



PLANNING COMMISSION STAFF REPORT

DATE: May 13, 2015

SUBJECT: MICHAEL FRICK FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 497-SQUARE FOOT DETACHED CASITA WITHOUT KITCHEN FACILITIES FOR THE PROPERTY LOCATED AT 2141 EAST CALLE LILETA, ZONE R-1-C (CASE NO. 5.1364 CUP). (DN)

FROM: Department of Planning Services

SUMMARY

The applicant proposes to construct a 497-square foot casita without kitchen facilities greater than 1/50th of the lot size on a single-family residential lot. Guest houses greater than 1/50th of the lot area require approval of a Conditional Use Permit (CUP).

RECOMMENDATION:

Approve, subject to conditions.

BACKGROUND:

Notification	
4/30/2015	Public hearing notice published in local paper and sent to all property owners and registered occupants within 500 feet of the site. As of the writing of this report, staff has not received any letters from the public.

Field Check	
April 2015	Staff visited site to observe existing conditions

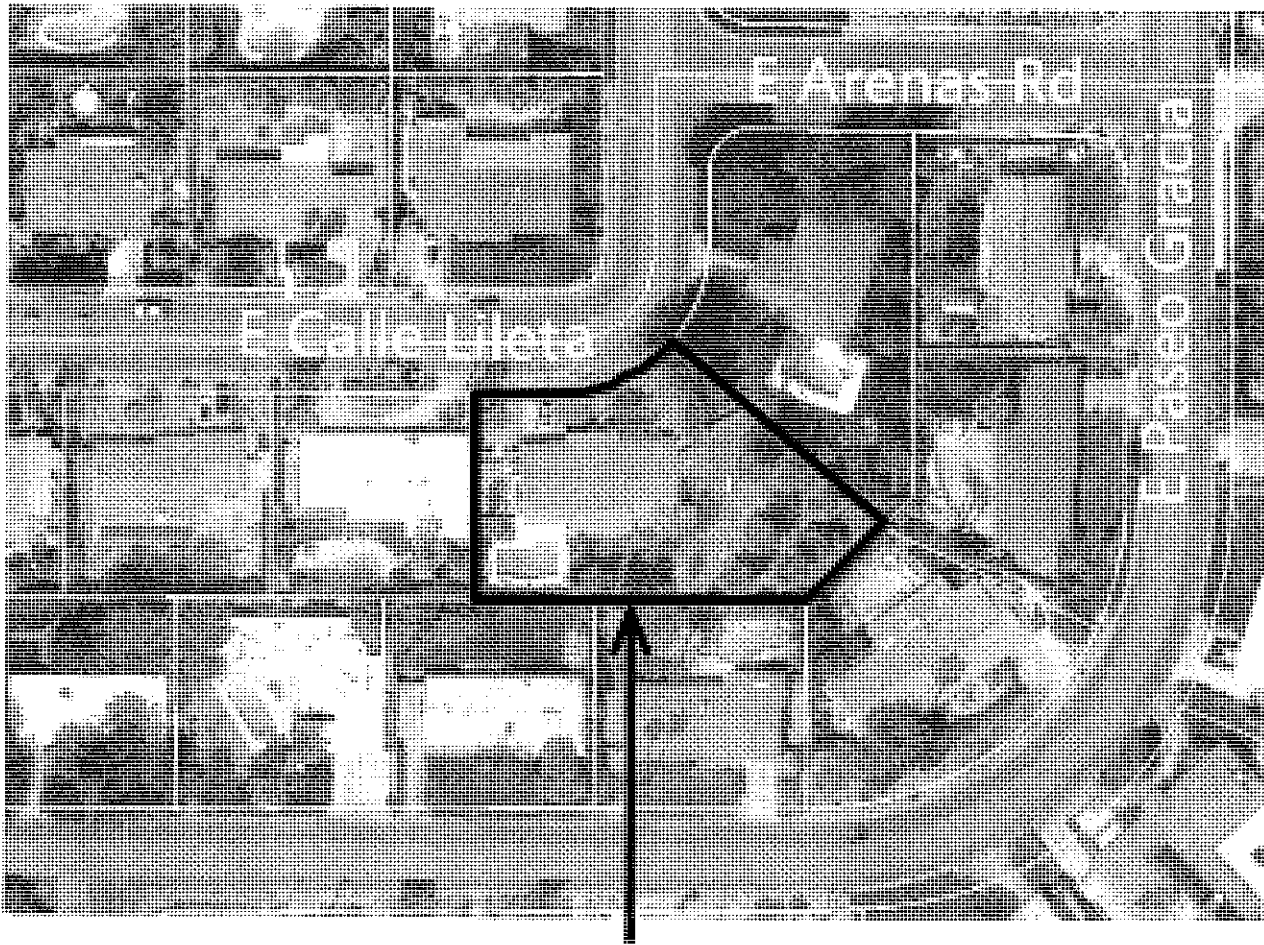
Site Area	
Existing Site	16,988 square feet ¹
Existing Residence	Residence: ~1,624 square feet ² Garage: ~427 square feet ³
Proposed Casita	497 square feet

¹ Per Riverside County records

² Per City of Palm Springs records

³ Per City of Palm Springs records

Most Recent Change of Ownership	
10/14/2014	Michael Frick



Subject Site: 2141 Calle Lileta

Surrounding Property	Existing General Plan Designations	Existing Land Use	Existing Zoning Designations
Subject Property	Very Low Density Residential (VLDR)	Single-Family Residential	Single-Family Residential (R-1-C)
North	Very Low Density Residential (VLDR)	Single-Family Residential	Single-Family Residential (R-1-C)
South	Very Low Density Residential (VLDR)	Single-Family Residential	Single-Family Residential (R-1-C)
East	Very Low Density Residential (VLDR)	Single-Family Residential	Single-Family Residential (R-1-C)
West	Very Low Density Residential (VLDR)	Single-Family Residential	Single-Family Residential (R-1-C)

ANALYSIS:

General Plan

Element	Request	Compliance
<p><u>Land Use:</u></p> <p>Very Low Density Residential (VLDR) allowing densities up to 4 units per acre</p>	<p>Accessory living space on existing lot of record.</p>	<p>Yes</p>

Zoning

Permitted Uses:

Pursuant to Section 92.01.01(D)(3) of the Palm Springs Zoning Code (PSZC), a guest house is permitted with the approval of a Conditional Use Permit when it exceeds 1/50th of the lot and is located on a parcel that at least 15,000-square feet in size. The proposed casita is approximately 497-square feet, which is larger than 1/50th of the lot, and is located on a 16,988-square foot parcel.

The existing house is 1,624-square feet in size and located near the center of the property. The new casita will be detached from the existing residence in a palm tree grove area at the easterly side of the lot.

Development Standards:

92.01.03

	R-1-C Requirements	Proposed Project	Conform
A. Lot Standards			
1. Min. Area	10,000 square feet	16,988 square feet	Yes
2. Min. Width	100 feet	150 feet	Yes
3. Min. Depth	100 feet	100 feet	Yes
B. Yard & Building Standards			
1. Front (North)	25 feet	(existing 25 feet to dwelling)	Yes
2. Side Interior (West)	10 feet	(existing 20 feet to dwelling)	Yes
2. Side Interior (East)	10 feet	10 feet proposed	Yes
3. Rear (South)	15 feet	19 feet proposed	Yes
4. Lot Coverage	35%	15%	Yes
5. Minimum dwelling size	1,500 square feet	2,121 square feet (incl. guest house)	Yes
6. Building Envelope	Buildings shall not exceed one (1) story and twelve (12) feet in height at the minimum setback. From the minimum setback, the	Building at the setback is less than 9 feet in height with a 2:12 roof slope to a height of less than 14 feet.	Yes

	height may be allowed to increase along a plane which has a slope of 4:12, until a building height of eighteen (18) feet is attained. Gable ends, dormers and front entrance treatments, not exceeding fifteen (15) feet in height, may encroach past the building envelope limits.		
D.4. Distance Between Buildings	Buildings, accessory or main, over ten (10) feet in height shall be separated by a minimum distance of fifteen (15) feet unless such buildings have a common wall.	49 feet separation	Yes

REQUIRED FINDINGS:

Pursuant to PSZC Section 94.02.00 (Conditional Use Permit), the commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

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;

Pursuant to Zoning Code Section 92.01.01.D.3, guest houses occupying more than 1/50th of the lot area are permitted with the approval of a conditional use permit in the R-1-C zone. Lots must exceed 15,000-square feet and the subject property is 16,988-square feet in size. The proposed use conforms to this finding.

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 guest house will be located on a large lot within the Sunrise Park neighborhood consisting of established homes with mature landscaping. The detached addition is desirable for the community as it is anticipated to increase property values of the subject site and surrounding area. The General Plan land use designation is Very Low Density Residential providing for single-family residences at roughly four dwellings to the acre. The proposed guest house will be constructed within an existing palm tree grove and is not expected to be detrimental to existing or future uses permitted in the R-1-C zone.

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 proposed guest house will be 497-square feet in size and will be located at the easterly corner of the parcel in a palm tree grove area. The existing house and proposed casita will occupy 15% of the lot and will meet all required setbacks and other zone requirements. The existing parcel is 16,988-square feet and is adequately sized to accommodate the new structure. The proposed development conforms to all development standards for the zone in which it is located.

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;*

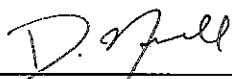
The site is provided with all street and utility access and the proposed guest unit does not adversely impact any streets or utility systems in the vicinity. Guest houses do not require additional parking and the project site is already provided with the code required two covered parking spaces.

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.*

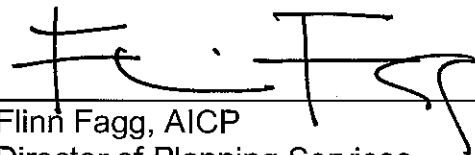
Conditions of Approval are proposed in the attached Exhibit "A".

ENVIRONMENTAL ANALYSIS

The proposed guest unit is deemed a project under the guidelines of the California Environmental Quality Act (CEQA). Staff has evaluated the project against the provision of CEQA and has proposed a Class 3 Categorical Exemption (*New Construction of Small Structures*).



David A. Newell
Associate Planner



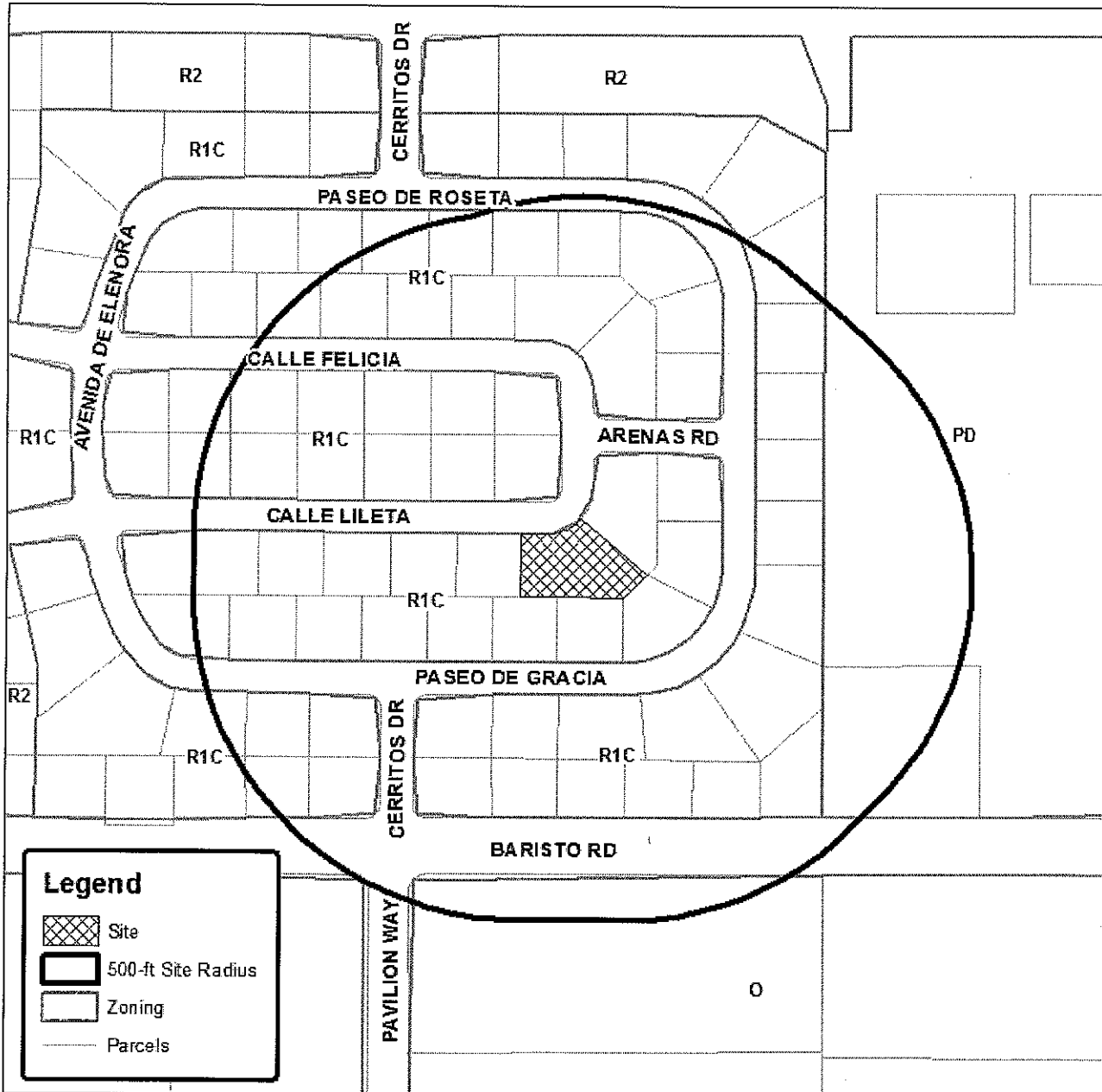
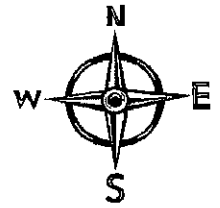
Flinn Fagg, AICP
Director of Planning Services

Attachments:

1. 500' Vicinity Map
2. Draft Resolution with Conditions of Approval
3. Applicant Justification Letter
4. Site Photos
5. Site Plan and Building Elevations



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT, CASE NO. 5.1364 CUP, TO CONSTRUCT A 497-SQUARE FOOT GUEST HOUSE LOCATED AT 2141 CALLE LILETA, ZONE R-1-C.

WHEREAS, Michael Frick, ("Owner") has filed an application with the City pursuant to Sections 94.02.00 of the Palm Springs Zoning Code (PSZC) to construct a 497-square foot casita without kitchen facilities at 2141 Calle Lileta, R-1-C Zone, Section 13; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider the application for Conditional Use Permit, Case No. 5.1364 was given in accordance with applicable law; and

WHEREAS, on May 13, 2015, a public hearing on the application for Conditional Use Permit, Case No. 5.1364 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed Conditional Use Permit is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3 – New Construction of Small Structures) of the CEQA Guidelines; and

WHEREAS, the Planning Commission has 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.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: The Planning Commission finds that this Conditional Use Permit is Categorically Exempt from environmental review pursuant to Section 15303 (Class 3 – New Construction of Small Structures) of the California Environmental Quality Act Guidelines.

Section 2: Pursuant to Section 92.01.01(D)(3) of the Palm Springs Zoning Code (PSZC), a conditional use permit is required for the approval of a guest house greater than 1/50th of the lot size, and only when such lot exceeds 15,000-square feet in size.

Pursuant to PSZC Section 94.02.00 (Conditional Use Permit), the commission shall not approve a conditional use permit unless it finds as follows:

- 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;*

Pursuant to Zoning Code Section 92.01.01.D.3, guest houses occupying more than 1/50th of the lot area are permitted with the approval of a conditional use permit in the R-

1-C zone. Lots must exceed 15,000-square feet and the subject property is 16,988-square feet in size. The proposed use conforms to this finding.

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 guest house will be located on a large lot within the Sunrise Park neighborhood consisting of established homes with mature landscaping. The detached addition is desirable for the community as it is anticipated to increase property values of the subject site and surrounding area. The General Plan land use designation is Very Low Density Residential providing for single-family residences at roughly four dwellings to the acre. The proposed guest house will be constructed within an existing palm tree grove and is not expected to be detrimental to existing or future uses permitted in the R-1-C zone.

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 proposed guest house will be 497-square feet in size and will be located at the easterly corner of the parcel in a palm tree grove area. The existing house and proposed casita will occupy 15% of the lot and will meet all required setbacks and other zone requirements. The existing parcel is 16,988-square feet and is adequately sized to accommodate the new structure. The proposed development conforms to all development standards for the zone in which it is located.

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 site is provided with all street and utility access and the proposed guest unit does not adversely impact any streets or utility systems in the vicinity. Guest houses do not require additional parking and the project site is already provided with the code required two covered parking spaces.

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.

Conditions of Approval are proposed in the attached Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1364 CUP, a conditional use permit for construction of a 497-square foot detached guest house at 2141 Calle Lileta; subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 13th day of May, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO. _____

EXHIBIT A

Case 5.1364 CUP

2141 Calle Lileta

May 13, 2015

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 5.1364 CUP, except as modified the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans on file, date stamped March 10, 2015, 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. 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 5.1364 CUP. 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 6. 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 7. Time Limit on Commencement of Use. The time limit for commencement of the use authorized by this conditional use permit shall be two (2) years from the effective date of approval. A conditional use permit shall become effective after an elapsed period of fifteen (15) days from the date of the decision by the commission authorizing the permit.

ADM 8. 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. Permits will not be issued until the appeal period has concluded.

ADM 9. Comply with City Noise Ordinance. This use and property shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.

ADM 10. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

PLANNING DEPARTMENT CONDITIONS

PLN 1. Smart Controller for landscape irrigation. The applicant is to use "smart controllers" available from the Desert Water Agency for water efficiency in the irrigation system.

BUILDING DEPARTMENT CONDITIONS

BLD 1. Construction Permits. Prior to any construction on-site, all appropriate permits must be secured.

FIRE DEPARTMENT CONDITIONS

FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan received and dated March 10, 2015. 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

Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. 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. Inspection fees are charged at the fully burdened hourly rate of the fire inspector. 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. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall indicate all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by

the appropriate codes and standards. Plans and supportive data (calculations and manufacturer's technical data sheets) shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

FID 4 NFPA 13D Fire Sprinklers Required: An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler 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.

FID 5 Residential Smoke and Carbon Monoxide Alarms Installation with Fire Sprinklers - R-3 & Household Fire Alarm System (CFC 907.2.11.2, CRC R314 & R315 and California Health & Safety Code 17926): Provide and Install Residential Smoke and Carbon Monoxide Alarms. Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alterations, repairs and additions, smoke and carbon monoxide alarms shall be interconnected. The operation of any smoke alarm or the fire sprinkler flow switch will cause all smoke alarms within the dwelling to sound and activate the exterior horn/strobe. The operation of any carbon monoxide alarm will cause all carbon monoxide alarms within the dwelling to sound.

FID 7 Audible Residential Water Flow Alarms - NFPA 13D Fire Sprinklers & Household Fire Alarm System (CFC 903.4.2): An approved audible sprinkler flow alarm (Wheelock horn/strobe with WBB back box or equal) shall be provided on the exterior of the building in an approved location. It shall be powered by the household fire alarm system. The horn/strobe shall be outdoor rated.

END OF CONDITIONS

Michael Frick
2141 E. Calle Lileta
Palm Springs, CA 92262

3/10/2015

City of Palm Springs
Planning Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Gentlemen:

I am requesting a CUP in order to construct a 497 SF detached casita on my residential lot. The lot area is 16988 SF. My existing home + garage is 2312 SF. This represents a 13.6 % coverage. The casita we want to build is 497 SF. Adding this to the lot would only increase the % coverage to 16.5 %.

Since the lot is so large, the casita would be located a minimum of 49 feet from the existing house while maintaining all other required setbacks. The side yard where the casita would be located is well landscaped with mature trees that block views of the casita from the adjacent properties.

A similar sized casita was recently constructed on a similar sized lot directly across the street. That address is ~~E. Calle Lileta~~ 2190 EAST CALLE FELICIA. Since there will be no detrimental effects on the adjacent properties or neighbors I respectfully request an approval for this project.

Sincerely,



Michael Frick

RECEIVED
MAR 10 2015
PLANNING SERVICES
DEPARTMENT

15.1364

May 4, 2015

RECEIVED
CITY OF PALM SPRINGS

2015 MAY -6 AM 8:23

JAMES THOMPSON
CITY CLERK

City of Palm Springs

Planning Commission

REF: Conditional Use Permit Case # 5.1364 CUP

Michael Frick, 2141 East Calle Lileta

Gentlemen:

I object to the issuance of the above emntioned permit. The extra building could be rented to others as a vacation rental which could cause nieghborhood extra noise and would mean extra traffice and strangers in the area as have other such properties.

Sincerely,



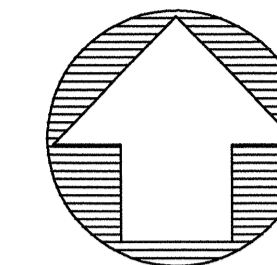
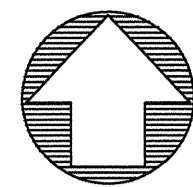
Thomas L. Deucker

2223 E. Paseo Gracia

Palm Springs, CA 92262

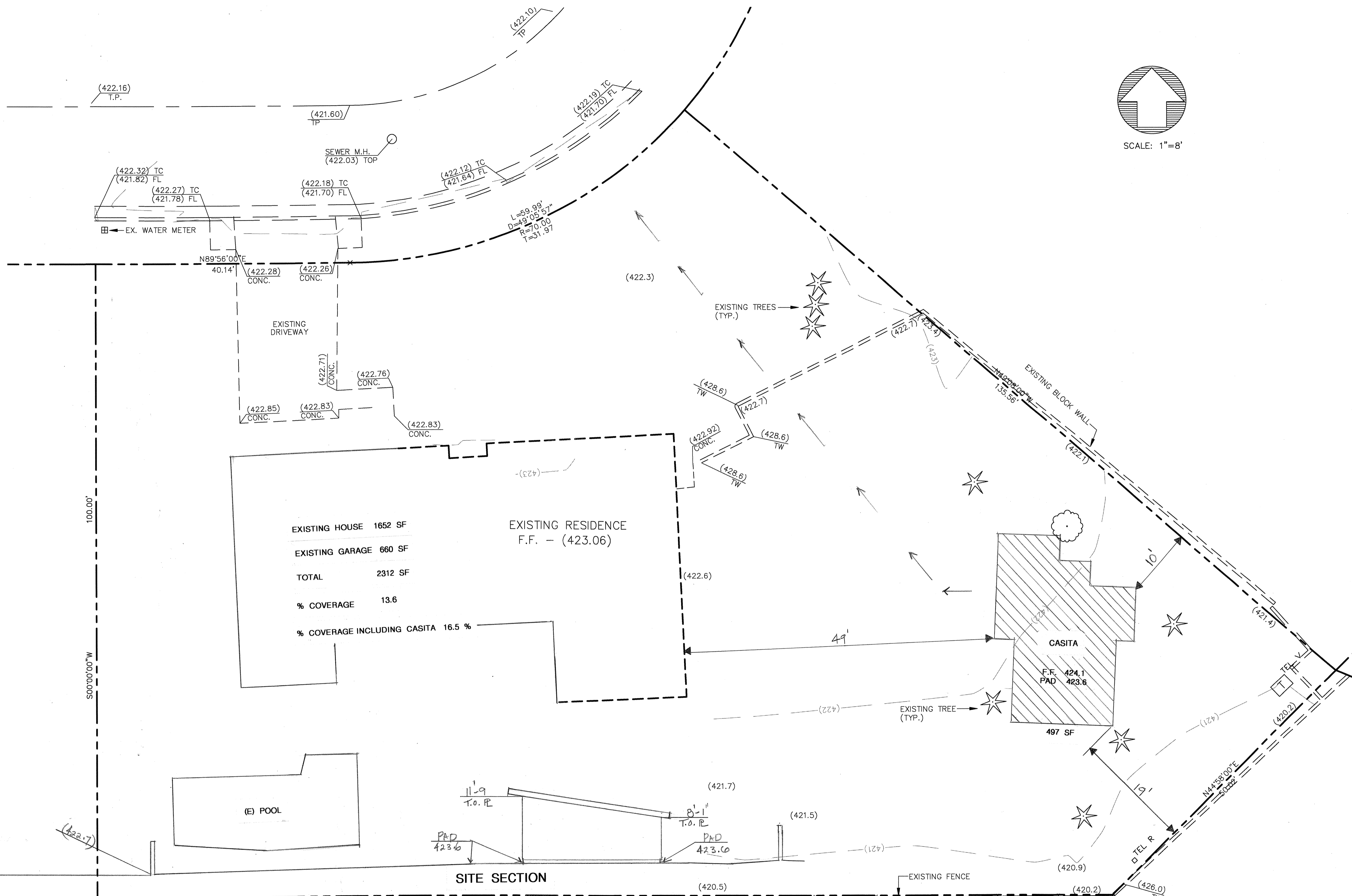




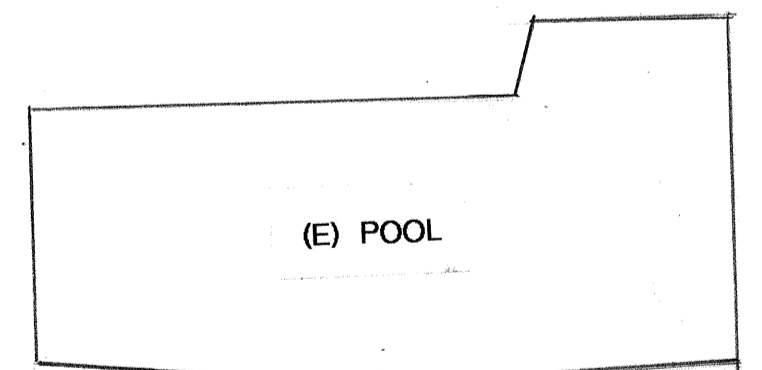


SCALE: 1"=8'

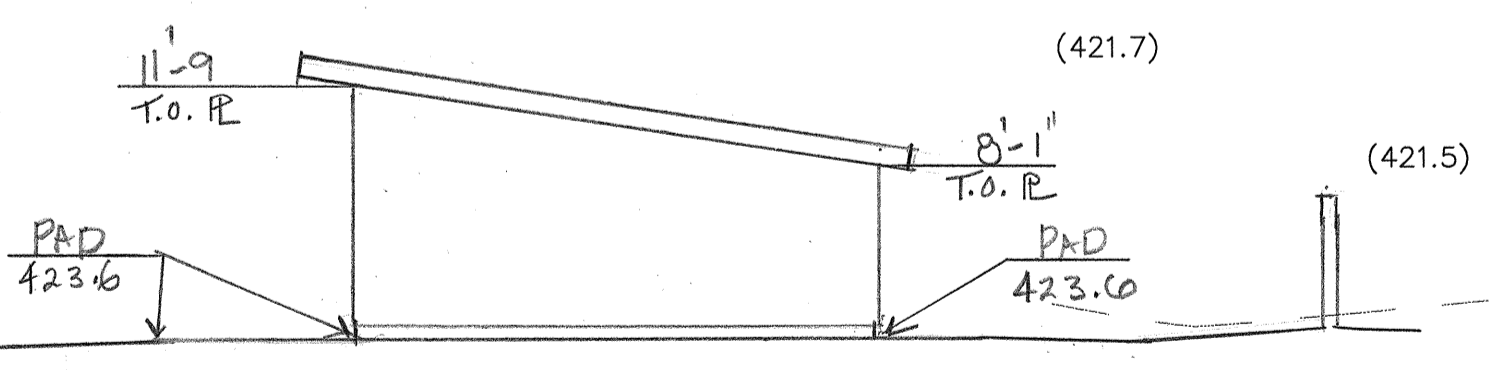
VICINITY MAP
NO SCALE



EXISTING HOUSE 1652 SF
 EXISTING GARAGE 660 SF
 TOTAL 2312 SF
 % COVERAGE 13.6
 % COVERAGE INCLUDING CASITA 16.5 %



SITE SECTION



ESTIMATED DIRT QUANTITIES

RAW FILL - 1990 C.Y.
 CUT - 0 C.Y.
 DIRT PROVIDED BY TRI-STAR CONTRACTING II
 15501 LITTLE MORONGO
 DESERT HOT SPRINGS, CA. 92240
 (760) 251-5454

NOTE: ESTIMATED QUANTITIES ARE SHOWN FOR PERMIT PURPOSES ONLY. CONTRACTOR IS RESPONSIBLE FOR HIS/HER OWN QUANTITIES

CONSTRUCTION contractor agrees that in accordance with generally accepted construction practices, construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property; that this requirement shall be made to apply continuously and not be limited to normal working hours, and construction contractor further agrees to defend, indemnify and hold design professional harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting liability arising from the sole negligence of design professional.



DIAL TOLL FREE
 1-800-227-2600
 AT LEAST TWO DAYS BEFORE YOU DIG
 UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

REQUESTING CUP TO INCREASE ALLOWABLE SIZE BY 157 SF

MICHAEL FRICK RESIDENCE
PROPOSED CASITA

2141 E. CALLE LILETA LOT AREA 16988 SF

"RECORD DRAWING"		CONTRACTED BY	APPROVED BY
		DATE	DATE

NO.	REVISION	APPROVED	DATE	REVISION	DATE

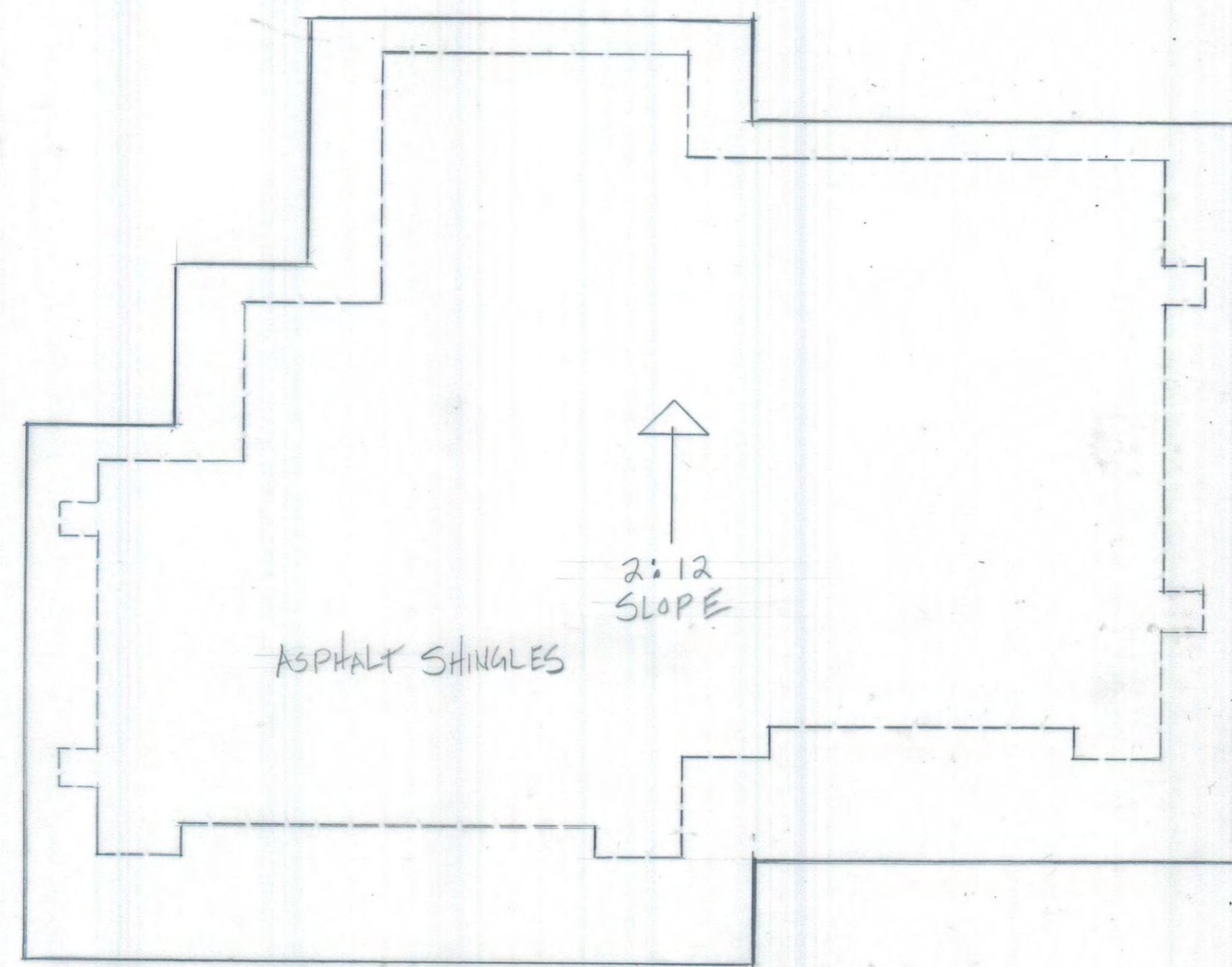
77-810 Montanas Road
 Suite 201
 Palm Desert, Ca. 92211
JHA ENGINEERING, INC.
 Consulting Civil Engineers & Surveyors
 R.C.E. NO. 14614, EXP. 3-31-15

DESIGN BY: DAN
 CHECKED BY: JHH
 CITY CHECK: []
 RIGHT-OF-WAY: []
 TRAFFIC ENG'G: []
 FIELD ENG'G: []

INITIAL: []
 DATE: []
 REVIEWED BY: JOHN M. BRUDEN
 R.C.E. NO. 41856, DATE: []
 APPROVED BY: MARCUS L. FULLER
 R.C.E. NO. 67271, DATE: []

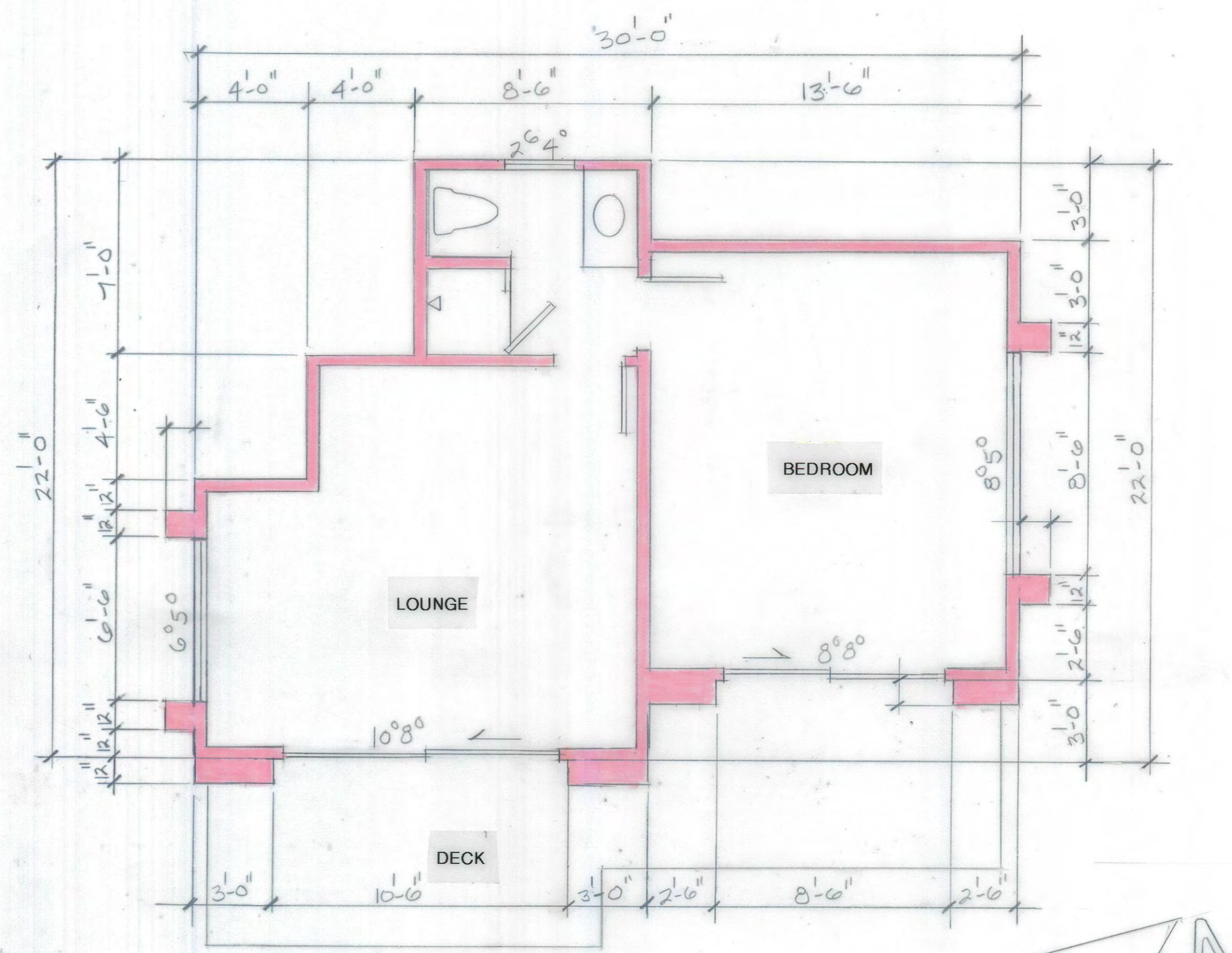
CITY OF PALM SPRINGS, CALIFORNIA
PRECISE GRADING PLAN
 SECTION 25 T.4 S., R.4 E., S.B.B.M.

FILE NO.	SHEET
	1
DWG. NO.	OF 1 SHEETS
14-4620	



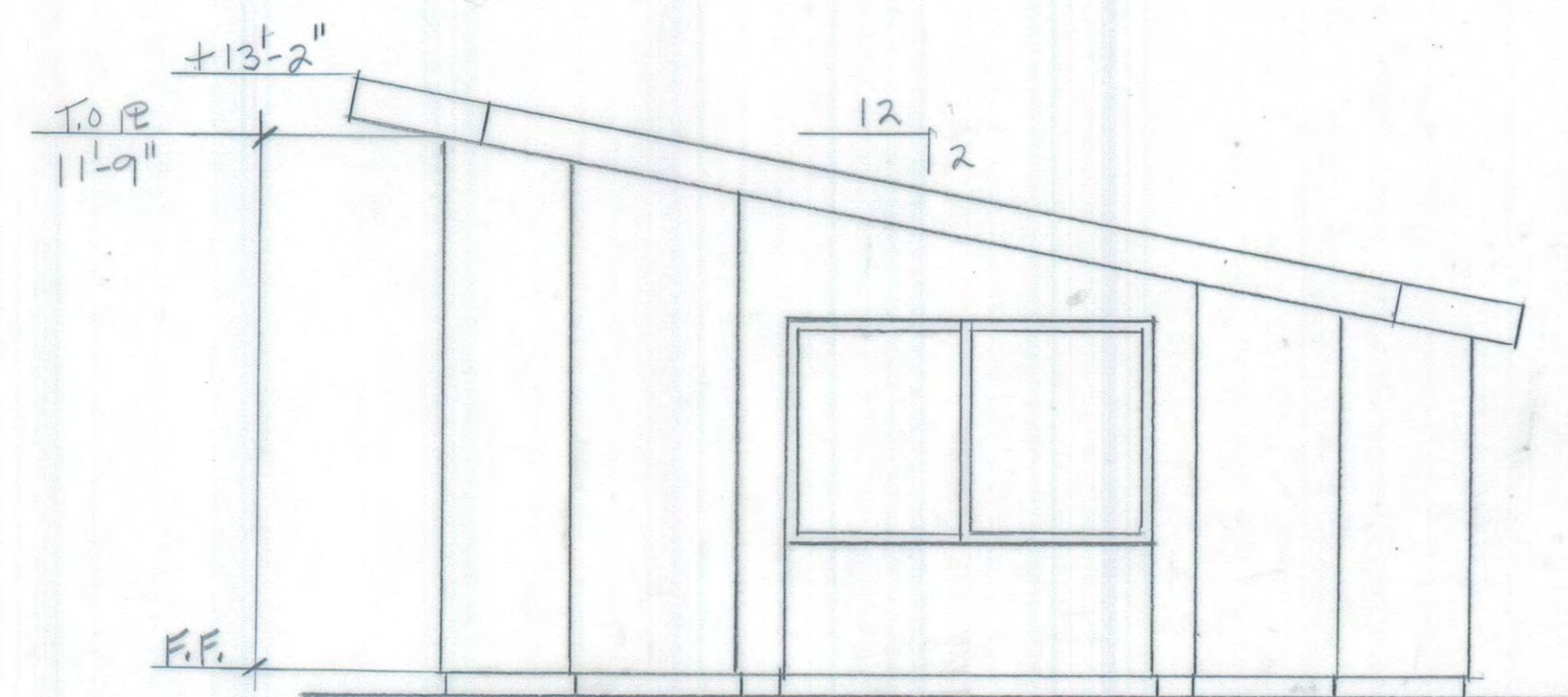
ROOF PLAN

1/4" = 1'



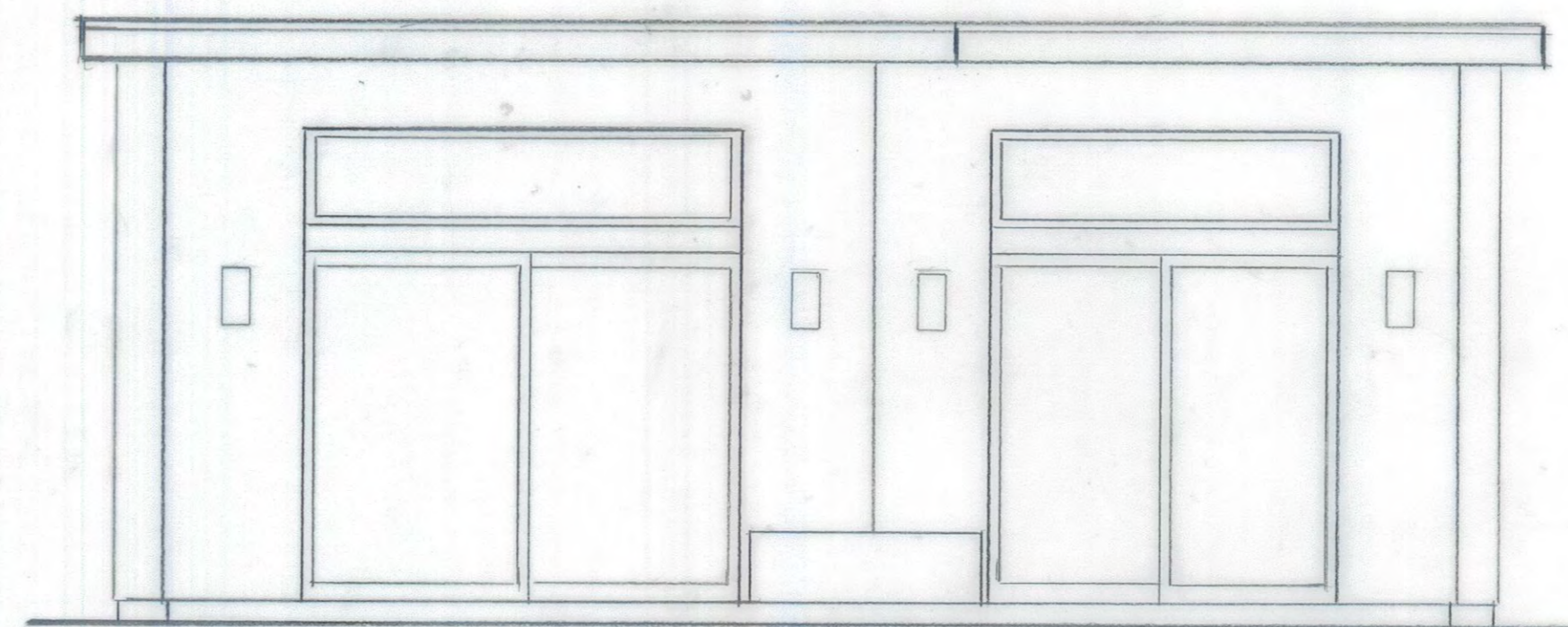
FLOOR PLAN

1/4" = 1'



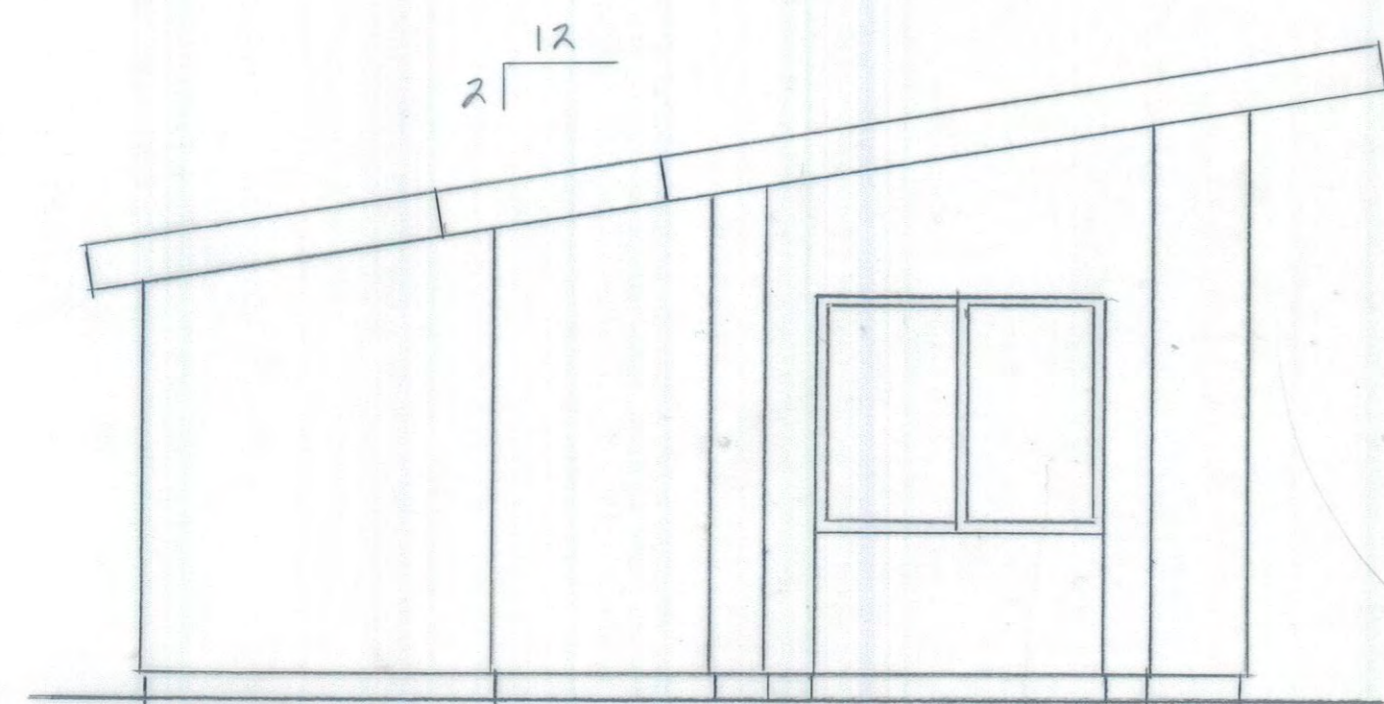
SOUTH ELEV

1/4" = 1'



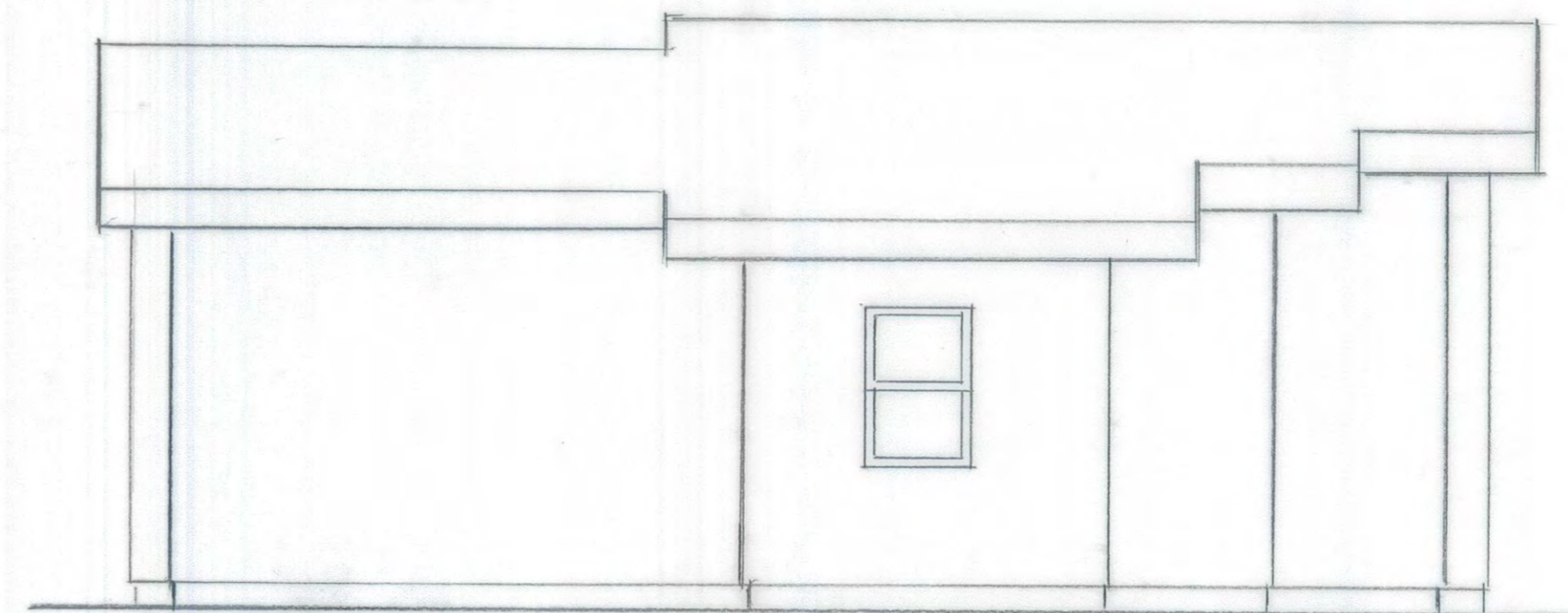
WEST ELEV.

1/4" = 1'



NORTH ELEV.

1/4" = 1'



EAST ELEVATION

1/4" = 1'