



City Council Staff Report

DATE: December 18, 2013 CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1834 AMENDING THE PALM SPRINGS ZONING CODE REQUIRING LAND USE PERMIT NOTIFICATION TO REPRESENTATIVES OF NEIGHBORHOOD ORGANIZATIONS AND CONCURRENT CASE PROCESSING (CASE 5.1312 ZTA):

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1834.

RECOMMENDATION:

Waive the reading of the full text of the ordinance and adopt Ordinance No. 1834, "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, THE PALM SPRINGS ZONING CODE RELATING TO PROVISION OF ELECTRONIC NOTICE TO NEIGHBORHOOD ORGANIZATIONS OF PENDING LAND USE PERMITS."

STAFF ANALYSIS:

On December 4, 2013, Ordinance No. 1834 was introduced for first reading, as noted below:

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1834, "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, THE PALM SPRINGS ZONING CODE RELATING TO PROVISION OF ELECTRONIC NOTICE TO NEIGHBORHOOD ORGANIZATIONS OF PENDING LAND USE PERMITS," *amending the ordinance as follows: (i) Section 1 to read the application may be sent, at the discretion of the Director of Planning Services,*

Item No. **2.J.**

and (ii) deleting Section 4 of the ordinance. Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.

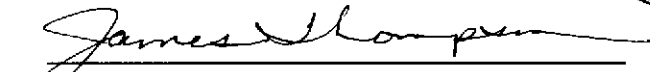
AYES: Councilmembers Foat, Lewin, Mills, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: None.

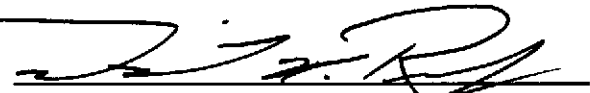
ABSENT: None.

ABSTAIN: None.

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. 1834

ORDINANCE NO. 1834

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPH 2 OF SUBSECTION D OF SECTION 94.02.01 AMENDING PARAGRAPHS 1.b AND 10 OF SECTION 94.09.00 OF, THE PALM SPRINGS ZONING CODE RELATING TO PROVISION OF ELECTRONIC NOTICE TO NEIGHBORHOOD ORGANIZATIONS OF PENDING LAND USE PERMITS.

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, HEREBY 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 may be sent, at the discretion of the Director of Planning Services, 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. 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 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 18TH DAY OF DECEMBER, 2013.

STEPHEN P. POUQUET, 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, hereby certify that Ordinance No. 1834 is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 4th day of December, 2013, and adopted at a regular meeting of the City Council held on the _____ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California