



City Council Staff Report

DATE: January 21, 2015

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1869 TO APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT (PDD) 370 IN LIEU OF A CHANGE OF ZONE FOR A PROPOSED COMMUNITY COMPRISED OF 46 TWO-STORY DETACHED RESIDENTIAL UNITS, PRIVATE STREETS, AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD (CASE 5.1340 CUP PDD 370/3.3742 MAJ/TTM 36725)

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1869.

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1869, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT (PDD) 370 IN LIEU OF A CHANGE OF ZONE FOR A PROPOSED COMMUNITY COMPRISED OF 46 TWO-STORY DETACHED RESIDENTIAL UNITS, PRIVATE STREETS, AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD (APN'S 504-074-001, 002 AND 008) (CASE 5.1340 CUP PDD 370/3.3742 MAJ/TTM 36725)."

STAFF ANALYSIS:

On January 7, 2015, Ordinance No. 1869 was introduced for first reading, as noted below:

ACTION: Waive the reading of the ordinance text in its entirety, read by title only, and introduce on first reading Ordinance No. 1868, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT (PDD) 370 IN LIEU OF A CHANGE OF ZONE FOR A PROPOSED COMMUNITY COMPRISED OF 46 TWO-STORY DETACHED RESIDENTIAL UNITS, PRIVATE STREETS, AND OPEN SPACE ON A

Item No. **2.E.**

ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD (APN'S 504-074-001, 002 AND 008) (CASE 5.1340 CUP PDD 370/3.3742 MAJ/TTM 36725)." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

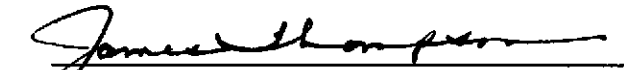
AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Lewin, and Mayor Pougnet

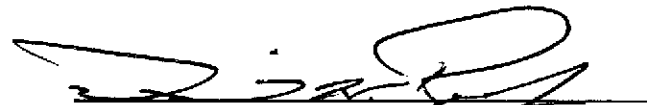
NOES: None

ABSENT: None

ABSTAIN: None

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


James Thompson
City Clerk


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

/kdh

Attachments:

Ordinance No. 1869

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR DEVELOPMENT OF 46 DETACHED RESIDENTIAL UNITS, PRIVATE ROADS AND OPEN SPACE ON A 5.23 +/- ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD [CASE 5.1340 PDD 370]

City Attorney's Summary

This Ordinance approves a final planned development district in lieu of a zone change to accommodate the development of 46 detached residential units on a 5.23+/- acre parcel generally located at the southeast corner of North Palm Canyon drive and Alvarado Road.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:

A. West Coast Housing Partners, LLC on behalf of the Owner, The Eric Brandenburg Separate Property Trust submitted applications pursuant to Palm Springs Zoning Code Section 94.03 & 93.07 (Planned Development, Zone Change) Section 94.04 (Architectural Review), Section 94.02 & 92.25.00 (Conditional Use Permit / Resort Combining Zone) and Municipal Code Section 9.62 (Maps) seeking approval of a Planned Development District in lieu of a Change of Zone, a Tentative Tract Map, and a Major Architectural Application and a Conditional Use Permit via the PDD for development of a gated community comprised of 46 two-story residential detached units, private streets, common open space and landscaping on a roughly 5.23 acre site located at the southeast corner of North Palm Canyon Drive and Alvarado Road (Case 5.1340 PDD 370 CUP / 3.3742 MAJ, TTM 36725) (APN's 504-074-001, 002 & 008).

B. On August 11, 2014, the subject project was reviewed by the City's Architectural Advisory Committee (AAC), which voted 5-0-1-1 (Song abstained, Secoy-Jenson absent) to recommend approval of the project by the Planning Commission subject to the condition that the applicant submit the final landscape plan to a subcommittee of the AAC (members Purnell/Fredricks/Cassady) for review and recommendation of approval to the Planning Director prior to issuance of building permits.

C. Notice of a public hearing of the Planning Commission of the City of Palm Springs, California to consider Case 5.1340 PDD 370, CUP / 3.3742 MAJ / TTM 36725 was given in accordance with applicable law and on October 8, 2014 a

public hearing of the Planning Commission of the City of Palm Springs, California was held in accordance with applicable law. At said hearing, the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report, and all written and oral testimony presented and voted 7-0 to table the matter with direction to the applicant to modify the project.

D. A notice of public hearing of the Planning Commission of the City of Palm Springs, California to consider Case 5.1340 PDD 370, CUP / 3.3742 MAJ / TTM 36725 was given in accordance with applicable law and on November 19, 2014 a public hearing of the Planning Commission of the City of Palm Springs, California was held in accordance with applicable law. At said hearing the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented and voted 5-2-0 (Calerdine and Klatchko opposed) to table the matter and refer it back to the applicant with direction to revise several aspects of the project.

E. A notice of public hearing of the Planning Commission of the City of Palm Springs, California to consider Case 5.1340 PDD 370, CUP, 3.3742 MAJ, TTM 36725 was given in accordance with applicable law and on December 10, 2014 a public hearing of the Planning Commission of the City of Palm Springs, California was held in accordance with applicable law. At said hearing the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented, and voted 7-0 to approve the project with conditions and recommend its approval by City Council subject to those conditions.

F. A notice of public hearing of the City Council of the City of Palm Springs, California to consider Case 5.1340 PDD 370, TTM 36725 was given in accordance with applicable law and on January 7, 2015, the City Council held a public hearing in accordance with applicable law.

G. A Planned Development District in lieu of a Change of Zone is required to be adopted by ordinance as provided in the City's Municipal Code and the proposed project is proposed to be adopted by Ordinance.

H. 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, the MND, and all written and oral testimony presented and finds that the Project complies with the requirements of Section 94.07.00 of the City's Zoning Code. The City Council makes the following specific findings based on specific evidence as described after each finding:

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 proposed project is located in the Mixed-use / Multi-use land use designation of the General Plan. This designation allows residential uses to a maximum density of 30 du/ac with approval of a Planned Development District (PDD). The underlying zone is RGA-6 / C-1 and R-3. The density for the RGA-6 zone is 6du/ac and for R-3 is 30 du/ac. The project proposes roughly 9du/ac and thus conforms in terms of density with the General Plan. The proposed density is 50% greater than the underlying RGA-6 zone, less than those portions of the project that are zoned R-3. The Planning Commission approved the project as a PDD in lieu of a change of zone and therefore the density proposed becomes the approved density for the project.

The General Plan notes that the Mixed-use / Multi-use designation *"should promote civic activity, define neighborhood character, and provide places for people to meet and socialize, enhancing the area's overall quality of life. These areas are intended to provide services and distinct gathering places and activity centers for surrounding neighborhoods and businesses."*

The General Plan also notes for this specific Mixed Use area (called "Artist Colony") *"the northern end of the City lacks distinct gathering places, with residents and businesses relying mainly upon Downtown to serve this need. The Artist Colony provides opportunity to introduce housing along Palm Canyon Drive and to provide much-needed neighborhood-serving commercial uses and gathering spaces."*

The proposed project is limited in its success at promoting civic activity, and in providing places for people to meet and socialize. Aside from the small accessory structures that face Palm Canyon that might be used as home-based businesses, the project does little to provide *"much needed neighborhood serving commercial uses"*. The project is proposed as a gated community that separates itself from the existing surrounding neighborhood. The project turns back yards toward the public streets, provides no internal sidewalks and creates a monotonous "wall of garage doors" facing the internal private streets instead of porches, yards, or other architectural features that would promote more "eyes on the streets" and that might encourage community interaction. The small "oasis" for bicyclists at the corner of Palm Canyon Drive and Alvarado provides little in the way of amenities to encourage civic activity, or community gathering and is separated with walls and gates from the rest of the proposed development. Aside from the perimeter walls and narrow strips of landscaping, places that would contribute to creating an appealing "character" for this neighborhood are

lacking in this proposal, however the City Council has conditioned the project to address these issues and enable the project to be deemed consistent with this finding.

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 proposed project is located in the C-1/RGA-6/R-3 Zones with the Resort Combining Zone Overlay. The PDD is proposed to change the split zoning to a single residential zone with its own unique development standards. The project is considerably denser than the existing large lot, single family development in the vicinity of the project; however the detached residential uses proposed are suitable and similar to the single family detached residential uses in the vicinity. Although the project has frontage along Palm Canyon Drive, it is suitable and appropriate that vehicular access to the project is proposed from the adjacent collector street rather than Palm Canyon Drive. Thus the City Council has determined that the project conforms to 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.

Proposing residential uses for the subject site is appropriate given that the general development pattern in the vicinity is also residential. The General Plan promotes the concept of "Mid-block residential" along major thoroughfares, which encourages clustering of commercial / retail uses at the major intersections within walking distance to residential areas, rather than as a long commercial strip that relies more heavily on vehicular movement. The City Council deemed the project in conformance with this finding.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1: CEQA.

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). An initial study was conducted and the City concluded that the project as proposed had the potential to cause significant negative impacts on the environment. The analysis included all required CEQA issues, including but not limited to air quality, traffic, land use compatibility and hydrology. Mitigation Measures have been identified and included in the project to reduce the project's significant impacts to a less than significant level and a Mitigated Negative Declaration (MND) was determined to be an appropriate and adequate environmental document for the review and consideration of the project. The CEQA analysis including a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration was made available for public comment for a 20-day period from September 3, 2014 to September 23, 2014. Public comment

letters were received which are attached to this staff report; however, no new information was provided that would require recirculation or further analysis of the project's impacts under CEQA.

The City Council independently reviewed and considered the information contained in the draft MND and NOI prior to its review of the proposed project, and the draft MND reflects the City's independent judgment and analysis. The City Council finds, on the basis of the whole record before it, including the initial study and comments received, that the project as proposed, including all required permits, has the potential to cause significant impacts on the environment but the proposed Mitigation Measures would reduce those impacts to a less than significant level. Therefore the City Council hereby adopts the Mitigated Negative Declaration as a complete and adequate evaluation of the project pursuant to CEQA.

SECTION 2. The City Council approves PDD 370 in lieu of a Change of Zone (Case 5.1340) as conditioned by City Council Resolution No. _____ for Case 5.1340 PDD 370 / CUP / TTM 36725 / 3.3745 MAJ.

SECTION 3. The City Council approves the zone map change from C-1 / RGA-6 / R-3 to PDD 370 for a roughly 5.23-acre area at the southeast corner of North Palm Canyon Drive and Alvarado Road, in conjunction with Case 5.1340 PDD 370 / CUP / TTM 36725 / 3.3742 MAJ.

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 7th day of January, 2015.

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 \