



CITY COUNCIL STAFF REPORT

DATE: September 21, 2016

CONSENT CALENDAR

SUBJECT: APPEAL BY DENLAR LLC OF THE PLANNING COMMISSION ACTION TO DENY AN AMENDMENT TO AN APPROVED MAJOR ARCHITECTURAL APPLICATION FOR A REDUCTION IN THE SIDE YARD SETBACK OF A NEW HILLSIDE SINGLE-FAMILY RESIDENCE LOCATED AT 2110 NORTH LEONARD ROAD; ZONE R-1-B (CASE 3.3817 MAJ AMND).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

At the City Council meeting of September 7, 2016, the City Council voted to approve the appeal and support the proposed amendment to the approved Major Architectural application (Case 3.3817 MAJ AMND), and directed staff to bring forward a resolution at the next City Council meeting addressing the following issues:

- Provide a report addressing any impacts of the relocated structure to the ground-mounted solar panels on the neighbor's property at 2150 N. Leonard Road;
- Recommend an amount for a voluntary contribution to be paid by the applicant; and
- Direct the applicant to file an Administrative Minor Modification (AMM) application to address the portion of the structure that encroaches into the maximum permitted building height envelope.

The resolution and attached documentation addresses the issues identified by City Council and the applicant has agreed to make a voluntary contribution to the City's general fund in the amount of \$10,000.

RECOMMENDATION:

1. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING AN APPEAL OF THE PLANNING COMMISSION'S ACTION TO DENY AN AMENDMENT TO A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A 0.59 ACRE HILLSIDE PARCEL LOCATED AT 2110 NORTH LEONARD ROAD, ZONE R-1-B (CASE 3.3817 MAJ)."

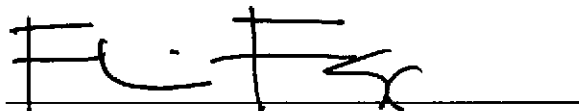
ITEM NO. 1P

STAFF ANALYSIS:

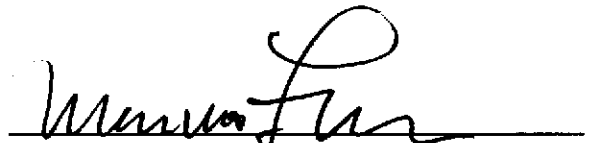
At the meeting of September 7, 2016, the City Council considered the appeal of the action taken by Planning Commission to deny a modification to an approved site plan for the construction of a single-family residence at 2110 N. Leonard Road. After considering all evidence presented in conjunction with the application, the City Council determined the following:

- The structure as constructed does not conform to the Major Architectural application as approved by the Planning Commission; however, the structure as constructed conforms to all minimum setback requirements of the R-1-B zoning district pursuant to Palm Springs Zoning Code Section 92.01.03(A);
- A solar access study and shade report prepared on behalf of the property owner at 2150 Leonard Road which is adjacent to the Subject Property should be submitted to the City that shows the Applicant's building as constructed does not adversely affect or impair the solar panels constructed on the adjacent property;
- The structure as constructed encroaches into the required height envelope at the side yard setback, however, PSZC Section 94.06.01(A)(8) allows for modifications to the height of structures in hillside areas upon approval of a Administrative Minor Modification application. The Applicant should submit an Administrative Minor Modification application, pursuant to PSZC Section 94.06.01(A)(8), to consider this height encroachment issue.

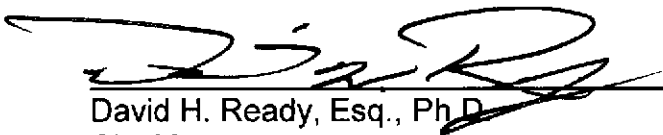
Based on these determinations, the Applicant has met with staff and submitted a copy of a solar study for the solar panels on the adjacent property to the north, performed on July 12, 2016, showing that the panels will maintain an average of 92% solar access during the course of the year based on current environmental and physical conditions. In addition, the Applicant submitted an Administrative Minor Modification application to the Department of Planning Services on September 13, 2016, which will address the height issue of the structure. The Applicant has agreed to make \$10,000.00 contribution to the City's general fund.



Flinn Fagg, AICP
Director of Planning Services



Marcus Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer



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



Douglas R. Holland,
City Attorney

Attachments:

1. Resolution
2. Solar Access and Shade Report (dated 07/12/16)
3. AMM Application (copy)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING AN APPEAL OF THE PLANNING COMMISSION'S ACTION TO DENY AN AMENDMENT TO A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A 0.59 ACRE HILLSIDE PARCEL LOCATED AT 2110 NORTH LEONARD ROAD, ZONE R-1-B (CASE 3.3817 MAJ AMND).

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS AND DETERMINES AS FOLLOWS:

- A. On October 19, 2015, DenLar LLC ("Applicant"), filed a Major Architectural application with the City pursuant to Palm Springs Zoning Code (PZSC) Section 94.04.00 for construction of a single-family residence on a hillside parcel generally located at 2110 North Leonard Road ("Subject Property").
- B. On November 23, 2015, the Architectural Advisory Committee (AAC) met and voted to recommend approval of the architectural design to the Planning Commission, and requested that the applicant submit a revised landscape plan.
- C. On December 7, 2015, the AAC met and voted to recommend approval of the revised landscape plan to the Planning Commission.
- D. On December 9, 2015, a public meeting to consider Case 3.3817 was held by the Planning Commission in accordance with applicable law. After considering the evidence presented in connection with the hearing on the project, the Planning Commission found the project to be consistent with the City's adopted codes and regulations, and voted to approve the Major Architectural application for the project. The Building & Safety Department subsequently approved building permits in substantial compliance with the Major Architectural plans approved by the Planning Commission.
- E. On June 8, 2016, the Building & Safety Department issued a stop-work order to the Applicant upon verifying that the foundation placement did not conform to the plans approved in conjunction with the building permits for the project.
- F. On July 7, 2016, the Applicant submitted a request to amend the approved Major Architectural application to accommodate a revised placement of the residence on the parcel.
- G. On July 27, 2016, the Planning Commission considered the amendment to the Major Architectural application at a public meeting in accordance with applicable law.
- H. The Planning Commission reviewed all of the evidence presented in conjunction

with the application, including but not limited to, the staff report, and all written and oral testimony presented, and voted to deny the amendment upon making a finding that the site plan as approved in December 2015 addressed impacts to the adjacent property, and that the Applicant made changes to the location of the structure without first obtaining approval from the City to do so.

I. On August 2, 2016, the Applicant filed an appeal of the action of the Planning Commission to deny the amendment to the approved Major Architectural application.

J. On September 7, 2016, the City Council held a public hearing to consider the appeal of the Planning Commission's action to deny the modification of the Major Architectural application.

K. The project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303(a) relating to construction of a new single-family residence.

L. The City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the application, including, but not limited to, the staff report, and all written and oral testimony presented, and hereby approves the appeal request, subject to the following conditions, findings, and determinations:

1. The structure as constructed does not conform to the Major Architectural application as approved by the Planning Commission; however, the structure as constructed conforms to all minimum setback requirements of the City;
2. A solar access study and shade report prepared by the owner of the property at 2150 Leonard Road which is adjacent to the Subject Property shows that the building as constructed on the Subject Property and as contemplated to be finished pursuant to the proposed amendment to the Major Architectural application does not adversely affect or impair the solar panels constructed on the adjacent property;
3. The Applicant has submitted Administrative Minor Modification application, pursuant to PSZC Section 94.06.01(A)(8), to consider the height encroachment issue applicable to a portion of the roof of the building on the Subject Property; and
4. The Applicant has voluntarily consented to make a \$10,000.00 contribution to the City's General Fund prior to commencement of any further work on the Subject Property.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The proposed modification to Case 3.3817 MAJ AMND is hereby approved as submitted.

SECTION 2. The City Council accepts Applicant's contribution to the City's General Fund.

ADOPTED THIS 21ST DAY OF SEPTEMBER, 2016.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

Solar Access and Shade Report

7/12/2016

For:

Robert Doren

By:

Tyler

Measurements made by Solmetric SunEye™ – www.solmetric.com

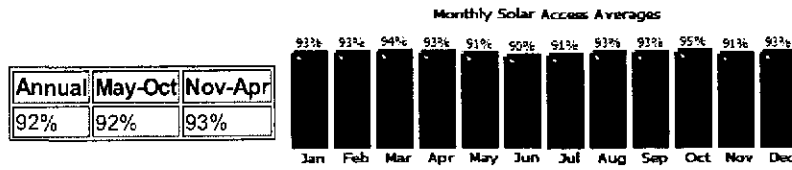
Solmetric

Session Properties

Name	doren, robert
Creation Date	7/12/2016 8:40
Note	(none)
Location	33.8°N, 116.5°W Mag Dec: 11.7°E Time Zone: GMT-08:00

Solar access averages of 4 skylines in this session

Skylines Averaged: Sky01, Sky02, Sky03, Sky04

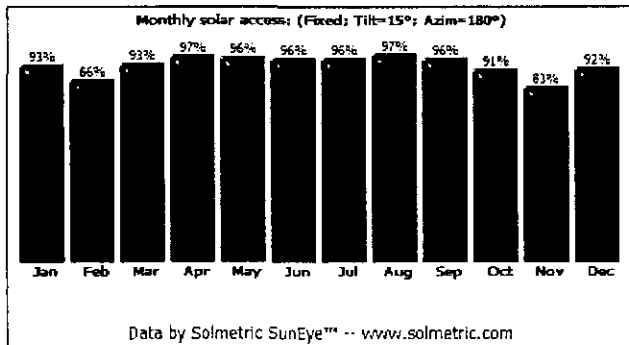
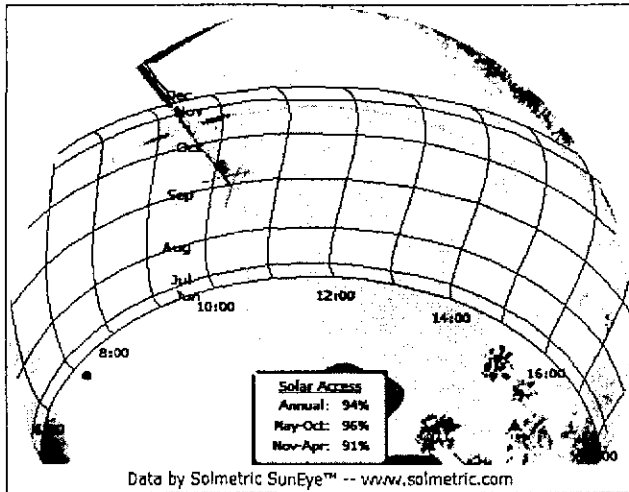


TSRF averages of 4 skylines in this session: 89%

Sky01 -- 7/12/2016 8:42 -- (no skyline note)

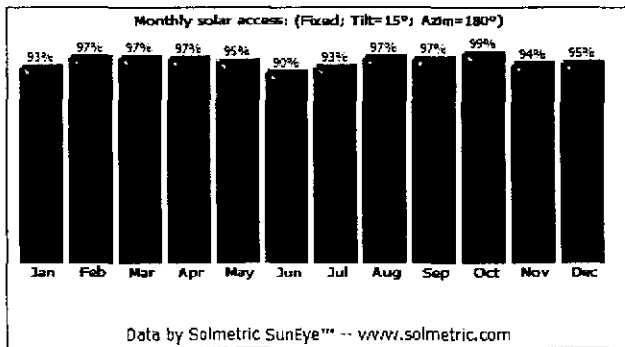
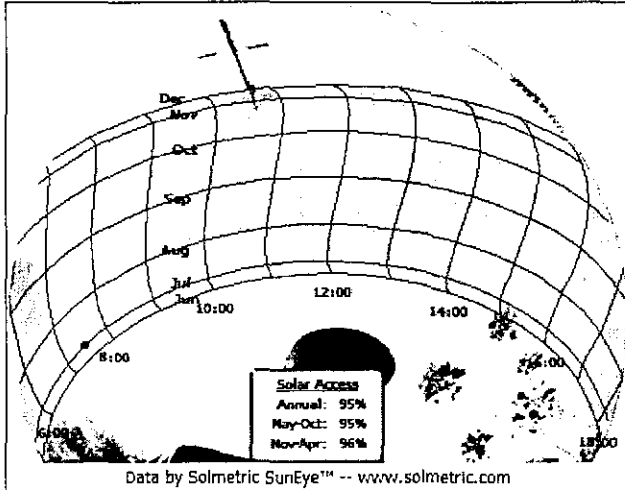
Panel Orientation: Tilt=15° -- Azimuth=180° -- Skyline Heading=179°

Solar Access: Annual: 94% -- Summer (May-Oct): 96% -- Winter (Nov-Apr): 91%
TSRF: 90% -- TOF: 96%



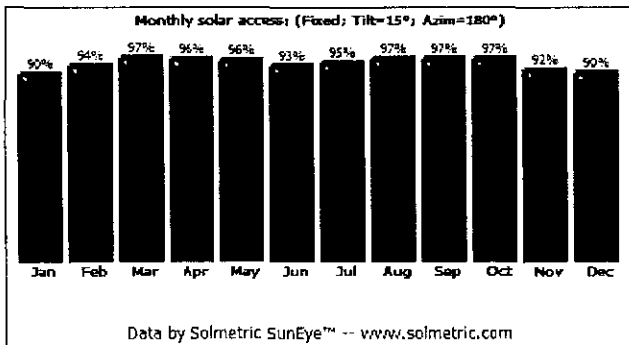
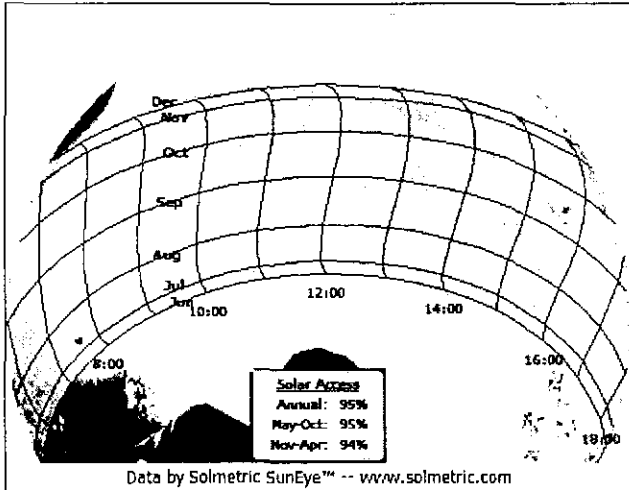
Sky02 – 7/12/2016 8:45 -- (no skyline note)

Panel Orientation: Tilt=15° – Azimuth=180° -- **Skyline Heading=181°**
Solar Access: Annual: 95% – Summer (May-Oct): 95% -- Winter (Nov-Apr): 96%
TSRF: 91% -- **TOF:** 96%



Sky03 – 7/12/2016 8:47 – (no skyline note)

Panel Orientation: Tilt=15° -- Azimuth=180° – Skyline Heading=182°
Solar Access: Annual: 95% -- Summer (May-Oct): 96% – Winter (Nov-Apr): 94%
TSRF: 91% -- **TOF:** 96%

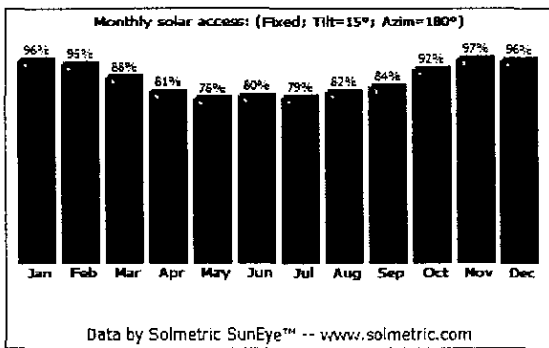
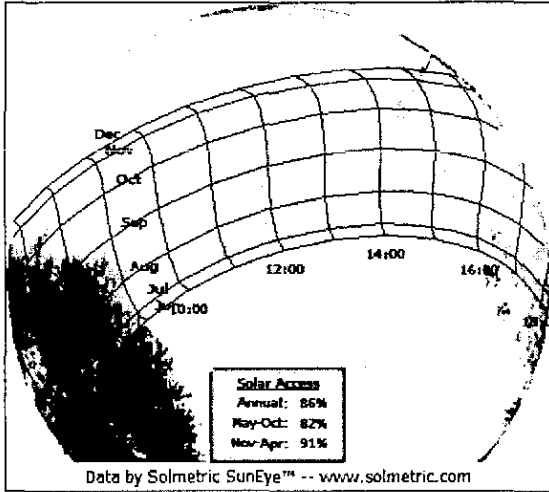


Sky04 – 7/12/2016 8:55 – (no skyline note)

Panel Orientation: Tilt=15° -- Azimuth=180° -- **Skyline Heading=197°**

Solar Access: Annual: 86% -- Summer (May-Oct): 82% -- Winter (Nov-Apr): 91%

TSRF: 82% -- **TOF:** 96%





CITY OF PALM SPRINGS

Department of Planning Services
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
Tel 760-323-8245 -- FAX 760-322-8360

APN: 504-192-031
9/13/2016
7:47 AM

For Staff Use Only
 Case Number: 7.1510
 In-Take Planner: NK
 Date: 9/13/2016

ADMINISTRATIVE MINOR MODIFICATION PLANNING / ZONING GENERAL INFORMATION FORM

PLANNING ENTITLEMENTS REQUESTED:

- Administrative Minor Modification
- HSPB Action
- Parcel Map / Tract Map
- Variance
- Change of Zone
- Major Architectural
- Planned Development District
- Conditional Use Permit
- Minor Architectural
- Single-Family Architectural

TO THE APPLICANT: Please fill out information requested below and attach the appropriate supplemental application.

Project Site Information:

Project Address: 2110 LEONARD RD NORTH. APN: 504-192-031
 Project Name: (Name of Condo or HOA) DENLAR LLC / LEONARD RD.
 Zone: R1B GP: ER Section/Township/Range: 3 / 4 / 4

Description of Project:

AMM FOR 7" OVER HEIGHT AT NORTH PROPERTY LINE HVAL CLOSET

Property Owner Information:

Property Owner's Name: DENLAR LLC
 Property Owner's Address: 72287 DESERT DR
RANCHO MIRAGE CA 92270
 Property Owner's Phone #: 760-275-2797 FAX: _____
 Property Owner's Email: FREEMANBC10@gmail.com

Project Manager, Contractor, Owner's Representative:

Company / Agent's Name: DESIGN CONCEPTS / BRIAN DIEBOLT
 Agent's Signature: B. DIEBOLT
 Agent's Mailing Address: 57445 29 PALMS HWY. #304
YUCCA VALLEY CA 92284
 Agent's Owner's Phone #: 760-365-8142 FAX: 760-365-8143
 Agent's Owner's Email: design_online@verizon.net



CITY OF PALM SPRINGS

Department of Planning Services
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
Tel 760-323-8245 – FAX 760-322-8360

PLANNING DEPARTMENT APPLICATION ADMINISTRATIVE MINOR MODIFICATION

TO THE APPLICANT: Fill out a General Information Cover Form first and attach this supplemental information sheet.

Is the proposed project:

- Conservation Area (MSHCP)
- Historic Designation / District
- Water Course / Floodplain
- On the Agua Caliente Band of Cahuilla Indian Reservation Land
- Fall within the Riverside County Airport Land Use Commission Review Area
- Abut State Highway 111
- Specific Plan
- Hillside Lot
- Downtown Parking Combining Zone
- Resort Combining Zone
- Noise Impact Zone

General Information:

Common Name of Project: 2110 LEONARD RD

When did present owner acquire the property: _____

Relationship to larger project: NONE

Existing use of project site: SFR - UNDER CONSTRUCTION

Residential Projects:

Proposed building square footage: 2772 LIVING
1038 GARAGE
997 PATIO Net Lot Area: 25,700 SF

Number of dwelling units: 1 Number of stories: 1 Height: 18'-8" ft.

Largest single building: (sq. ft.) 3810 Number of stories: _____ Height: _____ ft.

Describe recreational facilities: POOL

Parking spaces required: 2 Number provided: 3 COVERED
(Per PSZC 93.06)

Commercial Projects:

Proposed building square footage: _____ Net Lot Area: _____

Type of uses and major functions: _____

Square footage of building area devoted to each proposed use: _____

Number of stories: _____ Height: _____ ft.

Largest single building: (sq. ft.) _____ Number of stories: _____ Height: _____ ft.

Parking spaces required: _____ Number provided: _____
(Per PSZC 93.06)

Hours of operation: _____

Maximum number of clients, patrons, shoppers at one time: _____

Maximum number of employees at one time: _____

Area and percent of total project devoted to:

Building	_____	sq. ft.	_____	%
Paving including streets or drives:	_____	sq. ft.	_____	%
Landscaping, Open, Recreation:	_____	sq. ft.	_____	%
TOTAL PROJECT AREA	_____	sq. ft.	_____	%



CITY OF PALM SPRINGS

Department of Planning Services
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
Tel 760-323-8245 – FAX 760-322-8360

PLANNING DEPARTMENT APPLICATION ADMINISTRATIVE MINOR MODIFICATION

TO THE APPLICANT: Fill out a General Information Cover Form first and attach this supplemental information sheet.

General Information:

Describe type of modification and special circumstance necessitating this application.

AMM For 7" OVERHEIGHT AT NORTH PROPERTY LINE SETBACK
AT HVAC CLOSET

The Zoning Ordinance Section 94.06.01(b)(2) sets forth criteria used by Staff in determining if the proposal based upon evidence presented will not have a detrimental effect on neighboring properties. The following four (4) questions are related to required findings that will be used in the decision process. Please respond to each of them by indicating how they are applicable to the property in question.

1. Is the proposed Administrative Minor Modification consistent with the General Plan?

YES, BUILDING IS WITHIN SETBACKS, 7" OVERHEIGHT IS A
3.4 SF AREA ONLY - SEE DRAWINGS.

2. Explain how neighboring properties will not be adversely affected as a result of the approval of the minor modification.

THIS MODIFICATION IS NOT VISIBLE FROM NEIGHBORING PROPERTIES
WINDOWS.

3. Explain why the approval will not be detrimental to the health, safety, or general welfare of the persons residing or working on the site or in the vicinity.

THIS APPROVAL IS SO MINOR AND CAN'T BE SEEN OUTSIDE
THE PROPERTY

4. Explain why the approval is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.

THE ARCHITECTURE IS BETTER SERVED TO ALLOW THE 7" OVERHEIGHT
AS IT DOES NOT IMPACT NEIGHBORING SOLAR PANELS OR VIEWS
IN ANY WAY



Design Concepts

Division of Design Services
57041e 28 Palm Springs Blvd, Suite 204
Palm Springs, CA 92262-3200

Phone: (760) 865-9141
Fax: (760) 865-9142
www.designconcepts.com

September 12, 2016

Planning Commission
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262-3200

RE: Leonard Road Lot 1 RS 033/072 APN: 504-192-031
Minor Modification
Case 3.3817 AMND

Planning Commission,

This letter is in reference to 2110 Leonard Rd. This project has been approved by City Council on September 7, 2016, overruling the Planning Commission denial of the current 10' setback.

The reason for the AMM is to allow a 3.4 sf area on the North side of the residence to encroach into the maximum building envelope by 7" at the HVAC closet parapet.

The reason for the request now is that this is an existing condition and to modify the roofline would cause a potential roof leaf if the parapet is cut down.

This request would not impact adjacent property owners in any way as this is not visible from any view corridors of the neighboring properties.

Thank you in advance for considering this project.

A handwritten signature in black ink, appearing to read 'Brian Diebolt'.

Brian Diebolt