



City Council Staff Report

DATE: October 5, 2016

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1900 APPROVING PLANNED DEVELOPMENT 379 IN LIEU OF A CHANGE OF ZONE FOR A 12.38-ACRE SITE ADDRESSED AT 777 SOUTH PALM CANYON DRIVE AND BOUNDED BY PALM CANYON DRIVE TO THE EAST, TAHQUITZ CREEK (WASH) TO THE NORTH, BELARDO ROAD TO THE WEST AND PRIVATE PROPERTY TO THE SOUTH

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1900.

RECOMMENDATION:

Waive the second reading of the ordinance text in its entirety and adopt Ordinance No. 1900, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT 379 IN LIEU OF A CHANGE OF ZONE FOR A 12.38-ACRE SITE ADDRESSED AT 777 SOUTH PALM CANYON DRIVE AND BOUNDED BY PALM CANYON DRIVE TO THE EAST, TAHQUITZ CREEK (WASH) TO THE NORTH, BELARDO ROAD TO THE WEST AND PRIVATE PROPERTY TO THE SOUTH."

STAFF ANALYSIS:

On September 21, 2016, Ordinance No. 1900 was introduced for first reading, as noted below:

ACTION:

Waive the reading of the ordinance text in its entirety and introduce for first reading Ordinance No. 1900, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNED DEVELOPMENT 379 IN LIEU OF A CHANGE OF ZONE FOR A 12.38-ACRE SITE ADDRESSED AT 777 SOUTH PALM CANYON DRIVE AND BOUNDED BY PALM CANYON DRIVE TO THE EAST, TAHQUITZ CREEK (WASH)

ITEM NO. 1B


TO THE NORTH, BELARDO ROAD TO THE WEST AND PRIVATE PROPERTY TO THE SOUTH.”

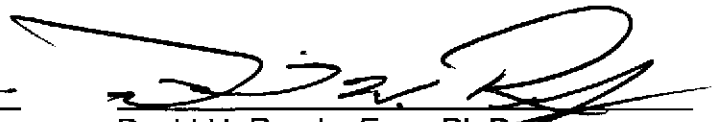
Motion by Councilmember Roberts, seconded by Councilmember Foat and carried 4-1 on a roll call vote.

AYES: Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Moon.

NOES: Mayor Pro Tem Mills.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.


James Thompson
City Clerk


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

/kdh

Attachments:
Ordinance No. 1900

ORDINANCE NO. 1900

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PD-379) IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 12.38-ACRE SITE LOCATED WEST OF SOUTH PALM CANYON DRIVE, SOUTH OF THE TAHQUITZ CREEK WATERCOURSE AND EAST OF BELARDO ROAD (777 SOUTH PALM CANYON DRIVE).

City Attorney's Summary

This Ordinance approves a planned development district in lieu of a zone change to accommodate the development of 56 detached residential units and 25 attached multi-family units on 12.38+/- acres of land generally located southwest of Palm Canyon Drive and the Tahquitz Creek watercourse channel.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:

- A. Woodbridge Pacific Group on behalf of Palm Canyon 65, LLC. ("Applicant") filed an application pursuant to Palm Springs Zoning Code Section 94.07.00 (*Zone Map Change / Change of Zone*) and Section 94.03.00 (*Planned Development District*) seeking approval of a Planned Development District in lieu of a Change of Zone (Case 5.1378 PD-379) to construct 56 detached residential dwellings and 25 attached residential dwellings with private streets and open space on 12.38-acres of land located at 777 South Palm Canyon Drive.
- B. The Applicant submitted related applications, including a Tentative Tract Map application (Case TTM 36914) to subdivide the project land into 57 residential lots and common area parcels for private streets and open space pursuant to Title 9 of the Palm Springs Municipal Code and a Major Architectural application (Case 3.3876 MAJ) to review proposed architecture pursuant to Section 94.04.00 of the Zoning Code.
- C. A notice of a public hearing of the Planning Commission of the City of Palm Springs, California to consider the above-mentioned applications was given in accordance with applicable law; and on May 25, 2016, the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report, and all written and oral testimony presented, and voted 6-0 to recommend approval of the subject project.
- D. A notice of public hearing of the City Council of the City of Palm Springs, California to consider the above-mentioned applications was given in accordance with applicable law; and on July 6, 2016, the City Council held a public hearing in accordance with applicable law and directed the Applicant to make revisions for review

with a City Council ad hoc subcommittee and then return the project back to Council for decision.

E. The Council ad hoc subcommittee reviewed changes to the project and provided direction to the Applicant.

F. A notice of public hearing of the City Council of the City of Palm Springs, California to consider the above-mentioned applications was given again in accordance with applicable law; and on September 21, 2016, the City Council held a public hearing in accordance with applicable law.

G. The City Council has carefully reviewed and considered all of the evidence presented in connection with the meetings on the project, including but not limited to the staff report, the Mitigated Negative Declaration, and all written and oral testimony presented and finds that the Project complies with the requirements of Section 94.07.00 of the City's Zoning Code. The City Council makes the following specific findings based on specific evidence as described after each finding:

1. The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.

The proposed project is located in the Mixed-Use / Multi-Use (MU/MU) land use designation of the 2007 General Plan, allowing a mix of office, retail and residential uses. For residential projects, a density of up to 15 dwelling units per acre is permitted (or up to 30 d.u. per acre with PD approval). The project proposes 6.5 residential dwelling units per acre, which is consistent with MU/MU land use designation.

In addition, the project complies with the following General Plan Policies:

CD19.7 – Design new development with the pedestrian in mind by including wide sidewalks, shade street trees, sitting areas, and clearly defined pedestrian routes.

CD20.1 – Create a pedestrian-friendly environment along midblock corridor residential development through the use of landscaping, shade trees, special paving, pedestrian-scaled lighting, and small gathering spaces.

Policy CD.22.7 Ensure that residential communities are well connected with each other and with nearby commercial uses through the inclusion of pedestrian and bicycle friendly design feature such as trails, paths, and pedestrian oriented streets in the neighborhood's design.

2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.

The current zoning of the project site is C-1 and R-3. In accordance with Section 94.03.00 of the Palm Springs Zoning Code, the applicant has requested a PD in lieu of zone change to establish PD-379 with specific permitted uses and development standards. The proposed uses for PD-379 include 81 attached and detached residential dwellings. Detached residences will be constructed on lots ranging from 5,000-square feet to 7,700-square feet in size, which is adequate for the dwelling, garage, driveway and private yard space. The attached units are proposed on a nearly 2-acre parcel, affording area for the dwellings, garages, landscape, and common open space.

All units will have adequate vehicular and pedestrian access. Primary vehicular access is provided from Belardo Road. At widths of 37-feet, internal streets are wide enough to accommodate travel lanes and street parking. Pedestrian access is provided throughout the site with pedestrian paseos. Linkages to the Tahquitz Creek trail are also proposed on the north side of the site.

The scale and size of the project is consistent with other residential projects in the City. Eighty-one units across the 12.4-acre site equates to 6.5-dwelling units per acre, or 6,658-square feet of gross lot area per residence. Properties in the vicinity include higher density projects, such as the mobile home park to the southwest, and lower density projects, like single-family homes in the Canyons at 3.2-units/acre to the northwest. In addition, to the east, the Cameron project involves a mix of residential, live/work and commercial space at a density of 9.5-units/acre. Therefore, the subject property is suitable for the permitted and proposed uses in PD-379.

3. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.

The project is adjacent to two streets and a watercourse. To the south of the site are remnants of a demolished automobile dealership. At the northeast corner of the project site is a derelict commercial property. The proposed land use will improve the Palm Canyon corridor and will remove an unsightly condition on-site. Therefore, the proposal is not likely to be detrimental to the adjacent properties and residents, and will enhance redevelopment of all properties and improve activity of corridor.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1: CEQA.

The City Council independently reviewed and considered the information contained in the Mitigated Negative Declaration (MND) and subsequent environmental analysis. The

MND reflects the City's independent judgment and analysis. The City Council finds, on the basis of the whole record before it, including the Initial Study and comments received, that with the incorporation of mitigation measures, the project will not have a significant effect on the environment. Therefore, the City Council adopts a Mitigated Negative Declaration as a complete and adequate evaluation of the project pursuant to CEQA.

SECTION 2: Preliminary PD in lieu of a Zone Change.

The City Council approves PD 379 in lieu of a Change of Zone (Case 5.1378) as conditioned by City Council Resolution No. 24100 for Case 5.1378 PD-379 ZC / 3.3876 MAJ / TTM 36914.

SECTION 3. Zoning Map change.

The City Council approves the zone map change from "C-1" and "R-3" to PD 379 for a roughly 12.38-acre site generally located southwest of Palm Canyon Drive and the Tahquitz Creek watercourse channel, currently addressed at 777 South Palm Canyon Drive, in conjunction with Case Nos. 5.1378 PD-379 ZC / TTM 36914 / 3.3876 MAJ.

SECTION 4. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 5. Expiration.

If the entitlement granted under City Council Resolution No. 24100 expires, this Ordinance shall automatically expire without notice, and the site shall revert to its previous zoning designations of "C-1" and "R-3".

SECTION 6. Publication.

The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED THIS 21ST DAY OF SEPTEMBER, 2016.

ATTEST:

ROBERT MOON, MAYOR

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, California, do hereby certify that Ordinance No. 1900 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on September 21, 2016 and adopted at a regular meeting of the City Council held on October 5, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California