



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES
MEMORANDUM

Date: February 10, 2016
To: Planning Commission
From: Department of Planning Services *JN*
Subject: **Study Session on Serena Park (Palm Springs Country Club, LLC)**
Case Nos. 5.1327 PD-366 ZC and TTM 36691

At its last study session on January 27, 2016, the Planning Commission requested the subject application be continued for further discussion. The Commission had dialogue and raised questions on the following:

1. Environmental impacts, including air quality, noise, open space and traffic within the project site and surrounding neighborhoods;
2. Internal layout alternatives (i.e. locate internal circulation on the Whitewater Wash side and away from existing homes);
3. Site accessibility options, such as the possibility of dividing/separating parts of the project, creating additional site access points at dead end of Francis Drive and the intersection of Farrell Drive and Whitewater Club, and extending Verona Road to Gene Autry Trail;
4. Construction-related impacts such as traffic and vehicular circulation;
5. Development agreement process, open space and density transfers;
6. Original golf course entitlement information; and
7. General Plan policies on loss of open space.

In order to answer many of these questions (items 1-3 above), the Traffic Engineer will be present at the meeting to provide further clarification. The applicant will also provide additional information on the history of the project design and potential alternatives.

To determine alternative routes for construction traffic (item 4), the applicant contacted the property owner of the vacant land to the southeast of the project site. The Tribe owns this property and declined the applicant's request to allow temporary access for the project. The applicant can provide additional details.

As it relates to the development agreement (item 5), staff continues to work with the applicant on the final agreement terms for presenting to the Commission. Staff has attached information on development agreements from the General Plan and California Government Code. Further information on development agreements will be presented at the study session.

When conducting research on the original entitlements (item 6), staff was unsuccessful at finding historical records on the development of the golf course.

The General Plan provides some direction on the preservation of open space (item 7), although it is primarily focused on density transfers to "appropriate" and "developable" areas. Attached are excerpts from the General Plan Land Use and Recreation, Open Space and Conservation (ROSC) elements that include the related policies.

Attachments:

1. Planning Commission Staff Memorandum for Study Session, January 27, 2016
2. California Government on Development Agreements
3. Excerpts from General Plan:
 - o Development Agreements
 - o Policies on Open Space from Land Use and ROSC elements



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At its November 12, 2015 regular meeting, the Planning Commission reviewed the subject project and, after holding a public hearing, tabled the item for further study. Based on the discussion, staff has prepared the following agenda for the today's study session:

- I. Project Overview and Applications Submitted
- II. General Plan Amendment
- III. Zoning Designation and Proposed Planned Development District
- IV. Environmental Impacts
- V. Actions to Date
- VI. Development Agreement

I. Project Overview and Applications Submitted

The applicant has submitted the following requests a multi-phased residential project:

1. **General Plan Amendment** to modify the Land Use and Recreation, Open Space & Conservation (ROSC) elements. The Land Use element modifications include changing approximately 126 acres of Open Space - Parks / Recreation to Very Low Density Residential (VLDR), allowing up to 4 dwelling units per acre. The remaining 5.39 acres will remain as open space and be developed as a public park. The ROSC element will be modified to address the loss of golf course and proposed addition of a public park.
2. **Planned Development District in lieu of Change of Zone** to establish the project site plan, permitted uses and development standards. The applicant

proposes 429 residential lots, private streets and private open space. Preliminary Development Plans include the following:

- a. Northerly triangle: 137 single-story attached residences ranging in size from 1,342 to 1,534 sq. ft. on lots that are a minimum of 5,000 sq. ft. in size.
 - b. Southerly triangle:
 - i. 55 single-story detached residences ranging in size from 1,956 to 2,524 sq. ft. on lots that are a minimum of 8,000 sq. ft. in size.
 - ii. 248 single-story detached residences ranging in size from 1,657 to 1,918 sq. ft. on lots that are a minimum of 5,000 sq. ft. in size.
3. **Major Architectural Application** to review the proposed residence designs. Final Development Plans will be submitted at a later time.
 4. **Tentative Tract Map** to subdivide four lots consisting of 156.18 gross acres into public park (5.39 acres), preserved open space (24.93 acres), 137 attached single-family residential lots (17.8 acres), 292 detached single-family residential lots (45.6 acres), private streets (20.01 acres) and private open space (42.5 acres).
 5. **Development Agreement** to specify the duration of the agreement, the proposed uses of the property; the density of use; the maximum height and size of proposed buildings; and provisions for reservation or dedication of land for public purposes. Additional discussion is provided in Section VI below.

II. General Plan Amendment

When making modifications to the General Plan, the Administration section provides the following information and direction:

AMENDING THE GENERAL PLAN

The General Plan is not static, but rather is a dynamic and multi-faceted document that defines and addresses the changing needs of the City. It is based on an on-going assessment and understanding of existing and projected community needs. To assure that the General Plan is kept current, short-term programs and policies may be reviewed periodically to reflect compatibility with budgetary priorities and related program status. Long-term programs and implementation measures must also be given consideration to assure timely funding and development of critical infrastructure and public services and facilities.

TIMING

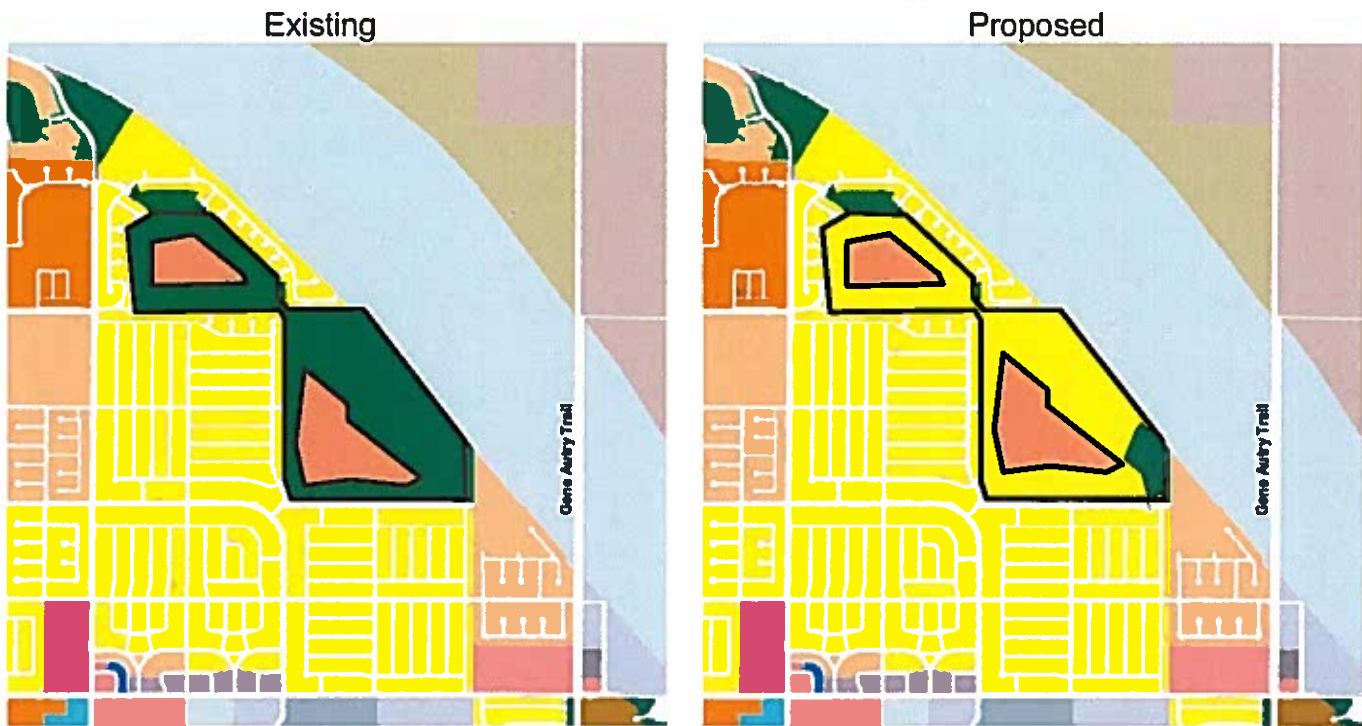
Mandatory elements of the General Plan may be amended up to four times in each calendar year. The City Council or any citizen may initiate a General Plan Amendment. It is left to the discretion of the local jurisdiction to establish an amendment schedule to be published one year in advance. State law further requires that the Housing Element be reviewed and updated at least once every five years.

APPLICATION PROCEDURES

Applications for the amendment of the General Plan and the appropriate fees are filed with the Department of Planning Services. An amendment to the General Plan constitutes a project under the California Environmental Quality Act (CEQA) and, therefore, is evaluated for its environmental effects and consistency with other elements of the General Plan. Final approval of General Plan amendments is the responsibility of the City Council subject to satisfying the environmental requirements imposed by CEQA.

The applicant has submitted a request to amend two Elements of the 2007 General Plan, including the Land Use and Recreation, Open Space & Conservation (ROSC) elements.

Land Use Element. The Land Use element designates the 126-acre project site as Open Space – Parks/Recreation. The applicant seeks to amend the land use of 120 acres from Open Space – Parks/Recreation to Very Low Density Residential (VLDR), which allows up to 4 dwelling units to the acre. The 6-acres of the 126-acre project that remains would continue to be designated as Open Space – Parks/Recreation. The graphics below depict the proposed changes to the Land Use Map, Figure 2-3 (with emphasis surrounding the project site).



-  Very Low Density Residential (up to 4.0 du/ac)
-  Open Space - Parks/Recreation

With the proposed loss of open space, the General Plan provides the following direction:

LU1.8 Allow density transfers within planned developments in exchange for the provision of enhanced amenities and permanent open space.

LU2.2 Projects that propose to convert open space areas that are designated "Open Space – Parks/Recreation" to developable areas (for residential, commercial, etc.) must either offer in-kind replacement of such open space elsewhere in the City, make payment of in-lieu fees, or replace the converted open space through the use of density transfer.

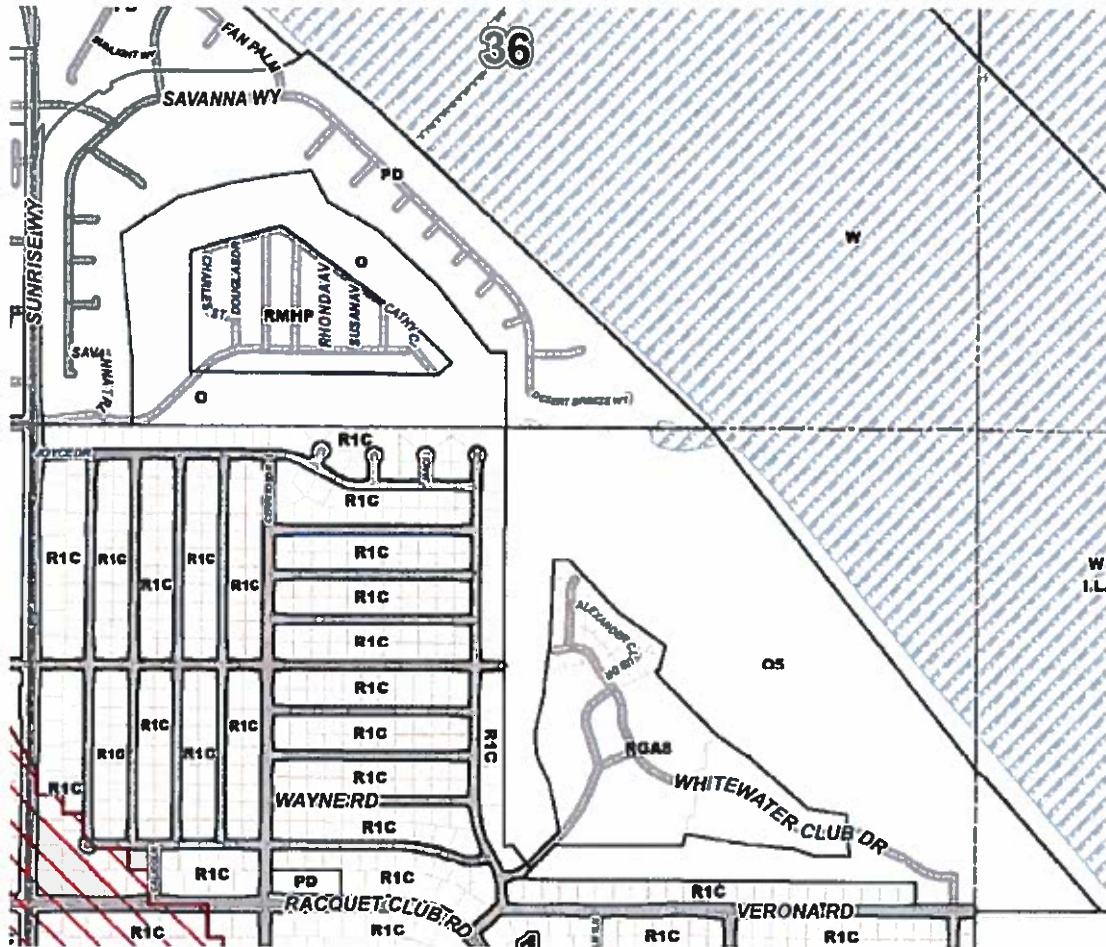
LU13.2 Apply the use of density transfers between properties located within the Chino Cone and to properties elsewhere in the City to encourage the preservation of views and natural resources

ROSC Element. With the proposed changes to land uses, there are certain modifications that must occur as a part of an update to the Recreation, Open Space & Conservation (ROSC) element of the 2007 General Plan. These include modifications

to the text to incorporate the addition of a public park and change information on golf courses in the city. Attached are relevant pages from the ROSC element.

III. Zoning Designation and Proposed Planned Development District

Two zones currently exist on the roughly 126-acre project site: O and O-5. An excerpt of the zoning map is provided below.



The applicant seeks approval of a PD-in-lieu of zone change. If approved, the new zoning would be PD-366.

Permitted Uses:

Current Zoning:

Uses allowed within the "O" zone include agricultural, public parking, public parks, open space and recreation facilities. Additionally permitted uses with the approval of a Conditional Use Permit (CUP) include cemeteries, energy uses, large scale residential, golf courses, driving ranges, places of assembly, private commercial recreation facilities and other uses as

listed in Section 92.21.01 of the Zoning Code.

Uses permitted within the O-5 zone include the above-mentioned, as well as those uses permitted by right-of-zone in the R-1 (single-family) zoning – Section 92.01.01(A).

Proposed Zoning:

The proposed zoning of the site is PD-366. Permitted uses will be single-family residential and accessory uses; generally, consistent with Section 92.01.01 R-1 of the Zoning Code.

Development Standards:

	O Requirements	O-5 Requirements	Proposed Project: PDD 366	Comply
A. Lot Area	None	5 acre minimum	5,000 sq. ft. minimum 8,000 sq. ft. minimum	No, per PDD
B. Lot Dimension				
Min. Width	None	250 feet	35 or 50 feet minimum 80 feet minimum	No, per PDD
Min. Depth	None	250 feet	100 feet minimum	No, per PDD
C. Density				
D. Building Height	24 feet	15 feet	24 feet	No, per PDD
E. Yard Setbacks				
1. General Provisions	10 feet min. from side or rear lot line. Garages / parking spaces not permitted across front yard. Side yard may be used for parking.		Parking / garages located in front.	No, per PDD
2. Minimum Yards	None	50 feet	See table on site plan	No, per PDD
F. Lot Coverage Maximum	None	10% (however, typical SFR is 35%)	40% or 60%	No, per PDD
G. Distance Between Buildings	15 feet minimum 20 feet minimum between accessory and main buildings or between accessory buildings, unless there is a common wall		No requirement specified	No, per PDD
I. Off-street Parking	Two spaces for each dwelling unit within a garage or carport.		Two covered parking spaces per residence	Yes
J. Trash Enclosure	Required		Provided at each individual home	Yes

As a part of the proposed project, the applicant has provided specific development standards for the various lots within the project:

TRACT NO. 36691 PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS NO. 5.1327 PD-366			
Product:	50' Wide Single Family Detached	80' Wide Single Family Detached	Single Family Attached
Lots:	195-394, 399-429	138-194, 395-398	1-137
Lot Size:			
Minimum Lot Size:	5,000 s.f.	8,000 s.f.	5,000 s.f.
Minimum Lot Width:	50'	80'	50'
Minimum Lot Width along Curves and Cul-De-Sacs:	35'	35'	35'
Minimum Lot Depth:	100'	100'	100'
Setbacks:			
Minimum Front Yard @ Garage:	18'	18'	18' (5' from access easement line)
Minimum Front Yard @ Living Area, Casita, and Side Loaded Garage:	12'	12'	12' (5' from access easement line)
Minimum Interior Side Yard:	5' / 30% @3' (See Note No. 1)	5' / 30% @3' (See Note No. 1)	0'/10' (See Note No. 1 & 2)
Minimum Corner Side Yard:	10'	10'	10'
Minimum Rear Yard @ Living Area:	10'	15'	10'
Other:			
Maximum Structure Height:	1 story (24')	1 story (18')	1 story (24')
Maximum Lot Coverage:	60%	40%	60%
Front Yard Encroachments for Architectural Features: (See Note No. 3)	2'	2'	2'
Side Yard Encroachments for Architectural Features: (See Note No. 3)	See Minimum Interior Side Yard Setbacks	See Minimum Interior Side Yard Setbacks	See Minimum Interior Side Yard Setbacks
Rear Yard Encroachments for Architectural Features: (See Note No. 3)	7'	5'	0'
Casita Allowed:	Yes	Yes	Yes
Notes: 1. Up to 30% of the building length can have a 3' side yard setback including living area, casita, and architectural features. A/C units are not allowed when any part of the structure is at the 3' side yard setback. 2. 0' side yard setback at adjoining buildings and 10' side yard setback when buildings do not join. No more than two buildings may be attached. 3. Architectural Features such as Fireplaces, AC Units, Media Center, Covered Porches, Decks, Pop-outs, and non-living areas as some examples			

IV. Environmental Impacts

In accordance with Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, the City of Palm Springs as the Lead Agency prepared an Initial Study and determined that the project raised potentially significant concerns. On December 23, 2014, the City circulated the Initial Study and Notice of Preparation (NOP) stating an Environmental Impact Report (EIR) would be prepared to public agencies, including responsible and trustee agencies, members of the public, and the California Office of Planning and Research, State Clearinghouse. In accordance with CEQA requirements, this began the 30-day public review period which ended on January 21, 2015.

In addition, the City held a public scoping session on January 8, 2015 in the Council Chamber at City Hall to provide an overview of the project and discuss the scope of the

EIR analysis. The scoping session also provided an additional opportunity for public comments and concerns so they could be analyzed and addressed in the EIR.

Concerns related to the potential environmental effects of the project that were raised include potential impacts to aesthetics from proposed development and to noise and traffic impacts during construction and upon project completion. These concerns were addressed in the Draft EIR, which was released for public review on June 29, 2015. After the 45-day public review and comment period, a Final EIR was prepared and included responses to the comments received during the comment period.

Staff will provide additional discussion on the environmental impacts at the study session.

V. Actions to Date

On June 9, 2014, the Architectural Advisory Committee reviewed and recommended approval of the project, subject to the following:

1. Landscape plan for Radburn-style portion of project to return for AAC review.
2. Elevation for Radburn-style portion along streets facing existing condos to return.
3. Buffers/wall/open fencing along perimeter to return.
4. All residential products to have group elevations in color with different roofing, materials and landscaping.
5. Guest parking plan to be provided.
6. Potential paseo within Radburn-style portion of project should be provided to link open space.
7. Roof types to be mixed and return.
8. Buffers to be increased to condos and mobile home park.

In response, the applicant moved the southerly portion of the attached residential product further from the mobile home park to create additional open buffer space. The other items will be addressed at the Final Development Plan submittal stage.

On November 12, 2015, the Planning Commission reviewed and tabled the project for further study.

VI. Development Agreement

According to the Office of Planning and Research, a development agreement is a planning “tool for establishing a vested right to proceed with development in conformance with policies, rules and regulations in effect at the time of approval. Development agreements provide a developer with assurances for a specified length of time that his/her project may proceed as originally approved, and not be affected by future changes in land use regulations... In many cases and in exchange for this

assurance, the landowner/developer may agree to a larger dedication of land or in-lieu fee for public use as a condition of the agreement.” The state regulations on development agreements can be found in Government Code § 65864 through 65869.5.

The Palm Springs Zoning Code specifies a process for review and approval of development agreements. Section 94.08.00 requires a public hearing review, prior to making a recommendation to the City Council. The Planning Commission may approve use of a development agreement as a method of implementing any discretionary approval of the Planning Commission including:

- i. Rezoning;
- ii. Issuance of a conditional use permit;
- iii. Conditions imposed upon approval of a permit after discretionary review;
- iv. Conditions imposed in connection with the adoption of any specific plan;
- v. Conditions imposed in any planned development district; and/or
- vi. Site-specific conditions imposed in any other district; and/or
- vii. Mitigation measures imposed upon a project after approval of an environmental impact report in which such mitigation measures have been proposed as a mechanism for eliminating or reducing environmental impacts.

After the Commission holds a public hearing, a recommendation is made to the City Council with a determination on whether or not the development agreement proposed:

- i. Is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;
- ii. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
- iii. Is in conformity with public convenience, general welfare and good land use practice;
- iv. Will be detrimental to the health, safety and general welfare;
- v. Will adversely affect the orderly development of property or the preservation of property values.

The final details of the development agreement are being prepared. Once deemed acceptable by staff, the agreement will be reviewed at a public hearing with the proposed project.

~~Attachments:~~

- ~~• Vicinity Map~~
- ~~• ROSC Element (excerpts)~~

GOVERNMENT CODE

SECTION 65864-65869.5

65864. The Legislature finds and declares that:

(a) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

(c) The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.

65865. (a) Any city, county, or city and county, may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property as provided in this article.

(b) Any city may enter into a development agreement with any person having a legal or equitable interest in real property in unincorporated territory within that city's sphere of influence for the development of the property as provided in this article. However, the agreement shall not become operative unless annexation proceedings annexing the property to the city are completed within the period of time specified by the agreement. If the annexation is not completed within the time specified in the agreement or any extension of the agreement, the agreement is null and void.

(c) Every city, county, or city and county, shall, upon request of an applicant, by resolution or ordinance, establish procedures and requirements for the consideration of development agreements upon application by, or on behalf of, the property owner or other person having a legal or equitable interest in the property.

(d) A city, county, or city and county may recover from applicants the direct costs associated with adopting a resolution or ordinance to establish procedures and requirements for the consideration of development agreements.

(e) For any development agreement entered into on or after January 1, 2004, a city, county, or city and county shall comply with Section 66006 with respect to any fee it receives or cost it recovers pursuant to this article.

65865.1. Procedures established pursuant to Section 65865 shall include provisions requiring periodic review at least every 12

months, at which time the applicant, or successor in interest thereto, shall be required to demonstrate good faith compliance with the terms of the agreement. If, as a result of such periodic review, the local agency finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with terms or conditions of the agreement, the local agency may terminate or modify the agreement.

65865.2. A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

65865.3. (a) Except as otherwise provided in subdivisions (b) and (c), Section 65868, or Section 65869.5, notwithstanding any other law, if a newly incorporated city or newly annexed area comprises territory that was formerly unincorporated, any development agreement entered into by the county prior to the effective date of the incorporation or annexation shall remain valid for the duration of the agreement, or eight years from the effective date of the incorporation or annexation, whichever is earlier. The holder of the development agreement and the city may agree that the development agreement shall remain valid for more than eight years, provided that the longer period shall not exceed 15 years from the effective date of the incorporation or annexation. The holder of the development agreement and the city shall have the same rights and obligations with respect to each other as if the property had remained in the unincorporated territory of the county.

(b) The city may modify or suspend the provisions of the development agreement if the city determines that the failure of the city to do so would place the residents of the territory subject to the development agreement, or the residents of the city, or both, in a condition dangerous to their health or safety, or both.

(c) Except as otherwise provided in subdivision (d), this section applies to any development agreement which meets all of the following requirements:

(1) The application for the agreement is submitted to the county prior to the date that the first signature was affixed to the petition for incorporation or annexation pursuant to Section 56704 or the adoption of the resolution pursuant to Section 56800, whichever occurs first.

(2) The county enters into the agreement with the applicant prior to the date of the election on the question of incorporation or annexation, or, in the case of an annexation without an election pursuant to Section 57075, prior to the date that the conducting

authority orders the annexation.

(3) The annexation proposal is initiated by the city. If the annexation proposal is initiated by a petitioner other than the city, the development agreement is valid unless the city adopts written findings that implementation of the development agreement would create a condition injurious to the health, safety, or welfare of city residents.

(d) This section does not apply to any territory subject to a development agreement if that territory is incorporated and the effective date of the incorporation is prior to January 1, 1987.

65865.4. Unless amended or canceled pursuant to Section 65868, or modified or suspended pursuant to Section 65869.5, and except as otherwise provided in subdivision (b) of Section 65865.3, a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the city, county, or city and county entering the agreement, which alters or amends the rules, regulations, or policies specified in Section 65866.

65865.5. (a) Notwithstanding any other law, after the amendments required by Sections 65302.9 and 65860.1 have become effective, the legislative body of a city or county within the Sacramento-San Joaquin Valley shall not enter into a development agreement for property that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(2) The city or county has imposed conditions on the development agreement that will protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(3) The local flood management agency has made adequate progress on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system. For urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.

(4) The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

(b) The effective date of amendments referred to in this section shall be the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) This section does not change or diminish existing requirements of local flood plain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the national flood insurance program.

65866. Unless otherwise provided by the development agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent a city, county, or city and county, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent a city, county, or city and county from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

65867. A public hearing on an application for a development agreement shall be held by the planning agency and by the legislative body. Notice of intention to consider adoption of a development agreement shall be given as provided in Sections 65090 and 65091 in addition to any other notice required by law for other actions to be considered concurrently with the development agreement.

65867.5. (a) A development agreement is a legislative act that shall be approved by ordinance and is subject to referendum.

(b) A development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

(c) A development agreement that includes a subdivision, as defined in Section 66473.7, shall not be approved unless the agreement provides that any tentative map prepared for the subdivision will comply with the provisions of Section 66473.7.

65868. A development agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner provided by Section 65867. An amendment to an agreement shall be subject to the provisions of Section 65867.5.

65868.5. No later than 10 days after a city, county, or city and county enters into a development agreement, the clerk of the legislative body shall record with the county recorder a copy of the agreement, which shall describe the land subject thereto. From and

after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of this state. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

65869. A development agreement shall not be applicable to any development project located in an area for which a local coastal program is required to be prepared and certified pursuant to the requirements of Division 20 (commencing with Section 30000) of the Public Resources Code, unless: (1) the required local coastal program has been certified as required by such provisions prior to the date on which the development agreement is entered into, or (2) in the event that the required local coastal program has not been certified, the California Coastal Commission approves such development agreement by formal commission action.

65869.5. In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

DEVELOPMENT AGREEMENTS

State law provides for development agreements between a project proponent and the City. The purpose of a development agreement is to provide developers with additional assurances that the policies, rules and regulations, and conditions of approval in effect at the time a project was approved will not be nullified by a future local policy or regulation change. In exchange, the developer may be required to meet certain conditions or performance criteria, which become part of the agreement.

Development agreements can be a useful means of meeting General Plan goals and policies while removing some of the risks faced by developers. Agreements can remain in effect for a few or several years, the term typically being set forth in the agreement. It is important to emphasize that, as set forth in the Government Code, the City is not prohibited from applying new rules, regulations, and policies to the property unless specifically stated in the development agreement, nor is the City prevented from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, or policies.

REDEVELOPMENT PLANS

Community Redevelopment Law authorizes a city to undertake redevelopment projects to turn blighted, deteriorating areas into revitalized community assets. Redevelopment strategies can include the use of tax increment financing (i.e., the amount of additional tax revenue generated by increased property valuations as a result of new development on the property), property acquisition, consolidation of small parcels, joint public-private partnerships, clearance of land and resale to developers, and relocation of tenants. Redevelopment projects can be implemented only for areas where there is a documented presence of physical, economic, and/or social blight. The City's redevelopment areas were originally comprised of 10 redevelopment project areas established between 1973 and 1991, but were ultimately merged into two project areas in 2000, as shown on Figure 1-2, *Redevelopment Areas*.

SPHERE OF INFLUENCE

Land use planning for the Palm Springs does not stop at the City boundaries. Unincorporated lands adjacent to the City's borders are identified by the Riverside County Local Agency Formation Commission (LAFCO) as areas likely to be serviced or annexed by the City in the future. These lands are known as the City's Sphere of Influence (SOI).

LAND USE ELEMENT

- LU1.2 Encourage the exchange of public and private lands and the consolidation of parcels to create buildable sites and to achieve greater efficiency of land use.
- LU1.3 Ensure that new land use projects are built with adequate utility and municipal infrastructure capacity to support them.
- LU1.4 Encourage the expansion of existing facilities or the introduction of new uses that are considered to be of significant importance and contribute exceptional benefits to the City.
- LU1.5 Allow for flexible development standards provided that the potential benefits and merit of projects can be balanced with potential impacts.
- LU1.6 Encourage and support projects of exceptional design and architectural quality, societal benefit (historic or environmental sustainability), or revenue generation through incentives in the review process.
- LU1.7 Require new construction to mitigate impacts on the City's housing, schools, public open space, childcare facilities, and other public needs.
- LU1.8 Allow density transfers within planned developments in exchange for the provision of enhanced amenities and permanent open space.
- LU1.9 All development shall be sensitive to natural features, including washes, hillsides, and views of the mountains and surrounding desert areas.
- LU1.10 Encourage, where appropriate, high density projects to maximize the use of land.
- LU1.11 Sensitively integrate into the community required land uses such as transportation corridors, flood control systems, utility corridors, and recreational corridors.
- LU1.12 Ensure that land uses maintain and expand parks, recreational trails, bikeways, and pedestrian corridors and linkages throughout the City and between Palm Springs and adjacent municipalities.

Additional policies related to bikeways and trails can be found in the Circulation and Recreation, Open Space and Conservation Elements.

Actions

- LU1.1 Develop standards that provide appropriate transitions between commercial, industrial, and residential uses.
- LU1.2 Phase development into undeveloped areas according to the following criteria:
 - a) Availability of services (streets, water, sewer, and emergency services);
 - b) Logical extension of services;
 - c) Contiguity with existing development; and/or
 - d) Conformance with an approved specific plan or planned development district.
- LU1.3 Develop specific plans for areas that need additional design or land use guidance.

GOAL LU2:

Maintain the City’s unique “modern urban village” atmosphere and preserve the rich historical, architectural, recreational, and environmental quality while pursuing community and business development goals.

Policies

- LU2.1 Evaluate the effectiveness of using overlay zones as a technique of preserving the character of selected areas of the City.
- LU2.2 Projects that propose to convert open space areas that are designated “Open Space – Parks/Recreation” to developable areas (for residential, commercial, etc.) must either offer in-kind replacement of such open space elsewhere in the City, make payment of in-lieu fees, or replace the converted open space through the use of *density transfer*.
- LU2.3 Encourage the exchange of public and private lands to eliminate unusable parcels and to permit the orderly development and conservation of areas appropriate for each site.
- LU2.4 Encourage the renovation or replacement of deteriorating structures through the full use of code enforcement and redevelopment powers.
- LU2.5 Encourage lot consolidation and mixed-use development to reduce fragmentation of parcels and to facilitate infill development.

Density Transfer: A mechanism that allows the relocation of potential development from an area where proposed land uses or environmental impacts are considered undesirable to another site chosen on the basis of its ability to accommodate additional units of development beyond its original designation. In Palm Springs, this tool could be used to intensify residential and commercial uses in the Central City and to minimize development in sensitive areas such as the mountains and hillsides.

A density transfer is also known as a “transfer of development rights,” or TDR.

LAND USE ELEMENT

- LU8.2 Continually monitor the preferred mix of uses within mixed/multi-use areas, and encourage new uses that will provide new services that complement existing uses.
- LU8.3 Update the zoning ordinance to identify specific standards for building height and other development issues in mixed/multi-use designations.

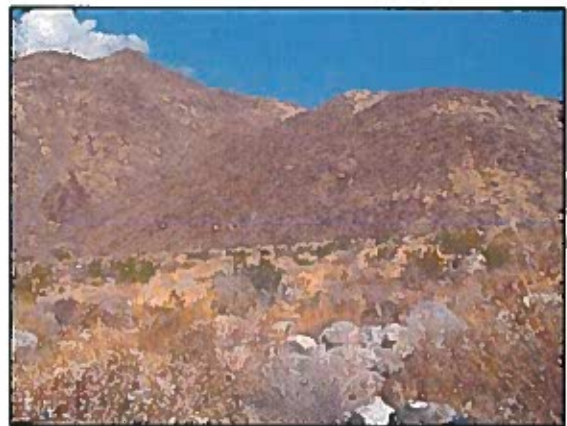
MOUNTAINS AND HILLSIDES

The remarkable landforms created by the San Jacinto and Santa Rosa Mountains are a defining characteristic for Palm Springs as well as one of the City's most coveted resources. Wrapping around the developed areas of City to the west and south, the steep topography of the mountains provides the City with a dramatic visual backdrop and scenic views that are unparalleled in the Coachella Valley. Over the years, Palm Springs residents have reaffirmed that the hillsides are an irreplaceable asset to their community; development projects proposed in the hillsides have either been overturned through a vote of the residents or have required additional, more detailed environmental analyses. Efforts to establish a future direction in these areas is further complicated by the need to coordinate with multiple property owners and agencies such as the Agua Caliente Tribe and the Bureau of Land Management.

As available land in the central city becomes scarce, it will become increasingly important to establish guidance for the protection and thoughtful development of these areas. The intent is to ensure that proposed development is carefully designed to respect the hillsides and their sensitive biological resources. Residential uses are extremely limited in these areas, 1 unit per 40 acres, and they must be of high quality and sited in ways that conserve the City's valuable natural landforms.

The importance of the mountainous areas was further emphasized by the City Council, which established the Citizens' Task Force for Mountain and Foothill Preservation and Planning to evaluate the City's land use policies for mountainous areas and provide recommendations that would protect the scenic values of Palm Springs. As part of its effort, the Task Force established the following Guiding Principles that serve as a basis for decision making in the mountainous areas of Palm Springs:

- ◆ The unique natural environment of Palm Springs with its rugged mountains and sweeping desert sands creates stunning vistas with a sense of space and distance and is Palm Springs' most important asset.



Hillsides are some of the most recognizable features in Palm Springs.

- ◆ This natural environment has historically drawn people to live here and made Palm Springs a world class resort destination, and the protection of this natural environment is vital to the well-being of its residents and to sustaining its tourism-based economy.
- ◆ All land uses must respect the scenic values of the desert and mountain terrain and protect this historical heritage.
- ◆ The mountain region is an extraordinarily rich, though fragile, natural environment which sustains a brilliant variety of wildlife and plant species, some of which species are threatened or endangered and the City's land use policies must address ecosystem interactions and protect and conserve sensitive habitat.
- ◆ Development must be harmonious with, adapted to and respectful of the natural features with minimal disturbance of terrain and vegetation, use of natural and sympathetic materials, and be located in a manner sensitive to terrain, including wildlife habitat, watercourses, and steep slopes.
- ◆ Open space is a limited and valuable resource which is a part of the City's historic heritage and the City should identify sensitive open space areas for conservation and should acquire and preserve such areas.
- ◆ The City should continue its policies for open space acquisition and designation by which approximately 3,000 acres have been acquired (as of 2006), including mitigation of developer impacts through land dedication, density transfer and payment of in-lieu fees, acceptance of gifts of land, obtaining federal and state grants for conservation, working with regional conservation agencies, and developing other funding sources.

GOAL LU9:

Preserve the City's unique mountain resources for future generations.

Policies

- LU9.1 Design and landscape hillside development and development adjacent to natural areas to preserve natural features and habitat and to protect structures from natural disasters, such as wildfires and floods.
- LU9.2 Preserve the frontal slopes of the Santa Rosa and San Jacinto Mountains above the toe of the slope.
- LU9.3 Preserve the unique topographic and geologic features of the City.

LAND USE ELEMENT

- LU9.4 Windfarm development on hillsides visible from scenic highways and corridors or on slopes of 15 percent or greater should demonstrate no significant adverse aesthetic impacts or provide adequate mitigation prior to approval.
- LU9.5 Encourage public acquisition and placement into public trust of environmentally sensitive hillside areas.
- LU9.6 Prohibit motorized vehicles within mountainous areas, except on City-approved roads.
- LU9.7 Encourage the use of mountains for recreational purposes so as not to degrade habitat areas; existing trails will be maintained and new trail links can be developed.
- LU9.8 Use only native plant species in areas adjacent to naturalized open space and mountainous areas to prevent invasive and non-native plant species from propagating in these areas. Exotic plant species such as fountain grass, Tamarisk, Mexican Fan Palm, and exotic cactus species shall be prohibited adjacent to mountainous and natural open areas. If the MSHCP is adopted, its list of invasive and native species could be used.
- LU9.9 Continue active interjurisdictional and interagency planning for the conservation and preservation of the Santa Rosa Mountains in their natural state with the Bureau of Land Management (BLM) and the Coachella Mountains Conservancy.
- LU9.10 Encourage the acquisition of hillside parcels by public trusts or other conservation-oriented entities where such parcel acquisition contributes to city-wide open space conservation goals and plans.
- LU9.11 Promote recreational use through the development of a system of trails. Pursue easements or other mechanisms to ensure long-term viability and access to existing trails and trailheads.
- LU9.12 Protect the scenic beauty of the mountains from erosion caused by development.

Actions

- LU9.1 Adopt the following performance criteria for mountain and hillside development review:
 - a) Evaluate and quantify impacts of development on habitat for review by the California Department of Fish and Game, Bureau of Land Management, Fish & Wildlife Service and other appropriate entities, in the event the

Planning Area 8 – Highway 111 Corridor

The 202 acres in this planning area comprise some of the first visual images for travelers entering Palm Springs along Highway 111. A unique rock outcropping known as Ship Rock is a natural landmark in this area. Development in this Planning Area should not minimize the prominence of this natural topographical feature and should address view sheds and visual impacts along the Highway 111 frontage.

Planning Area 9 – Snow Creek

This Planning Area is north of the Chino Cone planning areas and encompasses roughly 1,195 acres. Large portions of this area are characterized as watercourse zones. Planning Area 9 is mostly situated within a cove formed by Snow Creek Canyon, providing residents with seclusion and scenic views. The historic Pacific Crest Trail skirts this planning area.

GOAL LU13:

Sensitively integrate new development into the Chino Cone while preserving its distinguishing natural and scenic characteristics.

Policies

- LU13.1 Require that any development in the Chino Cone be harmonious with and respectful of the area's natural features.
- LU13.2 Protect and conserve sensitive habitat areas through development restrictions and clustering of land uses.
- LU13.3 Continue to seek opportunities to acquire or designate open space for preservation. This could include land dedication, in-lieu fees, grants, density transfer, or other sources.
- LU13.4 Allow for rural street profiles with French drain or similar type of stormwater control features and code-compliant pedestrian accommodation to traditional street standards and design of curbs and gutters to establish a natural streetscape that visually blends into the surrounding terrain.
- LU13.5 Encourage low building profiles, natural colors, and minimal grading to blend into the natural topography of the area.
- LU13.6 Require any proposed development in this area to preserve Ship Rock and integrate this natural landmark into the project's design.

considering the drainage, wildlife habitat, slope characteristics, and other goals and policies of the General Plan while reviewing plans for proposed development within Palm Hills.

The City of Palm Springs also recognizes the efforts of the Bureau of Land Management (BLM), the Coachella Valley Mountains Conservancy, and other groups to preserve the Santa Rosa Mountains in their natural state. It is envisioned that limited, high-quality development can occur in the Palm Hills area and be consistent with the desire to conserve natural resources. The City will cooperate with these groups to facilitate conservation to the extent that conservation efforts are consistent with the goals and policies of this General Plan.

GOAL LU14:

Create a first class resort and residential development in Palm Hills that preserves valued open space, hillsides, view corridors, and biological resources.

Policies

- LU14.1 Establish an innovative planning process to analyze and guide all aspects of future development in the Palm Hills area including biological resources, aesthetics, and infrastructure.
- LU14.2 Preserve the frontal slopes of the Santa Rosa Mountains that are visible from the desert floor as open space.
- LU14.3 Public lands that are not used as part of a development project may not be credited for density transfer purposes to an off-site development.
- LU14.4 Explore opportunities for the exchange of public and private lands to create proper development areas and viable habitat conservation areas.
- LU14.5 Maximum density is one unit per acre (residential or hotel); development on slopes above 30 percent is prohibited.
- LU14.6 Allow credits for density transfer where sensitive biological habitats, including hillsides, washes, canyons, etc. are protected and dedicated as permanent open space.

Actions

- LU14.1 Require the preparation of a Specific Plan for any development proposed in Palm Hills.

LAND USE ELEMENT

- LU14.2 Establish a program for the permanent preservation of open space to mitigate wildlife habitat loss and to provide recreational amenities. Programs should complement the applicable conservation programs to the extent that they do not conflict with the General Plan and the MSHCP.
- LU14.3 Explore strategies to purchase the property for preservation, including but not limited to issuance of bonds, matching funds from conservation agencies, and partial acquisition of the site.

RECREATION, OPEN SPACE & CONSERVATION ELEMENT

Indian Canyons Heritage Park

The Indian Canyons Heritage Park is an approximately 400-acre park located at the base of San Jacinto Mountains at the south end of Palm Springs. The Park boasts the largest system of native fan palm oases in the United States. Visitors from around the world visit these spectacular oases nestled in steep rocky canyons where the force of running water over millennia has carved the rocks into curvaceous pools and waterfalls. Higher up the canyon walls, the rocks shewn with the beautiful patina of desert varnish. The Agua Caliente Band of Cahuilla Indians manages the park and leads hiking and horseback riding tours. The Indian Canyons Heritage Park also has adopted a management plan for preserving the unique biological and cultural resources in the park.

PARK ACREAGE AND DESIGN

Palm Springs owns 10 parks that encompass more than 156 acres, of which approximately 7 acres are for specialty parks. In addition, the City owns approximately 160 acres of open space developed as the Tahquitz Creek Legends Golf Course. The City of Palm Springs requires that a minimum of 5 acres of developed parks be available for every 1,000 residents, including 2.5 acres for community parks and 2.5 acres for neighborhood parks. Palms Springs today has a population of approximately 60,000, which includes seasonal residents. At this population, the goal of a minimum of five acres per 1,000 residents yields a target of 300 acres of developed park land. The City has approximately 316 acres of developed park area including the City-owned Legends golf course. However, as the City continues to grow and develop, more park acreage, especially areas to accommodate specialized play fields (soccer, baseball, softball, football, tennis, etc.) will be required. With a projected population of 94,949 by buildout, the City will need 184 more park acres to accommodate this growth. It should be noted that this population projection is the number of residents in Palm Springs at *full* buildout. The Land Use Element shows a slightly lower population projection because a 5 percent vacancy rate is assumed. Total population is used in this case to be consistent with the city's *Quimby Ordinance*.

To ensure that parks fulfill their intended role, the City's standard is that homes be located within one mile of a neighborhood or community park so that residents are within walking distance of a park. Presently, less than one-half of all residences meet this standard. Table 5-2 summarizes the City's present and future park needs and Figure 5-1, *Parks and Recreation Resources*, illustrates the deficient areas. The southern and western portions of Palm Springs have the greatest deficiency of parkland, though both areas are within close proximity to outdoor recreational opportunities.

Quimby Act: The Quimby act of 1975 authorizes a city to adopt a local ordinance that can require dedications of land or in-lieu fees for development of new, or rehabilitation of existing, park facilities as a condition of subdivision map approval. The amount of fees paid or land dedicated can, at most, provide for five acres of parklands and recreational facilities per 1,000 persons.

Table 5-2
Palm Springs Parkland Needs

	Population	Parkland Standard	Current Needs	Current Acreage	Deficit/ Surplus
Present Need	60,000	5.0 ac/1,000	300	316	16
Future Needs	39,941	5.0 ac/1,000	200	—	200
Total Need*	99,941	5.0 ac/1,000	500	316	184

Source: U.S. Census, 2000; Department of Finance, 2006.
General Plan Land Use Element, 2007.

* This population figure assumes full buildout. The Land Use Element shows a slightly lower population figure due to an assumption of a 5 percent vacancy factor. However, this figure reported here is total population and is intended to be consistent with the City's Quimby Ordinance.

The Parks and Recreation Strategic Plan provides a detailed description of City parks and amenities available at each facility. The Plan also discusses the role of park design standards and includes recommendations to ensure that established standards reflect the actual and intended role of each facility.

While providing adequate park acreage is important, parks must be equipped with the desired recreational amenities that meet the needs of Palm Springs' diverse population, including families with children, retirees, single people, snowbirds, and tourists. Developed parkland must be carefully tailored with an appropriate mix of amenities and recreational facilities that meet the needs of users within the park's intended service area. The City's park classification and design system, based on National Park and Recreation Standards, can be found in the *Department of Parks and Recreation Strategic Plan*.

Many of the City's parks vary from the established design standards. For instance, Sunrise Park, originally intended to be a community park, has limited acreage for unstructured recreation activities (e.g., Frisbee) due to the many facilities occupying the site. DeMuth Park accommodates organized sports leagues, rather than serving as a community park. Specialty parks, envisioned to satisfy the City's tourist industry, currently serve local needs. These issues underscore the need to reconsider the current location and amenities of parks to best match the needs of residents and demands placed on each park.

GOAL RC1:

Provide sufficient park, trail and recreational facilities that meet the diverse needs of residents and visitors.

Policies

RC1.1 Develop high-quality park, trail, and recreational facilities that meet the varied needs of children, adults, seniors, and people with disabilities.