

Planning Commission Staff Report

Date:

November 12, 2009

Case No.:

5.1230 CUP - Architectural Approval

Type:

Single-Family Residence (Hillside) / Conditional Use Permit

for Casita

Location:

1600 Avenida Sevilla

APN:

512-210-057

Applicant:

Steve and Catherine Alderson

General Plan:

Estate Residential

Zone:

R-1-A (Single Family Residential)

From:

Edward O. Robertson, Principal Planner

Project Planner:

Ken Lyon, Associate Planner

PROJECT DESCRIPTION:

The applicants, Steve and Catherine Alderson, have submitted an application for architectural approval for an approximately 8,650 square foot (including basement media room) single-family residence with a casita at 1600 Avenida Sevilla. The project is comprised of a single family house, a 786 square foot two bedroom casita, a four-car garage, a barbeque pavilion and gazebo. The project includes a large multi-function pool and water features and landscaping on an approximately 32,523 square foot (3/4 acre) lot.

RECOMMENDATION:

That the Planning Commission approves Case 5.1230 CUP and architectural approval, to allow the construction of an approximately 8,650-square foot single-family residence with a casita on a hillside lot, subject to the conditions of approval attached as Exhibit A.

PRIOR ACTIONS:

On September 21, 2009, the Architectural Advisory Committee (AAC) reviewed the project and voted 4-0-2 to recommend approval to the Planning Commission as submitted. The AAC provided the following comments:

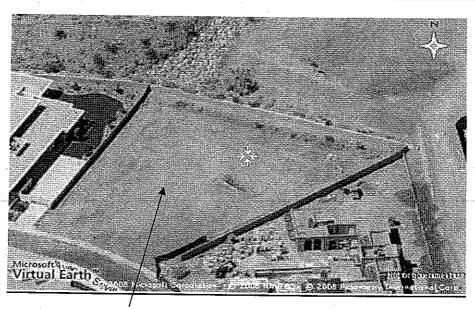
- 1. The Mexican Palo Verde are messy and prone to invasive seedlings; consider a cleaner palo verde variety.
- 2. The Fescue grass tends to burn out and die after a year, consider a Carex species of ornamental grass or be prepared for repeated replacement of the fescue.
- 3. Many lavender species are prone to over water and root rot; consider selection of species resistant to root rot.

BACKGROUND AND SETTING:

The 0.74 acre site is located in an area of south Palm Springs developed primarily with estate size parcels and custom homes. The parcel is essentially flat, however roughly 20% of the lot area contains slopes greater than 10% (slopes there are measured between 18% and 60%). There is a ten-foot wide drainage ditch easement that runs across the back of the lot, roughly 30 feet from the rear property line at approximately the "toe of slope". The site is vacant and was previously graded. It contains no significant vegetation. The surrounding Land Uses are noted in the table below:

Table 1: General Plan, Zone and Surrounding Land Uses

	General Plan	Zone	Land Use
North	Estate Residential (0-2.0 du/ac)	R-1-A	Single-Family Residence
South	Estate Residential (0-2.0 du/ac)	R-1-A	Single-Family Residence
East	Estate Residential (0-2.0 du/ac)	R-1-A	vacant
West	Estate Residential (0-2.0 du/ac)	R-1-A	Single-Family Residence



EXISTING LOT AT 1600 AVENIDA SEVILLA

PROJECT DESCRIPTION:

The project is comprised of an approximately 8,650-square foot custom single family home with an attached 786-square foot casita, basement media room, garage, barbeque pavilion, pool and landscaping on an approximately 0.74 acre parcel.

<u>Site Design</u>: The proposed home is sited in a rambling design that encircles a central courtyard that contains terraces and a large multi-function pool. The garage and casita are oriented toward the street-side of the lot. The landscape palette is a drought-tolerant design utilizing a variety of desert-hardy species. Vertical hedges are used to establish texture and provide visual privacy between adjacent lots. A minimal amount of turf is proposed for recreational use and some areas of green color adjacent to side patios and terraces. The rear part of the lot, beyond the drainage ditch easement, is proposed to be untouched and left in its native condition. A six foot perimeter masonry wall encompasses the proposed development.

<u>Architecture</u>: The home is proposed in a modified Spanish Colonial style with certain areas provided with two-piece clay tiled gable roofs, arched colonnades and traditional detailing. Large portions of the home are designed with flat roofs upon which solar panels and other mechanical equipment are proposed to be placed. Authentic materials including two-piece clay tile, stucco, pre-cast concrete columns, and wood timber beams are proposed.



The pad elevation of the main portion of the home site is slightly elevated from the street to ensure positive drainage of storm water toward the street. However even with this slightly elevated pad height, the home still respects the height limits of the zone (as measured from the existing grade) and is consistent in massing and height to adjacent existing homes. Also, the various elements of the home have been created within separate volumes (i.e. living/dining/kitchen, bedroom wing, casita wing, garage wing) that are connected with passages, loggias and breezeways. The design thus breaks down the overall massing into a very human scale, and reduces the overall bulk of this rather large residence.

Details of the property development standards for the proposed project in relation to the requirements of the R-1-A zone are shown in Table 2.

Table 2: Development Standards (Minimums, unless otherwise stated)

	R-1-A (Hillside)	Proposed Project
Lot Area	20,000 square feet	32,523 square feet (0.74 ac)
Lot Width	130 feet	Average 150 feet; 96 foot frontage
		and 194 foot rear lotline (conforms)
Lot Depth	120 feet	237 feet (conforms)
Front Yard	25 feet	25 feet (conforms)
Side Yard	10 feet	10 feet (conforms)
Rear Yard	15 feet	Approximately 32 feet (conforms)
Building Height		12 feet at setbacks, with portions up
(max.)	18 feet; dormer	to 18 feet with 2.5 feet screening for
Desilelies of Or	projections permitted	rooftop mechanical units (conforms)
Building Coverage	35%	24% (conforms)
(max.)	- +	
Casita allowed	Greater than 1/50 th of the	786 square foot casita, greater than
	lot requires CUP (1/50 th of	1/50 th of lot area; CUP submitted in
	32,523 = 651sf.	this application. (will conform with
Cavanad aff at 1	1.6	approval of CUP)
Covered off-street	Minimum 2 car off-street	Four covered off street spaces
Parking Dwelling size	covered required for SFR	(conforms)
Dwelling size	1,500 square feet	8,650 square feet (includes
	minimum	basement media room, plus 786
	·	square foot casita (conforms)

ANALYSIS:

General Plan:

The General Plan Designation of the subject site is Estate Residential (0-2.0 dwelling units per acre). This designation allows for single family dwellings to a maximum density of two dwelling units per acre. The project proposes one single family residence on a site of approximately three-quarters of an acre. Thus the project is consistent with this General Plan designation.

The project includes a conditional use permit for construction of a guest house larger than 1/50th of the lot size. Staff notes the following General Plan policies that relate to this use:

HS 2.7 Foster and ensure that residential projects are of high quality and thoughtful design through the implementation of adopted architectural and design standards and architectural review.

The project proposes a custom designed house using authentic detailing, materials and architectural style that is compatible and complementary with the high quality development that already exists in the surrounding neighborhood.

CD7.1 Encourage the use of native desert plans and trees that require minimal water and maintenance.

The project proposes a water efficient landscape palette with native desert plants and weather-sensing controllers to reduce water consumption.

CD22.1 Require new and infill development to be of compatible scale, materials, and massing as existing development. Also ensure that the design character of the new development is appropriate to the area.

The proposed primary residence and casita are compatible in scale, massing, and height to the surrounding and adjacent custom homes. Although a rather large home, its massing is broken down in multiple wings and parts reducing the scale and character of the house to a more modest scale.

CD23.2 Encourage hillside development to preserve natural vegetation during the construction process and to incorporate the natural environment into the design of structures as much as possible.

Those portions of the lot in which there are slopes greater than 10% will remain completely undisturbed. The existing native vegetation will be preserved in these areas. There is no existing notable vegetation in the proposed areas where new structures and landscaping is proposed.

Based on the above, staff believes the project is complementary with various related policies of the General Plan.

Zoning Designation:

The proposed site is zoned R-1-A. Pursuant to the City of Palm Springs Zoning Code (PSZC), Section 92.01.01(A)(1), permanent single-family dwellings are permitted within the R-1-A zone. The project therefore conforms to the applicable zoning designation. The project also conforms to the development standards of the zone as denoted in Table 2 above.

Development Standards:

The City of Palm Springs Zoning Code, Section 93.06.00(29)(a), requires all single-family homes to provide two covered parking spaces per dwelling unit. The parking standards are met by the proposed four car enclosed garage.

Casita size requires Conditional Use Permit:

Pursuant to PSZC Section 92.01.01(D)(3), "Uses permitted with a CUP in the R1 zone", guest houses larger than 1/50th of the lot area are permitted subject to a conditional use permit. The site is approximately 32,523 square feet in size. 1/50th of this is 650 square feet. The proposed guest house/casita is approximately 786 square feet, thus the CUP application is required. The findings for the CUP are outlined below.

REQUIRED FINDINGS:

There are no required findings for architectural approval which do not require environmental assessments. However, projects on hillside parcels are subject to architectural review. An analysis of this project's conformance to the architectural guidelines of the Zoning Ordinance are discussed later in this staff report. Also, in the R-1 zone, guest houses (casitas) greater than 1/50th of the lot area may be approved subject to the findings set forth in Section 94.02.00 "Conditional Use Permit" as follows.

Findings for the CUP for the proposed guest house:

The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;

The applicant has requested approval for a guest house (casita) larger than 1/50th of the lot size. The lot is 32,523 square feet and 1/50th of this is approximately 651 square feet. Section 92.01.01(D)(3) notes that guest houses larger than 1/50th of the lot size are permitted in the zone subject to a CUP. The proposed guest house is approximately 786 square feet. Therefore the project is consistent with this finding.

b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;

The applicant is proposing an approximately 786 square foot guest house. It is not uncommon for larger guest houses to be constructed in the Estate Residential land use designation or R-1-A zone. This zone, with its 20,000 square foot minimum lot size, provides lot sizes large enough to accommodate larger guest houses without creating setback issues or crowding. The proposed guest house is sited such that it is conforming to all setback and other development standards for the zone. The main

¹ Parcels upon which any portion has a slope greater than 10% are considered hillside lots and subject to architectural review pursuant to Zoning Code Section 93.13.00.

house and garage also conforms to all required setbacks. The project is in harmony with many applicable policies in the general plan and is an attractive and desirable addition to the neighborhood.

c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;

Minimum lot size in the R-1-A zone is 20,000 square feet. The subject site is approximately 32,523 square feet. The proposed project conforms to all minimum setback requirements. It proposes a water-efficient landscape. There are 6 foot high perimeter masonry walls proposed that conform to the Zoning Code. The proposed house and landscape has been designed to maximize privacy for the owner and adjacent homeowners. Therefore, staff has concluded that the site is adequate for the proposed use.

d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;

The site has direct access to a public street that is adequately and properly designed to serve the estate residential neighborhood in which it is located. The project conforms to this finding

e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.

A proposed set of Conditions of Approval accompany this staff report in Exhibit A.

Architectural Review: Section 93.13.00 "Hillside Development" requires site plans for hillside development to be reviewed subject to Zoning Code Section 94.04.00(D)(1-9) "Architectural Review". The review of such projects is required "to determine that the proposal will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and color". Conformance is evaluated, based on consideration of the following:

1. Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking areas;

The project proposes a single family house, guest casita and barbeque pavilion with related landscaping that are clustered around a courtyard with a large swimming pool/water feature. The structures are complementary in their relationship to one another creating a classical courtyard arrangement that is common in Spanish Colonial

Architecture. The various elements of the home are interconnected with loggias, passages, outdoor covered walkways and an entry portico. The landscaping is designed to maintain privacy while not blocking views. Areas of the lot with steep slopes are preserved in their natural condition and vegetation. Staff has concluded the project conforms to this statement.

2. Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;

The project is located in a neighborhood of large custom designed homes, each individual home in their design and orientation on the lots. The proposed house is complementary to the existing development; it is respective of views from adjacent unbuilt lots, and architecturally authentic in its use of materials and detailing. Staff believes the project conforms to this statement.

3. Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens towers or signs) and effective concealment of all mechanical equipment;

The proposed main house and guest casita conform to all setbacks, height limits, minimum and maximum area limits. Areas where roof-mounted equipment is proposed are provided with parapets or other screening means to effectively conceal them so that they are in conformance to the screening requirements of the Zoning Code. Perimeter walls conform to the development standards of the Zoning Code. Therefore staff has concluded the project conforms to this statement.

- 4. Building design, materials and colors to be sympathetic with desert surroundings; AND
- 5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously, AND
- 6. Consistency of composition and treatment,

The project is proposed using mostly authentic materials, stucco, two-piece clay tile roofs, precast concrete columns and wood timbers. The materials and colors are warm hued colors considered to be complementary to the desert. The main house, garage, barbeque pavilion and the casita are consistent in their architectural treatment and are coordinated in their aesthetic. Staff has concluded the project is consistent with these statements.

7. Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;

² Root mounted mechanical equipment and solar panels will likely be visible from homesites above the proposed site, however solar angle studies and orientation of the panels are confirmed to not cause glare or other visual nuisance to the adjoining hillside properties.

The project proposes drought-tolerant plant species deemed appropriate to the desert environment. The AAC offered recommendations on certain plant types to improve the maintenance and longevity of the plant material. The irrigation system is proposed with a weather-sensing controller which will adjust water usage based on temperature and precipitation. There are no landmark or specimen plants or trees on the site. The project is therefore deemed in conformance with this statement.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is a Class III exemption and is categorically exempt per Section 15303(a) (New Single-family residence).

CONCLUSION:

The project is recommended for approval by the Architectural Advisory Committee. Pursuant to the Zoning Code, it is allowed by right-of-zone. It is also consistent with the very low density land use designation of the General Plan. It is in conformance with the criteria for development on hillside lots as set forth in Section 94.04.00(D)(9) "Architectural Review". The proposed casita meets the Conditional Use Permit findings for a casita that is larger than 1/50th of the lot area. Therefore based on the above analysis, staff is recommending approval of Case No. 5.1230-CUP subject to the attached Conditions of Approval outlined in Exhibit A.

NOTIFICATION:

Notification was sent to adjacent property owners on October 7, 2009 to inform the neighbors that there has been an application submitted for the subject property. An additional notice was sent to all property owners within four hundred feet radius of the subject property, to inform the surrounding area that the project will be reviewed by the Planning Commission. As of the writing of this report, staff has not received comments or correspondence from the public.

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Ken Lyon Associate Planner Edward O. Robertson Principal Planner

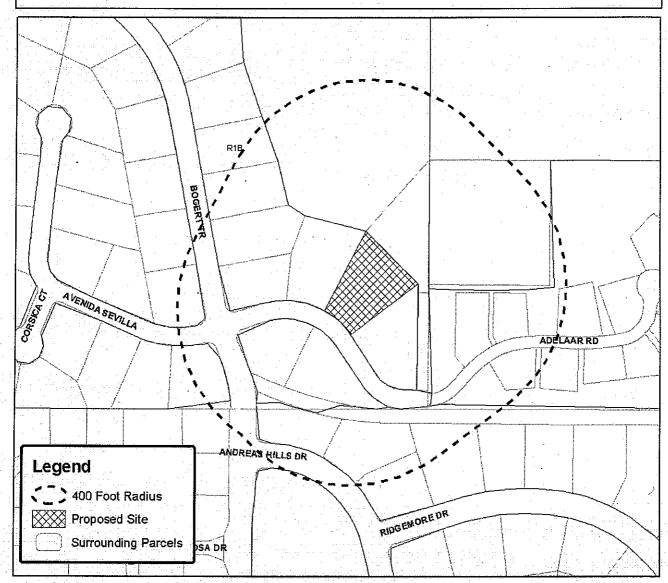
Attachments:

- Vicinity Map
- Draft Resolution
- Exhibit A: Conditions of Approval
- Reductions of site plan and elevations



Department of Planning Services Vicinity Map





CITY OF PALM SPRINGS

<u>CASE NO</u>: 5.1230 CUP

<u>APPLICANT</u>: Steve & Catherine Alderson

<u>DESCRIPTION:</u> To consider an application by Steve and Catherine Alderson for the construction of an approximately 7,896 square foot single-family residence with a casita on a hillside lot. The approximate 0.74-acre property is located at 1600 Avenida Sevilla, Zoned R-1-A.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR THE APPROVAL OF CASE NO. 5.1230 CUP, FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE WITH GUEST CASITA LARGER THAN 1/50TH OF THE LOT AREA, LOCATED AT 1600 AVENIDA SEVILLA, ZONE R-1-A, SECTION 35.

WHEREAS, Steven and Catherine Alderson, "applicant", has filed an application with the City pursuant to Section 94.04.00 (Architectural Review), Section 94.02.00 (Conditional Use Permit) and Section 93.13.00 (Hillside Development) of the Zoning Code for a single family residence and guest house located at 1600 Avenida Sevilla; and

WHEREAS, on September 21, 2009, the Architectural Advisory Committee met and voted 4-0-2 to recommend approval of the project to the Planning Commission; and

WHEREAS, on November 12, 2009, a public meeting on the application for approval of a development of a single family residence on a hillside lot with a guest house larger than 1/50th of the lot area 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 Categorically Exempt as a Class III exemption (new single-family residence) pursuant to Section 15303(a) of the CEQA Guidelines; and

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 California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt, Class III, per Section 15303(a), new construction of a single-family residence, or a second dwelling unit in a residential zone.
- Section 2: Pursuant to the requirements of Section 93.13.00 (Hillside Development) and Section 94.02.00 (Conditional Use Permit) of the Palm Springs Zoning Ordinance, the Planning Commission hereby finds the following with regard to the guest house that is greater than 1/5-0th of the lot area:
 - a. That the use applied for at the location set forth in the application is

properly one for which a conditional use permit is authorized by this Zoning Code;

The applicant has requested approval for a guest house (casita) larger than 1/50th of the lot size. The lot is 32,523 square feet and 1/50th of this is approximately 651 square feet. Section 92.01.01(D)(3) notes that guest houses larger than 1/50th of the lot size are permitted in the zone subject to a CUP. The proposed guest house is approximately 786 square feet. Therefore the project is consistent with this finding.

b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;

The applicant is proposing an approximately 786 square foot guest house. It is not uncommon for larger guest houses to be constructed in the Estate Residential zone. This zone, with its 20,000 square foot minimum lot size, provides lot sizes large enough to accommodate larger guest houses without creating setback issues or crowding. The proposed guest house is sited such that it is conforming to all setback and other development standards for the zone. The main house and garage also conforms to all required setbacks. The project is in harmony with many applicable policies in the general plan and is an attractive and desirable addition to the neighborhood.

That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;

Minimum lot size in the R-1-A zone is 20,000 square feet. The subject site is approximately 32,523 square feet. The proposed project conforms to all setback requirements. It proposes a water-efficient landscape. There are 6 foot high perimeter masonry walls proposed that conform to the Zoning Code. The proposed house and landscape has been designed to maximize privacy for the owner and adjacent homeowners. Therefore, staff has concluded that the site is adequate for the proposed use.

That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of

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traffic to be generated by the proposed use;

The site has direct access to a public street that is adequately and properly designed to serve the estate residential neighborhood in which it is located. The project conforms to this finding

e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.

A proposed set of Conditions of Approval accompany this staff report in Exhibit A.

Architectural Review: Section 93.13.00 "Hillside Development" requires site plans for hillside development to be reviewed subject to Zoning Code Section 94.04.00(D)(1-9) "Architectural Review". The review of such projects is required "to determine that the proposal will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and color". Conformance is evaluated, based on consideration of the following:

1. Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking areas;

The project proposes a single family house, guest casita and barbeque pavilion with related landscaping that are clustered around a courtyard with a large swimming pool/water feature. The structures are complementary in their relationship to one another creating a classical courtyard arrangement that is common in Spanish Colonial Architecture. The various elements of the home are interconnected with loggias, passages, outdoor covered walkways and an entry portico. The landscaping is designed to maintain privacy while not blocking views. Areas of the lot with steep slopes are preserved in their natural condition and vegetation. Staff has concluded the project conforms to this statement.

 Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted; The project is located in a neighborhood of large custom designed homes, each individual home in their design and orientation on the lots. The proposed house is complementary to the existing development; it is respective of views from adjacent unbuilt lots, and architecturally authentic in its use of materials and detailing. Staff believes the project conforms to this statement.

3. Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens towers or signs) and effective concealment of all mechanical equipment;

The proposed main house and guest casita conform to all setbacks, height limits, minimum and maximum area limits. Areas where roof-mounted equipment is proposed are provided with parapets or other screening means to effectively conceal them so that they are in conformance to the screening requirements of the Zoning Code. Perimeter walls conform to the development standards of the Zoning Code. Therefore staff has concluded the project conforms to this statement.

- 4. Building design, materials and colors to be sympathetic with desert surroundings; AND
- 5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously,

AND

6. Consistency of composition and treatment,

The project is proposed using mostly authentic materials, stucco, two-piece clay tile roofs, precast concrete columns and wood timbers. The materials and colors are warm hued colors considered to be complementary to the desert. The main house, garage, barbeque pavilion and the casita are consistent in their architectural treatment and are coordinated in their aesthetic. Staff has concluded the project is consistent with these statements.

7. Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;

The project proposes drought-tolerant plant species deemed appropriate to the desert environment. The AAC offered recommendations on certain

plant types to improve the maintenance and longevity of the plant material. The irrigation system is proposed with a weather-sensing controller which will adjust water usage based on temperature and precipitation. There are no landmark or specimen plants or trees on the site. The project is therefore deemed in conformance with this statement.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 5.1230-CUP, for the construction of approximately 8,650 square foot single-family residence with a casita subject to the attached conditions set forth in exhibit A.

ADOPTED this 12th day of November, 2009.

AYES: NOES: ABSENT: ABSTAIN:	
ATTEST:	CITY OF PALM SPRINGS, CALIFORNIA
Planning Commission Chairman	Planning Commission Secretary

EXHIBIT A

Case 3.3380 SFR 5.1230 CUP

1600 Avenida Sevilla (APN 512-210-057)

November 12, 2009

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

- ADM1 <u>Project Description</u>. This approval is for the project described per Case (3.3380SFR/5.1230CUP); except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM2 Reference documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (August 20, 2009), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM3 <u>Conform to all codes and regulations</u>. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM4 <u>Minor Deviations</u>. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM5 Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case 3.3380SFR/5.1230CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, parking areas, landscape, irrigation, lighting, walls, and fences between the curb and property line in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM7 Time Limit on Approval. Approval of the Major Architectural Application for the single family residence (SFR) and Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.
- ADM8 Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM9 Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts

Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM₁₀ Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632. Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM11 <u>Comply with City Noise Ordinance</u>. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM12 <u>Conditional Use Permit Availability.</u> The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP)

 Local Development Permit Fee (LDMF) required. All projects within the City
 of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the
 issuance of certificate of occupancy.
- Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid (projects that are Categorically Exempt from CEQA).

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting shall conform to Section 93.21.00, Outdoor Lighting Standards, of the Palm Springs Zoning Code. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted to the Planning Department for approval prior to the issuance of building permits. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan. Bright white should be avoided where possible."
- PLN 3. <u>Maintenance of Awnings & Projections</u>. All awnings shall be maintained and periodically cleaned
- PLN 4. <u>Screen Roof-mounted Equipment</u>. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 5. <u>Surface Mounted Downspouts Prohibited</u>. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 6. <u>Pool Enclosure Approval Required</u>. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 7. <u>Exterior Alarms & Audio Systems</u>. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 8. <u>Outside Storage Prohibited</u>. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

POLICE DEPARTMENT CONDITIONS

POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

BUILDING DEPARTMENT CONDITIONS

BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

ENGINEERING DEPARTMENT CONDITIONS

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. A Road and Bridge Impact Fee of \$2,704 per unit, as well as a Fire Station Fee of \$469.00 per acre shall be paid (or as may be adjusted annually) in accordance with Chapter 9.69.040 and 9.69.060 of the Palm Springs Municipal Code, shall be paid prior to issuance of a building permit.

AVENIDA SEVILLA

- ENG 3. Dedicate an easement 2 feet wide along the back of the driveway approach for sidewalk purposes.
- ENG 4. Remove street improvements as necessary to construct a driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 5. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

ENG 6. The 6 feet wide public utility easements along the southerly, easterly, and westerly property lines, as well as the 10 feet wide storm drain easement in the northerly portion of the lot, shall be kept clear and free of any and all obstructions. Construction of permanent structures, swimming pools and equipment, or other improvements determined to be an obstruction of the easements shall not be allowed. No new construction shall occur north of the existing block wall in the northerly portion of the site.

SANITARY SEWER

ENG 7. All sanitary facilities shall be connected to the public sewer system. The existing sewer service to the property shall be used for new sanitary facilities. New laterals shall not be connected at manholes.

ENG 8. The project is subject to a sewer assessment fee of \$146.19 per lot for construction of the 15" sewer main in Avenida Granada, Calle Palo Fierro and Laverne Way. The fee shall be paid prior to issuance of the building permit.

GRADING

- ENG 9. The pad elevation shall be within 2 inches of that shown on the approved Rough Grading Plan (elevation 554.50) for Tract Map No. 18087 which is on file in the Engineering Division. Elevating the existing approved pad elevation to the elevations shown on the architectural plans (varying from 555.0 to 560.0) will require specific approval by the Planning Commission, as the increased pad elevations will affect the overall height of the structure.
- ENG 10. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.
 - a. Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review The applicant and/or its grading contractor shall be and approval. required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at http://www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.
 - b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; and a copy of Soils Report.

- ENG 11. Prior to approval of a Grading Plan or issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 12. 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.
- ENG 13. 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.
- ENG 14. 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.
- ENG 15. Prior to issuance of grading permit, the applicant shall provide verification to the City that the \$2,731.00 per acre fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).
- ENG 16. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 17. A Geotechnical/Soils Report shall be prepared by a California registered Geotechnical Engineer, and incorporated as an integral part of the grading plan for the proposed project. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 18. 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.

ENG 19. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

- ENG 20. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to any public storm drain system or the adjacent streets without first intercepting and treating with approved Best Management Practices (BMP's).
- ENG 21. The project is subject to a drainage fee of \$4,213.00 per acre, in accordance with Chapter 9.69.040, or as may be adjusted annually in accordance with Chapter 9.69.060 of the Palm Springs Municipal Code. The drainage fee shall be paid prior to issuance of a building permit.

GENERAL

ENG 22. 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.

- ENG 23. All proposed utility lines shall be installed underground.
- ENG 24. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 25. 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.
- ENG 26. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 27. Nothing shall be constructed or planted in the corner cut-off area of any 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.
- ENG 28. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

TRAFFIC

- ENG 29. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 30. Construction signing, lighting and barricading shall be provided 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 Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

ENG 31. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

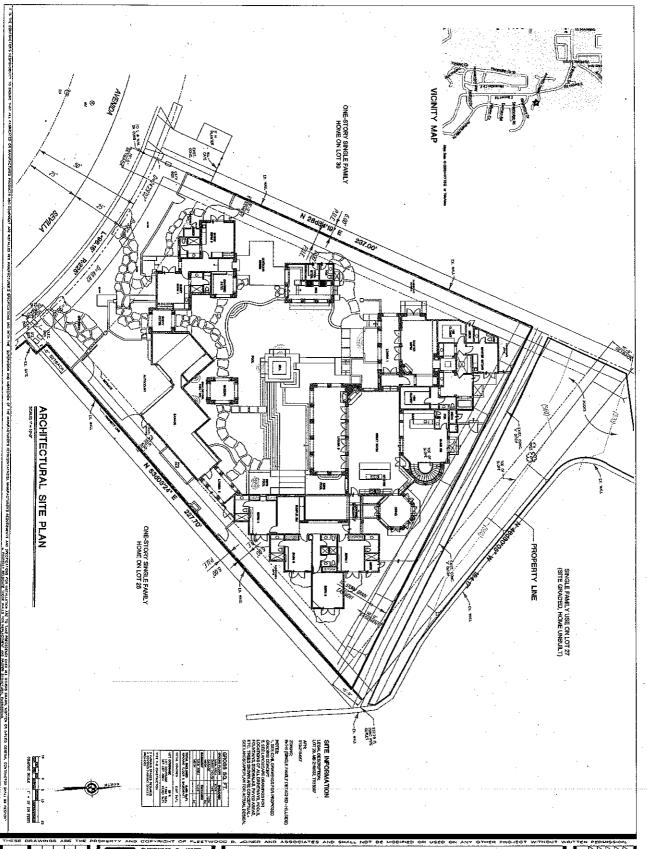
FIRE DEPARTMENT CONDITIONS

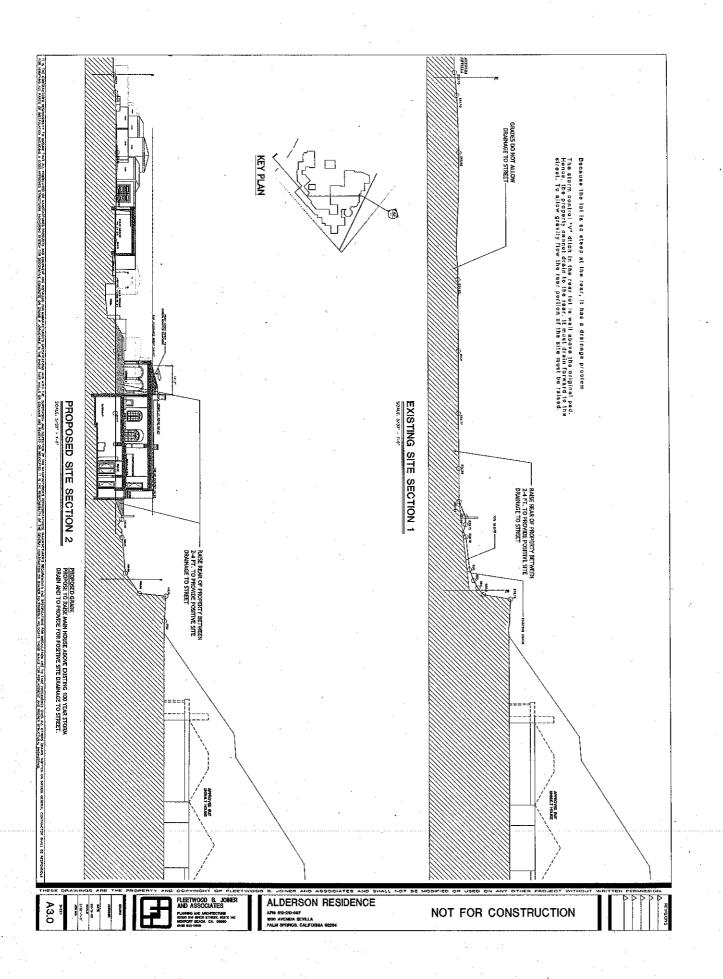
- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated 3/11/2009. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. Access During Construction (CFC 503): Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 4. Buildings and Facilities (CFC 503.1.1): Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. This residence exceeds the 150' distance but with the installation of an automatic fire sprinkler system the applicant meets this requirement. A man gate will be required to gain access for hose deployment around the exterior of this dwelling.
- FID 5. Fences (CFC 503.1.5): When fences are installed that cause the distance from an approved fire department access road to exceed the maximum distance allowed in Section 503 herein, a gate shall be provided in the fence to maintain the required fire department access. The gate shall be a minimum four (4) feet in width and be equipped with a key box and/or lock accessible from both sides in accordance with Section 506 herein. Clear unobstructed access around the entire residence is required for hose deployment.
- FID 6. Fire Personnel Access Requirements: Provide fire personnel a 4 ft. access gate in front of the property at the northwest area of the wall and minimum 4 ft. clearance around entire house. Submitted plans meet this requirement.

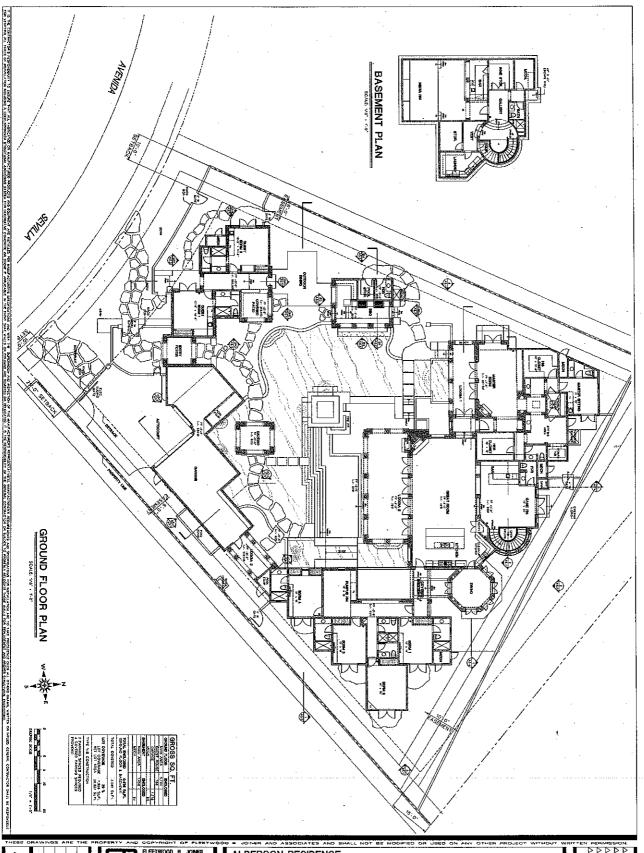
- FID 7. Security Gates (CFC 503.6): Security gate shall have an approved means of emergency operation. The security gate and the emergency operation shall be maintained at all times. Secured automated vehicle gates or entries shall utilize approved Knox access switches as required by the fire code official. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch) as required by the fire code official.
- FID 8. Premises Identification (CFC 505.1): New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 9. Fire Hydrant Flow and Number of Fire Hydrants (CFC 508.5): Fire hydrants shall be provided in accordance with CFC Appendix B, Fire Flow Requirements for Buildings, for the protection of buildings, or portions of buildings, hereafter constructed. The required fire hydrant flow for this project is 2,500 GPM (CFC Appendix B) and one available fire hydrant must be within 250 feet from any point on your lot street frontage. (CFC Appendix C)
- FID 10. Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 11. NFPA 13D Sprinkler System Required (903.3.1.3). Automatic fire sprinkler system is required. An approved NFPA 13D automatic fire sprinkler system shall be installed in all new detached one and two-family dwellings where more than 1,500 GPM fire flow is required. (1,500 GPM fire flow equals 3,600 square feet in Type V wood frame buildings).
- FID 12. Residential Smoke Alarms Installation With Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3): Provide Residential Smoke Alarms (FIREX # 0498 accessory module connected to multi-station FIREX smoke alarms or equal per dwelling and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected so that operation of any smoke alarm causes all smoke alarms within the dwelling to sound.
- FID 13. Audible Residential Water Flow Alarms (CFC 903.4.2): An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be out door rated.

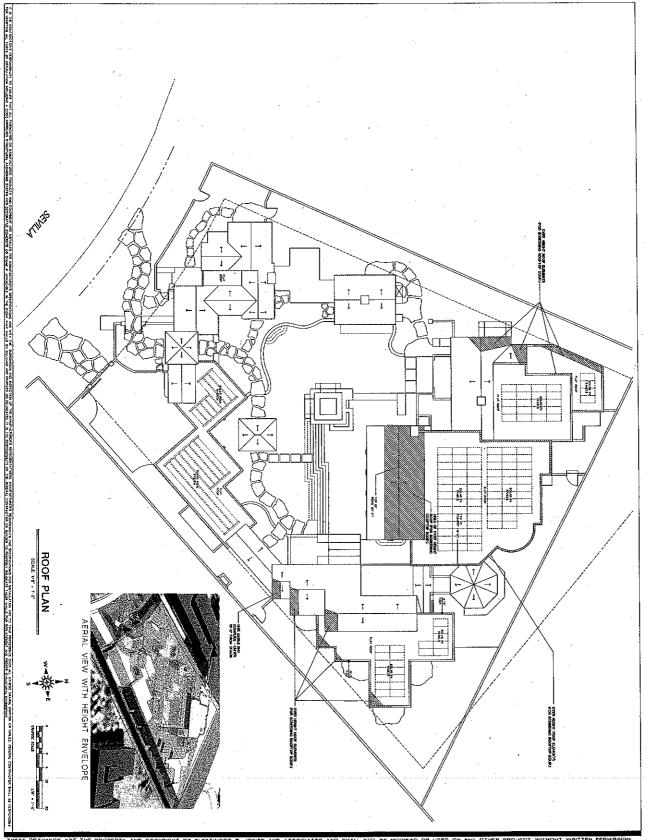
FID 14. Residential Smoke Alarms (CFC 907.2.10): Provide residential single and multiple-station smoke alarms which shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected.

END OF CONDITIONS



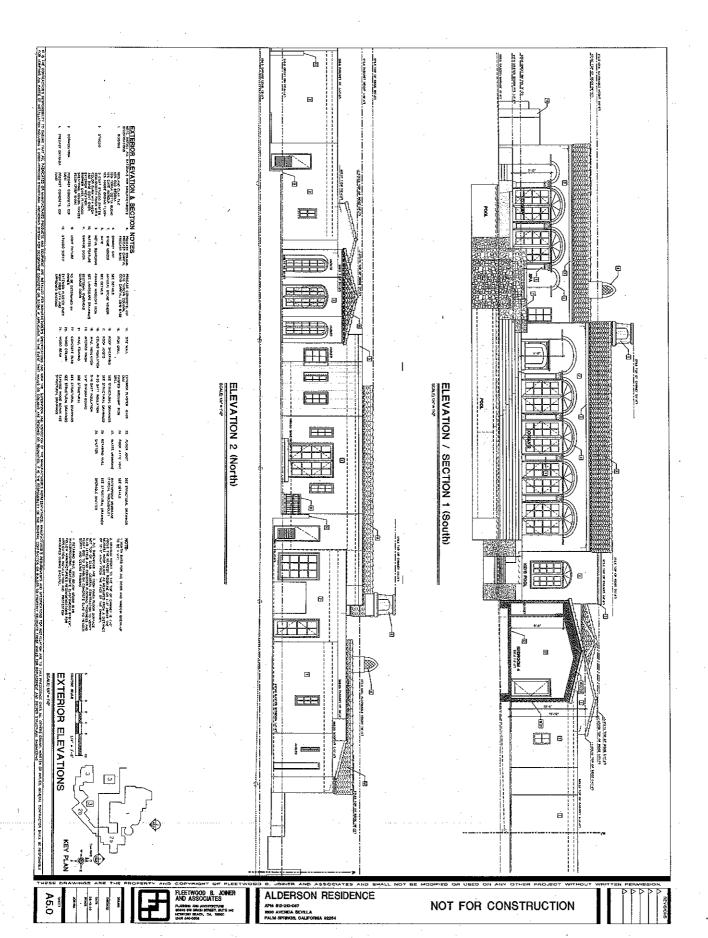


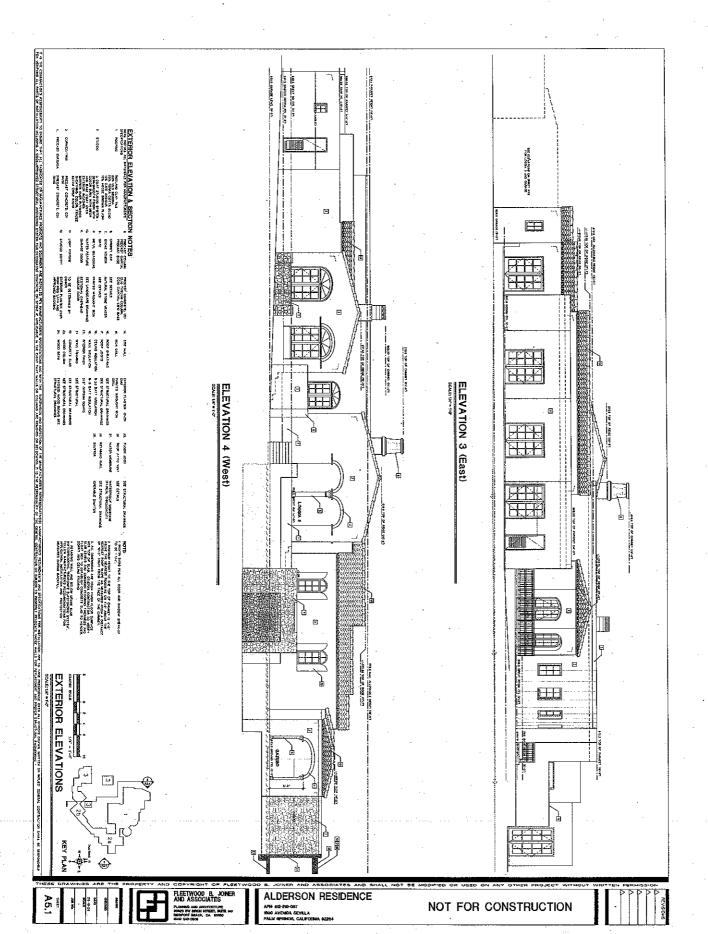


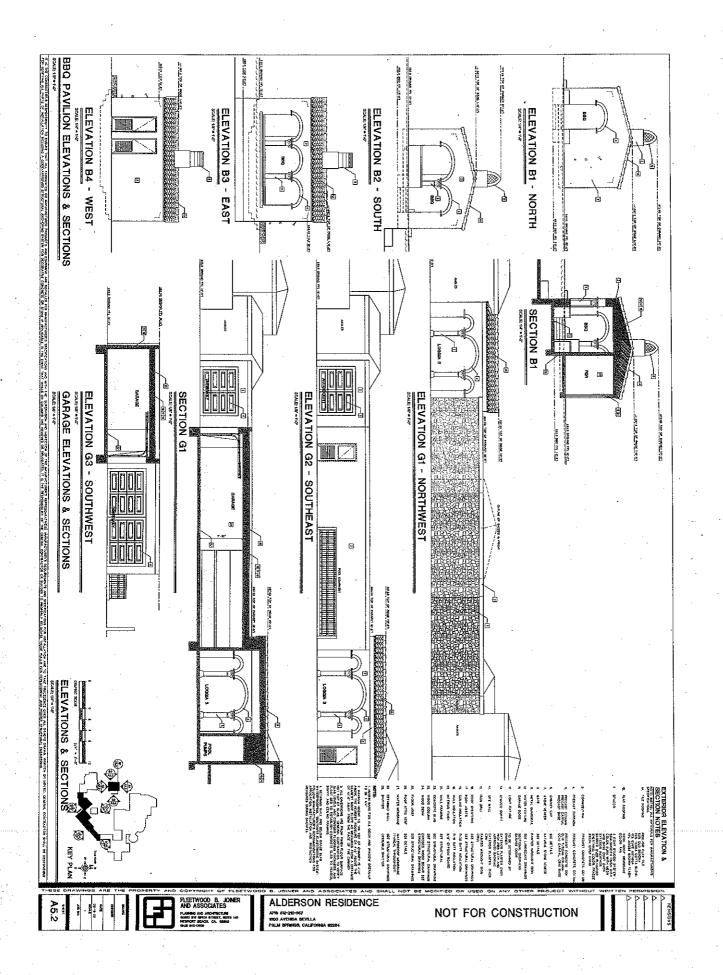


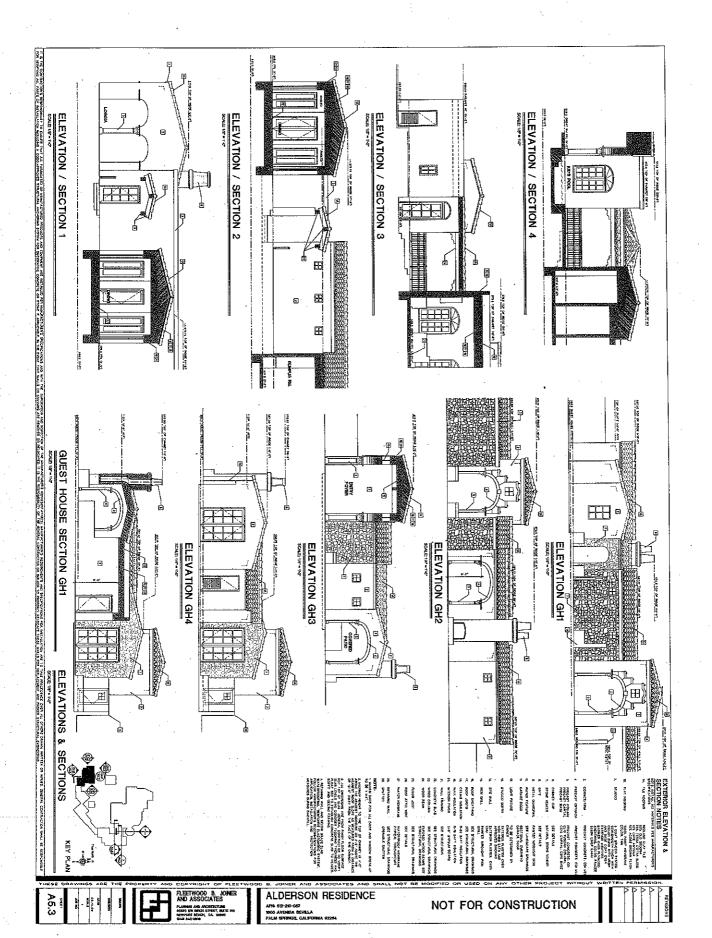


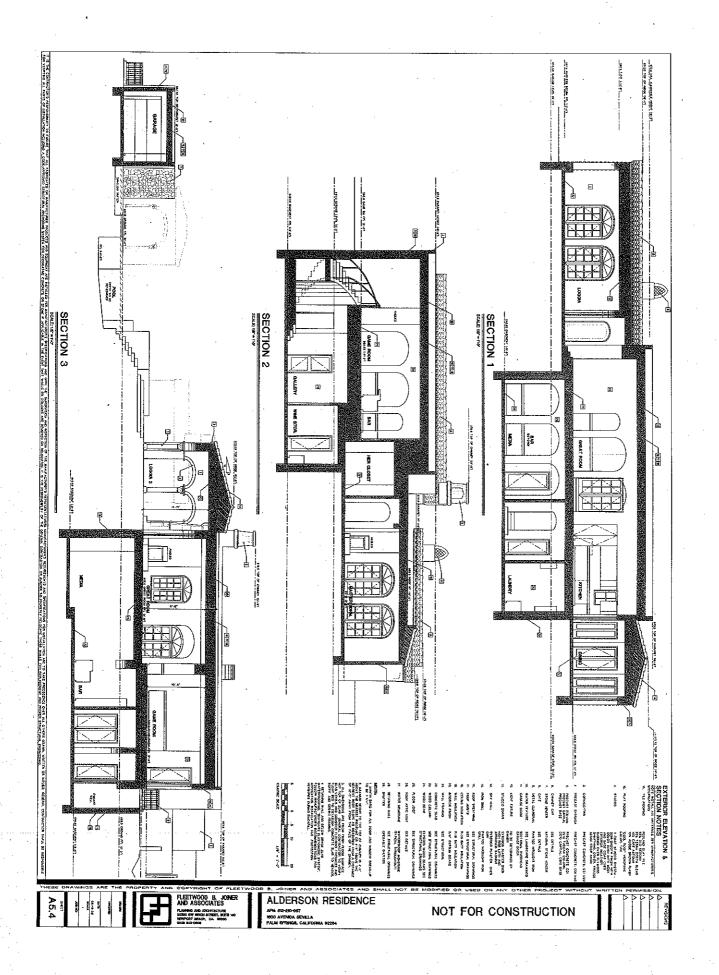
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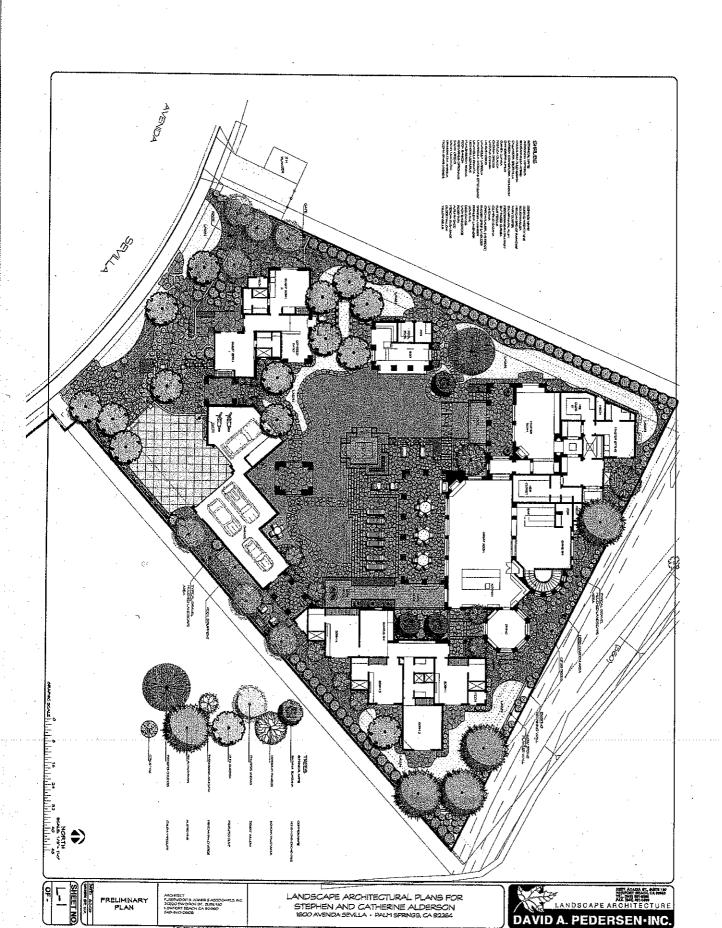


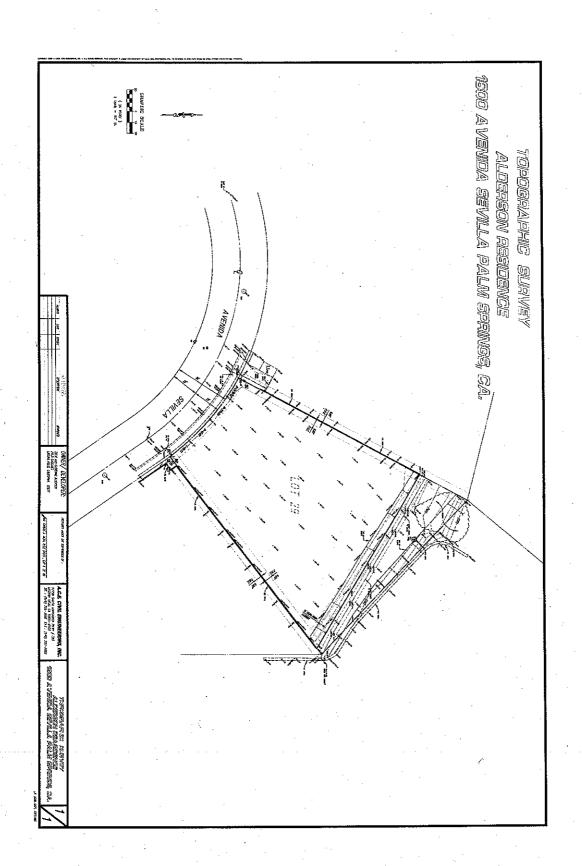


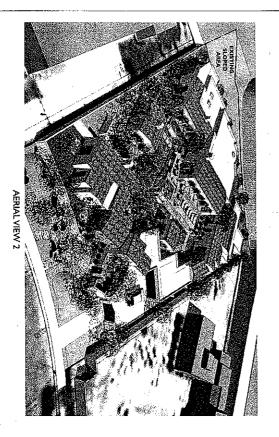


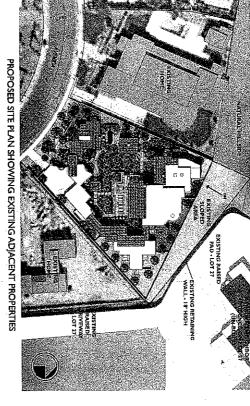


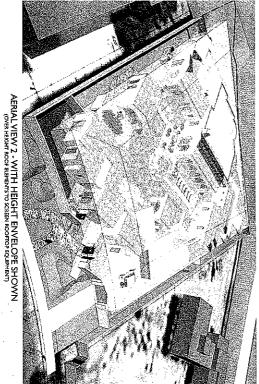


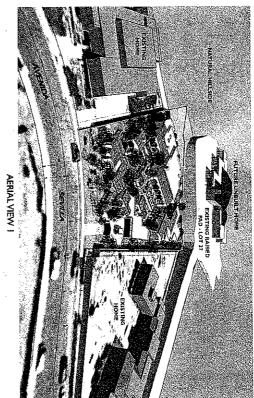




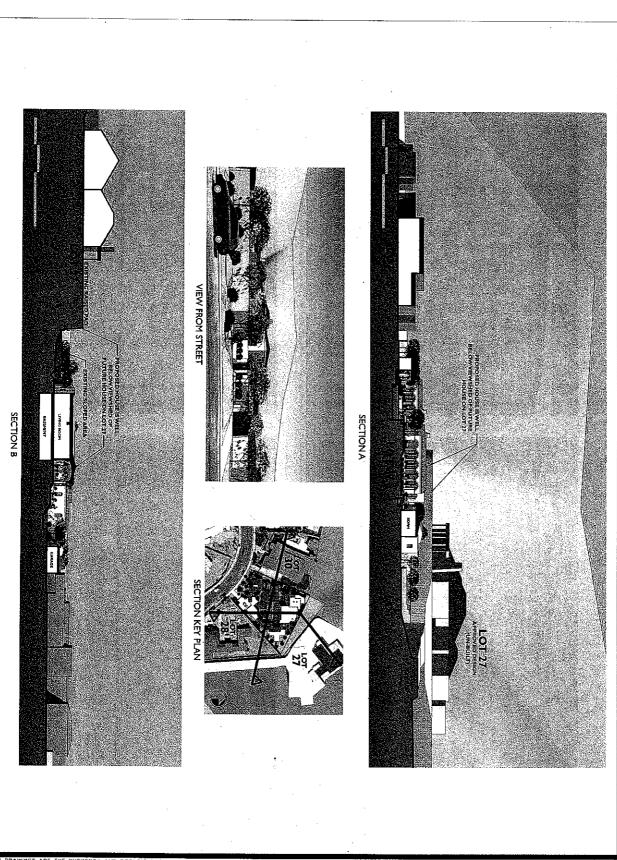








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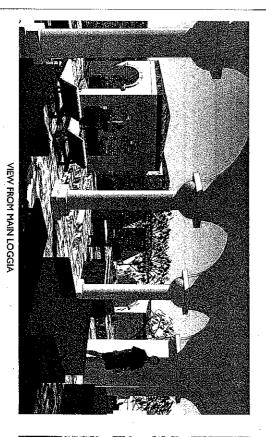
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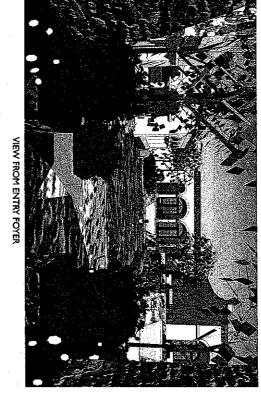
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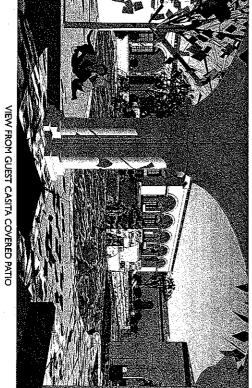
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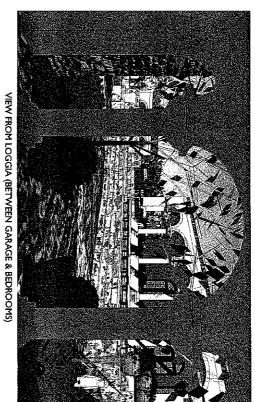
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