PLN 4) to apply for and receive approval of an AMM application prior to finalization of the tentative parcel map.

Site Access.

Pursuant to Section 93.05.00 (Vehicular Access) of the Zoning Code, the property is required to provide vehicular access to each building/structure. Access to Parcel 1 and Parcel 2 will be located on East Andreas Road.

FINDINGS – TENTATIVE PARCEL MAP TPM 38635:

Pursuant to Section 66474 of the Subdivision Map Act, the following findings must be made relative to the proposed map:

	<i>Criteria and Findings [PSZC 94.04.01(D)]</i>	<i>Compliance</i>
1.	<p><i>The proposed Tentative Tract Map or Tentative Parcel Map is consistent with all applicable general and specific plans.</i></p> <p>The proposed Tentative Map proposes the creation of two (2) parcels; Parcel 1 is 59,843 square feet in size and Parcel 2 is 20,508 square feet in size. The proposed Tentative Map is consistent with the goals and objectives of the General Plan, including the Medium Density Residential land use designation. Additionally, the lot split will provide density comparable with the MDR designation. Furthermore, the subject site is not located within a Specific Plan area.</p>	Y
2.	<p><i>The design and improvements of the proposed Tentative Tract Map or Tentative Parcel Map is consistent with the zone in which the property is located.</i></p> <p>The project design is entirely consistent with section 14 Specific Plan development standards, which references the R-2 multi-family development standards. Parcel 1 conforms to the minimum lot size and dimensions. Parcel 2 will be substandard in width and depth; however, an Administrative Minor Modification application will allow the reduction of lot dimensions by not more than 10% of the required zone, which will allow Parcel 2 to be consistent with the MR zone.</p>	Y, with AMM
3.	<p><i>The site is physically suited for this type of development.</i></p> <p>The parcel is physically suited for the creation of two lots. The proposed project site is relatively flat and adequate in size to accommodate future development while meeting all applicable development standards of the R-2 zone. Proposed conditions of approval will address all required site modifications consistent with City Standards and will assure safe access to the existing public streets.</p>	Y
4.	<p><i>The site is physically suited for the proposed density of development.</i></p> <p>The proposed subdivision will subdivide a 1.85-acre parcel into two parcels. The lot size for both parcels are consistent with the allowable density of 6.1–15.0 dwelling units per acre in the Medium Density Residential General Plan designation.</p>	Y
5.	<p><i>The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.</i></p>	Y

	<i>Criteria and Findings [PSZC 94.04.01(D)]</i>	<i>Compliance</i>
	The site has been previously disturbed and is surrounded by urban development on all sides. The site has not been previously identified as a habitat area. The design of the proposed subdivision or the future development will not cause environmental damage or injure fish or wildlife or their habitat because it is an infill lot that is not within any identified habitat or conservation area, therefore, there will be no environmental damage as a result of the proposed parcel map.	
6.	<i>The design of the subdivision or type of improvements is not likely to cause serious public health problems.</i> Sanitary sewer service is available in this area and connection from each parcel is required. Water service is available subject to the terms, limitations and restrictions set forth by the local water agency (Desert Water Agency). Solid waste generated by uses is collected by Palm Springs Disposal Services. There are no hazardous material businesses and uses proposed. Therefore, no serious public health problems are anticipated.	Y
7.	<i>The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.</i> The site does not have any trails or other public access easements that would be impacted by the design of the subdivision. Any utility easements can be accommodated within the project design.	Y

ENVIRONMENTAL ANALYSIS:

Pursuant to Section 15315 (Minor Land Division) of the California Environmental Quality Act (CEQA) guidelines, the proposed project is categorically exempt from the provisions of CEQA because:

1. The property is in an urbanized area and zoned for residential, commercial, or industrial use.
2. The property to be subdivided is fewer than four (4) parcels.
3. The current use is permitted in the General Plan and Zoning Ordinance; there are no variances or exceptions associated with the proposed tentative parcel map request; however, an Administrative Minor Modification application was requested to allow Parcel 2 to have a substandard lot width and depth.
4. The parcels were not involved in a division of a larger parcel within the previous two (2) years, and
5. The parcels do not have an average slope greater than twenty (20%) percent.

CONCLUSION:

As conditioned and with approval of an Administrative Minor Modification, the proposed tentative parcel map application meets all the required findings and the proposed zoning designation conforms with the General Plan designation of Medium Density Residential. The proposed tentative parcel map complies with all the requirements outlined in the above-mentioned sections of the Palm Springs Municipal Code and Zoning Code. Therefore, Staff recommends approval, subject to the attached conditions of approval.

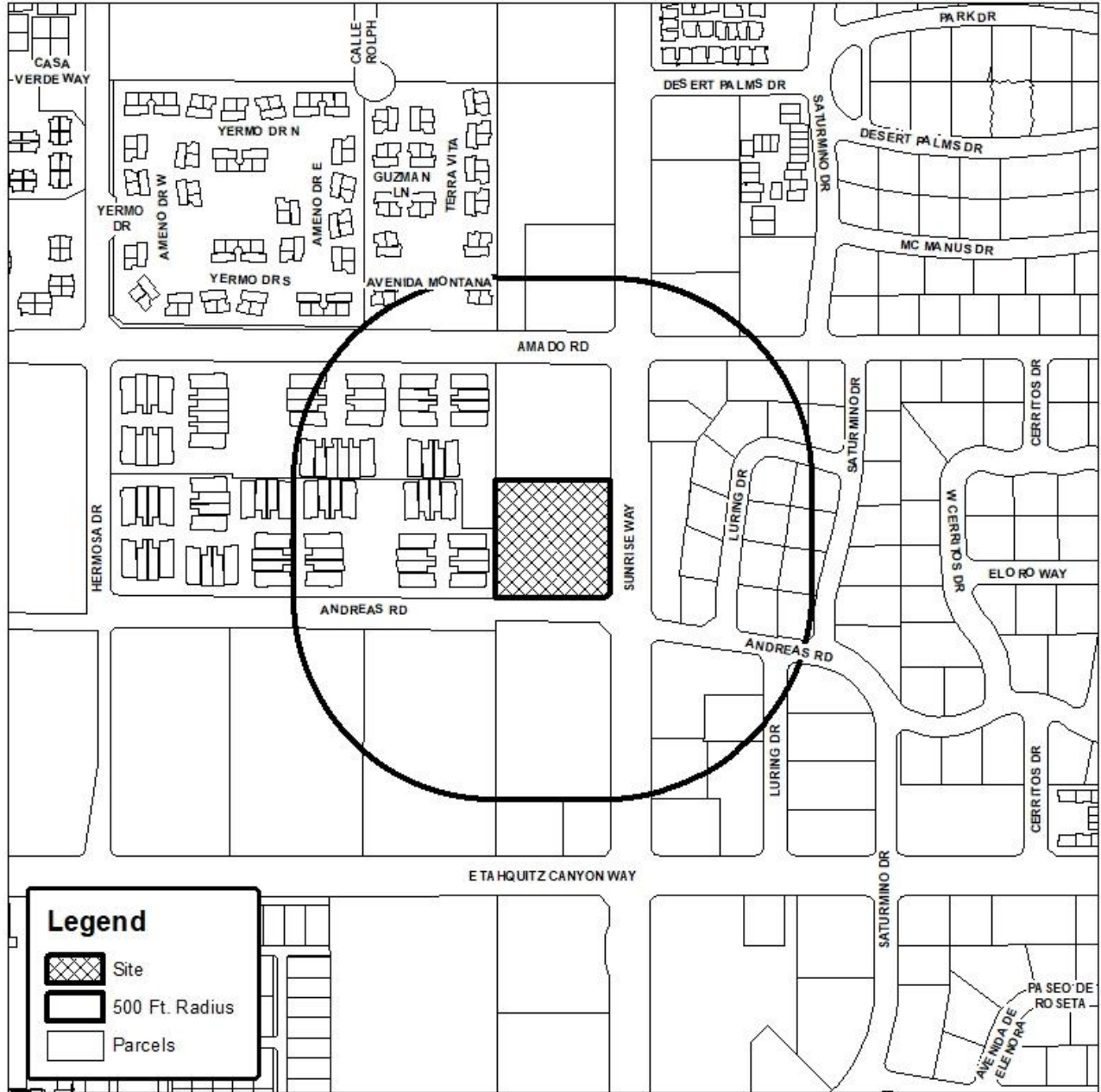
PREPARED BY:	Alex Rubalcava, Assistant Planner
REVIEWED BY:	Edward Robertson, Principal Planner
REVIEWED BY:	Christopher Hadwin, Director of Planning Services

ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution & Conditions of Approval
3. Justification Letter
4. Public Integrity Disclosure Form
5. Plans



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS
211 North Sunrise Way

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP APPLICATION, TPM 38635, TO SUBDIVIDE A 1.85-ACRE PROPERTY INTO TWO PARCELS LOCATED AT 211 NORTH SUNRISE WAY.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

- A. The Mezrahi Family Trust. ("Applicant") filed an application with the City pursuant to Chapter 9.62 of the City's Municipal Code (Maps), and Section 66474 of the State of California Government Code, for Tentative Parcel Map 38635 (TPM 38635) proposing a subdivision of 1.85-acres into two parcels for residential homes located at 211 North Sunrise Way, Zone MR.
- B. A notice of public hearing for Case TPM 38635 was given in accordance with applicable law.
- C. On February 28, 2024, a public hearing on the tentative parcel map request was held by the Planning Commission in accordance with applicable law.
- D. The Planning Commission has carefully reviewed and considered all 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 proposed Tentative Parcel Map (TPM 38635) is categorically exempt from the provisions of Section 15315 Minor Land Divisions, of the CEQA guidelines because it is fewer than four (4) parcels, consistent with the General Plan and Zoning Ordinance, contains all available services, access to the proposed parcels to local streets are available, the application involves no variances or exceptions from the City's Municipal Code, the parcel has not been involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than twenty (20) percent.

Section 2: As conditions and with approval of an Administrative Minor Modification, 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;

Findings are required for approval of the Tentative Parcel Map pursuant to the Subdivision Map Act (Cal Gov't Code Section 66474). These findings and a discussion of the project as it relates to these findings follow:

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

The proposed Tentative Map proposes the creation of two (2) parcels, Parcel 1 is 59,843 square feet in size and Parcel 2 is 20,508 square feet in size. The proposed Tentative Map is consistent with the goals and objectives of the General Plan, including the Medium Density Residential land use designation. Additionally, the lot split will provide density comparable with the MDR designation, The subject site is not located within a Specific Plan area.

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

The project design is entirely consistent with section 14 Specific Plan development standards, which references the R-2 multi-family development standards. Parcel 1 conforms to the minimum lot size and dimensions. Parcel two conforms to the minimum lot size and the lot dimensions, with the approval of an AMM application.

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

The undeveloped parcel is physically suited for the creation of two lots. The parcel is relatively flat and adequate in size to accommodate the future residences while meeting all applicable development standards of the R-2 zone. Proposed conditions of approval will address all required site modifications consistent with City Standards and will assure safe access to the existing public streets.

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

The proposed subdivision will subdivide a 1.85-acre parcel into two parcels. The lot size for both parcels are consistent with the allowable density of 6.1–15.0 dwelling units per acre in the Medium Density Residential General Plan designation.

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

The site has been previously disturbed and is surrounded by urban development on all sides. The site has not been previously identified as a habitat area. The design of the proposed subdivision or the future development will not cause environmental damage or injure fish or wildlife or their habitat because it is an infill lot that is not within any identified habitat or conservation area, therefore, there will be no environmental damage as a result of the proposed parcel map.

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

Sanitary sewer service is available in this area and connection from each parcel is

required. Water service is available subject to the terms, limitations and restrictions set forth by the local water agency (Desert Water Agency). Solid waste generated by uses is collected by Palm Springs Disposal Services. There are no hazardous material businesses and uses proposed. Therefore, no serious public health problems are anticipated.

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

The site does not have any trails or other public access easements that would be impacted by the design of the subdivision. Any utility easements can be accommodated within the project design.

Section 3: That the findings and determinations reflected above are true and correct and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Resolutions.

Section 4: Based upon the foregoing, the Planning Commission hereby approves the Tentative Parcel Map (TPM 38635) subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 28th day of February 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Christopher Hadwin
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Parcel Map 38635
Tentative Parcel Map to split one lot into two
211 N Sunrise Way

February 28, 2024

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case TPM 38635, except as modified the conditions below.
- ADM 2. Reference Documents. The final map shall be consistent with the approved plan, date stamped received February 28, 2024.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions, and laws that may apply.
- ADM 4. Minor Deviations. The Development Services Director or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Tentative Map. This approval is for Tentative Tract Map 38635, which is a two lot tentative parcel map for 1.85-acres of partially developed land located on the northwest corner of Sunrise Way and Andreas Road. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances, and resolutions.
- ADM 6. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers,

or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Parcel Map 38635. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ADM 7. Time Limit on Approval. Approval of the Parcel Map Waiver (TPM 38635) shall be valid for two (2) years from the effective date of approval unless an extension of time is granted by the Subdivision Map Act and or the Planning Commission. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05. Permits will not be issued until the appeal period has concluded.

PLANNING CONDITIONS:

PLN 1. Development Permits. Grading and other development permits are not authorized under this approval. Such requests shall be submitted for separate review and decision.

PLN 2. Existing Structures. The applicant shall receive approval from the Department of Planning Services prior to modifying the existing structure on Parcel 2.

PLN 3. Comply with Zoning. All structures proposed on the property shall comply with development standards of the appropriate zone.

PLN 4. Administrative Minor Modification: Applicant must obtain approval of an AMM application prior to finalizing the Tentative Parcel Map to address the lot width and depth of Parcel 2.

ENGINEERING DEPARTMENT CONDITIONS

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

All Plans and Documents listed below, must be submitted to Engineering Services Department for review and approval.

MAP

- ENG 1. A Parcel Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Services Department for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Parcel Map to the Engineering Services Department as part of the review of the Map. The Parcel Map shall be approved by the City Council and recordation by the County of Riverside.

END OF CONDITIONS

MEZRAHI FAMILY TRUST

333 North Palm Canyon Drive, Suite 109
Palm Springs, CA 92262
760-799-0361



M

February 9, 2024

Re: TPM 38635

Dear Ms. Rubalcava,

This is in reference to this two-acre site, located at the intersection of North Sunrise Way and Andreas, commonly referred to as the old Gas Company building, together with the partially undeveloped portion.

Our objective has consistently been the preservation of the original Gas Company building. Since the acquisition, diligent efforts have been made to explore various potential uses for the property.

Following extensive consultations with professionals, including architects, engineers, and real estate agents, a comprehensive analysis has led us to conclude that the most practical approach is to subdivide the property and embark on the development of a community comprising 15 apartment units. This strategic decision not only aligns with economic feasibility but also serves the community by providing new residential options.

With regards to the original Gas Company building, our intention is to convert it into a modern residential home. We firmly believe that this adaptive reuse is well-suited to the central location of the project and complies with the planning department codes for the Section 14 district.

The provided description aims to highlight the project's evolution and the meticulous considerations that have shaped our current proposal. We trust that you will find this proposal acceptable, and we seek your approval for this lot split to create two separate lots.

Thank you for your time and consideration.

Sincerely,

Shaul Mezrahi
Trustee of the Mezrahi Family Trust

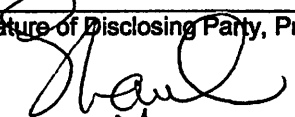


PUBLIC INTEGRITY DISCLOSURE APPLICANT DISCLOSURE FORM

1. Name of Entity
Mezrahi Family Trust
2. Address of Entity (Principle Place of Business)
PO Box 2399, Rancho Mirage, CA 92270
3. Local or California Address (if different than #2)
4. State where Entity is Registered with Secretary of State
<i>If other than California, is the Entity also registered in California?</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Type of Entity
<input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input checked="" type="checkbox"/> Other (please specify)
6. Officers, Directors, Members, Managers, Trustees, Other Fiduciaries (please specify) <i>Note: If any response is not a natural person, please identify all officers, directors, members, managers and other fiduciaries for the member, manager, trust or other entity</i>
_____ <input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Member <input type="checkbox"/> Manager [name] <input type="checkbox"/> General Partner <input type="checkbox"/> Limited Partner <input type="checkbox"/> Other _____
_____ <input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Member <input type="checkbox"/> Manager [name] <input type="checkbox"/> General Partner <input type="checkbox"/> Limited Partner <input type="checkbox"/> Other _____
_____ <input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Member <input type="checkbox"/> Manager [name] <input type="checkbox"/> General Partner <input type="checkbox"/> Limited Partner <input type="checkbox"/> Other _____

7. Owners/Investors with a 5% beneficial interest in the Applicant Entity or a related entity	
EXAMPLE	
<i>JANE DOE</i>	<i>50%, ABC COMPANY, Inc.</i>
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]
A.	
Shaul Mezrahi	100%
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]
B.	
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]
C.	
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]
D.	
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]
E.	
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Signature of Disclosing Party, Printed Name, Title	Date
 SHAUL MEZRAHI, PRINCIPAL	04/13/2023

PENALTIES
Falsification of information or failure to report information required to be reported may subject you to administrative action by the City.

