



City Council Staff Report

DATE: October 1, 2014

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1860 APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT PDD 232 AMND IN LIEU OF A CHANGE OF ZONE FOR A RESIDENTIAL GATED DEVELOPMENT OF 72 SINGLE FAMILY UNITS ON INDIVIDUAL LOTS AND 114 MULTI-FAMILY UNITS IN 19 6-UNIT BUILDINGS ON FOUR LOTS LOCATED ON A ROUGHLY 24-ACRE PARCEL AT THE SOUTHEAST CORNER OF TAHQUITZ CANYON WAY AND FARRELL DRIVE

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1860.

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1860, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT PDD 232 AMND IN LIEU OF A CHANGE OF ZONE FOR A RESIDENTIAL GATED DEVELOPMENT OF 72 SINGLE FAMILY UNITS ON INDIVIDUAL LOTS AND 114 MULTI-FAMILY UNITS IN 19 6-UNIT BUILDINGS ON FOUR LOTS LOCATED ON A ROUGHLY 24-ACRE PARCEL AT THE SOUTHEAST CORNER OF TAHQUITZ CANYON WAY AND FARRELL DRIVE (CASE 5.1046 PDD 232 AMND / TPM 36767 / TTM 36689)."

STAFF ANALYSIS:

On September 17, 2014, Ordinance No. 1860 was introduced for first reading, as noted below:

ACTION: 1) Adopt Resolution No. 23660, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE MITIGATED NEGATIVE DECLARATION AS AN ADEQUATE EVALUATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) OF THE ENVIRONMENTAL IMPACTS OF THE PROPOSED PLANNED

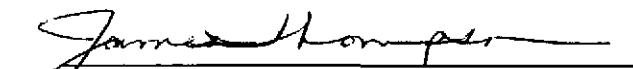
DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, THE TENTATIVE PARCEL MAP, AND THE TENTATIVE TRACT MAP UNDER CEQA AND APPROVING TENTATIVE PARCEL MAP 36767 AND TENTATIVE TRACT MAP 36689, PROPOSING A DEVELOPMENT OF 72 SINGLE FAMILY RESIDENTIAL UNITS ON INDIVIDUAL LOTS, 114 MULTI FAMILY UNITS IN 19 SIX-UNIT BUILDINGS ON FOUR LOTS, WITH PRIVATE STREETS OFF-STREET PARKING AND OPEN SPACE ON A ROUGHLY 24-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF EAST TAHQUITZ CANYON WAY AND SOUTH FARRELL DRIVE (CASE 5.1046 PDD 232 AMND / TPM 36767 / TTM 36689)," *amending the Condition of Approval to restudy the multi-family units and the space around community swimming pools, require twenty-four (24 foot) streets, and adding back the proposed bike path; 2) Waive the reading of the ordinance text in its entirety and read by title only; and 4) Introduce on first reading Ordinance No. 1860, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT PDD 232 AMND IN LIEU OF A CHANGE OF ZONE FOR A RESIDENTIAL GATED DEVELOPMENT OF 72 SINGLE FAMILY UNITS ON INDIVIDUAL LOTS AND 114 MULTI-FAMILY UNITS IN 19 6-UNIT BUILDINGS ON FOUR LOTS LOCATED ON A ROUGHLY 24-ACRE PARCEL AT THE SOUTHEAST CORNER OF TAHQUITZ CANYON WAY AND FARRELL DRIVE (CASE 5.1046 PDD 232 AMND / TPM 36767 / TTM 36689)." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin, and carried 3-1 on a roll call vote.***


AYES: Councilmember Lewin, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: Councilmember Foat.

ABSENT: Councilmember 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

Attachments: Ordinance No. 1860

ORDINANCE NO. 1860

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT PDD 232 AMND IN LIEU OF A CHANGE OF ZONE FOR A RESIDENTIAL GATED DEVELOPMENT OF 72 SINGLE FAMILY UNITS ON INDIVIDUAL LOTS AND 114 MULTI-FAMILY UNITS IN 19 6-UNIT BUILDINGS ON FOUR LOTS LOCATED ON A ROUGHLY 24-ACRE PARCEL AT THE SOUTHEAST CORNER OF TAHQUITZ CANYON WAY AND FARRELL DRIVE (CASE 5.1046 PDD 232 AMND / TPM 36767 / TTM 36689)

WHEREAS, Family Development, 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 seeking approval for a preliminary Planned Development District in Lieu of a Change of Zone proposing a residential gated development of 72 single family units on individual lots and 114 multi-family units in 19, 6-unit buildings on four lots on a roughly 24-acre parcel located at the southeast corner of Tahquitz Canyon Way and South Farrell Drive, with deviations in the underlying development standards; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1046 PDD 232 AMND / TPM 36767 / TTM 36689, was given in accordance with applicable law; and

WHEREAS, on July 23, 2014, 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 6-0-1 (Klatchko recused) 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 and Tentative Parcel 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 5.1046 PDD 232 AMND / TPM 36767 / TTM 36689, was given in accordance with applicable law; and

WHEREAS, on September 17, 2014, 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 5.1046 PDD 232 AMND; 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 behalf of the City by Terra Nova Planning and Research, Inc., which concluded that there were aspects of the project that may cause a significant impact on the environment. Mitigation measures were proposed to reduce these impacts to less than significant. A 20-day public review period for the Draft Mitigated Negative Declaration (DMND) was held beginning on April 17, 2014 and ending on May 6, 2014. No comments were received that would require modification or recirculation of the DMND. The City Council hereby adopts this Mitigated Negative Declaration as an adequate analysis of the project's environmental impacts pursuant to the guidelines of the CEQA.

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":*

A PD may be approved in lieu of a change of zone as specified in Section 94.07.00 as follows:

- 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 project was reviewed for conformity with the General Plan as follows:

General Plan Policy CD5.2 "When new residential structures are developed in existing neighborhoods with established uniform or consistent non-conforming setbacks, allow the setbacks of new structures to be consistent with those of the existing surrounding development".

The proposed development is not consistent with many of the existing setbacks of the surrounding neighborhood. The Planning Commission imposed conditions for enhanced landscaping at the perimeter of the project to buffer the surrounding community from the development. With this condition, the Planning Commission determined that this inconsistency to be adequately mitigated.

Policy CD 14.4 "Prevent long monotonous walls and fencing through undulation, modulation, surface articulation and landscaping.

Perimeter walls appear consistent with this policy.

Policy CD 14.5: Limit heights of walls and fencing and encourage the use of wall breaks and transparent fences to protect views.

It does not appear that the perimeter walls incorporate breaks or open fence sections, however the Planning Commission conditioned the project for more undulation and enhanced landscaping on the outer side of the perimeter walls.

Policy CD 14.6: Prohibit gated community entries and perimeter walls around entire neighborhoods. Instead, provide privacy through design features such as meandering streets, ample landscaping, and house placement that provides privacy and exclusivity.

The proposed gated development does not conform to this General Plan policy. The Planning Commission concluded that with its condition for enhanced landscaping, more undulation and variety in the perimeter walls, and pedestrian entry doors at all single family units backing onto public streets, the project can be deemed consistent with this finding.

Policy CD.22.1; Require new and infill development to be of compatible scale, materials, and massing as existing development. Also ensure that the design character of the new development is appropriate to the area.

The proposed development is of a similar scale to the development to the north, but does not relate as well in scale to the existing development to the west, east and south. As noted above, the Planning Commission's conditions of approval provided sufficient buffer that these inconsistencies in scale could be deemed adequately mitigated.

Policy CD.22.7 Ensure that residential communities are well connected with each other and with nearby commercial uses through the inclusion of pedestrian and bicycle friendly design feature such as trails, paths, and pedestrian oriented streets in the neighborhood's design.

As noted above, the Planning Commission's conditions for added pedestrian gates and connectivity to the public streets would render the project consistent with this policy

"...Private streets provide access to individual parcels of land in planned

development communities approved with privately maintained access. Private streets in any residential or mixed use land use designation may be reduced to a minimum of 28 feet (curb face to curb face) provided that (1) additional off-street parking is provided as determined by the City Engineer, the Fire Chief and Director of Planning, (2) rolled or wedge curb is provided such that vehicles may park partially out of the traveled way, and (3) pedestrian paths or sidewalks, if located along the street, , separated from the curb by a minimum five-foot parkway are provided."

The project does not conform to this General Plan policy. The Planning Commission's condition that the roadways be revised to this standard would render the project consistent with this policy.

The project appears consistent with the General Plan in terms of density.

2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.

The applicant proposes 71 single family residential units (SFR's). SFR's are permitted in the many multi-family zones subject to the R-1-A development standards. The applicant is seeking relief from these development standards including lot area, lot dimensions, setbacks, lot coverage, and building height. The project is surrounded by a variety of related (residential uses), including multi-family condominiums, apartments, and estate-sized single family homes. The project only partially conforms to this finding because it does not relate in its proposed development standards to the single family homes to the south. It also does not relate well to the commercial/mixed use development to the west because it proposes the back yards of single family residences to back onto a secondary thoroughfare and the commercial/mixed-use/and future educational development to the west. With the incorporation of the Planning Commissions conditions, the project can be found 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 proposed PD in lieu of a change of zone proposes small-lot single family units and multi family units that are considerably different from those in the existing development surrounding the site. The proposed arrangement of back yards of single family units backing up to a secondary thoroughfare and a commercial/educational center does not reflect good planning principles. The Planning Commission imposed conditions for enhanced landscaping at the perimeter of the project to visually buffer the surrounding community from the development. With this condition, the Planning Commission determined this inconsistency to be adequately mitigated so as to not be detrimental to adjacent properties.

SECTION 3. The City Council approves PDD 232 AMND (Case 5.1046) with conditions as outlined in Resolution No. 23660.

SECTION 4. The City Council approves the zone map change from PD 71A to PD 232 for a roughly 24-acre parcel at the southeast corner of East Tahquitz Canyon Way and South Farrell Drive in conjunction with Case 5.1046 PDD 232 AMND and TTM 36689 and TPM 36767 subject to conditions as outlined in Resolution No. 23660.

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 1st day of October, 2014.

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. 1860 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on September 17, 2014, 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 \