

## REPORT TO THE PLANNING COMMISSION



**DATE:** November 13, 2018

**TITLE:** Development Permit No. 09-18 proposing the construction of five (5) mid-century modern homes with butterfly, single slope, and center view design roofs and within the Rolling Hills Residential Estates north of Mission Lakes Boulevard and east of Little Morongo Road in the R-L (Low Density Residential) zone. Applicant: Chris Ifeanyi, on behalf of Elyon Development . (APN's: 661-560-001, -002, -003, -004, and -005).

**Prepared by:** Patricia Meza, Planning Technician and  
Scott Taschner, Senior Planner

**Reviewed by:** Daniel Porras, Director of Public Works

### RECOMMENDATION

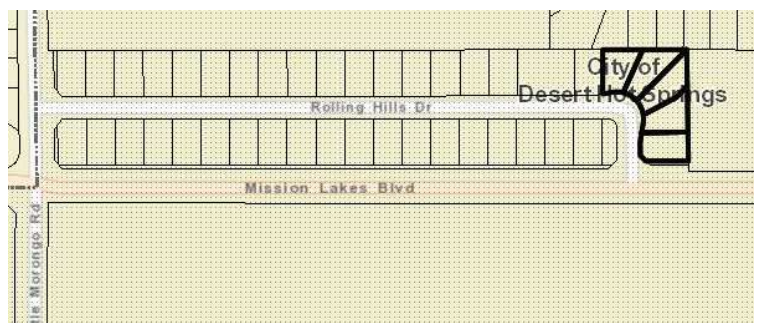
- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Staff recommends that the Planning Commission either:

A) Approve Development Permit No. 09-18 to allow the construction of five (5) mid-century modern homes within the Rolling Hills Estates in the Low Density Residential (R-L) Zoning District. APN's 661-560-001, -002, -003, -004, and -005, subject to the attached conditions of approval, staffs recommended mitigation measures, and the findings contained herein

B) Deny Development Permit No 09-18, for development of 5 single-family mid-century modern homes on 5 of the 21 remaining vacant lots within the Rolling Hills Estates Residential tract, and based on certain findings.

### EXECUTIVE SUMMARY

On October 4, 2018, the applicant, Elyon Development, filed a Development Permit application (DP 09-18) to construct five (5) mid-century modern homes with butterfly roof and slope roof designs on five (5) vacant parcels located north of Mission Lakes Boulevard and east of Little Morongo Road. The proposed project is within a section of the Rolling Hills Estates Residential Tract that has not been completed. 20 Single Family Residential Homes were constructed in 2007, which have been sold and are occupied by residents/property owners. There are 21 remaining lots are



There are 21 remaining lots are

currently vacant, this Development Permit application is for the development of 5 of the 21 remaining vacant lots.

On November 5, 2018, the City received an application by another applicant/entity for the development of the other 16 remaining vacant lots, that application/project will be presented to the Planning Commission at a future public hearing date after Staff completes the review of all project materials and information.

Staff would like to note that there are some concerns about the differing architectural designs being proposed, and the compatibility to the existing homes, which will be discussed in the Analysis section of this staff report.

The Zoning, General Plan Land-Use designations, and current land uses for surrounding properties are as follows:

**Zoning & General Plan Designations**

**Current Land-Use**

North: Residential Low District (R-L/SP)

Vacant

West: Residential Low District (R-L/SP)

Vacant

South: Residential Low District (R-L/SP)

Vacant

East: Residential Low District (R-L/SP)

Vacant

**Background**

**Prior Actions**

- On September 7, 2005 the City Council approved the Rolling Hills Estates Tract Map (TTM 33653).
- On January 10, 2006 the Planning Commission approved applications for the Development Permit (DP No. 17-05) & the Design Review (DR 16-05) for the architectural review of the homes and development of the site.
- In 2006-2007 the developer began construction and completed 20 of the homes.
- On October 4, 2018 Development Permit application (DP 09-18) was submitted to construct five (5) mid-century modern homes with butterfly roof and slope roof designs on five (5) vacant parcels. *This is the subject project.*
- On November 5, 2018 Development Permit application (DP 12-18) was submitted to construct sixteen (16) homes with contemporary Mediterranean design on sixteen (16) vacant parcels. *This project is in review and will be presented at a future Planning Commission Public Hearing.*

**Original Entitlements / Architectural Design**

The entitlements that were approved for the Rolling Hills Estates Development in 2006, consisted of the construction of 41 single-family homes and two (2) retention basins on a 14-acre site. The development was approved with five (5) different models. The approved architecture is generally Mediterranean style in design, with earth toned colors and finish materials of stucco, stone veneer, and pitched tile roofs. The building materials utilized four (4) color schemes for the exterior finish, roof tile, and fascia with combinations of tans, browns, grays, and red. In addition, there were three (3) design schemes for the stone veneer with color of caramel mountain, hillside, and carlsbad blend. Floor plans show the building footprints ranged in size from 2,839 to 3,527 square feet including covered patios and garages. The

heights of the houses range from a low of seventeen feet six inches to a maximum height of eighteen feet eight inches.

Each of the five models had two different front building elevations. Potentially, having provided 10 different front building elevations. At the time of entitlements, staff was concerned about having enough “functional and visual variety in a manner consistent with the scale and intensity of subdividing” as prescribed in Section 17.08.260(B) (Development Guidelines for Single-Family Residential Design) of the Zoning Ordinance, which states:

*“Varied Structure Design. Much of recent residential design has been dominated by large tract development with a limited number of models and regimented development standards. To avoid this “cookie cutter” look in single-family development, the design of structures should be varied in tract developments to create variety and interest. Differences in massing and design approaches of each adjacent house should be accomplished. Generally, 1 residential design should not be repeated more frequently than each fourth house.”*

### **Current Proposal - Proposed Development of 5 of the Remaining Lots**

The applicant, Elyon Development, has filed a Development Permit application (DP 09-18) to construct five (5) Single Family Residential Homes with mid-century modern architecture with butterfly roof and slope roof designs.

Upon filling of application to complete the construction of a residential tract that was approved with certain architectural styles, sizes, building materials, etc. Staff has an obligation and duty to evaluate the proposed in-fill development against certain sections of the Zoning Ordinance. One such Section is 17.08.260, which states:

*“No particular architectural “style” is required for residential structures. However, the City will judge all residential plans on their architectural merits. Residences designed with a southwestern, mission, or Mediterranean style will respond to the varying temperatures and outdoor living opportunities of the desert. The focus should be on the creation of a quality residential environment. In general, the architecture should consider compatibility with surroundings character, including harmonious building style, form, size, color, material, and roofline. Individual dwelling units should be distinguishable from one another.”*

Staff evaluated the compatibility of the mid-century modern designs with the surrounding neighborhood and the character of the Rolling Hills residential tract, including but not limited to an evaluation for harmonious use/ combination of roof styles, building forms, architectural massing as well building materials, etc. In evaluating the compatibility of the proposed mid-century modern homes to the Contemporary Mediterranean designed homes, that use pitched tile roofs, stucco exterior finishes and stone veneer treatments, staff has to conclude there is a notable difference in architectural designs, and that the new proposed architectural style and development of the 5 lots at the end of the street would require significant mitigation measures to prevent the project from being overly inconsistent with the code, and measures to limit visual impacts and stark contrasts in the neighborhoods architecture.

Staff has been working with the applicant to come up with mitigation measures to create visual barriers, natural breaks, defining features, etc. to help separate the two architectural designs and has come up with a few options that may help mitigate potential incompatibilities, and they're as follows:

- Create a visual break / natural barrier by utilizing significant amounts of landscaping (row of large / dense trees, and shrubs) on the east side of the retention basin.

- Implement a well thought out and modified front-yard landscape plan that places certain/specific sizes and types of trees in critical street-side/viewshed areas to help disguise the more dramatic architectural elements as viewed from down the street.
- Implement other defining features or natural breaks that would help separate the two areas (playground, small park, earthen mounding, walls, etc.)
- Modify the architecture of the Elyon Development to be compatible with the current existing structures (possible to change the roof design, without changing the structural?)
- Change the designs to contemporary Mediterranean.

### **Development Permit Analysis**

#### **Conformance with the City's Zoning Code**

The project proposes the construction of five (5) single-family modern homes in accordance with Section 17.08 of the DHSMC, which allows this land-use with approval of a Development Permit. The proposed development is consistent with the Desert Hot Springs Zoning Code (DHSZC) development standards in maximum lot coverage, minimum dwelling size building heights, and setbacks, with the exception of the distance between buildings (between the garage and main structure). The project will be conditioned to construct the garage at least 10 feet from the main structure or the plans redesigned so as to connect the two structures with a common roof structure, thereby making it one structure, under the Code. Staff is also adding a condition that the HVAC (air conditioning) units be re-located out of the side yard setback so that the Fire Department will have adequate access (Minimum of 3 feet, but 5 feet is preferable) in case of an emergency.

Staff has concerns about the buildings encroaching into the setbacks, the finished vertical exterior surface/wall shall be no closer than 5 feet to property line. Staff has added a condition to address this concern.

#### **General Plan Goals & Policies**

##### **Residential Goals, Policies & Programs**

City Staff has identified the following applicable goals, policies, and programs in relation to the proposed project:

#### **GOAL 1**

**Preservation and enhancement of the predominantly low density, resort residential character of the City.**

The City has adopted a Zoning Ordinance to implement the General Plan and provide review and approval of individual development projects. The proposed project will be subject to all requirements of the Development Permit, as prescribed by the Zoning Ordinance and the adopted Conditions of Approval.

#### **GOAL 2**

**A variety of all housing types and densities that will accommodate existing and future residents of the community.**

The Zoning Ordinance is to be implemented for the General Plan and determine that the project is physically suitable for the surrounding neighborhood and the intensity of the use being proposed.

## **Policy 1**

**Areas of existing residential development and surrounding vacant lands shall be planned in a manner which preserves neighborhood character and assures a consistent and compatible residential land use pattern.**

The project site is presently vacant but will be developed and used for residential use. The proposed building exterior, architecture, landscaping, and other improvements will be designed and conditioned with appropriate materials, colors, plant types and other design elements that protect scenic viewsheds, provide community cohesion and enhance the image of the City.

### **Site Planning Analysis**

#### **Site, Coverage, Setbacks and Height -**

The proposed development of each project site is consistent with the development standards of the R-L (Residential Low) District in building height (14 feet proposed, max. 20 feet), lot coverage (highest proposed is 28% with a max of 40%), and setbacks (staff has determined that all of the lots area substandard and therefore have a 5 foot side-yard setback).

#### **Architecture**

The applicant proposes to construct five (5) mid-century modern homes with butterfly, single slope, and center view roofs. The architectural character of the homes will consist of machine applied dash texture exterior cement plaster or similarly painted. The mid-century modern designs of these homes utilize both straight lines and bold sloping rooflines with 4-ply built up roofs, extensive use of glass and clear story windows, and unique architectural massing of squared-off masses and clean slightly pitched roof lines to offset and give architectural interest to the overall architecture and massing of the structure. The overall architectural character will be that of an attractive, mid-century modern, well-designed single-family home with clean lines, attractive architectural massing, and extensive use of windows.

#### **Landscaping**

Landscaping is proposed along the street frontage area. The proposed landscape will consist of desert friendly / drought-tolerant plants such as Desert Spoon, Blue Agave, Blue Palo Verde, Barrel Cactus, and Slipper Plant or Red Yucca. The proposed perimeter landscaping throughout the project site will help enhance the visual character of the streetscape in a manner that is compatible with the local desert environment. Landscaping has been designed to balance aesthetic and water use.

#### **Parking**

The proposed project includes a two-car garage for each house, as required byt the City's Zoning Code

#### **Site Improvements**

The proposed development includes construction of tan precision block perimeter walls, and all other necessary requirements will be conditioned / required such as curb, gutter, sidewalks, and other improvements, pursuant to the City Zoning Code

### **REQUIRED FINDINGS**

#### **Development Permit Findings**

- A. That the proposed use is permitted within the subject land use district and complies with all of the applicable provisions of this***

***Zoning Ordinance, including prescribed development standards and design guidelines;***

The proposed development of five single-family homes will be in compliance with all applicable provisions of the City's Zoning Code, with the implementation of project specific conditions and significant mitigation measures to limit the architectural incompatibilities and reduce the visual impacts of the new project on the rest of the Rolling Hills residential tract. Staff has added those conditions and mitigation measures in the findings contained herein and in the draft conditions of approval, attached as Exhibit No. 1.

***B. That the subject site is physically suitable for the type and intensity of the land use being proposed;***

City Staff has evaluated the proposed development of 5 single-family homes and determined that with mitigation measures and conditions of approval the project will be consistent with the City's Zoning Code & General Plan. The proposed project is located within the R-L zoning district which allows a maximum building lot coverage of 40%. The proposed project has lot coverage ranging from 24%-28%. In addition, the properties are zoned for single-family homes. Staff has determined that the project is physically suitable for the type and intensity of the use being proposed.

***C. That the proposed development would be compatible with existing and future developments within the land use district and general area;***

The proposed development of the five lots with mid-century modern designed homes will be conditioned, and mitigation measures will be implemented, to reduce any impacts or stark contrasts in architectural design within the Rolling Hills development. The mitigation measures and conditions of approval include the addition of visual barriers, natural breaks, defining features, etc. to help separate the two architectural designs in addition to the following conditions of approval that require the applicant/developer to:

- Create a visual break / natural barrier by utilizing significant amounts of landscaping (row of large / dense trees, and shrubs) on the east side of the retention basin.
- Implement a well thought out and modified front-yard landscape plan that places certain/specific sizes and types of trees in critical street-side/viewshed areas to help disguise the more dramatic architectural elements (at least as viewed from down the street).
- Implement other defining features or natural breaks that would help separate the two areas (playground, small park, earthen mounding, walls, etc.)

***D. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use is not detrimental to public health and safety;***

In 2007, the first 20 homes in the tract were constructed and at that time water, sewer were completed, and other utilities have been out to the site to mark-up easements, dig-alerts, etc. and are preparing to service these new homes. Staff has determined that prior to occupancy there will be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed project will be maintained and not become a blighted property.

***E. That there is adequate public access and roadway capacity to serve the subject proposal;***

In 2007, the first 20 homes in the tract were constructed and at that time the streets curbs, and gutter were completed, and the sidewalks were completed for the portion of the tract that was completed. The current project will be conditioned to complete the street improvements to serve the homes before an occupancy permit is issued by the City.

**F. That there are no significant harmful effects upon environmental quality and natural resources;**

The proposed five (5) mid-century modern homes do not propose to introduce and hazardous materials or create any harmful effect on the environment or the quality of natural resource, therefore staff has determined that the proposed project will not have or cause significant harmful effects upon environmental quality and natural resources.

**G. That any negative impacts of the proposed use can and shall be mitigated;**

Staff has only identified one notable impact on the adjacent homes, namely that the architectural design is different from the previously approved and already completed single-family home on the west side of the project. Staff has developed conditions of approval and mitigation measures to reduce those visual impact and has outlined them below:

- Create a visual break / natural barrier by utilizing significant amounts of landscaping (row of large / dense trees, and shrubs) on the east side of the retention basin.
- Implement a well thought out and modified front-yard landscape plan that places certain/specific sizes and types of trees in critical street-side/viewshed areas to help disguise the more dramatic architectural elements (at least as viewed from down the street).
- Implement other defining features or natural breaks that would help separate the two areas (playground, small park, earthen mounding, walls, etc.)

**H. That the proposed use is consistent with the General Plan; and**

City Staff has evaluated the proposed project against the City's General Plan Goals & Policies and determined that with the added/project specific conditions and the mitigation measures outlined therein, the project will not have a significant visual impact on the houses, several hundred feet, down the street

**I. That the proposed location, size, design, and operational characteristics of the planned use are not detrimental to the public interest, health, safety, convenience, or welfare of the City.**

The proposed project is consistent with the City's Zoning Code & General Plan and will be conditioned by the Fire Department and City Engineer, and will be required to comply with the 2016 California Building Code requirements for structural, electrical, fire, plumbing, earthquake, etc. The project will also be required to pull all permits and to comply with all local, regional, and state laws.

**NOTICING REQUIREMENT**

The project was noticed to neighboring owners within a 300-foot radius of the project site (on Thursday, November 1, 2018) and was advertised in the Desert Star on Friday, November 2,

2018 per state noticing requirements. No public comments have been received as of this writing.

### **ENVIRONMENTAL ANALYSIS**

On September 7, 2005 the City Council approved the Rolling Hills Residential Tract and in doing so certified the Mitigated Negative Declaration for the Project. Pursuant to Section 15162(a) of the CEQA regulations, once an MND has been certified for a project, no subsequent environmental review needs to be completed unless there are substantial changes in the project that warrant additional review. The Planning Commission only needs to make a finding that the request for an amendment (a Development Permit which proposes completion of a portion of the approved tract with only a change in architectural design) is consistent with the original MND, and no further analysis is required. **No significant changes are proposed as a part of the proposed amendment /development permit, and no new impacts are being introduced.**

### **EXHIBITS:**

- 1) - Draft Conditions of Approval
- 2) - Original Staff Report January 10, 2006
- 3) - Original Architecture Plans January 10, 2006
- 4) - Proposed Floor Plans
- 5) - Landscape Plan
- 6) - Street Elevations
- 7) - Examples of Built Homes with Similar Architecture