



City Council Staff Report

DATE: July 19, 2017

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1929, APPROVING PLANNED DEVELOPMENT DISTRICT 381 IN LIEU OF A CHANGE OF ZONE FOR A 13.25 ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE 5.1384 – PD 381).

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1929.

RECOMMENDATION:

Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1929, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT 381 IN LIEU OF A CHANGE OF ZONE FOR A 13.25 ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE 5.1384 – PD 381)."

STAFF ANALYSIS:

On July 5, 2017, Ordinance No. 1929 was introduced for first reading, as noted below:

ACTION: 1) Waive reading of the full text in its entirety, read by title only, and introduce for first reading Ordinance No. 1929, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT 381 IN LIEU OF A CHANGE OF ZONE FOR A 13.25 ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE 5.1384 – PD 381)."

Approved by a unanimous (5-0-0) vote of the City Council.

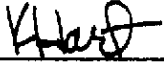
AYES: Councilmembers Kors, Mills, Roberts, Mayor Pro Tem Foat and Mayor Moon

NOES: None

ABSENT: None

ITEM NO. 1.H.

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



Kathleen D. Hart, MMC
Interim City Clerk



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

/cab

Attachment:
Ordinance No. 1929

ORDINANCE NO. 1929

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PD-381 IN LIEU OF A CHANGE OF ZONE FOR A 13.25-ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE 5.1384 – PD 381).

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

A. Summit Land Partners, LLC, on behalf of EHO Canyon View, LLC (“Applicant”), filed an application pursuant to Palm Springs Zoning Code (PSZC) Chapter 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 5.1384 – PD 381) to construct an 80-lot single-family development, private streets, and common open space on a 13.25-acre parcel located at the southwest corner of East Palm Canyon Drive and Matthew Drive (APN Nos. 681-170-038 and 681-170-039) (“Project”).

B. The Applicant submitted related Project applications, including a General Plan Amendment (Case 5.1384 GPA) to change the land use designation from MU (Mixed-Use/Multi-Use) to MDR (Medium Density Residential); a Major Architectural Application (Case 3.3902 MAJ) to review the proposed site plan and project architecture pursuant to PSZC Section 94.04.00; and a Vesting Tentative Tract Map application (Case VTTM 36969) to subdivide the Project site into 80 residential lots, private streets, and common open space.

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 24, 2017, 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 3 to 2 to deny the Project.

D. On June 5, 2017, the Applicant filed an appeal of the Planning Commission decision to deny the Project, in accordance with the procedures in Chapter 2.05 of the Palm Springs Municipal Code (PSMC).

E. A notice of a public hearing of the City Council of the City of Palm Springs, California, to consider an appeal of the Project including Case Nos. 5.1384 PD-381/GPA, 3.3902 MAJ, and VTTM 36969, was given in accordance with applicable law for the regular meeting of July 5, 2017.

F. On July 5, 2017, a public hearing of the City Council of the City of Palm Springs, California, was held in accordance with applicable law.

G. A Planned Development District in lieu of a Change of Zone is required to be adopted by ordinance as provided in the City's Municipal Code.

H. 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 Initial Study and Mitigated Negative Declaration (MND), and all written and oral testimony presented, and finds that the Project complies with the requirements of PSZC Section 94.07.00. 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.*

The applicant has submitted a General Plan Amendment application to change the land use designation from MU (Mixed-Use/Multi-Use) to MDR (Medium Density Residential). At 6.1 dwelling units per acre, the proposed planned development is consistent with the allowable density range of the MDR land use designation, and the single-family use is consistent with the uses allowed under the land use designation.

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 subject property is suitable for residential development, as there are existing residential developments to the west and the north of the site, and the undeveloped parcel south of the site is also designated for residential development. The density of the proposed development is consistent with the General Plan designation for the site. While the parcel fronts on a Major Thoroughfare (East Palm Canyon), there is a flood channel and landscape buffer that provides adequate separation from the roadway for the proposed residential use. The parcel is bounded by streets on all sides, providing adequate access for the development without impacting levels of service. A shopping center is located immediately east of the site, which will provide services for the new residents within walking distance of the site.

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 proposed planned development is generally consistent with other residential development in the immediate area, and will not be detrimental to the development of the vacant parcels to the south and west of the site. The density of the proposed development will generate less traffic than what could be permitted under the existing R-3 zoning, further reducing the impacts of the proposed change of zone.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. That the findings and determinations reflected above are true and correct, and are incorporated by this reference herein as the cause and foundation for the action taken by and through this ordinance.

SECTION 2. The Project is considered a "project" pursuant to the California Environmental Quality Act (CEQA). An Initial Study was prepared for the Project, which considered all required CEQA issues; potential significant impacts were identified, along with Mitigation Measures that would reduce the potential adverse impacts to less than significant levels. A Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was circulated for public comment and review between April 14, 2017, and May 13, 2017. The City Council has reviewed and considered the information in the MND and has, by separate resolution, adopted the MND in accordance with CEQA.

SECTION 3. The City Council approves PD 381 in lieu of a Change of Zone as conditioned by City Council Resolution Nos. 24264, 24265, 24266 and 24267 for Case Nos. 5.1384 PD-381 GPA/3.3902 MAJ/VTTM 36969.

SECTION 4. The City Council approves the zone map change from "R-3" to PD 381 for the 13.25-acre parcel located at the southwest corner of East Palm Canyon Drive and Matthew Drive, in conjunction with Case Nos. 5.1384 PD-381 GPA/3.3902 MAJ/VTTM 36969.

SECTION 5. This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 6. If the entitlement granted under City Council Resolution Nos. 24264, 24265, 24266 and 24267 expire, this Ordinance shall automatically expire without notice, and the site shall revert to its previous zoning designation of R-3.

SECTION 7. 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.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 19th DAY OF JULY, 2017.

ROBERT MOON, MAYOR

ATTEST:

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

CERTIFICATION

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

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, hereby certify that Ordinance No. 1929 is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council held on July 5, 2017, and adopted at a regular meeting of the Palm Springs City Council on the 19th day of July 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

KATHLEEN D. HART, MMC
INTERIM CITY CLERK