



City Council Staff Report

DATE: November 16, 2011 CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1800, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 30-ACRE PARCEL LOCATED NORTH OF 19TH AVENUE AND EAST OF HALLECK AVENUE

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Proposed Ordinance No. 1800.

RECOMMENDATION:

Waive further reading and adopt Proposed Ordinance No. 1800, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 30-ACRE PARCEL (APN 666-320-007, 009, and 013) FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING); THE PARCEL IS LOCATED NORTH OF 19TH AVENUE AND EAST OF HALLECK AVENUE, SECTION 15."

STAFF ANALYSIS:

On October 19, 2011, Proposed Ordinance No. 1800 was introduced for first reading, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 30-ACRE PARCEL (APN 666-320-007, 009, and 013) FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING); THE PARCEL IS LOCATED NORTH OF 19TH AVENUE AND EAST OF HALLECK AVENUE, SECTION 15."

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

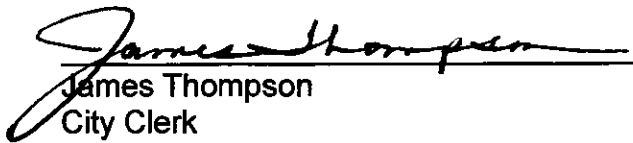
NOES: None.


ABSENT: None.

ABSTAIN: None.

Item No. **2.E.**

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. 1800

PROPOSED ORDINANCE NO. 1800

AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 30-ACRE PARCEL (APN 666-320-007, 009, and 013) FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING); THE PARCEL IS LOCATED NORTH OF 19TH AVENUE AND EAST OF HALLECK AVENUE, SECTION 15.

WHEREAS, On April 14, 2008, Noble & Company (the Applicant) filed an application for a Change of Zone, requesting to change the zoning designation of an approximately 30 acre parcel identified as APN 666-320-007, 009, and 013 from zone E-I (Energy Industrial) to zone M-2 (Manufacturing); and

WHEREAS, the applicant has also filed an application with the City pursuant to Chapter 9.62 of the City's Municipal Code (Maps) and Section 66474 of the State of California Subdivision Map Act, for a Tentative Parcel Map proposing to subdivide the same 30 acre parcel into six lots; and

WHEREAS, a notice of public hearing for Case 5.1209 CZ TPM 35681 was given in accordance with applicable law; and

WHEREAS, on September 28, 2011, a public meeting on Case 5.1209 CZ TPM 35681 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") An Initial Study was conducted and the project was found to cause potentially significant impacts to the environment. Mitigation measures have been proposed reducing any potentially significant impacts to less than significant. The applicant has agreed in writing to all proposed mitigation measures. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public comment for a period of 20 days. No new information was discovered that would require further analysis under CEQA; 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 6-0-1 (Klatchko absent) to approve the Change of Zone and Tentative Parcel Map and recommend its approval to the City Council subject to Conditions of Approval.

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1209 CZ TPM 35681, was given in accordance with applicable law; and

WHEREAS, on October 19, 2011, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, 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 5.1209 CZ TPM 35681, and

WHEREAS, at said public hearing the City Council considered Case 5.1209 CZ TPM 35681 Change of Zone, including the staff report, the associated MND, and all written and public testimony related to Case 5.1209 CZ TPM 35681.

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

SECTION 1. Pursuant to CEQA, the City Council hereby adopts the Mitigated Negative Declaration as an adequate analysis of the potential environmental impacts of the proposed Change of Zone and Tentative Parcel map. The City Council further finds that with adoption of the proposed mitigation measures, all potentially significant impacts will be reduced to less than significant impacts.

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 M-2 zone conforms to the General Plan Land Use Designation of Industrial. Of the three parcels that comprise this project one is already zoned M-2, thus, the applying the proposed M-2 zone to the other two parcels would establish a contiguous M-2 zone with other land with the same zone designation. The General Plan Industrial land use designation encourages manufacturing and industrial uses of the type that are permitted in the M-2 zone that are not detrimental to the premier resort nature of Palm Springs. The proposed change of zone and land uses permitted therein are in conformity with the General Plan. The change of zone will permit greater development density because the E-I zone restricts non-WECS uses to 15% of the total lot, whereas the M-2 zone allows up to 60% of the total lot area to be developed with buildings and uses consistent with the zone. This increased density is evaluated in the associated environmental analysis.

2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.

The application proposes six lots each of which are conforming to the minimum size and dimensional requirements for the M-2 zone. The area in which the parcels are located is a zone in which industrial uses are permitted and current development patterns are already emerging that are consistent with the uses permitted in the M-2 zone. Therefore, the property and the proposed parcels are suitable for the uses permitted in the proposed zone.

3. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.

The change of zone request allows consistency in development patterns and proposed uses that are similar to those in adjacent parcels with the M-2 zone. The parcels are currently undeveloped and by making the change of zone at this time, future development patterns should emerge that are complementary and consistent with one another. There are no residential zones in the vicinity of these parcels. For these reasons, the change of zone is necessary and proper at this time and poses no detrimental impact on adjacent properties.

SECTION 3. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of Case 5.1209 CZ Change of Zone and a thirty-day waiting period before it is effective allowing the approval of Case 5.1209 CZ.

SECTION 4. The City Council adopts an ordinance to approve the zone map change which changes the zoning designation from E-I (Energy-Industrial) to M-2 (Manufacturing) for an approximately 30 acre parcel in conjunction with Case 5.1209 CZ TPM 35681.

SECTION 5. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 6. 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 19th day of October, 2011.

STEPHEN P. POUCKET, MAYOR

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, California, do hereby certify that Ordinance No. 1800 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on October 19, 2011, and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California \