



City Council Staff Report

DATE: January 7, 2009

CONSENT CALENDAR

SUBJECT: APPLICATION BY SOUTHWEST REAL ESTATE HOLDINGS, LLC, FOR A GENERAL PLAN AMENDMENT AND A CHANGE OF ZONE FOR A PARCEL AT THE NORTHWEST CORNER OF SUNNY DUNES ROAD AND SUNRISE WAY; AND TENTATIVE TRACT MAP 28308 TO SUBDIVIDE A PORTION OF A 3.2 ACRE PARCEL FRONTING SUNNY DUNES ROAD INTO SEVEN RESIDENTIAL LOTS, CASE 5.1175 GPA, CZ, TTM 28308

FROM: David H. Ready, City Manager

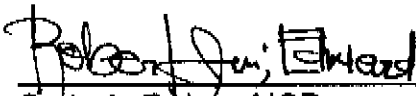
BY: Office of the City Clerk

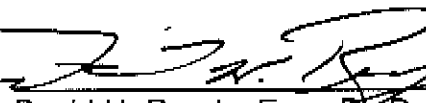
SUMMARY

At the regularly scheduled City Council meeting of December 17, 2008, at the public hearing on the subject case, the City Council voted to deny the application. Attached is the draft resolution reflecting the City Council's action.

RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, **DENYING** CASE 5.1175 GPA, CZ, TTM 28308, A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR A REMAINDER PARCEL OF APPROXIMATELY 1.57-ACRES AT THE NORTHWEST CORNER OF SUNNY DUNES AND SOUTH SUNRISE WAY FROM **VLDR** (VERY LOW DENSITY RESIDENTIAL) TO **NCC** (NEIGHBORHOOD COMMUNITY COMMERCIAL), A CHANGE OF ZONE FOR THE REMAINDER PARCEL FROM **RMHP** (RESIDENTIAL MOBILE HOME PARK) TO **C-1** (COMMERCIAL-1), AND TENTATIVE TRACT MAP 28308; SECTION 23, TOWNSHIP 4, RANGE 4."

for 
Craig A. Ewing, AICP
Director of Planning Services


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

Item 2.D.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, **DENYING** CASE 5.1175 GPA, CZ, TTM 28308, A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR A REMAINDER PARCEL OF APPROXIMATELY 1.57-ACRES AT THE NORTHWEST CORNER OF SUNNY DUNES AND SOUTH SUNRISE WAY FROM "VLDR" (VERY LOW DENSITY RESIDENTIAL) TO "NCC" (NEIGHBORHOOD COMMUNITY COMMERCIAL), A CHANGE OF ZONE FOR THE REMAINDER PARCEL FROM RMHP TO C-1 AND TENTATIVE TRACT MAP 28308; SECTION 23, TOWNSHIP 4, RANGE 4.

WHEREAS, Southwest Real Estate Holdings, LLC. (the "Applicant") has filed a request for a General Plan Amendment to change the land use designation for an approximately 1.57 acre parcel at the northwest corner of Sunny Dunes and Sunrise Way from Very Low Density Residential (VLDR) to Neighborhood Community/Commercial (NCC), a Change of Zone request to change the zone designation from Residential Mobile Home Park (RMHP) to Commercial (C-1) and Tentative Tract Map 28308 to create seven single family residential lots on a portion of the parcel along Sunny Dunes Road; and

WHEREAS, pursuant to the State of California Governmental Code Sections 65350 – 65362, procedures and requirements are established for Cities and Counties to create and amend their General Plan and the City's Zoning Ordinance sets forth procedures for amending the zoning map and zone designations within the City; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1175 GPA CZ TTM 28308, was given in accordance with applicable law; and

WHEREAS, on October 22, 2008, a public hearing on the application for Case 5.1175 GPA CZ TTM 28308 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, said public hearing was continued to a date certain of November 12, 2008 at which time the Planning Commission considered all oral and written testimony presented and voted unanimously to recommend certification of the environmental Negative Declaration, and to recommend approval by the City Council of Case 5.1175 GPA, CZ, TTM 28308, subject to conditions of approval, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1175 GPA CZ TTM 28308 was given in accordance with applicable law; and

WHEREAS, on December 17, 2008, a public hearing on the application was held by the City Council in accordance with applicable law; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the meeting on the project, including but not limited to the staff report, and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: Pursuant to the State of California Governmental Code Sections 65350 – 65362, (procedures and requirements for Cities and Counties to create and amend their General Plan) the City Council finds that the requested General Plan Amendment is not consistent with desired community planning practices, would enable future land uses that the Council believes would be incompatible with this location and would be in conflict with the character of the existing adjacent neighborhood.

Section 2: Pursuant to the request for a change of zone from RMHP to C-1, the City Council finds that the proposed change or zone is inappropriate because it would allow for development standards that would not be harmonious with the existing development in this neighborhood.

Section 3: The request for a General Plan Amendment for an approximately 1.57-acre parcel at the northwest corner of Sunny Dunes and Sunrise Way, changing the land use designation from VLDR (Very Low Density Residential) to NCC (Neighborhood Community Commercial), the Change of Zone from RHMP to C-1, and the Tentative Tract Map application are hereby denied.

ADOPTED, this 17th day of December, 2008.

David H. Ready, City Manager

ATTEST:

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, hereby certify that Resolution No. ____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on December 17, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California