



Planning Commission Staff Report

DATE: April 22, 2015

PUBLIC HEARING

SUBJECT: CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT TO AMEND PALM SPRINGS ZONING CODE (PSZC) CHAPTERS 92 AND 93 TO MODIFY THE SETBACK REQUIREMENTS AND AESTHETIC STANDARDS FOR CARPORT STRUCTURES IN THE R-2 (LIMITED MULTIFAMILY RESIDENTIAL) AND R-3 (MULTIPLE-FAMILY RESIDENTIAL AND HOTEL) ZONING DISTRICTS, (CASE 5.1368 ZTA). (FF)

FROM: Department of Planning Services

SUMMARY

This is a request for a Zone Text Amendment to allow carport structures in the R-2 and R-3 zoning districts to encroach into front or side yard setbacks, subject to landscaping and aesthetic requirements.

RECOMMENDATION:

To open the public hearing and recommend approval to the City Council.

BACKGROUND & SETTING

In January 2015, the Planning Commission reviewed two Variance applications to allow carport structures within required setbacks for existing multifamily developments. The Planning Commission directed staff to propose regulations that would potentially allow carport structures in specified multifamily zoning districts to encroach into required setbacks, with landscape and/or aesthetic standards that would reduce the visual impacts of the structures.

The zoning code does not currently allow carport structures to encroach into required setbacks; carports must meet the same setback requirements as habitable buildings. Section 93.01.00 does allow certain structures and building elements to encroach into required setbacks, such as canopies, eaves, patios, pedestrian entry features, porte-cocheres, and similar structures. Any request to construct a carport in a required setback area would be subject to the approval of a Variance application, and would require that the application meet the four criteria listed in Section 94.06.00(B) the

approval.

Many of the older multifamily properties in the City of Palm Springs do not have covered parking facilities or only provide limited covered parking. While covered parking is largely unnecessary for the seasonal population, it becomes a necessity as the percentage of year-round residents increases. In order to encourage reinvestment in the City's multifamily housing stock and provide a competitive housing product, the relaxation of certain setback requirements for carport structures may assist in improving and upgrading existing multifamily properties.

The proposed amendment would allow carport structures to encroach front and side yard setbacks along local and collector streets (as defined by the General Plan), but does not allow the encroachment along major or secondary thoroughfares. The intent of this exclusion is to maintain a well-landscaped appearance along the City's principal thoroughfares. The structures would require a minimum five-foot setback from the property line, so as to allow adequate room for a landscape buffer area and screen wall or hedge, and would be limited to a maximum of ten feet in height so as to minimize visual impact. Specific requirements are proposed for plantings within the buffer area, to include drought-tolerant shade trees spaced at 25-foot intervals and ground cover plantings to cover 50% or greater of the overall buffer area square footage. No turf grass would be allowed in the landscape buffer area, so as to reduce water usage.

The approval process for encroaching carports would be via a Minor Architectural Review, and would be reviewed by the Architectural Advisory Committee (AAC). In addition to the standard criteria for architectural reviews, the design of the carport structures would be reviewed for consistency with the architecture of the principal building. An additional criterion would be added to encourage that the carport structures be designed and oriented for the immediate or future placement of solar panels.

CONCLUSION:

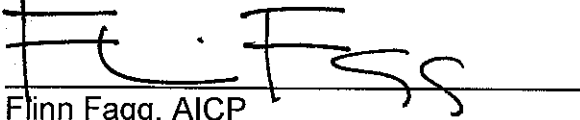
Staff recommends approval of the proposed ordinance and to refer the ordinance to City Council.

ENVIRONMENTAL ASSESSMENT

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed Zone Text Amendment has been deemed a "project." Staff has determined that the proposed Zone Text Amendment (Case 5.1368 ZTA) may be deemed Categorically Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act. The proposed zone text amendment proposes only insignificant changes to the title.

NOTIFICATION

A public hearing notice was published in accordance with the requirements of State law and local ordinance. As of the writing of this report, staff has not received any comment on the proposed ordinance.

A handwritten signature in black ink, appearing to read "Flinn Fagg", written over a horizontal line.

Flinn Fagg, AICP
Director of Planning Services

Attachments:

1. Draft Resolution
2. Minutes – Planning Commission meeting of January 28, 2015
3. Location map – R-2 and R-3 properties

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTERS 92 AND 93 OF THE PALM SPRINGS ZONING CODE RELATING TO CARPORT STRUCTURES IN THE R-2 (LIMITED MULTIFAMILY RESIDENTIAL) AND R-3 (MULTIPLE-FAMILY RESIDENTIAL AND HOTEL) ZONING DISTRICTS.

WHEREAS, on January 28, 2015, the Planning Commission directed staff to prepare a Zone Text Amendment to allow carport structures to encroach into required setbacks for multifamily properties; and

WHEREAS, Chapter 92 of the Palm Springs Zoning Code establishes minimum required setbacks for the R-2 and R-3 zoning districts; and

WHEREAS, Chapter 93 of the Palm Springs Zoning Code allows encroachments into required setbacks for certain structures or architectural features; and

WHEREAS, on April 22, 2015, the Planning Commission conducted a noticed public hearing on an amendment to Chapters 92 and 93 of the Palm Springs Zoning Ordinance to allow carport structures in the R-2 and R-3 zoning districts to encroach into required front and side yard setbacks, subject to standards and conditions; and

WHEREAS, the Planning Commission hereby determines that the proposed Zoning Ordinance Text Amendment is Categorically Exempt under Section 15305, "Minor Alterations in Land Use Limitations," of the Guidelines for the Implement of the California Environmental Quality Act and that the proposed amendment does not result in any changes in land use or density; therefore

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission hereby finds that adoption of the proposed Zoning Ordinance Text Amendment would:

- a. Encourage reinvestment in the City's existing multifamily housing stock by allowing the construction of carport structures at properties that would not otherwise be allowed to construct covered parking.
- b. Allow existing multifamily developments to add or increase covered parking as an amenity for residents, and provide a competitive housing product.

- c. Protect against visual impacts by requiring drought-tolerant landscaping and screening of encroaching carport structures.

SECTION 2. The adoption of the proposed Zoning Ordinance Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan as it provides an incentive for reinvestment and improvements to existing multifamily housing stock.

SECTION 3. Section 92.04.03(E)(1a) of the Palm Springs Zoning Code is amended to read:

E. Yards

1. For general provisions, see Section 93.01.00.
 - a. The front of a garage or carport shall be located not less than twenty-five (25) feet from the property line abutting the street from which such garage has vehicular access, and not less than twenty-five (25) feet from the opposite side of the alley from which such garage has vehicular access. Carport structures may be permitted to encroach into required setbacks per the provisions of Section 93.01.00(F).

SECTION 4. Section 93.01.00(F) of the Palm Springs Zoning Code is amended to read:

F. Permitted Projections into Required Yards.

11. In the R-2 and R-3 zoning districts, carport structures may be permitted to encroach into required front and side yard setbacks, subject to the following requirements:
 - a. No carport structure shall be allowed to encroach into a required setback along a major thoroughfare or secondary thoroughfare.
 - b. Carport structures may be permitted to encroach up to five (5) feet from a front or side property line along a local/collector street frontage. The encroachment is only permitted for carport structures which serve parking spaces that are accessed by an internal driveway, and is not permitted for parking spaces which take direct access from a public street.

- c. The carport structure shall adhere to the provisions of the intersection visibility and corner cutback requirements contained in Section 93.02.00(D).
- d. Carport structures shall have a height not greater than ten (10) feet.
- e. A minimum five-foot wide landscape buffer is required between the carport structure and the front or side property line. The landscape buffer shall include the following:
 - i. Drought-tolerant shade trees planted at twenty-five (25) feet on center. The trees shall have a minimum six (6) foot clear trunk upon installation.
 - ii. Drought-tolerant ground cover plants, covering at least 50% of the landscape buffer area upon maturity. The remaining area may include decomposed granite or other similar inert ground cover materials. No turf shall be permitted in the required landscape buffer area.
 - iii. A decorative masonry wall with a minimum height of three (3) feet shall be located at the rear of the required landscape buffer to screen the carport structure from the street. The wall shall be located no closer than five (5) feet from the adjacent property lines, and shall adhere to the corner cutback provisions listed in Section 93.02.00(D). In lieu of a masonry wall, a drought-tolerant hedge may be planted between the required landscape buffer and the carport structure. The hedge shall have a minimum height of three (3) feet upon installation, and shall form a 75% opaque barrier within two years of planting.
- f. Carport structures which encroach into a required front or side yard setback shall be subject to the minor architectural review application process, as described in Section 94.04.00(E)(2)(a). In addition to the review criteria listed in Section 94.04.00(D), carport structures shall be evaluated for the following:

- i. Consistency of form, color and materials with the principal building(s) on the subject site; and
- ii. The design and orientation of the carport structures to allow for the installation of solar panels.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 5.1368 ZTA.

ADOPTED this 22nd day of April, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Flinn Fagg, AICP
Director of Planning Services

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: DECEMBER 10, 2014

ACTION: Approve, as amended.

Motion: Commissioner Calerdine, seconded by Commissioner Middleton and unanimously carried on a roll call vote.

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

2. PUBLIC HEARINGS:

2A. SAGE COURTYARD LP, A VARIANCE REQUEST TO REDUCE THE SIDE YARD SETBACK ON THE STREET SIDE FACING EAST ANDREAS ROAD TO FIVE (5) FEET FOR THE CONSTRUCTION OF NEW CARPORTS AT THE SAGE COURTYARD APARTMENT COMPLEX LOCATED AT 2300 EAST TAHQUITZ CANYON WAY, ZONE R-3 (CASE NO. 6.540 VAR). (GM)

Assistant Planner Mlaker presented the proposed project as outlined in the staff report.

Technical Questions:

Commissioner Roberts questioned if there is any way to allow the carports since the parking spaces are existing.

Director Fagg responded that in order to allow carports in the setbacks a change in the code would be required.

Commissioner Lowe asked for staff clarification on why the existing parking was allowed but not the carports.

Chair Hudson opened public comments:

GEORGE MOBAYED, representing Sage Courtyard, L.P., said they recently purchased this apartment building and noted a shortage of covered parking for the tenants especially during the summer months.

GABRIELA GRIGGS, Community Manager at Sage Apartments, submitted a petition of residents in support of additional covered parking spaces.

GRAHAME MAGNESS, resides at Sage Apartments, spoke in support of the addition of carports to the existing parking spaces.

JASON PRESS, Sunmore resident, agrees that there is a lack of parking; however, commented about issues of littering and car alarms going off on Andreas Road.

GEORGE MOBAYED, addressed public testimony, responded that as new owners they will pass on the issues of concern to the resident manager.

There being no further appearances the public hearing was closed.

Commissioner Calderine asked if the height of the carport structure could be reduced.

Assistant Planner Mlaker responded that the height could be reduced if requested.

Commissioner Roberts said he is struggling with this because the need is clear and the impact is minimal to none. He questioned if findings could be made to allow for the carports because of the existing wall and extreme heat during the summer.

Commissioner Middleton noted that covered parking is not a luxury in this city and the carports will be for existing parking spaces. She would like to see a change in the setback requirements for multi-family structures to deal with these situations.

Chair Hudson noted this apartment is an older building and parking is insufficient by current standards. He believes the visual impact to the neighbors will be significant and would like to see an increase in landscape and aesthetics (possibly solar panels) to improve the appearance.

Commissioner Lowe said he agrees with enhancing the appearance and is in support of covered parking in the city.

Vice-Chair Klatchko recapped the Commission's concerns and asked staff if could come up with the findings consistent to grant a Variance or with an amendment to the code.

Director Fagg suggested tabling this matter to allow staff to research similar properties for a potential code change and come back in 60 days. He noted that there is nothing unique about this property to make a finding for a Variance.

ACTION: Table to a date uncertain; and direct staff to conduct research on similar properties and review for a potential zone text amendment.

Motion: Commissioner Roberts seconded by Commissioner Weremiuk 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 Calerdine recommended to the applicant and staff to look into methods of reducing the visual impact of the carport structures through landscaping or reduction in height.

2B. MOJAVE BLUE LP, A VARIANCE REQUEST TO REDUCE THE SIDE YARD SETBACK ON THE STREET SIDE FACING EAST ANDREAS ROAD TO FIVE (5) FEET FOR THE CONSTRUCTION OF NEW CARPORTS AT THE MOJAVE BLUE APARTMENT COMPLEX LOCATED AT 2720 EAST TAHQUITZ CANYON WAY, ZONE R-3 (CASE NO. 6.541 VAR). (GM)

Assistant Planner Mlaker provided an overview of the proposed project.

Chair Hudson opened the public hearing and with no appearances coming the public hearing was closed.

ACTION: Table to a date uncertain, and direct staff to research similar properties, reduce the visual impact of the carport structures (through landscaping or reduction in height) and review for a potential zone text amendment.

Motion: Vice-Chair Klatchko, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

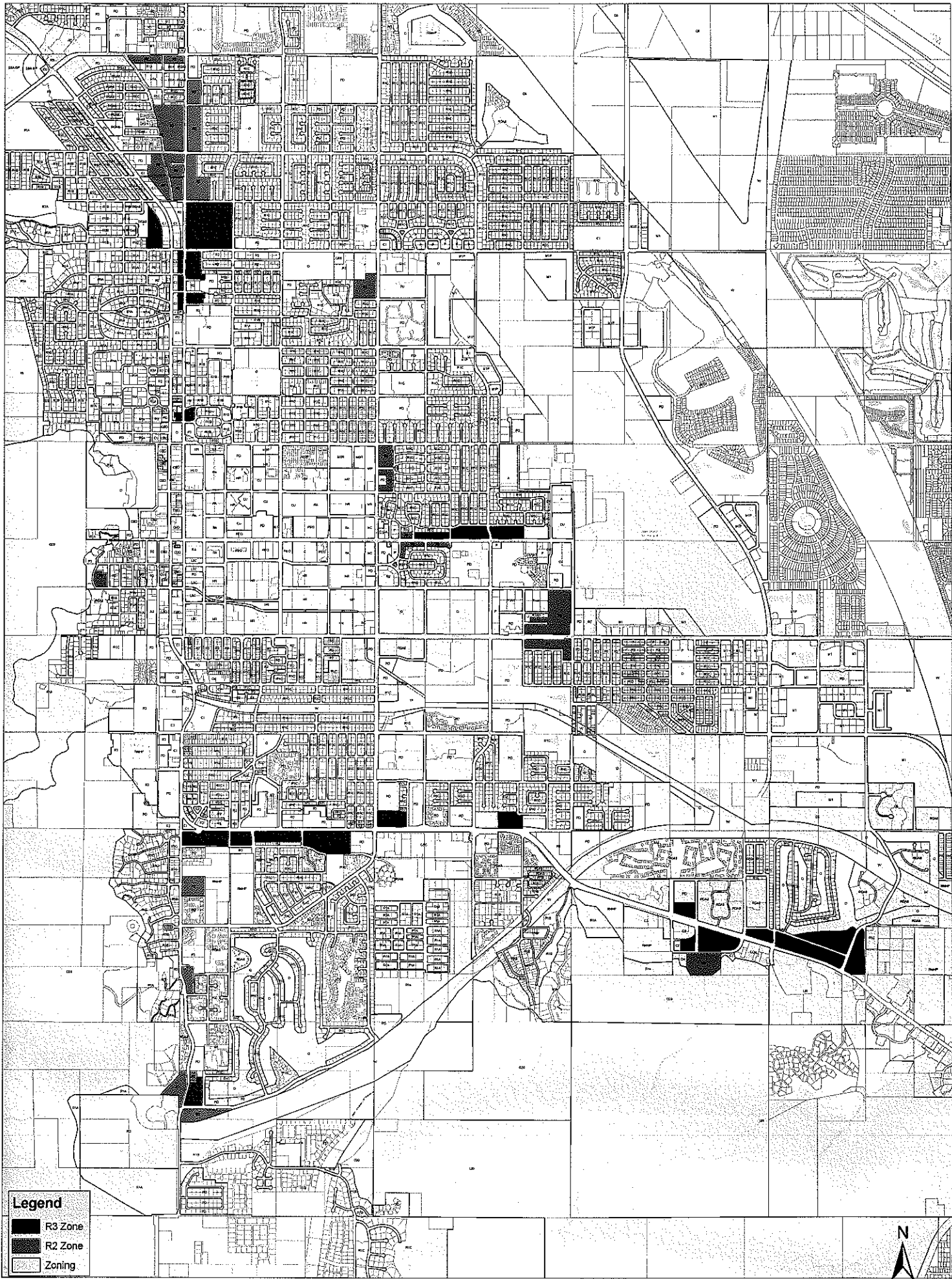
AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko, Chair Hudson

Commissioner Middleton strongly encouraged the applicant to reach out to Sunmore neighborhood to improve the relationship with them.

3. NEW BUSINESS:

3A. SUMMIT LAND PARTNERS, LLC, REQUEST FOR A ONE-YEAR TIME EXTENSION FOR THE RAINBOW VISION MIXED-USE PROJECT LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE NO. 5.1135-PDD 334). (ER)

Principal Planner Robertson provided an overview of the proposed one-year time extension. He noted that new ownership has acquired the property within the past 90 days.



Legend
R3 Zone
R2 Zone
Zoning

