

## REPORT TO THE CITY COUNCIL



**DATE:** December 12, 2018

**TITLE:** Appeal No. 01-18 of the Planning Commission's Decision to DENY Development Permit No. 09-18: An Application for 5 Mid-Century Modern Designed Homes in the Rolling Hills Estates Residential Tract (Applicant: Elyon Development)

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**Reviewed by:** Rebecca Deming, Community Development Director

### RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council;
- 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) City Council discussion and questions to Staff; and
- 9) City Council action to either:

#### Option A:

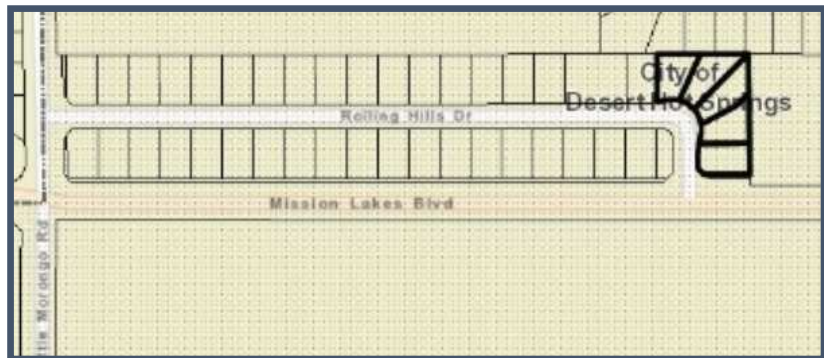
City Council UPHOLD the Planning Commission's decision to DENY the Development Permit application, and thereby DENYING the Appeal (AP No. 01-18) for development of five mid-century modern design single-family residences at the east end of the Rolling Hills residential tract; OR

#### Option B:

City Council OVERTURN the Planning Commission's decision to deny the application (DP 09-18), thereby reversing the decision and APPROVING the appeal (AP No. 01-18) and the project, subject to the attached conditions of approval and findings for approval as made by the City Council.

### EXECUTIVE SUMMARY

The applicant, Elyon Development, has filed an appeal of the Planning Commission's decision to DENY Development Permit application (DP 09-18); an application for construction of five (5) single-family residential homes with a Mid-Century Modern Design (with butterfly, single slope, and center view



roofs) on five (5) vacant parcels located north of Mission Lakes Boulevard and east of Little Morongo Road. The development is currently part of a project known as Rolling Hills Estate which involves the construction of 41-single-family homes and two (2) retention basins within a 14-acre sites. The applicant proposes to construct five (5) mid-century modern homes with butterfly design roofs. Generally, the proposed architecture is Mediterranean in design, earth toned colors with finished materials of stucco, stone veneer, and tile roofs.

## **PRIOR ACTIONS**

On November 13, 2018, the Planning Commission (at a duly noticed public hearing) heard the staff report, accepted testimony from the public and the applicant, and deliberated on the proposed project. At that hearing the Planning Commission voted 4-0-1 to DENY the project based on the finding that the proposed architectural design is not compatible with the existing homes in the tract.

## **Background**

The applicant would like to proceed with the mid-century modern homes, if the City Council supports these architectural designs. That said, the applicant is willing to add certain feasible mitigation measures to lessen the impact on the existing homes down the street. Those measures that have been discussed with staff are as follows:

- Elyon Development purchase the adjacent lot on the east side of the retention basin so as to prevent differing architectural styles directly adjacent to each other.
- Create a visual barrier/line of large trees on the east-side of the retention basin in order to further divide the architectural styles.
- Thoughtful placement of trees in the front yards of the new homes so that the more dramatic elements of the architecture are not visible from the other end of the tract.
- Modify the architecture of the Elyon Development to be compatible with the current existing structures (the applicant has indicated to staff that if the City Council does not overturn the Commission's decision that they are willing to re-design to what Watermarke homes is proposing for the middle of the tract).

## **Completion of the Rolling Hills Residential Tract**

That said, staff would like to note that there are currently two (2) applications in process for the Rolling Hills Tract, but it is important to acknowledge that each application must be given separate due process and must stand on their own merits. The two applications are:

- This application (appeal), which proposes five (5) mid-century modern designed homes on the east side of the tract.
- And a second application (Watermarke homes) proposing a value-engineered Mediterranean design for the remaining sixteen lots in the middle of the tract (**going to Planning Commission on December 11, 2018**)

## **Current Appeal - Development Permit Analysis of Mid-Century Modern Homes**

### ***Local Setting***

<b>Zoning &amp; General Plan Designations</b>	<b>Current Land-Use</b>
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

### ***General Plan and Zoning Consistency***

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 will be consistent with zoning and development standards and all applicable General Plan policies.

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

The Development project site is consistent with the R-L (Residential Low) District standards, the maximum allowable coverage is 40%. The five (5) single-family homes meets the height (maximum 20 feet) and setback standards per section 17.08.030 of the DHSMC.

**Architecture**

The applicant proposes to construct five (5) single-family residential homes with a Mid-Century Modern Design 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 overall architectural character will be that of an attractive, well-maintained single-family home with extensive use of glass, clear-story windows, and added amenities not offered in many of the homes in the neighborhood (built in pool, jacuzzi, central vacuum systems, pre-wired walls for pest control, tankless water heater systems, cool-deck foam roofing, energy star appliances, one-hour fire rated walls) and other building materials that promote energy conservation.

**Landscaping**

Landscaping is proposed along the street frontage area. The proposed landscape will consist of 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. Staff has added a condition that the applicant provide additional landscape as determined by the City Council, that create visual barriers / landscape buffers to lessen the impacts of the differing design to the homes at the other end of the street.

**Development Permit Findings (findings for approval)**

The City Council may approve a Development Permit (overturn the Planning Commission's decision), only if all of the following findings are made:

- 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 use of the property for mid-century modern homes is in compliance with the permitted uses allowed in the R-L (Residential Low-Density) Zoning District and are subject to review and approval of a Development Permit. The project as proposed, complies with all the development standards of the zoning district, including but not limited to lot coverage, building height, & yard setbacks. The project would also be conditioned to make all required site and street improvements and as conditioned currently works to mitigate some of the visual impacts created by a different architectural design than that of the existing homes at the other end of the tract by adding features, visual breaks, placement of additional landscaping, etc. The project as conditioned would comply with all of the applicable provisions of the Zoning Ordinance, including prescribed development standards and design guidelines.

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

The proposed use of the property for mid-century modern homes is in compliance with the permitted uses allowed in the R-L (Residential Low-Density) Zoning District and are subject to review and approval of a Development Permit. The project as proposed, complies with all the development standards of the zoning district, including but not limited to lot coverage, building height, & yard setbacks. The project would also be conditioned to make all required site and street improvements and as conditioned currently works to mitigate some of the visual impacts

created by a different architectural design than that of the existing homes at the other end of the tract by adding features, visual breaks, placement of additional landscaping, etc. The project as conditioned would comply with all of the applicable provisions of the Zoning Ordinance, including prescribed development standards and design guidelines. Therefore, the subject site is physically suitable for the type and intensity of the land 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 use of the property for mid-century modern homes is in compliance with the permitted uses allowed in the R-L (Residential Low-Density) Zoning District and are subject to review and approval of a Development Permit. The project as proposed, complies with all the development standards of the zoning district, including but not limited to lot coverage, building height, & building setbacks. The project would also be conditioned to make all required site and street improvements and as conditioned currently works to mitigate some of the visual impacts created by a different architectural design than that of the existing homes at the other end of the tract; by adding features, visual breaks, placement of additional landscaping, etc. The project as conditioned would comply with all of the applicable provisions of the Zoning Ordinance, including prescribed development standards and design guidelines.

***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;***

Half of the project was constructed back in 2007 so most of the street improvements, water and other utilities were installed at that time and/or provisions were made to make future connection of services easier when the rest of the tract began development. The City will also require, as part of the conditions of approval of the project, that all necessary improvements are made prior to occupancy of the buildings.

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

Half of the project was constructed back in 2007 so most of the street improvements, water and other utilities were installed at that time and/or provisions were made to make future connection of services easier when the rest of the tract began development. The City will also require, as part of the conditions of approval of the project, that all necessary improvements are made prior to occupancy of the buildings.

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

The proposed single-family homes meet all the requirements of the development standards of the DHSZC, including but not limited to lot coverage, building, height, building setbacks, etc. The project will also be conditioned to meet all Local, County, Regional, and State requirements for building construction methods, use of materials, handling of hazardous materials, and will not have a significant effect (impact) on environmental quality and/or natural resources.

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 (for 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 and no new impacts are being introduced.

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

The project as proposed, complies with all the development standards of the zoning district, including but not limited to lot coverage, building height, & building setbacks. The project would also be conditioned to make all required site and street improvements and as conditioned currently works to mitigate some of the visual impacts created by a different architectural design than that of the existing homes at the other end of the tract; by adding features, visual breaks, placement of additional landscaping, etc.

In addition, 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 (for 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 and no new impacts are being introduced.

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

The proposed single-family homes are allowed in the R-L (Low Density Residential Zone as a permitted use, subject to review and approval of a Development Permit. The project is also consistent with the goals & policies of the General Plan Land use designation (R-L) and is consistent with the Design Policies of the City of Desert Hot Springs General Plan.

***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 single-family homes are allowed in the R-L (Low Density Residential Zone as a permitted use, subject to review and approval of a Development Permit. The project is also consistent with the goals & policies of the General Plan Land use designation (R-L) and the development standards of the City's Zoning Code, including but not limited to lot coverage, building heights, and building setbacks. Therefore, it has been determined that the proposed development of five single-family homes will not be determinantal to the public interest, health, safety, convenience, or welfare of the City.

**City Council Findings for Design Review**

The Director shall determine that the project adequately meets adopted City performance standards and design guidelines, based upon the following findings:

***A. The design of the proposed project would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, textures, and colors that will remain appealing and will retain a reasonably adequate level of maintenance.***

The proposed use of the property for mid-century modern homes is in compliance with the permitted uses allowed in the R-L (Residential Low-Density) Zoning District and are subject to review and approval of a Development Permit. The project as proposed, complies with all the development standards of the zoning district, including but not limited to lot coverage, building height, and yard setbacks. The project would also be conditioned to make all required site and street improvements and as conditioned currently works to mitigate some of the visual impacts created by a different architectural design than that of the existing homes at the other end of the tract by adding features, visual breaks, placement of additional landscaping, etc. The project as conditioned would comply with all of the applicable provisions of the Zoning Ordinance, including prescribed development standards and design guidelines.

***B. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards; and***

The proposed use of the property for mid-century modern homes is in compliance with the permitted uses allowed in the R-L (Residential Low-Density) Zoning District and are subject to review and approval of a Development Permit. The project as proposed, complies with all the development standards of the zoning district, including but not limited to lot coverage, building height, and yard setbacks. The project would also be conditioned to make all required site and street improvements and as conditioned currently works to mitigate some of the visual impacts created by a different architectural design than that of the existing homes at the other end of the tract by adding features, visual breaks, placement of additional landscaping, etc. The project as conditioned would comply with all of the applicable provisions of the Zoning Ordinance, including prescribed development standards and design guidelines.

Half of the project was constructed back in 2007 so most of the street improvements, water and other utilities were installed at that time and/or provisions were made to make future connection of services easier when the rest of the tract began development. The City will also require, as part of the conditions of approval of the project, that all necessary improvements are made prior to occupancy of the buildings.

***C. The architectural design of the proposed project is compatible with the character of the surrounding neighborhood and will maintain the harmonious, orderly and attractive development contemplated by this Zoning Ordinance and the General Plan. (Prior code § 159.38.040)***

The proposed use of the property for mid-century modern homes is in compliance with the permitted uses allowed in the R-L (Residential Low-Density) Zoning District and are subject to review and approval of a Development Permit. The project as proposed, complies with all the development standards of the zoning district, including but not limited to lot coverage, building height, and yard setbacks. The project would also be conditioned to make all required site and street improvements and as conditioned currently works to mitigate some of the visual impacts created by a different architectural design than that of the existing homes at the other end of the tract by adding features, visual breaks, placement of additional landscaping, etc. The project as conditioned would comply with all of the applicable provisions of the Zoning Ordinance, including prescribed development standards and design guidelines.

**NOTICING REQUIREMENT**

The project was duly noticed prior to the Planning Commission hearing on November 13, 2018 and again prior to the City Council hearing on the appeal to all neighboring property owners within a 300-foot radius of the project site (on Thursday, November 29, 2018) and was advertised in the Desert Star on Friday, November 30, 2018 per state noticing requirements.

Public comments were received at the Planning Commission hearing only. No written public comments have been submitted to City Staff as of this writing (on December 5, 2018).

### **ENVIRONMENTAL ANALYSIS**

On July 5<sup>th</sup>, 2016, 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 City Council only needs to make a finding that the request for an amendment (for 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 current request 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