



PLANNING COMMISSION STAFF REPORT

Date: September 12, 2012

Case No.: 10.473 – General Plan Determination

Application Type: Request for a Finding of Conformity to the Palm Springs General Plan for the Sale of City-owned Property at 4810 Camino Parocela (former City Animal Shelter)

Location: 4810 Camino Parocela

Applicant: City of Palm Springs

General Plan / Zoning: Industrial / M-1 (Service / Manufacturing Zone)

APN's: 690-101-032 and 680-101-033

From: Craig A. Ewing, AICP, Director of Planning Services

SUMMARY

On August 30, 2012, the Planning Services Department received a request from the City of Palm Springs Economic and Community Development Department for a Finding of Conformity with the City's General Plan. This Finding is a requirement of California Government Code Section 65402 whenever a public agency disposes of property. In this case, the City is proposing to sell the former Animal Shelter site to a private party.

Staff has identified policies of the General Plan which it believes are applicable to the City's proposal, and this memo provides an analysis of the request. Based on this analysis, staff recommends that the Commission find that the proposed sale is in conformity with the City General Plan. No public hearing is required.

ANALYSIS

Background

According to California Government Code Section 65402, whenever the City acquires or sells property, *"...the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the*

planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. The City's "planning agency" is the Planning Commission, per Section 2.29.010 of the Palm Springs Municipal Code.

Upon completion of the new animal shelter at Mesquite Avenue and Vella Road, the City closed the old shelter and it is presently vacant. Further, the shelter facility is not expected to be re-opened as it is no longer considered suitable for its built purpose. The City has determined that it is surplus property and the City Council has begun the three-step process for disposition of the property:

1. Direct the City's negotiator as to price and terms (conducted in Closed Session);
2. Adopt a resolution expressing its intention to sell the property and setting the date of the Public Hearing; and
3. Approve an Agreement for Purchase and Sale of Real Property, as well as a resolution accepting the terms of the sale.

Step 2 was completed at the City Council meeting of September 5, 2012 and a public hearing will be held at a future Council meeting. Prior to that hearing the Planning Commission must review the proposed sale to make a determination of General Plan consistency.

Determining General Plan Conformity

The request is a special provision of the California Government Code Section 65402 which requires that disposal of property by a city or county be reviewed for conformity with the applicable General Plan. This is not a zoning approval, nor is it an 'entitlement' as is typical of a private land development, such as a Conditional Use Permit, Architectural Review or Planned Development. Instead, it is a review of the applicable General Plan policies to determine if the proposed sale either conforms or fails to conform to the General Plan.

Land Use Designation

The site is located within an established commercial / industrial district of buildings and vacant lots – generally located southwest of Gene Autry Trail and Ramon Road. The site and surrounding area are designated in the General Plan Land Use Map as "Industrial". This designation is described in the General Plan Land Use Element, as follows:

"Industrial uses typically include research and development parks, light manufacturing, laboratories, and industrial services. Retail commercial uses and offices shall be allowed as ancillary uses to the industrial use to encourage projects that are self-sustaining. Industrial development is not a primary use within the City, and any industrial use proposed should not detract from the City's desire to be a premier resort community. Industrial uses adjacent to the airport are also included in this designation, such as, but not limited to: aircraft sales, service, repair and maintenance, washing, painting, storage, tie-down, hangaring, fueling, flight and ground schools, rental and charter flights, car rental facilities and all other uses that are customarily incidental to the operation of an airport and airport-related businesses and activities. New and expanded

industrial uses within the City will expand the City's job base and are therefore important to the City's overall economic vitality and balance of land use."

As a definition, this statement identifies lands designated Industrial as secondary to the community's touristic and resort character, but which are important to the overall economic performance of the City. The Industrial land use category is to be used for a variety of manufacturing and related uses (research, laboratories, industrial services) and may also including supporting commercial activities.

In addition, the site and area are zoned M-1 (Service / Manufacturing Zone) which lists numerous industrial and commercial services allowed "by right" or with either a Land Use Permit or Conditional Use Permit. (In the M-1 zone, residential uses are specifically prohibited as are heavy industrial uses that have potentially noxious or hazardous impacts.)

Presently, the site is developed with an animal shelter facility no longer in operation. The City relocated the shelter to its new facility in October 2011. The site is comprised of two parcels: The larger lot (16,872 sf; 108.85 x 155 ft) is developed with the shelter building and the smaller lot to the west (9,300 sf; 60 x 155 ft) is vacant of any buildings. Neither lot conforms to the minimum area or width standards of the M-1 zone, but there are many such non-conforming lots in the vicinity.

In reviewing the City's proposal, sale of the lots would make them available for development under the provisions of the General Plan's Industrial Land Use classification and the City's M-1 Zone.

General Plan Policies and Actions

In order to further determine if the project conforms to the Palm Springs General Plan, staff identified those policies and actions which appeared to apply to this request. The following policies and actions were identified from the adopted 2007 General Plan Land Use Element:

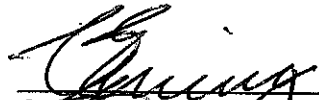
LU3.2 Promote opportunities for expansion and revitalization of industrial uses within the City.

By relocating the City's animal shelter, it has removed a non-industrial use (animal control services) from an industrial area. Any potentially adverse affects of the animal shelter, such as noise, are eliminated. Since the City has indicated that it has no need for the property, its sale and future development under the General Plan Industrial Land Use category (and under the M-1 Zone) would be an opportunity to expand and revitalize the surrounding industrial area.

Staff has found no other General Plan goals or policies that might provide further direction on the potential sale of this property. Also, there is no mention of the City's animal shelter in the General Plan, except to note in the Safety Element that animal control services are among the responsibilities of the Palm Springs Police Department.

CONCLUSION

Staff has concluded that the above policy would be applicable to the City's sale of the two properties. Based on an analysis of the General Plan, staff believes that the proposed request conforms to the General Plan, and recommends that the Planning Commission adopt the attached resolution indicating such conformance.



Craig A. Ewing AICP
Director of Planning Services

Attachments

1. Draft Planning Commission Resolution
2. City Council staff report (September 5, 2012)
3. California Government Code Section 65402

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS FINDING THAT THE SALE OF TWO LOTS, LOCATED AT 4810 CAMINO PAROCOLA (FORMER PALM SPRINGS ANIMAL SHELTER) BY THE CITY OF PALM SPRINGS CONFORMS TO THE GENERAL PLAN.

WHEREAS, in 2007 the City of Palm Springs adopted a General Plan which identifies the lands southwest of the intersection of Gene Autry Trail and Ramon Road, including property at 4810 Camino Parocela, as Industrial; and

WHEREAS, the Industrial Land Use Designation is described in the General Plan, as follows:

“Industrial uses typically include research and development parks, light manufacturing, laboratories, and industrial services. Retail commercial uses and offices shall be allowed as ancillary uses to the industrial use to encourage projects that are self-sustaining. Industrial development is not a primary use within the City, and any industrial use proposed should not detract from the City’s desire to be a premier resort community. Industrial uses adjacent to the airport are also included in this designation, such as, but not limited to: aircraft sales, service, repair and maintenance, washing, painting, storage, tie-down, hangaring, fueling, flight and ground schools, rental and charter flights, car rental facilities and all other uses that are customarily incidental to the operation of an airport and airport-related businesses and activities. New and expanded industrial uses within the City will expand the City’s job base and are therefore important to the City’s overall economic vitality and balance of land use.”

and,

WHEREAS, California Government Code Section 65402 requires that the Palm Springs Planning Commission review any public disposition of property, including a sale of property, and consider adoption of a Finding of Conformity with the adopted General Plan, and

WHEREAS, on August 30, 2012, the Department of Planning Services received a request from the Economic and Community Development Department for a Finding of Conformity with the City’s General Plan of the City’s proposal to sell the two lots located at 4810 Camino Parocela; and

WHEREAS, the Planning Commission has reviewed a staff report and other materials, including public comments, on the matter; and

WHEREAS, the Planning Commission has determined the sale conforms to the Industrial Land Use category of the 2007 General Plan because the site is located within an established commercial / industrial district of buildings and vacant lots and sale of the lots would make them available for development under the provisions of the General Plan’s Industrial Land Use classification and the City’s M-1 Zone; and

WHEREAS, the Planning Commission has identified the following policy from the 2007 City of Palm Springs General Plan which applies to the City's proposal and hereby determines the following regarding this policy related to the proposed sale:

LU3.2 Promote opportunities for expansion and revitalization of industrial uses within the City.

By relocating the animal shelter, the City has removed a non-industrial use (animal control services) from an industrial area, thereby also removing any potentially adverse affects of the animal shelter, such as noise. Further, the City has indicated that it has no need for the property; therefore, its sale and future development under the General Plan Industrial Land Use category (and under the M-1 Zone) would be an opportunity to expand and revitalize the surrounding industrial area.

NOW THEREFORE, the Planning Commission of the City of Palm Springs does hereby adopt a Finding of Conformity with the Palm Springs General Plan for the sale of two lots located at 4810 Camino Parocela, formerly used as the Palm Springs Animal Shelter.

ADOPTED this ___th day of _____, 2012

AYES:
NOES:
ABSENT:
ABSTENTIONS:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services



CITY COUNCIL STAFF REPORT

DATE: September 5, 2012

CONSENT CALENDAR

SUBJECT: SET A PUBLIC HEARING DATE FOR THE SALE OF CITY-OWNED REAL PROPERTY TO MICHAEL S. HOFFMAN, AS TRUSTEE OF THE MICHAEL S. HOFFMAN LIVING TRUST, U/A DATED 08/04/94, FOR CERTAIN REAL PROPERTY CONSISTING OF 26,172 SQUARE FEET OF LAND AREA LOCATED 102.58 FEET WEST OF GENE AUTRY TRAIL (4810 CAMINO PAROCELA), APNs: (690-101-032 and 680-101-033)

FROM: David H. Ready, City Manager

BY: Community & Economic Development Department

SUMMARY

It is recommended that the City Council approve the resolution expressing the intent to sell and setting the date to hold a public hearing for the sale of a City-owned 26,172 square foot parcel with building located at 4810 Camino Parocela, the former City-owned Animal Shelter. In October, 2011 the City opened a new animal shelter at another site, leaving the property vacant and unused.

RECOMMENDATION:

1. SET A PUBLIC HEARING FOR THE SALE OF CITY-OWNED REAL PROPERTY TO MICHAEL S. HOFFMAN, AS TRUSTEE OF THE MICHAEL S. HOFFMAN LIVING TRUST, U/A DATED 08/04/94, FOR CERTAIN REAL PROPERTY CONSISTING OF 26,172 SQUARE FEET OF LAND AREA LOCATED 102.58 FEET WEST OF GENE AUTRY TRAIL (4810 CAMINO PAROCELA), APNs: (690-101-032 and 680-101-033) ON SEPTEMBER 19, 2012

STAFF ANALYSIS:

In November 2011 the City of Palm Springs received an offer from Michael S. Hoffman, as Trustee of The Michael S. Hoffman Living Trust, U/A Dated 08/04/94 ("Buyer") on a

City-owned 26,172 square feet parcel with building, located 102.58 feet west of Gene Autry Trail on the north side of Camino Parocela (4810 Camino Parocela), the former City-owned Animal Shelter. Mr. Hoffman is the owner of the adjacent properties and intends to assemble the properties into a larger, developable site which will greatly benefit that high-profile corner.

Council directed Staff to bring an Agreement for Purchase and Sale back at a regularly scheduled meeting. Staff received an appraisal in February, 2012 from Scott Lidgard of Lidgard & Associates, appraisers.

California Government Code Section 37421 et. seq. requires that the City first set a date of the public hearing at which the public may make testimony regarding the sale. This resolution sets the Public Hearing date for September 19, 2012.

This action is part of a three-step process in selling City-owned parcels: (1) Council directs the negotiator as to price and terms in Closed Session; (2) Council adopts a resolution expressing its intention to sell the property and setting the date of the Public Hearing, and the City publishes a notice of Public Hearing; and (3) Council approves the Agreement for Purchase and Sale of Real Property, as well as a resolution accepting the terms of the sale. The attached resolution is Step 2 in this process.

In addition, the Planning Commission shall review the proposed sale to make a determination of General Plan consistency.

The price for the property of \$140,000 meets the fair market value standard and the process meets the requirements of City Council Resolution 14527, which requires that the City sell all land at fair market value. The sale of this parcel meets the other tests of Resolution 14527:

1. There is no foreseeable present or future use of the property for City purposes.
2. The property cannot be leased or rented for its highest and best use at fair market rental.
3. The City's need for immediate liquidation, for cash, of such property -- at its fair market value -- is greater than its need for developing continuing revenue for the lease of such property.

John Raymond, Director

Tom Wilson, Assistant City Manager

David H. Ready, City Manager

Attachments: Resolution

California Government Code Section 65402.

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in

unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.