



## City Council Staff Report

DATE: March 5, 2014 CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1846 APPROVING PLANNED DEVELOPMENT DISTRICT PDD 365 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF SOUTH BELARDO ROAD, APPROXIMATELY 500 FEET SOUTH OF THE MORONGO ROAD INTERSECTION

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

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### SUMMARY:

The City Council will consider adoption of Ordinance No. 1846.

### RECOMMENDATION:

Waive the reading of the full text of the ordinance and adopt Ordinance No. 1846, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 365 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF SOUTH BELARDO ROAD, APPROXIMATELY 500 FEET SOUTH OF THE MORONGO ROAD INTERSECTION."

### STAFF ANALYSIS:

On February 19, 2014, Ordinance No. 1846 was introduced for first reading, as noted below:

- 1.B. WESSMAN HOLDINGS, LLC, FOR THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT IN-LIEU OF ZONE CHANGE, INCLUDING PRELIMINARY AND FINAL DEVELOPMENT PLANS, FOR A 39-LOT DETACHED SINGLE-FAMILY RESIDENTIAL PROJECT CONSISTING OF TWO-STORY DETACHED HOMES WITH GARAGES AND PRIVATE YARD AND POOL AREAS AT 1501 S. BELARDO ROAD, ZONE R-3 (CASE 5.1310 PDD 365 AND TTM 36548):**


**ACTION:** Waive the reading of the ordinance text in its entirety and read by title only and introduce on first reading Ordinance No. 1846, "AN

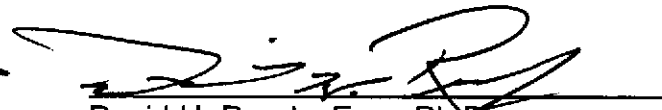
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ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 365 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF SOUTH BELARDO ROAD, APPROXIMATELY 500 FEET SOUTH OF THE MORONGO ROAD INTERSECTION." **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Lewin,  
Councilmember Mills, and Mayor Pro Tem Hutcheson.  
NOES: None.  
ABSENT: Mayor Pougnet.

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. 1846

ORDINANCE NO. 1846

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 365 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF BELARDO ROAD, APPROXIMATELY 500 FEET SOUTH OF THE MORONGO ROAD INTERSECTION.

WHEREAS, Wessman Development ("the Applicant") filed an application pursuant to Zoning Section 94.07.00 (*Zone Map Change / Change of Zone*) and Section 94.03.00 (*Planned Development District*) for a Planned Development District (PDD) in lieu of zone change to construct 39 two-story, detached single family residences on approximately 6.37 acres located on the west side of Belardo Road, approximately 500 feet south of the Morongo Road intersection, currently identified as APN 513-300-057; and

WHEREAS, the applicant submitted an application pursuant to Title 9 of the Palm Springs Municipal Code and Section 66474 of the California Subdivision Map Act for Tentative Tract Map 36548; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case Nos. 5.1310 PD 365 and TTM 36548, was given in accordance with applicable law; and

WHEREAS, on January 22, 2014, a public hearing on the applications was held by the Planning Commission in accordance with applicable law, and the Commission adopted Resolution No. 6379; unanimously approving and recommending approval of Case Nos. 5.1310 PD 365 and TTM 36548; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case Nos. 5.1310 PD 365 and TTM 36548, was given in accordance with applicable law; and

WHEREAS, on February 19, 2014, a public hearing on the application for the project was held by the City Council 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 the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, the subject applications were evaluated in an initial study to determine whether further environmental review would be required beyond those assessed in the MND adopted on April 18, 2007; and

WHEREAS, the initial study concluded that although the new project would result in changes to the previously approved project, the resulting environmental effects will be mitigated to a less than significant level with the incorporation of mitigation measures, and it was therefore determined that a Subsequent Mitigated Negative Declaration and Mitigation Monitoring Program would adequately address any potential impacts pursuant to CEQA Guidelines Section 15162(b); 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 Nos. 5.1310 PDD 365 and TTM 36548; 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. The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). The Planning Commission and City Council independently reviewed and considered the information contained in the Subsequent Mitigated Negative Declaration prior to its review of the proposed project, and the Subsequent Mitigated Negative Declaration reflects the City's independent judgment and analysis. The City Council finds, on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that this project will have a significant effect on the environment. The City Council adopts the Subsequent Mitigated Negative Declaration and approves the Mitigation Monitoring Program. The City Council finds that no further environmental review is required. (Public Resources Code § 21166; CEQA Guidelines § 15162) The record of proceedings on which the City Council decision is based, including, but not limited to, the General Plan EIR, the original Negative Declaration, and the Subsequent Mitigated Negative Declaration, is located at the City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, California. The custodian of record of proceedings is the Director of Planning Services.

SECTION 2. Pursuant to 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 change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice*

*may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The General Plan land use designation of the subject site is HDR (High Density Residential). This designation allows residential uses with densities of 0 to 30 dwelling units per acre. The proposed project includes single family residences at a density of 6.37 dwelling units per acre, which is consistent with the type and range of residential dwelling units permitted within the HDR land use designation. Thus, the proposed change of zone is in conformity with the General Plan map and report.

*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 density of the proposed project is much less than the R-3 zone permits. The proposed site plan incorporates private streets that conform to the minimum widths required. The project includes adequate means of emergency access. 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.

*c. The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

The applicant proposes two-story single family dwelling units on small, individual lots in a gated community. San Jacinto Mountains are located to the west and south of the project site; multi-family residential exists to the north; and vacant land and a shopping complex exist to the east. 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 this area due to a less intense project and zoning.

SECTION 3. The City Council adopts an ordinance to approve the zone map change which changes the land use classification / zoning designation from R-3 to PD 365 for a roughly 6.37-acre area on the west side of Belardo Road, approximately 500 feet south of the Morongo Road intersection, in conjunction with Case Nos. 5.1310 PDD 365 and TTM 36548, subject to those conditions of approval attached as Exhibit "A" to Resolution 23507.

SECTION 4. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 5. 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.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 5<sup>TH</sup> DAY OF MARCH, 2014.

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STEPHEN P. POUQUET, MAYOR

ATTEST:

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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, California, do hereby certify that Ordinance No. 1846 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on February 19, 2014, and adopted at a regular meeting of the City Council held on the 5<sup>th</sup> Day of March, 2014, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California