



# CITY COUNCIL STAFF REPORT

DATE: January 15, 2014

PUBLIC HEARING

SUBJECT: PROPOSED ORDINANCE AMENDING PALM SPRINGS ZONING CODE, SECTION 93.21.00, OUTDOOR LIGHTING TO ALLOW NEWER TECHNOLOGY FIXTURE TYPES, SUCH AS LED (LIGHT-EMITTING DIODE) LIGHTING, AND MODIFICATIONS TO STANDARD REQUIREMENTS. (CASE 5.1308 ZTA)

FROM: David H. Ready, City Manager

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

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## SUMMARY

The Council will consider changes to the City's Outdoor Lighting Ordinance to allow LED (light-emitting diode) fixture types. Additionally, the proposed changes will further bring the ordinance into conformance with California Energy Commission Title 24 requirements in accordance with General Plan Action Item CD11.1 from Community Design element.

## 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 adopt Interim Urgency Ordinance No. \_\_\_\_\_, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPHS B.4, C.2, C.6, C.8, AND C.9 OF SECTION 93.21.00 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE INCLUSION OF LED (LIGHT-EMITTING DIODE) LIGHTING AS A PERMITTED LIGHTING FIXTURE TYPE ALLOWED IN THE CITY'S OUTDOOR LIGHTING STANDARDS." (4/5ths Vote Required)
3. Waive the reading of the ordinance text in its entirety and read by title only and introduce Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPHS B.4, C.2, C.6, C.8, AND C.9 OF SECTION 93.21.00 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE INCLUSION OF LED (LIGHT-EMITTING DIODE) LIGHTING AS A PERMITTED LIGHTING FIXTURE TYPE ALLOWED IN THE CITY'S OUTDOOR LIGHTING STANDARDS."

ITEM NO. 16

PREVIOUS ACTIONS:

On December 11, 2013, the Planning Commission held a public hearing on this matter and unanimously voted to recommend approval of the amendments as presented.

BACKGROUND INFORMATION:

The outdoor lighting ordinance was added to the zoning code in the year 2000 (Ordinance 1590). No subsequent amendments have occurred since. The staff report discussed the new ordinance as follows:

**Section 9321.00: OUTDOOR LIGHTING STANDARDS (NEW SECTION)**

This is a proposed new section of the Ordinance that would address outdoor lighting standards. The goal of the regulations are to promote safety while protecting the night skies. The proposed regulations address parking area illumination levels (max. to min. ratio of 16:1, maximum 8 footcandles, average not to exceed 3 footcandles) with the ability for Planning Commission to allow for deviation from the standards. The proposed regulations also address entrance lighting, spillover lighting, lighting height, decorative lighting, hours of operation, and lamp fixture types.

Additionally, lighting is addressed in the Community Design Element of the 2007 Palm Springs General Plan. In this section, there are seven policies and one action item (see attached). The action item states,

**Action**

CD11.1 Review City lighting standards and change as necessary to reflect updates to Title 24 requirements.

In response to requests for LED lighting in off-street parking lots, staff has brought forward the proposed text amendment. These modifications are also necessary to accommodate a recently approved contract to upgrade the Airport parking lot lighting.

ANALYSIS:

Currently, all off-street parking areas must be illuminated by High Pressure Sodium (HPS) fixtures and comply with certain criteria related to foot-candle intensity. No other fixture types are permitted. Staff believes the following changes are appropriate to address changing technology and will allow higher energy efficiency for exterior lighting.

Section 93.21.00 of the Zoning Code is composed of three subsections:

- A. Intent and Purpose.
- B. Exceptions.
- C. Lighting Standards

Below shows existing and proposed ordinance changes:

**B. Exceptions.**

Existing Ordinance	Proposed Ordinance
<p>4. In single family residential zones, fixtures containing lamps emitting less than one thousand eight hundred (1,800) lumens (twenty-six (26) watt for fluorescent lighting, fifty (50) watt for high intensity discharge, and one hundred (100) watt for incandescent) provided the light fixture is fully shielded and properly focused downward to minimize glare and spill light into the night sky and onto adjacent properties and does not exceed a height of fifteen (15) feet;</p>	<p>4. In single family residential zones, fixtures containing lamps emitting less than one thousand eight hundred (1,800) lumens <u>TWENTY (20) WATTS FOR LIGHT EMITTING DIODE (LED) SOURCES</u>, twenty-six (26) watt for fluorescent lighting, fifty (50) watt for high intensity discharge, and one hundred (100) watt for incandescent) provided the light fixture is fully shielded and properly focused downward to minimize glare and spill light into the night sky and onto adjacent properties and does not exceed a height of fifteen (15) feet;</p>

**C. Lighting Standards.**

Existing Ordinance	Proposed Ordinance
<p>2. Entrance Lighting.                      Multi-family residential and nonresidential development shall provide glare-free light fixtures at building entrances and exits. Nonresidential developments shall provide for lighting in accordance with this chapter at all vehicle and pedestrian entrances and on-site vehicle intersections. Entrance lighting may not exceed a height of twelve (12) feet and must be high pressure sodium. In order to promote safety, lighting levels at entrances shall be equal to the average lighting level of the associated parking lot.</p>	<p>2. Entrance Lighting.                      Multi-family residential and nonresidential development shall provide glare-free light fixtures at building entrances and exits. Nonresidential developments shall provide for lighting in accordance with this chapter at all vehicle and pedestrian entrances and on-site vehicle intersections. Entrance lighting may not exceed a height of twelve (12) feet and must be high pressure sodium <u>OR LIGHT EMITTING DIODE SOURCES</u>. In order to promote safety, lighting levels at entrances shall <u>NOT</u> be <u>LESS THAN</u> equal to the average lighting level of the associated parking lot.</p>
<p>6. Hours of Operation.</p> <p>a. All off-street parking areas associated with multifamily residential, commercial and industrial uses shall be illuminated at night. Multifamily residential lighting systems shall provide the full illumination required herein throughout the night hours. Nonresidential uses shall provide the full illumination required during hours the facility is accessible to customers, employees and other users with a maximum of fifty (50) percent of full illumination provided throughout the remainder of night.</p> <p>b. Outdoor lighting used for illumination for walkways, private roadways and streets, equipment yards and outdoor security may remain on all night.</p> <p>c. Outdoor lighting used for outdoor sales or eating areas, assembly or repair areas, signs, recreational facilities and other similar applications, shall be off between the time thirty (30) minutes after the closing of the business and sunrise. Areas which contain approved permanent outdoor storage may be lighted at fifty (50) percent of full illumination.</p>	<p>6. Hours of Operation.</p> <p>a. All off-street parking areas associated with multifamily residential, commercial and industrial uses shall be illuminated at night. Multifamily residential lighting systems shall provide the full illumination required herein throughout the night hours. Nonresidential uses shall provide the full illumination required during hours the facility is accessible to customers, employees and other users with a maximum of fifty (50) percent of full illumination provided throughout the remainder of night. <u>EXTERIOR LIGHTING CONTROL SHALL MEET THE REQUIREMENTS OF THE STATE OF CALIFORNIA TITLE 24.</u></p> <p>b. Outdoor lighting used for illumination for walkways, private roadways and streets, equipment yards and outdoor security may remain on all night.</p> <p>c. Outdoor lighting used for outdoor sales or eating areas, assembly or repair areas, signs, recreational facilities and other similar applications, shall be off between the time thirty (30) minutes after the closing of the business and sunrise. Areas which contain approved permanent outdoor storage may be lighted at fifty (50) percent of full illumination.</p>

<p>8. Permitted Lamp Fixture Types.                  Lighting in parking areas is limited to high pressure sodium. Metal halide may be utilized to light architectural elements and pedestrian walkways.</p>	<p>78. Permitted Lamp Fixture Types.                  Lighting in parking areas is limited to high pressure sodium <u>AND LIGHT EMITTING DIODE (LED) SOURCES</u>. Metal halide <u>AND LED</u> may be utilized to light architectural elements and pedestrian walkways.</p>
<p>9. Tennis Court Lighting.                  Provisions for tennis court lighting are found in Section 93.01.01, Tennis courts.</p>	<p>89. Tennis Court Lighting.                  Provisions for tennis court lighting are found in Section 93.01.01, Tennis courts.</p>

The above modification to exceptions allows for 20-watt LED fixtures, which are comparable in intensity to the other fixture types mentioned, in single-family residential zones. The other modifications will provide for LED options and clean up the numbering of the standards.

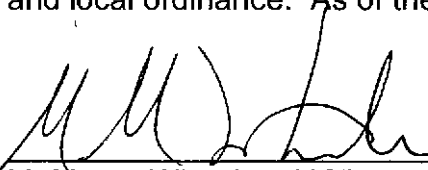
The attached Interim Urgency Ordinance is proposed to allow immediate use of LED in off-street parking areas, including the proposed modifications to the Airport parking lot lighting. The draft Interim Urgency Ordinance and proposed Ordinance include the same amendments to Section 93.21.00 of the Zoning Code.

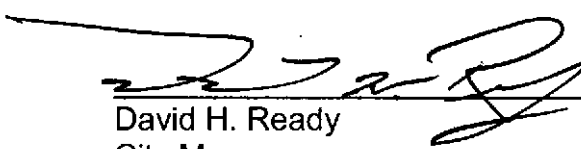
**ENVIRONMENTAL ASSESSMENT**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed Zone Text Amendment has been deemed a "project". Staff has determined that the proposed zone text amendment (Case 5.1308 ZTA) may be deemed 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 additional lighting options that are in compliance with state energy conservation requirements (Title 24).

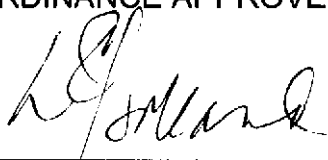
**NOTIFICATION**

A public hearing notice was advertised in accordance with the requirements of State law and local ordinance. As of the writing of this report, staff has not received any comments.

  
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 M. Margo Wheeler, AICP  
 Director of Planning Services

  
 \_\_\_\_\_  
 David H. Ready  
 City Manager

**ORDINANCE APPROVED TO FORM**

  
 \_\_\_\_\_  
 Douglas C. Holland  
 City Attorney

Attachments:

1. Draft Interim Urgency Ordinance
2. Draft Ordinance
3. Community Design Element – Lighting (excerpt)
4. December 11, 2013 Planning Commission Meeting Minutes (excerpt)

ORDINANCE NO. \_\_\_\_\_

**AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPHS B.4, C.2, C.6, C.8, AND C.9 OF SECTION 93.21.00 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE INCLUSION OF LED (LIGHT-EMITTING DIODE) LIGHTING AS A PERMITTED LIGHTING FIXTURE TYPE ALLOWED IN THE CITY'S OUTDOOR LIGHTING STANDARDS. (4/5ths Vote Required)**

***City Attorney Summary***

*This Urgency Ordinance allows the use of Light-Emitting Diode lighting as a permitted fixture type for outdoor use in the City to ensure timely implementation of City energy savings program.*

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:**

**A.** This Urgency Ordinance expressly authorizes the inclusion of LED (light-emitting diode) lighting, a more energy-efficient option to high pressure sodium lights, as a permitted outdoor lighting fixture type while maintaining the existing lighting intensity criteria, standards, and requirements to become effective immediately to ensure the timely implementation of the City's recently approved energy savings program. The Council therefore finds and determines, pursuant to the provisions of Section 312 of the Palm Springs Charter, that this Ordinance promotes and protects the public health, safety, and welfare of the people of the City of Palm Springs and provides for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of land resources.

**B.** The City Council has recently updated its Title 24 requirements with the update of the Building and Fire Codes and consistent with the provisions of Section CD11.1 of the City's General Plan, the City has reviewed its lighting standards and this Ordinance effects changes consistent with such updates.

**C.** The adoption of this Ordinance is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the Council it has determined the adoption of this Ordinance 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 Ordinance only provides insignificant changes to the title and provides additional lighting options that are in compliance with state energy conservation requirements (Title 24).

**D.** A notice of public hearing of the Planning Commission of the City of Palm Springs, California for Case 5.1308 ZTA (Zone Text Amendment) was given in accordance with applicable law and on December 11, 2013, a public hearing before the Planning Commission was held to review this Ordinance, and the Planning Commission reviewed and recommended unanimous approval of the Ordinance.

E. A notice of public hearing of the City Council of the City of Palm Springs, California for Case 5.1308 ZTA (Zone Text Amendment) was given in accordance with applicable law and on January 15, 2014, a public hearing of the City Council was held to review this Ordinance, and the City Council reviewed and considered all of the evidence presented in connection with the hearing on the Ordinance, including, but not limited to, the staff report, and all written and oral testimony presented.

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

Section 1. Paragraph B.4 of Section 93.21.00 of the Palm Springs Municipal Code is amended to read (as an exception from the regulations of Section 93.21.00):

4. In single family residential zones, fixtures containing lamps emitting less than one thousand eight hundred (1,800) lumens (twenty (20) watts for light emitting diode (LED) sources, twenty-six (26) watt for fluorescent lighting, fifty (50) watt for high intensity discharge, and one hundred (100) watt for incandescent) provided the light fixture is fully shielded and properly focused downward to minimize glare and spill light into the night sky and onto adjacent properties and does not exceed a height of fifteen (15) feet;

Section 2. Paragraph C.2 of Section 93.21.00 of the Palm Springs Municipal Code is amended to read:

2. Entrance Lighting.

Multi-family residential and nonresidential development shall provide glare-free light fixtures at building entrances and exits. Nonresidential developments shall provide for lighting in accordance with this chapter at all vehicle and pedestrian entrances and on-site vehicle intersections. Entrance lighting may not exceed a height of twelve (12) feet and must be high pressure sodium or light emitting diode sources. In order to promote safety, lighting levels at entrances shall not be less than equal to the average lighting level of the associated parking lot.

Section 3. Paragraph C.6 of the Palm Springs Municipal Code is amended to read:

6. Hours of Operation.

a. All off-street parking areas associated with multifamily residential, commercial and industrial uses shall be illuminated at night. Multifamily residential lighting systems shall provide the full illumination required herein throughout the night hours. Nonresidential uses shall provide the full illumination required during hours the facility is accessible to customers, employees and

other users with a maximum of fifty (50) percent of full illumination provided throughout the remainder of night. Exterior lighting control shall meet the requirements of the State of California Title 24.

- b. Outdoor lighting used for illumination for walkways, private roadways and streets, equipment yards and outdoor security may remain on all night.
- c. Outdoor lighting used for outdoor sales or eating areas, assembly or repair areas, signs, recreational facilities and other similar applications, shall be off between the time thirty (30) minutes after the closing of the business and sunrise. Areas which contain approved permanent outdoor storage may be lighted at fifty (50) percent of full illumination.

Section 4. Paragraph C.8 of Section 93.21.00 of the Palm Springs Municipal Code is renumbered as Paragraph C.7 (which was not previously referenced in the Code) and is amended to read:

7. Permitted Lamp Fixture Types.

Lighting in parking areas is limited to high pressure sodium and light emitting diode (LED) sources. Metal halide and LED may be utilized to light architectural elements and pedestrian walkways.

Section 5. Paragraph C.9 of Section 93.21.00 of the Palm Springs Municipal Code is renumbered as Paragraph C.8.

Section 6. The City Council hereby declares, on the basis of the findings set forth above, that an emergency exists and that this Ordinance is necessary to preserve the public peace, health, and safety. Accordingly, this Ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption. 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.

PASSED AND ADOPTED at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_ 2014, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Stephen P. Pougnet  
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. \_\_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_ and adopted at a regular meeting of the City Council held on \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California

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*This Ordinance allows the use of Light-Emitting Diode lighting as a permitted fixture type for outdoor use in the City.*

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:**

**A.** This Ordinance expressly authorizes the inclusion of LED (light-emitting diode) lighting, a more energy-efficient option to high pressure sodium lights, as a permitted outdoor lighting fixture type while maintaining the existing lighting intensity criteria, standards, and requirements. Thus, the Council finds that this Ordinance promotes and protects the public health, safety, and welfare of the people of the City of Palm Springs and provides for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of land resources.

**B.** The City Council has recently updated its Title 24 requirements with the update of the Building and Fire Codes and consistent with the provisions of Section CD11.1 of the City's General Plan, the City has reviewed its lighting standards and this Ordinance effects changes consistent with such updates.

**C.** The adoption of this Ordinance is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the Council it has determined the adoption of this Ordinance is 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 Ordinance only provides insignificant changes to the title and provides additional lighting options that are in compliance with state energy conservation requirements (Title 24).

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Section 4. Paragraph C.8 of Section 93.21.00 of the Palm Springs Municipal Code is renumbered as Paragraph C.7 (which was not previously referenced in the Code) and is amended to read:

7. Permitted Lamp Fixture Types.

Lighting in parking areas is limited to high pressure sodium and light emitting diode (LED) sources. Metal halide and LED may be utilized to light architectural elements and pedestrian walkways.

Section 5. Paragraph C.9 of Section 93.21.00 of the Palm Springs Municipal Code is renumbered as Paragraph C.8.

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 \_\_\_\_\_ 2014, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Stephen P. Pougnet  
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. \_\_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_ and adopted at a regular meeting of the City Council held on \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California

## LIGHTING

Lighting is necessary to encourage nighttime activity and ensure pedestrian safety. However, lighting levels should be minimized to help retain the “village” character of the City, to preserve the dramatic views of the night sky, and to conserve energy. In addition, lighting levels should be maintained at a low level to help ensure the success of the Palomar Observatory, located in northern San Diego County.

The California Energy Commission’s Title 24 presents lighting and energy standards for the State. The majority of properties in Palm Springs fall within Lighting Zones 1 and 2. Typically, Zone 1 consists of properties that are government designated parks, recreation areas, and wildlife preserves. Zone 2 is comprised of areas designated as rural by the 2000 US Census. City lighting standards should be updated to reflect the new requirements for these zones and should be applied to new projects and significant alterations to existing projects.

### GOAL CD11:

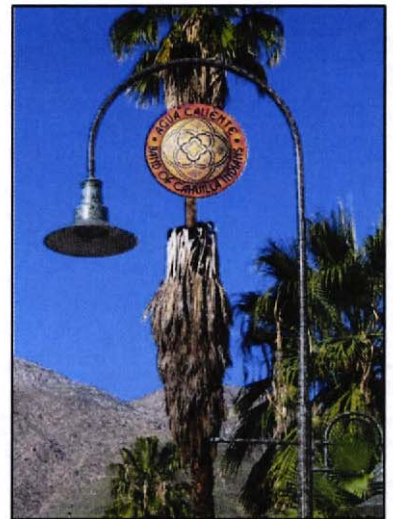
Utilize low lighting levels to emphasize the “village” character of the community and to minimize light pollution in the Coachella Valley.

#### Policies

- CD11.1 Use illumination levels that are appropriate to the activity level or the size of the area.
- CD11.2 Encourage the use of unifying and visually pleasing lighting fixtures throughout the City and on private property.
- CD11.3 Encourage the incorporation of lighting into signage design when appropriate. Such lighting should be designed to minimize glare and lighting spillage while accentuating the design of the signage. Spot, back-lit, and downward-facing lighting fixtures and internal illumination features are preferred methods of signage lighting.



*Lighting elements should be incorporated into commercial signage when appropriate. Downward-facing lighting elements, such as those above, reduce nighttime glare and spillage of light onto adjacent properties.*



*Lighting fixtures in Section 14 incorporate signage into their design.*

**Night Sky Ordinance:** Cities in the Coachella Valley have recognized the need to minimize light pollution and protect the night sky. An unpolluted desert night sky provides valuable opportunities for research at the Palomar Observatory and adds to the desert oasis image of the region. To protect the night sky, Palm Springs passed a night sky ordinance that limits light pollution.

- CD11.4 Require that outdoor light fixtures used for flood lighting, general illumination, or advertisement be fully shielded and properly focused to minimize glare and spill light into the night sky and onto adjacent properties.
- CD11.5 Limit street lighting to safety lighting at intersections of streets designated as collectors or larger. The intensity of light should be related to the street classification, surrounding land uses, and traffic volumes.
- CD11.6 Encourage that outdoor lighting, other than that used for safety and security, be turned off or lighting levels reduced to conserve energy when the area, business, or activity is not open to the public or otherwise in use.
- CD11.7 Ensure that new projects and significant alterations to existing projects meet Title 24 outdoor lighting zone standards and energy conservation in lighting.

**Action**

- CD11.1 Review City lighting standards and change as necessary to reflect updates to Title 24 requirements.

**GATHERING PLACES**



*Outdoor dining areas create pleasant places to socialize and relax. They enliven the streetscape and are recommended in pedestrian-oriented areas, when appropriate.*

Gathering places can take on many different forms. They range from large recreational facilities and open spaces to public plazas to pedestrian-oriented commercial areas. Gathering places serve as hubs of activity within the community and provide opportunities for large public events as well as day-to-day interactions with other members of the community. Gathering places can be public areas (such as streets, parks, and plazas), privately owned but publicly accessible areas (such as commercial centers), or privately owned and restricted spaces (such as open spaces within private developments that are restricted to that project's residents or authorized users). It is important that all types of gathering places are designed to provide cool, shady, and comfortable areas for people to relax and interact with others in the community. High-quality gathering places can dramatically improve the quality of life in the City.

REV. WILLIAM GODWIN, read an article regarding religious institutions that can be a part of the downtown area; it's important to give tourists a place to worship to make it a better community.

REV. HANK BATES, commented that churches are all very different and churches are protected by the State and can be anywhere by-right.

There being no further appearances the public hearing was closed.

Commissioner Roberts discussed using a LUP versus a CUP; noting that it seems like all places of assembly (not only churches) have an impact on the surrounding neighborhood. The CUP is a good filter to give nearby residents the opportunity to come and tell the Commission why they like the use or not.

Chair Donenfeld concurred with Commissioner Roberts but has a concern with religious institutions in the CBD and is not certain if it is federally mandated to allow religious institutions in the CBD zone.

Commissioner Calderine commented that he is uncomfortable moving these types of uses and feels that requiring CUP's for churches would make it a democratic process for all.

Director Wheeler indicated that if the Commission felt comfortable with religious institutions in the CBD with CUP then the other assembly uses permitted by-right could also be required to be with CUP.

**ACTION:** Adopt the attached draft resolution recommending approval of the subject Zone Text Amendment with studios, libraries, convention centers, movie theaters, museums, health clubs and religious institutions all requiring Conditional Use Permits in the CBD and other zone changes, as presented to the City Council.

**Motion:** Commissioner Weremiuk, seconded by Vice Chair Hudson and carried 6-1-0 on a roll call vote.

**AYES:** Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice Chair Hudson, Chair Donenfeld

**NOES:** Commissioner Calderine

2F. CITY OF PALM SPRINGS PROPOSAL TO AMEND THE PALM SPRINGS ZONING CODE (PSZC), SECTION 93.21.00 OUTDOOR LIGHTING STANDARDS, TO ALLOW NEWER TECHNOLOGY FIXTURE TYPES, SUCH AS LED (LIGHT-EMITTING DIODE) LIGHTING, AND CONSIDER MODIFICATIONS TO STANDARD REQUIREMENTS. (CASE 5.1308 ZTA). (DN)



Director Wheeler provided a recap of the proposed zone text amendment.

Chair Donenfeld opened the public hearing and with no appearances coming forward the public hearing was closed.

**ACTION:** Adopt the attached draft resolution recommending approval of the subject Zone Text Amendment to the City Council. Motion Commissioner Weremiuk, seconded by Vice Chair Hudson and unanimously carried on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice Chair Hudson, Chair Donenfeld

**28. CITY OF PALM SPRINGS PROPOSAL TO AMEND THE PALM SPRINGS ZONING CODE (PSZC) TO ALLOW CLASS 1 HISTORIC STRUCTURES TO BE OCCUPIED WITH NEW USES NOT PROVIDING ADDITIONAL PARKING. (CASE 5.1309 ZTA). (MW)**

Director Wheeler presented the proposed project as outlined in the staff report.

Chair Donenfeld opened the public hearing portion of the meeting:

DAVID CHRISTIAN, commented that he thinks this zone text amendment is brilliant and it would be very significant to many of his clients who own historic properties.

There being no further appearances the public hearing was closed.

Commissioner Calerdine noted that this may cause parking problems in the long-run but would still vote in favor of it.

**ACTION:** Adopt the attached draft resolution recommending approval of the subject Zone Text Amendment to the City Council. Motion Commissioner Roberts, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice Chair Hudson, Chair Donenfeld

**PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:**

Commissioner Calerdine asked about the status of updating the Zoning Code to make it consistent with the General Plan.

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



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Date: January 15, 2014


Subject: Case 5.1308 ZTA

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**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 December 25, 2013.

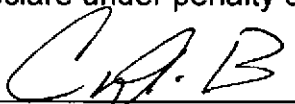
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
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 December 23, 2013.

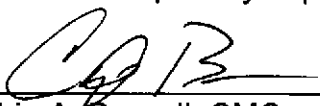
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
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 December 23, 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 5.1308 ZTA  
APPLICATION BY THE CITY OF PALM SPRINGS  
FOR A ZONE TEXT AMENDMENT TO MODIFY  
OUTDOOR LIGHTING STANDARDS

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of January 15, 2014. 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 5.1308 ZTA, an application by the City of Palm Springs, to amend the Palm Springs Zoning Code (PSZC) to allow newer technology fixture types, such as LED (light-emitting diode) lighting, and consider modifications to the lighting standard requirements (Section 93.21.00 of the PSZC).

**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 Categorical 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.

**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.

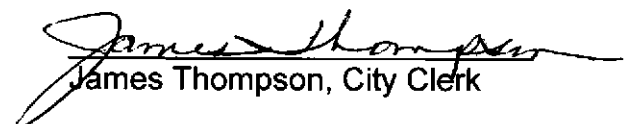
**COMMENTS:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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 David A. Newell, Associate Planner, 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