



## City Council Staff Report

DATE: September 4, 2013 CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1827, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 364 IN LIEU OF A CHANGE OF ZONE FOR A PARCEL ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

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### SUMMARY:

The City Council will consider adoption of Ordinance No. 1827.

### RECOMMENDATION:

Waive the reading of the full text of the ordinance and adopt Ordinance No. 1827, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 364 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD."

### STAFF ANALYSIS:

On July 3, 2013, Ordinance No. 1827 was introduced for first reading, by the following vote:


**ACTION:** 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1827, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 364 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD."  
**Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills, and unanimously carried on a roll call vote.**

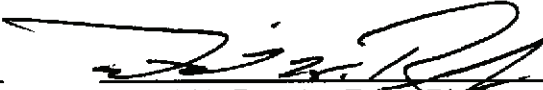
**AYES:** Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, Mayor Pro Tem Mills, and Mayor Pougnet.

**NOES:** None.

Item No. **2.F.**

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  
Attachment: Ordinance No. 1827

ORDINANCE NO. 1827

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 364 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD.

**City Attorney Summary**

*This Ordinance approves a zone map change which changes the land use classification / zoning designation for a roughly 6.37-acre area on the west side of Belardo Road, south of Morongo Road, from R-3 to PDD 364.*

WHEREAS, Crescendo, LLC. ("the Applicant") filed an application pursuant to Zoning Section 94.07.00 (*Zone Map Change / Change of Zone*) and Section 94.03.00 for a Planned Development District (PDD) in lieu of zone change to construct 43 two-story, detached single family residences on approximately 6.37 acres located on the west side of Belardo Road, south of Morongo Road, identified as APN 513-300-057; and

WHEREAS, the applicant submitted an application pursuant to Title 9 of the Palm Springs Municipal Code and Section 66474 of the California Subdivision Map Act for Tentative Tract Map 36548; and

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs for Case 5.1297 PDD 364 / TTM 36548 was given in accordance with applicable law; and

WHEREAS, on May 8, 2013, a public meeting on Case 5.1297 PDD 364 / TTM 36548 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, at said hearing 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 4-0 to approve the preliminary PDD in lieu of Change of Zone and to recommend its approval by Ordinance of the City Council and approve the Tentative Tract Map by Resolution, subject to Conditions of Approval; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1297 PDD 364 / TTM 36548, was given in accordance with applicable law; and

WHEREAS, on July 3, 2013, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and

WHEREAS, a Planned Development District in lieu of a Change of Zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1297 PDD 364 / TTM 36548; and

WHEREAS, 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, and all written and oral testimony presented; and

WHEREAS, on April 18, 2007, the City Council approved a prior version of this project which included a 66-unit clustered townhome complex, clubhouse, and recreation facility at the subject site; and

WHEREAS, on April 18, 2007, pursuant to the California Environmental Quality Act (CEQA), the City Council also adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the prior version of this project.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES HEREBY ORDAIN:

SECTION 1. No further environmental documentation is required because the project, as proposed is a residential use, as was previously analyzed, however, the proposed project reduces density by 23 units compared to the previously approved project, and reduces maximum building heights from three stories to two stories, and reduces overall building sizes. The reduction in density will result in a proportionate reduction in impacts as compared to the approved project. The Council therefore finds that (i) there are no substantial changes in the proposed project requiring major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) there are no substantial changes with respect to the circumstances under which the proposed project is being undertaken which will require major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Mitigated Negative Declaration was certified showing that: (a) the proposed project will have one or more significant effects not discussed in the Mitigated Negative Declaration; (b) significant effects previously examined will be substantially more severe than shown in the Mitigated Negative Declaration; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects, but the

mitigation measures or alternatives have not been adopted; or (d) mitigation measures or alternatives considerably different from those analyzed in the Mitigated Negative Declaration would substantially reduce one or more significant effects, but the mitigation measures or alternatives have not been adopted. (Public Resources Code § 21166; CEQA Guidelines § 15162.)

SECTION 2. Pursuant to Zoning Code Section 94.07.00 (Change of Zone), "*the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property*":

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 General Plan land use designation of the subject site is HDR (High Density Residential). The proposed project includes single family residences at a density of 6.37 dwelling units per net acre, which is well below the maximum density of 30 dwelling units permitted within the HDR land use designation. Thus, the proposed change of zone is in conformity with the General Plan map and report.

2. *The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.*

The density of the proposed project is much less than the R-3 zone permits. The proposed site plan incorporates private streets that conform to the minimum widths required. The project includes adequate means of emergency access. The project proposes lot sizes that are adequate to provide usable outdoor space, including small pools and spas. Thus, the project is deemed consistent with this finding.

3. *The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

The applicant proposes two-story single family dwelling units on small, individual lots in a gated community. San Jacinto Mountains are located to the west and south of the project site; multi-family residential exists to the north; and vacant land and a shopping complex exist to the east. Although the high density residential land use designation would also permit development of greater densities than that proposed, there is demand in the new home market at this time to support this type of development. The use would not be detrimental to adjacent property or residents in this area due to a less intense project and zoning.

SECTION 3. The City Council adopts an ordinance to approve the zone map change which changes the land use classification / zoning designation from R-3 to PDD 364 for a roughly 6.37-acre area on the west side of Belardo Road, south of Morongo Road in conjunction with Case 5.1297 PDD 364 / TTM 36548 subject to the conditions of approval attached as Exhibit "A" to Resolution No. 23404.

SECTION 4. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 5. 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 4<sup>TH</sup> DAY OF SEPTEMBER, 2013.

ATTEST:

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STEPHEN P. POUQUET, MAYOR

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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. 1827 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on July 3, 2013, and adopted at a regular meeting of the City Council held on September 4, 2013, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California