



CITY COUNCIL STAFF REPORT

DATE: November 5, 2014

PUBLIC HEARING

SUBJECT: GAIN LIMITED PARTNERSHIP FOR A GENERAL PLAN LAND USE AMENDMENT FROM TOURIST RESORT COMMERCIAL TO LOW DENSITY RESIDENTIAL; A PLANNED DEVELOPMENT DISTRICT IN-LIEU OF ZONE CHANGE TO ALLOW A SINGLE-STORY, DETACHED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT; AND A TENTATIVE PARCEL MAP TO SUBDIVIDE APPROXIMATELY 0.91-ACRES INTO THREE RESIDENTIAL LOTS LOCATED AT APPROXIMATELY 260 WEST VISTA CHINO ROAD, EXISTING ZONE: R-3; PROPOSED ZONE: PD-368 (CASE 5.1333 GPA, PD-368 AND TPM 36686).

FROM: Department of Planning Services

SUMMARY

The City Council will consider a General Plan Land Use Amendment from Tourist Resort Commercial (TRC) to Low Density Residential (LDR); a Planned Development District (PDD) in-lieu of zone change for a proposed single-story, detached single-family residential development consisting of three dwellings; and a Tentative Parcel Map to subdivide an approximately 0.91-acre parcel into three residential lots that are each about 13,200-square feet in size. The site is located on the north side of West Vista Chino Road at Kaweah Road. Project name: "Kaptur Court"

RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN ADOPTED BY RESOLUTION NO. 22077 REVISING THE LAND USE DESIGNATION FROM "TRC" (TOURIST RESORT COMMERCIAL) TO "LDR" (LOW DENSITY RESIDENTIAL) FOR A ROUGHLY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF VISTA CHINO ROAD AT KAWEAH ROAD."
3. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1333 PDD 368; A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF

ITEM NO. 13

ZONE TO ESTABLISH DEVELOPMENT STANDARDS, DENSITY AND TYPE OF RESIDENTIAL UNITS; PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR THE CONSTRUCTION OF (3) DETACHED SINGLE FAMILY RESIDENCES; AND APPROVING CASE TPM 36686, A SUBDIVISION OF A 0.91-ACRE PARCEL INTO THREE RESIDENTIAL LOTS WITH PRIVATE ACCESS; LOCATED ON THE NORTH SIDE OF VISTA CHINO ROAD AT KAWEAH ROAD (260 WEST VISTA CHINO ROAD)."

4. Waive reading and introduce by title only for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 368 IN LIEU OF A CHANGE OF ZONE FOR AN APPROXIMATELY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF VISTA CHINO ROAD AT KAWEAH ROAD (260 WEST VISTA CHINO ROAD)."

ISSUES:

- Current General Plan land use designation inconsistent with single-family residential. Amendment proposed to extend Low Density Residential land use designation from northwest to project site.
- Single-family residential prohibited within R-3 Zoning. Change of zone to PD-368 required to permit single-family residential.

BACKGROUND:

Most Recent Change of Ownership

March 2014	Gain Limited Partnership purchased the property.
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Planning Areas

Specific Plan	None	
Design Plan	None	
Airport Overlay	None	
Indian Land	None	

Neighborhood Meeting

None	
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Site Area

Net Area	0.91-acres
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Sign Posting of Pending Project

7/25/2014	The City received verification that a sign had been posted on-site as required by Section 94.09.00 of the Zoning Code.
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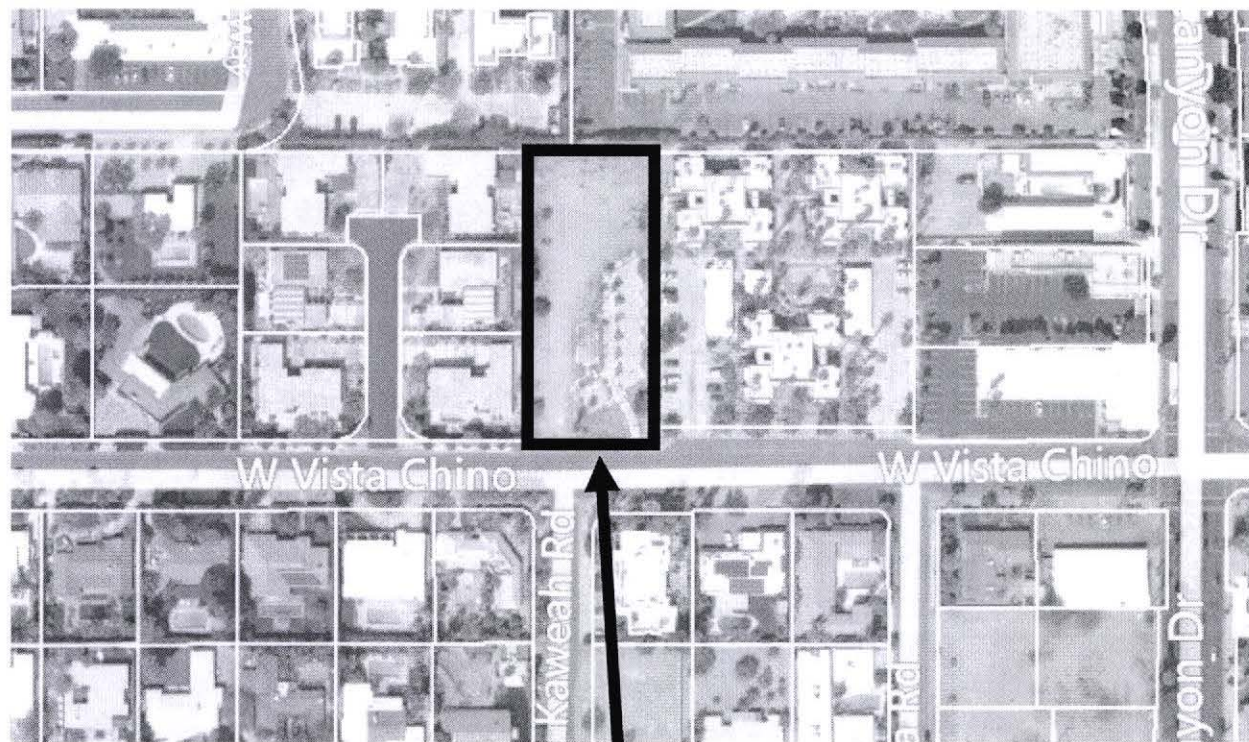
Related Relevant City Actions by Planning, Fire, Building, etc...

8/25/2014 The Architectural Advisory Committee (AAC) reviewed the proposed project and recommended approval, subject to the exterior elevations flipped or mirrored so that the garage is located closest to the driveway and the landscaping and surrounding walls are submitted for review and approval.

8/27/2014 The Planning Commission reviewed the project and recommended approval, subject to the staff recommended conditions with the following additions:

- a. Eliminate entry gated to project
- b. Reciprocal driveway to be 24ft. wide on Parcels 2 and 3
- c. Each home to have separate smart controller for landscape irrigation
- d. No live turf in any front yards
- e. Pre-wire for rooftop solar collection

These conditions are included in the attached draft resolution (see PLN 14).



SUBJECT SITE

General Plan, Zoning and Land Uses of Site & Surrounding Areas			
	Existing Zoning Designations	Existing General Plan Designations	Existing Land Use
North	RGA-6 and R-3	Low Density Residential (LDR) and Tourist Resort Commercial (TRC)	Condominium Complex and Resort Hotel
South	R-2	Mixed Use / Multi-Use (MU)	4-unit Condominium
East	R-3	TRC	Vacation Rental Complex
West	R-1-B	Estate Residential (ER)	Single-family Residential

PROJECT DESCRIPTION:

The project site is located on the north side of Vista Chino Road at the Kaweah Road terminus (west of Palm Canyon Drive). The property was previously disturbed with development as depicted by remnants of deteriorating flat-work and a low garden wall along the street frontage. A sidewalk exists along the street. The site is surrounded by development consisting of a mixture of land uses on three sides and is a transition parcel between residential to the south and west and resort / hotel to the east and north.

The proposed development consists of the subdivision of an existing 0.91-acre lot into three residential lots with private access. Each lot will be approximately 13,198-square feet in size.

The application includes the architectural plans of the three single-family residences at approximately 2,300-square feet each. The floor plan will be the same for each lot and consist of three bedrooms and two-and-a-half bathrooms with a two car garage. Elevations will differ for each home.

ANALYSIS:

General Plan

Land Use: The current General Plan Land Use of the project site is "TRC" (Tourist Resort Commercial), which is described as follows:

***Tourist Resort Commercial (0.35 FAR for stand-alone commercial uses; 43 hotel rooms per net acre; 86 rooms per net acre on Indian Land).** This land use designation provides for large-scale resort hotels and timeshares including a broad range of convenience, fitness, spa, retail, and entertainment uses principally serving resort clientele. Commercial recreation and entertainment facilities, such as convention centers, museums, indoor and outdoor theatres, and water parks are included in this designation, but should be designed to be compatible with neighboring development. Tourist Resort Commercial facilities are most appropriate in the Palm Canyon Drive and Tahquitz Canyon Drive corridors. It is intended that the primary use in any Tourist Resort Commercial*

area shall be hotel/tourist-related uses; if residential uses are proposed within the Tourist Commercial Designation (timeshares, condominiums, etc.) they shall be a secondary use ancillary to the proposed hotel uses and shall not exceed a maximum of 30 dwelling units per acre. Permanent residential uses and commercial activities are allowed subject to approval of a planned development district.

An amendment to change the designation from "TRC" to "LDR" (Low Density Residential) is proposed for the project site. The General Plan describes this designation as follows:

Low Density Residential (up to 6.0 dwelling units per acre). *Similar to the Very Low Density Residential designation, the Low Density Residential designation also represents "typical" single-family detached residential development and other uses allowed by code.*

The project proposes detached single-family dwellings at a density of about 3 units per the acre. This is consistent with the proposed land use designation. Additional analysis on the General Plan Amendment is found below in the Required Findings section of this report.

Zoning

The project site is zoned "R-3" (Multiple-family and Hotel) with an overlay zone of "R" (Resort Overlay). The applicant seeks approval of a PD-in-lieu of zone change. If approved, the new zoning of the site would be PD-368.

Permitted Uses:

Single-family residential is prohibited under the "R-3" zone. The PD-in-lieu of zone change will specifically permit single-family residential within PD-368. Accessory structures and uses will be consistent with the R-1 Zone, Section 92.01.03 of the Zoning Code.

The Resort Overlay zone requires the approval of a Conditional Use Permit when multiple-family dwellings are proposed. Since the project proposes single-family residential, no additional requirements must be fulfilled.

Development Standards:

	R-3 Requirements	Proposed Project: PDD 368	Comply
A. Lot Area	20,000 sq. ft. (10,000 sq. ft. typical minimum lot size for R-1-C Zone)	13,198 sq. ft.	No, per PDD
B. Lot Dimension			
Min. Width	130 feet	130 feet	Yes
Min. Depth	150 feet	100 feet	No, per PDD
C. Density	Min. of 2,000 sq. ft. of lot area / unit for multi-family	13,200 sq. ft. of lot area / per unit	Yes
D. Building Height	15 feet and one story (due to location of adjacent Single Family Residential)	1 story, 15 feet	Yes

E. Yard Setbacks			
1. General Provisions	Front of garages / carports shall be located not less than 25 feet from property line abutting the street from which such garage has access.	25 feet	Yes
2. Front Yard	25 feet	Parcel 1: 55 feet (east property line) Parcel 2 and 3: 44 feet (east property line)	Yes
3. Side Yards	- 10 feet, except buildings over 12 feet in height are required to meet setback equal to building height. - Street side yards to be 20 feet.	Parcels 1 and 2: 8 feet (north and south property lines) Parcel 3: 16 feet (south property line) and 8 feet (north property line)	No, per PDD
4. Rear Yard	10 feet, except buildings over 12 feet in height are required to meet setback equal to building height.	Parcels 1, 2 and 3: 12 feet (west property line)	Yes
F. Distance Between Buildings	15 feet minimum 30 feet minimum for interior court	16 feet between buildings	Yes
G. Walls, Fences and Landscaping	Refers to Section 93.02.00	TBD	-
H. Access.	Required per to Section 93.05.00	Access provided by 25 ft. access easement	Yes
I. Off-street Parking	2-covered parking spaces per residence.	2-covered parking spaces per residence.	Yes
J. Off-street Loading and Trash Areas.	Trash containers stored within 50 feet of access way and concealed from public view.	Trash containers to be stored in side yard and concealed from view.	Yes
Performance Standards	Minimum of 45 percent landscape open space	59% opens space	Yes

PLANNING COMMISSION REVIEW:

The Planning Commission reviewed all components of the project on August 25, 2014. After discussing private street width, project entry gate, landscaping and setbacks, the Commission recommended approval with the following additional requirements:

- a. Eliminate entry gated to project
- b. Reciprocal driveway to be 24ft. wide on Parcels 2 and 3
- c. Each home to have separate smart controller for landscape irrigation
- d. No live turf in any front yards
- e. Pre-wire for rooftop solar collection

Additional details on the Commission’s discussions are available in the attached meeting minutes.

REQUIRED FINDINGS:

General Plan Amendment: State of California Governmental Code Sections 65350 – 65362, outline the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. Staff has evaluated the GPA based upon the following:

- Compatibility of the proposed designation with adjacent land uses.
- Potential adverse impacts to existing or future development in the vicinity.

Compatibility of the proposed designation with adjacent land uses.

The project site is surrounded by a mix of existing land uses including single family residential, multi-family residential and hotel developments. This remaining vacant lot is an in-fill site that transitions the existing single-family residential to the west and tourist resort area to the east. The re-designation will provide a logical transition between the Estate Residential (up to 2 units per acre) and Tourist Resort Commercial land uses.

Potential adverse impacts to existing or future development in the area.

The amendment will allow low density residential development. The General Plan Amendment from “TRC” to “LDR” for the subject parcel provides a logical transition between large lot single family and resort hotels. The area around the proposed project is fully built out and the proposed project represents infill development of a type, density, massing and scale that is consistent with and complementary to, the existing neighborhood in which it is proposed.

Staff has concluded that the requested General Plan Amendment poses no detrimental impacts to existing or future development in the vicinity.

Planned Development in lieu of Zone Change: The Planning Commission and City Council must find that a Planned Development Districts proposed in-lieu of zone change is consistent with the findings outlined in Section 94.07.00 *Change of Zone*. Those findings are listed below with Staff’s analysis.

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 LDR (Low Density Residential). This designation allows residential uses with densities of up to six dwelling

units per acre. The proposed project includes single family residences at a density of about three dwelling units per acre, which is consistent with the type and density of development within the LDR 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 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 density of the proposed project is much less than the R-3 zone permits. The proposed site plan incorporates a private access way that will be required to conform to the minimum width standards for access and safety. The project proposes lot sizes that are adequate to provide usable outdoor space, including outdoor living. 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 applicant proposes single-story single-family dwelling units on individual lots exceeding 13,000-square feet in size. Similar development exists to the west and south. The proposed zone change is necessary and proper to allow a lower density project. The use would not be detrimental to adjacent property or residents in this area due to a less dense project and zoning.

PDD CUP Findings: A Planned Development District (PDD) is subject to the requirements of Zoning Code Section 94.02.00 *Conditional Use Permit (CUP)*, including required findings contained therein. An analysis is provided below:

a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;

As part of the proposed project, a change of zone from R-3 to PD-368 has been requested to allow single family residential. Section 94.03.00 specifically allows such action; therefore, the use applied for at the subject location is properly one for which is authorized by the Zoning Code.

b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses

specifically permitted in the zone in which the proposed use is to be located;

The proposed use is a typical form of single-family living within Palm Springs with lot sizes at roughly 13,200 square feet in size. Each site will accommodate a one-story residence with garage and private yard space. Other projects of similar design and size are located west of the project site. Therefore, the use is desirable for the development of the community.

The land use designation of the site is LDR (Low Density Residential), which is described as "*typical' single-family detached residential development and other uses as allowed by code.*" The proposed single-family residential use is detached. Thus, the use is consistent with the general plan.

The project will consist of one-story single-family residential on vacant land which will be re-zoned to PD-368. No other uses are permitted within this zone. Should alternate uses be proposed, an amendment to the PD would be required. Consequently, the use is not detrimental to the existing uses or to future uses specifically permitted in the zone (PD-368).

c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;

The subject property is approximately 0.91-acres in total size and will be subdivided to accommodate three residential lots with a reciprocal access easement. The PD will establish all development standards for each residential parcel to accommodate a typical single-family residence with open space and outdoor living. The development will be consistent in height as those existing uses to the west and south. Therefore, the site for the intended residences is adequate in size and shape to adjust such use to those existing and future permitted uses of land in the neighborhood.

d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;

The project site is located adjacent to West Vista Chino Road, which is defined as a Collector road by the General Plan Circulation Element. Collectors are designed as two

lanes and typically carry local traffic. Vista Chino Road is improved to two lanes wide. Thus, the adjacent street is properly designed and improved to carry the type of traffic expected for a 3-lot single-family subdivision.

e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.

The project was evaluated under the California Environmental Quality Act (CEQA) and is considered exempt from further review, pursuant to Section 15303 (a) of the CEQA Guidelines. Conditions imposed include code requirements to ensure the public health, safety and general welfare is protected.

Tentative Parcel Map: Findings are required for the proposed subdivision pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

a. The proposed Tentative Parcel Map is consistent with all applicable general and specific plans.

The TPM proposes three individual residential lots with a reciprocal access easement. The proposed density is less than the maximum density permitted by the Low Density Residential General Plan land use designation. No specific plans are associated with the subject property.

b. The design and improvements of the proposed Tentative Parcel Map are consistent with the zone in which the property is located.

The proposed project design and improvements will be consistent with the standards and design details of PD-368, which is the proposed zoning for the TPM. The project includes single-family lots that are approximately 13,200-square feet in size; access is provided via improved reciprocal access easement on the east side of the property. With the approval of the PD, the project will be consistent with this finding.

c. The site is physically suited for this type of development.

The project site is generally flat with a slight slope from northwest to southeast. Residential development exists to the west and south, while hotel development exists to the east and north. The project is an in-fill property and was previously disturbed. A total of three residences are proposed on the 0.91-acre site. The site has adequate vehicular access with the proposed 25-foot wide vehicular easement to each parcel. Therefore, the site is physically suited for this type of development.

d. The site is physically suited for the proposed density of development.

The project proposes three single-family dwelling units on approximately 0.91-acres or roughly three dwelling units / acre, which is consistent with the density under the General Plan. The site abuts improved public streets with existing utilities and with right of way widths that are projected in the City's 2007 General Plan update to operate at normal levels of service (LOS).

e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.

The site is an in-fill project that was previously disturbed. The site does not include any natural habitat. The project will therefore not damage or injure fish, wildlife or their habitats.

f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of an internal private street provides access to each lot. No serious public health problems are anticipated.

g. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

ENVIRONMENTAL DETERMINATION:

General Plan Amendment: Staff has determined the General Plan Amendment to reclassify the property to a lesser density than existing to be a Class 5 Categorical Exemption (Minor Alterations in Land Use Limitations) under the California Environmental Quality Act (CEQA) Guidelines.

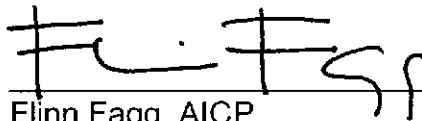
PDD and TPM: The proposal to construct three single-family dwellings within an urbanized area is Categorically Exempt from CEQA as a Class 3 Exemption, pursuant to Section 15303(a) of the CEQA Guidelines. Subdivisions of four or fewer parcels are exempt from further environmental review as a Class 15 exemption, pursuant to Section 15315.

NOTIFICATION:

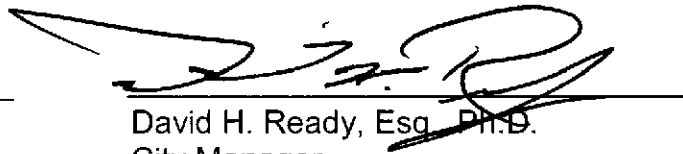
A public hearing notice on the proposal was published in the local paper and mailed to all property owners and occupants within 500 feet of the site. As of the writing of this report, no correspondence has been received.

FISCAL IMPACT:

No fiscal impact.



Flinn Fagg, AICP
Director of Planning Services



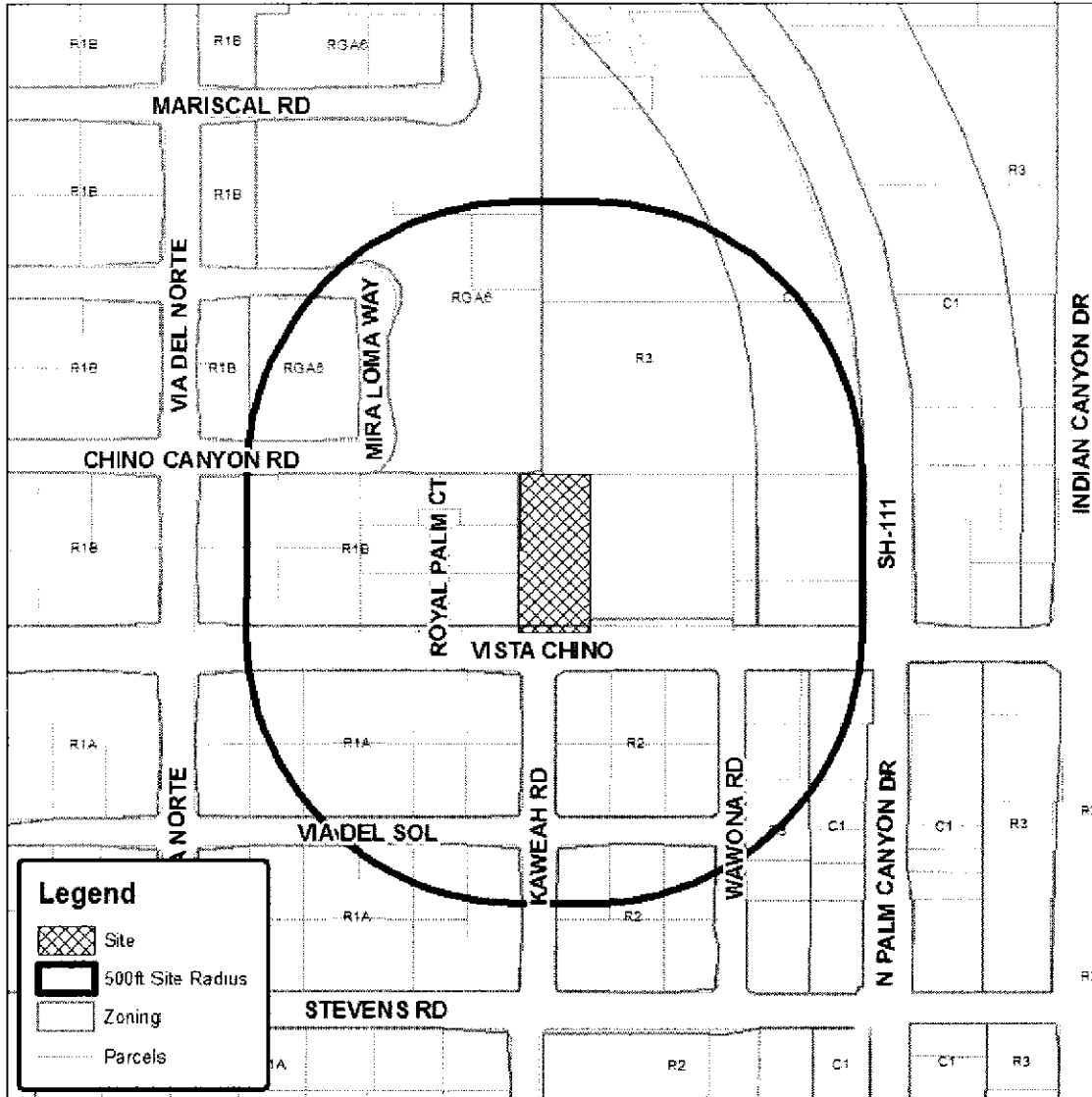
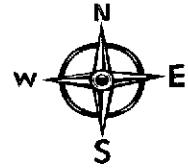
David H. Ready, Esq., Ph.D.
City Manager

Attachments:

1. Vicinity Map
2. Draft Resolution for General Plan Amendment
3. Draft Resolution for PDD and TPM with Conditions of Approval
4. Draft Ordinance
5. 08/27/2014 PC Minutes (excerpt)
6. 08/25/2014 AAC Minutes (excerpt)
7. Applicant Justification Letter
8. Reduced Plans



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1333 GPA, PD-368
& TPM 36686

APPLICANT: Gain Limited
Partnership

DESCRIPTION: An application for a Planned Development District (PDD) in-lieu of zone change to allow a single-story, detached single-family residential development and a Tentative Tract Map (TTM) to subdivide about 0.91-acres into three residential lots. In relation to the project, the City Council will consider a General Plan Amendment to change the land use designation of the site from Tourist Resort Commercial to Low Density Residential.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN ADOPTED BY RESOLUTION NO. 22077 REVISING THE LAND USE DESIGNATION FROM "TRC" (TOURIST RESORT COMMERCIAL) TO "LDR" (LOW DENSITY RESIDENTIAL) FOR A ROUGHLY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF VISTA CHINO ROAD AT KAWEAH ROAD.

WHEREAS, the current General Plan of the City of Palm Springs was adopted by the City Council in 2007; and

WHEREAS, the owner of the subject parcel submitted a Planned Development Application (Case 5.1333 PD-368) and Tentative Parcel Map (TPM 3686) for a three lot single-family residential subdivision, which was not consistent with the General Plan "TRC" land use designation; and

WHEREAS, the proposed General Plan Amendment, Case 5.1333 GPA, ("Amendment") is considered a project under the guidelines of the California Environmental Quality Act (CEQA); and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider the subject General Plan Amendment, Case No. 5.1333 GPA, was given in accordance with applicable law; and

WHEREAS, on August 27, 2014, the Planning Commission held a public hearing on General Plan Amendment, Case No. 5.1333 GPA, and after reviewing all evidence presented in connection with the hearing on the project, including but not limited to the staff report and all written and oral testimony, the Commission voted 7-0 to recommend approval; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider General Plan Amendment, Case No. 5.1333 GPA, was given in accordance with applicable law; and

WHEREAS, on November 5, 2014, a public hearing to consider General Plan Amendment, Case No. 5.1333 GPA, was held by the City Council in accordance with applicable law; and

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

SECTION 1. The City Council deems the proposed Amendment as exempt from further environmental review as a Class 5 Categorical Exemption (Minor Alterations in

Land Use Limitations) under the California Environmental Quality Act (CEQA) Guidelines, because the "LDR" designation is a lesser density and lesser land use intensity than the current "TRC" land designation.

SECTION 2. Pursuant to State of California Governmental Code Sections 65350 – 65362, although there are no specific findings for a General Plan Amendment the City Council has evaluated the requested GPA based upon the following:

Findings of Compatibility of the proposed land use designation with existing adjacent land uses.

The project site is surrounded by a variety of existing land uses including single family residential, multi-family residential and hotel developments. This remaining vacant lot is an in-fill site that transitions the existing single-family residential to the west and tourist resort area to the east. The re-designation will provide a logical transition between the Estate Residential (up to 2 units per acre) and Tourist Resort Commercial land uses.

Potential adverse impacts to existing or future development in the area.

The amendment will allow low density residential development. The General Plan Amendment from "TRC" to "LDR" for the subject parcel provides a logical transition between large lot single family and resort hotels. The area around the proposed project is fully built out and the proposed project represents infill development of a type, density, massing and scale that is consistent with and complementary to, the existing neighborhood in which it is proposed.

SECTION 3. The City Council hereby approves Case No. 5.1333 GPA, an amendment to the Land Use Map of the 2007 General Plan of the City of Palm Springs by changing the land use designation of a 0.91-acre parcel on the north side of Vista Chino Road at Kaweah Road from "TRC" (Tourist Resort Commercial) to "LDR" (Low Density Residential) to allow a transition between Estate Residential to the west and Tourist Resort Commercial to the east, as shown in the attached Exhibit A.

ADOPTED THIS 5TH DAY OF NOVEMBER, 2014.

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 _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

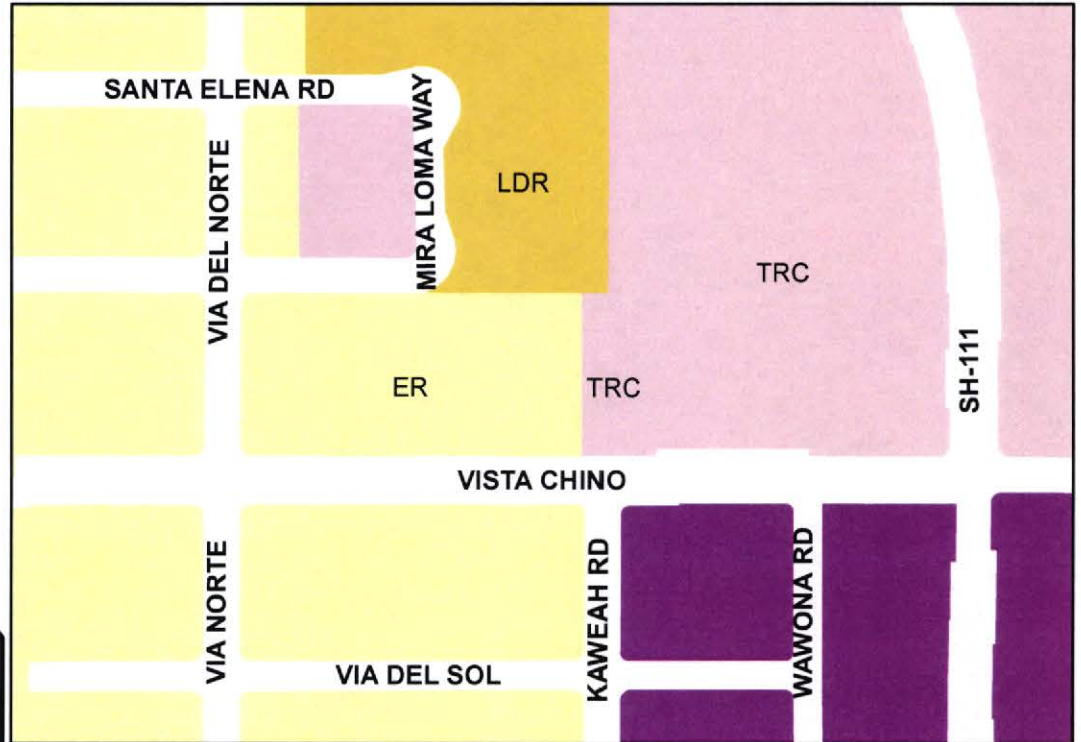


Department of Planning Services

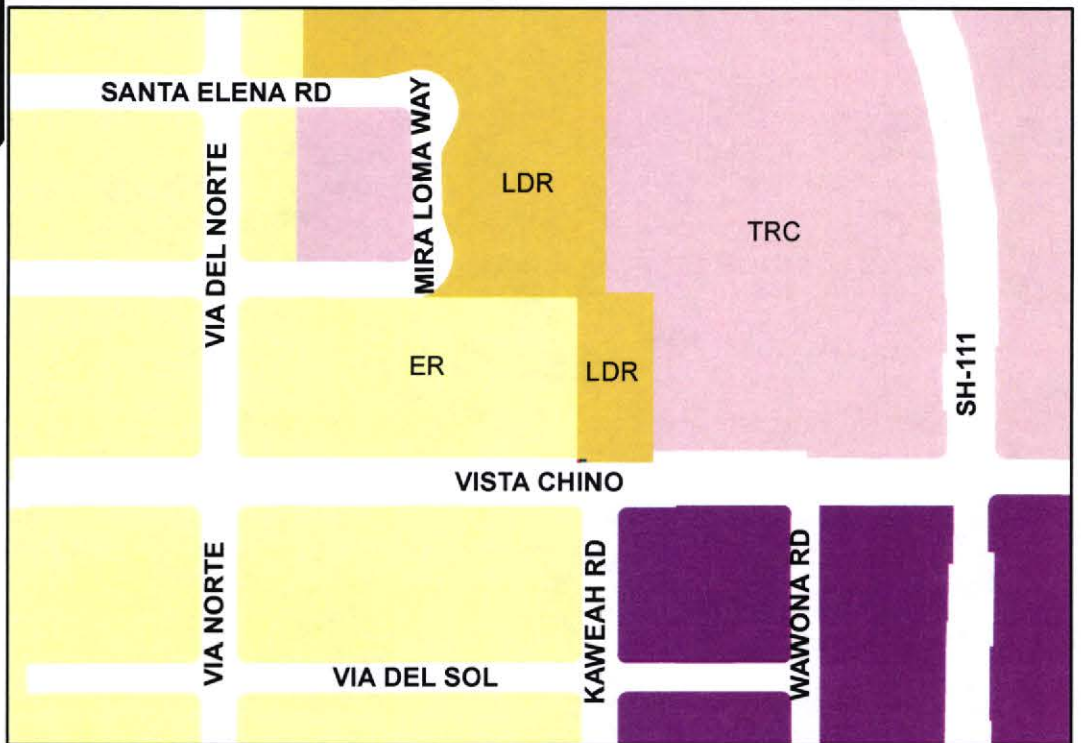
General Plan Amendment Case 5.1333 GPA



EXHIBIT A



Existing Land Use



Proposed Land Use

Legend

General Plan Land Use

-  ER (Estate Residential)
-  LDR (Low Density Residential)
-  MU (Mixed Use / Multi Use)
-  TRC (Tourist Resort Commercial)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1333 PDD 368; A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE TO ESTABLISH DEVELOPMENT STANDARDS, DENSITY AND TYPE OF RESIDENTIAL UNITS; PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR THE CONSTRUCTION OF (3) DETACHED SINGLE FAMILY RESIDENCES; AND APPROVING CASE TPM 36686, A SUBDIVISION OF A 0.91-ACRE PARCEL INTO THREE RESIDENTIAL LOTS WITH PRIVATE ACCESS; LOCATED ON THE NORTH SIDE OF VISTA CHINO ROAD AT KAWEAH ROAD (260 WEST VISTA CHINO ROAD).

WHEREAS, Gain Limited Partnership ("Applicant") has filed an application with the City pursuant to Section 94.03.00 (Planned Development District), and 94.07.00 (Zone Change) of the Zoning Code, seeking approval for a Planned Development District in Lieu of a Change of Zone (including Preliminary Development Plans) proposing three single-family residential dwellings with minor deviations to development standards on an approximately 0.91-acre parcel located at 260 West Vista Chino 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 a Tentative Tract Map No. 36686, to subdivide the 0.91-acre parcel into three residential lots; and

WHEREAS, on August 25, 2014, the Architectural Advisory Committee (AAC) reviewed the proposal and made a favorable recommendation to the Planning Commission; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case Nos. 5.1333 PDD 368 and TPM 36686, was given in accordance with applicable law; and

WHEREAS, on August 27, 2014, a public hearing on the applications was held by the Planning Commission in accordance with applicable law, and the Commission adopted Resolution No. 6443; unanimously approving and recommending approval of Case Nos. 5.1333 PDD 368 and TPM 36686; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case Nos. 5.1333 PDD 368 and TPM 36686, was given in accordance with applicable law; and

WHEREAS, on November 5, 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, the City Council makes the finding that the public benefit is identified as the project as a benefit, including the development of a deteriorated, in-fill lot; 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 RESOLVE AS FOLLOWS:

SECTION 1. The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). The City Council deems the project exempt from CEQA, due to the following:

1. Construction of three single-family dwellings within an urbanized area is Categorically Exempt as a Class 3 Exemption, pursuant to Section 15303(a) of the CEQA Guidelines.
2. Subdivisions of four or fewer parcels are exempt from further environmental review as a Class 15 exemption, pursuant to Section 15315 of the CEQA Guidelines.

SECTION 2. *Planned Development District.* Pursuant to Section 94.03.00 (E) "Planned Development Districts" of the Zoning Code, a Planned Development District in lieu of a Change of Zone (PDD) may be established in accordance with the procedures required by Section 94.07.00. The proposed project is evaluated against the findings as follows:

- a. *The proposed planned development is consistent and in conformity with the general plan and report.*

The General Plan land use designation of the subject site is LDR (Low Density Residential). This designation allows residential uses with densities of up to six dwelling units per acre. The proposed project includes single family residences at a density of about 3 dwelling units per acre, which is consistent with the type and density of development within the LDR land use designation. Thus, the proposed change of zone is in conformity with the General Plan map and report.

b. 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 a private access way that will be required to conform to the minimum width for access and safety. The project proposes lot sizes that are adequate to provide usable outdoor space, including outdoor living. 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 single-story single-family dwelling units on individual lots exceeding 13,000-square feet in size. Similar development exists to the west and south. The proposed zone change is necessary and proper to allow a lower density project. The use would not be detrimental to adjacent property or residents in this area due to a less dense project and zoning.

In addition to the above, required findings outlined in Section 94.02.00 *Conditional Use Permit* apply to Planned Developments. The project as it relates to these findings is found below:

a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;

As part of the proposed project, a change of zone from R-3 to PD-368 has been requested to allow single family residential. Section 94.03.00 specifically allows such action; therefore, the use applied for at the subject location is property one for which is authorized by the Zoning Code.

b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;

The proposed use is a typical form of single-family living within Palm Springs with lot sizes at roughly 13,200 square feet in size. Each site will accommodate a one-story residence with garage and private yard space. Other projects of similar design and size are located west of the project site. Therefore, the use is desirable for the development of the community.

The land use designation of the site is LDR (Low Density Residential), which is described as "*typical' single-family detached residential development and other uses as allowed by code.*" The proposed single-family residential use is detached. Thus, the use is consistent with the general plan.

The project will consist of one-story single-family residential on vacant land which will be re-zoned to PD-368. No other uses are permitted within this zone. Should alternate uses be proposed, an amendment to the PD would be required. Consequently, the use is not detrimental to the existing uses or to future uses specifically permitted in the zone (PD-368).

c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;

The subject property is approximately 0.91-acres in total size and will be subdivided to accommodate three residential lots with a reciprocal access easement. The PD will establish all development standards for each residential parcel to accommodate a typical single-family residence with open space and outdoor living. The development will be consistent in height as those existing uses to the west and south. Therefore, the site for the intended residences is adequate in size and shape to adjust such use to those existing and future permitted uses of land in the neighborhood.

d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;

The project site is located adjacent to West Vista Chino Road, which is defined as a Collector road by the General Plan Circulation Element. Collectors are designed as two lanes and typically carry local traffic. Vista Chino Road is improved to two lanes wide. Thus, the adjacent street is properly designed and improved to carry the type of traffic expected for a 3-lot single-family subdivision.

e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.

The project was evaluated under the California Environmental Quality Act (CEQA) and is considered exempt from further review, pursuant to Section 15303 (a) of the CEQA Guidelines. Conditions imposed include code requirements to ensure the public health, safety and general welfare is protected.

SECTION 3. *Tentative Parcel Map.* The findings required for the proposed Tentative Map are pursuant to Section 66474 of the California Subdivision Map Act. The project is evaluated against these findings as follows:

a. *The proposed Tentative Tract Map is consistent with all applicable general and specific plans.*

The TPM proposes three individual residential lots with a reciprocal access easement. The proposed density is less than the maximum density permitted by the Low Density Residential General Plan land use designation. No specific plans are associated with the subject property.

b. *The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*

The proposed project design and improvements will be consistent with the standards and design details of PD-368, which is the proposed zoning for the TPM. The project includes single-family lots that are approximately 13,200-square feet in size; access is provided via improved reciprocal access easement on the east side of the property. With the approval of the PD, the project will be consistent with this finding.

c. *The site is physically suited for this type of development.*

The project site is generally flat with a slight slope from northwest to southeast. Residential development exists to the west and south, while hotel development exists to the east and north. The project is an in-fill property and was previously disturbed. A total of three residences are proposed on the 0.91-acre site. The site has adequate vehicular access with the proposed 25-foot wide vehicular easement to each parcel. Therefore, the site is physically suited for this type of development.

d. *The site is physically suited for the proposed density of development.*

The project proposes three single-family dwelling units on approximately 0.91-acres or roughly three dwelling units / acre, which is consistent with the density under the General Plan. The site abuts improved public streets with existing utilities and with right of way widths that are projected in the City's 2007 General Plan update to operate at normal levels of service (LOS).

e. *The design of the subdivision is not likely to cause environmental damage or*

substantially and avoidably injure fish, wildlife, or their habitats.

The site is an in-fill project that was previously disturbed. The site does not include any natural habitat. The project will therefore not damage or injure fish, wildlife or their habitats.

f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of an internal private street provides access to each lot. No serious public health problems are anticipated.

g. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

SECTION 4. *Public Benefit.* The City Council finds that the Public Benefit is identified as the project as a benefit, including the development of a deteriorated, in-fill lot.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves Case 5.1333 PDD 368 for the development of three single-family residential dwellings on individual lots with private access, and Tentative Parcel Map No. 36686 to subdivide a roughly 0.91-acre parcel into three residential lots located on the north side of Vista Chino Road at Kaweah Road (260 West Vista Chino Road), subject to the conditions set forth in Exhibit A.

ADOPTED THIS 5TH DAY OF NOVEMBER, 2014.

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 _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT A

Case 5.1333 PDD 368 and TPM 36686

260 West Vista Chino Road
0.91-acres on the north side of Vista Chino Road at the Kaweah Road intersection

November 5, 2014

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 5.1333 PDD 368 and TPM 36686; except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (May 29, 2014), including site plans, architectural elevations, exterior materials and colors, and grading on file in the Planning Division except as modified by the 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. Tentative Map. This approval is for Tentative Tract Map 36686, date stamped February 20, 2014. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.
- ADM 6. 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 5.1333 PDD 368 & TPM 36686. 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 7. 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 8. Time Limit on Approval. The time limit for submittal of Final Development Plans shall be two (2) years from the effective date of approval. Commencement of construction shall occur within six (6) months of Final Development Plan approval. Extensions of time may be approved by the Planning Commission upon demonstration of good cause by the applicant.

The Tentative Parcel Map (TPM 36686) shall be valid for a period of two (2) years from the date of the approval by City Council. Extensions of time may be approved pursuant to Municipal Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the approval.

ADM 9. 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 10. 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 11. 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 12. Community Services District. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

ADM 13. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code.

ADM 14. CC&R's Prior to recordation of the final Tract Map, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances

ADM 15. CC&R's. Prior to recordation of the final Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:

- a. The document to convey title
- b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
- c. Provisions for joint access to the proposed parcels, and any open space restrictions.
- d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances,

ADM 16. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. 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 City Council'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

PLANNING DEPARTMENT CONDITIONS

PLN 1. Outdoor Lighting Conformance. Exterior lighting shall be in conformance with Section 93.21.00 of the Zoning Code. Manufacturer's cut sheets of all exterior lighting shall be submitted to the Planning Department for review and approval. If lights are proposed to be mounted on buildings, down-lights shall

be utilized. No lighting of hillsides is permitted.

- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape / irrigation plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, site cross sections, property development standards and other such documents as required by the Planning Commission and Planning Department. Final Development Plans must be submitted within two (2) years of the City Council approval of the Preliminary Development Plans, unless an extension of time is granted by the Planning Commission.
- PLN 4. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
- a. Exterior elevations to be consistent with site plan in Final Development Plans;
 - b. Landscape and surrounding walls to be return for review.
- PLN 5. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.
- PLN 6. Flat Roof Requirements. Roof materials on flat roofs (less than 2:12) must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 or a minimum SRI of 64 and a three-year aged solar reflectance of 0.55 or greater. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 7. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 8. 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 9. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 10. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 11. Update of City's Zoning Map. Upon approval of the proposed Change of Zone, Tract Map and/or Planned Development District, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.
- PLN 12. Development Standards. Individual lots shall be developed as shown on the approved site plan, and meet the following criteria:

PDD 368	
A. Lot Area	13,200 sq. ft.
B. Lot Dimension	
Min. Width	130 feet
Min. Depth	100 feet
C. Density	13,200 sq. ft. of lot area per dwelling
D. Building Height	1 story, 15 feet
E. Yard Setbacks	
1. General Provisions	25 feet
2. Front Yard	Parcel 1: 55 feet (east property line) Parcel 2 and 3: 45 feet (east property line)
3. Side Yards	Parcels 1 and 2: 8 feet (north and south property lines) Parcel 3: 16 feet (south property line) and 8 feet (north property line)
4. Rear Yard	Parcels 1, 2 and 3: 12 feet (west property line)
F. Distance Between Buildings	16 feet between buildings

- PLN 13. Access Driveway. The reciprocal access driveway shall be 24-feet wide and remain clear for emergency access at all times. This shall be reflected in the Final Development Plans.
- PLN 14. Planning Commission Final Development Plan Requirements. The following requirements shall be included as a part of the Final Development Plans.
 - a. Eliminate entry gated to project
 - b. Reciprocal driveway to be 24ft. wide on Parcels 2 and 3
 - c. Each home to have separate smart controller for landscape irrigation
 - d. No live turf in any front yards
 - e. Pre-wire for rooftop solar collection

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

The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances.

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

VISTA CHINO

- ENG 1. Construct a 6 inch curb and gutter, 20 feet north of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 2. Construct a 24 wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 3. Construct a 5 feet wide sidewalk behind the proposed curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 4. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the Vista Chino frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 300. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 5. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

- ENG 6. Construct a 24' wide drive isle with hammer head turn around for emergency vehicles for reciprocal access as indicated on approved Tentative Parcel Map 36686, Construct pavement with a minimum pavement section of 2 1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to edge of pavement (redwood header or zero curb). If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 7. Parking shall be restricted along both sides of the 24 feet wide reciprocal access road, except in the designated areas shown on approved Tentative Parcel Map 36686. Maintaining required no parking restrictions, shall be included in Covenants, Conditions, and Restrictions required for the development.

SANITARY SEWER

- ENG 2. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 3. If an on-site private sewer system is proposed to collect sewage from the development and connect to the existing public sewer system, sewer plans shall be submitted to the Engineering Division for review and approval. Private on-site sewer mains for residential projects shall conform to City sewer design standards, including construction of 8 inch V.C.P. sewer main and standard sewer manholes. Sewer manhole covers shall be identified as "Private Sewer". A profile view of the on-site private sewer mains is not necessary if sufficient invert information is provided in the plan view, including elevations with conflicting utility lines. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division.

GRADING

- ENG 4. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.
 - b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.
- ENG 5. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 6. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

- ENG 7. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 8. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 9. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 10. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 11. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan (if required) or prior to issuance of any permit.
- ENG 12. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided even though there may not be a grading plan for the project. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 13. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan (if required), to the Engineering Division prior to construction of any building foundation.
- ENG 14. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of

Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

- ENG 15. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMP's).
- ENG 16. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$6,511.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

- ENG 17. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
- ENG 18. All proposed utility lines shall be installed underground.
- ENG 19. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 20. Upon approval of any improvement plan (if required) by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing

exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.

- ENG 21. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 22. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 23. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

- ENG 24. A Parcel Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Parcel Map to the Engineering Division as part of the review of the Map. The Parcel Map shall be approved by the City Council prior to issuance of building permits.
- ENG 25. A 29' feet wide Reciprocal access easement which shall also include utilities and emergency vehicle access for the benefit of all parcels as shown on approved Tentative Parcel Map 36686, shall be shown on map.
- ENG 26. Upon approval of a parcel map, the parcel map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats.

Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

TRAFFIC

- ENG 27. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks (or pedestrian paths of travel) shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the W. Vista Chino frontage of TPM 36686.
- ENG 28. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 29. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 30. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

These Fire Department conditions may not provide all requirements. Detailed plans are still required for review.

- FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plans received and dated February 20, 2014. Additional requirements may be required at that time based on revisions to site plans.
- FID 2 Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Four (4) complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.

FID 3 Plans and Permits (CFC 105.1):

Permits and scaled drawings are required for this project. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

City of Palm Springs
Building and Safety Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Counter Hours: 8:00 AM – 6:00 PM, Monday – Thursday

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals (four sets). All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

FID 4 Access During Construction (CFC 503): Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13'-6". Fire Department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.

FID 5 Buildings and Facilities (CFC 503.1.1): Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

FID 6 Surface (CFC 503.2.3): Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

FID 7 Fire Department Access: Fire Department Access Roads shall be

provided and maintained in accordance with (Sections 503 CFC).

- **Minimum Access Road Dimensions (CFC 503.2.2):**

Fire apparatus access roads shall have an unobstructed width of not less than 24 feet; a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The Palm Springs Fire Department requirements for two-way private streets, is a minimum width of 24 feet. No parking shall be allowed in either side of the roadway.

FID 8 Fire Lane Marking (CFC 503.3): Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

FID 9 Security Gates (CFC 503.6): The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and shall utilize a combination of a Tomar strobe-activated switch and an approved Knox key electric switch. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

In the event of a power failure, the gates shall be defaulted or automatically transferred to a fail safe mode allowing the gate to be pushed open without the use of special knowledge or any equipment. If a two-gate system is used, the override switch must open both gates.

If there is no sensing device that will automatically open the gates for exiting, a fire department approved Knox electrical override switch shall be placed on each side of the gate in an approved location.

A final field inspection by the fire code official or an authorized representative is required before electronically controlled gates may become operative. Prior to final inspection, electronic gates shall remain in a locked-open position.

FID 10 NFPA 13D Fire Sprinklers Required: An automatic fire sprinkler system is required. Only a licensed contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2013 Edition, as modified by local ordinance. The contractor

should submit fire sprinkler plans as soon as possible. No portion of the fire sprinkler system may be installed prior to plan approval.

END OF CONDITIONS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PDD) 368 IN LIEU OF A CHANGE OF ZONE FOR AN APPROXIMATELY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF WEST VISTA CHINO ROAD AT KAWEAH ROAD.

WHEREAS, Gain Limited Partnership ("Applicant") has filed an application with the City pursuant to Section 94.03.00 (Planned Development District), and 94.07.00 (Zone Change) of the Zoning Code, seeking approval for a Planned Development District in Lieu of a Change of Zone (including Preliminary Development Plans) proposing three single-family residential dwellings with minor deviations to development standards on an approximately 0.91-acre parcel located at 260 West Vista Chino Road; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case Nos. 5.1333 PD 368, was given in accordance with applicable law; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case No. 5.1333 PD 368 in-lieu of change of zone, was given in accordance with applicable law; and

WHEREAS, on August 27, 2014, a public hearing on the application was held by the Planning Commission in accordance with applicable law, and the Commission adopted Resolution No. 6443; unanimously recommending approval of Case No. 5.1333 PD 368 in lieu of change of zone; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case Nos. 5.1333 PD 368 in lieu of change of zone, was given in accordance with applicable law; and

WHEREAS, on November 5, 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, 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 No. 5.1333 PDD 368 in-lieu of change of zone; 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 proposed amendment is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the proposed amendment be determined to be Categorical Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act, because the proposed zone text proposes minor changes to land use limitations for the 0.91-acre site; and

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 LDR (Low Density Residential). This designation allows residential uses with densities of up to six dwelling units per acre. The proposed project includes single family residences at a density of about three dwelling units per acre, which is consistent with the type and density of development within the LDR 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 a private access way that will be

required to conform to the minimum width standards for access and safety. The project proposes lot sizes that are adequate to provide usable outdoor space, including outdoor living. Thus, the project is deemed consistent with this finding.

c. 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 applicant proposes single-story single-family dwelling units on individual lots exceeding 13,000-square feet in size. Similar development exists to the west and south. The proposed zone change is necessary and proper to allow a lower density project. The use would not be detrimental to adjacent property or residents in this area due to a less dense 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 368 for a roughly 0.91-acre area located on the north side of West Vista Chino Road and Kaweah Road, in conjunction with Case Nos. 5.1333 PDD 368, subject to those conditions of approval attached as Exhibit "A" to Resolution _____.

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.

ADOPTED THIS 5TH DAY OF NOVEMBER, 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. _____ 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 \

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko, Chair Hudson

2C. GAIN LIMITED PARTNERSHIP FOR A GENERAL PLAN LAND USE AMENDMENT FROM TOURIST RESORT COMMERCIAL TO LOW DENSITY RESIDENTIAL; A PLANNED DEVELOPMENT DISTRICT IN-LIEU OF ZONE CHANGE TO ALLOW A SINGLE-STORY, DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT; AND A TENTATIVE PARCEL MAP TO SUBDIVIDE APPROXIMATELY 0.91-ACRES INTO THREE RESIDENTIAL LOTS LOCATED AT APPROXIMATELY 260 WEST VISTA CHINO ROAD, ZONE R-3 (CASE 5.1333 GPA, PD-368 AND TPM 36686). (DN)

Associate Planner Newell presented the proposed project as outlined in the staff report.

Chair Hudson opened the public hearing:

HUGH KAPTUR, project architect, was available for questions from the Commission. He said his clients are not anticipating going into an HOA (individual lots and reciprocal driveways) and would like to keep it as simple as possible.

There being no further appearances the public hearing was closed.

NEIL CURRY, representing the developer, said they are planning to step up and add solar; however, they will leave it up to each owner to decide. He explained that they will not pursue adding the gate.

The Commission asked staff questions regarding the private drive (on the west side), proposed gating, easement and setbacks.

ACTION: Adopt categorical exemption and approve the proposed project and recommend approval to the City Council subject to conditions, as amended:

- The proposed front gate is eliminated.
- The driveway within the first two properties is 24 feet wide.
- Each home has a separate water controller.
- No turf in the front yard.
- Pre-wiring for solar for each home. Motion Commissioner Roberts, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko, Chair Hudson

Commissioner Roberts and Chair Hudson noted their recusal on the next item.

NEW BUSINESS:

2. GAIN LIMITED PARTNERSHIP FOR A SINGLE-STORY, DETACHED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT ON THREE PROPOSED LOTS TOTALING APPROXIMATELY 0.91-ACRES LOCATED AT 260 WEST VISTA CHINO ROAD AT THE INTERSECTION OF KAWEAH ROAD, ZONE R-3 (CASE 5.1333 GPA, PD-368 AND TPM 36686). (DN)

ASSOCIATE PLANNER NEWELL presented the proposed project as outlined the staff memorandum.

HUGH KAPTUR, project architect, was available to answer questions from the Board and explained their request for reduced setbacks.

THE BOARD asked questions pertaining to the exact location of property with the reduced setbacks and elevations.

MEMBER SONG spoke in favor of the project noting that since this project is going from R3 to R1 and the walls, fences and landscape design will return for review and the garage is closer to the driveway.

MEMBERS CASSADY, SECOY-JENSEN AND CHAIR FAUBER concurred.

M/S/C (Song/Secoy-Jensen, 7-0) Approve the project with the exterior elevations flipped or mirrored so that the garage is located closest to the driveway and the landscaping and surrounding walls are submitted for review and approval.

3. ALTA VERDE, LLC, APPLICATION FOR A PLANNED DEVELOPMENT DISTRICT TO CONSTRUCT FOURTEEN (14) SINGLE-FAMILY RESIDENTIAL HOMES ON APPROXIMATELY 7.21-ACRE LAND WITHIN THE CANYON PARK SPECIFIC PLAN SREA LOCATED AT 1000 BOGERT TRAIL, ZONE R-1-B, (5.1342-PD-371). (ER)

PRINCIPAL PLANNER ROBERTSON presented the proposed project as outlined in the staff memorandum.

EMILY HEMPHILL, legal representative, provided details pertaining to the Canyon Specific Plan, minor deviations internal to the project, height will be 19' 6" and density is two dwelling units per acre. She spoke about the neighborhood meeting that was held.

ANTHONY POON, project architect, spoke about the architectural style and was available for questions from the Board.

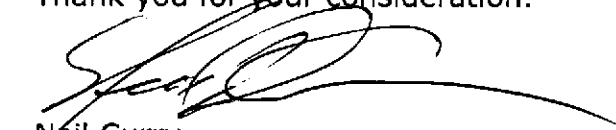


**JUSTIFICATION LETTER
0 Vista Chino - Vacant Land
APN# 504-310-011**

The subject property existing zoning is R3, our interest is in developing Three R1 lots and build three Mid-century inspired homes designed by Architect Hugh Kaptur. It is our understanding in order to achieve our goals, we must first apply for the General Plan Amendment. In a letter signed by Margo Wheeler, Palm Springs City Planning Director, and after discussions with David Ready, Palm Springs City Manager, the city will be the applicant for the General Plan Amendment due to the fact the city believes the concurrent designation is not the most appropriate for this small parcel of land.

With the current multi-family zoning, the developer will be required to make an application for a Planned Development District in order to accommodate the size, dimensions and setbacks for the proposed lots.

Thank you for your consideration.



Neil Curry
Project Manager



VISTA CHINO FACING NORTH

A



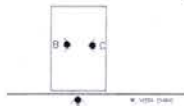
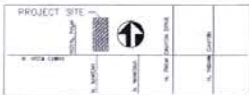
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B



FACING WEST

C



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RECEIVED

FEB 20 2014



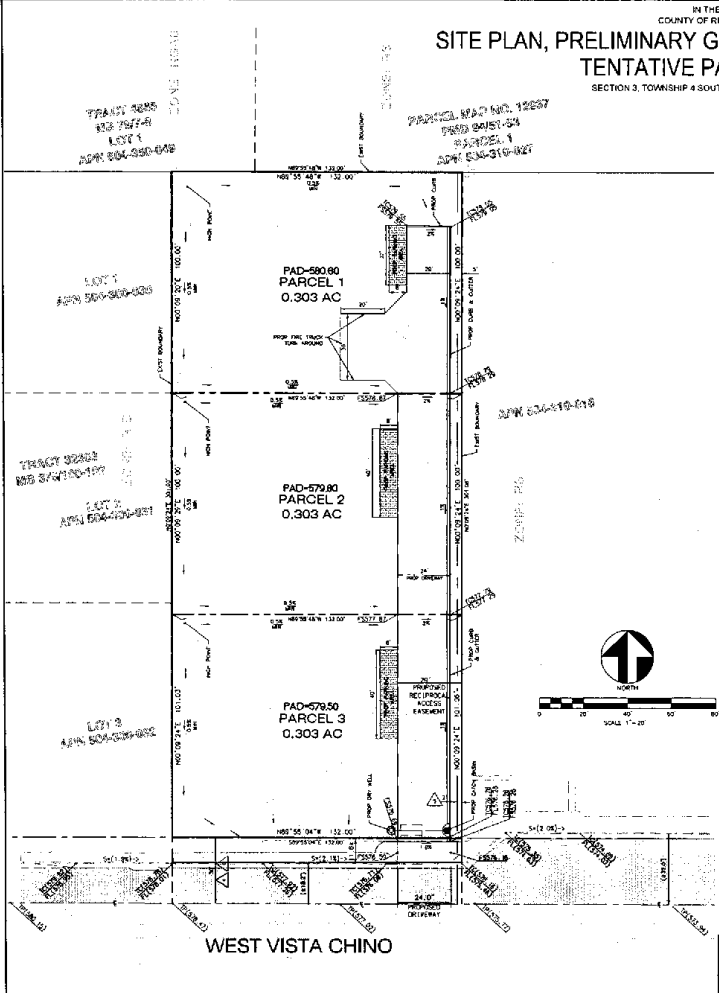
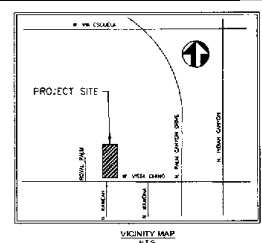
FOMOTOR ENGINEERING
272 N. GARDEN STREET, SUITE 1-3
PALM SPRINGS, CA 92262
(760) 328-1862 FAX (760) 323-1142

CITY OF PALM SPRINGS, STATE OF CALIFORNIA
PHOTOGRAPHIC EXHIBIT
RUCH KAPTOR
PROJECT
DATE OF SURVEY

SHEET ...
OF ...
SHEETS

PLANNING SERVICES
DEPARTMENT

IN THE CITY OF PALM SPRINGS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SITE PLAN, PRELIMINARY GRADING PLAN & DRAINAGE MAP
TENTATIVE PARCEL MAP NO 36686
 SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO MERIDIAN
 FEBRUARY 2014



- EASEMENT NOTES**
1. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
 2. ANY BOUNDARY DISCREPANCIES, NOTES OR CLAIMS WHICH MAY EXIST OR ARISE AS DISCLOSED BY A RECORD OF SURVEY RECORDED IN BOOK 105, PAGE 86.
 3. AN EASEMENT FOR PUBLIC HIGHWAYS AND INCIDENTAL PURPOSES IN FAVOR OF THE CITY OF PALM SPRINGS RECORDED NOVEMBER 12, 1938 IN BOOK 99, PAGE 392 2/4.
 4. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF CALIFORNIA ELECTRIC POWER COMPANY & CORPORATION RECORDED FEBRUARY 24, 1948 IN BOOK 163, PAGE 458 0/1.
 5. AN EASEMENT FOR PUBLIC HIGHWAY AND UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF THE CITY OF PALM SPRINGS RECORDED SEPTEMBER 21, 1924 IN BOOK 1508, PAGE 443 0/3.

TABULATION OF LAND AREA

LOT AREA	38,840 SF	100%
BUILDING FOOTPRINT	8,738 SF	22.5%
PARKING AND DRIVEWAYS	8,117 SF	21.0%
OPEN SPACE (LANDSCAPE & RECREATION)	21,985 SF	56.5%
PARKING SPACES REQUIRED	6 TOTAL	PROVIDED 6 TOTAL
BUILDING SQUARE FOOTAGE:		
BLDG 1 (PARCEL 1)	2,787 SF	SINGLE FAMILY RESIDENCE
BLDG 2 (PARCEL 2)	2,736 SF	SINGLE FAMILY RESIDENCE
BLDG 3 (PARCEL 3)	2,715 SF	SINGLE FAMILY RESIDENCE

LEGAL DESCRIPTION
 ALL THAT CERTAIN PLOT OF PROPERTY IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED PER ANNO TITLE COMPANY OF CALIFORNIA, ORDER NO. 1789868, DATED SEPTEMBER 5, 2013, DESCRIBED AS FOLLOWS:
 THAT PORTION OF THE NORTH-NORTH-WEST CORNER OF THE SOUTH-EAST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO MERIDIAN, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, BY NOTES AND BOOKS BEGINNING AT A POINT ON THE NORTH LINE OF SECTION 3, AND EXTENDING TO THE WEST LINE OF THE STATE HIGHWAY, AS SHOWN ON RECORDS OF SURVEY ON FILE IN BOOK 105, PAGE 86, RECORDS OF SURVEY, RIVERSIDE COUNTY, CALIFORNIA.
 THENCE NORTH 33.00 DEGREES TO THE NORTH LINE OF THE SOUTH 1/4 CORNER OF SAID SECTION 3, SOUTH-EAST QUARTER OF THE SOUTH-EAST QUARTER OF SAID SECTION 3.
 THENCE SOUTH 13.00 FEET TO THE SOUTH LINE OF SAID SOUTH-EAST QUARTER.
 THENCE EAST ON SAID SOUTH LINE OF THE SOUTH-EAST QUARTER OF SAID SECTION 3, 150.00 FEET TO THE POINT OF BEGINNING.
 EXCEPT THE SOUTH-WEST 30.00 FEET THEREOF, AS CONVEYED TO THE CITY OF PALM SPRINGS BY DEED RECORDED SEPTEMBER 21, 1924 IN BOOK 1508, PAGE 443 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ASSESSOR'S PARCEL NO.
 004390211

OWNER
 FAMELA GIBSON
 LANDMARK DEVELOPMENT CO. INC.
 2825 E. JARVIS ST. CANTON, WY. 0-1
 PALM SPRINGS, CA 92262
 PHONE: (760) 323-1642 (COMMERCIAL)

ACREAGE
 GROSS AREA: 0.91 ACRES
 NET AREA: 28,840 SF

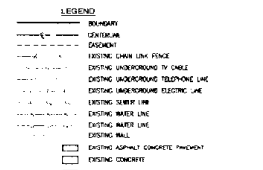
ZONING DATA
 EXISTING & PROPOSED ZONING: R-3

LAND USE
 EXISTING: VACANT
 PROPOSED: RESIDENTIAL

UTILITIES
 ELECTRIC: SOUTHERN CALIFORNIA Edison (760) 292-4211
 GAS: THE GAS COMPANY (760) 331-3343
 TELEPHONE: VERIZON (760) 778-5621
 SEWER: PRIVATE SEPTIC DISPOSAL SYSTEM (EAST OF PALM SPRINGS, WEST OF RIVERVIEW CO. HEALTH DEPT.) (760) 322-8464 & (760) 322-8468
 WASTE DISPOSAL: PALM SPRINGS WASTE DISTRICT (760) 325-0448
 TV CABLE: PALM SPRINGS DISCREET (760) 327-1251
 USA: FIBER OPTIC CABLE (760) 323-0860
 UNDERGROUND 3" W/VEL ALERT (800) 227-2590

PREPARATION DATE:
 PREPARED: 02/20/2014
 FILED: 02/24/2014

EARTHWORK CALCULATION:
 RAW CUT = 1,000 C.Y.



PRELIMINARY

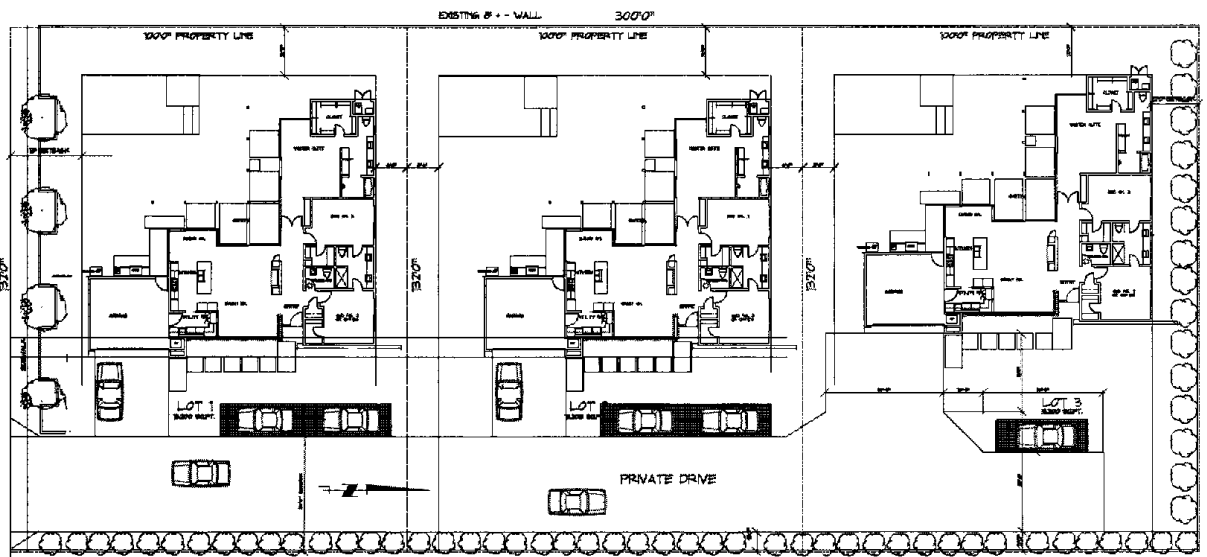
NO.	REVISIONS	APPROVED: DA IL



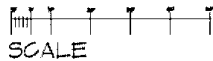
FOMOTOR ENGINEERING
 225 S. CIVIC DRIVE, SUITE 1-5
 PALM SPRINGS, CA 92262
 (760) 323-1642 FAX (760) 323-1742

CITY OF PALM SPRINGS, STATE OF CALIFORNIA
TENTATIVE PARCEL MAP NO. 36686
 APR 30-2014-011
 1 SHEETS

260 WEST VISTA CHINO
30' WALK STREET



SITE PLAN

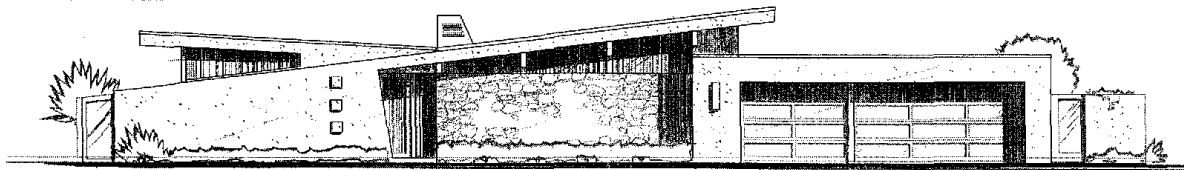


HUST & KORTER PLANNING & DESIGN, INC.
 10000 WINDYBROOK DRIVE, SUITE 100
 PALM SPRINGS, CALIFORNIA 92264
 TELEPHONE: 760-861-5233 FAX: 760-861-3215

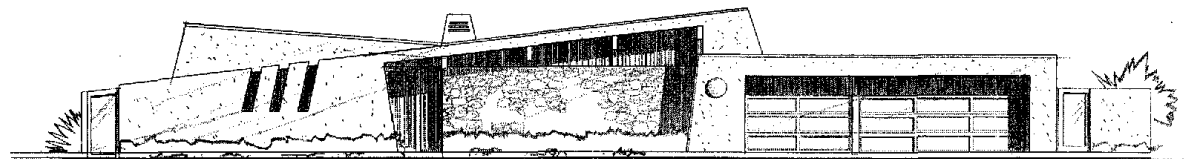


BRADLEY LORNE HOMES
 PALM SPRINGS CALIFORNIA

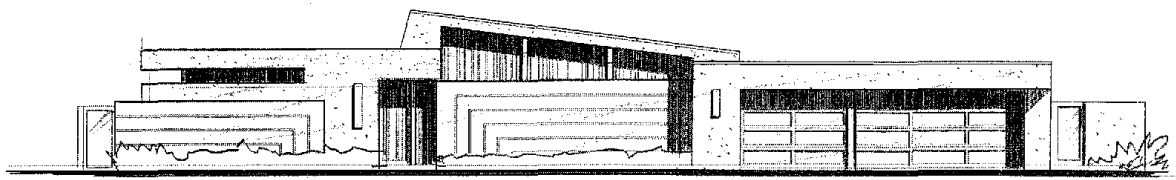
SHEET NO.



FRONT ELEVATION - A



FRONT ELEVATION - B



FRONT ELEVATION - C

HIGH M. KAPUR, AIA & ASSOC., INC.
 1100 MARLBOROUGH DRIVE, SUITE 100
 PALM SPRINGS, CALIFORNIA 92262
 TELEPHONE: 951-255-1111 FAX: 951-255-1113

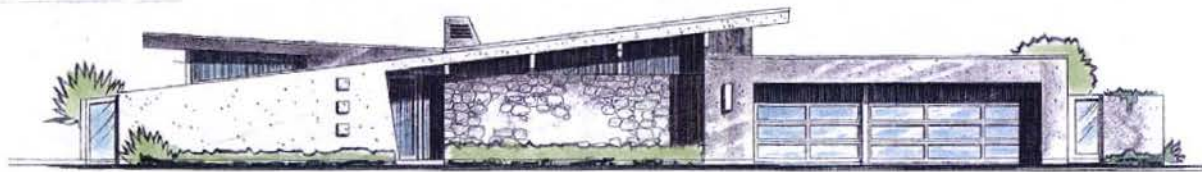


BRADLEY LORNE HOMES
 PALM SPRINGS, CALIFORNIA

SHEET NO
1
 OF 4

8/19/2013

7.11.14
 49.1.1
 100.1.1



FRONT ELEVATION - A



FRONT ELEVATION - B



FRONT ELEVATION - C

HASHI M. KAPUR, AIA & ASSOC., INC.
 1000 S. SPRING VALLEY BLVD., SUITE 100
 PALM SPRINGS, CALIFORNIA 92264
 TELEPHONE: 760/864 3000 FAX: 760/864 3043

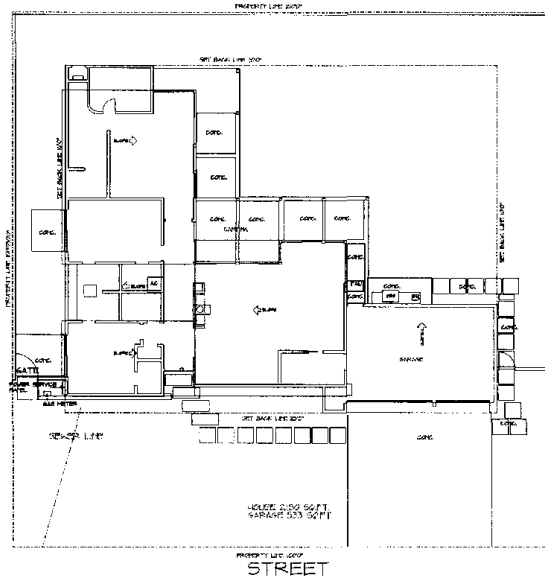


BRADLEY LORNE HOMES
 PALM SPRINGS, CALIFORNIA

SHEET NO.
1
 OF 14

8/19/2013

2. Ave
 REC'D
 08/19/13



SITE PLAN SCALE 1/8"=10"
 TYPICAL 100' X 100' LOT
 PROPERTY LEGAL DESCRIPTION

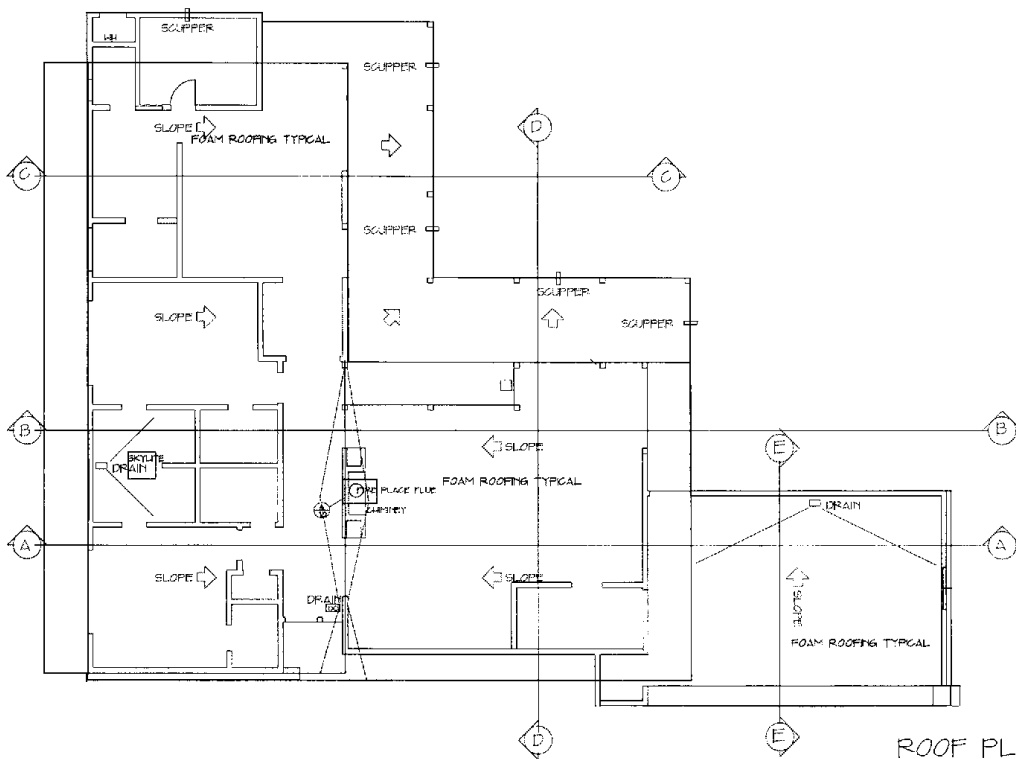
HUGH M. KAPTLUR, AIA, & ASSOC., INC.
 1100 CALIFORNIA CIRCLE, SUITE 110
 PALM SPRINGS, CALIFORNIA 92264
 TELEPHONE 760/864-3102 FAX 760/864-3143



BRADLEY LORNE HOMES
 PALM SPRINGS, CALIFORNIA

SHEET NO.
2
 OF 14

8/19/2013



ROOF PLAN

SCALE 1/4"=10'

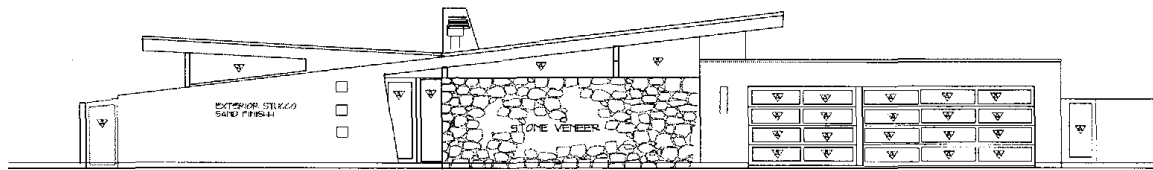
8/19/2013

HUGH M. KAPTUR, AIA & ASSOC., INC.
 10000 S. PALM AVENUE, SUITE 100
 PALM SPRINGS, CALIFORNIA 92264
 TELEPHONE: 951.426.1111 FAX: 951.426.1113

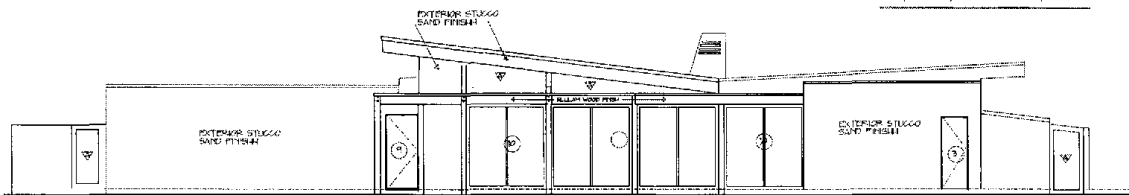


BRADLEY LORNE HOMES
 PALM SPRINGS, CALIFORNIA

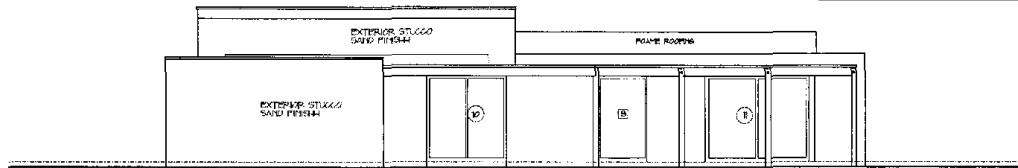
SHEET NO.
8
 OF 14



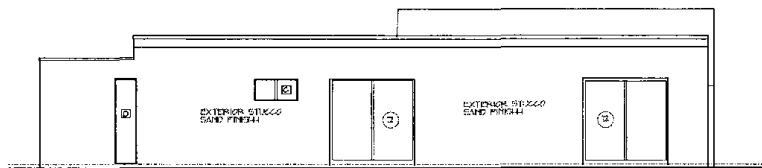
FRONT ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

EXTERIOR ELEVATION

SCALE 1/4"=1'0"

8/19/2013

HIGH M. KAPLAN AIA & ASSOC. INC.
 11111 S. PALM SPRINGS AVENUE, SUITE 100
 PALM SPRINGS, CALIFORNIA 92264
 TELEPHONE 760-864-3241 FAX 760-864-3243



BRADLEY LORNE HOMES
 PALM SPRINGS, CALIFORNIA

SHEET NO
11
 OF 14

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



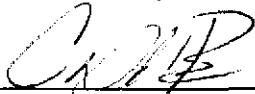
Date: November 5, 2014

Subject: "Kaptur Court" TPM 36686 & PDD 368 Case 5.1333 GPA

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on October 25, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

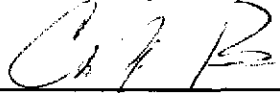


Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on October 23, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

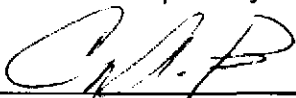


Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on October 23, 2014, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (101 notices)

I declare under penalty of perjury that the foregoing is true and correct.



Cynthia A. Berardi, CMC
Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE: 5.1333 GPA, PDD 368 & TPM 36686 "KAPTUR COURT"
GAIN LIMITED PARTNERSHIP
VACANT LAND AT 260 WEST VISTA CHINO ROAD

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of November 5, 2014. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider a Planned Development District (PDD) in-lieu of zone change to allow a single-story, detached single-family residential development and a Tentative Parcel Map (TPM) to subdivide about 0.91-acres into three residential lots. In relation to the project, the City Council will consider a General Plan Amendment to change the land use designation of the site from Tourist Resort Commercial to Low Density Residential.

ENVIRONMENTAL DETERMINATION: The City of Palm Springs, in its capacity as the Lead Agency, under the California Environmental Quality Act (CEQA) has determined that the project is Categorically Exempt from further environmental review, pursuant to CEQA Guidelines as follows: (1) the proposed general plan amendment meets criteria for a Class 5 exemption, Section 15305; (2) the proposed subdivision of less than four parcels meets criteria as a Class 15 exemption, Section 15315; and (3) the construction of three single-family dwellings meets criteria as a Class 3 exemption, Section 15303(a).

REVIEW OF PROJECT INFORMATION: The staff report and other supporting documents regarding this project are also available for public review at the City Hall between the hours of 8:00 a.m. and 6:00 p.m. Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

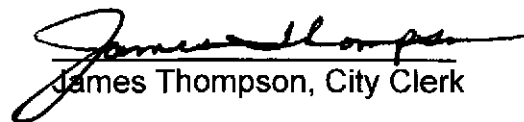
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. (Government Code Section 65009[b][2]).

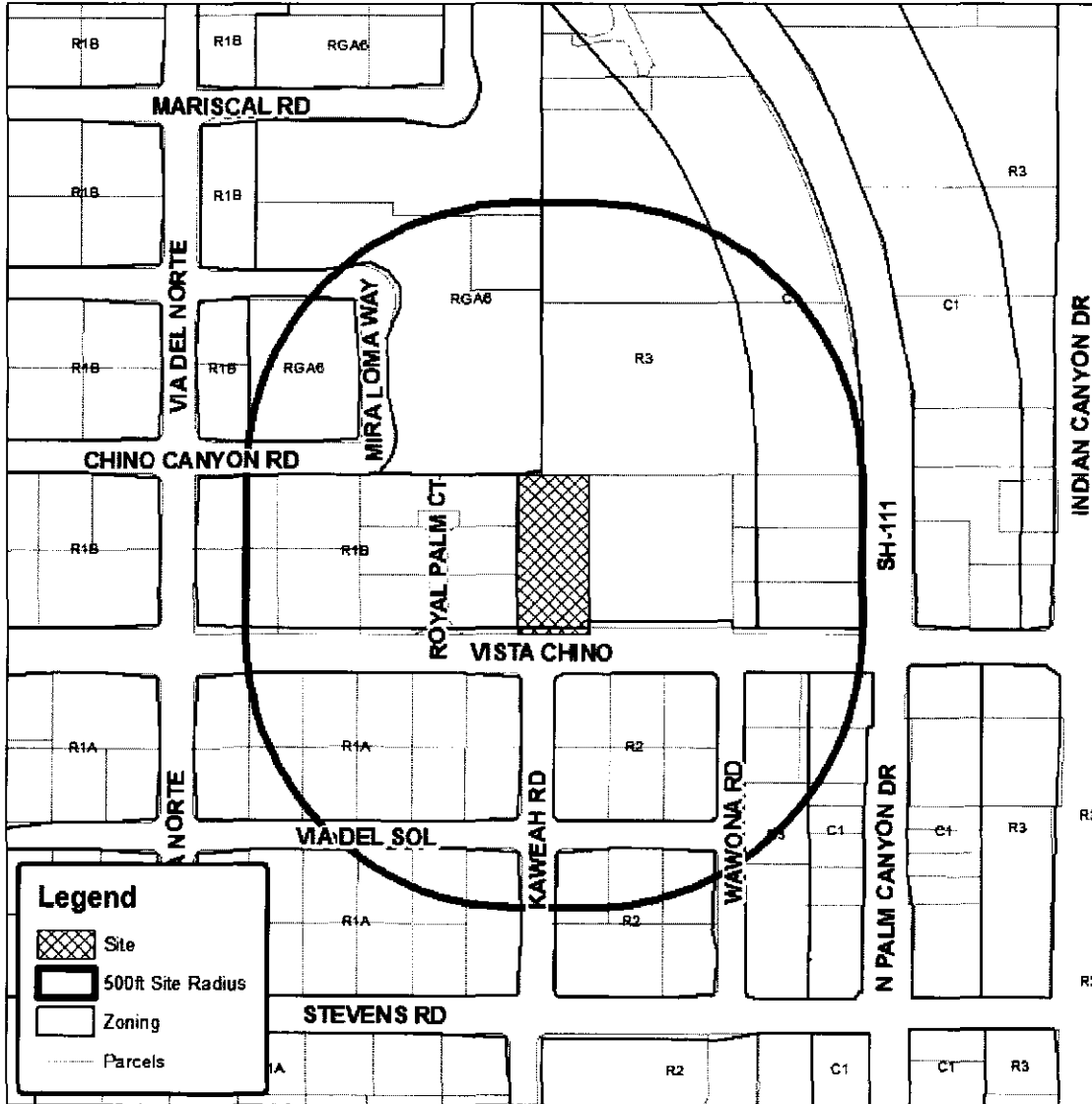
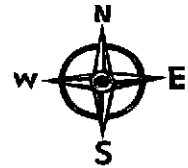
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David Newell, Associate Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.


James Thompson, City Clerk



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1333 GPA, PD-368
& TPM 36686

APPLICANT: Gain Limited
Partnership

DESCRIPTION: An application for a Planned Development District (PDD) in-lieu of zone change to allow a single-story, detached single-family residential development and a Tentative Tract Map (TTM) to subdivide about 0.91-acres into three residential lots. In relation to the project, the City Council will consider a General Plan Amendment to change the land use designation of the site from Tourist Resort Commercial to Low Density Residential.