



Planning Commission Staff Report

MEETING DATE: SEPTEMBER 25, 2013
DEPARTMENT: PLANNING
ITEM DESCRIPTION: GENERAL PLAN CONFORMITY REVIEW
OWNER/APPLICANT: COACHELLA VALLEY WATER DISTRICT

STAFF RECOMMENDATIONS

CASE NUMBER	RECOMMENDATION
5.1250C-GPCR	Find that the capital improvement project is in conformity with the City of Palm Springs General Plan

SUMMARY

The Planning Commission to review a request from the Coachella Valley Water District (CVWD) for a finding of conformity with the City's General Plan (see attached letter). This finding is a requirement of California Government Code Section 65401 whenever a public agency proposes capital improvement projects within the jurisdiction that has adopted a General Plan to assure the project's conformity with that General Plan

BACKGROUND:

<i>City Related Actions:</i>	
10.27.10	The Planning Commission reviewed a conformity review for a fiscal cycle at CVWD and adopted a finding of conformity with the General Plan.
10.24.12	The Planning Commission reviewed a conformity review for two projects within the City Limits of the City and adopted a finding of conformity with the General Plan.

<i>Land Use Designations:</i>	
General Plan	Open Space – Water
Zone	Watercourse

<i>Assessor's Parcel Numbers:</i>
669-030-003, 669-030-004, 669-020-005, 669-160-016, 669-220-004, 669-040-010
669-040-011 & 669-230-012

PROJECT DESCRIPTION:

Whitewater Groundwater Replenishment Facility Improvements:

The project is a Whitewater groundwater replenishment facility improvement. This is a capital improvement project being carried out by the Coachella Valley Water District (CVWD). Currently, water piped from the Colorado River is discharged into Whitewater Creek north of Interstate 10. It then flows in the natural creek bed to the basins in the Whitewater River floodplain where it percolates into the underground aquifer from which domestic water is supplied to communities in the Coachella Valley. The present condition causes sediment to be carried in the water flow in the natural creek bed and deposited in the percolation basins. The current project is to design and construct new intake and conveyance channels to convey imported water to recharge while protecting facilities from future flooding. Also, the project will remove approximately one million cubic yards of silt from five existing ponds.

ANALYSIS

Determining General Plan Conformity

The request is a provision of the California Government Code Section 65401 which requires that capital improvement projects 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 sections of the General Plan to determine if the proposal either conforms or fails to conform to the General Plan.

Land Use Designation

The subject site is located in an area designated in the General Plan Land Use Map as "Open Space – Water". This designation is described in the General Plan Land Use Element, as follows:

Areas designated as Open Space-Water are reserved for flood control or drainage facilities only. Properties under this designation fall within the 100-year flood zone as established by the adoption of Federal Emergency Management Agency (FEMA) flood maps and are subject to sporadic flooding and other hazards in the event of a 100-year flood. No habitable structures are permitted within these areas.

In reviewing CVWD's project proposal, it is deemed to be a flood control facility and thus is consistent with the type of development limited in these areas by the City's General Plan. As a result, staff has concluded that the use may be considered conforming to the Open Space – Water land use designation of the General Plan.

Zoning Analysis:


Section 92.20.00 of the Zoning Code provides regulatory requirements for parcels in the "W" watercourse zone. This section states:

In instances where properties shall be used as floodways, drainage channels, debris basins, and other flood protection facilities, or where information is not available or is not sufficiently accurate, a designation of "W" without suffix shall be used.

The CVWD project is located in the W zone. The proposed project includes improvements to the existing debris or percolation basin in the Whitewater River floodplain. Section 92.20.03 of the Zoning Code provides guidance for development standards for projects in the W zone; however in this case, the proposed project is not a habitable structure, but rather a non-habitable water flow control structure. The project will be designed consistent with standard civil engineering practices and for structural loading appropriate to the flows and hydrostatic loads imposed by the projected maximum water flows.

CONCLUSION

Based on the analysis above, staff has concluded that the proposed project conforms to the City's General Plan. A draft resolution in support of this conclusion is attached.



Edward Robertson
Principal Planner



M. Margo Wheeler, AICP
Director of Planning Services

Attachments

- Draft Planning Commission Resolution
- Letter from CVWD, dated August 13, 2013
- California Government Code Section 65401

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS FINDING THAT TWO PROPOSED CVWD PROJECTS CONFORM TO THE 2007 PALM SPRINGS GENERAL PLAN.

WHEREAS, the City of Palm Springs has a General Plan which it adopted in 2007 by City Council Resolution 22077, which identifies the land uses within the Whitewater River Floodplain as Open Space - Water; and

WHEREAS, the Open Space - Water Land Use Designation is described in the General Plan, as follows:

"Areas designated as Open Space-Water are reserved for flood control or drainage facilities only. Properties under this designation fall within the 100-year flood zone as established by the adoption of Federal Emergency Management Agency (FEMA) flood maps and are subject to sporadic flooding and other hazards in the event of a 100-year flood. No habitable structures are permitted within these areas"

and,

WHEREAS, California Government Code Section 65401 requires that the Palm Springs Planning Commission review proposed capital improvement projects proposed by other agencies within the legislative boundaries of the City, and consider a Finding of Conformity with the adopted General Plan for the proposed projects; and

WHEREAS, on August 16, 2013, the City received a request from the Coachella Valley Water District (CVWD), for a finding of conformity with the City's General Plan of the CVWD's proposal to design and construct new intake and conveyance channels to convey imported water to recharge while protecting facilities from future flooding; and

WHEREAS, the site is located in an area designated in the General Plan Land Use Map as "Open Space - Water"; and

WHEREAS, in reviewing CVWD's project proposal, it is deemed to be a flood control facility and thus is consistent with the type of development limited to this land use area by the City's General Plan; and

WHEREAS, Section 92.20.00 of the Zoning Code provides regulatory guidance for parcels in the "W" watercourse zone. This section states:

In instances where properties shall be used as floodways, drainage channels, debris basins, and other flood protection facilities, or where information is not available or is not sufficiently accurate, a designation of "W" without suffix shall be used.

The CVWD project is located in the W zone. The proposed project includes a flood protection facility and improvements to the Whitewater Groundwater Replenishment Facility improvement. Section 92.20.03 provides guidance for development standards for projects in the W zone, however in this case the proposed project is not a habitable structure, but rather a non-habitable flood and water flow control structures. This project will be designed to be consistent with standard civil engineering practices and for structural loading appropriate to the flows and hydrostatic loads imposed by the projected maximum water flows; and

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

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 following two CVWD capital improvement projects under Case 5.1250:

Design and construction of new intake and conveyance channels to convey imported water to recharge while protecting facilities from future flooding.

ADOPTED this 25th day of September 2013.

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

M. Margo Wheeler, AICP
Director of Planning

Ewing



Established in 1918 as a public agency

Coachella Valley Water District

Directors:

John P. Powell, Jr., President - Div. 3
Franz W. De Klotz, Vice President - Div. 1
Ed Pack - Div. 2
Peter Nelson - Div. 4
Debi Livesay - Div. 5

Officers:

Jim Barrett, Acting General Manager
Julia Fernandez, Board Secretary

Redwine and Sherrill, Attorneys

August 16, 2013

File: 1064.
1150.15

Craig Ewing
Director of Planning
City of Palm Springs
Post Office Box 2743
Palm Springs, CA 92263-2743

Dear Mr. Ewing:

In accordance with the provisions of Section 65403 of the Government Code, the Coachella Valley Water District (CVWD) is pleased to provide its proposed Capital Improvement Program (CIP) for Fiscal Year 2014 and requests a review as to conformity with the adopted general plan.

The Fiscal Year (FY) 2014 CIP was previously submitted to the City on May 21, 2013 as part of CVWD's five-year CIP. Please reference the five-year CIP for the following FY 2014 projects:

Recharge

1. Whitewater Groundwater Replenishment Facility Improvements

If you have any questions, please call Tyler Hull, Utility Coordinator, extension 2571.

Sincerely,

for

Mark L. Johnson
Director of Engineering

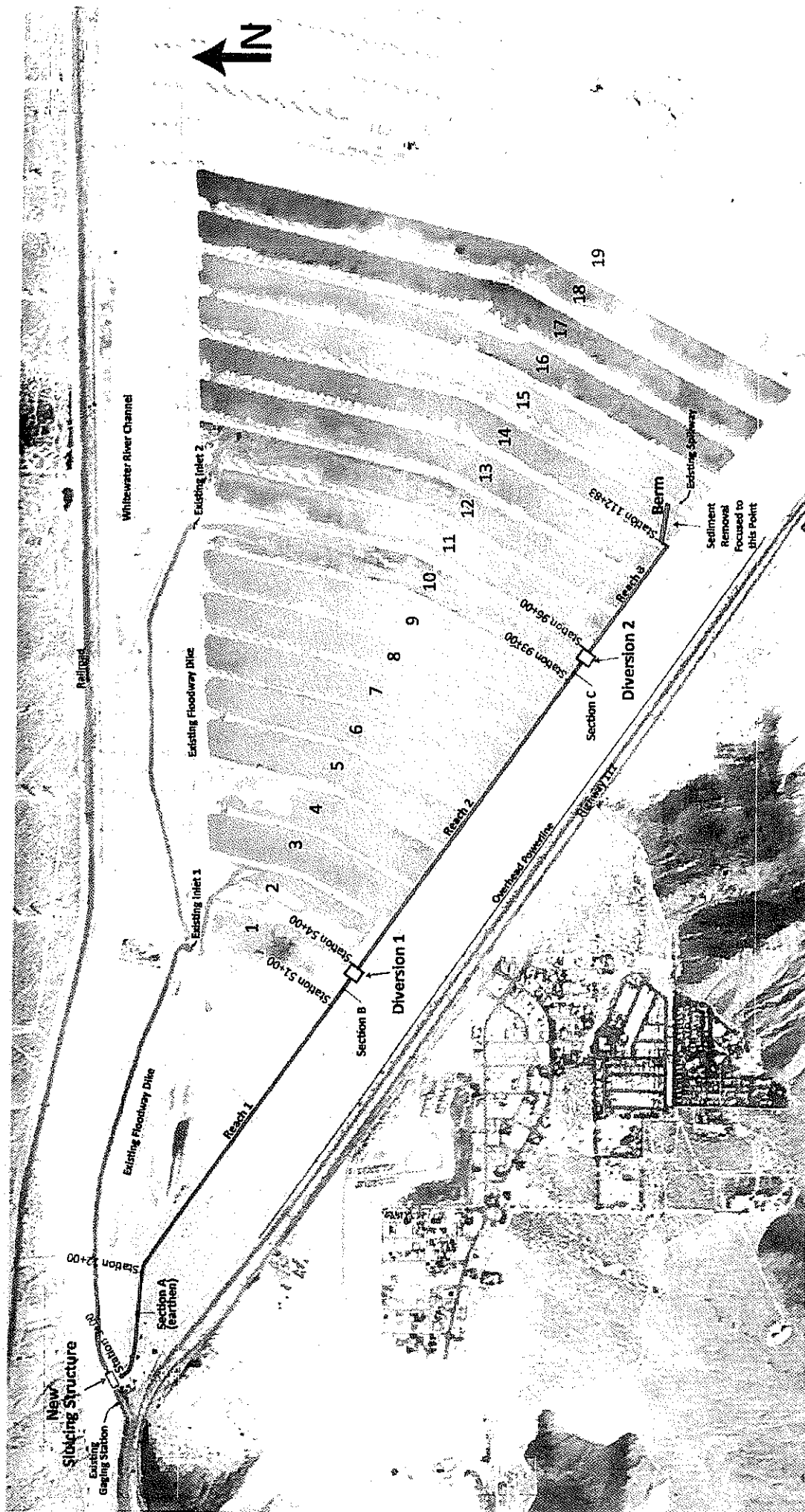
TH:pr/eng/utility/13/CIP 2013-14 City of Palm Springs-Ewing

Rec'd
AUG 21 2013



Planning

5-1220
5-1250



CALIFORNIA GOVERNMENT CODE SECTION 65401

65401. If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.