



PLANNING COMMISSION STAFF REPORT

DATE: March 27, 2024

NEW BUSINESS

SUBJECT: A REQUEST BY AG LAND INVESTMENTS, LLC, FOR APPROVAL OF A TWO-YEAR EXTENSION OF TIME APPLICATION FOR AN APPROVED TENTATIVE TRACT MAP, CASE TTM 38049, TO SUBDIVIDE 2.53 ACRES OF UNDEVELOPED LAND TO CREATE EIGHT (8) SINGLE-FAMILY RESIDENTIAL PARCELS FOR FUTURE DEVELOPMENT AT 2700 EAST ALEJO ROAD (APN: 507-380-019 & 507-380-020), ZONE R-1-C, SECTION 12 (CASE EOT-2024-0001). (NK)

FROM: Department of Planning Services

SUMMARY:

This is a request for the approval of a two-year Extension of Time application for an approved Tentative Tract Map, Case TTM 38049, to subdivide 2.53 acres of undeveloped land to create eight (8) single-family residential parcels for future development at 2700 East Alejo Road. The Planning Commission originally reviewed and recommended approval of the application to the City Council on February 23, 2022. The application was later approved by the City Council on March 24, 2022. The approval of the tentative tract map is due to expire on March 24, 2024 pursuant to Palm Springs Municipal Code Section 9.63.110(a). An extension of time may be granted so long as an Extension of Time application has been filed prior to the expiration of the tentative tract map.

RECOMMENDATION:

The Planning Commission adopt a resolution and recommend approval of the application, EOT-2024-0001, to the City Council pursuant to Palm Springs Municipal Code Section 9.63.110(e).

BUSINESS PRINCIPAL DISCLOSURE:

The owner of the project site is AG Land Investments, LLC, and the Public Integrity Disclosure Form is attached to this staff report (Attachment 7).

PROJECT DESCRIPTION:

The applicant is seeking approval of a two-year Extension of Time for Case TTM 38049,

which proposes to subdivide 2.53 acres of undeveloped land located on East Alejo Road between North Juanita Drive and North Commercial Road (Attachment 2) to create eight (8) single-family residential parcels for future development.

Case TTM 38049 is associated with three applications: Case 5.1521 GPA (General Plan Amendment), 5.1521 CZ (Change of Zone), and 7.1645 AMM (Administrative Minor Modification). The details of these applications are as follows:

- Case 5.1521 GPA (General Plan Amendment):
Amendment of the project site's General Plan land use designation from IND (Industrial) to VLDR (Very Low Density Residential).
- Case 5.1521 CZ (Change of Zone):
Amendment of the project site's zoning designation from M-1-P (Planned Research and Development Park) to R-1-C (Single-Family Residential).
- Case 7.1645 AMM (Administrative Minor Modification):
A 10% lot width reduction from the code-required 130 feet to 117 feet for two parcels (Lots 4 and 8) that abut East Alejo Road, which is a secondary throughfare.

At its meeting on February 23, 2022, the Planning Commission recommended approval of all applications mentioned above, including Case TTM 38049, to the City Council subject to conditions of approval. The four applications were later approved by the City Council on March 24, 2022. The approval of Case TTM 38049 was contingent upon the approval of Case 5.1521 GPA, Case 5.1521 CZ, and Case 7.1645 AMM.

An Extension of Time is not required for Case 5.1521 GPA, Case 5.1521 CZ, and Case 7.1645 AMM, and the applicant is seeking Extension of Time approval for Case TTM 38049 only. Pursuant to Palm Springs Municipal Code Section 9.63.110, Tentative Tract Map No. 38049 is due to expire on March 24, 2024. The 2022 Planning Commission and City Council reviews were limited to the applications specified above, and no application has been filed for the above-ground development of the project site as of today.

BACKGROUND INFORMATION:

<i>Related Relevant City Actions</i>	
02/23/2022	The Planning Commission recommended approval of the applications, Case TTM 38049, Case 5.1521 GPA, 5.1521 CZ, and 7.1645 AMM, to the City Council subject to conditions of approval (Resolution No. 6909).
03/24/2022	The City Council approved Case TTM 38049, Case 5.1521 GPA, 5.1521 CZ, and 7.1645 AMM subject to conditions of approval (Ordinance No. 2062, Resolutions No. 24997 & 24998).
09/21/2022	The City Council approved the annexation of Tract Map No. 38049 into Community Facility District (CFD) No. 2005-1 (Ordinance No. 2065).

<i>Most Recent Change of Ownership</i>	
09/03/2021	AG Land Investments, LLC

<i>Neighborhood Notice</i>	
03/20/2024	Electronic notice of the subject application was provided to the Neighborhood Organizations within one (1) mile of the project site.

<i>Field Check</i>	
03/11/2024	Staff conducted a site visit to confirm the site conditions.

<i>Site Area</i>	
Net Acres	2.53 Acres

<i>Surrounding Property</i>	<i>Existing Land Use Per Chapter 92</i>	<i>Existing General Plan Designation</i>	<i>Existing Zoning Designation</i>
Subject Property	Vacant	VLDR (Very Low Density Residential)	R-1-C (Single-Family Residential)
North	Business Park	IND (Industrial)	M-1-P (Planned Research and Development Park)
South	City Yard	P/QP (Public/Quasi Public)	A (Airport)
East	Professional/Medical Office	IND	PD 158
West	Single-Family Residential	VLDR	R-1-C

ANALYSIS:

The applicant is requesting a two-year Extension of Time for Case TTM 38049, which proposes to subdivide 2.53-acre undeveloped land to create eight (8) single-family residential parcels for future development. Pursuant to Palm Springs Municipal Code (PSMC) Section 9.63.110(a), the tentative tract map expires 24 months from the date the map is approved by the City Council. However, the approval of the tentative tract map may be extended up to 24 months in accordance with Palm Springs Municipal Code (PSMC) Sections 9.63.110(b) and (c), as long as an Extension of Time application is filed prior to the date of expiration (March 24, 2024).

PSMC Section 9.63.110 does not provide any specific findings or determinations that need to be made for the Planning Commission to grant an extension of time. However, PSMC Section 9.63.110(b) provides that the applicant is required to state the reasons for

requesting the extension and the amount of time requested in the Extension of Time application. In the justification letter (Attachment 8), the applicant states that a two-year extension of time is requested because of the unfavorable economic climate which prevented him from finding prospective developers in a timely fashion.

As for Tentative Tract Map No. 38049, an application for Community Facilities District (CFD) annexation has been approved by the City Council on September 29, 2022 (Ordinance No. 2065), and the final tract map has been approved on its technical merit by the Engineering Services plan checker (ERSC, Inc.) on December 21, 2022. The final tract map must be approved by the City Council. Prior to City Council review of the final tract map, the project must meet certain conditions of approval. These conditions include, but are not limited to, the requirement of bonds and a subdivision improvement agreement (ENG 47), an overhead utility covenant (ENG 39), street improvement plans (ENG 2), Tribal clearance and a monitoring agreement (ENV 5/ENG 23), and the submission of Tribal habitat fees (ENV 2/ENG 27). The applicant is not proposing any changes to the approved tentative tract map (Attachment 10) as a part of this Extension of Time request.

ENVIRONMENTAL ANALYSIS:

The review of this Extension of Time application is considered a project under the definitions of the California Environmental Quality Act (CEQA). The City Council adopted a Mitigated Negative Declaration (MND) for the proposed project and associated impacts on March 24, 2022 for Case TTM 38049, Case 5.1521 GPA, Case 5.1521 CZ, and Case 7.1645 AMM. Since there are no changes proposed to the previously approved Tentative Tract Map No. 38049, an amendment to the MND and/or additional environmental studies are not required pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) Article 11 of the CEQA Guidelines.

CONCLUSION:

As noted earlier in this staff report, Palm Springs Municipal Code Section 9.63.110 does not provide any specific findings or determinations that need to be made for the Planning Commission to grant an extension of time. As required in PSMC Section 9.63.110(b), the applicant states in the justification letter that a two-year extension of time is requested because of the unfavorable economic climate which prevented him from finding prospective developers in a timely fashion. The applicant is not proposing any changes to the approved Tentative Tract Map No. 38049, and all Planning applications that are associated with the project have been approved. Therefore, staff recommends that the Planning Commission recommend approval of the Extension of Time application, Case EOT-2024-0001, to the City Council as prescribed in PSMC Section 9.63.110(e).

PREPARED BY:	Noriko Kikuchi, AICP, Associate Planner
REVIEWED BY:	David Newell, AICP, Assistant Director of Planning Services
REVIEWED BY:	Christopher Hadwin, Director of Planning Services

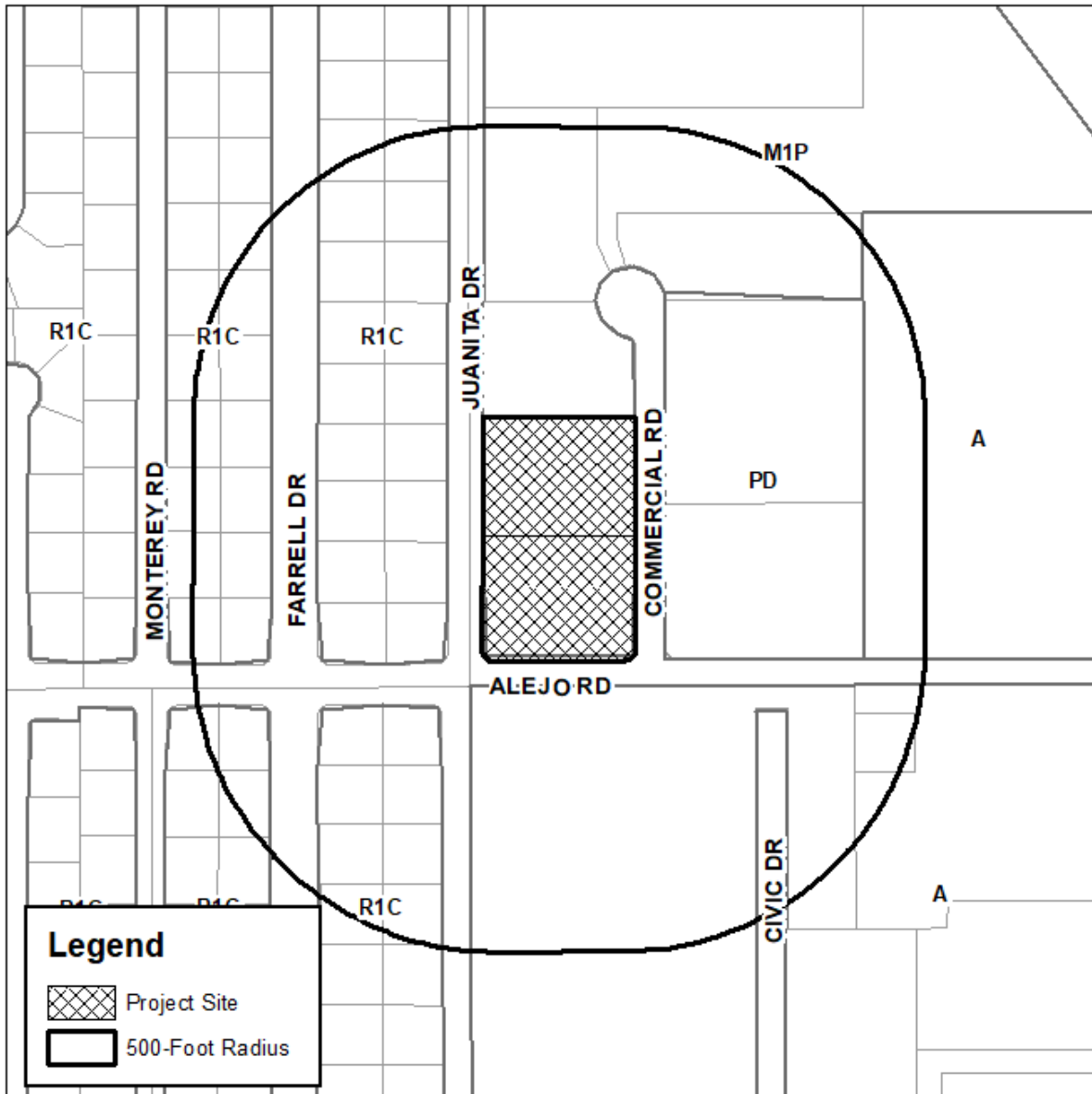
ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Draft Resolution – Extension of Time
4. February 23, 2022 Planning Commission Staff Report (excluding Attachments)
5. Except of Minutes from the February 23, 2022 Planning Commission Meeting
6. Resolutions, Ordinance, and Conditions of Approval
 - i. City Council (Resolution No. 24997 – Case 5.1521 GPA)
 - ii. City Council (Resolution No. 24998 – Case TTM 38049 & 7.1645 AMM)
 - iii. City Council (Ordinance No. 2062 – Case 5.1521 CZ)
7. Public Integrity Disclosure Form
8. Justification Letter
9. Site Photographs
10. Tentative Tract Map No. 38049 (Approved by Planning Commission and City Council)

ATTACHMENT 1



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

Case No. EOT-2024-0001
AG Land Investments, LLC
2700 East Alejo Road
(APN: 507-380-019 & 507-380-020)

ATTACHMENT 2



 Project Site

ATTACHMENT 3

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. EOT-2024-0001, EXTENSION OF TIME, TO EXTEND THE APPROVAL OF TENTATIVE TRACT MAP NO. 38049 (CASE TTM 38049) BY TWO-YEARS FOR SINGLE-FAMILY RESIDENTIAL LAND SUBDIVISION AT 2700 EAST ALEJO ROAD (APN: 507-380-019 & 507-380-020), ZONE R-1-C, SECTION 12 (CASE EOT-2024-0001).

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. Adam Gilbert of AG Land Investments, LLC (“Applicant”) has filed an Extension of Time application, Case EOT-2024-0001, with the City pursuant to Section 9.63.110 of the Municipal Code to extend the approval of Tentative Tract Map No. 38049 (Case TTM 38049) by two (2) years for the subdivision of 2.53 acres of undeveloped land to create eight (8) single-family residential parcels for future development at 2700 East Alejo Road (APN: 507-380-019 & 507-380-020).

B. Case TTM 38049 is associated with Case 5.1521 GPA (General Plan Amendment), Case 5.1521 CZ (Change of Zone), and Case 7.1645 AMM (Administrative Minor Modification). Case 5.1521 GPA proposed to amend the site’s General Plan land use designation from ‘Industrial’ (IND) to ‘Very Low Density Residential’ (VLDR), and Case 5.1521 CZ was filed for the change of the site’s ‘Planned Research and Development Park’ (M-1-P) zoning designation to Single-Family Residential (‘R-1-C’). A 10% lot width reduction from the code-required 130 feet to 117 feet for Lot 4 and Lot 8 abutting East Alejo Road was requested via Case 7.1645 AMM.

C. On February 23, 2022, the Planning Commission held a public hearing on the applications, Case TTM 38049, Case 5.1521 GPA, Case 5.1521 CZ, and Case 7.1645 AMM, in accordance with applicable law. Subsequently, the Planning Commission voted 5-0-2 (Ervin & Moruzzi absent) to recommend approval of the applications to the City Council subject to conditions of approval and adopted Resolution No. 6909.

D. On March 24, 2022, the City Council held a public hearing on the applications, Case TTM 38049, Case 5.1521 GPA, Case 5.1521 CZ, and Case 7.1645 AMM, in accordance with applicable law. Subsequently, the City Council voted 4-0 (Holstege recused) to approve the applications and adopt Ordinance No. 2062, Resolution No. 24997, and Resolution No. 24998. Approval of Case TTM 38049 was contingent upon the approval of Case 5.1521 GPA, Case 5.1521 CZ, and Case 7.1645 AMM as conditioned.

E. Pursuant to Palm Springs Municipal Code Section 9.63.110(a), the approval of a tentative tract map expires 24 months after it is approved by the City Council. However, the approval of the tentative tract map may be extended up to 24 months subject to review

and approval by the Planning Commission and City Council (PSMC Sections 9.63.110.b and e).

F. Pursuant to Palm Springs Municipal Code Section 9.63.110(b), the applicant of an Extension of Time application must state the reasons for requesting the extension and the amount of time requested. The applicant states that a two-year extension of time is required because of the unfavorable economic climate which prevented him from finding prospective developers in a timely fashion. The commission hereby agrees with this basis for the request.

G. The review of the Extension of Time application, Case TTM 38049, is considered a project under the definitions of the California Environmental Quality Act (CEQA). The City Council adopted a Mitigated Negative Declaration (MND) for the proposed project and associated impacts on March 24, 2022 (Resolution No. 24997). Since no changes are proposed to the previously approved Tentative Tract Map No. 38049, an amendment to the adopted MND and/or additional environmental studies are not required pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) Article 11 of the CEQA Guidelines.

H. 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.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. 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 the and through this Resolution.

SECTION 2. That the review of this Extension of Time application is considered a project under the definitions of the California Environmental Quality Act (CEQA). The City Council adopted a Mitigated Negative Declaration (MND) for the proposed project and associated impacts on March 24, 2022 for Case TTM 38049, Case 5.1521 GPA, Case 5.1521 CZ, and Case 7.1645 AMM. Since there are no changes proposed to the previously approved Tentative Tract Map No. 38049, an amendment to the MND and/or additional environmental studies are not required pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) Article 11 of the CEQA Guidelines.

SECTION 3. That the Planning Commission hereby approves Case EOT-2024-0001, Extension of Time, to extend the approval of Case TTM 38049 by two (2) years for the subdivision of 2.53-acre undeveloped land to create eight (8) single-family residential parcels for future development at 2700 East Alejo Road (APN: 507-380-019 & 507-380-020), subject to the conditions of City Council Resolution No. 24998.

ADOPTED this 27th day of March, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Christopher Hadwin
Director of Planning Services

ATTACHMENT 4



PLANNING COMMISSION STAFF REPORT

DATE: February 23, 2022

PUBLIC HEARING

SUBJECT: REQUEST BY AG LAND INVESTMENTS, LLC FOR GENERAL PLAN AMENDMENT TO CHANGE THE CURRENT LAND USE DESIGNATION OF 'INDUSTRIAL' (IND) TO 'VERY LOW DENSITY RESIDENTIAL' (VLDR), CHANGE OF ZONE FROM 'PLANNED RESEARCH AND DEVELOPMENT PARK' (M-1-P) TO 'SINGLE-FAMILY RESIDENTIAL' (R-1-C) ZONE, AND TENTATIVE TRACT MAP (TTM) AND ADMINISTRATIVE MINOR MODIFICATION (AMM) APPLICATIONS TO SUBDIVIDE 2.53 ACRES OF UNDEVELOPED LAND INTO EIGHT (8) SINGLE-FAMILY RESIDENTIAL PARCELS FOR FUTURE DEVELOPMENT AT 2700 EAST ALEJO ROAD (APN: 507-380-019 & 507-380-020), ZONE M-1-P, SECTION 12 (CASE 5.1521 GPA/CZ, 38049 TTM, 7.1645 AMM) (NK)

FROM: Development Services Department

SUMMARY:

This is a request for a General Plan Amendment from the current 'Industrial' (IND) land use designation to 'Very Low Density Residential' (VLDR), a Change of Zone from 'Planned Research and Development Park' (M-1-P) to 'Single-Family Residential' (R-1-C) Zone, and Tentative Tract Map (TTM) and Administrative Minor Modification (AMM) applications to subdivide 2.53 acres of undeveloped land into eight (8) single-family residential parcels for future development. AMM approval is requested for a reduced lot width in accordance with Palm Springs Zoning Code Section 94.06.01(A)(4). No above-ground structures are being proposed at this time.

The following applications have been filed in conjunction with this request:

- Case 5.1521 GPA to amend the current General Plan land use designation of 'Industrial' (IND) to 'Very Low Density Residential' (VLDR).
- Case 5.1521 CZ to change the current zone designation of 'Planned Research and Development Park' (M-1-P) to 'Single-Family Residential' (R-1-C).
- Case 38049 TTM to subdivide the 2.53-acre project site into eight (8) parcels for single-family residential parcels.
- Case 7.1645 AMM to reduce the code-required 130-foot-minimum lot width to 117 feet for Lot 4 and Lot 8.

ISSUE:

1. The proposed Lot 4 and Lot 8 are adjacent to a secondary thoroughfare (East Alejo Road), which would require a minimum lot width of 130 feet. The proposed lot width for these lots is 117 feet and requires AMM approval.

RECOMMENDATION:

That the Planning Commission recommend the following actions to the City Council subject to conditions:

1. Adopt the Mitigated Negative Declaration as an adequate environmental document for the proposed project and associated impacts;
2. Approve Case 5.1521 GPA to amend the General Plan land use designation of the project site from 'Industrial' (IND) to 'Very Low Density Residential' (VLDR);
3. Approve Case 5.1521 CZ to change the zone designation of the project site from 'Planned Research and Development Park' (M-1-P) to 'Single-Family Residential' (R-1-C);
4. Approve Case 38049 TTM to subdivide the 2.53-acre project site into eight (8) single-family residential parcels; and
5. Approve Case 7.1645 AMM to reduce the code-required 130-foot-minimum lot width to 117 feet for Lot 4 and Lot 8.

SCOPE OF REVIEW:

1. The Planning Commission shall review the General Plan Amendment application (Case 5.1521 GPA) in accordance with State of California Government Code Sections 65350 through 65362.
2. The Planning Commission shall review the Change of Zone application (Case 5.1521 CZ) for conformance to PSZC Section 94.07.00(A).
3. The Planning Commission shall review the Tentative Tract Map application (Case 38049 TTM) for conformance to the criteria listed in Section 66474 of the Subdivision Map Act.
4. The Planning Commission shall review the Administrative Minor Modification application (Case 7.1645 AMM) for conformance to the criteria listed in PSZC Section 94.06.01(B)(3).

BUSINESS PRINCIPAL DISCLOSURE:

The property is owned by AG Land Investments, LLC. AG Land Investments, LLC consists of individuals named Adam Gilbert and Anthony Gatto who are the members of the entity. Each member holds 50% ownership of the entity. Public Integrity Disclosure Form is attached to this report (Attachment #5).

The project proposes to subdivide 2.53 acres of undeveloped land into eight (8) single-family residential parcels that are between 13,246 square feet and 15,381 square feet in size. The proposed lot depth is 132.18 feet, and the lot width of 100.21 feet is proposed for each if the lots on the project site except for the two (2) lots that are adjacent to East Alejo Road (Lot 4 and Lot 8). East Alejo Road is a secondary thoroughfare, and greater lot width is required for Lot 4 and Lot 8. Pursuant to Palm Springs Zoning Code Section 92.01.03(B), the code-required minimum lot width is 130 feet for lots that side a secondary thoroughfare. 117 feet is proposed for Lot 4 and Lot 8. Therefore, the applicant is seeking a 10% lot width reduction for Lot 4 and Lot 8 via an Administrative Minor Modification (AMM) as prescribed in Palm Springs Zoning Code Section 94.06.01(A)(4). Project conformance with the applicable development standards is analyzed in this staff report.

BACKGROUND INFORMATION:

<i>Most Recent Change of Ownership</i>	
09/03/2021	AG Land Investments, LLC

<i>Neighborhood Notice</i>	
01/28/2021	Affidavit of on-site sign posting submitted by applicant.
02/10/2022	Notice of public hearing mailed to addresses within 500-feet of the site, notifying that the subject application would be considered by the Planning Commission at a public hearing on February 23, 2022.
02/17/2022	Notice emailed to Neighborhood Organizations within one (1) mile of the project site.
02/11/2022	Notice of public hearing published in the local newspaper.

<i>Field Check</i>	
02/09/2022	Staff conducted the site visit to confirm the site conditions.

<i>Existing Street Improvement Conditions</i>			
<i>Street Name</i>	<i>Travel Lanes</i>	<i>Curb & Gutter</i>	<i>Sidewalk</i>
East Alejo Road	Y	Partial	Partial
North Commercial Road	Y	Y	N
North Juanita Drive	Y	Partial	Partial

DETAILS OF APPLICATION REQUEST:

<i>Site Area</i>	
Net Acres	2.53 Acres

<i>Surrounding Property</i>	<i>Existing Land Use Per Chapter 92</i>	<i>Existing General Plan Designation</i>	<i>Existing Zoning Designation</i>
Subject Property	Vacant	IND (Industrial)	M-1-P (Planned Research and Development Park)
North	Business Park	IND	M-1-P
South	City Yard	P/QP (Public/Quasi Public)	A (Airport)
East	Professional/Medical Office	IND	PD 158
West	Single-Family Residential	VLDR (Very Low Density Residential)	R-1-C (Single-Family Residential)

DEVELOPMENT STANDARDS:

Pursuant to PSZC Section 92.01.03(B) (R-1-C Zone), the following standards apply:

<i>Standard</i>	<i>Required/ Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	10,000 SF	13,246 SF	Y
Min. Lot Width	100 Feet (Interior Lots) 130 Feet (Lot 4 & 8 Only)	100.21 Feet 117 Feet	Y Yes, with AMM approval
Min. Lot Depth	100 Feet	132.18 Feet	Y
Min. Setbacks (Interior Lots)			
• Front	25 Feet	25 Feet	Y
• Side (North)	10 Feet	10 Feet	Y
• Side (South)	10 Feet	10 Feet	Y
• Rear	15 Feet	15 Feet	Y
Min. Setbacks (Lot 4 & Lot 8 only)			
• Front	25 Feet	25 Feet	Y
• Side (North)	10 Feet	10 Feet	Y
• Side (South)	25 Feet	25 Feet	Y
• Rear	15 Feet	15 Feet	Y
Min. Setbacks (Lot 1 only)			
• Front	25 Feet	25 Feet	Y
• Side (North)	10 Feet	13 Feet	Y
• Side (South)	10 Feet	10 Feet	Y
• Rear	15 Feet	15 Feet	Y

<i>Standard</i>	<i>Required/ Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks (Lot 5 only)			
• Front	25 Feet	25 Feet	Y
• Side (North)	10 Feet	12 Feet	Y
• Side (South)	10 Feet	10 Feet	Y
• Rear	15 Feet	15 Feet	Y

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
M-1-P (Planned Research and Development Park)	Max. 60% lot coverage	N/A
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-1-C (Single-Family Residential)	N/A	1 DU / Lot

<i>Existing General Plan Designation</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
IND (Industrial)	0.50 FAR	N/A
<i>Proposed General Plan Designation</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
LVDR (Very Low Density Residential)	N/A	2.1 ~ 4.0 DU / Acre

ANALYSIS:

Site Plan:

The project site is a 2.53-acre lot consisting of two (2) parcels located on East Alejo Road between North Commercial Road and North Juanita Drive. The site is currently undeveloped. The site's overall topography is relatively flat, and the landscape is retained in natural condition with low-height shrubs. The project site is immediately adjacent to existing single-family residences on North Juanita Drive to the west. The adjacent properties to the south, north, and east are City Yard, business park, and professional/medical office, respectively. Egress and ingress to individual lots will be provided on North Juanita Drive and East Commercial Road.

FINDINGS – GENERAL PLAN AMENDMENT (Case 5.1521 GPA):

State of California Governmental Code Sections 65350 through 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 proposed General Plan Amendment based upon the following criteria:

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

	<i>Criteria and Findings (Government Code Sections 65350-65362)</i>	<i>Compliance</i>
1.	<p><i>Compatibility of the proposed use with adjacent land uses</i></p> <p>The project proposes to change the current General Plan land use designation of IND (Industrial) to VLDR (Very Low Density Residential) for future single-family residential use. Staff finds that the proposed VLDR land use designation is compatible with the adjacent land uses, particularly to the existing single-family residences to the west that are also located within the VLDR designation area. The approval of the General Plan Amendment would allow further expansion of the residential area.</p>	Y
2.	<p><i>Development patterns of the neighborhood.</i></p> <p>Policy LU 6.2 of the General Plan Land Use Element encourages new residential infill development projects (Palm Springs 2007 General Plan, page 2-27). Additionally, Housing Element Policy HS1.1 states as follows:</p> <p><i>“Provide adequate residential sites to accommodate and encourage a broad range of housing opportunities.”</i></p> <p>The General Plan Amendment will allow the addition of new single-family residences to the existing residential neighborhood to the west that was established around 1960. Hence, the General Plan Amendment is consistent with the development pattern of the neighborhood and meets this requirement.</p>	Y
3.	<p><i>Goals, Policies and Actions of the General Plan.</i></p> <p>The approval of the General Plan Amendment would allow future development of eight (8) single-family residences. Policy LU 6.2 of the Land Use Element encourages new residential infill development (Palm Springs 2007 General Plan, page 2-27), and the General Plan Amendment will help achieve the goal. Additionally, the proposed project allows the City to achieve Goal LU 1 of the Land Use Element which states as follows:</p> <p><i>“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”</i> (Palm Springs 2007 General Plan, page 2-20).</p> <p>The proposed single-family residential use complements the existing single-family residences to the west. The project site has</p>	Y

	<i>Criteria and Findings (Government Code Sections 65350-65362)</i>	<i>Compliance</i>
	remained undeveloped, and the in-fill development of eight (8) new single-family residences will deliver positive economic impacts to the City.	

FINDINGS – CHANGE OF ZONE (Case 5.1521 CZ):

Section 94.07.00(A) of the Palm Springs Zoning Code (PSZC) requires that the following conditions be met in order to justify a Change of Zone application. Staff has analyzed the findings as listed below:

	<i>Criteria and Findings [PSZC 94.07.00(A)]</i>	<i>Compliance</i>
1.	<p><i>The proposed change of zone is in conformity with the general plan map and report.</i></p> <p>The site's General Plan land use designation is currently IND (Industrial). In conjunction with this Change of Zone application, the applicant has submitted a General Plan Amendment (GPA) application which proposes to amend the site's current land use designation to VLDR (Very Low Density Residential). Staff is recommending a condition of approval which requires the approval of the Change of Zone to be contingent upon approval of the GPA application. With this condition, the project meets the finding.</p>	Yes, subject to condition
2.	<p><i>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.</i></p> <p>In conjunction with this application, Tentative Tract Map and Administrative Minor Modification applications (Case 48039 TTM & 7.1645 AMM) were submitted to subdivide the 2.53-acre lot into eight (8) single-family residential parcels. With the approval of these applications, the project would meet the R-1-C Zone lot dimensions requirements. The future single-family residential use is consistent with the intent of the R-1-C Zone, and the site is immediately adjacent to existing R-1-C single-family residences to the west. To ensure conformance with this finding, staff is recommending a condition of approval which requires the approval of the Change of Zone approval to be contingent upon the approval of the TTM and AMM applications.</p>	Yes, subject to condition
3.	<p><i>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.</i></p>	Y

	<i>Criteria and Findings [PSZC 94.07.00(A)]</i>	<i>Compliance</i>
	The approval of the Change of Zone application would allow the future development of eight (8) single-family residences at the site, and it is consistent with the intent of the General Plan Housing Element which aims to respond to the statewide housing shortage crisis. The project site is adjacent to existing single-family residences, and the future single-family residential use will not be detrimental to the adjacent property or residents.	

FINDINGS – TENTATIVE TRACT MAP (Case 38049 TTM):

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>With approval of the General Plan and Change of Zone applications noted above, the project is consistent with the General Plan and Zoning Code. The density requirement for the VLDR designation area is 2.1 to 4.0 DU/Acre, while the project proposes one (1) single-family residential unit on each lot. The proposed lot sizes are 13,246 and 15,381 square feet, which meet the density requirement. Staff is recommending a condition of approval which requires the approval of the TTM application to be contingent upon the approval of the General Plan and Change of Zone applications. The project site is not located within a specific plan area.</p>	Yes, as conditioned
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 proposed project meets the minimum lot size and dimensions requirements of the R-1-C Zone as analyzed earlier in the staff report, with the exception of the lot width for Lot 4 and Lot 8. The applicant has submitted an AMM application to address the lot width issue, and staff is recommending a condition of approval which requires the approval of this TTM application to be contingent upon the approval of the Change of Zone and AMM applications. All street and other improvements are subject to the Conditions of Approval associated with TTM 38049. Hence, the project meets this finding as conditioned.</p>	Yes, as conditioned
3.	<i>The site is physically suited for this type of development.</i>	Yes, as conditioned

	<i>Criteria and Findings [PSZC 94.04.01(D)]</i>	<i>Compliance</i>
	<p>The proposed project is consistent with the General Plan density requirement, and the lot configurations meet the zoning code requirements except for the lot width of two (2) parcels. As noted earlier in this report, AMM approval is requested to address the lot width issue. The project proposes low-density residential development adjacent to a secondary thoroughfare, and it is compatible with the existing single-family residences immediately adjacent to the west. The project site is generally flat with topography that is consistent with other single-family home sites in the area. For the project to fully meet this finding, staff is recommending a condition which requires the approval of this TTM application to be contingent upon the approval of an AMM application.</p>	
4.	<p><i>The site is physically suited for the proposed density of development.</i></p> <p>The sizes of the proposed parcels are 13,246 and 15,381 square feet, while the applicable General Plan density requirement is 2.1 to 4.0 dwelling units per acre. The project proposes one (1) dwelling unit per lot and meets the applicable density requirement.</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> <p>An Initial Study was conducted as a part of this application review. Although the project site is surrounded by developed residential and commercial uses, nesting birds may exist amongst the sparse vegetation on site. To ensure that the project will not interfere with the nesting birds, staff is recommending a condition of approval which requires a pre-construction nesting bird survey to be conducted by a biologist no more than 14 days prior to initiation of ground disturbance and vegetation removal activities (Condition ENV 1.). The mitigation measures will ensure the subdivision is not likely to cause environmental damage or substantially and avoidably injure other habitats.</p>	Yes, as conditioned
6.	<p><i>The design of the subdivision or type of improvements is not likely to cause serious public health problems.</i></p> <p>The proposed subdivision is for a single-family residential neighborhood which will be built subject to the City zoning and development codes, which are designed and intended to prevent development projects from causing serious adverse health impacts on the site and its surroundings. The homes built on each lot will be required to connect to sewer, water, and other utility providers, to ensure the public health and safety is protected. Therefore, the project meets this finding.</p>	Y

	<i>Criteria and Findings [PSZC 94.04.01(D)]</i>	<i>Compliance</i>
7.	<p><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></p> <p>There are ingress/egress and incidental purpose easement and public utility easement along the north side of the project site. Additionally, there is a 14-foot-wide public easement along the west property line of the project. The public easement is located in the proposed 25-foot front yard setback area where no structure is proposed. The easement will not interfere with the access or the use of the proposed subdivision.</p>	Y

FINDINGS – ADMINISTRATIVE MINOR MODIFICATION (Case 7.1645 AMM):

Section 94.06.01(B)(3) of the Palm Springs Zoning Code (PSZC) requires that the following conditions be met in order to justify an Administrative Minor Modification application. Staff has analyzed the findings as listed below:

	<i>Criteria and Findings [PSZC 94.06.01(B)(30)]</i>	<i>Compliance</i>
1.	<p><i>The requested minor modification is consistent with the general plan, applicable specific plan(s) and overall objectives of the zoning ordinance;</i></p> <p>As noted earlier in this report, General Plan Amendment and Change of Zone applications have been filed in conjunction with this application. With the approval of the General Plan Amendment and Change of Zone applications, the project meets this finding. Staff is recommending a condition of approval which requires AMM approval to be contingent upon the approval of the General Plan and Change of Zone applications. The project meets this finding as conditioned.</p>	Yes, as conditioned
2.	<p><i>The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the minor modification.</i></p> <p>The proposed lot width reduction is requested for Lot 4 and Lot 8, the most southern lots that are adjacent to East Alejo Road only. The lot width reduction will provide additional distance from the adjacent property to the south, which is a city yard. Therefore, the project meets this finding.</p>	Y
3.	<p><i>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;</i></p>	Y

	<i>Criteria and Findings [PSZC 94.06.01(B)(30)]</i>	<i>Compliance</i>
	The approval of the AMM application allows shorter lot width for Lot 4 and Lot 5, which would result in smaller lots compared to what would be if they were to be created in full conformance with the applicable development standards. Although no development plan has been submitted in conjunction with this application, all buildings will be required to be built to the Uniform Building Code, Zoning Code, and Fire Code. Therefore, staff finds that the approval of this AMM will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or in the vicinity.	
4.	<p><i>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.</i></p> <p>Per General Plan, the lot size of VLDR land use designation area generally ranges between 8,500 square feet and 16,500 square feet (Palm Springs 2007 General Plan, page 2-5). If the project site were to be divided into six (6) single-family residential lots instead of eight (8) for the sole purpose of meeting the lot width requirement, that would create lots averaging approximately 18,367 square feet in area. Such parcels will be significantly larger than the adjacent single-family residential parcels. Hence, the approval of this AMM application is justified by the historic development pattern of the site’s vicinity.</p>	Y

ENVIRONMENTAL ANALYSIS:

This project is considered a project under the definitions of the California Environmental Quality Act (CEQA). The City has evaluated the project under CEQA Guidelines and a Mitigated Negative Declaration has been prepared and circulated for a 20-day public comment period. The comments received during the comment period are attached to this report (Attachment #7). No comments have been received that would necessitate recirculation of the environmental analysis. Staff finds that the analysis is a complete description of the project and its potential adverse impacts. The recommended Mitigation Measures are anticipated to reduce any potentially significant impacts to less than significant levels.

CONCLUSION:

As analyzed in this report, the future single-family residential development at the site is appropriate considering the site’s setting and surroundings. Additionally, the proposed project meets the requirements of the California Government Code for a General Plan Amendment and required findings for the proposed Change of Zone, Tentative Tract Map, and Administrative Minor Modification applications subject to the approval of such applications altogether. The future single-family residential use will allow an in-fill project on a site that has remained vacant for years, and the single-family residential use will

Case 5.1521 GPA/CZ, 38049 TTM, 7.1645 AMM

contribute to relieving the statewide housing shortage crisis. Therefore, staff recommends that the Planning Commission recommend approval of Case 5.1521 GPA/CZ, Case 38049 TTM, and Case 7.1645 AMM to the City Council subject to conditions of approval (Attachment #3).

PREPARED BY:	Noriko Kikuchi, AICP, Associate Planner
REVIEWED BY:	David Newell, AICP, Assistant Director of Planning

ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Draft Resolution & Exhibit A
4. Justification Letter
5. Public Integrity Disclosure Form
6. Site Photographs
7. CEQA comments
8. CEQA Initial Study/MND
9. Plans

ATTACHMENT 5

EXCERPT OF MINUTES

At the Planning Commission meeting of the City of Palm Springs, held on February 23, 2022, the Planning Commission took the following action:

- 2B. AG LAND INVESTMENTS, LLC, FOR GENERAL PLAN AMENDMENT FROM THE CURRENT 'INDUSTRIAL' (IND) DESIGNATION TO 'VERY LOW DENSITY RESIDENTIAL' (VLDR); CHANGE OF ZONE FROM 'PLANNED RESEARCH AND DEVELOPMENT PARK' (M-1-P) TO 'SINGLE-FAMILY RESIDENTIAL' (R-1-C); AND TENTATIVE TRACT MAP AND ADMINISTRATIVE MINOR MODIFICATION TO SUBDIVIDE 2.53 ACRES OF UNDEVELOPED LAND TO CREATE EIGHT (8) SINGLE-FAMILY RESIDENTIAL LOTS FOR FUTURE DEVELOPMENT AT 2100 EAST ALEJO ROAD, ZONE M-1-P, SECTION 12 (CASE 5.1521 GPA / CZ, 38049 TTM AND 7.1645 AMM. (NK)**

Associate Planner Kikuchi narrated a PowerPoint presentation regarding the proposed project.

Chair Weremiuk opened the public hearing.

ADAM GILBERT, applicant, presented a brief history of the property; discussed getting community input and reported there are no structures on the property except for an old foundation which will be removed.

There being no further speakers, public comments was closed.

Discussion followed regarding requiring CC&Rs or deed restrictions and the need for a disclosure requirement about the industrial noise and airport noise impacts inherent on the development.

Discussion continued regarding Lots 1 and 5 and related easements and construction of a wall on the easement.


Roberts, seconded by Aylaian to recommend approval to City Council with added conditions:

The applicant shall provide written notice to all buyers of the adjacent land uses and noise impacts in a recordable form to be approved by the City Attorney at the City Attorney's reasonable discretion. In the event the CC&Rs are not required or proposed for the project, the requirement of the CC&Rs shall be removed from the required conditions or not be required.

AYES: AYLAIAN, HIRSCHBEIN, MILLER, ROBERTS, WEREMIUK
ABSENT: ERVIN, MORUZZI

I, Noriko Kikuchi, Associate Planner for the City of Palm Springs, hereby certify that the above action was taken by Planning Commission of the City of Palm Springs on the 23rd day of February, 2022, by the following vote:

AYES: AYLAIAN, HIRSCHBEIN, MILLER, ROBERTS, WEREMIUK
NOES: NONE
ABSENT: ERVIN, MORUZZI



Noriko Kikuchi, AICP
Associate Planner

ATTACHMENT 6

RESOLUTION NO. 24997

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1521 GPA, GENERAL PLAN AMENDMENT, TO AMEND THE CURRENT LAND USE DESIGNATION OF 'INDUSTRIAL' (IND) TO 'VERY LOW DENSITY RESIDENTIAL' (VLDR) AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE SUBDIVISION OF A 2.53- ACRE LOT INTO EIGHT (8) SINGLE-FAMILY RESIDENTIAL PARCELS FOR FUTURE DEVELOPMENT AT 2700 EAST ALEJO ROAD, SECTION 12.

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

WHEREAS, AG Land Investments, LLC, (the "Applicant") has filed Case 5.1521 General Plan Amendment (GPA), Case 5.1521 CZ Change of Zone (CZ), Case TTM 38049, Tentative Tract Map (TTM), and Case 7.1645 AMM Administrative Minor Modification (AMM) applications in accordance with Sections 94.07.00 (Change of Zone), 94.06.01 (Minor Modifications), and 9.60 (Subdivision of Land – General Provision) of the Plan Springs Zoning and Municipal Codes to subdivide a 2.53-acre undeveloped lot into eight (8) single-family residential lots for future development at 2700 East Alejo Road; and

WHEREAS, the current General Plan land use and zone designations of the project site are 'Industrial' (IND) and 'M-1-P' (Planned Research and Development Park), respectively; and

WHEREAS, the applicant has requested a General Plan Amendment (GPA) to change the land use designation from 'Industrial' (IND) to 'Very Low Density Residential' (VLDR); and

WHEREAS, the applicant has requested a Change of Zone (CZ) from the current 'Planned Research and Development Park' (M-1-P) to 'Single-Family Residential' (R-1-C); and

WHEREAS, the applicant has requested a Tentative Tract Map (TTM) to subdivide the existing 2.53-acre undeveloped lot into eight (8) single-family residential parcels; and

WHEREAS, the applicant has requested an Administrative Minor Modification (AMM) to reduce the Code-required minimum lot width from 130 feet to 117 feet for Lot 4 and Lot 8; and

WHEREAS, on February 23, 2022, a public hearing on Case 5.1521 GPA/CZ, Case TTM 38049, and Case 7.1645 AMM was held by the Planning Commission in accordance with applicable law. The Planning Commission voted 5-2 (Absent: Ervin & Moruzzi) to recommend approval to the City Council subject to conditions.

WHEREAS, on March 24, 2022, a public hearing on Case 5.1521 GPA/CZ, Case TTM 38049, and Case 7.1645 AMM were held by the City Council in accordance with applicable law.

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and an Environmental Assessment has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; 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, all environmental data including the environmental assessment prepared for the project and all written and oral testimony presented.

WHEREAS, 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 City Council has evaluated the requested GPA 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.

The City Council specifically finds as follows:

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

The project proposes to change the current General Plan land use designation of IND (Industrial) to VLDR (Very Low Density Residential) for future single-family residential use. The City Council finds that the proposed VLDR land use designation is compatible with the adjacent land uses, particularly to the existing single-family residences to the west that are also located within the VLDR designation area. The approval of the General Plan Amendment would allow further expansion of the residential area.

2. *Findings of consistency with development patterns in the neighborhood.*

Policy LU 6.2 of the General Plan Land Use Element encourages new residential infill development projects (Palm Springs 2007 General Plan, page 2-27). Additionally, Housing Element Policy HS1.1 states as follows:

"Provide adequate residential sites to accommodate and encourage a broad range of housing opportunities."

The General Plan Amendment will allow the addition of new single-family residences to the existing residential neighborhood to the west that was established around 1960. Hence, the General Plan Amendment is consistent with the development pattern of the neighborhood and meets this requirement.

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

The approval of the General Plan Amendment would allow future development of eight (8) single-family residences. Policy LU 6.2 of the Land Use Element encourages new residential infill development (Palm Springs 2007 General Plan, page 2-27), and the General Plan Amendment will help achieve the goal. Additionally, the proposed project allows the City to achieve Goal LU 1 of the Land Use Element which states as follows:

"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" (Palm Springs 2007 General Plan, page 2-20).

The proposed single-family residential use complements the existing single-family residences to the west. The project site has remained undeveloped, and the in-fill development of eight (8) new single-family residences will deliver positive economic impacts to the City.

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

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. A Mitigated Negative Declaration (MND) has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's CEQA Guidelines. The City Council finds that, with the incorporation of mitigation measures, the General Plan Amendment will have a less than significant impact on the environment. The City Council independently reviewed and considered the information contained in the MND prior to its review of this Project and the MND reflects the City Council's independent judgment and analysis. Therefore, the City Council hereby adopts the MND for this Project.

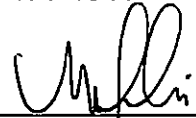
SECTION 3. That the City Council hereby approves Case 5.1521 GPA to amend the current General Plan land use designation from 'Industrial' (IND) to 'Very Low Density Residential' (VLDR) for the subdivision of a 2.53-acre lot into eight (8) single-family residential parcels for future development at 2700 East Alejo Road. The General Plan land use map shall be updated to reflect said amendment.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 24th DAY OF MARCH 2022.



JUSTIN CLIFTON
CITY MANAGER

ATTEST:



MONIQUE M. LOMELI, CMC
INTERIM CITY CLERK

CERTIFICATION

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

I, MONIQUE M. LOMELI, Interim City Clerk of the City of Palm Springs, hereby certify that Resolution No. 24997 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 March 24, 2022, by the following vote:

AYES: Councilmembers Kors, Woods, Mayor Pro Tem Garner, and Mayor Middleton

NOES:

ABSENT:

ABSTAIN:

RECUSED: Councilmember Holstege

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 25TH day of APRIL, 2022.



MONIQUE M. LOMELI, CMC
INTERIM CITY CLERK

RESOLUTION NO. 24998

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE TTM 38049, TENTATIVE TRACT MAP, AND CASE 7.1645 AMM, ADMINISTRATIVE MINOR MODIFICATION, FOR THE SUBDIVISION OF A 2.53-ACRE LOT INTO EIGHT (8) SINGLE-FAMILY RESIDENTIAL PARCELS WITH THE LOT WIDTH OF 117 FEET INSTEAD OF THE CODE-REQUIRED 130-FOOT-MINIMUM FOR LOT 4 AND LOT 8 FOR FUTURE DEVELOPMENT AT 2700 EAST ALEJO ROAD, SECTION 12.

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

WHEREAS, AG Land Investments, LLC, (the "Applicant") has filed Case 5.1521 General Plan Amendment (GPA), Case 5.1521 CZ Change of Zone (CZ), Case TTM 38049, Tentative Tract Map (TTM), and Case 7.1645 AMM Administrative Minor Modification (AMM) applications in accordance with Sections 94.07.00 (Change of Zone), 94.06.01 (Minor Modifications), and 9.60 (Subdivision of Land – General Provision) of the Plan Springs Zoning and Municipal Codes to subdivide a 2.53-acre undeveloped lot into eight (8) single-family residential lots for future development at 2700 East Alejo Road; and

WHEREAS, the current General Plan land use and zone designations of the project site are 'Industrial' (IND) and 'M-1-P' (Planned Research and Development Park), respectively; and

WHEREAS, the applicant has requested a General Plan Amendment (GPA) to change the land use designation from 'Industrial' (IND) to 'Very Low Density Residential' (VLDR); and

WHEREAS, the applicant has requested a Change of Zone (CZ) from the current 'Planned Research and Development Park' (M-1-P) to 'Single-Family Residential' (R-1-C); and

WHEREAS, the applicant has requested a Tentative Tract Map (TTM) to subdivide the existing 2.53-acre undeveloped lot into eight (8) single-family residential parcels; and

WHEREAS, the applicant has requested an Administrative Minor Modification (AMM) to reduce the Code-required minimum lot width from 130 feet to 117 feet for Lot 4 and Lot 8; and

WHEREAS, on February 23, 2022, a public hearing on Case 5.1521 GPA/CZ, Case TTM 38049, and Case 7.1645 AMM was held by the Planning Commission in accordance with applicable law; the Planning Commission voted 5-2 (Absent: Ervin & Moruzzi) to recommend approval to the City Council subject to conditions; and

WHEREAS, on March 24, 2022, a public hearing on Case 5.1521 GPA/CZ, Case TTM 38049, and Case 7.1645 AMM was held by the City Council 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 an Environmental Assessment has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; 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, all environmental data including the environmental assessment prepared for the project and all written and oral testimony presented; and

WHEREAS, pursuant to Government Code Section 66474 (Subdivision Map Act), the City Council 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 38049:

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

With approval of the General Plan and Change of Zone applications, the project is consistent with the General Plan and Zoning Code. The density requirement for the VLDR designation area is 2.1 to 4.0 DU/Acre, while the project proposes one (1) single-family residential unit on each lot. The proposed lot sizes are 13,246 and 15,381 square feet, which meet the density requirement. The City Council is requiring that the approval of the TTM application to be contingent upon the approval of the General Plan and Change of Zone applications. The project site is not located within a specific plan area.

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

The proposed project meets the minimum lot size and dimensions requirements of the R-1-C Zone, with the exception of the lot width for Lot 4 and Lot 8. The applicant has submitted an AMM application to address the lot width issue, and the City Council is approving this TTM application to be contingent upon the approval of the Change of Zone and AMM applications. All street and other improvements are subject to the Conditions of Approval associated with TTM 38049. Hence, the project meets this finding as conditioned.

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

The proposed project is consistent with the General Plan density requirement, and the lot configurations meet the zoning code requirements except for the lot width of two (2) parcels. AMM approval is requested to address the lot width issue. The project proposes low-density residential development adjacent to a secondary thoroughfare, and it is compatible with the existing single-family residences immediately adjacent to the west. The project site is generally flat with topography that is consistent with other single-family home sites in the area. For the project to fully meet this finding, the City Council is requiring this TTM application to be contingent upon the approval of an AMM application.

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

The sizes of the proposed parcels are 13,246 and 15,381 square feet, while the applicable General Plan density requirement is 2.1 to 4.0 dwelling units per acre. The project proposes one (1) dwelling unit per lot and meets the applicable density requirement.

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

An Initial Study was conducted as a part of this application review. Although the project site is surrounded by developed residential and commercial uses, nesting birds may exist amongst the sparse vegetation on site. To ensure that the project will not interfere with the nesting birds, the City Council requires a pre-construction nesting bird survey to be conducted by a biologist no more than 14 days prior to initiation of ground disturbance and vegetation removal activities (Condition ENV 1.). The mitigation measures will ensure the subdivision is not likely to cause environmental damage or substantially and avoidably injure other habitats.

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

The proposed subdivision is for a single-family residential neighborhood which will be built subject to the City zoning and development codes. The codes are designed and intended to prevent development projects from causing serious adverse health impacts on the site and its surroundings. The homes built on each lot will be required to connect to sewer, water, and other utility providers, to ensure the public health and safety is protected. Therefore, the project meets this finding.

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

There are ingress/egress and incidental purpose easement and public utility easement along the north side of the project site. Additionally, there is a 14-foot-wide public easement along the west property line of the project. The public easement is located in the proposed 25-foot front yard setback area where no structure is proposed. The easement will not interfere with the access or the use of the proposed subdivision.

WHEREAS, the findings for an Administrative Minor Modification (AMM) request are outlined in Section 94.06.01(B)(3) (Minor Modifications) of the Palm Springs Zoning Code (PSZC), and the City Council finds as follows; and

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

General Plan Amendment and Change of Zone applications have been filed in conjunction with this application. With the approval of the General Plan Amendment and Change of Zone applications, the project meets this finding. Therefore, the project meets this finding as conditioned.

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

The proposed lot width reduction is requested for Lot 4 and Lot 8, the most southern lots that are adjacent to East Alejo Road only. The lot width reduction will provide additional distance from the adjacent property to the south, which is a city yard. Therefore, the project meets this finding.

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 approval of the AMM application allows shorter lot width for Lot 4 and Lot 8, which would result in smaller lots compared to what would be if they were to be created in full conformance with the applicable development standards. Although no development plan has been submitted in conjunction with this application, all buildings will be required to be built to the Uniform Building Code, Zoning Code, and Fire Code. Therefore, the City Council finds that the approval of this AMM will not be detrimental to the health, safety, or 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.*

Per General Plan, the lot size of VLDR land use designation area generally ranges between 8,500 square feet and 16,500 square feet (Palm Springs 2007 General Plan, page 2-5). If the project site were to be divided into six (6) single-family residential lots instead of eight (8) for the sole purpose of meeting the lot width requirement, that would create lots averaging approximately 18,367 square feet in area. Such parcels will be significantly larger than the adjacent single-family residential parcels. Hence, the approval of this AMM application is justified by the historic development pattern of the site's vicinity.

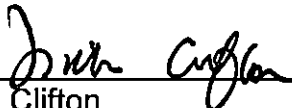
THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. A Mitigated Negative Declaration (MND) has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's CEQA Guidelines. The City Council finds that, with the incorporation of mitigation measures, the implementation of the project will have a less than significant impact on the environment. The City Council independently reviewed and considered the information contained in the MND prior to its review of this Project and the MND reflects the City Council's independent judgment and analysis. Therefore, the City Council hereby adopts the MND for this Project.

SECTION 3. That the City Council hereby approves Case TTM 38049, Tentative Tract Map, and Case 7.1645 AMM, Administrative Minor Modification, to subdivide a 2.53-acre lot into eight (8) single-family residential parcels with the reduced lot width of 117 feet instead of the code-required 130-foot-minimum for Lot 4 and Lot 8 for future development at 2700 East Alejo Road.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL
THIS 24th DAY OF MARCH 2022.



Justin Clifton
City Manager

ATTEST:



Monique Lomeli, Interim City Clerk

CERTIFICATION

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

I, MONIQUE LOMELI, Interim City Clerk of the City of Palm Springs, hereby certify that Resolution No. 24996 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 March 24, 2022, by the following vote:

- AYES: Councilmembers Kors, Woods, Mayor Pro Tem Garner, and Mayor Middleton
- NOES: None
- ABSENT: None
- ABSTAIN: None
- RECUSED: Councilmember Holstege

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 26th day of April, 2022.



Monique Lomeli, Interim City Clerk
City of Palm Springs, California

RESOLUTION NO. 24998

EXHIBIT A

Case 5.1521 GPA/CZ; Case 38049 TTM; Case 7.1645 AMM
AG Land Investments, LLC
2700 East Alejo Road

March 24, 2022

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1521 GPA/CZ and Case 38049 TTM; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 3. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1521 GPA/CZ, Case 38049 TTM, and Case 7.1645 AMM. 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 4. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, 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 5. 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.
- ADM 6. Public Art Fees. 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 1/2% 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 7. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).

ADM 8. The final development plans shall show eight (8) residential lots.

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION (ALUC) CONDITIONS:

ALUC 1. Any new outdoor lighting shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

ALUC 2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:

- (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
- (c) Any use which would generate smoke or water vapor, or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, outdoor production of cereal grains, sunflower, and row crops, composting operations, wastewater management facilities, artificial marshes, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- (e) Children's schools, day care centers, libraries, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses, and hazards to flight.
- (f) Highly noise-sensitive outdoor nonresidential uses.
- (g) Any use which results in a hazard to flight, including physical (e.g. tall objects), visual, and electronic forms of interference with the safety of aircraft operations.

ALUC 3. The attached "Notice of Airport in Vicinity" shall be provided to all prospective purchasers and occupants of the property and be recorded as a deed notice. In the event that the Office of the Riverside County Assessor-Clerk-Recorder declines to record said notice, the text of the notice shall be included on the Environmental Constraint Sheet (ECS) of the final map, if an ECS is otherwise required.

ALUC 4. Any proposed detention basins or facilities shall be designed and maintained to provide for a maximum 48-hour detention period following the design storm and remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees or shrubs that produce seeds, fruits, or berries.

Landscaping in the detention basin, if not rip-rap, should be in accordance with the guidance provided in ALUC "LANDSCAPING NEAR AIRPORTS " brochure, and the "AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT" brochure available at RCALUC.ORG which list acceptable plants from Riverside County Landscaping Guide or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.

A notice sign, in a form similar to that attached hereto, shall be permanently affixed to the stormwater basin with the following language: "There is an airport nearby. This stormwater basin is designed to hold stormwater for only 48 hours and not attract birds. Proper maintenance is necessary to avoid bird strikes". The sign will also include the name, telephone number or other contact information of the person or entity responsible to monitor the stormwater basin.

ALUC 5. The ALUC overflight informational brochure shall be provided to prospective purchasers showing the locations of aircraft flight patterns, the frequency of overflights, the typical altitudes of the aircraft, and the range of noise levels that can be expected from individual aircraft overflights, as well as Compatibility Factors exhibit from the Palm Springs Airport Land Use Compatibility Plan.

ALUC 6. The project does not propose rooftop solar panels at this time. However, if the project were to propose solar rooftop panels in the future, the applicant/developer shall prepare a solar glare study that analyzes glare impacts, and this study shall be reviewed by the Airport Land Use Commission.

CC&R's

ADM 1. 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 2. 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 \$4,008, 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 3. 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.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. If unavoidable project construction activities must begin during the nesting bird season (February 1st through August 31st), a pre-construction nesting bird survey shall be conducted no more than 14 days prior to initiation of ground disturbance and vegetation removal activities. The nesting pre-construction bird survey shall be conducted by a biologist familiar with identification of avian species known to occur in Riverside County. The nesting bird survey shall be conducted on foot inside the project boundary, including a 300-foot buffer for passerines (song birds) and 500-foot buffer for raptors in areas of suitable habitat. Inaccessible areas will be surveyed using binoculars to the extent practical. If nests are found, an avoidance buffer (dependent upon species, the proposed work activity, the existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. If a raptor nest is observed in a tree proposed for removal, the applicant must consult with CDFW. All construction personnel be notified of the existence of the buffer zone and to avoid entering the buffer zone during nesting season. No ground disturbing activities shall occur within this buffer area until the avian biologist has confirmed the breeding/nesting is completed and the young have fledged. Encroachment into the buffer shall occur only at the discretion of the qualified biologist. Focused surveys for burrowing owl shall be conducted by a qualified biologist and in accordance with California Department of Fish and Wildlife (CDFW) guidelines (THCP Section 4.8.4.2(g))
- ENV 2. The applicant shall pay the THCP (Tribal Habitat Conservation Plan) Valley Floor Planning Area Fee as required by the THCP.
- ENV 3. If buried cultural materials are discovered during the earth-moving operations, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds and, if necessary, develop a treatment plan in consultation with the City of Palm Springs and the appropriate Native American tribes.
- ENV 4. In the unexpected event human remains are uncovered during construction activities, all construction work taking place within the vicinity of the discovered remains must cease and the necessary steps to ensure the integrity of the immediate area must be taken. The County Coroner must be notified within 24 hours of the discovery of human remains. If the remains discovered are determined by the coroner to be of Native American descent, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would in turn contact the Most Likely Descendant (MLD) would determine further action to be taken. The MLD would have 48 hours to access the site and make a recommendation regarding disposition of the remains.

- ENV 5. Prior to issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Los Coyotes Band of Cahuilla and Cupeno Indians and 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 coordination scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENV 6. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.
- ENV 7. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the mitigated negative declaration will be included in the plans prior to Planning Commission consideration of the environmental assessment.
- ENV 8. Long Term Soil Stabilization and Dust Control. Those portions of the site that are to be graded, cleared, and grubbed of natural vegetation for the installation of the solar panel structures shall be provided with a long-term soil stabilization program acceptable to the City of Palm Springs to control wind borne dust and particulates. This may be either an overlay of gravel at sizes of 3/4" or larger or other equivalent means as approved by the Dust Control Management Division of the City Public Works Department.
- ENV 9. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface. Copies of any cultural resource documentation (report and site records) generated in connection with this project shall be submitted to the Agua Caliente Band of Cahuilla Indians.

- ENV 10. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities.
- a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
 - b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Approval of Case 5.1521 CZ (Change of Zone) shall be contingent upon the approval of Case 5.1521 GPA (General Plan Amendment), Case 38049 TTM (Tentative Tract Map), and Case 7.1645 AMM (Administrative Minor Modification).
- PLN 2. Approval of Case 38049 TTM (Tentative Tract Map) shall be contingent upon the approval of Case 5.1521 GPA (General Plan Amendment) and Case 5.1521 CZ (Change of Zone).
- PLN 3. Approval of Case 5.1521 GPA/CZ and Case 38049 TTM shall be contingent upon the approval of Case 7.1645 AMM.
- 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 street address numbering/lettering shall not exceed eight inches in height.
- PLN 6. 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 7. 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 8. 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 9. 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 10. 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.
- PLN 11. The applicant shall provide written notice to all buyers of the adjacent land uses and noise impacts in a recordable form to be approved by the City Attorney at the City Attorney's reasonable discretion. In the event the CC&Rs are not required or proposed for the project, the requirement of the CC&Rs shall be removed from the required conditions or not be required.

ENGINEERING DEPARTMENT CONDITIONS

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. All improvements are subject to inspection and a 24-to-48-hour inspection notification is required.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Services Department. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.

ALEJO ROAD

- ENG 3. Construct a 6-inch curb and gutter, 32 feet north of centerline along the entire frontage, with a 25 feet radius curb return and spandrel at the northeast corner of the intersection of Alejo Road and Juanita Road and remove and replace the existing curb return and spandrel located at the northwest corner of Alejo Road and Commercial Road in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 4. Remove and replace the existing 6 feet wide cross gutter at the intersection of Alejo Road and Juanita Road and the intersection of Alejo Road and Commercial Road with a flow line parallel with and located 32 feet north of the centerline of Alejo Road in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 5. Construct an 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 6. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of Alejo Road and Juanita Road in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 7. Remove and replace the existing curb ramp at the northwest corner of Alejo Road and Commercial Road and construct a Type A curb ramp meeting current California State Accessibility standard in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 8. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 9. Remove and replace existing asphalt concrete pavement where required, in accordance with applicable City standards.

ENG 10. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

COMMERCIAL ROAD

ENG 11. Upon development of lots 5 thru 8, the developer shall construct a driveway approach with access to Commercial Road in accordance with City of Palm Springs Standard Drawing No. 201.

ENG 12. 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 13. Construct a Type C curb ramp meeting current California State Accessibility standards on the south side of the existing driveway approach for APN#507-380-018 in accordance with City of Palm Springs Standard Drawing No. 214.

ENG 14. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

JUANITA ROAD

ENG 15. Construct a 6-inch curb and gutter, 12 feet east of centerline along the entire frontage to join existing improvements located at the north property line in accordance with City of Palm Springs Standard Drawing No. 200.

ENG 16. Upon development of lots 1 thru 4, the developer shall construct a driveway approach with access to Juanita Road in accordance with City of Palm Springs Standard Drawing No. 201

ENG 17. Construct an 8 feet wide meandering sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 18. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110. (Additional pavement removal and replacement may be required upon review of existing

pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 19. Remove and replace existing asphalt concrete pavement where required, in accordance with applicable City standards.

ENG 20. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

SANITARY SEWER

ENG 21. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

GRADING

ENG 22. Submit a Rough Grading Plan prepared by a California registered civil engineer to the Engineering Services Department 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 Services Department 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 Services Department with current and valid Certificate(s) of Completion from AQMD for staff that have 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 Services Department 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 Rough 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 Site Plan; a copy of current Title Report; a copy of Soils Report.
- ENG 23. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist (a copy of the written approval must be provided to the City) . The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at ACBCI-THPO@aguacaliente.net 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 24. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 25. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 26. 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 27. Prior to issuance of grading permit, the applicant shall provide verification to the City that the Tribal Habitat Conservation Plan (THCP) fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the THCP.
- ENG 28. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

- ENG 29. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 30. This project requires preparation and implementation of a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the approved final project-specific Water Quality Management Plan shall be incorporated by reference or attached to the SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 31. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre (if there is disturbance of 5,000 square feet or more) at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 32. 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 Services Department with the first submittal of a grading plan.
- ENG 33. The applicant shall provide Grading Certification for all building (or structure) pads in conformance with the approved grading plan to the Engineering Services Department for review and approval.

ENG 34. In cooperation with the California 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" (Revised - RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 6819 East Gage Avenue, Commerce, Ca 90040 (Phone (760)782-3271, (562)505-6415), Sonia.Oran@cdfa.ca.gov.

DRAINAGE

ENG 35. The applicant shall accept and convey all stormwater runoff across the property and conduct the runoff to an approved drainage system. On-site retention may be allowed on that portion of the property where historically, stormwater runoff is conveyed. The incremental increase of stormwater runoff due to development of the property shall be retained on-site to the satisfaction of the City Engineer.

ENG 36. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$10,311.99 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

ENG 37. 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.

ENG 38. All proposed utility lines shall be installed underground.

ENG 39. The record property owner shall enter into a covenant agreeing to underground all of the existing overhead utilities required by the Municipal Code in the future upon request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the

time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.

ENG 40. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

ENG 41. Upon approval of any improvement plan (if required) by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2015 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.

ENG 42. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Services Department 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 43. 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 44. 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 45. The developer shall apply for an annexation to the City of Palm Springs Community Facilities District established for public safety services and submit required applications, waivers, and consent forms to the annexation prior to approval of a final map. Payment of an annexation fee (\$7,500) and shall be made at the time of the application. The annexation shall be completed by action of the city council in a public hearing, prior to processing a final map for approval.

ENG 46. A Final 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 Final Map to the Engineering Services Department 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 47. Acceptance of public improvements required of this development shall be completed by resolution of the City Council to release the faithful performance bond and acceptance of replacement maintenance bond to be held for one year. An inspection will be performed nine months after said acceptance as part of the notice of completion process, a notice of completion will be filed certifying the improvements are complete.

TRAFFIC

ENG 48. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks. Minimum clearance on public sidewalks shall be provided by either an additional dedication of a sidewalk easement if necessary and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the frontage of the subject property.

ENG 49. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and streetlights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 50. Submit traffic striping and signage plans for Alejo Road from Commercial Road to Juanita Road, prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to release of any securities for the project.

ENG 51. Install traffic striping and signage improvements to match existing striping located on Alejo Road adjacent to the project. Submit traffic striping and signage plans to the City Engineer for review and approval.

- ENG 52. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.
- ENG 53. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

- FID 1. These Fire Department conditions may not provide all requirements. Owner/developer is responsible for all applicable state and locally adopted fire codes. Detailed plans are still required for review. Conditions are subject to final plan check and review.
- FID 2. Fire Department Conditions were based on the 2019 California Fire Code as adopted by City of Palm Springs, Palm Springs Municipal Code, PSFD Appendix "T" Development Requirements. This building will require fire sprinklers.
- FID 3. **Conditions of Approval** – "Conditions of Approval" received from the Palm Springs Planning Department must be submitted with each plan set. Failure to submit will result in a delay of plan approval.
- FID 4. **Plans and Permits (CFC 105.1):**
Permits and scaled drawings are required for this project. Plan reviews can take up to 20 working days. Submit a minimum of three (3) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set. Plans shall be submitted to:

City of Palm Springs
Building and Safety Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
Counter Hours: 8:00 AM – 6:00 PM, Monday – Thursday

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be

UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall include all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supporting data, (calculations and manufacturers technical data sheets) including fire flow data, shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

- FID 5. **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13'-6". Fire Department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.
- FID 6. **Required access (CFC 504.1):** Exterior doors and openings required by this code, or the California Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.
- FID 7. **Residential Smoke Alarms Required:** Shall be interconnected so that operation of any smoke alarm or fire sprinkler flow switch causes all smoke alarms within the dwelling & guest house to sound and activate the exterior horn/strobe
- FID 8. **NFPA 13D Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2016 Editions, as modified by local ordinance.

END OF CONDITIONS

ORDINANCE NO. 2062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1521 CZ, CHANGE OF ZONE, TO AMEND THE CURRENT ZONE DESIGNATION OF 'PLANNED RESEARCH AND DEVELOPMENT PARK' (M-1-P) TO 'SINGLE-FAMILY RESIDENTIAL' (R-1-C) FOR THE SUBDIVISION OF A 2.53-ACRE LOT INTO EIGHT (8) SINGLE-FAMILY RESIDENTIAL PARCELS FOR FUTURE DEVELOPMENT AT 2700 EAST ALEJO ROAD, SECTION 12.

City Attorney's Summary

This ordinance amends the zoning designation of certain property located at 2700 East Alejo Road from "Planned Research and Development Park" (M-1-P) to 'Single Family Residential' (R-1-C) in order to permit the development of eight (8) single-family residential parcels. The ordinance also makes certain findings required by the Palm Springs Municipal Code for zoning changes to land.

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

WHEREAS, AG Land Investments, LLC, (the "Applicant") has filed Case 5.1521 General Plan Amendment (GPA), Case 5.1521 CZ Change of Zone (CZ), Case TTM 38049, Tentative Tract Map (TTM), and Case 7.1645 AMM Administrative Minor Modification (AMM) applications in accordance with Sections 94.07.00 (Change of Zone), 94.06.01 (Minor Modifications), and 9.60 (Subdivision of Land – General Provision) of the Palm Springs Zoning and Municipal Codes to subdivide a 2.53-acre undeveloped lot into eight (8) single-family residential lots for future development at 2700 East Alejo Road; and

WHEREAS, the current General Plan land use and zone designations of the project site are 'Industrial' (IND) and 'M-1-P' (Planned Research and Development Park), respectively; and

WHEREAS, the applicant has requested a General Plan Amendment (GPA) to change the land use designation from 'Industrial' (IND) to 'Very Low Density Residential' (VLDR); and

WHEREAS, the applicant has requested a Change of Zone (CZ) from the current 'Planned Research and Development Park' (M-1-P) to 'Single-Family Residential' (R-1-C); and

WHEREAS, the applicant has requested a Tentative Tract Map (TTM) to subdivide the existing 2.53-acre undeveloped lot into eight (8) single-family residential parcels; and

WHEREAS, the applicant has requested an Administrative Minor Modification (AMM) to reduce the Code-required minimum lot width from 130 feet to 117 feet for Lot 4 and Lot 8; and

WHEREAS, on February 23, 2022, a public hearing on Case 5.1521 GPA/CZ, Case TTM 38049, and Case 7.1645 AMM was held by the Planning Commission in accordance with applicable law; the Planning Commission voted 5-2 (Absent: Ervin & Moruzzi) to recommend approval to the City Council subject to conditions; and

WHEREAS, on March 24, 2022, a public hearing on Case 5.1521 GPA/CZ, Case TTM 38049, and Case 7.1645 AMM were held by the City Council 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 an Environmental Assessment has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; 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, all environmental data including the environmental assessment prepared for the project and all written and oral testimony presented; and

WHEREAS, the City Council finds that the approval of the Change of Zone application (Case 5.1521 CZ) would allow the future development of eight (8) single-family residences at the site, and it is consistent with the intent of the General Plan Housing Element which aims to respond to the statewide housing shortage crisis.

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

SECTION 1. 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 Ordinance.

SECTION 2. The City Council hereby approves Case 5.1521 CZ, amending the current zone designation of the project site, 2700 East Alejo Road, from 'Planned Research and Development Park' (M-1-P) to 'Single-Family Residential' (R-1-C). The zoning map shall be updated to reflect said amendment.

SECTION 3. A Mitigated Negative Declaration (MND) has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's CEQA Guidelines. The City Council finds that, with the incorporation of mitigation measures, the implementation of the project will have a less than significant impact on the environment. The City Council independently reviewed and considered the information contained in the MND prior to its review of this Project and the MND reflects the City Council's independent judgment and analysis.

SECTION 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 7TH DAY OF APRIL 2022.



LISA MIDDLETON, MAYOR

ATTEST:



MONIQUE M. LOMELI, CMC
INTERIM CITY CLERK

CERTIFICATION

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

I, MONIQUE M. LOMELI, Interim City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. 2062 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on March 24, 2022, and adopted at a regular meeting of the City Council held on April 7, 2022, by the following vote:

AYES: Councilmembers Kors, Woods and Mayor Middleton
NOES:
ABSENT: Mayor Pro Tem Garner
ABSTAIN:
RECUSED: Councilmember Holstege

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 20th day of April, 2022.



MONIQUE M. LOMELI, CMC
INTERIM CITY CLERK

ATTACHMENT 7



PUBLIC INTEGRITY DISCLOSURE
APPLICANT DISCLOSURE FORM

RECEIVED

MAR 11 2024

DEPARTMENT OF
PLANNING SERVICES

1. Name of Entity: AG Land Investments, LLC
2. Address of Entity (Principle Place of Business): 2496 E Santa Ynez Palm Springs, CA 92264
3. Local or California Address (if different than #2)
4. State where Entity is Registered with Secretary of State: California
5. Type of Entity: Limited Liability Company
6. Officers, Directors, Members, Managers, Trustees, Other Fiduciaries (please specify): Adam Gilbert, Anthony Gatto

7. Owners/Investors with a 5% beneficial interest in the Applicant Entity or a related entity	
EXAMPLE <i>JANE DOE</i> <hr/> [name of owner/investor]	<i>50%, ABC COMPANY, Inc.</i> <hr/> [percentage of beneficial interest in entity and name of entity]
A. <i>Adam Gilbert</i> <hr/> [name of owner/investor]	<i>50%</i> <hr/> [percentage of beneficial interest in entity and name of entity]
B. <i>Anthony Gatto</i> <hr/> [name of owner/investor]	<i>50%</i> <hr/> [percentage of beneficial interest in entity and name of entity]
C. <hr/> [name of owner/investor]	<hr/> [percentage of beneficial interest in entity and name of entity]
D. <hr/> [name of owner/investor]	<hr/> [percentage of beneficial interest in entity and name of entity]
E. <hr/> [name of owner/investor]	<hr/> [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
<i>[Handwritten Signature]</i>	<i>3/11/2024</i>

PENALTIES

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

RECEIVED

MAR 11 2024

ATTACHMENT 8

Adam Gilbert
74399 Highway 111 Ste D Palm Desert, CA 92260
Adam@firmcompanies.com
760-408-8874
2/15/2024

City of Palm Springs
City Hall
3200 E Tahquitz Canyon Way Palm Springs, CA 92262

Subject: Request for Extension of Time for Entitlements – Property at 2700 Alejo

Dear Commissioners & Staff

I am writing to formally request an extension of time for the entitlements associated with the property located at 2700 Alejo in Palm Springs. The current entitlements are due to expire on March 24, 2024. Due to changes in the market as a result of the rise in interest rates over the last year, we respectfully request an extension of two years to fulfill the requirements outlined in the entitlements.

These changes in the marketplace stifled new development and as a result we could not find ready willing and able developers to move forward on the project. At the present time, and as a result of new optimism in the market we are currently in discussions with a number of parties who are interested in developing this project.

We remain fully committed to the development and improvement of the property in accordance with the city's regulations and guidelines. However, additional time is necessary to ensure that all aspects of the project are completed to the highest standards and in compliance with all applicable laws and regulations.

We assure you that we will diligently work towards meeting the requirements within the extended timeframe and will keep the city informed of our progress throughout the process. We understand the importance of adhering to deadlines and appreciate your consideration of our request for an extension.

Thank you for your attention to this matter. We look forward to a favorable response to our request.

Sincerely,

AG Land Investments LLC

Adam Gilbert, Managing Member

ATTACHMENT 9

Facing east from the southwest corner of the site on N. Juanita Dr.



Facing northeast from the southwest corner of the site on N. Juanita Dr.



Facing southeast from the northwest corner of the site on N. Juanita Dr.



Facing southwest from the northeast corner of the site on N. Commercial Rd.



Facing north from E. Alejo Rd.



Facing north from the southeast corner of the site on E. Alejo Rd.



Facing northwest from the southeast corner of the site on E. Alejo Rd.



ATTACHMENT 10

IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
TENTATIVE TRACT MAP NO. 38049
 PARCEL 2 & 3 OF PARCEL MAP 13336, P.M.B. 64/39
 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M.
 SANBORN ARCHITECTURE GROUP, Inc. DECEMBER 2021

TENTATIVE MAP PROJECT DATA
 EXHIBIT DATE: OCTOBER 26, 2020
 PROJECT DATA:

APPLICANT:	AG LAND INVESTMENTS, L.L.C.
ADDRESS:	2496 E. SANTA YNEZ WAY PALM SPRINGS, CA. 92264
CONTACT:	ADAM GILBERT PHONE: (760) 408-8874
LAND OWNER:	---
ADDRESS:	---
CONTACT:	---
EXHIBIT PREPARER:	SANBORN ARCHITECTURE GROUP, INC.
ADDRESS:	71-780 SAN JACINTO DR. SUITE E-1 RANCHO MIRAGE, CA. 92270
CONTACT:	ALLEN SANBORN PHONE: (760) 423-0600
SOURCE OF TOPOGRAPHY:	VAN SURVEYING
ADDRESS:	870 E. RESEARCH DR. STE. 12 PALM SPRINGS, CA. 92262
DATE OF TOPOGRAPHY:	FEBRUARY, 2020 PHONE: (760) 250-4465
LEGAL DESCRIPTION:	PARCEL 2&3, PM 13336, PMB 64/39;
PUBLIC UTILITY PURVEYORS:	
ELECTRIC:	SO. CALIFORNIA EDISON 760-202-4291
GAS:	SO. CALIFORNIA GAS CO. 760-324-4691
TELEPHONE:	FRONTIER 760-778-3601
TELEVISION:	SPECTRUM 760-874-5452
SEWER:	DESERT WATER AGENCY 760-323-4971
WATER:	DESERT WATER AGENCY 760-323-4971
WASTE MANAGEMENT:	DESERT VALLEY DISPOSAL 760-329-5030

ASSESSORS PARCEL NO.:	
507-380-019, 020	
PROPERTY ADDRESS:	
CORNER OF ALEJO ROAD & COMMERCIAL ROAD PALM SPRINGS, CA. 92262	
AREA INFORMATION:	
TOTAL NO. OF NUMBERED LOTS -	8
TOTAL NO. OF LETTERED COMMON LOTS -	0
TOTAL NO. OF LETTERED STREET LOTS -	0
THE PROPERTY SHOWN HEREIN CONTAINS THE ENTIRE CONTIGUOUS OWNERSHIP:	
TOTAL GROSS AREA =	2.53 ACRES 110,207 S.F.
8 NUMBER LOTS AREA =	2.53 ACRES 110,207 S.F.
MINIMUM LOT SIZE =	13,246 S.F.
MAXIMUM LOT SIZE =	15,381 S.F.
AVERAGE LOT SIZE =	13,775 S.F.
ZONING DESIGNATION:	
EXISTING ZONING:	M-1-P
PROPOSED ZONING:	R-1-C
GENERAL PLAN DESIGNATION:	
EXISTING:	INDUSTRIAL
PROPOSED:	VERY LOW DENSITY RESIDENTIAL
SURROUNDING LAND USES:	
NORTH:	COMMERCIAL
SOUTH:	PUBLIC
EAST:	COMMERCIAL
WEST:	RESIDENTIAL
FLOOD ZONE:	
CURRENT ZONING: THE PROPERTY IS SHOWN AS BEING IN FLOOD ZONE "X" ON FEMA MAP PANEL 060285C 1559 G, REVISED JANUARY 19, 1982.	
BASIS OF BEARING:	
THE BASIS OF BEARING IS THE CENTERLINE OF ALEJO ROAD, PMB 14/84, RECORDS AS N 89°47'24"E.	

LEGEND	
△	INDICATES EASEMENT MAPPED PER TITLE REPORT
○	INDICATES FOUND MONUMENT AS NOTED
— W —	INDICATES WATER LINE
— S —	INDICATES SEWER LINE
MH	INDICATES MANHOLE
ASPH.	INDICATES ASPHALT
CONC.	INDICATES CONCRETE
⊕	INDICATES CENTERLINE
a.c.	INDICATES ACRES
P.M.B.	INDICATES PARCEL MAP BOUNDARY
G.N.V.	INDICATES GRASS NOT VISIBLE
P.L.	INDICATES PROPERTY LINE
BUILD.	INDICATES BUILDING
FD.	INDICATES FLOOD
I.P.	INDICATES IRON PIPE
C.P.S.	INDICATES CITY OF PALM SPRINGS
L.S.	INDICATES LAND SURVEYOR
⊙	INDICATES PALM TREE
⊕	INDICATES STREET LIGHT
CMU	INDICATES CONCRETE MASONRY UNIT (BLOCKWALL)

GENERAL NOTES	
1. LOT DIMENSIONS SHOWN HEREIN ARE APPROXIMATE	
2. THIS MAP IS COMPILED FROM RECORD INFORMATION ONLY AND IS NOT TO BE USED AS A BOUNDARY SURVEY.	
3. NO SEPTIC SEWAGE IS INTENDED FOR THIS SITE	
4. SITE NOT SUBJECT TO OVERFLOW, INUNDATION, FLOOD HAZARDS	

VICINITY MAP/LOCATION MAP

LEGEND

- △ INDICATES EASEMENT MAPPED PER TITLE REPORT
- INDICATES FOUND MONUMENT AS NOTED
- W — INDICATES WATER LINE
- S — INDICATES SEWER LINE
- MH INDICATES MANHOLE
- ASPH. INDICATES ASPHALT
- CONC. INDICATES CONCRETE
- ⊕ INDICATES CENTERLINE
- a.c. INDICATES ACRES
- P.M.B. INDICATES PARCEL MAP BOUNDARY
- G.N.V. INDICATES GRASS NOT VISIBLE
- P.L. INDICATES PROPERTY LINE
- BUILD. INDICATES BUILDING
- FD. INDICATES FLOOD
- I.P. INDICATES IRON PIPE
- C.P.S. INDICATES CITY OF PALM SPRINGS
- L.S. INDICATES LAND SURVEYOR
- ⊙ INDICATES PALM TREE
- ⊕ INDICATES STREET LIGHT
- CMU INDICATES CONCRETE MASONRY UNIT (BLOCKWALL)

SANBORN ARCHITECTURE GROUP, INC.

STEVEN J. VAN, P.L.S.

7-780 SAN JACINTO DR. SUITE E-1
RANCHO MIRAGE, CA. 92270
TEL (760) 423-0600 FAX (760) 423-0600

TENTATIVE TRACT MAP NO. 38049
 for AG LAND INVESTMENTS, L.L.C.
 PARCEL 2 & 3 PM 13336 PMB 64/39
 SECTION 12, T. 4 S. R. 4 E. S.B.M.

EASEMENT NOTES

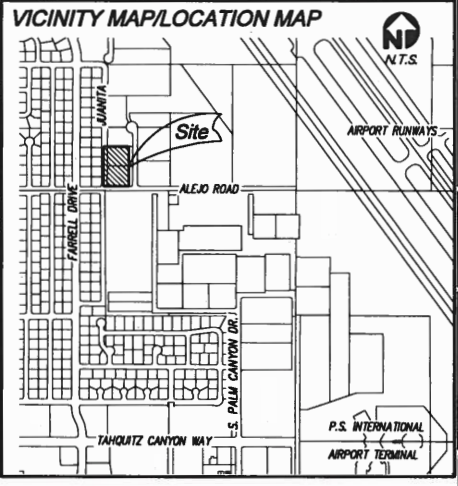
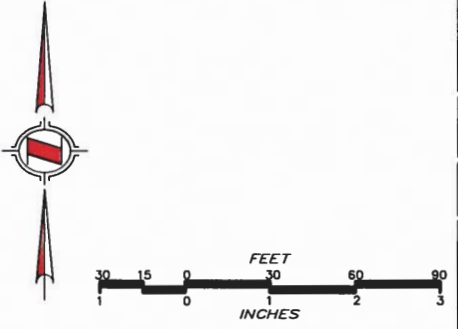
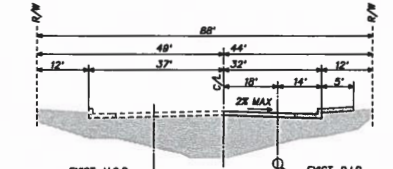
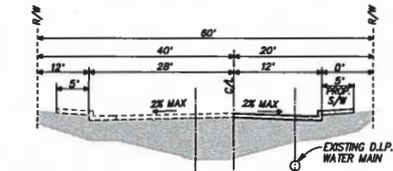
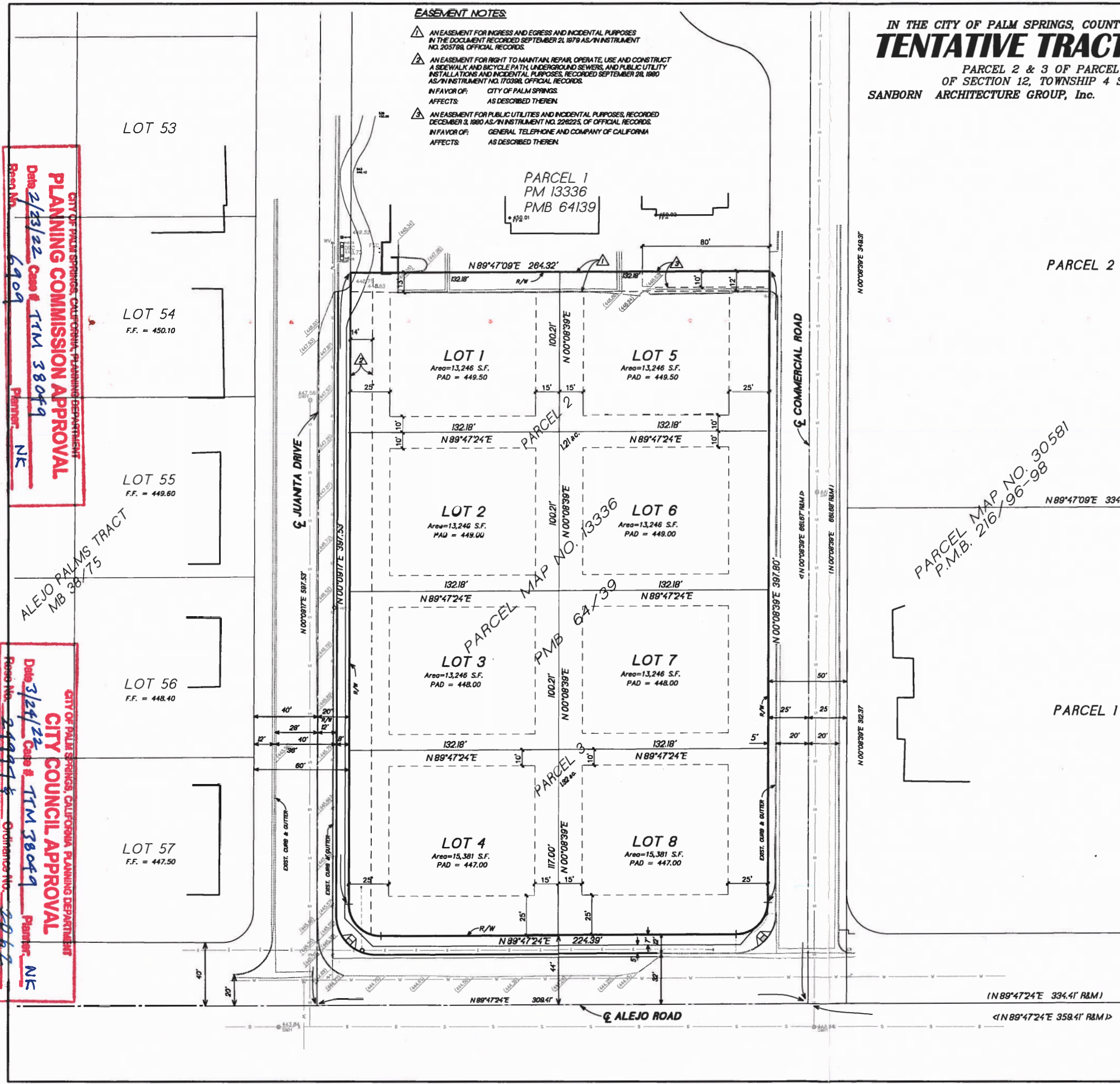
△ AN EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED SEPTEMBER 21, 1979 AS INSTRUMENT NO. 205798, OFFICIAL RECORDS.

△ AN EASEMENT FOR RIGHT TO MAINTAIN, REPAIR, OPERATE, USE AND CONSTRUCT A SIDEWALK AND BICYCLE PATH, UNDERGROUND SEWERS, AND PUBLIC UTILITY INSTALLATIONS AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 28, 1980 AS INSTRUMENT NO. 170398, OFFICIAL RECORDS.

IN FAVOR OF: CITY OF PALM SPRINGS
 AFFECTS: AS DESCRIBED THEREIN

△ AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED DECEMBER 3, 1980 AS INSTRUMENT NO. 228225, OFFICIAL RECORDS.

IN FAVOR OF: GENERAL TELEPHONE AND COMPANY OF CALIFORNIA
 AFFECTS: AS DESCRIBED THEREIN



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PLOT DATE: 12/15/2021 W.O.: 20-125 SCALE: 1"=30'

CITY OF PALM SPRINGS, CALIFORNIA PLANNING DEPARTMENT
PLANNING COMMISSION APPROVAL
 Date: 2/23/22 Case # TTM 38049
 Planner: NK
 Phone No: 6909

CITY OF PALM SPRINGS, CALIFORNIA PLANNING DEPARTMENT
CITY COUNCIL APPROVAL
 Date: 3/24/22 Case # TTM 38049
 Planner: NK
 Phone No: 24978 Ordinance No: 2062