



Planning Commission Staff Report

Date: May 25, 2011

Case No.: 5.1082 AMND – PD-321, TTM 34165

Application Type: Planned Development District Amendment

Location: Southeast corner of Avenida Caballeros & Alejo Rd. (444 Avenida Caballeros & 1013 Alejo Road)

Applicant: Nexus Development (O & M, LLC)

Zone: PD 321 (underlying RGA(8) – Garden Apartment/Cluster Resid.)

General Plan: So. portion: High Density Res'l (15 - 30 Dwelling Units/Acre (du/ac) (HDR)
No. portion: Medium Density Res'l (6 - 15 Du/Ac) (MDR)

Specific Plan: So. portion: High Density Residential (15 to 30 du/ac) (HR)
No. portion: Med. Density Resid. Buffer (6 to 15 du/ac) (MBR)

APNs: 508-060-008, 508-060-009, 508-060-031

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Ken Lyon, Associate Planner

PROJECT DESCRIPTION

The application is a request by Nexus Development representing O & M, LLC, for the approval of an amendment to a previously approved Planned Development District (PDD 321) and Tentative Tract Map (TTM) 34165. The amendment proposes the following:

1. Add accessory dwelling units and guest units as permitted uses within the PDD.
2. Approve one roughly 468 square foot accessory dwelling unit/guest unit on Lot 3 and a similar one on Lot 28.
3. Reduce setbacks, increase lot coverage, and establish revised development

standards for accessory dwelling units specifically on Lots 3 and 28.

The project is located on approximately 369,557 square feet (8.48) acres at the southeast corner of Avenida Caballeros and Alejo Road in Section 14 (IL).

RECOMMENDATION

That the Planning Commission:

1. Approve the addition of Accessory Dwelling Units and Guest Units as permitted uses within PDD 321.
2. Approve the addition of a roughly 468 square foot accessory dwelling unit/guest unit on Lot 3 and on Lot 28.
3. Approve modifications of the development standards of the PDD and Zoning Code Section 93.18.00 (Accessory Dwelling Units) by reducing the setbacks, increasing the lot coverage, and establishing revised development standards for accessory dwelling units, specifically for Lot 3 and Lot 28 only.

PRIOR ACTIONS

On April 21, 2010 the City Council adopted Ordinance 1771; an amendment to Planned Development District 321 and Tentative Tract 34165 in lieu of a Change of Zone. This amendment established the project scope with 53 single family attached and detached homes and modified the tract map to create individual lots for each of the homes as well as private streets and common landscaped areas.

On May 9, 2011, the Architectural Advisory Committee voted 7-0 to recommend approval of the current proposed amendment to the PDD, requesting approval of accessory dwelling units and guest units as permitted uses, the addition of a 468 square foot accessory unit to lot 3 and to lot 28, and certain new development standards for the PDD.

BACKGROUND AND SETTING

Planned Development District 321 (PDD 321) was approved in 2010 as a gated community, with 53 dwelling units on individual lots. No accessory dwelling units or guest units were approved as part of the PDD amendment approved in 2010. The PDD established unique development standards for each lot in terms of setbacks, lot coverage, lot size, and other unique standards. The table below identifies surrounding land uses and zoning.

Table 1: Surrounding land uses, General Plan, Zoning

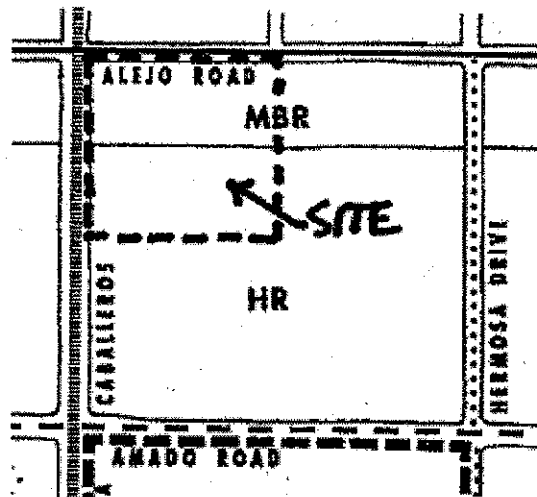
	Land Use	General Plan	Zoning
North	Single-Family Residential	Very Low Dens Resid (2-4du/ac)	R-1-C
East	Multi family residential	Med Dens Resid (6-15 du/ac)	§14 SP: MBR & HR
South	Multi family residential	High Dens Resid 15-30 du/ac)	§14 SP: HR
West	Multi family residential	Med Dens & High Dens Resid 6-15 & 15-30 du/ac)	§14 SP: MBR & HR

The aerial photo shows the project parcel and the surrounding existing conditions.



Aerial photo of Project Site

The project site is comprised of two General Plan and Section 14 Specific Plan land use areas: The northern portion of the site is "MBR" (Medium Density Residential Buffer). This area is identified as a "buffer" between the single family residential zone to the north of Alejo Road. High density residential (HR) comprises roughly the south half of the site.



Portion of Section 14 Specific Plan Land Use Map

Both Alejo Road and Avenida Caballeros are 4-lane secondary thoroughfares on the General Plan Circulation Map. With the establishment of PDD 321, the PDD became the new zoning and land use designation for this parcel.

The project proposes to add accessory dwelling units and guest units as permitted uses within PDD 321. It would allow the construction of a detached accessory unit/guest unit of roughly 468 square feet on lot 3 and on lot 28. The PDD Amendment also seeks to establish new development standards of the PDD for the accessory units proposed on Lot 3 and Lot 28. The proposed accessory units shown for Lots 3 and 28 are denoted with an "optional kitchen". Since the PDD amendment was submitted showing the kitchens as "optional" the application is being processed to allow the units to be constructed either way.

The project proposes to amend the PDD as follows:

1. Accessory dwelling units and guest units are proposed to be added as permitted uses on any lot in PDD 321.¹
2. The amendment proposes units on Lot 3 and Lot 28 that would be roughly 23% of the area of the main dwelling unit. (The main dwelling unit on Lot 3 and Lot 28 is approximately 2040 square feet).²
3. The proposed units on Lot 3 and Lot 28 are proposed to be detached from the main dwelling unit.³

¹ Pursuant to Zoning Code Section 93.18.00 (B, 2), Accessory apartments shall be prohibited in PD zones unless authorized in the originally approved plans.

² Zoning Code Section 93.18.00 limits accessory dwelling units to not more than 15% of the area of the main dwelling unit.

³ Section 93.18.00 requires accessory dwelling units to be attached to the main dwelling unit.

4. The amendment proposes guest units on Lot 3 and Lot 28 that would be roughly 7.6% of the lot area.⁴

Proposed Revisions in the Development Standards for PDD 321. The project proposes to amend the development standards of PDD 321 as follows:

1. The total lot coverage for Lot 3 and Lot 28 would be amended from 30% to 37%.
2. The rear yard setbacks for these two lots along Avenida Caballeros would be reduced from roughly 27 feet to approximately 22 feet. (Side yard setbacks would remain the same at five (5) feet.)

STAFF ANALYSIS:

General Plan/Specific Plan:

The project lies within the Section 14 Specific Plan (SP) which established unique densities, development, landscape, and architectural standards for development within this part of the City. The parcels that comprise this project area lie upon two different land use designations with differing densities. The project proposes 53 homes on small individual lots within a gated community of roughly 8.48 acres. The project density is roughly 6.25 du/acre. This density is within the allowable densities shown on the General Plan and the Specific Plan which are 6 to 15 du/ac for the north half of the site and 15 to 30 du/ac for the south half of the site.

Section 6.1.5 and 6.1.7 of the Section 14 Specific Plan expressly prohibits single family residences in the MBR and HD land use areas. The PDD was approved "in lieu of a change of zone" and added single family residences as a permitted use on these specific parcels only, within the MBR and HR land use areas. Furthermore, although Section 9.1.4 "*Specific Plan amendments*" of the Section 14 Specific Plan provides that amendments to the specific plan require review and approval by the Planning Commission and City Council, Zoning Code Section 94.03.00 (*Planned Development Districts*), Part G (*Modification of Final Development Plan*) notes that "*Minor architectural or site changes not affecting the intent of the PD may be approved by the planning commission.*" Staff believes the proposed amendment does not affect the intent of the PDD and thus may be processed as a Minor Amendment.

Zoning and Development Standards:

The development standards that apply to this project are those of the PDD and those in the Section 14 Specific Plan Chapter 6 "Land Use Regulations and Development Standards". Pursuant to Section 6.3.1 and 6.3.3 the underlying provisions of the PSZC

⁴ Zoning Code Section 91.00.10 defines guest units and notes that guest units may not exceed 2% of the net lot area. Section 92.01.01 defines permitted uses related to Guest Units.

apply with exceptions as noted. The underlying zone was RGA(8), (Garden Apartment/Cluster Residential)

The project lies within two Specific Plan land use designations: "Medium Density Residential Buffer" (MBR) on the north half and "High Density Residential" (HR) on the south half of the site. The proposed PDD establishes unique development standards for this project as shown in Table 1 below.

Table 1: Comparison of development standards to Proposed Amended PDD 321

	Zoning: RGA(8)	Specific Plan HR:	Specific Plan MBR:	Amended PDD 321:
Density	5000 sf of lot area/unit (8du/ac)	Per PSZC, however single family units are prohibited	Per PSZC, however single family units are prohibited	6.25 du/ac (conforms) Lot sizes vary between 4,567 & 7,724 sf. (Avg 5,683 sf)
SP 6.3.3: Open Space	50% minimum open space landscaped for recreation & outdoor living	Per PSZC	Min. 50% of site landscaped as usable open space, recreation & outdoor living	Average 61 percent of open space per lot; Open space for Lot 3 and Lot 28 would be reduced from 70% to 63%
Yards (PSZC 92.02.03)	Bldgs over 15 ft set back equal to the height	Per PSZC	Per PSZC	Reduced setbacks as noted below per PDD; Rear yard setback for lots 3 and 28 reduced from 27 feet to 22 feet.
Rear Yard (PSZC 92.02.03)	20 feet	Per PSZC	Per PSZC	Vary between 3 ft and 29 ft; per PDD
Distance bet. Bldgs (PSZC 02.02.03)	15 ft for each 10 ft of bldg height, minimum 15 feet.	Per PSZC	Per PSZC	Average distance is approximately 7 ft; per PDD Reduced to roughly 6.5 feet between main and accessory unit on Lot 3 and Lot 28.
Lot coverage (PSZC 02.02.04)	Min. 50% of lot shall be landscaped & irrigated.	Per PSZC	Per PSZC	Between 22% and 47% lot coverage; per PDD; Increased from 30% to 37% for Lot 3 and Lot 28
Uses permitted	Single Family Resid. (SFR) per R-1-C standard (10,000 sf lots)	SFR's prohibited	SFR's prohibited	SFR's proposed as a permitted use on lots averaging 5,566 sf; See note below. Accessory dwelling units and guest units permitted on all lots pursuant to Zoning Code Section 93.18.00, 91.00.10 and 92.01.01); Accessory units of roughly 468 square feet permitted on Lot 3 and Lot 28

Note: Average lot size in PDD 321 is 5,566 square feet. Lot 3 and Lot 28 are over 6,100 square feet in area. There are eleven (11) lots with square footages of at least 6,100 square feet, however the configuration of the main dwelling units on the other lots and the setbacks make the addition of accessory units of the size proposed herein, on other lots more challenging without granting significant reductions in setbacks.

PLANNED DEVELOPMENT DISTRICT

REQUIRED FINDINGS

Pursuant to Section 94.02.00 G, a minor amendment to a PDD may be approved if it "does not modify the intent of the PD". Staff believes the intent of the PDD was to establish a neighborhood of attached and detached single family homes on small, individual lots within a gated community. The PDD essentially established a single family "zone" with lot sizes averaging 5,566 square feet.

Guest Units without kitchens are a permitted use in single family zones subject to certain size limitations. Accessory Dwelling Units are permitted in single family zones subject to a Conditional Use Permit. Staff believes the intent of the PDD - that of creating a subdivision of roughly 8.48 acres into 53 individual lots upon which single family residential units are proposed - remains in place, and is not affected by the proposed minor amendment.

Staff believes the Planning Commission may address this request in a number of ways:

1. Deny the request for second units in PDD 321.
2. Approve the amendment request to
 - a. allow accessory or guest units on any lot in PDD 321,
 - b. allow the 468 square foot accessory unit on Lot 3 and Lot 28,
 - c. approve the revised development standards for these two lots (only), (any future accessory units on other lots would need to conform to the regulatory standards of Zoning Code 93.18.00 (*Accessory Dwelling Units*) and 92.01.01 (A2, D1, and D3) (*Accessory and Guest Units in R1 zones*)). (This is the recommendation as made earlier in this staff report.)
3. Reject Staff's recommendation to process this request as a minor amendment to the PDD and direct Staff to bring the request back as a full PDD amendment for consideration by the Planning Commission and City Council.

ENVIRONMENTAL ASSESSMENT

A Mitigated Negative Declaration for this project was previously adopted by the City Council on April 19, 2006. Pursuant to Section 15162 (*Subsequent EIR's and Negative Declarations*) of the California Environmental Quality Act (CEQA), the City has considered the proposed minor amendment and determined that it causes no additional environmental impacts and no additional information has become available that would require a subsequent environmental analysis, addendum or documentation of impacts. The project as amended could not, therefore, result in any new environmental impacts beyond those already identified and assessed in the adopted mitigated negative

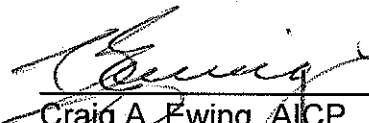
declaration.

NOTIFICATION

A minor amendment requires no specific notification requirements. However, since this project is in Section 14, notice of the proposed minor amendment was given to the Agua Caliente Band of Cahuilla Indians and no further reviews have been requested.



Ken Lyon
Associate Planner



Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS

1. Vicinity Map
2. Draft Resolution
3. Exhibit A - Draft Conditions of Approval
4. Exhibit B - Existing development standards for each lot
5. Reduced site plans, floor plans, elevations and renderings

EXHIBIT B – PDD 321 AMND; TTM 34165 AMND - LOT AREAS, SETBACKS COVERAGE

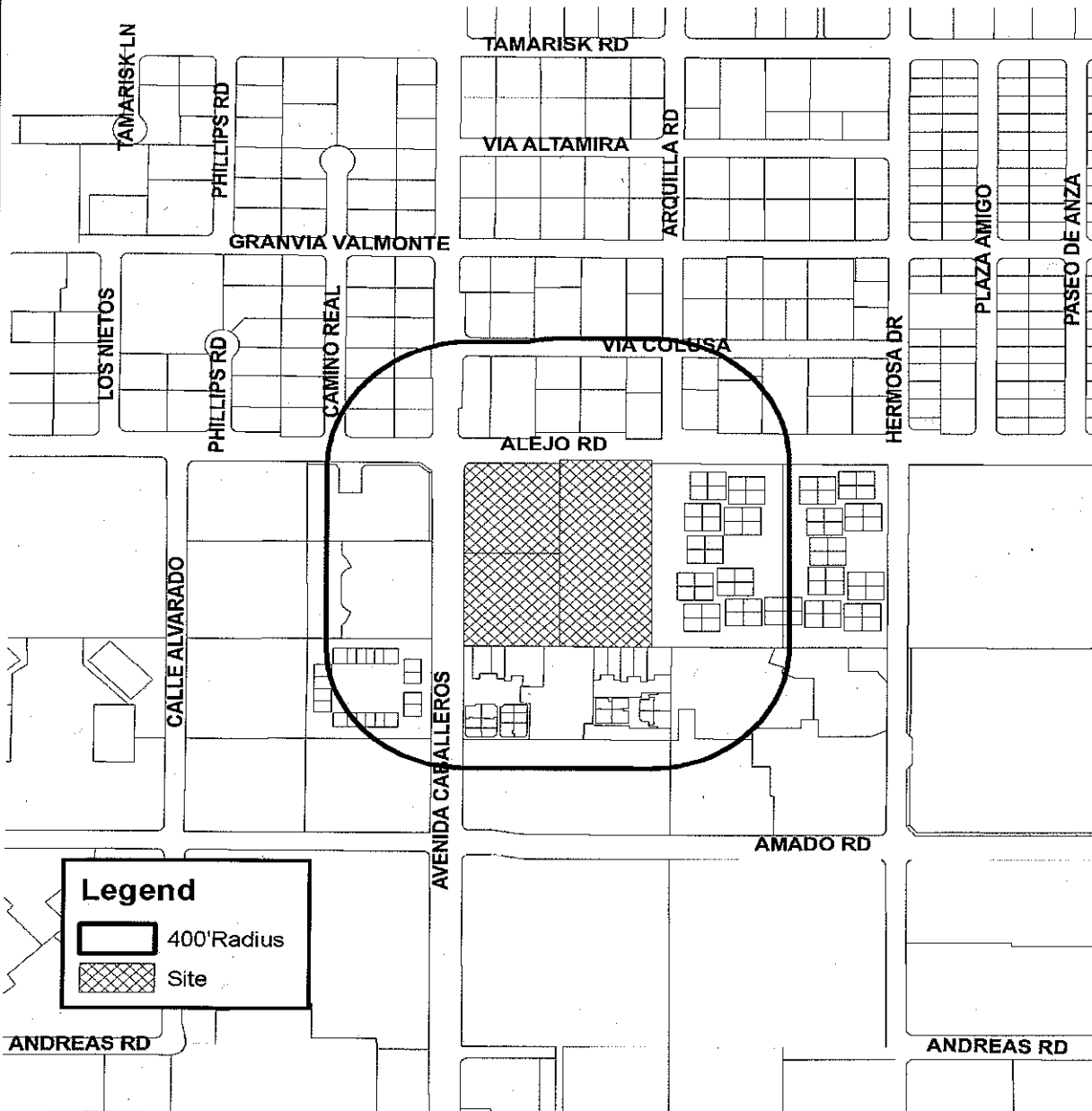
LOT #	AREAS (S.F.)					TABULATED PERCENTAGES				SETBACKS & YARDS			
	Lot Area	Bldg Area	Pool	Drive-way	Patio / Walks	Lot Coverage	Drive-way	Open Space	Land-scape	N'LY	S'LY	E'LY	W'LY
1	5758	1660	360	177	1627	32%	3%	68%	34%	4	3	7	27
2	5560	1660	360	177	1627	33%	3%	70%	31%	4	5	6	28
3	6163	1660	360	177	1627	30%	3%	73%	38%	4	5	7	27
4	7719	1661	360	177	1627	24%	2%	78%	50%	23	5	6	28
5	6414	1661	360	188	1072	29%	3%	74%	49%	28	6	5	6
6	5882	1661	360	188	1134	31%	3%	72%	43%	28	6	5	0
7	5833	1661	360	188	684	32%	3%	72%	50%	28	6	5	4
8	5852	1661	360	188	1134	32%	3%	72%	43%	28	6	5	0
9	5809	1661	360	188	684	32%	3%	71%	50%	28	6	5	4
10	6120	1661	360	188	1072	30%	3%	73%	46%	27	6	5	0
11	6673	1662	360	71	1198	26%	1%	75%	51%	34	0	20	5
12	4953	1662	360	222	660	38%	4%	66%	41%	0	0	21	8
13	5547	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
14	5710	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
15	5545	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
16	5708	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
17	5545	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
18	5710	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
19	7418	1661	360	263	906	26%	4%	78%	57%	0	20	21	8
20	6362	1661	360	188	1015	29%	3%	74%	49%	7	29	6	0
21	5939	1661	360	188	1015	31%	3%	72%	46%	6	29	0	4
22	5981	1661	360	188	1015	31%	3%	72%	46%	7	29	5	0
23	5907	1661	360	188	1015	31%	3%	72%	45%	6	29	0	5
24	5950	1661	360	188	1015	31%	3%	72%	46%	6	29	5	0
25	6478	1661	360	188	1015	29%	3%	74%	50%	6	28	0	5
26	7724	1660	360	177	1627	24%	2%	79%	50%	0	24	9	26
27	5562	1660	360	177	1627	33%	3%	70%	31%	4	0	7	26
28	6120	1660	360	177	1627	30%	3%	73%	38%	0	5	7	27
29	6352	1660	360	177	1627	29%	3%	74%	40%	9	0	6	28
30	6095	1660	258	288	758	32%	5%	73%	51%	16	17	5	17
31	5126	1660	258	180	743	36%	4%	68%	45%	10	20	5	11
32	5257	1660	258	288	758	37%	5%	68%	44%	16	17	5	11
33	5281	1660	258	288	758	37%	5%	69%	44%	16	17	5	11
34	5109	1660	258	180	743	36%	4%	68%	44%	10	20	5	11
35	5998	1660	258	288	758	32%	5%	72%	51%	16	17	5	11
36	5756	1660	258	353	773	35%	6%	71%	47%	4	20	5	4
37	4746	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
38	4567	1660	258	353	773	44%	8%	64%	33%	4	20	5	9
39	4567	1660	258	353	773	44%	8%	64%	33%	4	20	5	9
40	4745	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
41	5219	1660	258	353	773	39%	7%	68%	42%	4	20	12	9
42	6092	1660	258	288	758	32%	5%	73%	51%	16	17	5	17
43	5125	1660	258	180	743	36%	4%	68%	45%	10	19	5	11
44	5256	1660	258	288	758	37%	5%	68%	44%	16	17	5	11
45	5280	1660	258	288	758	37%	5%	69%	44%	13	20	5	11
46	5089	1660	258	180	743	36%	4%	67%	44%	10	20	5	11
47	5998	1660	258	288	758	32%	5%	72%	51%	16	17	12	11
48	5756	1660	258	407	773	36%	7%	71%	46%	4	19	5	4
49	4747	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
50	4568	1660	258	407	773	45%	9%	64%	32%	4	19	5	9
51	4568	1660	258	407	773	45%	9%	64%	32%	4	19	5	9
52	4765	1660	258	344	765	42%	7%	65%	36%	4	23	5	9
53	5221	1660	258	407	773	40%	8%	68%	41%	4	19	12	9

Avg. 5683
 Ttl 301225 88004 16632 13312 50652

PLANNED DEVELOPMENT DISTRICT



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE: 5.1082 AMND - PD 321,
TTM AMND 34165

APPLICANT: Nexus Development
for O & M, LLC

DESCRIPTION: A minor amendment to a previously approved PDD and TTM adding accessory units as a permitted use, approving a 468 square foot accessory unit on Lot 3 and on Lot 28, and amending the development standards for accessory units; for a gated community of 53 single family homes on individual lots on roughly 8.48 acres, located at the southeast corner of Avenida Caballeros and Alejo Road, Specific Plan MBR & HR, Zone PDD 321 (RGA(8), Section 14 (IL).

RESOLUTION NO.

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING CASE 5.1082 AMND; A MINOR AMENDMENT TO PLANNED DEVELOPMENT DISTRICT 321 ADDING ACCESSORY DWELLING UNITS AND GUEST UNITS AS PERMITTED USES TO THE PDD, ADDING AN ACCESSORY UNIT OF ROUGHLY 468 SQUARE FEET ON LOT 3 AND ON LOT 28, AND AMENDING THE DEVELOPMENT STANDARDS OF THE PDD FOR THE ACCESSORY UNITS ON LOT 3 AND LOT 28 WITHIN A GATED COMMUNITY OF 53 SINGLE FAMILY HOMES ON INDIVIDUAL LOTS ON AN APPROXIMATELY 8.5 ACRE PARCEL AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD;; ZONE PDD 321, SECTION 14 (IL).

WHEREAS, Nexus Development (O & M, LLC), ("Applicant") has filed an application with the City pursuant to Section 94.03.00(G) (*Modification of Final Development Plan for a PDD*) of the Zoning Code requesting approval for a minor amendment to a previously Planned Development District for a residential development on an approximately 8.5 acre parcel at the southeast corner of Avenida Caballeros and Alejo Road; and

WHEREAS, on May 25, 2011, a meeting was held by the Planning Commission regarding Case 5.1082 AMND PDD 321 & TTM 34165 in accordance with applicable law; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be a project subject to environmental analysis under CEQA; and

WHEREAS, the original preliminary Planned Development District (Case 5.1082 PDD 321, TTM 34165) was reviewed and approved by the Planning Commission on March 8, 2006 and the PDD and TTM was reviewed and approved by the City Council on April 19, 2006, and

WHEREAS, the original PDD 321 was approved with 84 condominium dwelling units with private streets and a common pool and recreation building on an approximately 8.48 acre site at the southeast corner of Avenida Caballeros and Alejo Road, and

WHEREAS, on April 21, 2010 the City Council adopted Ordinance 1771; an amendment to Planned Development District 321 and Tentative Tract 34165 in lieu of a Change of Zone. This amendment established the project scope with 53 single family attached and detached homes and modified the tract map to create individual lots for each of the homes as well as private streets and common landscaped areas, and

WHEREAS on May 9, 2011 the Architectural Advisory Committee reviewed Case 5.1082 PDD 321 AMND; an amendment to add accessory and guest units to PDD 321,

to add accessory units of roughly 468 square feet on Lot 3 and on Lot 28, and to revise the development standards of the PDD to accommodate the accessory units on Lot 3 and Lot 28 and voted 7-0 to recommend approval of the amendment by the Planning Commission, and

WHEREAS, on May 25, 2011, the Planning Commission, at a meeting held in accordance with applicable law, considered Case 5.1082 PDD 321 AMND, a minor amendment request to the previously approved Case 5.1082 PDD 321 AMND, and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City has prepared an environmental study and concluded that significant adverse impacts may occur as a result of the project. A Mitigated Negative Declaration for this project was previously adopted by the City Council on April 19, 2006. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further environmental assessment is not necessary since the proposed amendment proposes no additional impacts. The project as amended could not, therefore, result in any new environmental impacts beyond those already identified and assessed in the adopted mitigated negative declaration.

Section 2: Pursuant to Section 94.02.00 G, a minor amendment to a PDD may be approved by the Planning Commission if it "*does not modify the intent of the PD*". The intent of the PDD was to establish a neighborhood of attached and detached single family homes on small, individual lots within a gated community. The PDD essentially established a single family "zone" with lot sizes averaging 5,566 square feet.

Guest Units without kitchens are a permitted use in single family zones subject to certain size limitations. Accessory Dwelling Units are permitted in single family zones subject to a Conditional Use Permit. The intent of the PDD - that of creating a subdivision of roughly 8.48 acres into 53 individual lots upon which single family residential units are proposed - remains in place and is not affected by the proposed minor amendment.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1082 PDD 321 AMND, adding accessory dwelling units and guest units as permitted uses to PDD 321, adding an

accessory/guest unit of roughly 468 square feet to Lot 3 and to Lot 28 and modifying the development standards of PDD 321 to accommodate the 468 square foot accessory units only on Lot 3 and Lot 28, subject to conditions set forth in Exhibit A.

ADOPTED this twenty-fifth day of May, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

EXHIBIT A – PDD 321 AMND; TTM 34165 AMND - LOT AREAS, SETBACKS AND COVERAGE

LOT #	AREAS (S.F.)					TABULATED PERCENTAGES				SETBACKS & YARDS			
	Lot Area	Bldg Area	Pool	Drive-way	Patio / Walks	Lot Coverage	Drive-way	Open Space	Land-scapse	N'LY	S'LY	E'LY	W'LY
1	5758	1660	360	177	1627	32%	3%	68%	34%	4	3	7	27
2	5560	1660	360	177	1627	33%	3%	70%	31%	4	5	6	28
3	6163	1660	360	177	1627	37%	3%	63%	38%	4	5	7	22
4	7719	1661	360	177	1627	24%	2%	78%	50%	23	5	6	28
5	6414	1661	360	188	1072	29%	3%	74%	49%	28	6	5	6
6	5882	1661	360	188	1134	31%	3%	72%	43%	28	6	5	0
7	5833	1661	360	188	684	32%	3%	72%	50%	28	6	5	4
8	5852	1661	360	188	1134	32%	3%	72%	43%	28	6	5	0
9	5809	1661	360	188	684	32%	3%	71%	50%	28	6	5	4
10	6120	1661	360	188	1072	30%	3%	73%	46%	27	6	5	0
11	6673	1662	360	71	1198	26%	1%	75%	51%	34	0	20	5
12	4953	1662	360	222	660	38%	4%	66%	41%	0	0	21	8
13	5547	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
14	5710	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
15	5545	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
16	5708	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
17	5545	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
18	5710	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
19	7418	1661	360	263	906	26%	4%	78%	57%	0	20	21	8
20	6362	1661	360	188	1015	29%	3%	74%	49%	7	29	6	0
21	5939	1661	360	188	1015	31%	3%	72%	46%	6	29	0	4
22	5981	1661	360	188	1015	31%	3%	72%	46%	7	29	5	0
23	5907	1661	360	188	1015	31%	3%	72%	45%	6	29	0	5
24	5950	1661	360	188	1015	31%	3%	72%	46%	6	29	5	0
25	6478	1661	360	188	1015	29%	3%	74%	50%	6	28	0	5
26	7724	1660	360	177	1627	24%	2%	79%	50%	0	24	9	26
27	5562	1660	360	177	1627	33%	3%	70%	31%	4	0	7	26
28	6120	1660	360	177	1627	37%	3%	63%	38%	0	5	7	22
29	6352	1660	360	177	1627	29%	3%	74%	40%	9	0	6	28
30	6095	1660	258	288	758	32%	5%	73%	51%	16	17	5	17
31	5126	1660	258	180	743	36%	4%	68%	45%	10	20	5	11
32	5257	1660	258	288	758	37%	5%	68%	44%	16	17	5	11
33	5281	1660	258	288	758	37%	5%	69%	44%	16	17	5	11
34	5109	1660	258	180	743	36%	4%	68%	44%	10	20	5	11
35	5998	1660	258	288	758	32%	5%	72%	51%	16	17	5	11
36	5756	1660	258	353	773	35%	6%	71%	47%	4	20	5	4
37	4746	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
38	4567	1660	258	353	773	44%	8%	64%	33%	4	20	5	9
39	4567	1660	258	353	773	44%	8%	64%	33%	4	20	5	9
40	4745	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
41	5219	1660	258	353	773	39%	7%	68%	42%	4	20	12	9
42	6092	1660	258	288	758	32%	5%	73%	51%	16	17	5	17
43	5125	1660	258	180	743	36%	4%	68%	45%	10	19	5	11
44	5256	1660	258	288	758	37%	5%	68%	44%	16	17	5	11
45	5280	1660	258	288	758	37%	5%	69%	44%	13	20	5	11
46	5089	1660	258	180	743	36%	4%	67%	44%	10	20	5	11
47	5998	1660	258	288	758	32%	5%	72%	51%	16	17	12	11
48	5756	1660	258	407	773	36%	7%	71%	46%	4	19	5	4
49	4747	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
50	4568	1660	250	407	773	45%	9%	64%	32%	4	19	5	9
51	4568	1660	258	407	773	45%	9%	64%	32%	4	19	5	9
52	4765	1660	258	344	765	42%	7%	65%	36%	4	23	5	9
53	5221	1660	258	407	773	40%	8%	68%	41%	4	19	12	9

Avg. 5683
Tot 301225 88004 16632 13312 50652

RESOLUTION NO. _____

EXHIBIT A

Case 5.1082 PDD 321 AMND – Accessory Units

Southeast Corner of Avenida Caballeros and Alejo Road
May 25, 2011

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case (5.1082 PDD 321 AMND); except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (May 3, 2011), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1082 PDD 321 AMND. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding

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

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of the (Planned Development District (PDD Amendment) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 11. Tribal Fees Required. As the property is Indian reservation land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council, including any applicable habitat conservation plan fees shall be paid prior to consideration of this project by the Planning Commission.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) DOES NOT APPLY. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.
- ENV 2. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid (projects that are Categorically Exempt from CEQA).

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar

reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as beige or tan.

- PLN 2. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 3. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 4. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 5. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 6. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 7. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 8. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 9. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
 - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

PLN 10. (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

BUILDING DEPARTMENT CONDITIONS

BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

ENGINEERING DEPARTMENT CONDITIONS

(None)

FIRE DEPARTMENT CONDITIONS

FIR1. Accessory or Guest Unit added to Lots 3 & 28 will require the following: Both of these lots are sited with townhouses that are already required to install fire sprinklers. The casitas are 6'-1" from the townhouses and 5'-0" from the property lines. Appendix K Section 6.12 requires a detached structure within 15 feet of the townhouse to be fire sprinklered. The applicable fire sprinkler standard is NFPA 13D, 2010 Edition.

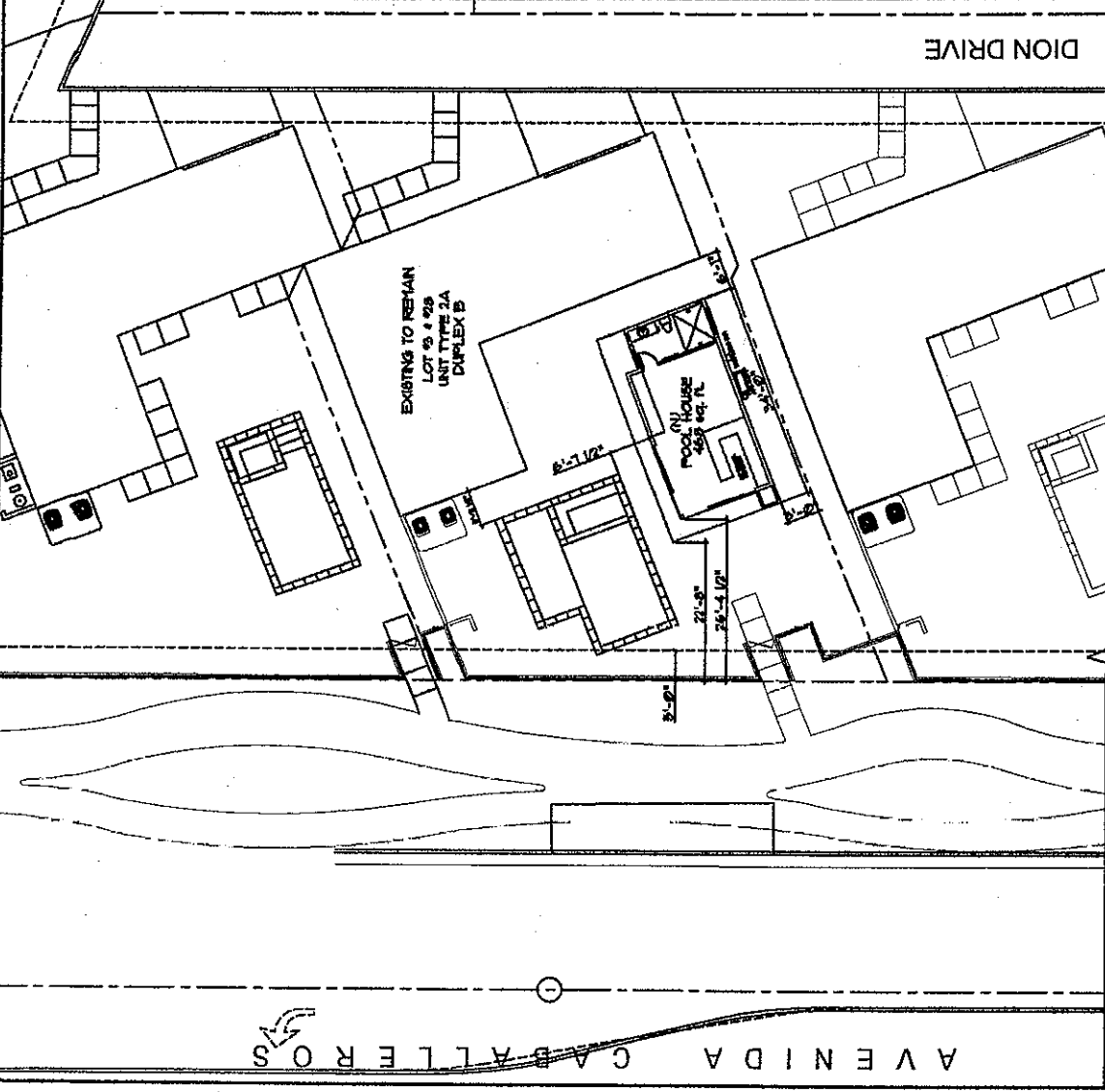
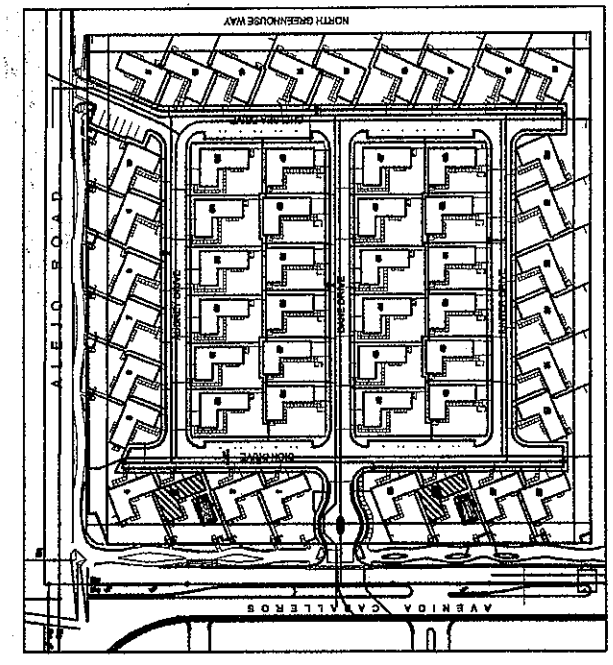
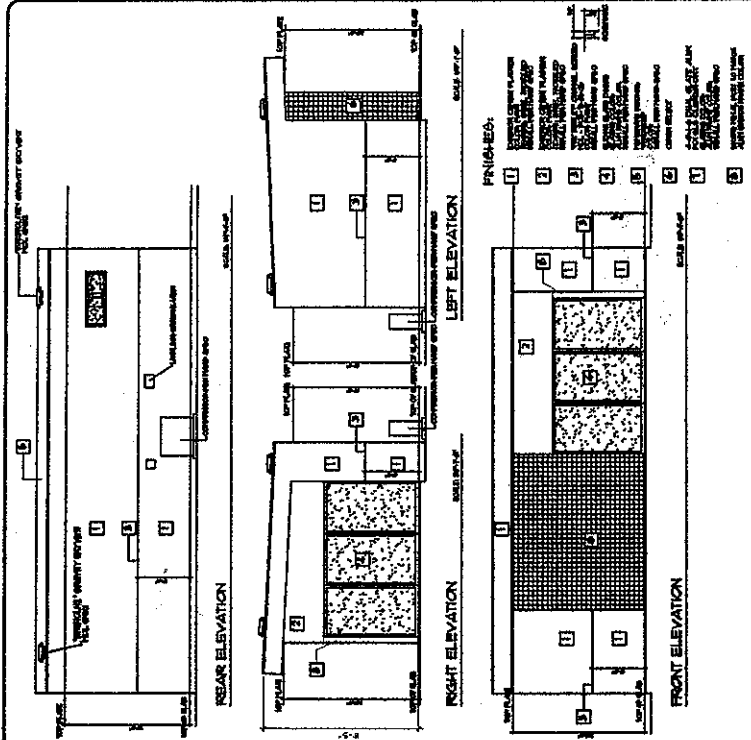
FIR2. Each casita will require:

- a. A smoke alarm
- b. A carbon monoxide alarm if there is a fuel fired appliance installed i.e. water heater, FAU or range These casitas have an option for a kitchen.

END OF CONDITIONS



A PLANNED DEVELOPMENT MINOR AMENDMENT



PROJECT DATA:

SITE AREA	6,168 SQ. FT.	100%
(B) BUILDING FOOTPRINT	1,888 SQ. FT.	31%
(C) GUEST HOUSE	468 SQ. FT.	7%
(N) BUILDING FOOTPRINT	2,126 SQ. FT.	34%
OPEN SPACE	4,238 SQ. FT.	69%

SITE PLAN • LOT # 3 & 28

