

City Council Staff Report

DATE:

January 19, 2011

CONSENT CALENDAR

SUBJECT:

SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1784, AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF AN APPROXIMATELY 12 ACRE PORTION OF PLANNING AREA 4 TO PLANNING AREA 3 IN THE ENVIRONMENTALLY SENSITIVE AREA, SPECIFIC PLAN (ESA-SP) ZONE AND ADOPTING THE DESERT PALISADES SPECIFIC PLAN

FROM:

David H. Ready, City Manager

BY:

Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance Nos. 1784.

RECOMMENDATION:

1. Waive further reading and adopt Ordinance No. 1784, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF AN APPROXIMATELY 12 ACRE PORTION OF PLANNING AREA 4 TO PLANNING AREA 3 IN THE ENVIRONMENTALLY SENSITIVE AREA – SPECIFIC PLAN (ESA-SP) ZONE AND ADOPTING THE DESERT PALISADES SPECIFIC PLAN WHICH MODIFIES THE DENSITY AND DEVELOPMENT STANDARDS FOR PLANNING AREA 4 OF THE ESA-SP ZONE; LOCATED IN THE VICINITY OF TRAM WAY AND WEST OF THE WESTERN TERMINUS OF RACQUET CLUB ROAD, SECTION 4 (IL)."

STAFF ANALYSIS:

At its January 5, 2011, meeting Ordinance No. 1784 was introduced by the following vote:

AYES:

Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and

Mayor Pougnet.

NOES:

Councilmember Foat.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.

James Thompson

Ćity Clerk

David H. Ready, Esq., Ph.D.

City Manager

/kdh

Attachment: Ordinance No. 1784

Item No. 2.D.

ORDINANCE NO. 1784

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF AN APPROXIMATELY 12 ACRE PORTION OF PLANNING AREA 4 TO PLANNING AREA 3 IN THE ENVIRONMENTALLY SENSITIVE AREA – SPECIFIC PLAN (ESA-SP) ZONE AND ADOPTING THE DESERT PALISADES SPECIFIC PLAN WHICH MODIFIES THE DENSITY AND DEVELOPMENT STANDARDS FOR PLANNING AREA 4 OF THE ESA-SP ZONE; LOCATED IN THE VICINITY OF TRAM WAY AND WEST OF THE WESTERN TERMINUS OF RACQUET CLUB ROAD, SECTION 4 (IL).

City Attorney's Summary

This Ordinance amends the City's Zoning Map by changing the land use designation of an approximately 12 acre parcel of land in the vicinity of Tram Way and west of the western terminus of Racquet Club Road, from Planning Area 4 to Planning Area 3 in the Environmentally Sensitive Area – Specific Plan (ESA-SP).

WHEREAS, On April 30, 2007, Ed Freeman on behalf of Pinnacle View, LLC (the Applicant) filed an application for a Specific Plan (Case 5.1154) for Planning Area 4, which included a Change of Zone, requesting to change the designation of an approximately 12 acre land area from Planning Area 4 to Planning Area 3 within the ESA-SP zone. The 12 acres is part of a roughly 200 acre parcel, identified as APN 504-020-010; and

WHEREAS, on December 7, 2007, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan; the NOP comment period ran from December 7, 2007 to January 7, 2008; and

WHEREAS, on January 19, 2010 a Notice of Preparation (NOP) was issued to public agencies and interested parties noting a revised EIR would be prepared and a 45-day period was provided for responses to the NOP that ended on March 4, 2010; and

WHEREAS, on January 21, 2010 the DEIR was prepared and circulated for a 45-day public review period which ended on March 8, 2010; and

WHEREAS, all public comments received on the DEIR were reviewed and written responses were provided in a Final EIR (FEIR); and

WHEREAS, on November 1, 2007, notice in accordance with State Governmental Code Section 65352.3, ("SB 18") was provided to Native American Tribal representatives; and

WHEREAS, a public hearing notice to consider Case 5.1154 SP, The Desert Palisades Specific Plan, including the roughly 12-acre Change of Zone request was published in accordance with applicable law; and

WHEREAS, on June 23, July 28, September 1, and October 27, 2010, a public hearing to consider Case 5.1154 SP, The Desert Palisades Specific Plan, which included the roughly 12-acre Change of Zone request was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on October 27, 2010, the Planning Commission adopted Resolution 6161 a recommendation to the City Council to approve Case 5.1154 SP, The Desert Palisades Specific Plan, including the roughly 12-acre Change of Zone; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1154 SP, The Desert Palisades Specific Plan and roughly 12-acre Change of Zone, was given in accordance with applicable law, and

WHEREAS, on January 5, 2011, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, pursuant to Section 66412.3 of the Subdivision Map Act, the City Council has considered the effect of the proposed project on the housing needs of the region, and has balanced these needs against the public service needs of residents and available fiscal and environmental resources; and

WHEREAS, a specific plan is a change to the zoning map and the text of the zoning code, in which it changes the density, development standards and procedures for a specific land area; and

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

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1154 SP The Desert Palisades Specific Plan, including the 12-acre Change of Zone; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider said Ordinance adopting Desert Palisades Specific Plan for Planning area 4 of the ESA-SP zone and the roughly 12-acre Change of Zone, was held by the City Council in accordance with applicable law; and

WHEREAS, at said public hearing the City Council considered the Desert Palisades Specific Plan and associated Change of Zone, including the staff report, the associated EIR, and all written and public testimony related to Case 5.1154 SP.

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

- SECTION 1. Certification of the EIR. Pursuant to CEQA, the City Council hereby certifies that the Environmental Impact Report (EIR) for Case 5.1154 SP, CZ adequately describes the environmental setting of the proposed project and its possible impacts. The City Council further finds that with adoption of the proposed mitigation measures, all potentially significant impacts will be reduced to less than significant impacts.
- SECTION 2: Change of Zone Findings for the roughly 12-acre parcel. Pursuant to Section 94.07.00 —"the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property":
 - The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.

The project proposes a minor change in the zone boundaries for Planning Area 3 and Planning Are 4 of the ESA-SP zone. Specifically a triangular parcel to the north of the proposed Specific Plan which is presently in Planning Area 4 is proposed to be removed from Planning Area 4 and added to Planning Area 3. This roughly 12-acre triangular parcel is actually part of a larger Indian-owned property that crosses Tram Way, and is proposed to be included in a future Specific Plan for Planning Area 3.

2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.

The roughly 12-acre parcel proposed to be changed from Planning Area 4 to Planning Area 3 is actually a contiguous part of a larger Indian-owned parcel that is wholly within Planning Area 3. Moving this to Planning Area 3 makes it possible for this parcel to be incorporated into a logical larger area for a future Specific Plan in Area 3. The change from Planning Area 4 to Planning Area 3 makes the relationship to future planning efforts for this entire Indian-owned parcel feasible and practical.

3. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.

The proposed change of this parcel from Planning Area 4 to Planning Area 3 is proper at this time because it allows the balance of Planning Area 4 to encompass the proposed Specific Plan. The ESA-SP zone notes that Specific Plans should encompass the entire planning area. In this case, the only remaining portion of Planning Area 4 that is not within the proposed Specific Plan is a small, roughly 5-acre parcel that is contiguous to a parcel at 1090 El Cielo Road and both parcels are owned by the same individual. (1090 El Cielo is entirely outside the ESA-SP zone.)

- SECTION 3: Findings for adoption of the Specific Plan. Although there are no specific findings outlined in the State of California Governmental Code or the City's General Plan, State Governmental Code Section 65450 requires that Specific Plans be adopted in the same manner as a General Plan and that the following basic components must be in all Specific Plans:
 - 1. The distribution, location, and extent of the uses of land, including open space within the area covered by the plan.

The Desert Palisades Specific Plan (DPSP) identifies the proposed land uses for all areas within the Specific Plan boundaries. These include 110 residential lots, open space, private roadways, and the location of a dual tank Desert Water Agency water reservoir. The extent of the uses (permitted uses) are delineated in the Specific Plan for the lots (single family residential) and the uses for the open space is also identified for public access trails and a network of private roadways.

1. The distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses proposed in the Plan.

The DPSP identifies the location and proposed extent of all roadways, utuilities, and other essential facilities and services such as solid waste disposal, domestic water, sewer, electricity, gas and other utilities. The design of all roadways, including surface materials, load capacities and right-of-way dimensions are outlined in the DPSP. The Specific Plan provides a comprehensive plan for all services and infrastructure necessary to support the proposed development.

1. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources.

The DPSP provides a comprehensive set of Design, Architectural, and Landscape Guidelines for the development of the future 110 homesites. The project envisions that each home be customized and constructed by the future owners of the individual lots. The development standards provide for the integration of the future homes into the natural terrain as much as possible, as well as conservation of topography, natural rock outcroppings and vegetative features.

1 A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out items 1, 2 and 3 above.

The DPSP provides procedural guidelines for the design review of the future homes to be constructed on the individual lots. The project applicant identifies those portions of the project that will be developed, constructed and/or installed in advance of construction of the individual homesites, this includes roadway and utility infrastructure.

1. The plan shall include a statement of the relationship of the Specific Plan to the General Plan.

The DPSP provides a statement that describes the relationship between the Specific Plan and the City's General Plan. The DPSP is located in the Special Policy Area Land Use designation of the City's General Plan and is consistent with the General Plan's goals and policies for this area. Furthermore, the DPSP is consistent with the densities permitted by the General Plan with the submission of a Specific Plan for this Special Policy Area and with approval of the Specific Plan, becomes an amendment to the City's General Plan.

SECTION 4: <u>Specific Plan – General Plan Findings of Consistency:</u>
In addition, the Desert Palisades Specific Plan must be consistent with the goals and policies of the City's General Plan. The following General Plan policies and action items are applicable to the project:

Policy LU13.1 Require that any development in the Chino Cone be harmonious with and respectful of the area's natural features.

The DPSP provides detailed design guidelines and development standards for structures and landscaping that provides for development that is integrated with the natural conditions of the Chino Cone area.

Policy LU 13.4 Allow for rural street profiles with French drain or similar type of stormwater control features and code-complaint pedestrian accommodations to traditional street standards and design of curbs and gutters to establish a natural streetscape that visually blends into the surrounding terrain.

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The DPSP provides for a rural street profile with a v-profile and a center gutter. Street surfaces are to be precast pavers, (no asphalt) in colors that are harmonious with the local area.

Action LU13.1 Require preparation of a Specific Plan and associated environmental analysis prior to the approval of any development within the Chino Cone that differ from the residential uses permitted by right (1du/40 acres)

The DPSP provides a comprehensive Specific Plan and Environmental Impact Report in accordance with the PSZC Section 92.21.00 (ESA-SP) and the General Plan. The DPSP proposes a density of just under 1 du/ac, which is within the maximum permissible density of 2du/ac with a Specific Plan for Planning Area 4 of the ESA-SP.

SECTION 5 Specific Plan - Zoning Code Findings.

There are three sets of findings in the Zoning Code that relate to Specific Plans and development within Specific Plans in the ESA-SP zone; they are:

- Section 92.21.1.05 (I) "Design Review"
- Section 94.04.00 (B) "Architectural Review".
- Section 92.21.1.06 (D) "Requirements of a Specific Plan in the ESA-SP"

Pursuant to PSZC Section 92.21.1.05(I) "Design Review" there are ten findings that must be made prior to approval of development within the ESA-SP. Finding 1 is noted below. Findings 2 through 10 of this code section are the same as findings 1 through 9 of Section 92.21.1.06(D) and are made herein.

Section 92.21.1.05(I) states:

Any application for a development project within the ESA-SP zone may only be approved if, in addition to the findings contained in Section 94.04.00 of the Palm Springs Zoning Code, the following findings are made:

 The project demonstrates a complete and integrated vision for design, operation and use through the use of exemplary site planning, architecture, landscape architecture, materials and color principles and techniques.

The Desert Palisades Specific Plan provides a comprehensive set of design guidelines, development standards, landscape guidelines and a plant palette for use in the design of each custom residence. In addition, the roads, trails, entry features, bridges, gates, buffer features, and interpretative sites are proposed with designs that integrate the natural topography, rock outcroppings, and landscape conditions that are unique to the Chino Cone area. The materials are consistent with the guidelines in the ESA-SP code

and are required to blend with the natural colors of the rock and vegetation of the site.

Section 92.21.1.05(I) requires that findings contained in Section 94.04.00 "Architectural Review" be met by this Specific Plan. The "purpose statement" of Section 94.04.00 contains relevant "findings" that are applicable as follows:

1. Recognize the interdependence of land values and aesthetics, and to provide a method by which the city may implement this interdependence to its benefit;

The Desert Palisades Specific Plan proposes a subdivision of roughly 117 acres for 110 homesites, private roadways, public trails, open space, and landscaping for a residential community of custom built homes to be built by individual purchasers of the proposed lots. The DPSP provides for comprehensive design, development standards, and landscape guidelines that promote preservation of land values and aesthetics, and provide a process for review of all subsequent development within the Specific Plan.

2. Encourage development of private and public property in harmony with the desired character of the city and in conformance with the guidelines herein provided with due regard to the public and private interests involved;

The DPSP provides design, development standards, and landscape guidelines and a process for reviewing future development within the Specific Plan area. These standards, guidelines and procedures relate to the guidelines for Architectural Review in the City's Zoning Code. They provide a comprehensive guide to assure future development in the Specific Plan is in character with the community, harmonious with the environment, and takes into account both public and private interests by preserving public access trails, and promoting preservation of viewsheds, privacy for adjoining development and high quality development within the plan area.

3. Foster attainment of those sections of the city's general plan which specifically refer to the preservation and enhancement of the particular character of this city and its harmonious development, through encouraging private interests to assist in their implementation, and assure that the public benefits derived from expenditures of public funds for improvement and a beautification of streets and other public structures and spaces shall be protected by the exercise of reasonable controls over the character and design of private buildings, public buildings, street scapes, and open spaces.

The DPSP is consistent with policies of the General Plan for the Special Policy land use area which encourage the careful development of lands in this part of the City. The DPSP proposes features that benefit both the future private lot holder through thoughtful and complete design and landscape standards, as well as to ensure preservation of

open space and public trails are maintained and improved. The DPSP proposes a set of development standards that require the careful integration of development into the natural topography and terrain of the Chino Cone area. It also provides for public enjoyment of this unique part of the City through the preservation of existing public access trails, establishment of new public access trails, and the physical improvement of these trails through surface improvements, interpretative signage, benches and special landscape treatment.

Pursuant to PSZC Section 92.21.1.06(D), a specific plan for a planning area within the ESA-SP zone may only be approved if, the following nine findings are made (these are the same as findings 2 through 10 of PSZC Section 92.21.1.05(I)):

1. The development provided in the Specific Plan is harmonious with, adapted to, and respectful of, the natural features within minimal disturbance of terrain and vegetation.

As proposed, the Desert Palisades project will respect existing topography and natural features as much as possible. Site disturbance will be limited to the initial grading for street and infrastructure installation, trails, construction of a DWA dual tank water reservoir, and development that will occur in the future as individual owners develop their homesites. The lots range in size from 14,000 to 34,000 square feet. A maximum footprint of 6,000 square feet is permitted for home and accessory building construction for each lot, leaving the remaining portion of each lot undisturbed.

2. The development within the Specific Plan is properly located to protect sensitive wildlife habitat and plant species, and avoids interference with watercourses, arroyos, steep slopes, ridgelines, rock outcroppings and significant natural features.

Existing vegetation will remain in its natural state and any landscaping introduced with future development will be in accordance with the landscape standards of the Specific Plan which encourages native species. The proposed lot lines for each residential lot are separated by common open space between lots that will remain undisturbed. The project is designed to preserve and avoid disturbance of large rock outcroppings as well as sensitive cultural areas. Existing drainage courses have been preserved in the project's design. Bridges or fair-weather crossings will be utilized in street design to span these areas.

1. The development provided in the Specific Plan will be constructed with respect to buildings, accessory structures, fences, walls, driveways, parking areas, roadways, utilities and all other features, with natural materials, or be screened with landscaping, or be otherwise treated so as to blend in with the natural environment.

The architectural and site design guidelines in the Specific Plan address these issues, including acceptable materials, screening requirements, and methods for the blending of building design with the natural environment.

1. The development provided in the Specific Plan utilizes landscaping materials, including berms, boulders and plant materials which, insofar as possible, are indigenous and drought tolerant native species.

All landscaping concepts and proposed perimeter berms/buffers described in the proposed Specific Plan will utilize materials currently found on-site or conducive to the Chino Cone area. Boulders removed during grading will be relocated to perimeter areas to create a natural buffer for adjacent residents and traffic along Tram Way. The proposed plant palette includes plants which are drought tolerant and normally found in undeveloped areas of the desert.

1. The grading of land within the Specific Plan will be terrain sensitive and excessive building padding and terracing is avoided to minimize the scarring effects of grading on the natural environment.

Grading will be required to construct the site's roadways/infrastructure and install utilities. The preliminary grading plan submitted with the Specific Plan is limited to only these roadways and related infrastructure. Once this initial phase of grading is completed, disturbed areas will be re-naturalized and lots will remain undisturbed until individual owners are ready to construct homes. The timing of these subsequent activities will be driven by market conditions and individual preferences. The architectural guidelines provided herein propose various home foundation systems intended to limit development impacts within each homesite. The incorporation of natural terrain and geographic features is also encouraged in home construction pursuant to the design and development standards in the proposed Specific Plan.

1. The Specific Plan preserves open space areas to the maximum extent permitted by the Ordinance and in accordance with the conservation plan, and adequate assurances are provided for the permanent preservation of such areas.

According to the ESA-SP Zoning Ordinance, a minimum of 72% of the Planning Area is required to be left as undisturbed open space. The Desert Palisades project includes approximately 74% open space. This is based on the developable area of 100 acres. When accounting for the gross acreage of the project site (117 acres) the open space percentage is closer to 77%.

Based on the requirements for dwelling size (6,000 square feet), approximately 15 acres of the site would be developed with homes if the maximum buildout of 110 homes is reached. There are approximately 11 acres of private streets and rights-of-way

proposed within the project. As a result, approximately 26 acres of the Planning Area would be disturbed by development. Areas between lots, drainage courses, and the onsite trail system are included in the 54 acres of undisturbed land shown as lots "A" through "I" on Tentative Tract Map 35540. Assigning lots to areas reserved for preservation is in accordance with the provisions of the ESA-SP Ordinance. Prohibiting mass grading of lots, limiting overall lot coverage, and allowing for large separations between home sites is also part of the project's broader goals to keep the site as natural and undisturbed as possible.

2. The Specific Plan provides the maximum retention of vistas and natural topographic features including mountainsides, ridgelines, hilltops, slopes, rock outcroppings, arroyos, ravines, and canyons.

The proposed SP includes a view analysis from various vantage points which has been expanded on in the EIR through a visual simulation that will place homes on the landscape to analyze impacts. Existing topography will be preserved as much as possible with limited grading, and a specific color and material palette is proposed for future homes to minimize the visual impact of development on the site from the surrounding areas of the City. The project is designed to preserve the existing topographic features including rock fields, outcroppings, natural slopes, ravines, and arroyos. There are approximately nine acres of hillside near the southern boundary of the project site on which no development or disturbance of any kind is proposed. Natural vistas and viewsheds will be preserved and development guidelines for the future development of homes are intended to nestle the structures within the topography of the site as much as possible.

3. The development provided in the Specific Plan has been adequately designed to protect adjacent property with appropriate buffers to maximize the enjoyment of property within the Specific Plan and surrounding properties.

The project provides a separation of approximately 100 feet between the easternmost row of homes and the eastern boundary that separates Planning Area 4 from the adjacent Little Tuscany neighborhood. Similar buffers occur along the portion of the project that fronts Tram Way, and the northern boundary of the project. The Tram Way buffer along with the topographic variation that exists between Tram Way and the project site will obscure most of the development from motorists along this roadway. Relocated boulders and scattered plantings will be also be incorporated into each buffer area in lieu of a block wall, creating a natural appearance while allowing for privacy and enjoyment of property between neighborhoods. The mountainous terrain adjacent to the southern boundary of the project prohibits any development from taking place.

4. The development provided in the Specific Plan will not have a negative fiscal impact on the City or its citizens.

A fiscal analysis was prepared for the project by Stanley R. Hoffman Associates (March,

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2007, revised June 2010), which presents the fiscal impact analysis for the Desert Palisades Specific Plan. The fiscal impact analysis projects recurring revenues and costs to the City's General Fund. Fiscal impacts were projected in year 2010 constant dollars. According to the report, a recurring surplus of about \$583.6 thousand was projected after buildout based on recurring revenues of about \$750.8 thousand and recurring costs of \$167.3 thousand. The large projected surplus for the proposed Specific Plan is a result of the substantial projected property tax, retail sales tax generated by the residents of the project and property tax in-lieu of vehicle license fees (VLF). Projected property taxes account for about 60 percent of projected recurring revenues, and are the result of the high-value, custom home residential development proposed.

- SECTION 6. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of the Desert Palisades Specific Plan and roughly 12-acre change of zone and a thirty-day waiting period before it is effective allowing the approval of Case 5.1154 SP.
- SECTION 7. The City Council adopts an ordinance to approve the Desert Palisades Specific Plan and the zone map change moving the roughly 12 acre parcel from Planning Area 4 to Planning Area 3, in conjunction with Case Number 5.1154 SP..
- SECTION 8. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.
- SECTION 9. Publication: The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ATTEST:	Stephen P. Pougnet, Mayor

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CERTIFICATION	

STATE OF CALIFORNIA)	. 1	
COUNTY OF RIVERSIDE)		SS
CITY OF PALM SPRINGS)		

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. 1784 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 5th day of January, 2011, and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES: NOES:

ABSENT:

ABSTAIN:

James Thompson, City Clerk City of Palm Springs, California