



CITY COUNCIL STAFF REPORT

DATE: JANUARY 15, 2014

PUBLIC HEARING

SUBJECT: CITY OF PALM SPRINGS AMENDMENT TO THE PALM SPRINGS ZONING CODE (PSZC) TO ADD DEFINITIONS AND TO AMEND ALL COMMERCIAL ZONING CLASSIFICATIONS REGARDING CHURCHES AND ALL OTHER PLACES OF ASSEMBLY AS REQUIRING CONDITIONAL USE PERMITS IN THE CBD ZONE AND ALLOW INITIATION OF AMENDMENTS BY STAFF.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The proposed text amendment allows for churches to be located in additional appropriate zones and to be allowed by-right in additional zones. Also, an allowance for staff-initiated amendments is proposed.

RECOMMENDATION:

1. Open the public hearing and receive testimony.
2. Waive the reading of the ordinance text in its entirety and read by title only.
3. Introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION B OF SECTION 91.00.10, SUBSECTION C OF SECTION 92.08.01, SUBSECTIONS A AND D OF SECTION 92.09.01, SUBSECTION C OF SECTION 92.10.01, SUBSECTION A OF SECTION 92.11.01, SUBSECTION A OF SECTION 92.12.01, SUBSECTION A OF SECTION 92.14.01, SUBSECTION A OF SECTION 92.15.01, PARAGRAPH 1 OF SUBSECTION C OF SECTION 92.13.01, AND PARAGRAPH 1 OF SUBSECTION A OF SECTION 94.01.01, OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING A DEFINITION FOR "RELIGIOUS INSTITUTIONS" AND ESTABLISHING RELIGIOUS INSTITUTIONS AS A USE PERMITTED AS A MATTER OF RIGHT, CONDITIONAL USE PERMIT, OR LAND USE PERMIT IN SPECIFIED ZONES, REQUIRING A CONDITIONAL

ITEM NO. 1E

USE PERMIT FOR ALL ASSEMBLY USES IN THE CBD ZONE, AND AUTHORIZING INITIATION OF ZONING CODE AMENDMENT BY THE DIRECTOR OF PLANNING SERVICES.

PREVIOUS ACTIONS:

The City Council voted to initiate the church zone text amendment on October 2,

2013. The Planning Commission voted to initiate the initiation amendment on September 25, 2013. The Planning Commission voted to recommend 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 on December 11, 2013.

STAFF ANALYSIS:

The code currently allows many places of assembly in our various zoning categories.

The land use distinction regarding churches is that they are places of assembly. Churches are currently allowed with CUP in R1, RGA, R2, R3, R4, CSC, C1, HC and M1P zones. They are also allowed by right in the C2, CM, M1, M2 and A zones.

TABLE 1

CHURCHES

Zone	Current Code	Original Request	PC Action / Staff Recommendation
P	Not Allowed	LUP	LUP
CBD	Not Allowed	Not Allowed	CUP
CDN	Not Allowed	By-Right	LUP
CSC	CUP	By-Right	By-Right
C1	CUP	By-Right	By-Right
C1AA	Not Allowed	By-Right	LUP
C2	By-Right		
HC	CUP	By-Right	By-Right

CM	By-Right		
M1P	CUP	By-Right	By-Right
M1	By-Right		
M2	By-Right		
A	By-Right		

- P = Professional
- CBD = Central Business District
- CDN = Designated Neighborhood Shopping Zone
- CSC = Community Shopping Center Zone
- C-1 = Retail Business Zone
- C-1AA= Large Scale Retail Commercial Zone
- C-2 = General Commercial
- HC = Highway Commercial
- CM = Commercial Manufacturing Zone
- M-1-P = Planned Research and Development Zone
- M-2 = Manufacturing Zone
- A = Airport Zone
- CUP = Permitted With a Conditional Use Permit
- LUP = Permitted With a Land Use Permit

The Planning Commission was asked by the City Council to consider if zones where churches and other places of assembly are requested to be or are allowed by right, whether all of these uses might better be required to go through an LUP or CUP process. The issue of consistency of review among similar uses is important.

At the December 11, 2013 meeting the Planning Commission voted to recommend that religious institutions and other places of assembly - studios, libraries, museums, theaters and health clubs - be allowed in the CBD with a CUP.

As a reminder, CUP's require a public hearing and the following summarized findings:

- that the use is in harmony with the various elements of the General Plan and is not detrimental to existing uses or future permitted uses in the zone;
- that the site is adequate in size to accommodate all necessary requirements;
- that conditions to be imposed protect the public health, safety and welfare.
- Conditions may include regulations of use, such as hours of operation and limitation of activities, etc.

Land Use Permits are not public hearings, but are similar in that the purpose is to provide a means to review the impact of proposed land uses and impose necessary

conditions to insure compatibility with adjacent properties and the neighborhood. An LUP is less costly and does not require any notification. The director may determine that Planning Commission review is necessary and place the matter on the Planning Commission agenda. Director's decisions may be appealed to the Planning Commission, as Planning Commission decisions may be appealed to the City Council.

There are no specific findings necessary to be made for approval of LUP's except for the general compatibility provision.

Staff has prepared two charts showing existing uses and allowances. One chart has uses allowed by various zoning and the other lists each zone with its allowed uses.

**TABLE 2
 EXISTING ZONE TYPES OF BUSINESS**

ZONE	BY-RIGHT	Land Use Permit (LUP)	Conditional Use Permit (CUP)
	Studios, Libraries, Museums	Child Care	Health Clubs, Restaurants
CBD	Studios, Libraries, Convention Center, Movie Theaters, Museums, Health Clubs	Art School, Child Care, Restaurants, Festivals	Beer Garden, Discotheques, Nightclubs, Video Arcades, Meeting Halls, Private Clubs, Commercial Recreation
CDN	Health Clubs	Child Care, Festivals	Video Arcades, Nightclubs
CSC	Health Clubs, Bowling Alleys, Theaters	Child Care, Festivals, Business Schools, Recreation Centers, Video Arcades, Nightclubs	CHURCHES*

C1	Studios, Art Schools, Health Clubs, Libraries, Museums, Private Clubs, Restaurants, Theaters	Child Care, Festivals, Restaurants	<u>CHURCHES</u> , Cocktail Lounges, Convention Centers, Meeting Halls, Video Arcades
C1AA	Studios, Health Clubs, Theaters	Child Care, Festivals, Restaurants	Cocktail Lounges, Video Arcades
C2	Studios, Art Schools, Health Clubs, Libraries, Museums, Private Clubs, Restaurants, Theaters, <u>CHURCHES</u> , Meeting Halls, Convention Center, Business Schools	Child Care, Festivals	All C1 CUP's
HC	Studios, Art Schools, Health Clubs, Libraries, Museums, Private Clubs, Restaurants, Theaters, <u>CHURCHES</u> , Meeting Halls, Convention Center, Business Schools		All C1 CUP's
CM	Studios, Art Schools, Health Clubs, Libraries, Museums, Private Clubs, Restaurants, Theaters, <u>CHURCHES</u> , Meeting Halls, Convention Center, Business Schools, Trade Schools	Meeting Halls, Child Care	Cocktail Lounges
M1P	Athletic Clubs, Restaurants	Child Care, Restaurants in M/U	M1 Uses

M1	Studios, Art Schools, Health Clubs, Libraries, Museums, Private Clubs, Restaurants, Theaters, CHURCHES, Meeting Halls, Convention Center, Business Schools, Trade Schools, Athletic Clubs, Restaurants	Nightclubs, Video Arcades	
M2	Studios, Art Schools, Health Clubs, Libraries, Museums, Private Clubs, Restaurants, Theaters, CHURCHES, Meeting Halls, Convention Center, Business Schools, Trade Schools, Athletic Clubs, Restaurants	Child Care, Restaurants in M/U, Nightclubs, Video Arcades	
A	Studios, Art Schools, Health Clubs, Libraries, Museums, Private Clubs, Restaurants, Theaters, CHURCHES, Meeting Halls, Convention Center, Business Schools, Trade Schools, Athletic Clubs, Restaurants	Video Arcades	
* Free- Standing Only			

Key:

- P = Professional
- CBD = Central Business District
- CDN = Designated Neighborhood Shopping Zone
- CSC = Community Shopping Center Zone

- C-1 = Retail Business Zone
- C-1AA= Large Scale Retail Commercial Zone
- C-2 = General Commercial
- HC = Highway Commercial
- CM = Commercial Manufacturing Zone
- M-1-P = Planned Research and Development Zone
- M-2 = Manufacturing Zone
- A = Airport Zone
- CUP = Permitted With a Conditional Use Permit
- LUP = Permitted With a Land Use Permit

TABLE 3

Zone Breakdown By Business

1= By Right 2=LUP 3=CUP

	P	CBD	CDN	CSC	C1	C1AA	C2	HC	CM	M1P	M1	M2	A
Churches				3**	3		1	3	1		1	1	1
Studios	1	1			1	1	1	1	1		1	1	1
Restaurants	3	2			1,2	2	1	1	1	1,2*	1	1,2*	1
Art School		2			1		1	1	1		1	1	1
Athletic Clubs										1	1	1	1
Beer Garden		3											
Bowling Alley				1									
Business Schools				2			1	1	1		1	1	1
Childcare	2	2	2	2	2	2	2		2	2		2	
Cocktail Lounges					3	3	3	3	3				
Commercial Recreation		3											
Convention Center		1			3		1	1	1		1	1	1
Discotheques		3											
Festivals		2	2	2	2	2	2						
Health Clubs	3	1	1	1	1	1	1	1	1		1	1	1
Libraries	1	1			1		1	1	1		1	1	1
Meeting Halls		3			3		1	1	1	11	1	1	1
Movie Theaters		1		1	1	1	1	1	1		1	1	1
Museums	1	1			1		1	1	1		1	1	1
Nightclubs		3	3	2							2	2	
Private Clubs	3				1		1	1	1		1	1	1
Recreation Centers				2									
Trade Schools											1	1	1
Video Arcades		3	3	2	3	3	3	3	1		2	2	2

*In mixed-use

**Free-standing only

Key:

P	=	Professional
CBD	=	Central Business District
CDN	=	Designated Neighborhood Shopping Zone
CSC	=	Community Shopping Center Zone
C-1	=	Retail Business Zone
C-1AA	=	Large Scale Retail Commercial Zone
C-2	=	General Commercial
HC	=	Highway Commercial
CM	=	Commercial Manufacturing Zone
M-1-P	=	Planned Research and Development Zone
M-2	=	Manufacturing Zone
A	=	Airport Zone
CUP	=	Permitted With a Conditional Use Permit
LUP	=	Permitted With a Land Use Permit

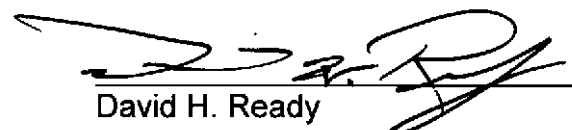
ENVIRONMENTAL ASSESSMENT:

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 5.1306 ZTA) may be deemed 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 amendment proposes only insignificant changes to the title and provides for increased locations for churches and allowing staff to initiate amendments.

FISCAL IMPACT:

No fiscal impact.


M. Margo Wheeler, AICP
Director of Planning Services


David H. Ready
City Manager

Attachments:

1. Draft Ordinance
2. Oct. 23, 2013 Planning Commission Minutes
3. December 11, 2013 Planning Commission Minutes

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION B OF SECTION 91.00.10, SUBSECTION C OF SECTION 92.08.01, SUBSECTIONS A AND D OF SECTION 92.09.01, SUBSECTION C OF SECTION 92.10.01, SUBSECTION A OF SECTION 92.11.01, SUBSECTION A OF SECTION 92.12.01, SUBSECTION A OF SECTION 92.14.01, SUBSECTION A OF SECTION 92.15.01, PARAGRAPH 1 OF SUBSECTION C OF SECTION 92.13.01, AND PARAGRAPH 1 OF SUBSECTION A OF SECTION 94.01.01, OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING A DEFINITION FOR "RELIGIOUS INSTITUTIONS" AND ESTABLISHING RELIGIOUS INSTITUTIONS AS A USE PERMITTED AS A MATTER OF RIGHT, CONDITIONAL USE PERMIT, OR LAND USE PERMIT IN SPECIFIED ZONES, REQUIRING A CONDITIONAL USE PERMIT FOR ALL ASSEMBLY USES IN THE CBD ZONE, AND AUTHORIZING INITIATION OF ZONING CODE AMENDMENT BY THE DIRECTOR OF PLANNING SERVICES.

City Attorney Summary

The current provisions of the City's Zoning Code allow churches in certain zones and do not allow churches in the CBD zone. This Ordinance eliminates the current definition of "churches" and adds a new definition of "religious institutions," expressly allows religious institutions in specified zones either as a matter of right or subject to a land use permit; and allows religious institutions in the CBD zone subject to a conditional use permit. This Ordinance also provides that new assembly uses that were permitted in the CBD zone as a matter of right will now be permitted subject to a conditional use permit. This Ordinance also authorizes the Director of Planning Services to initiate amendments to the text of the City's Zoning Code.

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

A. The adoption of this Ordinance is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the Council 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 proposed zone text amendment only provides insignificant changes to the title and provides for increased locations for religious institutions, including churches, and allows staff to initiate amendments to the City's Zoning Code.

B. A notice of public hearing of the Planning Commission of the City of Palm Springs, California for Case 5.1306 ZTA (Zone Text Amendment) was given in accordance with applicable law and on October 23, 2013 and December 11, 2013,

public hearings of the Planning Commission were held to review this Ordinance, and the Planning Commission reviewed and considered all of the evidence presented in connection with the hearings on the Ordinance, including, but not limited to, the staff report, and all written and oral testimony presented, and recommended approval thereof.

C. A public hearing of the City Council of the City of Palm Springs, California for Case 5.1306 ZTA 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.

D. The Ordinance is consistent with the intent of the Zoning Code, because, according to Section 91.00.00 of the Palm Springs Municipal Code, 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 Ordinance modifies the existing zoning land use categories to allow for expanded opportunities for religious institutions to locate in the City and provides an additional method to initiate amendments.

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

Section 1. Subsection B of Section 91.00.10 of the Palm Springs Municipal Code is amended by deleting the word “Church” as a defined word or term and adding the following definition:

“Religious institution” means any facility operated by religious organizations for worship or the promotion of religious activities, including churches, mosques, synagogues, temples, etc., and religious schools. “Religious institution also includes any ancillary uses on the same site, such as living quarters for ministers and staff, and child day care facilities accessory to the religious facility itself. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals, and other potentially related operations (for example, a recreational camp) are classified according to their respective activities.

Section 2. Subsection C of Section 92.08.01 of Palm Springs Municipal Code is amended by adding “Religious institutions” as a use permitted by land use permit in the P Zone.

Section 3. The following uses are (1) deleted from Subsection A of Section 92.09.01 of the Palm Springs Municipal Code as uses permitted in the CBD Zone and (2) added to Subsection D of Section 92.09.01 of the Palm Springs Municipal Code as uses permitted by conditional use permit in the CBD Zone:

Artist studios
Convention centers
Libraries
Movie theaters
Museums
Photographic studios
Slenderizing salon, health clubs, athletic clubs
Theaters, legitimate stage

Section 4. Subsection C of Section 92.10.01 of the Palm Springs Municipal Code is amended by adding "Religious institutions" as a use permitted by land use permit in the CDN Zone.

Section 5. Subsection A of Section 92.11.01 of the Palm Springs Municipal Code is amended by adding "Religious institutions" as a use permitted in the CSC Zone.

Section 6. Subsection A of Section 92.12.01 of the Palm Springs Municipal Code is amended by adding "Religious institutions" as a use permitted in the C-1 Zone.

Section 7. Paragraph 1 of Subsection C of Section 92.13.01 of the Palm Springs Municipal Code is amended by adding "Religious institutions" as an indoor use permitted by land use permit in the C1AA Zone.

Section 8. Subsection A of Section 92.14.01 of the Palm Springs Municipal Code is amended by adding "Religious institutions" as a use permitted in the C2 Zone.

Section 9. Subsection A of Section 92.15.01 of the Palm Springs Municipal Code is amended by adding "Religious institutions" as a use permitted in the CM Zone.

Section 10. Subsection A of Section 92.16.01 of the Palm Springs Municipal Code is amended by adding "Religious institutions" as a use permitted in the M-1-P Zone.

Section 11. Paragraph 1 of Subsection A of Section 94.07.01 of the Palm Springs Municipal Code is amended by adding subparagraph c to read:

c. The Director of Planning Services may initiate proceedings by written action, submitted to the Planning Commission for public hearing pursuant to the provisions of this Subsection.

Section 12. 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:

James Thompson, City Clerk
City of Palm Springs, California

ACTION: To continue to November 13, 2013 to allow the applicant to mitigate some of the concerns discussed at today's meeting. **Motion Commissioner Roberts seconded by Vice-Chair Hudson and carried 6-0-1 on a roll call vote.**

AYES: Commissioner Calderine, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Vice-Chair Hudson, Chair Donenfeld

NOES:

ABSTAIN: Commissioner Weremiuk

2D. PALM SPRINGS LEGENDS LLC, FOR A CONDITIONAL USE PERMIT FOR A COCKTAIL LOUNGE AT 125 EAST TAHQUITZ CANYON WAY. (CASE 5.1305 CUP).

Principal Planner Robertson presented the proposed project.

Commissioner Weremiuk asked if staff had any concerns with noise spillage onto the street.

Staff responded that noise issues are based on complaints received from concerned citizens and no audio or video speakers are allowed outside.

Chair Donenfeld opened the public hearing:

DICK ADAMS, applicant, provided a brief description of the type of cocktail lounge and described it as a lounge of "days gone by" and was available for questions from the Commission.

There being no further appearances, Chair Donenfeld closed the public hearing.

ACTION: Approve the permit with conditions. Motion Commissioner Weremiuk seconded by Commissioner Lowe and carried 7-0 on a roll call vote.

2E. CITY OF PALM SPRINGS PROPOSAL TO AMEND THE PALM SPRINGS ZONING CODE TO ALLOW CHURCH USES IN THE P AND C1AA ZONES AND CHANGE ZONES AND CHURCH USES FROM CONDITIONALLY PERMITTED TO BY-RIGHT IN THE CSC, CSC, C-1, C-2, HC, CM, M1P, M1 AND M2 ZONES; AND TO ALLOW THE INITIATION OF CODE AMENDMENTS BY THE PLANNING DIRECTOR (CASE 5.1306 ZTA).

Chair Donenfeld opened the public hearing:

REVEREND ANDREW GREEN, St. Paul in the Desert Episcopal Church, feels it is important for religious institutions who wish to locate downtown to be able to do so.

REVEREND WILLIAM GODWIN, Peace Christian Fellowship Church, supports the statements by Reverend Green.

THOMAS WEILER, Inland Congregation, feels it is important to be able to locate downtown and in the CDN and C1AA zone by right.

REVEREND KEVIN JOHNSON, Bloom in the Desert Ministries, United Church of Christ, talked of all the work that has gone into this amendment but that it doesn't go far enough.

DAVID SANGER, Our Savior Community Church, concurred with all comments made.

There being no further appearances, Chair Donenfeld closed the public hearing.

ACTION: Adopt the draft resolution recommending approval to the City Council. **Motion Commissioner Roberts, seconded by Commissioner Calerdine and carried on a 7-0 roll call vote.**

3. NEW BUSINESS:

3A. SOUTH PALM CANYON LLC, FOR A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED MIXED-USE PLANNED DEVELOPMENT CONSISTING OF UP TO 125 CONDOMINIUM UNITS AND APPROXIMATELY 39,000-SQUARE FEET OF RETAIL/COMMERCIAL SPACE ON A 2.67-ACRE SITE LOCATED AT 450-490 SOUTH PALM CANYON DRIVE (CASE 5.1042 PD 311).

Principal Planner Robertson provided an overview of the proposed time extension.

ROBERT HERSCU, managing partner, provided details on the plans for development on this site. He stated that they are moving forward and trying not to redesign the project.

Commissioner Klatchko noted his abstention on this project due to a possible conflict of interest. He had a prior working relationship with the applicant.

ACTION: Approve one-year time extension. **Motion Commissioner Calerdine, seconded by Commissioner Weremiuk and carried 6-0-1 on a roll call vote, with Commissioner Klatchko abstaining.**

3B. WESSMAN DEVELOPMENT FOR A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT CONSISTING OF A 79 LOT SUBDIVISION ON 42.2-ACRES LOCATED ALONG WEST RACQUET CLUB ROAD AND VISTA GRANDE AVENUE. (CASE 5.0996 PD 294).

Principal Planner Robertson presented the time extension request.

Commissioner Klatchko noted that the last speaker raised an issue that had concerned him in the past and asked staff to comment on the elimination of minimum density requirements for residential land use. Ms. Criste responded that she is not familiar with the general plan amendment, however, it is typical for most cities to establish very board ranges for all of their residential land uses.

ACTION: Adopt the negative declaration (ND) and the attached draft resolution and recommend approval to the City Council. Motion Commissioner Klatchko, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

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

Commissioner Roberts asked if the affordable housing is being satisfied through PDD's. Director Wheeler responded that the PDD allows flexibility for development standards.

Commissioner Weremiuk commented that affordable housing costs more money to build and the real problem is the lack of funds available.

2E. CITY OF PALM SPRINGS PROPOSAL TO AMEND THE PALM SPRINGS ZONING CODE (PSZC) TO ADD DEFINITIONS AND TO AMEND ALL COMMERCIAL ZONING CLASSIFICATIONS REGARDING CHURCHES AND ALL OTHER PLACES OF ASSEMBLY AS REQUIRING CONDITIONAL USE PERMITS OR ALLOWED BY-RIGHT AND ALLOW THE INITIATION OF CODE AMENDMENTS BY THE PLANNING DIRECTOR (CASE 5.1306 ZTA) (HW)

Director Wheeler provided background information as outlined in the staff report dated December 11, 2013. She reported that the Planning Commission has been asked by the City Council to consider if zones where churches and other places of assembly are requested to be allowed by-right or whether all of these uses might better be required to go through an LUP or CUP process.

Chair Donenfeld opened the public hearing portion of the meeting:

JUDY DEERTRAC expressed concern with the land use permit process and would like to see a level of review that discusses any commercial project as it relates to its surroundings and neighborhood compatibility.

REV. KEVIN JOHNSON, said the staff report is moving in the right direction, however, it still puts limits on religious uses and does not put them on similar uses such as theater and fraternal clubs. He commented that if religious institutions by-right is not allowed in the downtown area, a CUP or a LUP would acceptable.

REV. WILLIAM GODWIN, read an article regarding that religious institutions 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 Calderline 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 Calderline

~~**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)**~~

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**




Date: January 15, 2014

Subject: Case 5.1306 ZTA

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 5.1306 ZTA
APPLICATION BY THE CITY OF PALM SPRINGS
FOR A ZONE TEXT AMENDMENT FOR CHURCH USES
AND INITIATION OF AMENDMENTS

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 5.1306 ZTA, an application by the City of Palm Springs, to amend the Palm Springs Zoning Code (PSZC) to add definitions and to amend all commercial zoning classifications regarding churches and all other places of assembly as requiring conditional use permits or allowed by-right and to allow the initiation of zoning code amendments by staff.

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.

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