



City Council Staff Report

DATE: May 2, 2012 CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1805, 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)

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1805.

RECOMMENDATION:

Waive further reading and adopt Ordinance No. 1805, "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."

STAFF ANALYSIS:

On April 11, 2012, Ordinance No. 1805 was introduced for first reading, "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."

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

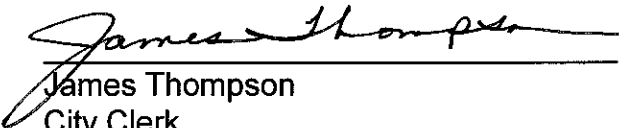
NOES: None.

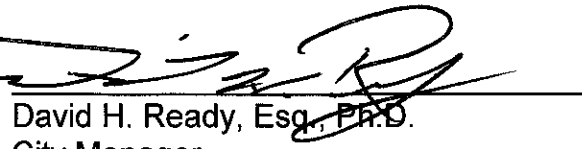
ABSENT: Councilmember Hutcheson.

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. 1805

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-I-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 \