



City Council Staff Report

DATE: July 3, 2013 CONSENT CALENDAR
SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1822,
APPROVING PLANNED DEVELOPMENT DISTRICT PDD 363 IN LIEU OF A
CHANGE OF ZONE FOR ROUGHLY 7.11 ACRES OF LAND LOCATED AT
THE NORTHEAST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD
FROM: David H. Ready, City Manager
BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1822.

RECOMMENDATION:

Waive the reading of the full text of the ordinance and adopt Ordinance No. 1822, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 363 IN LIEU OF A CHANGE OF ZONE FOR ROUGHLY 7.11 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD."

STAFF ANALYSIS:

On June 19, 2013, Ordinance No. 1822 was introduced for first reading, by the following vote:


ACTION: Waive reading and introduce by title only for first reading Ordinance No. 1822, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 363 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 7.11 ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD."

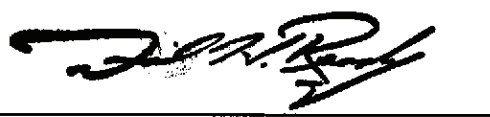
AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.

NOES: None.

ABSENT: Mayor Pro Tem Mills.

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


James Thompson
City Clerk


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

/kdh

Attachment: Ordinance No. 1822

Item No. 2.D.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 363 IN LIEU OF A CHANGE OF ZONE FOR ROUGHLY 7.11 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD.

WHEREAS, Sol PS, LLC, ("Applicant") has filed an application with the City pursuant to Section 94.03.00 (Planned Development District), 94.04.00 (Architectural Review), 94.07.00 (Zone Change) of the Zoning Code and Section 9.1.4 of the Section 14 Specific Plan seeking approval for a preliminary Planned Development District in Lieu of a Change of Zone proposing 46 single family residential units and deviations in the underlying development standards on an approximately 7.11 acre parcel at the northeast corner of Avenida Caballeros and Amado Road; and

WHEREAS, the applicant has submitted an application with the City pursuant to Section 9.62 of the City of Palm Springs Municipal Code and the State of California Subdivision Map Act for Tentative Tract Map No. 36525, and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1296 PDD 363 & TTM 36525, was given in accordance with applicable law; and

WHEREAS, on May 8, 2013, a public hearing on the applications was held by the Planning Commission in accordance with applicable law; and

WHEREAS, at said hearing the Planning Commission 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 and voted 7-0 to approve the preliminary PDD in lieu of Change of Zone and to recommend its approval by Ordinance of the City Council and approve the Tentative Tract Map by Resolution, subject to Conditions of Approval; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"); and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1297 PDD 364 / TTM 36548, was given in accordance with applicable law; and

WHEREAS, on June 19, 2013, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and

WHEREAS, a Planned Development District in lieu of a Change of Zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1296 PDD 363 and TTM 36525; and

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

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

SECTION 1. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the PDD and TTM applications are considered a project under the guidelines of the California Environmental Quality Act (CEQA). An initial study was conducted on the site analyzing the project which concluded that there were aspects of the project that may cause a significant impact on the environment. A draft mitigated negative declaration (DMND) was proposed and a 20-day public review period for the Draft Mitigated Negative Declaration (DMND) was held beginning on April 8, 2013 and ending on April 29, 2013. No comments were received that would require modification or recirculation of the DMND. Mitigation measures that would reduce the significant impacts to a less than significant level have been proposed.

SECTION 2. Pursuant to Zoning Code Section 94.07.00 (Change of Zone), *"the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property"*:

- 1. The proposed planned development is consistent and in conformity with the general plan and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The PDD seeks to amend the Section 14 Specific Plan, which is the implementing document for the General Plan for this area of the City. The PDD seeks approval for:

- The addition of single family residences as a permitted use in a high density land use zone of the Section 14 Specific Plan.
- Reduced density (from HR 15 to 30 du/ac to 6.5 du/ac)
- Reduced front, side and rear yard setbacks.
- Reduced percentage of open space per lot.
- Reduced setbacks for buildings in excess of 15 feet in height.
- Reduced minimum lot sizes for single family residences from 7,500 square feet to an average of 4,560 square feet.
- Elimination of General Plan and Specific Plan-required landscape median islands along Avenida Caballeros.
- Creation of a gated community (inconsistent with General Plan GP CD 14.6)
- No provision for pedestrian sidewalks along interior private streets

The proposed PDD if approved would have the effect of a change of zone and an amendment to the General Plan and Specific Plan. If approved the project would be deemed consistent.

2. The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.

The proposed site plan incorporates private streets that conform to the minimum width required. The project includes adequate means of emergency access. The proposed single family use is consistent with adjacent recent similar developments, such as the Morrison, just north of the subject parcel. Approval of the PDD is required to permit single family uses in a high density land use designation. The project proposes lot sizes that are adequate to provide usable outdoor space, including small pools and spas. Thus the project is deemed consistent with this finding.

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

The project proposes single family dwelling units on small, individual lots in a gated community. Similar projects adjacent to this project (The Morrison) have recently been developed with a similar housing type and have all been sold to individual homeowners. Although the high density residential land use designation would also permit development of greater densities than that proposed, there is demand in the new home market at this time to support this type of development. The use would not be detrimental to adjacent property

or residents, in fact, it continues a similar form of single family residential development in this area that would be complementary in its overall form and density. The proposed project conforms to this finding.

SECTION 3. The City Council approves PDD 363 (Case No. 5.1296) as conditioned by City Council Resolution No. 23376.

SECTION 4. The City Council approves the zone map change from HR to PD 363 for a roughly 7.11-acre area at the northeast corner of Avenida Caballeros and Amado Road in conjunction with Case 5.1296 PDD 363 and TTM 36525.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 6. Publication. The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED this 19th day of June, 2013.

MAYOR

ATTEST:

City Clerk

CERTIFICATION:

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California \