



PLANNING COMMISSION STAFF REPORT

Date: January 26, 2011

Case No.: 5.1222

Type: Zone Text Amendment

Location: City-wide

Applicant: City of Palm Springs

To: Planning Commission

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

Subject: Zoning Ordinance Amendment of Section 93.13.00.A of the Palm Springs Zoning Code relating to the definition of "hillside area"

SUMMARY

Following several study sessions, staff has prepared draft language for consideration by the Planning Commission related to the zoning definition of "hillside area". The Planning Commission will conduct a public hearing, consider the proposed amendment and forward its recommendation to the Council.

RECOMMENDATION

Staff recommends the Planning Commission:

1. Open the public hearing and receive any testimony.
2. Adopt the attached draft resolution recommending certain amendments to Section 93.13.00.A of the Palm Springs Zoning Code regarding the definition of "hillside area".

STAFF ANALYSIS

The Commission has conducted numerous study sessions on how to properly define a hillside lot (see attachments) and staff believes that the consensus over the last couple of years can be summarized in three points:

1. Hillside status is best determined on a case-by-case basis, with each lot evaluated against a definition that calculates the average slope of the lot.
2. That a minimum slope 10% is necessary to establish hillside, although a minimum threshold of 15% or 20% have been discussed.
3. Elimination of required yards (setback areas) from the calculation of average slope has been generally preferred by the Planning Commission.

Based on these assumptions, staff is suggesting that the existing definition of "hillside lot" be replaced by a new definition, as follows:

Existing Definition (Section 93.13.00.A)

For the purposes of this Zoning Code, the term "hillside area" is defined as any parcel of land within the city of Palm Springs which contains any portion thereof with a grade of ten (10) percent or more.

Proposed Definition

For the purposes of this Zoning Code, the term "hillside area" is defined as any parcel of land within the city of Palm Springs which has an average grade of ten (10) percent or more, as calculated on the entire parcel excluding required yard areas. "Average grade" shall be "S" as computed on the net area of a parcel, excluding yards required by the underlying zone, by the following formula:

$$S = \frac{100 * I * L}{A}$$

Where S = Average grade, in percent

I = Contour interval, in feet

L = Summation of length of all contours within A, in feet

A = Area, in square feet, of the parcel being considered, less the area of all required yards.

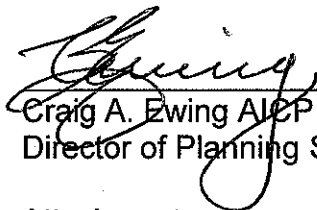
At the last meeting, the Commission requested that examples of lots be presented showing the calculation of different slope areas. Staff will provide topographic maps with slope calculations at the meeting for the Commission's review.

NOTICE

Notice was provided by advertisement in the Desert Sun. No written communications have been received at the writing of this report.

ENVIRONMENTAL:

Staff has reviewed the draft ordinance under the provisions of the California Environmental Quality Act (CEQA) and has determined that the proposed Zone Text Amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of CEQA. The proposed amendment does not result in any significant change in land use or density.



Craig A. Ewing AICP
Director of Planning Services

Attachments:

1. Draft Resolution and Ordinance
2. Planning Commission memoranda and meeting minutes:
 - a. November 9, 2010
 - b. October 6, 2010
 - c. April 7, 2010
 - d. February 11, 2009
 - e. January 7, 2009
 - f. July 2, 2008
3. Section 93.13.00

RESOLUTION NO. ____

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND SECTION 93.13.00.A OF THE PALM SPRINGS ZONING CODE RELATING TO THE DEFINITION OF "HILLSIDE AREA"

WHEREAS, Section 93.13.00 of the Palm Springs Zoning Ordinance establishes regulations for the development of hillsides; and

WHEREAS, the Planning Commission has conducted study sessions on July 2, 2008; January 7 and February 11, 2009; and April 7, October 6 and November 9, 2010 regarding the need for a revised definition of "hillside area" as contained in Section 93.13.00.A; and

WHEREAS, on February 11, 2009, the Planning Commission voted to direct staff to initiate a Zoning Ordinance Text Amendment (Case No. 5.1222) to address the definition of contained in Section 93.13.00.A; and

WHEREAS, on January 26, 2011, the Planning Commission conducted a duly noticed public hearing on the proposed amendment, at which hearing the Commission carefully reviewed and considered all of the evidence presented in connection with the project, including but not limited to the staff report and all written and oral testimony presented, and

WHEREAS, the Planning Commission hereby determines that the proposed Zoning Ordinance text amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act and that the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS;

Section 1: The Planning Commission hereby finds that adoption of the proposed Zoning Text Amendment would:

- a. Provide for a more appropriate standard for establishing if a lot is to be subject to the provisions of Section 93.13.00 (Hillside Development; and
- b. Assure that the entire portion of the property subject to development will be considered in the calculation of slope for determining hillside status.

Section 2: The adoption of the proposed Zone Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan because it provides:

- a. A more appropriate way to assure implementation of the hillside development policies of the Zoning Ordinance and General Plan.

Section 3: Based upon the foregoing, the Planning Commission does hereby recommend to the City Council adoption of the draft ordinance attached hereto as Exhibit "A", amending the definition of "hillside area" contained in Palm Springs Zoning Code Section 93.13.00.A.

ADOPTED this 26th day of January 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA, AMENDING SECTION 93.13.00.A OF THE
PALM SPRINGS ZONING CODE RELATING TO THE
DEFINITION OF "HILLSIDE AREA".**

City Attorney's Summary

This Ordinance adopts a new definition of "hillside area" by which the City would determine which lots and parcels would be subject to the hillside development standards of Palm Springs Zoning Code Section 93.13.00.

DRAFT

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,
ORDAINS:**

Section 1. Section 93.13.00.A shall be amended to read as follows:

For the purposes of this Zoning Code, the term "hillside area" is defined as any parcel of land within the city of Palm Springs which has an average grade of ten (10) percent or more, as calculated on the entire parcel excluding required yard areas. "Average grade" shall be "S" as computed on the net area of a parcel, excluding yards required by the underlying zone, by the following formula:

$$S = \frac{100 * I * L}{A}$$

Where S = Average grade, in percent
I = Contour interval, in feet
L = Summation of length of all contours within A, in feet
A = Area, in square feet, of the parcel being considered,
less the area of all required yards.

Section 2. 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 this _____ day of _____ 2011.

MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

DOUGLAS HOLLAND, CITY ATTORNEY

1. Make no changes to the current zoning code and allow enforcement under the present R-1 standards to proceed;
2. Amend the Zoning Code to allow for such canopies and carports in front, side and/or rear yards.
3. Consider creation of an amnesty program for existing canopies and carports.

The Commission discussed the AAC's comments and concluded that allowing canopies for all under strict standards and guidelines remains its preferred approach. Staff indicated that it would return in January with draft ordinance language.

➔ 1.B. ZTA 5.1222 – Definition of Hillside Properties

Director Ewing summarized the comments from the November 6, 2010 joint session between the Commission and with the AAC and asked the Commission to confirm its approach to defining hillside properties.

The Commission considered the use of an official map to differentiate hillside from non-hillside properties, but rejected this options in favor of individual lot calculations at the time of development. The Commission discussed the differences between including and excluding setback areas in the calculation of individual lot slopes, and the effect of pre-existing grading on determining slope and building height.

The Commission directed staff to continue with the development of a zone text amendment based on individual lot calculations, and consider the effect of using 10%, 15% and 20% as the required slope.

~~1.C. Architectural Advisory Committee: Declaration of Pending Vacancy, and Establishment of Terms~~


Director Ewing summarized the status of the AAC appointments and noted that staff's proposal would reset the AAC's terms to assure that overlapping three-year terms would avoid wholesale turn-over of the Committee in the future.

The Commission suggested that the specific positions for the three required architects be staggered to further minimize a loss of expertise. Staff indicated that the Commission could make appointments to address these assignments over the next couple of years.

Staff indicated that it would begin advertising for new members.



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES
MEMORANDUM

Date: November 3, 2010
To: Planning Commission and Architectural Advisory Committee
From: Craig A. Ewing, AICP, Director of Planning Services 
Subject: ZTA 5.1222 – Definition of Hillside Properties

The purpose of the discussion is for the Commission to consider the comments received last month during the joint PC-AAC meeting. At that time, AAC members offered a number of opinions regarding the definition of hillside lots.

The comments of the AAC included restoring the setbacks into the area subject to the 10% calculation, as well as using a different percent slope standard (20% was suggested).

Based on the Commission's direction, staff will proceed with developing a draft ordinance for Commission's consideration.

Attachments:

- Planning Commission meeting minutes, excerpt (October 6, 2010)
- Planning Commission staff report (October 6, 2010), with attachments

~~AAC Chair Kleindienst recommended that it not only include a change in setbacks but also in a percentage of overall lot coverage.~~

➔ B. ZTA 5.1222 – Definition of Hillside Properties

Director Ewing provided background information on the Commission's consideration to initiate a zone text amendment for the definition of hillside properties. The Zoning Code defines a hillside area as, "... any parcel of land within the city of Palm Springs which contains any portion thereof with a grade of ten (10) percent or more". Staff noted that the overall lot, excluding the required yard areas (setbacks) would be subject to a slope calculation to determine if it meets the 10% minimum threshold for hillside designation. Mr. Ewing reported that another alternative would be to provide new maps that accurately depict slope conditions and delineate the "hillside areas".

Discussion occurred on certified calculations, topographic survey, pre-existing pad versus finished grade and preservation of landforms (the parcel's ridgelines, knolls, valleys, creeks or other unique features). AAC Member Sahlin stated he felt that the 10% minimum is too flat and preferred a 20% slope. AAC Member McGrew suggested a survey should be conducted to measure the diagonal depicting the high and low areas.

Staff summarized the discussion and reported that the inclusion of setbacks could be discussed further when this item brought back to the Commission in the form of public hearing.

~~C. Architectural Advisory Committee: Declaration of Pending Vacancy, and Establishment of Terms~~

~~Director Ewing provided an update on the status of the AAC appointments and noted that all but one AAC member will conclude their term at the end of this year. Staff suggested staggering the appointments so that institutional and project knowledge is not lost. Commissioner Donenfeld asked if the Commission could appoint for shorter terms when the Code states 3-year terms. Director Ewing indicated that he would investigate and report. Commissioner Klatchko spoke of the AAC's role as an advisory board to the Commission and encouraged the AAC members to maintain professionalism and take care to avoid expressing personal preferences.~~



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES
MEMORANDUM

Date: October 6, 2010
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services
Subject: ZTA 5.1222 – Definition of Hillside Properties

On February 22, 2009, the Commission held its third Study Session to consider the Zoning Code definition of "hillside area". The Commission reviewed a draft amendment and voted (7 to 0) to initiate a zone text amendment. On April 7, 2010, the Commission again reviewed the draft definition and offered additional comments.

Staff wishes to revisit the matter with the Commission and Architectural Advisory Committee with the intent of setting a public hearing at a future Commission meeting. This study session is intended to review the previous draft proposal and consider certain implementation issues that affect the determination of a hillside property. Based on the Commission's direction a public hearing will be scheduled and noticed.

Draft Amendment of Definition of "Hillside Area"

The Zoning Code defines a hillside area as, "...any parcel of land within the city of Palm Springs which contains any portion thereof with a grade of ten (10) percent or more." As previously noted, the phrase "any portion" allows even minor slopes to trigger a hillside designation (e.g., 350 El Portal).^{*} Some owners may actually desire a hillside designation for their property, because it introduces the opportunity to build to a height of 30 feet, rather than 18.

In order to more accurately define hillside lots, a major correction to the definition of "hillside area" was endorsed by the Commission in February 2009: The overall lot, excluding the required yard areas (setbacks), would be subject a slope calculation to determine if it met the 10% minimum threshold for hillside designation. (See attached meeting minutes of February 22, 2009.) Staff is prepared to move forward with this proposal.

^{*} Staff exempts only the most *de minimus* conditions (exterior stairs or low retaining walls) to be exempted from this rule.

Implementation of the "Hillside Area" Definition

The proposed language raises certain challenges in implementation. When a property owner first approaches staff about development, we will have to decide whether or not to require a topographic survey to determine if the lot is hillside. This is a key question, since it could require spending in the range of four to seven thousand dollars.

Currently, staff uses an existing map to answer this question. The map was produced years ago and staff uses it as a guide to deciding whether or not to demand the survey. However, we know the map mis-states a number of properties, and the map is so worn that it is no longer serviceable.

Staff contacted Tribal planning staff who generously provided new maps which more accurately depict slope conditions (see attachments). We believe these maps will be far more useful in identifying areas of the City that are likely to be hillside. In fact, under the current Code definition, we could identify all "hillside areas" with near certainty. As can be seen from these maps, however, lots with "any portion" over 10% slope would take in properties located in the center of the city. These new maps actually confirm the flaws of the current hillside definition.

Under the new definition, staff would examine the maps and make the call regarding the need for a topo map. We seek the Commission's endorsement for this approach, knowing that it will not absolutely fool-proof; that is, some properties will be mis-identified one way or the other.

(Alternatively, the new maps provide the opportunity to more accurately draw a line separating hillside from non-hillside property. Such a line could be adopted in the Zoning Code and no future topo maps would be needed. The Commission previously rejected this option, as indicated on the attached study session staff reports and meeting minutes. Staff raises it again based on the new maps in order to reaffirm the Commission's position in this regard.)

Attachments:

- Planning Commission Staff Reports and Meeting Minutes:
 - o July 2, 2008
 - o October 1, 2008,
 - o January 7, 2009
 - o February 11, 2009
 - o April 7, 2009 (minutes only)
- Slope Map samples

* Staff believes the map may have been used to shortcut around the code definition: If it was yellow on the map, it was subject to review as a hillside lot.

~~2. DISCUSSION.~~

➔ 2A. 5.1222 – ZTA: Determination of Hillside Lots

Director Ewing provided background information and opened the discussion on hillside lots. He reported that the current definition of a hillside lot is defined as "any property that has a grade of 10% or more". He noted that new maps that depict slope conditions more accurately are more useful in identifying areas that are likely to be hillside. Director Ewing summarized the draft language staff crafted from their previous study sessions, as follows:

1. That the overall lot should be considered when measuring slope – not just "any portion";
2. That a lot's required setback areas ("yards") should be excluded from the calculation as these edges can inappropriately alter the average slope calculation;
3. That the minimum threshold of 10% should be maintained.

The Commission and staff discussed excluding the setbacks from the calculation, requirement of a topographic survey, pre-existing grade, and an administrative review process for exceeding the height limits.

The Commission concurred with the previously crafted language. Director Ewing explained that the next step will be to notice this item and set a public hearing.

~~2B. 5.1225 – ZTA: Amnesty / Abatement Program for Non-Permitted Canopy and Carport Structures~~

~~Director Ewing provided background information on the windshield survey conducted in four single-family neighborhoods throughout the City. He spoke about the different types of fabric covers and structure materials found in the neighborhoods.~~

~~The Commission discussed and/or commented on the construction materials, canvas and fabric covers, safety concerns, structure heights, esthetics, building code requirements and implementation of the amnesty program. Director Ewing provided an overview on the application form that would be created and explained that photographs of the existing structures would be required. Mr. Ewing concluded that depending on the City Council's comments this evening (Joint meeting with the AAC & Planning Commission) the Commission may wish continue this item and provide more outreach prior to scheduling a public hearing. The Commission concurred.~~



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES
MEMORANDUM

Date: April 7, 2010
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services
Subject: ZTA 5.1222 – Definition of Hillside Properties

On February 22, 2009, the Commission held its third Study Session to consider the Zoning Code definition of "hillside area". The Commission reviewed a draft amendment and voted (7 to 0) to initiate a zone text amendment. A sub-committee was formed to review certain additional details, but the project has not proceeded since then.

Staff wishes to revisit the matter with the intent of setting a public hearing at a future Commission meeting. This study session is intended to review the previous draft proposal and consider certain implementation issues that affect the determination of a hillside property. Based on the Commission's direction a public hearing will be scheduled and noticed.

Draft Amendment of Definition of "Hillside Area"

The Zoning Code defines a hillside area as, "...any parcel of land within the city of Palm Springs which contains any portion thereof with a grade of ten (10) percent or more." As previously noted, the phrase "any portion" allows even minor slopes to trigger a hillside designation (e.g., 350 El Portal).^{*} Some owners may actually desire a hillside designation for their property, because it introduces the opportunity to build to a height of 30 feet, rather than 18.

In order to more accurately define hillside lots, a major correction to the definition of "hillside area" was endorsed by the Commission in February 2009: The overall lot, excluding the required yard areas (setbacks), would be subject a slope calculation to determine if it met the 10% minimum threshold for hillside designation. (See attached meeting minutes of February 22, 2009.) Staff is prepared to move forward with this proposal.

^{*} Staff exempts only the most *de minimus* conditions (exterior stairs or low retaining walls) to be exempted from this rule.

Implementation of the "Hillside Area" Definition

The proposed language raises certain challenges in implementation. When a property owner first approaches staff about development, we will have to decide whether or not to require a topographic survey to determine if the lot is hillside. This is a key question, since it could require spending in the range of four to seven thousand dollars.

Currently, staff uses an existing map to answer this question. The map was produced years ago and staff uses it as a guide to deciding whether or not to demand the survey.* However, we know the map mis-states a number of properties, and the map is so worn that it is no longer serviceable.

Staff contacted Tribal planning staff who generously provided new maps which more accurately depict slope conditions (see attachments). We believe these maps will be far more useful in identifying areas of the City that are likely to be hillside. In fact, under the current Code definition, we could identify all "hillside areas" with near certainty. As can be seen from these maps, however, lots with "any portion" over 10% slope would take in properties located in the center of the city. These new maps actually confirm the flaws of the current hillside definition.

Under the new definition, staff would examine the maps and make the call regarding the need for a topo map. We seek the Commission's endorsement for this approach, knowing that it will not absolutely fool-proof; that is, some properties will be mis-identified one way or the other.

Alternatively, the new maps do provide the opportunity to more accurately draw a line separating hillside from non-hillside property. Such a line could be adopted in the Zoning Code and no future topo maps would be needed. The Commission previously rejected this option (see attached study session staff reports and meeting minutes). Staff raises it again based on the new maps in order to reaffirm the Commission's position in this regard.

Attachments:

- Planning Commission Staff Reports and Meeting Minutes:
 - o July 2, 2008
 - o October 1, 2008,
 - o January 7, 2009
 - o February 11, 2009
- Slope Map samples

* Staff believes the map may have been used to shortcut around the code definition: If it was yellow on the map, it was subject to review as a hillside lot.

➔ **2B. Palm Springs Zoning Code - Initiation of an Amendment Regarding the Definition of "Hillside Area". (Project Planner: Craig A. Ewing, AICP, Director of Planning Services)**

Director Ewing provided background information as outlined in the staff report dated February 11, 2009. Director Ewing noted that from the Commission's study sessions, staff has drafted language to include consideration of the overall lot, exclude the required setbacks from the calculations and maintain a 10% minimum.

Commissioner Ringlein noted that she is in agreement with this definition and requested the measurement of height to be addressed, as well. Staff noted this item would be brought up at the next study session.

M/S/C (Scott/Ringlein, 7-0) To initiate the Zone Text Amendment relating to the definition of "Hillside Area".

Staff noted that the ad hoc committee may be interested in seeing a couple of selected properties as examples of the formula calculations. Commissioner Ringlein expressed interest in viewing these sites, as well.

PLANNING COMMISSION COMMENTS:

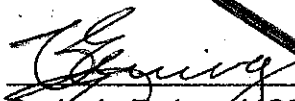
No comments were reported.

PLANNING DIRECTOR'S REPORT:

Director Ewing reported that the City Council will meet tonight in a study session joint meeting with the Palm Springs Neighborhood Involvement Committee and Historic Preservation Board. Staff provided an update on next week's City Council meeting.

ADJOURNMENT:


The Planning Commission adjourned at 2:18 p.m. to Wednesday, February 25, 2009, at 1:30 p.m., City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.



Craig A. Ewing, AICP
Director of Planning Services



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES
MEMORANDUM

Date: February 11, 2009
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services 
Subject: Palm Springs Zoning Code – Initiation of an Amendment Regarding the Definition of “Hillside Area”

Staff is continuing to identify Zoning Code amendments that bring the Code into a more clear and orderly statement of the City’s development policy. This memo addresses the definition of “hillside areas” contained in Section 93.13.00.A:

93.13.00.A. Definitions.

For the purposes of this Zoning Code, the term “hillside area” is defined as any parcel of land within the city of Palm Springs which contains any portion thereof with a grade of ten (10) percent or more.

As the Commission will recall, the definition’s reference to a parcel containing “any portion” with a grade of ten (10) percent or more has created problems for at least one recent development proposal.

Staff recommends that the Planning Commission initiate the Zone Text Amendment described in this memo, as allowed by Code Section 94.07.01.A.1a:

94.07.01 Zoning ordinance text amendment.

- A. Procedure.
 - 1. Initiation.
 - a. *The planning commission may initiate proceedings by motion and then hold public hearings and make a recommendation as provided below.*

Discussion

At study sessions of July 2 and October 1, 2008, and January 7, 2009, the Planning Commission considered options for improving the City’s hillside development standards (see attached staff reports and meeting minutes). While a number of ideas were discussed, including design guidelines, height limits and review procedures, the consensus at these meetings appeared to settle on reforming the basic definition of a hillside lot. An ad-hoc committee was formed, but no meeting has yet been scheduled.

From the Commission's study sessions, staff has crafted draft language for a new definition, based on the following ideas:

1. That the overall lot should be considered when measuring slope – not just "any portion";
2. That a lot's required setback areas ("yards") should be excluded from the calculation as these edges can inappropriately alter the average slope calculation
3. That the minimum threshold of 10% should be maintained.

Staff also notes that the City's zoning code allows consideration of higher height limits for hillside lots; therefore, it is often to a property owner's advantage to have his or her property classified as hillside. The language attempts to more accurately identify lots with legitimate hillside characteristics, and avoid spurious classifications.¹ The draft definition is proposed, as follows:

For the purposes of this Zoning Code, the term "hillside area" is defined as any parcel of land within the city of Palm Springs which has an average grade of ten (10) percent or more, as calculated on the entire parcel excluding required yard areas. "Average grade" shall be defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The average grade "S" is computed on the net area of a parcel, excluding required yards, by the following formula:

$$S = \frac{100 * I * L}{A}$$

Where

- S = Average percent grade (slope)
- I = Contour interval in feet
- L = Summation of length of all contours in feet
- A = Area, in square feet, of the parcel being considered, less the area of all required yards.

Staff will present examples of this calculation on select properties at the meeting for the Commission's review and consideration.

Attachments:

1. Planning Commission staff reports and meeting minutes
 - a. July 2, 2008
 - b. October 1, 2008
 - c. January 7, 2009

¹ Staff has previously noted to the Commission that Palm Springs' hillside standards provide such a height "benefit" that some owners seek hillside status. This is contrary to most cities, whose hillside regulations typically have more restrictive development rules, and which owners often try to avoid.

B. Discussion of Development Standards for Hillside Sites -

Director Ewing provided background information as outlined in the staff report dated January 7, 2009. Staff explained that the Commission concluded at a previous study session that a hillside lot would be any lot that had an average slope of 10% or more over that portion of the lot which excluded the required yard areas.

The Commission discussed and/or commented that the eight foot maximum for road or driveway cut/fill (grading) is excessive, the architectural extensions, wall modulation, roof pitch and reflectivity.

Lance O'Donnell suggested hillside developments require a scale model of the project (including the adjacent existing topography) to facilitate the AAC's review process. The Commission discussed the benefits of a scale mode for larger developments, as well, as the financial hardship to the applicant.

Commissioner Scott noted his preference for stepped pads versus flat pads. Don Wexler expressed concern with the guidelines being too restrictive.

The Planning Commission and Architectural Advisory Committee consensus is to create an ad hoc committee for further discussion and review. The ad hoc committee will consist of two members from each body as follows:

Planning Commission: Tracy Conrad and Jon Caffery

Architectural Advisory Committee: Donald Wexler and Lance O'Donnell

Commissioner Conrad left at 3:24 p.m. for the remainder of the meeting.

A recess was taken at 3:24 p.m. The meeting resumed at 3:33 p.m.

~~**C. Discussion of Architectural Advisory Committee (AAC) Organization and Procedures -**~~

~~Director Ewing provided background information as outlined in the staff report dated January 7, 2009. The following items were discussed:~~

- ~~1. Is there any benefit to having an appointed Planning Commissioner or the Planning Director act as (non-voting) chair of the AAC?~~



PLANNING COMMISSION STAFF REPORT

DATE: JANUARY 7, 2009 STUDY SESSION
SUBJECT: DISCUSSION OF DEVELOPMENT STANDARDS FOR HILLSIDE SITES
FROM: Craig A. Ewing, AICP, Director of Planning Services

On July 2, and October 1, 2008, the Planning Commission discussed the City's regulations addressing development in hillside areas, with special focus on the definition of a hillside lot. Out of those discussions, the Commission concluded that a hillside lot would be any lot that had an average slope of 10% or more over that portion of the lot which excluded the required yard areas.

At the October meeting, staff also proposed to identify some design principles that could be adopted into Section 93.13 (Hillside Development) as a way to guide applicants and the Commission in the design and review of future hillside projects. The Commission and AAC, may wish to consider the Siting and Design guidelines from the ESA-SP zone developed for the Chino Cone as a basis for hillside review. The applicable ESA-SP guidelines are attached.

Below are a number of other guidelines related to grading, siting, building dimensions, architectural design, and landscaping. At this point, staff is not recommending any of these, as some may not be appropriate in their current wording. With the ESA-SP guidelines, they are intended to provide a point of departure for discussion between the Commission, AAC and staff.

Grading

- A. Preservation of Landforms. Prominent landforms within the community, including, but not limited to ridgelines, knolls, valleys, creeks (either dry or active), or other unique topographic features or viewscapes, shall be maintained.
- B. Slopes. The height of retaining wall(s) exposed to view shall be deducted from the permitted height of the slope.
 1. Cut Slopes.
 - a. Height Threshold. Unless approved by the Planning Commission, the sum of the vertical heights, at any one section through the site, of any finished cut slopes created for the purpose of developing a residential dwelling or accessory use site, shall be limited to the height of the proposed structure wherever it is to be concealed from general view by that structure, or to a maximum of ten feet where exposed to general view.
 - b. Width Standard. Unless approved by the Planning Commission, the lateral extension (width) of the finished cut slope shall not exceed the maximum width of the structure by more than twenty (20) feet,

- with an additional twenty (20) feet allowed for tapering to existing grade.
- c. Gradient Threshold. Unless approved by the Planning Commission, maximum exposed cut slope at any one section through the site shall not exceed that allowed by the city's building code in effect at the time of grading permit issuance, and shall be further limited to the average existing grade plus twenty (20) percent grade. The existing and modified slopes shall be indicated on the topographical map by section cut lines spaced not more than twenty (20) feet apart.
2. **Fill Slopes.**
 - a. Height Threshold. Unless approved Planning Commission, the vertical height of any finished fill slope created for the purpose of developing a residential dwelling site shall not exceed ten feet.
 - b. Gradient Threshold. Unless approved by the Planning Commission, maximum fill slope shall not exceed that allowed by the city's building code in effect at the time of grading permit issuance, and shall be limited to the average natural grade plus twenty (20) percent grade. The existing and modified slopes shall be indicated on the topographical map by section cut lines spaced not more than twenty (20) feet apart.
 3. Slope Contours. Any manufactured slope, and the radius of any slope forming a transition between manufactured and natural slope shall follow the natural topography to the greatest extent possible. In no event shall less than a twenty-five (25) foot radius be used for the convex blending curvature at the outside corners and edges of any cut slope or fill slope or for the concave curvature where a cut slope or fill slope meets natural grade. The top and bottom of any cut slope or fill slope shall be rounded with a radius of not less than five feet.
 4. Road or Driveway Cut/Fill. For a driveway or roadway, the maximum total vertical height of any combination of finished cut and fill slopes from grade shall not exceed eight feet unless approved through administrative (or higher) review.
- C. **Drainage.**
1. Debris Collection. Where applicable, lot designs and the location of proposed improvements shall permit accommodation of debris from potential land slippage and/or erosion without damage to improvements or other properties downslope, and with access to a street to provide for cleanup and removal.
 2. Runoff and Subsurface Discharge. Passage for bulked-flow and subsurface runoff shall be provided to a safe point of discharge, such as a street, channel or debris basin, in a manner such that damage to improvements, slopes, or other properties will not result. Natural stream gradients should not be flattened.
 3. Overflow Route. An emergency overflow route for flood and debris flows which exceed the design capacity of planned drainage, flood control and debris facilities and devices shall be provided. Overflow routes shall direct overflows away from slopes and improvements and toward safe points of discharge.
 4. Downdrains. All required exposed downdrains shall follow an oblique, rather than vertical, path down the slope, and shall be screened to the maximum extent possible by color and/or appropriate vegetation.

- A. Minimum Setback Dimensions. Minimum setback dimensions shall conform to the standards for the underlying zone, except that a front setback reduction for one-story construction to no less than twenty (20) feet may be approved through an administrative (or higher) hearing, upon finding that the reduced setback:
1. Minimizes grading, building visibility, or paving; and
 2. Achieves compatibility with the neighborhood setting.
- B. Ridgeline Protection.
1. Sites and Structures. Proposed building sites and/or structures shall not detrimentally impact a primary ridgeline or knoll.
 2. Fences and Freestanding Walls. Fences and freestanding walls shall be located away from any ridgeline or crest of any slope so that such fences and walls are not visible against the sky from offsite.
- C. Watercourse Protection.
1. Blockage. Blockage of watercourses, canyons, or streambeds is prohibited, and any alteration of such features is discouraged.
 2. Approval by Other Agencies. Development in the vicinity of Blue Line Streams is subject to Army Corps of Engineers and California Department of Fish and Game approval prior to any issuance of grading or building permits.

Building Dimensions

- A. Height. Maximum allowed building height is twenty-eight (28) feet as measured from the lowest finish grade adjacent to the building or directly beneath a projecting wall surface, to the highest roof structure, aside from the following exceptions as measured from the same grade:
1. Downslope Wall Height. Maximum allowed height of the downslope wall, aside from architectural extensions per the following subsection, shall be twenty (20) feet as measured from the lowest finish grade adjacent to the wall or directly beneath its outermost projection, except that for any project on a lot or parcel with an average slope of less than forty (40) percent, an upper wall section set back 6 feet or more from the building line established by the lower wall may be considered a separate wall.
 2. Architectural Extensions. A maximum height of forty (40) feet for architectural extensions of up to twenty (20) feet in width or depth may be allowed, subject to approval through an administrative (or higher) hearing. Such extensions shall not be used for inhabited floor area above the highest floor level of the rest of the house.
 3. Stepped Massing. A maximum overall height of thirty-five (35) feet may be allowed, subject to approval through an administrative (or higher) hearing, for buildings which, in stepping down the slope, diminish effectively viewed bulk, provided that at no point around the perimeter of the building is the twenty-eight (28) foot height limit exceeded except for architectural extensions per preceding subsection (A)(2) of this section. A building is considered to step down the slope if the line connecting its corresponding components is no steeper than the average of the natural slopes adjacent to the entire structure.
 4. Vertical Additions. Any vertical addition to any habitable structure shall be subject to approval through an administrative (or higher) hearing.
 5. Retaining Walls Adjacent to Buildings. Any retaining wall less than twenty (20) feet from a building wall may be considered a part of that building wall for the purposes of calculating building height.
- B. Overall Horizontal Dimension Guideline. Maximum horizontal dimension shall not exceed one hundred twenty (120) feet, unless approved by the Planning Commission.

Architecture (Note: Many of these guidelines apply to more traditional architecture and may not be appropriate in a Modern context.)

- A. Roof Pitch. The dominant roof pitch at the downslope side shall correspond to the natural slope of the site, and no more than twenty-five (25) percent of the total roof area should be flat.
- B. Vertical Accents. Vertical accents are encouraged and shall be accompanied by a vertical break in wall surface.
- C. Symmetry. Overall symmetry is strongly discouraged.
- D. Wall Modulation.
 - 1. Separation Between Breaks. A vertical break or breaks in each wall surface shall be provided at least each forty (40) feet on the first floor and each twenty (20) feet on the second floor.
 - 2. Break Dimensions. The breaks in plane recommended in preceding subsection (D)(1) of this section shall consist of significant projecting or recessed areas.
- E. Surface Depth. Creation and expression of surface depth, through the use of deeply recessed wall openings, reveals, moldings, cornices, and similar devices, are encouraged.
- F. Cantilevers. Cantilevers and dominant overhangs, except for eaves, are discouraged.
- G. Brightness. Reflectance value (LRV) shall not exceed fifty (50) percent for walls or fences, or thirty (30) percent for roofs.
- H. Reflectivity. Reflective glass and glossy roofing materials are discouraged.
- I. Roof Elements. Reflective roof elements such as skylights and solar panels shall not produce substantial glare from offsite view, and shall not dominate the view of the building from close range.

Landscaping

- A. Planting and Maintenance. Plants shall be established and maintained in accordance with the approved plan. Planting should be installed as early as possible following finish grading in order to allow timely granting of occupancy permits. Landscaping proposed to screen any part of the project must reasonably be expected to grow to an effective level in four years (see Section 11.35.070).
- B. Irrigation. No automatic irrigation system shall be allowed unless moisture sensor shutoff is provided to prevent over-saturation. Drip irrigation is encouraged wherever consistent with soil retention. Plant materials of similar water needs shall be grouped on the same irrigation valve.
- C. Screening.
 - 1. Retaining Walls. Any retaining wall over three feet in height shall be screened from offsite view by a building or by landscaping.
 - 2. Building Screening. Where building bulk as seen from downslope is a concern, effective mitigation through landscape screening shall be provided.
 - 3. Accessory Structures. Accessory structures shall be screened from offsite view.
- D. Plant Characteristics. The plant palette shall be consistent with the objectives of erosion control, overall drought tolerance, and incorporation of native plants. Transitional plant character shall be provided in areas separating natural slope growth from planted and irrigated areas.
- E. Tree Sizes and Quantities. Sizes and quantities of new trees and existing trees to remain shall maximize retention and planting of mature trees, with a guideline of

twenty-five (25) percent of the new and existing trees either mature or of minimum thirty-six (36) inches box size at planting.

cc: Palm Springs Zoning Code Section 92.21.1.05.H and I (ESA-SP Zone Siting and Design Guidelines, and Findings of Approval)

Palm Springs Zoning Code Excerpt

ESA-SP / Environmentally Sensitive Area – Specific Plan Zone
Section 92.21.1.05.H and I

- H. Site Planning and Design. The site planning and design of development shall have as their objective: The minimal disturbance of the underlying landforms, site topography and surface environment of each planning area and any adjacent planning area, and the introduction of buildings, structures, and landscaping which appear and function as integral parts of the site's natural environment. The following principles describe how the objectives for site planning and design would be fulfilled.
1. Guiding Principles. General criteria: The following elements are preserved in the site plan:
 - a. Natural features, environmental functions and cultural features, as determined by the Environmental Analysis.
 - b. View corridors, as determined by View Analysis.
 - c. The existing and proposed trail system.
 - d. Natural topography.
 - e. Natural vegetation.
 - f. Natural water channels and drainage ways.
 - g. Significant visual features, such as peaks, ridgelines, rock outcrops, boulder fields, and significant stands of vegetation.
 2. Guiding Principles. Design:
 - a. Development of Planning Area 5A harmonizes with and does not overshadow Visitors Center.
 - b. Buffers in setbacks fluctuating between seventy-five (75) to one hundred twenty-five (125) feet (average one hundred (100) feet) are developed on properties fronting North Palm Canyon Drive to screen development from motorists' views.
 - c. Buffers in setbacks fluctuating between fifty (50) to seventy-five (75) feet (average sixty-two and one-half (62.5) feet) are developed on properties fronting Tramway to screen development from motorists' views.
 - d. All rooftops in Planning Areas 5 through 8 are screened from highway view using berms, landscape materials and setbacks.
 - e. Passive solar control is incorporated into the architecture. Recessed window and entry openings and deep roof overhangs are examples.
 3. Guiding Principles. Walls and fences:
 - a. Perimeter or property boundary walls and fences are avoided.
 - b. Site walls and fences enclose the minimum area necessary to provide privacy or code compliance (swimming pools, etc.).
 - c. Walls and fences do not cross significant desert vegetation, water channels or significant topographic features.
 - d. Walls are designed to avoid unbroken lines, using undulations, offsets, notches and similar features.
 - e. Walls and fences are screened with landscaping and boulders to minimize visual appearance.
 4. Guiding Principles. Lighting:
 - a. Exterior lighting fixtures are shielded to eliminate off-site views of any direct light source. All lighting is directed downward with no up-lighting of landscaping.

- b. Maximum height for commercial, free-standing lighting fixtures is eighteen (18) feet.
 5. Guiding Principles. Landscaping:
 - a. The plant palette for any project is limited to drought-tolerant plants, except as may be approved within a specific plan. Invasive plants are not used.
 - b. Landscape lighting is not allowed, except as may be approved within a specific plan.
 - c. Irrigation is of a non-spray design.
 - d. Turf areas are not visible from street views, except as may be approved within a specific plan.
 6. Guiding Principles. Energy conservation:
 - a. Comprehensive energy conservation and green building principles are incorporated into project design, construction and operation.
- I. Findings Required for Approval. Any application for 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:
 1. 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.
 2. The project is harmonious with, adapted to, and respectful of, the natural features with minimal disturbance of terrain and vegetation.
 3. The project 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.
 4. The project 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.
 5. The project utilizes landscaping materials, including berms, boulders and plant materials which, insofar as possible, are indigenous and drought-tolerant native species.
 6. The project grading will be terrain sensitive and excessive building padding and terracing is avoided to minimize the scarring effects of grading on the natural environment.
 7. The project meets or exceeds open space area requirements of this Section and in accordance with the conservation plan, and adequate assurances are provided for the permanent preservation of such areas.
 8. The project provides the maximum retention of vistas and natural topographic features including mountainsides, ridgelines, hilltops, slopes, rock outcroppings, arroyos, ravines and canyons.
 9. The project has been adequately designed to protect adjacent property, with appropriate buffers to maximize the enjoyment of the subject property and surrounding properties.
 10. The project will not have a negative fiscal impact on the city or its citizens.

and several members of the planning commission were formed to discuss the public benefit early on in the process. The Commission discussed projects marketed as having their own public benefits, as well as the differences between planned developments and projects within the right-of-zone. Commissioner Conrad commented that many developers have misused planned developments rather than focusing on building within the right-of-zone. The Commission discussed the "Port Lawrence" and "South Palm Canyon" projects that were identified as "important to the community" and yielded as a public benefit. Director Ewing noted that the use of "proportionality" requires that the city consider how much relief is being sought from the zoning code.

Director Ewing noted the City's "wish-list" as a public benefit was not recommended by the Planning Commission and further discussion entailed. Chair Hochanadel noted the lack of public restrooms in the downtown area and suggested placing a provision to include that all projects in this area provide these facilities. The Commission discussed recommending the wish-list to the Council again, including the conversion of the street median to desert landscaping on Tahquitz and other improvements needed within the city.

The Commission concurred with the formation of a public benefit subcommittee to review projects early in the process. Director Ewing said that he would discuss with the City Manager to find out if any council members would be interested in being a part of the public benefit subcommittee. If not, the public benefit subcommittee could consist of several members of the planning commission and staff. Commissioner Jeffery noted his preference to discuss the public benefit at a study session versus the formation of a subcommittee. Further discussion occurred on the advantages and disadvantages of a subcommittee versus a study session. The overall consensus of the Commission is the formation of a public benefit subcommittee.

2B. Discussion of Zone Text Amendment – Definition of Hillside Area

Director Ewing reported that the current definition of a "hillside lot" is defined as an "a grade of 10% or more" and this issue has been discussed in the past. Director Ewing reported that many cities have more rigorous standards for hillside development, unlike Palm Springs, which allows for additional height for hillside lots. Director Ewing noted that many cities use what is called "an average slope" that is calculated for the entire lot. Staff provided an example of a hillside project which previously came before the commission and used it as an example in determining the calculation of the average slope. Commissioner Conrad suggested a reduction of the height limits from 30 feet to 24 feet because houses tower over other homes. Staff responded that this would be difficult for hillside lots because the slopes require more height to allow for the leveling of steepings. Director Ewing noted that it has been his experience to review each project on a case-by-case basis to resolve these problems.

Chair Hochanadel commented in reference to the height limitations that many builders will construct a house with a flat roof to get the desired height of a pitched roof. Commissioner Conrad suggested codification of ridge lines to respect the topography and stepping up. Discussion occurred on the method to calculate the average slope and split-levels developments.

Director Ewing noted that the Commission may want to consider excluding the setbacks within the buildable area to determine slope. Further discussion occurred and the Commission concurred to replace the wording "a grade of 10% or more" with "the 10% average slope based on the buildable area, within the area setbacks". Commissioner Ringlein suggested adding the wording, "no portion higher than . . .".

Director Ewing provided a recap and noted that staff would bring forward the design guidelines for architecture and zoning standards for steppings from several surrounding cities.

~~20. Discussion of PSEDC Recommendations for Zone Text Amendments~~

~~Director Ewing reported that Commissioner Caffery requested a review of the Palm Springs Economic Development Corporation (PSEDC) zoning code recommendations which has been provided to the Commission. Commissioner Caffery noted that this was a summary and a more comprehensive report is available.~~

~~Discussion occurred in reference to screen landscaping, property lines, garden walls and code compliance. Staff noted that there is no rule about protection of privacy or private views and the city has no authority to require anyone to trim trees except for health and safety (traffic issues).~~

~~Director Ewing suggested upon receipt of the comprehensive report he and Commissioner Caffery would review it and bring back several zoning code amendments for the Commission's review. Commissioner Ringlein suggested the zone text amendment to allow the sale and rentals of motorcycles in the CBD zone.~~

PLANNING COMMISSION COMMENTS: None were reported.

PLANNING DIRECTOR'S REPORT: None were reported.



PLANNING COMMISSION STAFF REPORT

DATE: OCTOBER 1, 2008 STUDY SESSION

SUBJECT: DISCUSSION OF ZONE TEXT AMENDMENT – DEFINITION OF HILLSIDE AREA

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

On July 2, 2008, the Planning Commission discussed the regulations addressing development in hillside areas, with special focus on the definition of a hillside lot. Staff will present three recent examples of hillside lots, including how the issue of “average slope” is usually addressed.

From this discussion, staff will be seeking direction regarding the preparation of a zone text amendment for section of the Zoning Ordinance which currently defines “hillside areas” as follows:

93.13.A. Definitions.

For the purposes of this Zoning Code, the term “hillside area” is defined as any parcel of land within the city of Palm Springs which contains any portion thereof with a grade of ten (10) percent or more.

Attachments:

1. Planning Commission meeting minutes (July 2, 2008, excerpt)
2. Planning Commission staff report (July 2, 2008)

2. ELECTION OF OFFICERS: CHAIR AND VICE CHAIR

M/S/C (Scott/Conrad, 5-0, 2 absent Cohen and Caffery) To elect Larry Hochanadel as Chair.

M/S/C (Scott/Donenfeld, 5-0, 2 absent Cohen and Caffery) To elect Leo Cohen as Vice Chair.

3. DISCUSSION - ZONING CODE AMENDMENTS

A. Section 93.13.A – Definition of “Hillside area”

Mr. Ewing provided background information on the definition of “hillside areas” as defined in the zoning ordinance. Staff noted that the term “hillside areas” is used in the zoning code to identify properties which are subject to hillside development. (A set of standards and requirements applies to any property that meets this definition.) Staff noted that many requirements of Section 93.13.00 refer to public improvements and utility fire protection which apply mostly to subdivisions. Staff commented that the majority of “hillside areas” are single family homes on lots that qualify as hillside. Staff noted that the actual provision for additional height on a hillside lot is contained in Section 94.06.01 (Minor Modifications).

Staff noted a couple of key points:

1. “Hillside area” is defined on a lot-by-lot basis regardless of its relative location to flat or mountainous areas.
2. The defining characteristic is “any portion” that has a grade of ten percent or more regardless of its size or origins.

Staff noted that no other language is given to provide guidance to identify how small “any portion” might be, and this has created some problems. Staff suggested the Commission may wish to consider some options for redefining “hillside area” such as:

Lot-by-Lot vs. Mapped Hillside Area - Staff provided details on an old City zoning map and a modern map identifying slopes and other surface features (10% to 30% slope areas and less than 10% areas). Staff noted that modern technology provides the ability to accurately map the city’s topographic characteristics. Staff asked the Commission if they would like to continue using the lot-by-lot definition or create a map that identifies lots on a 10% slope. Staff noted a disadvantage of creating a map is that

some lots might be excluded, even though they are within a hillside neighborhood; therefore a map might need further refinement.

The Commission discussed man-made versus natural grades, multiple paths for submittal of projects, the advantages of delineation of a map and the Commission's discretion on projects that meet the requirements. Further discussion occurred on measurement of existing grade and allowable heights on hillside areas.

The Commission was in consensus of the following change:

1. Replace the verbiage "any portion thereof" with "an average of ten (10) percent or more".

Staff noted that there is a lot of discussion between staff and an applicant prior to a project coming before the Commission. However, staff does not have clear guidance to share with an applicant regarding hillside design, such as, roof sloping and paving of the grade to match the natural topography. Commission Donenfeld questioned if the Commission could adopt a set of guidelines that are acceptable. Staff responded that the principals for hillside development could be brought forward by codification or resolution. Staff noted that they could provide several examples of hillside ordinances from other cities to show the issues they have faced.

Discussion occurred on additional height, protection of ridge lines and measurement of grade as provisions for hillside development.

Staff stated they would return to the Commission with examples of topography maps with sloped land and the average percentage. Staff noted the process of initiating a zone text amendment as follows:

Bring back options for a new hillside ordinance to the Commission for review. Based on Commission direction, staff would schedule a public hearing, the Commission would adopt a recommendation and forward it to the City Council.

~~COMMISSION/STAFF REPORTS AND REQUESTS~~

~~Staff provided an update on the planning items going before the City Council next week.~~

~~Staff provided clarification on staff's position on appeals, final motions and recommendations by the Planning Commission to the City Council.~~



CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: July 2, 2008
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services
Subject: Discussion of Zone Text Amendment – Definition of Hillside Area

Introduction

The Zoning Ordinance's definition of "hillside area" is a key policy because it establishes the basis for reviewing any project under the provisions of Section 93.13 – "Hillside Developments" (copy attached). One of the significant provisions of Section 93.13 is the allowance of additional building height above the base R-1 standard of 18 feet – up to 30 feet may be allowed. Consequently, the definition of a hillside area has significant implications for established neighborhoods as new hillside developments are added.

Currently, the Zoning Ordinance defines "hillside areas" as follows:

93.13.A. Definitions.

For the purposes of this Zoning Code, the term "hillside area" is defined as any parcel of land within the city of Palm Springs which contains any portion thereof with a grade of ten (10) percent or more.

Staff notes a couple of key points:

1. "Hillside area" is defined on a parcel-by-parcel basis. While the word "area" could be any amount of land, in the Zoning Ordinance it is specifically identified as "any parcel". Elsewhere, the Zoning Code identifies a parcel of land as the same as a "lot", which is a platted or subdivided lot of record. This means that any lot regardless of its relative location to flat or mountainous areas of the City may qualify as a "hillside area" and be subject to Section 93.13.
2. The defining characteristic is "any portion" that has a grade of ten percent or more. Staff has read the phrase "any portion" very broadly, and has brought projects to the Commission under Section 93.13 where the "portion" greater than ten percent is a small fraction of the overall lot area.

The actual provision for additional height is contained in Section 94.06.01 (Minor Modifications) discussed herein.

Further, this fraction may have been created by grading, even where the lot may not have qualified as hillside in its natural or pre-graded state. In short, staff has read “any portion” as any portion, regardless of its size or origins.[†]

This last point has created some consternation with the Commission and the City Council as recent hillside projects have come forward for review. Since Section 93.13 creates the opportunity for additional building height, some property owners have sought to exploit a lot that has only a small area over ten percent grade to obtain a larger two-story structure. It is worth remembering, however, that the City – through the Commission – retains full authority to approve any hillside development, and the Commission and Council recently rejected a hillside project that both bodies determined was otherwise inappropriate for its neighborhood.

Options for Establishing When a Development is “Hillside”

From the two main points, staff believes that the Commission may wish to consider some options for redefining “hillside area”.

Lot-by-lot vs. Mapped Hillside Area. Instead of looking at each lot’s hillside characteristics – however they might be determined – the City could map the area that it wants to bring under hillside control. There is an old City zoning map that attempted to do this, which will be presented at the meeting. Modern technological capabilities improve our ability to accurately map the City’s geomorphic characteristics (slopes and other surface features) and the City may wish to explore various mapping choices.

A pre-approved hillside map provides more predictable guidance to applicants, neighbors and staff. However, approving such a map requires that the City determine in advance which properties are “in” and which are “out”. Staff will provide a sample slope map at the meeting which shows categories of slope – less than 10%, 10 to 30%, and over 30% – that could be the basis for a hillside designation. A map based on a simple formula – say, 10% - is easiest to understand and defend, but as the sample shows, it reveals many lots that we typically would not consider “hillside” (and have missed over the years).

The City could take a ‘base map’ showing 10% slope and refine it based on site investigations, drawing a line between lots it deems hillside and those which it does not. Such a refinement needs to be based on clear criteria – such as obvious breaks between flat and sloping areas, or neighborhood hillside patterns. Staff believes that refinements on a map based on site surveys will yield the most effective pre-determination of hillside status, but they require significant time and effort.

Whether or not the City refines a base map, the map would be adopted as an amendment to the Zoning Map as an overlay for determining properties subject to hillside review.

[†] Certain *de minimus* conditions, such as exterior steps, retaining walls or other vertical structures, are excluded from consideration.

Lot-by-lot Characteristics. Presently, the City determines a property's hillside status only at the time a project is submitted for zoning review. Staff will consider, based on a topographic survey, if "any portion" of the lot has a slope greater than 10%. The City's experience with this approach suggests that refinements of the definition are warranted. Using the lot-by-lot approach, the Commission may wish to consider alternatives to the "any portion" phrasing:

1. *Natural vs. man-made grade.* The Commission has expressed concern about hillside lots whose qualifying slope areas are the result of previous grading. However, staff believes that it will be difficult to distinguish between natural and man-made grading since some grading goes back decades. Identifying "recent" versus "early" grading is also difficult. Staff does not recommend distinguishing hillside lots based on this issue.
2. *Small areas vs. large areas.* Based on topographic mapping, the City could look at properties that – regardless of graded status – have significant areas over 10% slope. A criterion for a minimum area of slope could be established, such as "at least one-third of the area of a lot has a slope in excess of 10%".
3. *Establishing a Percent Slope.* This memo has discussed the hillside characteristic of a lot based on a slope of 10%. The Commission may consider any percentage as the basis for establishing hillside status. Many cities use the 10 to 15% range, but any number may be acceptable.

Hillside Development and Height.

In most communities, the designation of a hillside lot is cause for a property owner's concern. However, the allowance for additional height can make hillside status desirable in Palm Springs, especially since dwellings are otherwise limited to eighteen feet. The City finds itself in the unusual situation in which property owners seek out hillside status. While the definition of a hillside lot needs attention, staff also believes that the Commission should look at the provisions for allowing additional height, contained in Section 94.06.01 (Minor Modifications). Those provisions are as follows:

94.06.01.A.8. Slope and Hillside Areas.

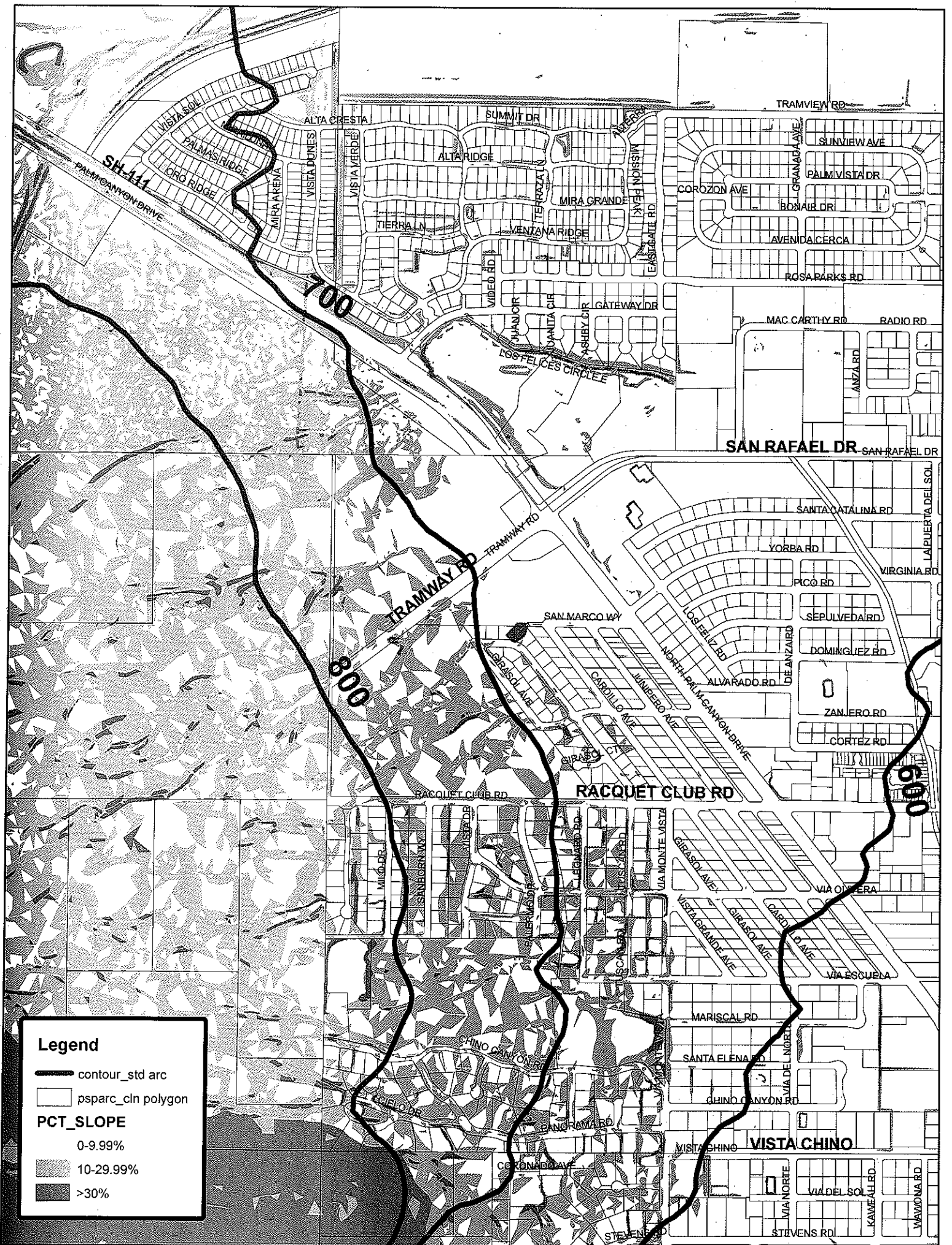
For areas with a grade of ten (10) percent or more, modification of building height to a maximum of thirty (30) feet and modification of front yard to a minimum of ten (10) feet, upon approval of a site plan, elevations and a grading map showing existing and finished contours. Approval shall be based on the finding that such minor modification will not have detrimental effect upon adjacent properties;

The need for additional height on a hillside structure makes sense – it helps avoid flat-pad grading – but staff believes that more specific guidance in the granting of additional height is appropriate. For example, additional height should only be allowed when:



- a. Building floors "step back" so that the building's roof-line rises in a direction similar to the existing slope of the lot.
- b. A compact building footprint using multiple levels avoids
 - i. on-site environmental conditions or features, or
 - ii. view impacts on or from adjacent structures

The Commission may consider other objectives for granting additional height. These policies could be made part of the Zoning Text Amendment regarding the definition of hillside areas.



cc: Palm Springs Zoning Ordinance Section 93.13.

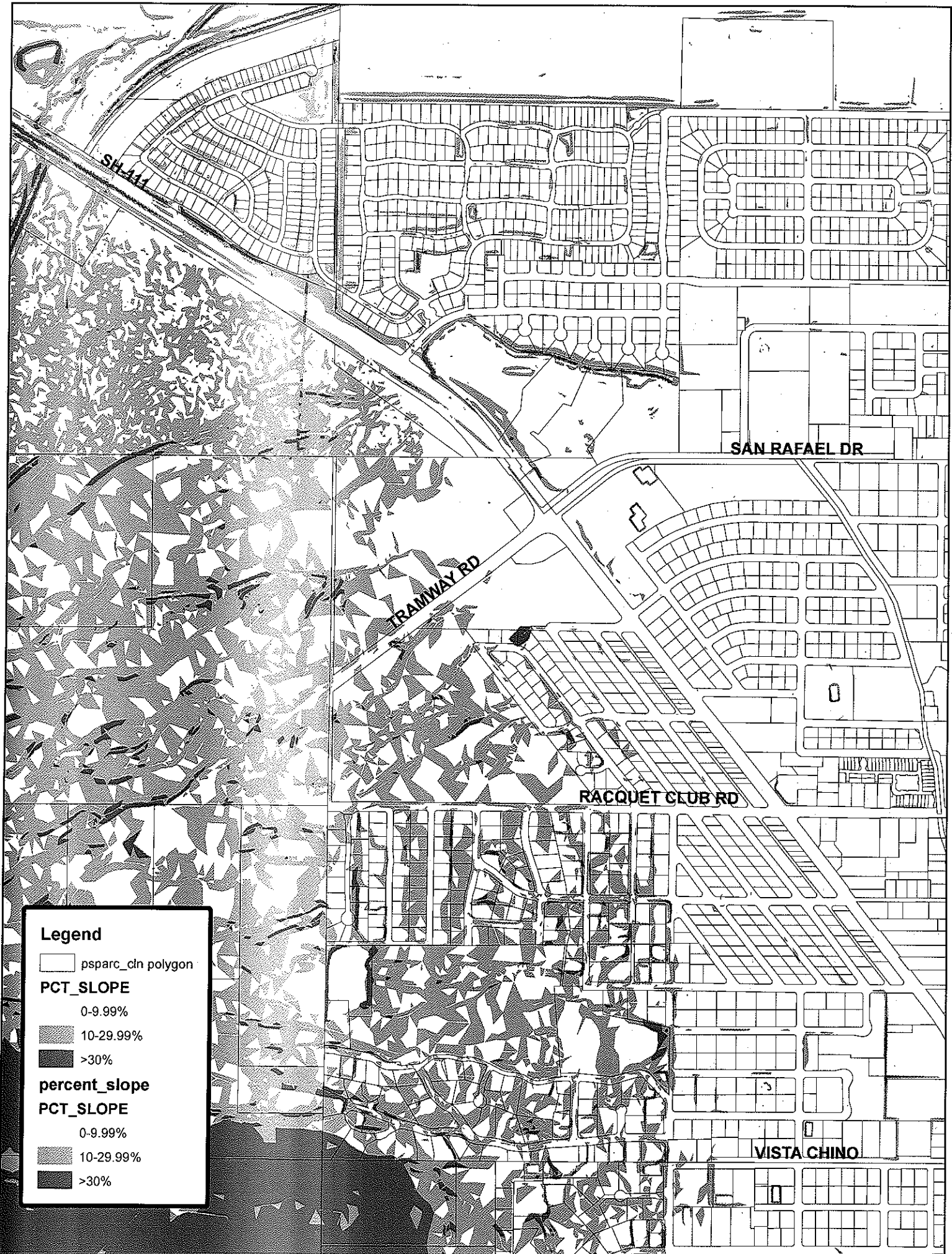


Legend

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-  10-29.99%
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SH-141

SAN RAFAEL DR

TRAMWAY RD

RACQUET CLUB RD

VISTA CHINO

Legend

psparc_cln polygon

PCT_SLOPE

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10-29.99%

>30%

percent_slope

PCT_SLOPE


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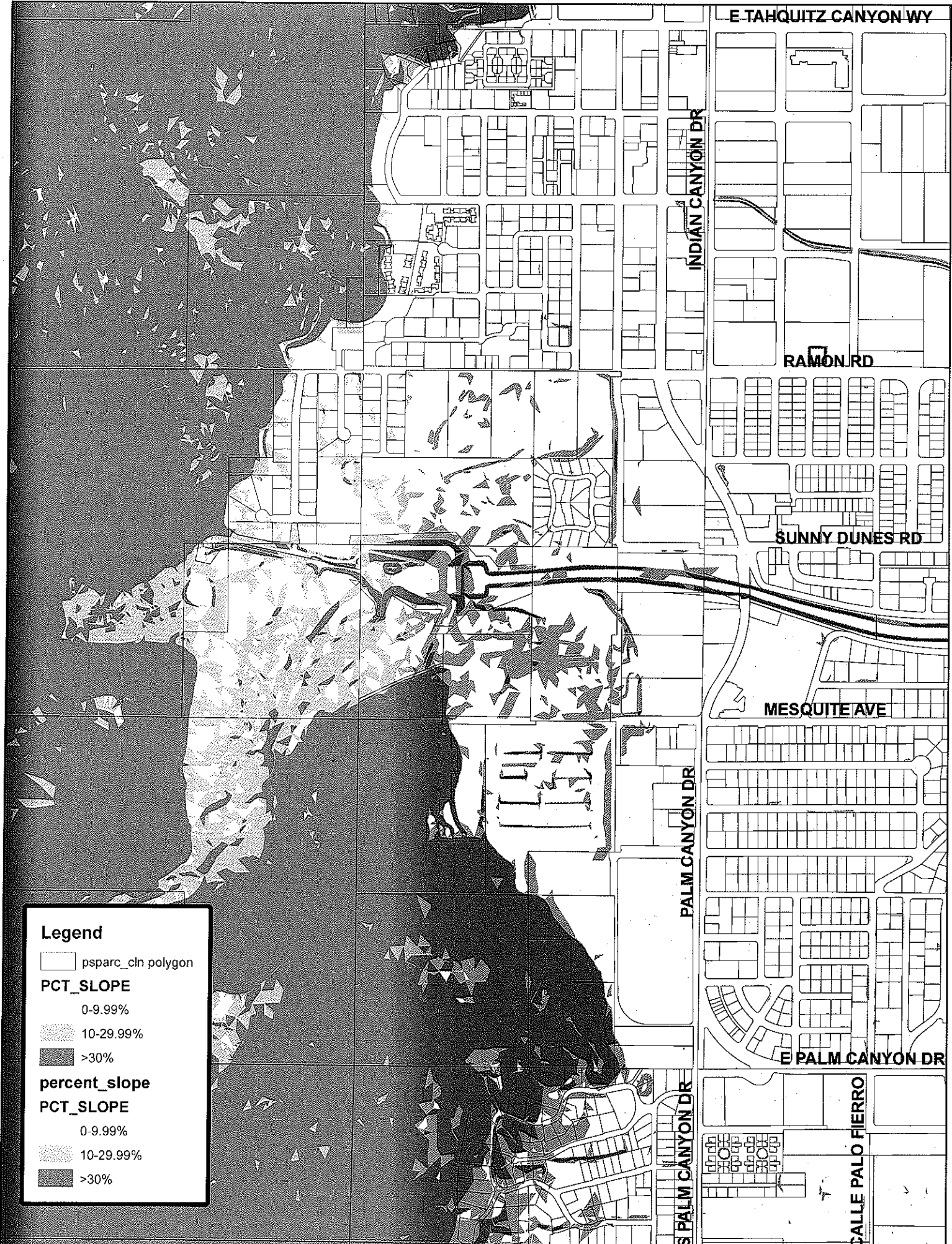
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PCT_SLOPE

0-9.99%

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INDIAN CANYON DR

RAMON RD

SUNNY DUNES RD

MESQUITE AVE

PALM CANYON DR

E PALM CANYON DR

S PALM CANYON DR

CALLE PALO FIERRO

Legend

psparc_chn polygon

PCT_SLOPE

0-9.99%

10-29.99%

>30%

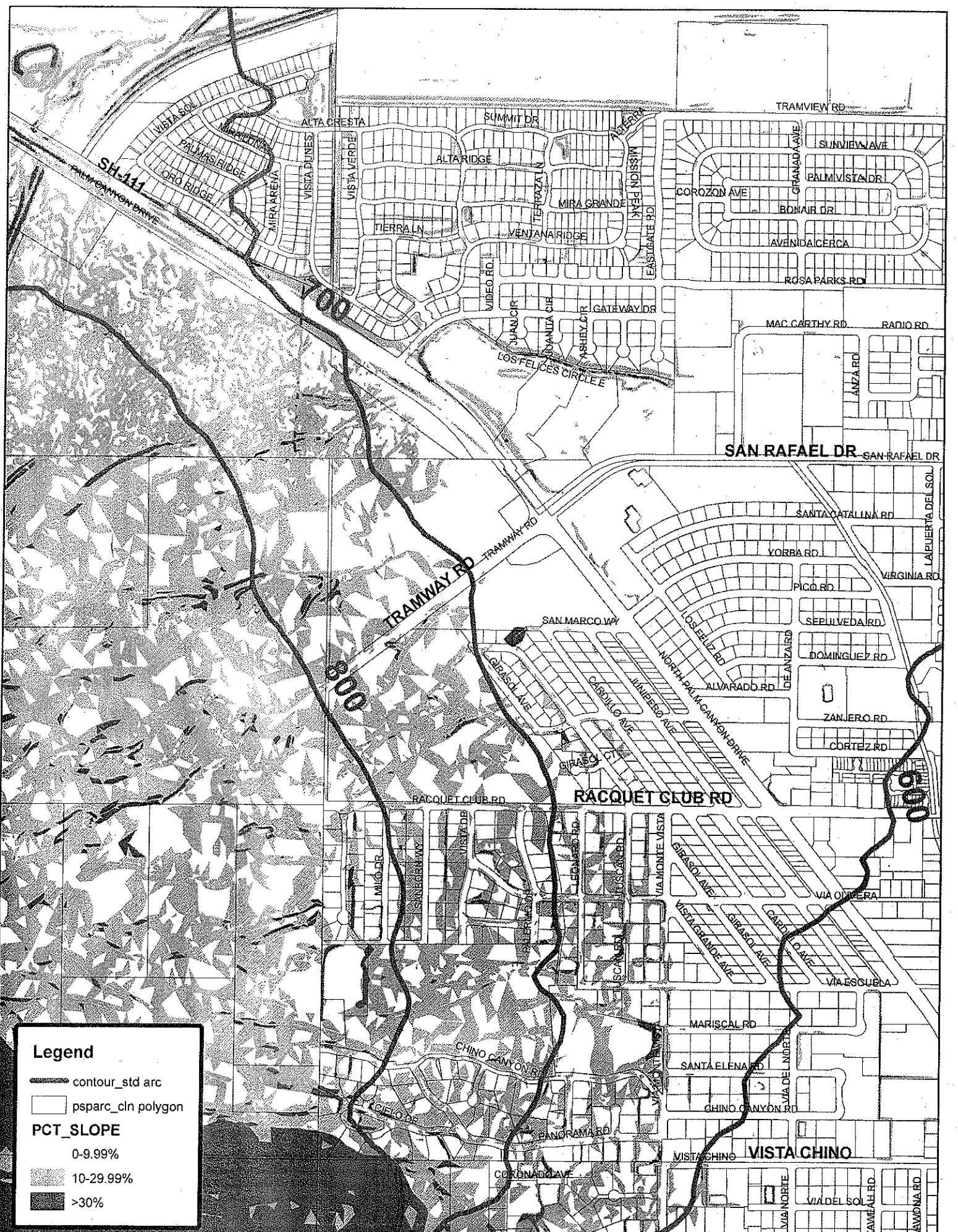
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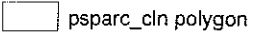

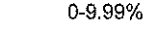
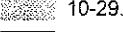
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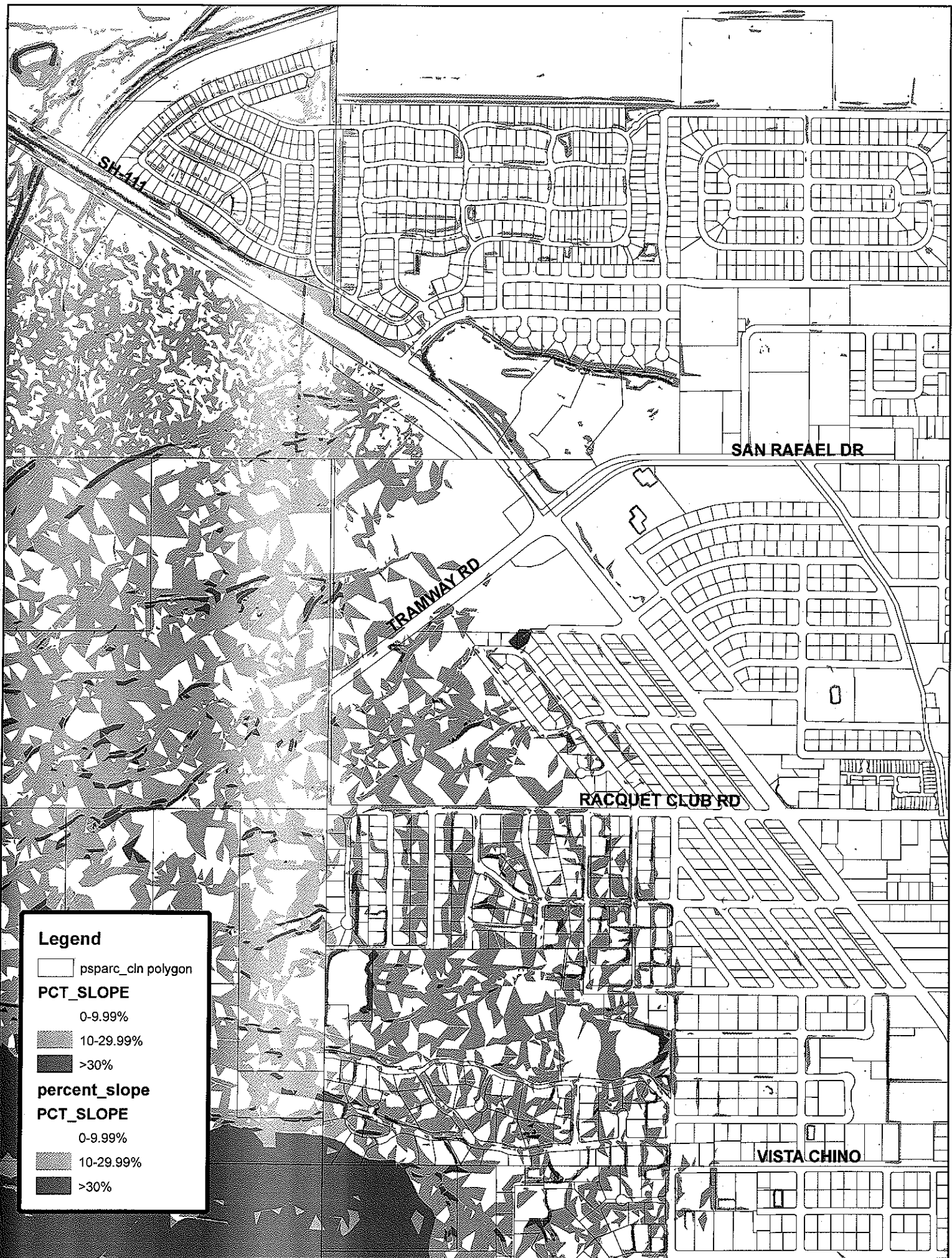
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SH 441

SAN RAFAEL DR

TRAMWAY RD

RACQUET CLUB RD

VISTA CHINO

Legend

□ psparc_cln polygon

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Palm Springs Zoning Code – Section 93.13 – Hillside Development

93.13.00 Hillside developments.

This section of the Zoning Code is intended to provide for the safe, orderly and aesthetically appealing development of hillside area.

A. Definitions.

For the purposes of this Zoning Code, the term “hillside area” is defined as any parcel of land within the city of Palm Springs which contains any portion thereof with a grade of ten (10) percent or more.

B. Site Plan Approval.

1. Applications for hillside development shall be processed as follows:

- a. Applications shall be prepared and submitted pursuant to Section 94.04.00, architectural review.
- b. Upon receipt of application, a written notice shall be mailed to all adjacent property owners informing property owners that an application for hillside development has been filed and that said application and associated plans are available for public inspection at the department of planning and zoning.
- c. The planning commission shall hold at least one public meeting to review and consider the proposed application. At least ten (10) days prior to this meeting, a public meeting notice shall be mailed to all adjacent property owners and any members of the public who request notification.
- d. If the planning commission believes that it is merited, it may, at its discretion, require and set a public hearing date for consideration of the subject application. Such public hearing will require the payment of applicable fees for such hearings as established by city council. The director of planning services may determine that a public hearing is required and forgo item C above.
- e. Appeals. The procedure for appeal of hillside development decisions shall be pursuant to Chapter 2.05 of the Palm Springs Municipal Code.

2. Applications for remodel or minor additions to hillside development shall be processed as follows:

- a. Applications shall be prepared and submitted pursuant to Section 94.04.00, architectural review.
- b. Minor remodels and/or additions to the exterior of a building, site plan, grading, landscape, exterior lighting are additions which do not exceed four hundred (400) square feet, do not increase building height, do not involve substantial new grading, and do not substantially alter the appearance of the subject property. Minor remodels and additions may be approved by the director of planning services or designee. Notice to adjacent properties may be required pursuant to Section 93.13.00(B)(1)(b) above.
- c. Appeal of Director of Planning Services Decisions. The action of the director of planning services shall be final unless appealed to the planning commission within fifteen (15) working days. The appeal shall be in writing and, upon receipt and filing of appropriate appeal fee, the director of planning services shall schedule the application for the next regular meeting of the planning commission. The action of the planning commission shall be final unless appealed to the city council in the manner provided by Chapter 2.05 of the Palm Springs Municipal Code.

3. Applicant may submit preliminary plans, including accurate topographical maps and grading plans pursuant to Section 94.04.00, to the planning commission for approval before detailed engineering and architectural plans are prepared. Such plans shall deviate a maximum of one (1) foot above or below final grade.

4. In approving final plans, the planning commission may require conditions which in their opinion are necessary to protect the public health, safety and general welfare, and may include the following:
 - a. Architectural approval as governed by Section 94.04.00 of the Zoning Code. Such architectural approval shall consider, but shall not be limited to, the following:
 - i. Rock and soil exposure,
 - ii. Size of building pads,
 - iii. Design considerations, such as supporting stilts, colors and building arrangement,
 - iv. Screening of parking areas,
 - v. Landscaping plans,
 - vi. Continuity with surrounding development,
 - vii. Sensitivity to existing view corridors;
 - b. Sewerage (Deleted by Ord. 1553);
 - c. And such other conditions that will make possible the development of the city in an orderly and efficient manner in conformity with the intent and purposes set forth in this Zoning Code.
- C. Density.
1. The density and lot dimensions of the zone in which the property is located shall apply.
 2. The area of both public and private streets shall be excluded in calculating net area of the site.
 3. Any area of the site having a degree of slope of thirty (30) percent or more shall be excluded from the allowable area that may be allowed in computing total density. Such area shall be retained as open space.
 4. In order to insure permanent retention of the open space, a covenant approved by the city attorney shall be recorded dedicating all building rights to the city of Palm Springs and insuring that such open space shall remain as shown on plans approved by the city of Palm Springs.
- D. Street Improvements.
1. Hillside Collector Streets (Streets Serving More Than Four (4) Lots). Maximum grade is twenty (20) percent: provided, all grades over fifteen (15) percent shall be improved with six (6) inches of PCC pavement. Streets with grades in excess of fifteen (15) percent shall only be allowed for short distances.
 - a. Improvements.
 - i. Minimum right-of-way shall be forty (40) feet; however, all fill slopes must be contained within the right-of-way.
 - ii. Curb to curb width shall be thirty-six (36) feet. A thirty-two (32) foot pavement width shall be allowed where lots exist along only one side.
 - iii. Minimum radius shall be one hundred (100) feet.
 - iv. Cul-de-sacs shall not exceed five hundred (500) feet in length. Minimum radius shall be forty (40) feet to property line.
 - v. For exceptions to required improvements in subsection (D)(1) of this section, see Exceptions, Section 93.13.00(l).
 2. Minor Hillside Streets (Streets Serving Four (4) Lots or Less). Maximum grade is twenty (20) percent: provided, all grades over fifteen (15) percent shall be improved with six (6) inches of PCC pavement.
 - a. Improvements.
 - i. Minimum right-of-way shall be forty (40) feet; however, all slopes must be contained within the right-of-way.
 - ii. Curb to curb width shall be thirty-two (32) feet. A twenty-eight (28) foot pavement width shall be allowed where lots exist along only one (1) side.

- iii. Minimum radius shall be eight (8) feet.
 - iv. Cul-de-sacs shall not exceed five hundred (500) feet in length. Minimum radius shall be forty (40) feet to the property line.
 - v. For exceptions to required improvements in subsection (D)(2) of this section, see Exceptions, Section 93.13.00(I).
3. Curbs and gutters shall be six (6) inch PCC in accordance with city standards. An eight (8) inch curb shall be required when necessary to convey storm drainage.
- E. Drainage.
No building site shall be approved for construction which does not have provisions for conducting water drainage from the site to a natural drainage course, a drainage channel or a public street in accordance with good engineering practice and in a manner approved by the city engineer.
- F. Sewerage Treatment
All building sites must be connected to the city's sewer system, unless exempted by the city council.
- G. Excavations.
1. The following requirement shall supplement (and supersede to the extent of any inconsistencies) the requirements of Chapter 70, (Excavation and Grading) of the Uniform Building Code, the grading ordinance of the city of Palm Springs currently in effect at the time of permit issuance.
 - a. No excavation shall be permitted on any hillside prior to the approval of a site plan and a grading plan.
 - b. A grading plan shall be submitted as a part of the application for site plan approval for hillside development. A preliminary grading plan shall be filed in compliance with the procedure set forth in Chapter 9.64 of the Palm Springs Municipal Code.
 - c. No dirt or rock shall be allowed to be used for fill except in those locations approved by the excavation plan. Excess dirt or rock shall be carried to a disposal area designated on the grading plan or to an approved off-site location.
 2. Blasting, in conjunction with an approved excavation plan, shall require approval by the director of public works and the fire department.
- H. Fire Protection.
1. In areas where there will be a fire hazard, in the opinion of the fire chief of the city of Palm Springs, unobstructed fire protection equipment access easements shall be required. The fire chief shall recommend to the planning commission where such easements are needed.
 2. The fire department may recommend to the planning commission that fire-resistant building and landscape materials be used in hazardous areas.
 3. Water mains and water systems shall be sized to provide sufficient water to meet the firefighting requirements of the area involved. The fire chief shall review proposed systems in relation to the insurance services office standards for water systems and make recommendations to the planning commission.
- I. Exceptions.
1. The planning commission or city council may approve alternative street designs which could include reduced curb-to-curb widths, modified curb and gutter improvements, and any other such standard plan criteria provided the following criteria are met:
 - a. That a minimum twenty-four (24) foot travel way is provided. Additional improvements such as passing lanes, turning lanes, and traffic calming devices may be required. Alternative street sections may be considered provided adequate access and maneuvering area is provided for emergency response vehicles and waste disposal vehicles;
 - b. That adequate sight distance (both horizontal and vertical) is provided;

- c. That the street section can adequately convey storm drainage or that alternative storm drainage facilities are provided to adequately convey storm drainage. Curbs and gutters, or alternative facilities to convey storm flows may be required. Edge of pavement, where curb and gutter is not required, shall be protected by a flat curb section to be approved by the director of public works. Where curb and gutter are required to convey storm drainage, the city may consider wedge curbs, six (6) inch PCC curbs, eight (8) inch PCC curbs, or alternative designs which ensure that the public health, safety, and welfare is protected;
- d. That adequate street parking and/or off-street parking is available and that such parking will not interfere with the required travel way;
- e. Areas designated and approved for parking shall be improved to provide a dust-free condition and adequately compacted to allow for emergency vehicle parking;
- f. That parkways, parking areas, and other improvements are adequately improved and maintained to ensure that the public health, safety, and welfare are ensured for the life of the project;
- g. That roadways shall provide adequate access for emergency equipment and that the fire department may require upgraded fire protection systems both on and offsite to ensure the public health, safety, and welfare.