



CITY COUNCIL STAFF REPORT

DATE: April 11, 2012

PUBLIC HEARING

SUBJECT: AN APPLICATION BY WESSMAN HOLDINGS LLC, TO CHANGE THE ZONE DESIGNATION OF TWO LOTS AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY FROM C1-AA (LARGE SCALE RETAIL COMMERCIAL) TO C1 (RETAIL COMMERCIAL).

CASE: 5.1275 CZ

FROM: David H. Ready, City Manager

BY: Craig Ewing, AICP, Director of Planning Services

SUMMARY

The applicant, Wessman Holdings LLC, is requesting approval to change the zone designation of two lots from C1-AA (Large Scale Retail Commercial) to C1 (Retail Commercial). (APN's 502 065 008 and 502 065 018). A public hearing is required.

RECOMMENDATION:

Adopt the Negative Declaration pursuant to the guidelines of the California Environmental Quality Act (CEQA), and

Introduce on first reading Ordinance No. ____, "AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 1.38-ACRE SITE (APNS 502 065 008 and 502 065 018) FROM C-1-AA (LARGE SCALE RETAIL COMMERCIAL) TO C-1 (RETAIL COMMERCIAL); THE SITE IS LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY"

PRIOR ACTIONS TAKEN ON THE PROJECT:

On October 13, 1976, the Planning Commission approved Case 2.982 for construction of a Carl's Junior Restaurant and renovation of a Phillips 66 automobile service station at the northeast corner of Tahquitz Canyon Way and Sunrise Way.

On March 14, 2012, the Planning Commission adopted a Negative Declaration pursuant to the guidelines of the California Environmental Quality Act (CEQA), approved an Administrative

ITEM NO. 1c

Minor Modification (Case 7.1369), approved Tentative Parcel Map Waiver 36438, and recommended adoption of the Negative Declaration by the City Council and recommended approval by the Council of the Change of Zone from C-1-AA to C-1 for two lots that comprise roughly 1.38 acres at the northeast corner of Tahquitz Canyon Way and Sunrise Way.

BACKGROUND:

As noted above, the subject site is located at the northeast corner of Sunrise Way and Tahquitz Canyon Way. The site is fully developed with existing office and restaurant uses in existing structures with on-site parking and landscaping.

Both Tahquitz Canyon Way and Sunrise Way are designated as major thoroughfares on the City's General Plan Circulation Map. The parcels are currently fully developed and provide commercial uses that serve the adjacent residential neighborhoods and the community in general. Surrounding land uses are as follows:

Table 1: Adjacent General Plan Designations, Zones and Land Uses:

	General Plan	Zoning	Existing Land Uses
North	Neighborhood Community Commercial (NCC)	PD 74	Office
South	NCC	PD 76	Retail
East	O (Office)	P (Professional)	Professional Office
West	Tourist Resort Commercial	C-1-AA (Lg. Scale Commercial / Retail)	Vacant / Gas Station

The applicant seeks to reconfigure the two parcels within the Tentative Parcel Map Waiver to facilitate sale of the parcels. The minimum parcel size for the C-1-AA zone is two (2) gross acres, however the combined total area of the two lots is only roughly 1.38 acres. Reconfiguration of lots within a parcel map may occur only when the resultant lots conform to the development standards of the zone in which they are located. In this case, the combined lots are too small to meet the minimum lot area of the C-1-AA zone. The minimum lot size for the C-1 zone is only 20,000 square feet. Thus, by seeking approval of the zone change the proposed reconfigured lots would conform to the standards of the (new) zone.

ANALYSIS:

General Plan

The subject property lies within two land use designations of the General Plan: Neighborhood Community Commercial (NCC; 0.35 FAR) and Office (0.35 FAR). The "NCC" land use designation encourages convenience commercial uses that serve adjacent residential neighborhoods. The "Office" land use designation allows for development of office uses. Retail uses in this district should be limited to uses directly related to office operations, such as restaurants, office supply stores and pharmacies associated with a medical building. Both

land uses have a maximum floor area ratio (FAR) of 0.35¹ and existing uses on site are consistent with the land use designations in which they are located.

An analysis of the floor area ratio of the existing development for both parcels is shown here:

- Parcel 1: (Del Taco Building) 2,759 square feet. Proposed lot area: 24,630 square feet. FAR: 0.15: conforms.
- Parcel 2: (Retail / Office Buildings total 9,190 square feet. Proposed lot area: 35,054 square feet. FAR: 0.26: conforms.

The proposed change of zone was evaluated and found to be consistent with policies and goals of the City's General Plan as follows:

Policy LU4. Ensure that sufficient land is designated for commercial use in appropriate areas to support the current and future needs of the community and surrounding areas in a manner that responds to the changing market conditions.

The proposed zone change from C-1-AA to C-1 is consistent with this policy. The land at this location is appropriate for commercial uses because it is at the intersection of two major thoroughfares and provides commercial and retail amenities to nearby residential neighborhoods.

Policy LU1.1 Ensure that development meets or exceeds the requirements and standards specified within each land use designation.

The existing commercial and office development on the subject parcels is developed with uses and densities that are consistent with the standards for the land use designation in which they are located. .

Change of Zone.

The change of zone application proposes that all lots within the proposed subdivision be zoned C-1 (Commercial Retail). The proposed parcel reconfiguration and C-1 zone development standards are analyzed below in Table 2.

Table 2: M-2 Zone Requirements and the Proposed Subdivision

	C-1 Min. Requirements	Proposed Subdivision	
		Lot 1	Lot 2
Lot depth	150	170 ft (conforms)	287 ft (conforms)
Lot width	100	145 ft (conforms)	107 ft (conforms)
Lot Area	20,000 sf	0.56 ac (24,630 sf) conforms	0.80 acres (35,054 sf) (conforms)
Front Yard	5 feet	72 ft (conforms)	20 ft (conforms)
Special Setbacks	75 ft from centerline of Tahquitz Canyon Way	77.7 ft (conforms)	70 ft (conforms with the approval of Case 7.1369)

¹ Floor Area Ratio (FAR) is the ratio of the total net floor area of a building to the total lot area and describes the intensity of use or density of a site.

Bldg Area	2,000 minimum	2,759 sf (conforms)	5,881 & 3,309 sf (conforms)
Bldg. Height	30 feet max	One story (conforms)	One story (conforms)
Landscaping	50% of yard areas	95% is landscaped	95% is landscaped

FINDINGS:

Change of Zone Findings.

The findings for a Change of Zone are found in PSZO Section 94.07.00 (A) as follows:

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 proposed change from C-1-AA to C-1 conforms to the General Plan Land Use Designations of Neighborhood Community Commercial (NCC) and Office (O) in terms of uses on the site (which are commercial and office type uses) and the development density which is below the maximum 0.35 FAR for each proposed parcel. The Change of Zone is also consistent with policies of the General Plan as follows:

Policy LU4.1 Ensure that sufficient land is designated for commercial use in appropriate areas to support the current and future needs of the community and surrounding areas in a manner that responds to the changing market conditions.

The proposed zone change from C-1-AA to C-1 is consistent with this policy. The land at this location is appropriate for commercial uses because it is at the intersection of two major thoroughfares and provides commercial and retail amenities to nearby residential neighborhoods.

Policy LU1.1 Ensure that development meets or exceeds the requirements and standards specified within each land use designation.

The existing commercial and office development on the subject parcels is developed with uses and densities that are consistent with the standards for the land use designation in which they are located.

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 two (2) lots each of which are conforming to the minimum size and dimensional requirements for the C-1 zone. The parcels are both fully developed with commercial and office uses that are permissible in the proposed C-1 zone. The parcels are located along major thoroughfares which have adequate capacity and physical configuration to

provide safe and appropriate access to each of the proposed parcels.

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 reconfiguration of the parcels in a manner that is consistent with the development standards for the C-1 zone. As they presently exist, the lots would be considered "legal non-conforming" because they are less than the required minimum two acre lot size of the C-1-AA zone. The parcels are currently fully developed with uses and structures that are consistent with the C-1 zone. The change of zone is not detrimental to residential zones in the vicinity because the sites are developed with uses and structures that are supportive and convenient to the adjacent residential zone.

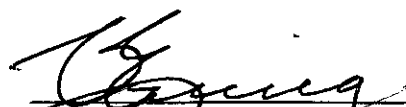
ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the application has been deemed "a project". An initial study was prepared and a 20-day period for public review and comments period commenced on January 27, 2012. Copies of the draft Initial Study were previously distributed to the Planning Commission as well. Notices of the report were sent to all applicable agencies. The review period ended on February 16, 2012. At the time of this writing, no comments have been received. The project was found to have no significant adverse impacts. Thus a Notice of Intent to Adopt a Negative Declaration (NOI) has been filed.

NOTIFICATION:

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property. As of the writing of this report, staff has not received any comment.

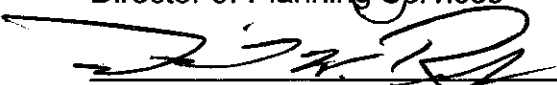
FISCAL IMPACT: None.



Craig A. Ewing, AICP,
Director of Planning Services



Thomas J. Wilson,
Assistant City Manager



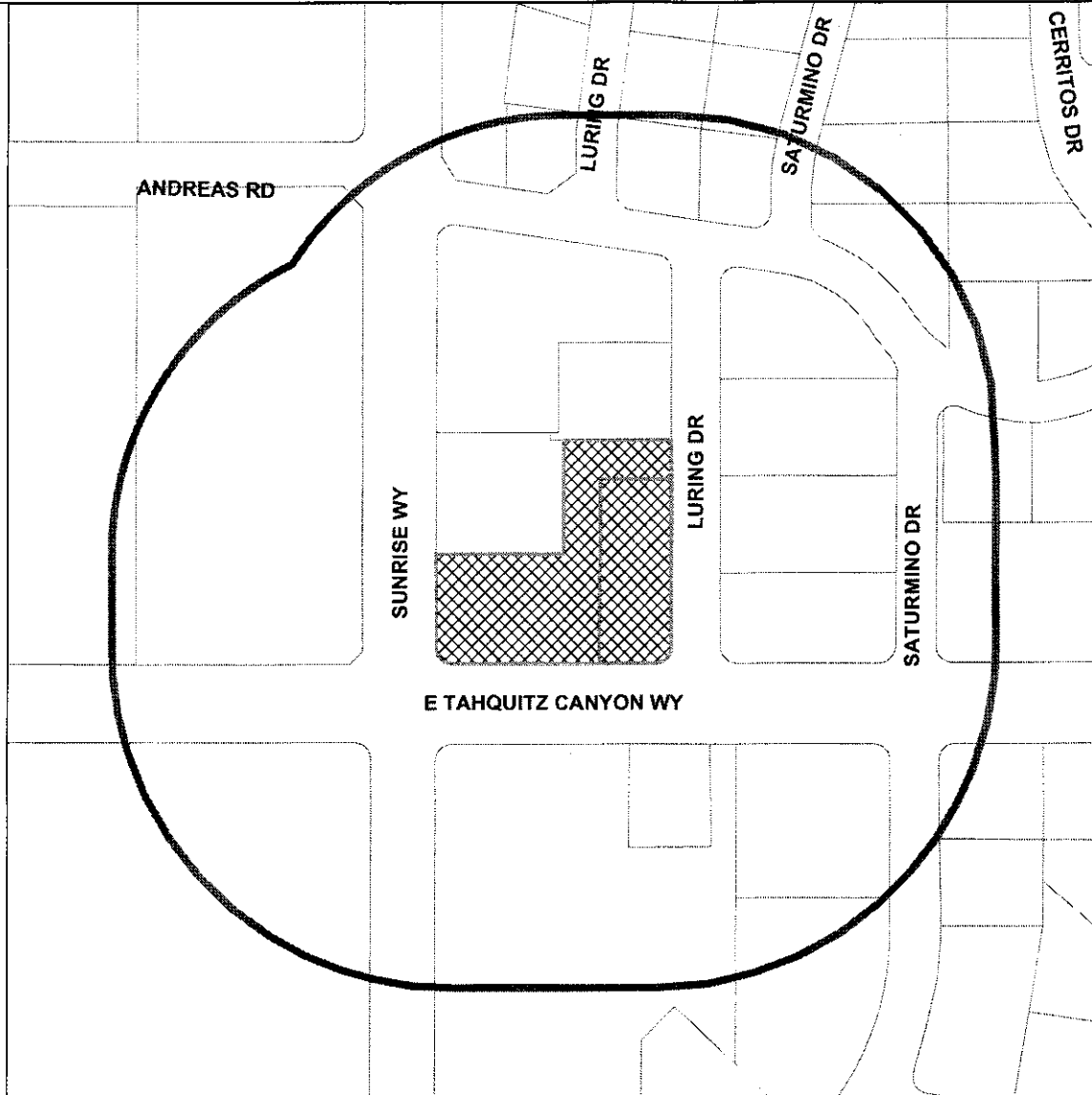
David H. Ready, City Manager

Attachments:

1. Vicinity Map
2. Draft Ordinance
3. Excerpt of Minutes of Planning Commission Meeting of March 14, 2012
4. Planning Commission Resolution 6257 with conditions of approval.
5. Planning Commission Staff report from March 14, 2012
6. Tentative Parcel Map Waiver 36438



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1275 CZ

APPLICANT: Wessman Holdings, LLC

DESCRIPTION: An application for a change of zone (CZ) from C1AA (Large Scale Retail Commercial) to C1 (Retail Business) for an approximately 1.38 acre site located at the northeast corner of Tahquitz Canyon Way and Sunrise Way. Section 13; APN's 502-065-018 and 502-065-008.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 1.38-ACRE SITE (APNS 502 065 008 and 502 065 018) FROM C-I-AA (LARGE SCALE RETAIL COMMERCIAL) TO C-1 (RETAIL COMMERCIAL); THE SITE IS LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY

WHEREAS, On January 3, 2012, Wessman Holdings, LLC (the Applicant) filed an application for a Change of Zone, requesting to change the zoning designation of an approximately 1.38 acre site identified as APNs 502 065 008 and 502 065 018 from zone C-1-AA (Large Scale Retail Commercial) to zone C-1 (Retail Commercial); 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 no potentially significant impacts to the environment. A Notice of Intent to Adopt a Negative Declaration was prepared and circulated for public comment for a period of 20 days. No new information was discovered during the comment period that would require further analysis under CEQA; and

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs, California for Case 5.1275 CZ / TPM Waiver 36438, and Case 7.1369 AMM was given in accordance with applicable law, and

WHEREAS, on March 14, 2012, a public hearing of the Planning Commission was held to review said case and

WHEREAS, at said hearing the Planning Commission 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 unanimously to adopt the Negative Declaration under CEQA and to approve Case 7.1369 AMM and Tentative Parcel Map Waiver 36438, subject to conditions of approval and recommend adoption of the Negative Declaration by the City Council and to recommend approval of Case 5.1275 CZ, and

WHEREAS, a notice of public hearing of the City Council of the City of Palm Springs, California for Case 5.1275 CZ was given in accordance with applicable law; and

WHEREAS, on April 11, 2012, a public meeting on Case 5.1275 CZ was held by the City Council in accordance with applicable law; and

WHEREAS, at said hearing the City Council 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

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 5.1275 CZ, and

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 Negative Declaration as an adequate analysis of the potential environmental impacts of the proposed Change of Zone.

SECTION 2: Pursuant to Zoning Code Section 94.07.00 (Change of Zone) the City Council hereby makes the following findings in support of the requested change of zone:

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 proposed change from C-1-AA to C-1 conforms to the General Plan Land Use Designations of Neighborhood Community Commercial (NCC) and Office (O) in terms of uses on the site (which are commercial and office type uses) and the development density which is below the maximum 0.35 FAR for each proposed parcel. The Change of Zone is also consistent with policies of the General Plan as follows:

Policy LU4.1 Ensure that sufficient land is designated for commercial use in appropriate areas to support the current and future needs of the community and surrounding areas in a manner that responds to the changing market conditions.

The proposed zone change from C-1-AA to C-1 is consistent with this policy.

The land at this location is appropriate for commercial uses because it is at the intersection of two major thoroughfares and provides commercial and retail amenities to nearby residential neighborhoods.

Policy LU1.1 Ensure that development meets or exceeds the requirements and standards specified within each land use designation.

The existing commercial and office development on the subject parcels is developed with uses and densities that are consistent with the standards for the land use designation in which they are located.

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 two (2) lots each of which are conforming to the minimum size and dimensional requirements for the C-1 zone. The parcels are both fully developed with commercial and office uses that are permissible in the proposed C-1 zone. The parcels are located along major thoroughfares which have adequate capacity and physical configuration to provide safe and appropriate access to each of the proposed parcels.

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 reconfiguration of the parcels in a manner that is consistent with the development standards for the C-1 zone. As they presently exist, the lots would be considered "legal non-conforming" because they are less than the required minimum two acre lot size of the C-1-AA zone. The parcels are currently fully developed with uses and structures that are consistent with the C-1 zone. The change of zone is not detrimental to residential zones in the vicinity because the sites are developed with uses and structures that are supportive and convenient to the adjacent residential zone.

SECTION 3. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of Case 5.1275 CZ and a thirty-day waiting period before the approval of Case 5.1275 CZ becomes effective.

SECTION 4. The City Council adopts an ordinance to approve the zone map change which changes the zoning designation from C-1-AA (Large Scale Retail Commercial) to C-1 (Retail Commercial) for an

approximately 1.38 acre site in conjunction with Case 5.1275 CZ (APN's 502 065 008 and 502 065 018).

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 eleventh day of April, 2012.

MAYOR

ATTEST:

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. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ 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 \

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**




CITY CLERKS DEPARTMENT
James Thompson, City Clerk

City Council Meeting Date: April 11, 2012
Subject: Case 5.1275 Change of Zone

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on March 28, 2012, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (38 notices mailed).

I declare under penalty of perjury that the foregoing is true and correct.




Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on March 28, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

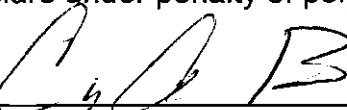


Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on March 31, 2012.

I declare under penalty of perjury that the foregoing is true and correct.



Cynthia A. Berardi, CMC
Deputy City Clerk



City of Palm Springs

Office of the City Clerk
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262
Telephone: 760-323-8204 ~ Fax: 760-322-8332
Email: Cindy.Berardi@palmspringsca.gov

MEMORANDUM

Date: March 28, 2012

To: Claudia Salgado AND
Bernadine Saldana
Bureau of Indian Affairs

Fax: Belinda Ray
(760) 416-2687

From: Cynthia A. Berardi, Deputy City Clerk
Office of the City Clerk

Subject: Allotment Numbers for Public Hearing Notice
Case 5.1275 CZ – Wessman Development
102 North Sunrise Way

Here are Public Hearing notices to be sent to the appropriate Indian landowners within a 400' radius of the project location.

The allotment numbers corresponding with the APN numbers are as follows:

APN	Allotment Number
508-070-042	22B
508-070-035	78B
508-100-055	21B
508-100-056	21B

I have enclosed these notices for distribution and your file, but should you require more notices, please let me know.

Thank you for your continuous help and cooperation.

Enclosures: 4 notices

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1275 CHANGE OF ZONE
Northeast corner of Tahquitz Canyon Way and Sunrise Way

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of April 11, 2012. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an application by Wessman Holdings LLC for a change of zone (CZ) from C1AA (Large Scale Retail Commercial) to C1 (Retail Business).

ENVIRONMENTAL DETERMINATION: A Negative Declaration (ND) has been prepared for this project under the California Environmental Quality Act (CEQA) guidelines and will be reviewed by the City Council at the hearing. Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs between the hours of 8:00 a.m. to 11:00 a.m. and 2:00 p.m. to 6:00 p.m. Monday through Thursday and submit written comments at, or prior to, the City Council meeting.

REVIEW OF PROJECT INFORMATION: The staff report and other supporting documents regarding this are available for public review at City Hall between the hours of 8:00 a.m. and 11:00 a.m. and 2:00 p.m. and 6:00 p.m. Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

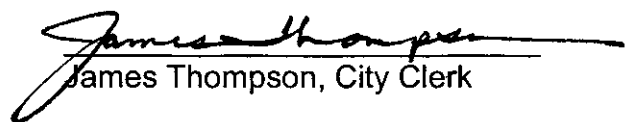
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. (Government Code Section 65009[b][2]).

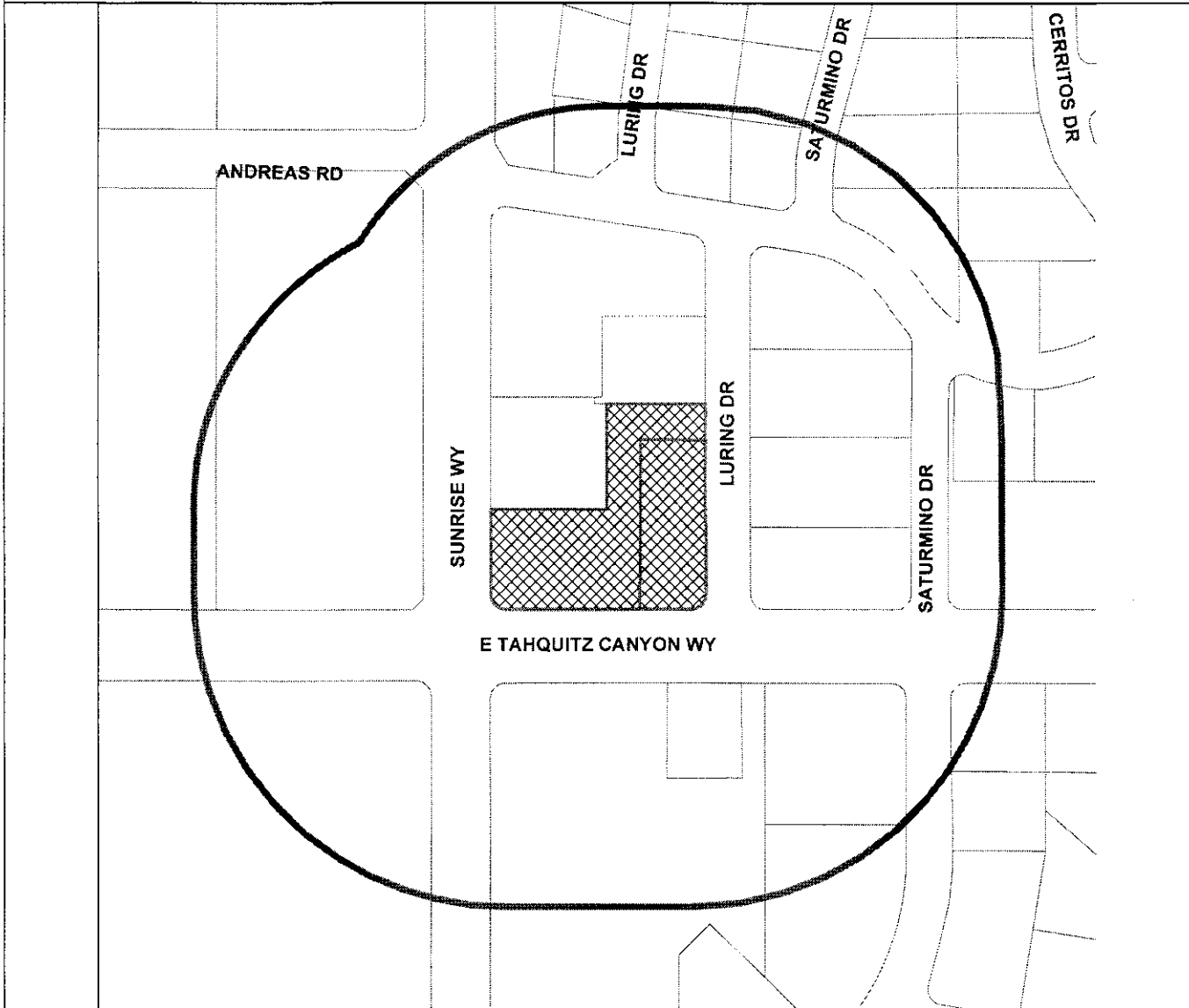
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon Associate Planner, Planning Services Department, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.


James Thompson, City Clerk



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1275 CZ

APPLICANT: Wessman Holdings, LLC

DESCRIPTION: An application for a change of zone (CZ) from C1AA (Large Scale Retail Commercial) to C1 (Retail Business) for an approximate 1.38 acre site located at the northeast corner of Tahquitz Canyon Way and Sunrise Way. Section 13; APN's 502-065-018 and 502-065-008.