



# Planning Commission Staff Report

DATE: OCTOBER 28, 2015

PUBLIC HEARING

SUBJECT: MOJAVE BLUE LP, A VARIANCE REQUEST TO REDUCE THE CORNER 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.

FROM: Department of Planning Services

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## SUMMARY

The applicant, Mojave Blue LP, for a variance to reduce the corner side yard setback from twenty-five (25) feet to five (5) feet for the construction of five (5) carports along East Andreas Road at the Mojave Blue Apartment Complex located at 2720 East Tahquitz Canyon Way.

**RECOMMENDATION:** Approval with the following condition:

1. Submission of Minor Architectural Application (MAA) to be reviewed by the AAC for carport design and enhanced landscaping adjacent to East Andreas Road.

## ISSUES:

- Planning Commission reviewed Variance request on January 28, 2015 and voted to Table to a date uncertain and instructed Staff to conduct research for a potential zone text amendment. City Council voted to take no action.
- Parcel is considered as a corner lot siding on a local/collector/service street with frontage on three (3) sides.
- Section 92.04.03(E)(3)(d) of the Palm Springs Zoning Code establishes a side yard setback of no less than twenty-five (25) feet for properties fronting on a major thoroughfare.

## BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, etc...</i>	
1/3/1971	Building permit issued for Apartment Complex
9/8/2014	AAC reviewed proposal and voted to recommend approval of carport design.
1/28/2015	Planning Commission reviewed Variance request and voted to Table to a

	date uncertain and instructed Staff to conduct research for a potential zone text amendment.
7/1/2015	City Council conducted a public hearing for a proposed zone text amendment to modify setback requirements for new carport structures and voted to continue the public hearing to July 15, 2015.
7/15/15	City Council on July 15, 2015 voted to table the public hearing and take no action.

***Most Recent Ownership***

2/14/2014	Mojave Blue L.P.
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***Neighborhood Notification***

1/15/2015	Notification was emailed to the following Neighborhood Organizations: Sunmore, Sunrise Park, Baristo, and Midtown.
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***Field Check***

October 2015	Staff visited site to observe existing conditions
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***Notification***

10/15/2015	Public hearing notices sent to all property owners within 500 feet of property.
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***Details of Application Request***

***Site Area***

Net Area	216,310-squre feet
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Subject Site: 2300 E. Tahquitz Canyon Way

**ANALYSIS:**

<b>Surrounding Property</b>	<b>Existing General Plan Designations</b>	<b>Existing Land Use</b>	<b>Existing Zoning Designations</b>
Subject Property	High Density Residential	Apartments	R-3 Multi-Family Residential
North	Very Low Density Residential	Single-Family Residential	R-1-C Single-Family Residential
South	Medium Density Residential	Vacant (Jul Project)	Multi-Family Residential
East	High Density Residential	Apartments	R-3 Multi-Family Residential
West	High Density Residential	Apartments	R-3 Multi-Family Residential

**DEVELOPMENT STANDARDS:**

<b>Zoning – Uses &amp; Lot Standards</b>			
	<b>R-3 Zone</b>	<b>Mojave Blue Apartment Complex</b>	<b>Compliance</b>
<b>Uses permitted</b>	Multi-Family Dwellings	Existing – Apartment Complex	Yes
<b>Min. Lot Area</b>	20,000 square feet	216,310 square feet	Yes
<b>Min. Lot Depth</b>	175 feet	372 feet	Yes
<b>Min. Lot Width</b>	120 feet	617 feet	Yes

<b>Building Development Standards</b>			
	<b>R-3 Zone</b>	<b>Mojave Blue Apartment Complex</b>	<b>Compliance</b>
<b>Building Height</b>	24 feet – 2-story	24 feet – 2-story	Yes
<b>Yard Setbacks</b>			
Front	75 feet from centerline of Tahquitz Canyon Way	75 feet	Yes
Side	20 feet	27 feet to existing carports	Yes
Rear	10 feet	10 feet	Yes
<b>Distance Between Buildings</b>	15 feet	N/A	N/A
<b>Off-street Parking</b>	Varies depending on unit type	150 existing	Yes

<b>Carport Development Standards</b>			
	<b>R-3 Zone</b>	<b>Proposed Carports</b>	<b>Compliance</b>
<b>Carport Height</b>	All structures within 200' feet of R-1 zoned property, height no greater than 15' feet.	10' feet tall setback 5' feet from property line.	Variance approval required
<b>Yard Setbacks</b>			
Side Fronting Service/Local Street	Corner lots both siding on a major thoroughfare and service street shall be not less than 25' feet.	5' from property line to top edge of carport.	Variance approval required

### **Previous Planning Commission and City Council Review**

The Planning Commission reviewed the Variance request on January 28, 2015 and voted to Table the item and directed Staff to conduct research and develop a zone text amendment (ZTA) modifying the requirements of carports in setbacks for multi-family properties in the R-2 and R-3 zones. The Planning Commission stated support for providing carports when appropriate, however specific concerns relative to this application include visual impacts, height, and landscaping to soften the streetscape.

Staff prepared a ZTA to modify setback requirements and aesthetic standards for new carport structures in the R-2 and R-3 zoning districts. A public hearing before the City Council was held on July 1, 2015 and testimony was taken. The Council discussed the issue and stated support for individual properties seeking a Variance on a case by case basis reviewed by the Planning Commission rather than amending the zoning code. A vote was taken to continue the public hearing until July 15, 2015 at which time the item was tabled with no additional public testimony.

### **Architectural Advisory Committee**

The Architectural Advisory Committee (AAC) reviewed the project at the September 8, 2014 meeting and voted 6-0-1 to recommend approval of the carport design. The AAC did not take into consideration the setback issue or discuss the Variance request.

### **ANALYSIS:**

#### **Project Description**

The applicant proposes to construct four (4) carport extensions that will lengthen the existing carport structures to the north property line fronting East Andreas Road. The proposed new carports will be attached to the existing carports covering a total of 16 spaces. New construction will utilize the wood posts and lattice roof design painted dark brown to match with a height of approximately ten (10) feet. Proposed lighting to be LED shielded (see attached photo of existing light fixture) to prevent off-site light glare. Landscaping located within islands at the ends of the existing carports will be removed.

The placement of carports five (5) feet from the property line will encroach into the required twenty-five (25) foot corner side yard setback. The support posts for the new carports will be set in landscape beds adjacent to an existing low concrete block wall.

#### **Variance Request**

The applicant is seeking a Variance for a corner side yard setback from twenty-five (25) feet to five (5) feet for the construction of four (4) carports. The site currently has 114 covered parking spaces and the proposal will allow an additional 16 for a total of 130 covered spaces. The applicant has stated that new carports will allow the apartment complex to increase the marketability of the property to potential renters.

Staff has evaluated the request based upon Section 92.04.03(E)(3)(d) of the Palm Springs Zoning Code (PSZC) as stated below:

**92.04.03 Property development standards.**

- E. Yards.*
- 3. Side Yards.*
- b. Corner or reverse corner lots siding on a state highway of major thoroughfare shall have a side yard of not less than thirty (30) feet. When siding on a service road it shall be no less than twenty-five (25) feet.*

Staff supports the Variance request to provide shading for off-street parking. Numerous R-2 or R-3 zoned condominium and apartment complexes contain similar conditions commonly described as multi-family buildings placed in the center of the property with parking at the perimeter. Staff has determined that the unique characteristics of the lot with one side fronting a major thoroughfare and two sides fronting streets with setback requirements limits the area to construct carports over established perimeter parking. Other apartment properties not fronting multiple streets enjoy the privilege of allowing carport structures over parking areas. Therefore, unique characteristics are present at the subject property justifying a variance to the strict application of the Zoning Code.

**REQUIRED FINDINGS:**

State law requires four (4) findings be made for the granting of a variance. Staff has analyzed the findings in order below:

- 1) Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The subject property is located within the R-3 (*Multiple Family Residential*) Zone on a lot meeting all required development standards. The lot has unique characteristics in that it has street frontage on three sides with greater setback requirements. The lot fronts along a major thoroughfare and two side streets with setback requirements limiting the available area to construct carports over established perimeter parking. The strict application of the Zoning Code deprives the property owner the ability to offer covered parking and an amenity expected in the apartment rental market. Based upon these observations, Staff has determined that the finding has been met.

- 2) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The approval of a Variance will not constitute the granting of special privilege inconsistent with City practices. Numerous condominium and apartment complexes contain similar development patterns with buildings placed in the middle of a lot with perimeter parking lots. The unique characteristics of the lot with three sides fronting streets warrant a Variance to allow the construction of carports. Staff believes that the proposed Variance request reducing the side yard setback to five (5) feet will not diminish the integrity of the Zoning Code and would not constitute a granting of special privilege inconsistent with the limitations placed upon other properties in the vicinity and zoning designation.

- 3) *The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The requested Variance reducing the side yard setback for carports built within five (5) feet of the property line will allow the construction of a ten (10) foot tall structure fronting East Andreas Road. Currently the streetscape contains a five (5) foot sidewalk, minimal landscaping planter bed, and a low three (3) foot tall slump stone wall. The granting of the Variance for the purpose of carport construction will not significantly change the street appearance being that the carport design is an open trellis structure and will not be detrimental to the R-1 zoned properties located across the street. Therefore, Staff believes that the finding has been met.

- 4) *The granting of such variance will not adversely affect the general plan of the city.*

The proposed project has been analyzed against the policies of the General Plan and no inconsistencies have been found. Therefore, Staff has determined that the finding has been met.

## **ENVIRONMENTAL ASSESSMENT**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is a Class III exemption and is categorically exempt per Section 15303(a) (Accessory Structure).

## **NOTIFICATION**

Notification was sent to adjacent property owners within 500 feet from the subject property on October 15, 2015 to inform the neighbors that there has been a Variance application submitted for the subject property. The Planning Department has spoken to several property owners within the noticing area. No formal written correspondence has been received.



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Glenn Mlaker, AICP  
Assistant Planner



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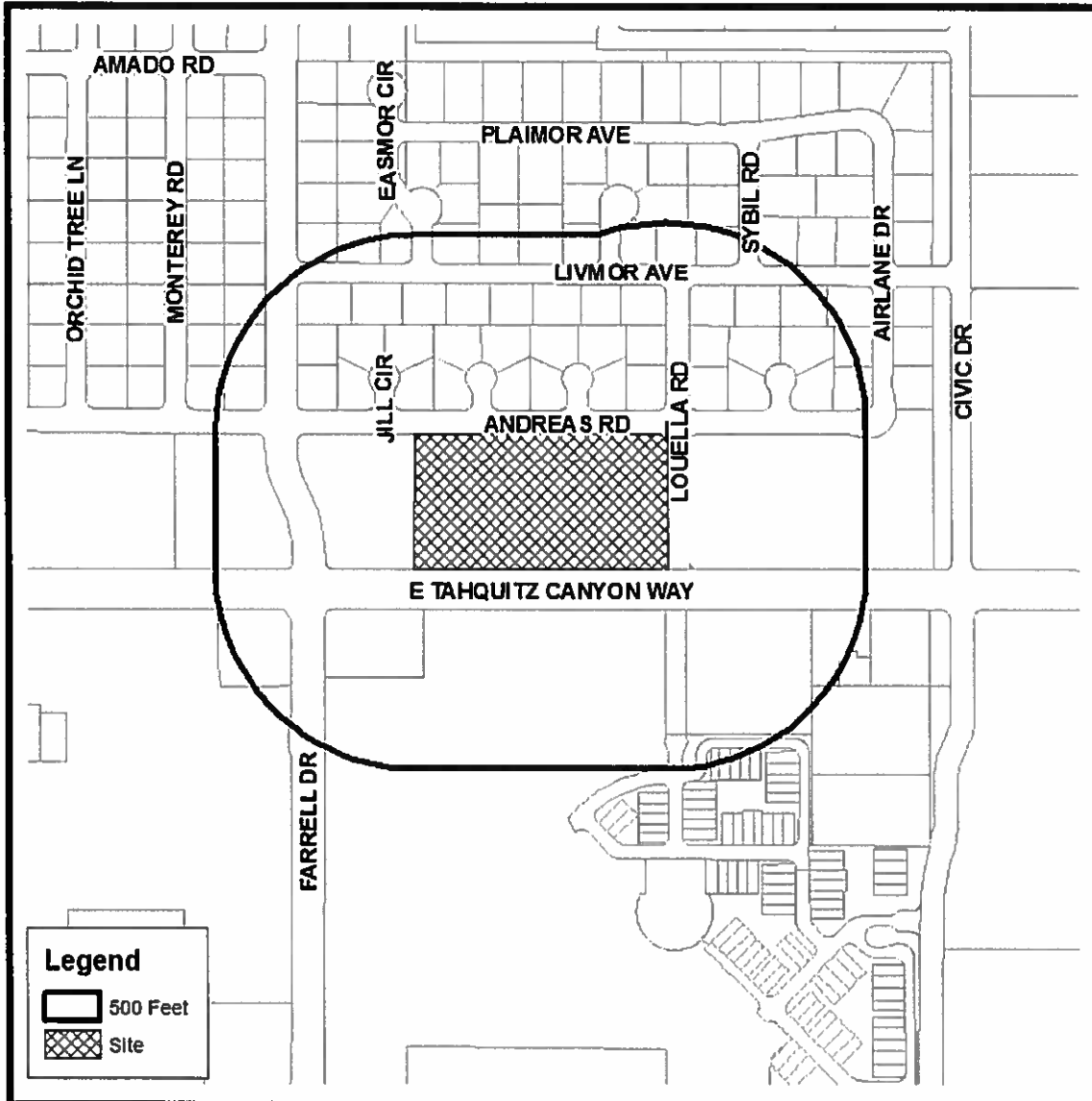
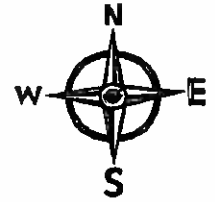
Flinn Fagg, AICP  
Director of Planning Services

**Attachments:**

1. Vicinity Map
2. Resolution
3. Conditions of Approval
4. AAC Minutes from the meeting of September 8, 2014
5. Planning Commission meeting minutes of January 28, 2015
6. Site Plan
7. Carport Design
8. Site Photos



# 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 CASE 6.541 A VARIANCE TO REDUCE THE CORNER 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

A. Mojave Blue LP, ("the applicant") has filed a request for a variance to Zoning Code, Section 92.04.03(E)(3)(d), to reduce the required side yard setback from twenty-five (25) feet to five (5) feet for the construction of four (4) carports over existing parking lot spaces along East Andreas Road located at the Mojave Blue Apartment complex at 2720 East Tahquitz Canyon Road, Zoned R-3, Section 13 (APN 502-143-011).

B. Notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case No. 6.541 VAR, a Variance Application was given in accordance with applicable law.

C. On October 28, 2015, a public hearing on a request for a variance to Zoning Code, Section 92.04.03(E)(3)(e), was held by the Planning Commission in accordance with applicable law.

D. The proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorically Exempt as a Class III exemption (Accessory Structure) pursuant to Section 15303(a) of the CEQA Guidelines.

E. The Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the meeting on the project, including but not limited to the staff report, and all written and oral testimony presented.

G. Pursuant to Section 94.06.00 (Variance) of the Palm Springs Zoning Code, the Planning Commission finds that:

1. *Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The subject property is located within the R-3 (*Multiple Family Residential*) Zone on a lot meeting all required development standards. The lot has unique characteristics in that it has street frontage on three sides with greater setback

requirements. The lot fronts along a major thoroughfare and two side streets with setback requirements limiting the available area to construct carports over established perimeter parking. The strict application of the Zoning Code deprives the property owner the ability to offer covered parking and an amenity expected in the apartment rental market. Based upon these observations, Staff has determined that the finding has been met.

- 2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The approval of a Variance will not constitute the granting of special privilege inconsistent with City practices. Numerous condominium and apartment complexes contain similar development patterns with buildings placed in the middle of a lot with perimeter parking lots. The unique characteristics of the lot with three sides fronting streets warrant a Variance to allow the construction of carports. Staff believes that the proposed Variance request reducing the side yard setback to five (5) feet will not diminish the integrity of the Zoning Code and would not constitute a granting of special privilege inconsistent with the limitations placed upon other properties in the vicinity and zoning designation.

- 3. The granting of the variance will not be materially detrimental to the public health, safety, convenience or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The requested Variance reducing the side yard setback for carports built within five (5) feet of the property line will allow the construction of a ten (10) foot tall structure fronting East Andreas Road. Currently the streetscape contains a five (5) foot sidewalk, minimal landscaping planter bed, and a low three (3) foot tall slump stone wall. The granting of the Variance for the purpose of carport construction will not significantly change the street appearance being that the carport design is an open trellis structure and will not be detrimental to the R-1 zoned properties located across the street. Therefore, Staff believes that the finding has been met.

- 4. The granting of such variance will not adversely affect the general plan of the city.*

The proposed project has been analyzed against the policies of the General Plan and no inconsistencies have been found. Therefore, Staff has determined that the finding has been met.

**THE PLANNING COMMISSION RESOLVES:**

Based upon the foregoing, the Planning Commission approves the request for a variance to Zoning Code, Section 92.04.03(E)(3)(d) to reduce the required side yard setback from twenty-five (25) feet to five (5) feet for the construction of four (4) carports for property located at 2720 East Tahquitz Canyon Way, subject to the conditions of approval attached herewith as Exhibit A.

ADOPTED this 28<sup>th</sup> day of October, 2015.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Flinn Fagg, AICP  
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case No. 6.541 – VAR

2720 East Tahquitz Canyon Way

October 28, 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 6.541 VAR, which allows for a reduction to the side yard setback on the street side facing East Andreas Road to five (5) feet for the construction of four (4) new carports per the approved site plan.
- ADM 2. The site shall be developed and maintained in accordance with the approved plans, date stamped July 1, 2014, which includes the site plan on file in the Planning Division except as modified by conditions below.
- ADM 3. 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. 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 6.541 VAR. 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. 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.

#### **PLANNING DEPARTMENT CONDITIONS**

PLN 1. Conditions imposed by Planning Commission.

1. Submission of Minor Architectural Application (MAA) to be reviewed by the AAC for carport design and enhanced landscaping adjacent to East Andreas Road.

PLN 2. Outdoor Lighting Conformance. Exterior lighting shall conform to Section 93.21.00, Outdoor Lighting Standards, of the Palm Springs Zoning Code.

#### **BUILDING DEPARTMENT CONDITIONS**

BLD 1. The applicant shall obtain all appropriate building permits.

**END OF CONDITIONS**

INTERIM PLANNING DIRECTOR EVANS stated that the previously approved Tentative Tract Map remains active; however any changes would require a new review with a recommendation from AAC.

MEMBER HIRSCHBEIN asked if other areas within the community will utilize pavers similar to main entrance.

RICK SCOTT answered that pavers would only be used in the entry features.

MEMBER HIRSCHBEIN stated that the renderings did not match the descriptions.

AAC members discussed the following items: material for wall cap; tree sizes; house color schemes; color of window frames; parapets on elevation #1; awning styles; and use of slate.

COMMISSIONER HUDSON suggested the use of pedestrian gates along 34<sup>th</sup> Avenue as a way to integrate the two communities.

M/S/C (Fauber/Fredricks, 7-0) Table with review by sub-committee (Purnel, Song, Fredricks) focusing on the following:

1. Redesign front wall along 34<sup>th</sup> Street to include 7 pedestrian gates.
2. Plant trees at main entry, remove pots.
3. Add man gate on secondary access.
4. Show color schemes correctly.
5. 3D renderings to accurately show color schemes.
6. Refinement of elevations.
7. Plans 2A re-look at element above garage door.
8. Substitute slate with block.
9. Placements of windows.
10. Detail of awnings.
11. Show window frame color.
12. Add decorative pavers within the project.
13. Provide landscape plan fronting along 34<sup>th</sup> Street.
14. Increase tree sizes to 36" box.

**NEW BUSINESS:**

3. **MOJAVE BLUE L.P., OWNER FOR A MINOR ARCHITECTURAL APPROVAL AND VARIANCE REQUEST TO REDUCE SETBACK TO 5 FEET FOR THE CONSTRUCTION OF FIVE TRELLIS CARPORTS AT THE MOJAVE BLUE APARTMENTS LOCATED AT 2720 EAST TAHQUITZ CANYON WAY, ZONE R-3, SECTION 13 (CASES 6.541 & 3.1120).**

ASSISTANT PLANNER MLAKER presented the proposed project as outlined in the staff memorandum.

M/S/C (Fauber/Fredricks, 6-0-1 abstention Secoy-Jensen) Approve to submit to the Planning Commission.

4. **SAGE COURTYARD L.P., OWNER FOR A MINOR ARCHITECTURAL APPROVAL AND VARIANCE REQUEST TO REDUCE SETBACK TO 5 FEET FOR THE CONSTRUCTION OF SEVEN CARPORTS AT THE SAGE APARTMENTS LOCATED AT 2300 EAST TAHQUITZ CANYON WAY, ZONE R-3, SECTION 13. (CASE NOS. 3.1312 & 6.540).**

ASSISTANT PLANNER MLAKER presented the proposed project as outlined in the staff memorandum.

M/S/C (Fauber/Secoy, 6-0-1 abstention Song) Approve to submit to the Planning Commission.

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5. **OLIVERA, LLC FOR A TENTATIVE PARCEL MAP AND ARCHITECTURAL REVIEW OF A PLANNED DEVELOPMENT DISTRICT FOR A 5 LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION AT 199 WEST VIA OLIVERA, ZONE R-2, SECTION 3. (CASE NOS. TPM 36737, 5.1348 PD373, 3.3730 MAJ).**

ASSISTANT PLANNER MLAKER presented the proposed project as outlined in the staff memorandum.

M/S/C (Song/Cassady, 7-0) Approved on three conditions: to reconsider the site design with combined the side yards with no property lines, to revise the landscapes plan, to look at site layout with Lot 0 design and to omit the gazebo and instead have a public benefit feature(renewable energy, landscape, or public transportation).

6. **PALM SPRINGS PROMENADE, LLC FOR AN UPDATE ON EXTERIOR ELEVATIONS OF BLOCK A OF THE DOWNTOWN PALM SPRINGS RENOVATION PROJECT LOCATED AT THE NORTHWEST CORNER OF ANDREAS ROAD AND PALM CANYON DRIVE, ZONE CBD. (CASE 3.3605 MAJ).**

ASSOCIATE PLANNER NEWELL presented the proposed project (Building A) as outlined in the staff memorandum.

MEMBER SECOY-JENSEN asked why certain elements in the presentations were omitted from the Architectural Advisory Committee's packets.

**1. CONSENT CALENDAR:**

**1A. APPROVAL OF MINUTES: DECEMBER 10, 2014**

**ACTION:** Approve, as amended.

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

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

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**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

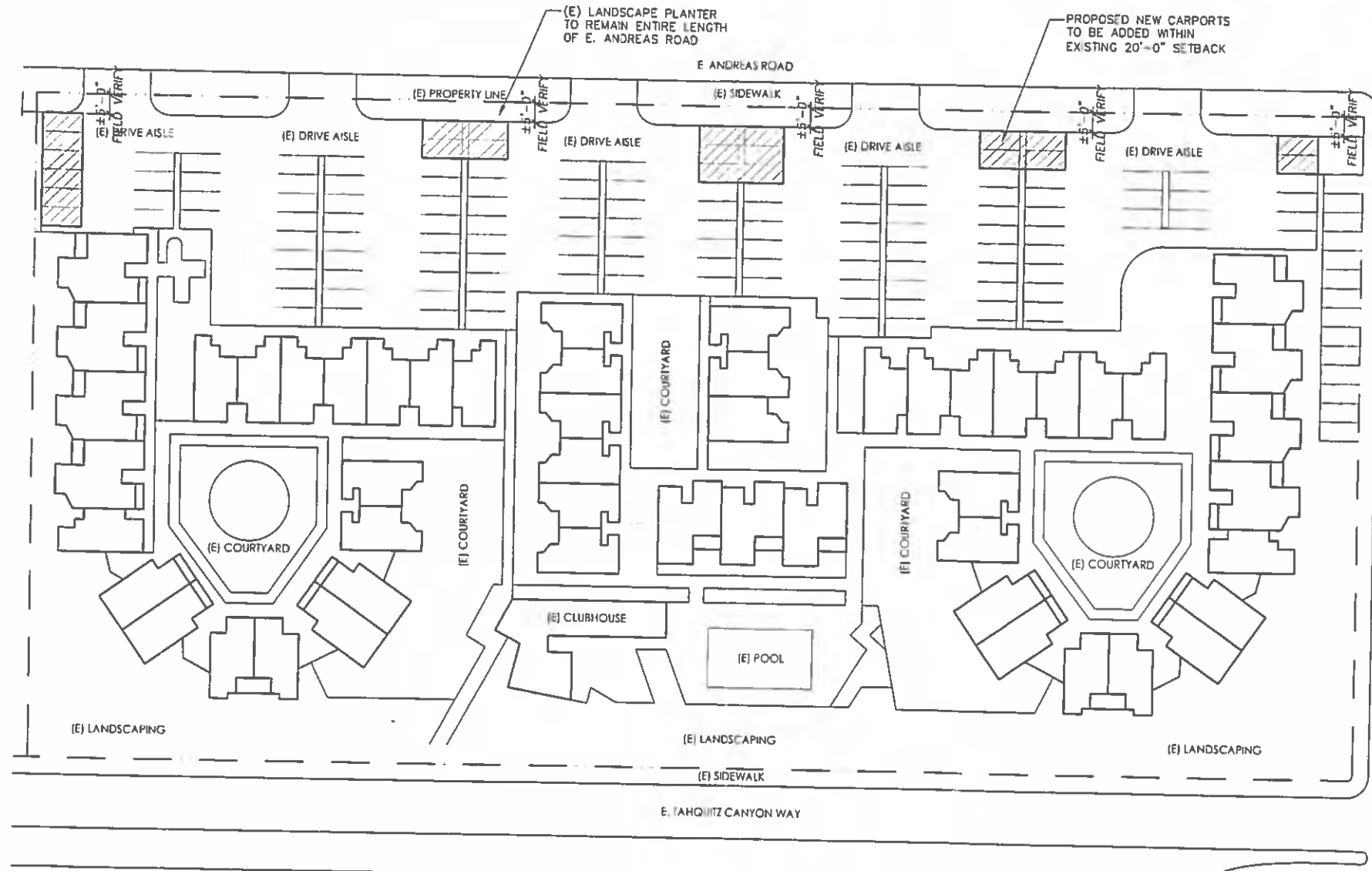
Commissioner Middleton strongly encouraged the applicant to reach out to Sunmore neighborhood to improve the relationship with them.

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**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.



22 COVERED CARPORT STALLS ADDED

SITE PLAN

SCALE: 1" = 30'-0"



# MOJAVE BLUE APARTMENTS

2720 E. TAHQUITZ CANYON WAY, PALM SPRINGS, CA. 92262

OWNER: ICI INVESTMENT CONCEPTS, 1667 E. LINCOLN AVENUE, ORANGE, CA. 92865 (714) 283 - 5300

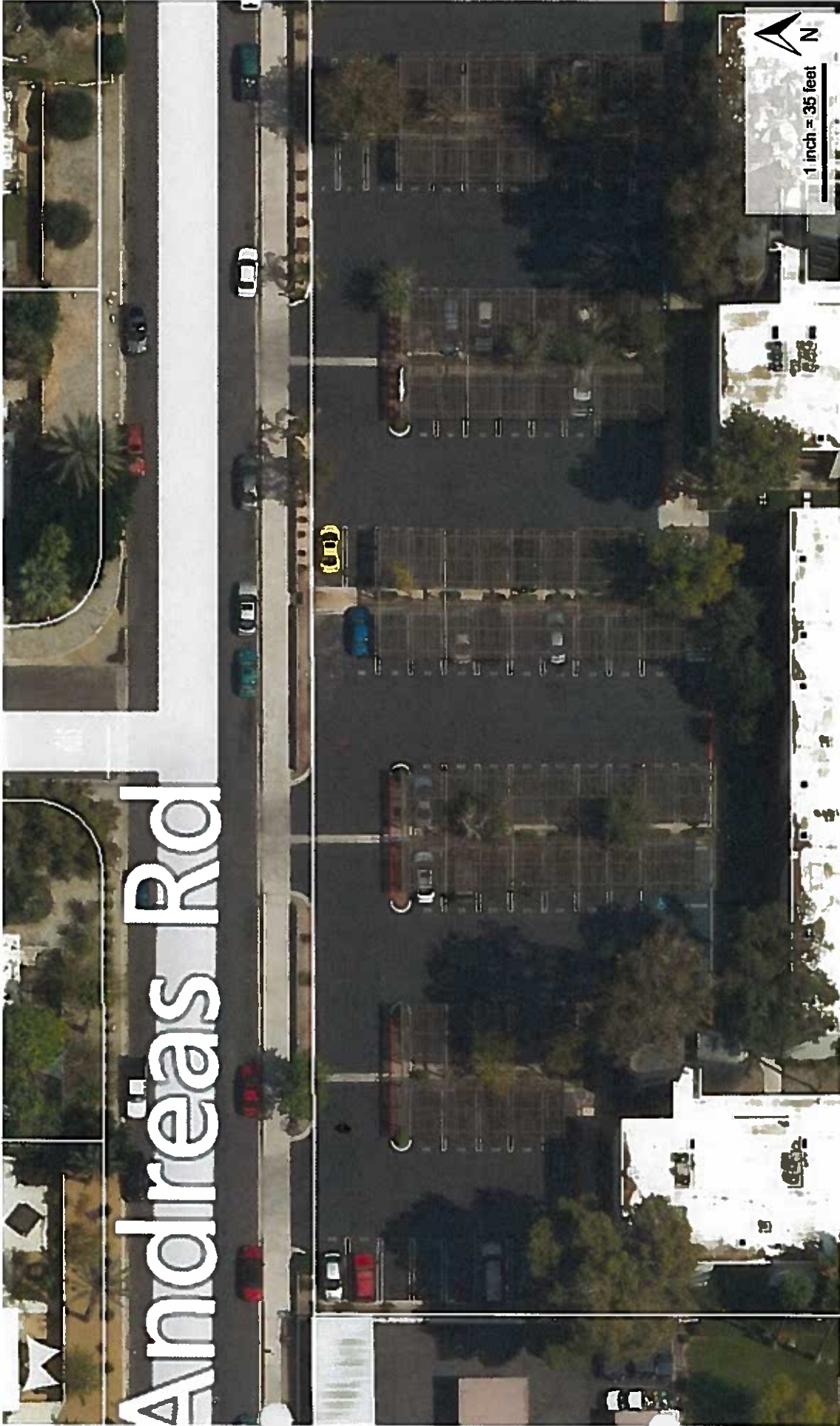


DATE: 07 / 01 / 2014







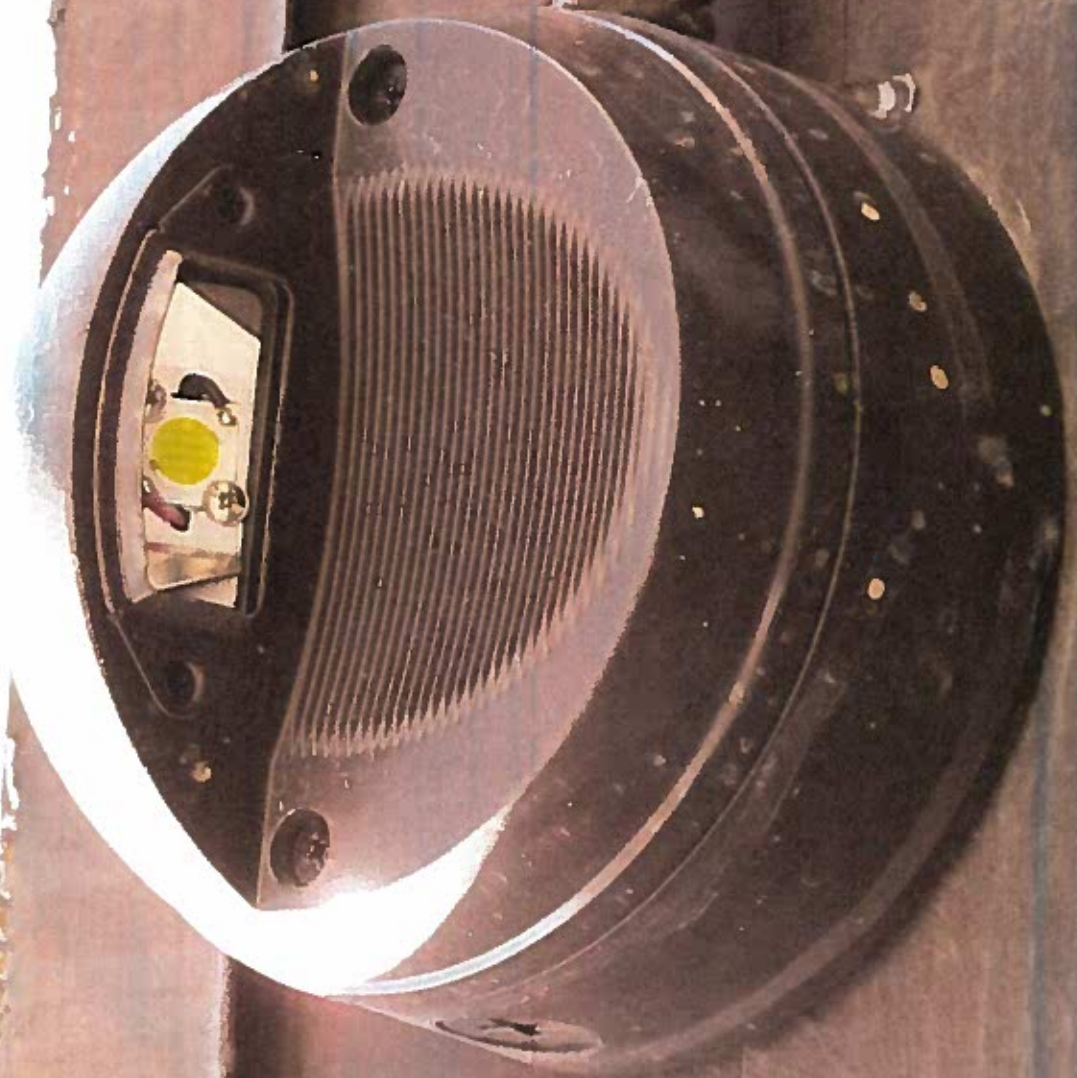


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