



City Council Staff Report

DATE: September 3, 2014 CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1855, AMENDING SUBSECTION 94.02.01.C. OF THE PALM SPRINGS MUNICIPAL CODE, BY ADDING CHANGES IN USE OF EXISTING BUILDINGS ALONG PALM CANYON AND INDIAN CANYON DRIVES NOT WITHIN THE "D" DOWNTOWN PARKING COMBINING ZONE AS USES SUBJECT TO LAND USE PERMITS AND FOR WHICH CERTAIN PARKING REQUIREMENTS MAY BE WAIVED

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1855.

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1855, "AN ORDINANCE OF CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION 94.02.01.C. OF THE PALM SPRINGS MUNICIPAL CODE, BY ADDING CHANGES IN USE OF EXISTING BUILDINGS ALONG PALM CANYON AND INDIAN CANYON DRIVES NOT WITHIN THE "D" DOWNTOWN PARKING COMBINING ZONE AS USES SUBJECT TO LAND USE PERMITS AND FOR WHICH CERTAIN PARKING REQUIREMENTS MAY BE WAIVED."

STAFF ANALYSIS:


On July 16, 2014, Ordinance No. 1855 was introduced for first reading, as noted below:

Waive the reading of the ordinance text in its entirety and read by title only and introduce Ordinance No. 1855, "AN ORDINANCE OF CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION 94.02.01.C. OF THE PALM SPRINGS MUNICIPAL CODE, BY ADDING CHANGES IN USE OF EXISTING BUILDINGS ALONG PALM CANYON AND INDIAN CANYON DRIVES NOT WITHIN THE "D" DOWNTOWN PARKING COMBINING ZONE AS USES SUBJECT TO LAND USE PERMITS AND FOR WHICH CERTAIN PARKING REQUIREMENTS MAY BE WAIVED."


Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and carried unanimously.

AYES: Councilmembers, Lewin, Mills, and Mayor Pougnet.
NOES: None.
ABSENT: Councilmember Foat and Mayor Pro Tem Hutcheson.

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. 1855

ORDINANCE NO. 1855

AN ORDINANCE OF CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION 94.02.01.C. OF THE PALM SPRINGS MUNICIPAL CODE, BY ADDING CHANGES IN USE OF EXISTING BUILDINGS ALONG PALM CANYON AND INDIAN CANYON DRIVES NOT WITHIN THE 'D' DOWNTOWN PARKING COMBINING ZONE AS USES SUBJECT TO LAND USE PERMITS AND FOR WHICH CERTAIN PARKING REQUIREMENTS MAY BE WAIVED.

City Attorney's Summary

The City's current zoning code requires that changes in use of any existing building will require that the new use comply with the current parking requirements applicable to the new use. This Ordinance allows changes of use of certain existing buildings along Palm Canyon and Indian Canyon Drives, not within the "D" Downtown Parking Combining Zone to be approved pursuant to the City's land use permit process and waive all or a portion of such additional parking requirements.

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

- A. The proposed amendment is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the proposed amendment be determined to be Categorically Exempt from the provisions of CEQA under Section 15301 (Existing Structures) of the Guidelines for the California Environmental Quality Act because the proposed zone text amendment proposes only insignificant changes to the title and only provides for relatively minor intensification of use without additional parking for certain properties within a defined area of the City.
- B. A notice of public hearing of the City Council of the City of Palm Springs, California for Case 5.1343 ZTA (Zone Text Amendment) was given in accordance with applicable law.
- C. On July 16, 2014 a public hearing of the City Council was held to review said case, and at said hearing the City Council reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.
- D. Pursuant to PSZC Section 94.07.01 (Zoning Ordinance Text Amendment), the City Council finds as follows:
1. The proposed zoning code amendment is consistent with the intent of the zoning code, because, according to Section 91.00.00, 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

2. The proposed zoning code amendment is consistent with the intent of the general plan, because, the General Plan goals include:

Goals

LU 4 Attract and Retain high-quality sustainable commercial development

LU 1 Establish a balanced pattern of land uses that complements the pattern and character of existing uses, offers opportunities for the intensification of key targeted sites, minimizes adverse environmental impacts and has positive economic results.

Policies

CD 30.3 Encourage retail uses that maintain extended evening hours and support nighttime activity.

LU 1.5 Allow for flexible development standards provided that the potential benefits and merits of projects can be balanced with potential impacts.

LU 1.4 Encourage the expansion of existing facilities or the introduction of new uses that are considered to be of significant importance and constitute exceptional benefits to the city.

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

Section 1. Sub-Paragraph f is added to Paragraph 94.02.01.C.2 of the Palm Springs Municipal Code to add the following use as a use permitted by a land use permit:

f. A change of use for an existing commercial/retail building on property with frontage on Palm Canyon Drive (including East Palm Canyon Drive and South Palm Canyon Drive) or Indian Canyon Drive, will be eligible for a waiver of all or a portion of additional parking that would otherwise be required for such change of use so long as:

- i. The property is not within a Planned Development District;
- ii. The property is not more than three acres in total area;
- iii. The existing building is less than 20,000 square feet; and
- iv. The property is not within “D” downtown parking combining zone; and
- v. The building existed prior to October 3, 2014.

Section 2. 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 (3) days after passage.

PASSED, APPROVED, AND ADOPTED this 3rd day of September 2014.

STEPHEN P. POUCKET, 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. 1855 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on July 16, 2014 and adopted at a regular meeting of the City Council held on September 3, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California