



City Council Staff Report

DATE: September 19, 2012 CONSENT CALENDAR
SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE
NO. 1813, RELATING TO DIRECTOR REFERRAL OF MINOR PERMITS
TO THE PLANNING COMMISSION (CASE 5.1273 ZTA).
FROM: David H. Ready, City Manager
BY: Office of the City Clerk

SUMMARY

The City Council will consider adoption of Ordinance No. 1813 relating to Director referral of minor permits to the Planning Commission.

RECOMMENDATION:

Waive further reading and adopt Ordinance No. 1813, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 94.02.01D.3, 94.06.01.B.2 AND 94.04.00.E.2.a OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO DIRECTOR REFERRAL OF MINOR PERMITS TO THE PLANNING COMMISSION."

STAFF ANALYSIS:


On September 5, 2012, Ordinance No. 1813 was introduced for first reading as follows:

ACTION: Waive the reading of the ordinance text in its entirety and read by title only, and introduce on first reading Ordinance No. 1813, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 94.02.01D.3, 94.06.01.B.2 AND 94.04.00.E.2.A OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO DIRECTOR REFERRAL OF MINOR PERMITS TO THE PLANNING COMMISSION," amending the ordinance to provide the referral to the Planning Commission must be at the next regular meeting but no later than 30-days from the date of submission. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

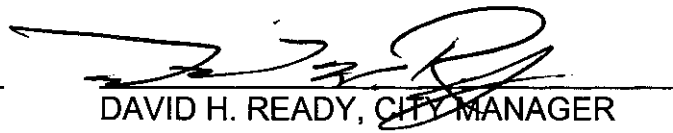
AYES: Councilmember Hutcheson, Councilmember Lewin, Mayor Pro Tem Foat, and Mayor Pougnet.
NOES: Councilmember Mills.

ITEM NO. 2.K.

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, CITY MANAGER

Attachment:
Ordinance No. 1813

ORDINANCE NO. 1813

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 94.02.01D.3, 94.06.01.B.2 AND 94.04.00.E.2.a OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO DIRECTOR REFERRAL OF MINOR PERMITS TO THE PLANNING COMMISSION (CASE 5.1273 ZTA).

City Attorney's Summary

This Ordinance amends the procedural requirements for Land Use Permits, Minor Architectural Approvals and Administrative Minor Modifications to allow the Director of Planning Services to refer applications for these permits to the Planning Commission for action at the next regular meeting of the Commission and in no more than 30 days.

The City Council of the City of Palm Springs hereby finds:

A. On November 22, 2011, the Planning Commission initiated a Zone Text Amendment (Case 5.1273 ZTA) to modify the Zoning Code to allow the Director of Planning Services the option of referring to the Planning Commission minor development applications.

B. The proposed amendments are considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and it has been recommended that the proposed amendments be determined to be Categorical Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act because the proposed zone text amendments propose only insignificant changes to the procedural requirements of minor permits, and do not result in any increase in land use densities; and.

C. A notice of public hearing of the Planning Commission of the City of Palm Springs, California for Case 5.1273 ZTA (Zone Text Amendment) was given in accordance with applicable law.

D. On July 11, 2012 a public hearing of the Planning Commission was held to review said case, and 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 to recommend a Categorical Exemption for the project under CEQA and recommend approval of the proposed amendments.

E. A notice of public hearing of the City Council of the City of Palm Springs, California for Case 5.1273 ZTA was given in accordance with applicable law.

F. On September 5, 2012, a public meeting on Case 5.1273 ZTA was held by the City Council in accordance with applicable law, and 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.

G. A Zone Text Amendment is adopted by ordinance and includes two readings and a thirty-day period before it is effective.

H. An ordinance has been prepared for two readings before the City Council for the approval of Case 5.1273 ZTA.

I. The proposed zoning code amendments are consistent with the intent of the zoning code, because, according to Section 91.00.00, the Zoning Code is adopted "For the purpose of promoting and protecting the public health, safety and welfare of the people of the city of Palm Springs and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources..."; and the amendments propose to allow Planning Commission review of those rare applications for minor permits (LUP's, MAA's and AMM's) that in the opinion of the Director of Planning Service have potentially significant impact on the neighborhood or community; and that these additional review options will enhance community involvement in land use and thereby directly promote and protect the public welfare and improve the orderly planned use of land resources.

J. The proposed zoning code amendment is consistent with the intent of the general plan, because, the intent of the General Plan is expressed in "The Palm Springs Vision" contained in the opening pages of the 2007 Palm Springs General Plan:

The Palm Springs Vision

- A world-renowned desert resort community where residents and visitors enjoy safe neighborhoods, an exciting social environment and a relaxing leisure experience.
- We enhance our natural, cultural, and historical resources with sustainable economic growth and high style.
- We provide responsive, friendly and efficient public services within a government that fosters unit among all our citizens;

The amendments will help provide responsive and efficient government by assuring that minor projects receive appropriately simpler reviews, while major projects – even while processed under minor permits – receive greater scrutiny in the most efficient and expedited manner.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,
ORDAINS:

Section 1. Pursuant to CEQA, the City Council hereby determines that the propose amendment (Case 5.1280 ZTA) are Categorically Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act because the proposed zone text amendments propose only insignificant changes to the procedural requirements of minor permits, and do not result in any increase in land use densities.

Section 2. Section 94.02.01D.3 of the Palm Springs Municipal Code is amended to read:

3. After completion of the investigation, the director of planning and building shall either approve the land use permit, subject to those conditions of approval he may deem necessary, or refer the entire matter to the planning commission for review and action. The Commission shall receive the matter at its next regularly scheduled meeting and act within 30 days.

Section 3. Section 94.04.00.E.2.a of the Palm Springs Municipal Code is amended to read:

a. Staff-Level Approvals. Minor architectural applications which are acted upon by the director of planning services, or designee, shall include repaints, reroofs, walls, fences, entry features, signs, sign programs landscaping plans, minor grading plans, exterior lighting plans, and additions which do not increase existing floor area by forty percent (40%) for single-family residential and twenty-five percent (25%) for all other development subject to this section. The director of planning services may consult with the planning commission architectural advisory committee in review of minor architectural applications, or refer the entire matter to the planning commission for review and action. The Commission shall receive the matter at its next regularly scheduled meeting and act within 30 days.

Section 4. Section 94.06.01.B.2 of the Palm Springs Municipal Code is amended to read:

2. Before the director may approve a minor modification pursuant to the provisions of subsections (A)(9) through (A)(12) of this section, the director shall find, based on evidence presented, that the modification as approved will not have any detrimental effect on neighboring properties. Before the director may approve a minor modification pursuant to the provisions of (A)(4) through (A)(8) of this section, the director shall make all of the following findings, based on evidence presented:

- a. The requested minor modification is consistent with the general plan, applicable specific plan(s) and overall objectives of the zoning ordinance;
- b. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the minor modification;
- c. The approval or conditional approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or in the vicinity; and
- d. The approval of the minor modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.

The director shall make the decision in writing within five (5) days after the filing of a complete application or after approval of the planning commission. One (1) copy shall be mailed to the applicant and one (1) copy shall be filed with the chair of the planning commission and the director. The director may also refer the entire matter to the planning commission for review and action. The Commission shall receive the matter at its next regularly scheduled meeting and act within 30 days.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 19TH DAY OF SEPTEMBER, 2012.

STEPHEN P. POUINET, 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. 1813 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on September 5, 2012, and adopted at a regular meeting of the City Council held on September 19, 2012, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California