



CITY COUNCIL STAFF REPORT

DATE: December 4, 2013

PUBLIC HEARING

SUBJECT: PROPOSED CITY COUNCIL ORDINANCE AMENDING PALM SPRINGS MUNICIPAL CODE (SECTIONS 94.02 AND 94.10) TO REQUIRE LAND USE PERMIT NOTIFICATION TO REPRESENTATIVES OF NEIGHBORHOOD ORGANIZATIONS AND CONCURRENT CASE PROCESSING (CASE 5.1312 ZTA)

FROM: David H. Ready, City Manager

BY: M. Margo Wheeler, AICP, Director of Planning Services

SUMMARY

A Code amendment requiring Land Use Permit notification to neighborhood organizations and requiring multiple applications to all be heard by the final approving body is proposed.

RECOMMENDATION:

1. Open the public hearing and receive public testimony;
2. Waive the reading of the ordinance text in its entirety and read by title only; and
3. Introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPH 2 OF SUBSECTION D OF SECTION 94.02.01 OF, AMENDING PARAGRAPHS 1.b AND 10 OF SECTION 94.09.00 OF, AND ADDING SECTION 94.12.00 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO PROVISION OF ELECTRONIC NOTICE TO NEIGHBORHOOD ORGANIZATIONS OF PENDING LAND USE PERMITS AND CONCURRENT REVIEW OF ALL PERMITS AND ENTITLEMENTS RELATED TO EACH PENDING PROPOSED DEVELOPMENT PROJECT."

PREVIOUS ACTIONS:

On November 13, 2013, the Planning Commission held a public hearing on this matter. The Planning Commission voted to recommend approval of the amendments as presented.

ITEM NO. 1A

ANALYSIS


As part of the expanded notification processes being undertaken at this time, staff is seeking additional opportunities for neighborhoods to be informed of projects in their area. Land Use Permits (LUP's) currently only require administrative review. Currently the types of uses allowed by LUP include temporary parking areas, circus, carnivals, seasonal sales such as pumpkins and trees, daycare and similar types of uses. Within individual zones there are additional uses that may be approved by LUP. The proposed change adds notification via e-mail to neighborhood organizations within 1/2 mile of the proposed site so if there are neighborhood issues they may be brought to the attention of city staff.

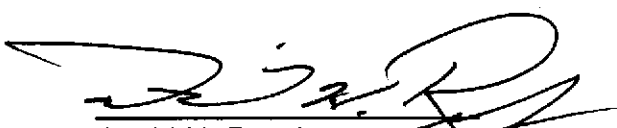
Also, a new section of the code regarding procedures is proposed to be added to ensure that all cases that are submitted together as part of one project are processed together through to City Council. By current code, for example, if a project has a GPA, Rezone, CUP and Major Architecture, only the first two go through to the City Council. The latter two only go to the Planning Commission and are not heard unless they are appealed.

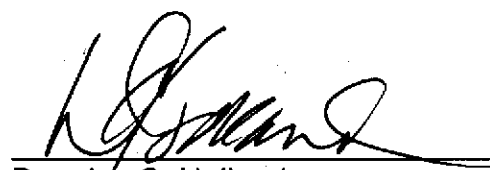
With this text amendment all cases will be brought forward together for consideration. The City Council will have the opportunity to review all aspects of a case together at one time.

ENVIRONMENTAL DETERMINATION

The City of Palm Springs, in its capacity as the Lead Agency, under the California Environmental Quality Act (CEQA) has determined that the proposed zoning code text amendment is Categorically Exempt under Section 15305 of the State CEQA Guidelines. The proposed amendments would provide for a minor alteration of the land use limitations in the City's land use regulations, but would not increase land use densities or intensities.


M. Margo Wheeler, AICP
Director of Planning Services


David H. Ready
City Manager


Douglas C. Holland
City Attorney

Attachments:
Ordinance No.
November 13, 2013 Planning Commission Meeting Minutes

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPH 2 OF SUBSECTION D OF SECTION 94.02.01 OF, AMENDING PARAGRAPHS 1.b AND 10 OF SECTION 94.09.00 OF, AND ADDING SECTION 94.12.00 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO PROVISION OF ELECTRONIC NOTICE TO NEIGHBORHOOD ORGANIZATIONS OF PENDING LAND USE PERMITS AND CONCURRENT REVIEW OF ALL PERMITS AND ENTITLEMENTS RELATED TO EACH PENDING PROPOSED DEVELOPMENT PROJECT.
(Case 5.1312 ZTA)**

City Attorney Summary

The Palm Springs Municipal Code provides for informal notice to neighborhood organizations of pending land use applications. This ordinance will require electronic notice to designated representatives of neighborhood organizations at least 10 days in advance of decisions. The Palm Springs Municipal Code has varied hearing requirements for various zoning and subdivision permits and entitlement. This Ordinance will require concurrent processing of all applications required of each project.

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

Section 1. Paragraph 2 of Subsection D of Section 94.02.01 of the Palm Springs Municipal Code is amended to read:

2. Notice of the land use permit application will be sent via electronic mail to the representative or representatives listed on the City's Neighborhood Organization web page for each neighborhood organization within one-half mile of the subject site at least ten (10) days prior to approval, approval with conditions, or denial of the application.

Section 2. Paragraph 1.b of Subsection E of Section 94.09.00 is amended to read:

b. If any property within the 500 foot radius as described in Paragraph 1.a is owned by one or more members of the Indian tribe and held in trust by the United States Government, written notice consistent with the provisions of Paragraph 1.a for each such parcel shall be delivered to the Director of Indian Affairs.

Section 3. Paragraph 10 of Subsection F of Section 94.09.00 is amended to read:

10. In the event the project applicant fails to reasonably comply with the on-site posting requirements of this Subsection, the applicable hearing body shall either continue the hearing until the on-site posting requirements have been satisfied or deny the application without prejudice.

Section 4. Section 94.12.00 is added to the Palm Springs Municipal Code to read:

94.12.00 Concurrent Processing

All applications for any permit or entitlement for any property or project as provided in this Chapter and Article 9 of this Code shall be processed, reviewed, and heard concurrently. Notwithstanding any provision to the contrary, the final decision making body shall be the Planning Commission so long as each application for a permit or entitlement is not required to be heard by the City Council or is appealed to the City Council. In the event one or more of the permits or entitlements applied for are required to be heard of the City Council, or in the event of an appeal, the City Council shall be the final decision making body on all applications for the affected property or project.

Section 5. The City Council determines that the proposed zone text amendment (Case 5.1312 ZTA) is 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 amendment proposes only insignificant changes to the title and provides for increased notification for LUP's and requiring concurrent review of cases.

Section 6. 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 AND ADOPTED at a regular meeting of the City Council on the ___ day of _____ 2013, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Stephen P. Pougnet
Mayor

ATTEST:

APPROVED AS TO FORM:

James Thompson
City Clerk

Douglas Holland
City Attorney

5-minute recess allowed to clear the Council Chamber of those leaving after the vote on Item 2A.

2B. APPLICATION BY THE CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT FOR LAND USE PERMIT NOTIFICATION AND CONCURRENT CASE PROCESSING. (CASE 5.1312 ZTA)

Margo Wheeler, AICP, Director of Planning Services, addressed questions from Commissioner Calderine regarding discretionary versus non-discretionary projects and the separation of projects and Commissioner Klatchko regarding the timing of notices regarding a project are sent out and the limit as to when comments can be made by the public.

Chair Donenfeld opened the floor to public comment. As there was none, he closed public comment and moved on to the motion.

ACTION: Approve the Zone Text Amendment (CASE 5.1312 ZTA) as presented. **Motion Commissioner Roberts and seconded by Commissioner Weremiuk and carried 7-0 on a roll call vote.**

3. **UNFINISHED BUSINESS:**
NONE

4. **NEW BUSINESS:**

4A. MICHAEL KING, OWNER FOR A MAJOR ARCHITECTURAL REVIEW OF A NEW 4,537-SQUARE FOOT CUSTOM HOUSE ON A HILLSIDE LOT TO INCLUDE AN ADMINISTRATIVE MINOR MODIFICATION REQUESTING AN INCREASE IN BUILDING HEIGHT AT 2355 MILO DRIVE. (CASE NO. 3.2938 MAJ, & 7.1402 AMM)

Planner Robertson described the project processing and recommended the approval of the project.

Commissioner Roberts had questions regarding a noticing concern to the residence behind the project.

Planner Robertson confirmed that notice had been given and that there was no response from the neighbor.

Commissioner Calderine had questions regarding the sewer connection to the City line.

Engineering Assistant for the City of Palm Springs Felipe Primera responded that there is a cost prohibitive cap on the installation of a sewer line and that the previous home discussed at a prior meeting may have met that cap.

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



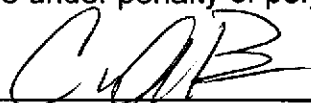
Date: December 4, 2013

Subject: Case 5.1312 ZTA to Amend the PSZC to Require Land Use Permit Notification and Concurrent Case Processing

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 November 23, 2013.

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

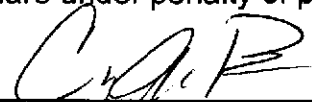


Cynthia A. Berardi, CMC
Deputy City Clerk

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 and on November 20, 2013.

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

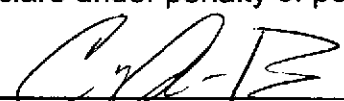


Cynthia A. Berardi, CMC
Deputy City Clerk

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 November 20, 2013, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (6 notices)

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



Cynthia A. Berardi, CMC
Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS
CASE 5.1312 ZTA
APPLICATION BY THE CITY OF PALM SPRINGS
FOR A ZONE TEXT AMENDMENT TO AMEND THE PALM SPRINGS ZONING
CODE, SECTIONS 94.02 AND 94.10 TO REQUIRE LAND USE PERMIT
NOTIFICATION AND CONCURRENT CASE PROCESSING

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting on December 4, 2013. 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 the hearing is to consider Case 5.1312 ZTA, an application by the City of Palm Springs, to amend the Palm Springs Zoning Code, Sections 94.02 and 94.10 to require land use permit notification and concurrent case processing.

ENVIRONMENTAL DETERMINATION: The City of Palm Springs, in its capacity as the Lead Agency, under the California Environmental Quality Act (CEQA) has determined that the proposed zoning code text amendment is Categorically Exempt under Section 15305 of the State CEQA Guidelines.

REVIEW OF INFORMATION: The staff report and other supporting documents regarding this matter are available for public review at City Hall between the hours of 8:00 a.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.

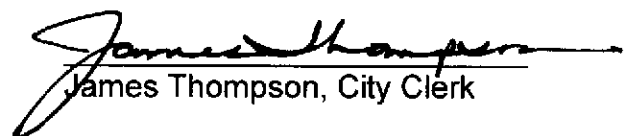
COMMENTS: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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 M. Margo Wheeler, Director of Planning Services, at (760) 323-8245.

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


James Thompson, City Clerk