



City Council Staff Report

Date: October 16, 2013

CONSENT

Subject: RESCIND CITY COUNCIL RESOLUTION 23404 APPROVING 43 TWO-STORY, DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND A TENTATIVE TRACT MAP (CASE 5.1297 PDD 364 TTM 36548) ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD ("DAKOTA")

From: David H. Ready, City Manager

By: Douglas Holland, City Attorney

SUMMARY

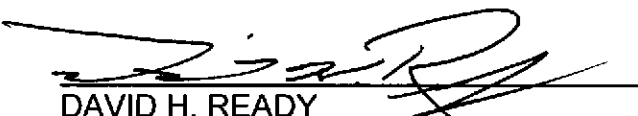
The applicant of the Dakota desires to submit and process an amended and restated planned development and tentative map and requested the City Council to rescind Resolution 23404.


RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RESCINDING RESOLUTION NO. 23404.

STAFF ANALYSIS:

The City Council approved the Dakota, a 43 unit residential planned development project on the west side of Belardo Road, south of Morongo Road, on July 3, 2013. On September 19, 2013, the applicant's attorney advised the City Attorney in writing that the applicant desired to make changes that would "result in a better project from both a neighborhood standpoint and from a marketing perspective." A copy of the attorney's letter is attached to this Staff Report.


DAVID H. READY
City Manager


DOUGLAS C. HOLLAND
City Attorney

Attachment: Letter from Emily Perri Hemphill, dated September 19, 2013
Proposed Resolution

ITEM NO. 26

LAW OFFICES OF

EALY, HEMPHILL & BLASDEL, LLP

A CALIFORNIA LIMITED LIABILITY PARTNERSHIP

W. Curt Ealy
Emily Perri Hemphill
Diane C. Blasdel

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September 19, 2013

Douglas C. Holland, Esq.
Woodruff, Spradlin & Smart
555 Anton Boulevard
Suite 1200
Costa Mesa, California 92626

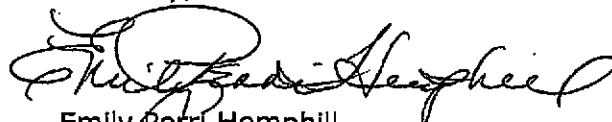
Re: Dakota Project

Dear Mr. Holland:

As you know, this office represents John Wessman and Wessman Development. My client recently processed PDD 364 and Tentative Tract Map 36548, which constitute the "Dakota" project. Having reviewed the project plans, my client believes that further changes to the project will result in a better project from both a neighborhood standpoint and from a marketing perspective. My client has therefore decided to submit an amended PDD and TTM application for the Dakota project.

Given that we will be processing an amended and restated PDD and TTM for this Project, my client is hereby requesting that the City rescind its approval of PDD 364 and TTM 36548 at this time. Thank you for your assistance in this matter.

Sincerely,



Emily Perri Hemphill
Ealy Hemphill & Blasdel, LLP

cc: John Wessman
Michael Braun
Margo Wheeler

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RESCINDING RESOLUTION NO. 23404.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:

A. On July 3, 2013, the City Council adopted Resolution No. 23404, approving a 43 unit residential planned development project on the west side of Belardo Road, south of Morongo Road. (CASE 5.1297 PDD 364 TTM 36548.) This project is also referred to as the "Dakota."

B. The applicant has advised the City that the applicant desires to make changes in the project and will process an amended and restated planned development and tentative map. The Applicant requested the City Council to rescind Resolution No. 23404.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS RESOLVES to rescind Resolution No. 23404.

ADOPTED THIS 16TH DAY OF OCTOBER, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, 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, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on October 16, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California