



PLANNING COMMISSION STAFF REPORT

Date: June 24, 2009
Case No.: 3.2054 - SFR
Type: Time Extension for a Single Family Residence (SFR)
Location: 2242 North Palermo Drive
APN: 504-191-010
Applicant: G. Mike Nichols
General Plan: L2 (Very Low Density Residential)
Zone: R-1-B (Single Family Residential)
From: Craig A. Ewing, AICP, Director of Planning Services
Project Planner: Glenn Mlaker, Assistant Planner

PROJECT DESCRIPTION:

The applicant, G. Mike Nichols, has requested a time extension for Case 3.2054 – SFR to allow continuation of an existing entitlement for a single family residence at 2242 North Palermo Drive.

RECOMMENDATION:

That the Planning Commission approve the one-year time extension of the Single Family Residence from March 9, 2009 to March 9, 2010, for Case No. 3.2054 – SFR.

BACKGROUND AND SETTING

On March 9, 2005, the Planning Commission voted to approve the Final Development plans for 3.2054 - SFR.

On April 11, 2007, the Planning Commission voted to approve a two-year time extension from March 9, 2007 to March 9, 2009 for case 3.2054 SFR.

ANALYSIS:

Pursuant to Section 94.04.01(H) of the Palm Springs Zoning Code, Architectural Approval is valid for two years and may be extended by the Planning Commission upon demonstration of good cause.

Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved. Additionally, the applicant must demonstrate good cause for the time extension. Since the approval of the original entitlement, no changes in the applicable rules or in the character of the neighborhood would warrant denial of the time extension. The applicant submitted a letter of time extension request on May 1, 2009. The applicant indicated that the time extension is needed due to the current financial situation. A retroactive time extension submitted within six months of the original expiration date may be granted for good cause.

Staff received amended conditions from the Engineering Department. A list of these changes to the Conditions of Approval are as follows: Engineering Conditions - Grading added #21A, 21B, 21C, 23A; General modify #27, add 29A, 32A, 32B; Traffic modify #33.


CONCLUSION:

Staff believes good cause has been demonstrated in the applicant's pursuit of moving the project forward and, therefore, is recommending approval for the time extension request of Case 3.2054 – SFR, due to the reasons stated above.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt per Section 15303(a) (New Single-family residence).


Glenn Mlaker
Assistant Planner

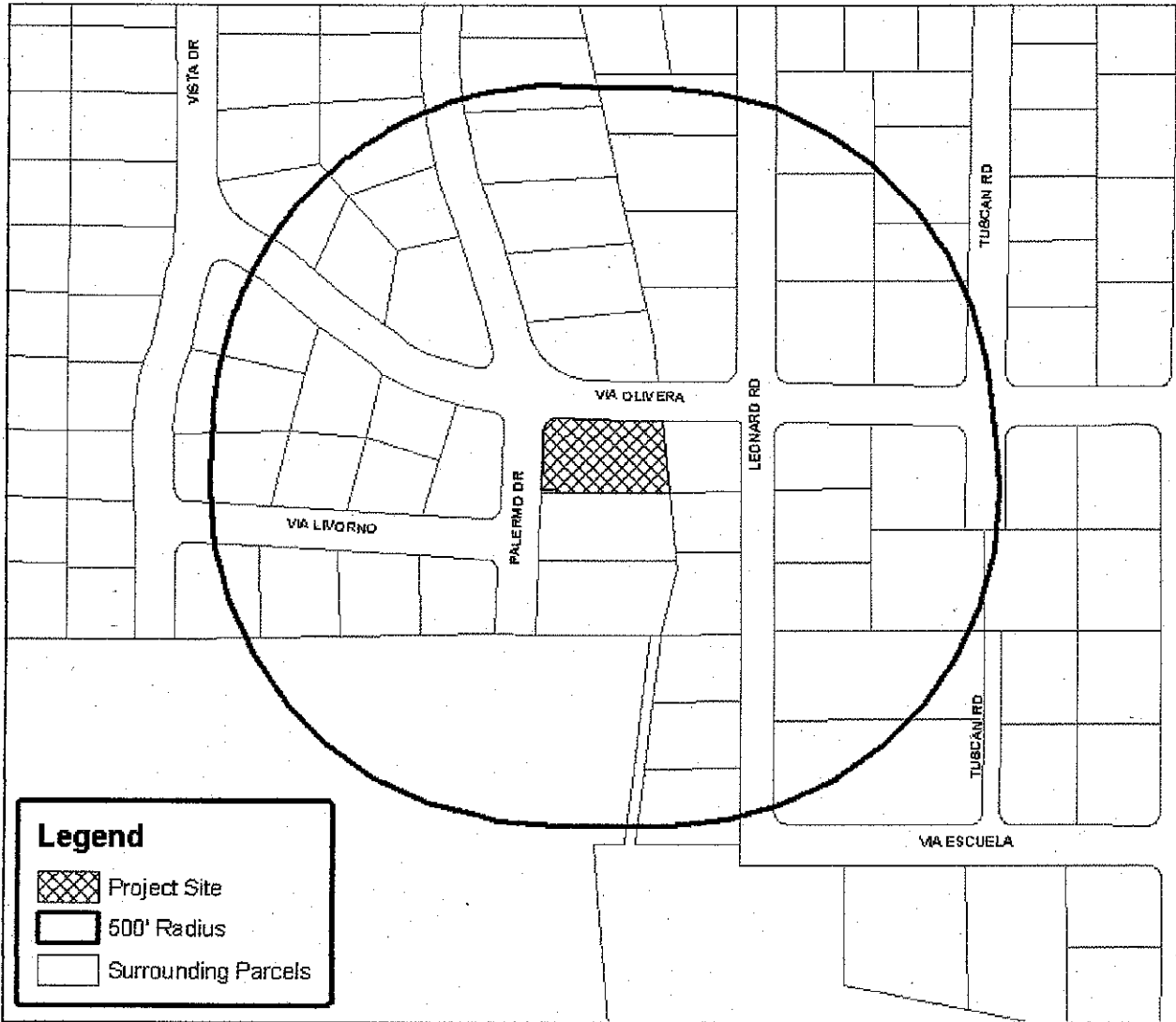

Craig A. Ewing, AICP
Director of Planning Services

Attachments:




1. Vicinity Map
2. Draft Resolution, with revised conditions of approval
3. Letter of Request



Department of Planning Services Vicinity Map



Legend

-  Project Site
-  500' Radius
-  Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: 3.2054 SFR

APPLICANT: G. Mike Nichols

DESCRIPTION: To consider an application by G. Mike Nichols requesting an extension to finish construction on a single-family residence at 2242 North Palermo Drive, Zone R1B, Section 03. APN: 504-191-010,

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF A ONE-YEAR TIME EXTENSION FROM MARCH 9, 2009 TO MARCH 9, 2010 FOR CASE NO. 3.2054 - SFR, LOCATED AT 2242 NORTH PALERMO DRIVE, ZONED R-1-B.

WHEREAS, G. Mike Nichols ("Applicant") has filed an application with the City pursuant to Section 94.04.01(H) of the Zoning Ordinance for a one-year time extension for Case No. 3.2054 Single Family Residence.

WHEREAS, on March 9, 2005, the Planning Commission voted to approve the final development plan for 3.2054-SFR; and

WHEREAS, on April 11, 2007, the Planning Commission voted to approve a two-year time extension from March 9, 2007 to March 9, 2009; and

WHEREAS, on June 24, 2009, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorical Exempt as a Class III exemption (single-family residence) pursuant to Section 15303(a) of the CEQA Guidelines.

WHEREAS, the Planning Commission has 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.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the requirements of Section 94.04.01(H), the Planning Commission finds:

1. The applicant has requested an extension of time in accordance with the requirements of the City Municipal and Zoning Codes.
2. A demonstration of good cause has been made and that the Conditions of Approval ensure that the applicant will pursue the project in good faith.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves the time extension for Case No. 3.2054 – SFR from March 9, 2009 to March 9, 2010, subject to the revision of certain conditions of approval attached as Exhibit “A”.

ADOPTED this 24th day of June, 2009.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

EXHIBIT "A"

ARCHITECTURAL APPROVAL

CASE NO. 3.2054

2242 Palermo Drive

June 24, 2009

REVISED CONDITIONS OF APPROVAL

All previous conditions of approval for this project remain in effect. The following additions or modifications are set forth by the City Engineering Department.

GRADING

Add the following conditions:

- 21A. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- 21B. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- 21C. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- 23A. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.

GENERAL

Modify the following condition:

27. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

Add the following conditions:

- 29A. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- 32A. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- 32B. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

TRAFFIC

Modify the following condition:

33. Construction signing, lighting and barricading shall be provided for on all projects during all phases of construction as required by City Standards or as

directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with ~~State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996~~ Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent ~~additions~~ editions in force at the time of construction.

G. Mike Nichols

P.O. Box 2365 Palm Springs, CA 92263-2365 Phone/Fax (760)320-4960

RECEIVED

May 1, 2009

MAY 01 2009

City of Palm Springs
Planning Department

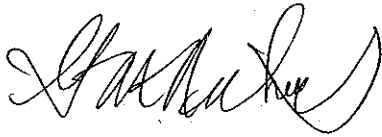
**PLANNING SERVICES
DEPARTMENT**

To Whom It May Concern:

Due to the difficult financial times we are in, this is a letter to apply for an extension for case #3.2054.

Fees quoted for this extension are \$881.00 paid at the counter by Check # 1946 dated May 1, 2009.

Thanks for your help.



G.M. Nichols