



City Council Staff Report

DATE: March 1, 2017

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1915, ADOPTING A NEGATIVE DECLARATION (ND) AND APPROVING A CHANGE OF ZONE FROM HC (HIGHWAY COMMERCIAL) TO M-2 (MANUFACTURING) AT 19345-19465 NORTH INDIAN CANYON DRIVE

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1915.

RECOMMENDATION:

Waive the second reading of the ordinance text in its entirety and adopt Ordinance No. 1915, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION (ND) AND APPROVING A CHANGE OF ZONE FROM HC (HIGHWAY COMMERCIAL) TO M-2 (MANUFACTURING) FOR AN EXISTING LIGHT INDUSTRIAL DEVELOPMENT LOCATED AT 19345-19465 NORTH INDIAN CANYON DRIVE, SECTION 15 (CASE 5.1401-ZC)."


STAFF ANALYSIS:

On February 15, 2017, Ordinance No. 1915 was introduced for first reading, as noted below:

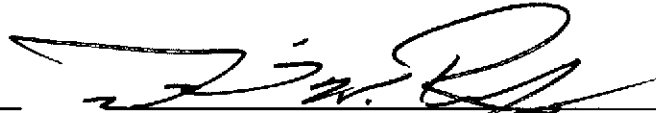
ACTION: 1) Waive reading of the full text in its entirety and introduce on first reading by title only, Ordinance No. 1915, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION (ND) AND APPROVING A CHANGE OF ZONE FROM HC (HIGHWAY COMMERCIAL) TO M-2 (MANUFACTURING) FOR AN EXISTING LIGHT INDUSTRIAL DEVELOPMENT LOCATED AT 19345-19465 NORTH INDIAN CANYON DRIVE, SECTION 15 (CASE 5.1401-ZC)."

Motion by Councilmember Mills, seconded by Councilmember Kors, and unanimously carried (5-0-0) on a roll call vote.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.



Kathleen D. Hart, MMC
Interim City Clerk



David H. Ready, Esq., Ph.D.
City Manager

/cab

Attachment:
Ordinance No. 1915

ORDINANCE NO. 1915

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION (ND) AND APPROVING A CHANGE OF ZONE FROM HC (HIGHWAY COMMERCIAL) TO M-2 (MANUFACTURING) FOR AN EXISTING LIGHT INDUSTRIAL DEVELOPMENT (APN 666-330-051 & 666-330-053) LOCATED AT 19345-19465 NORTH INDIAN CANYON DRIVE, SECTION 15.

- A. WLA Investments Inc, (the "Applicant") has filed an application with the City pursuant to Section 94.07.00 of the Palm Springs Zoning Code for a Change of Zone from Highway Commercial (HC) to Manufacturing (M-2) for a fully developed 7.9-acre property known as the North Village Center located at 19345-19645 North Indian Canyon Drive.
- B. The subject property was constructed in 1995; at that time, the location was under the jurisdiction of the County of Riverside.
- C. A notice of the public hearing of the City Council of the City of Palm Springs, California to consider the proposed change of zone application was given in accordance with applicable law.
- D. On January 25, 2017, a public hearing on the application was held by the Planning Commission in accordance with applicable law.
- E. On January 25, 2017, the Planning Commission adopted Resolution No. 6609, a recommendation to the City Council to approve Case No. 5.1401-CZ.
- F. On February 15, 2017, a public hearing on the application for the project was held by the City Council of the City of Palm Springs.
- G. The proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"); an Initial Study and a Negative Declaration (ND) has been prepared for this project and has been distributed for public review and comment in accordance with CEQA guidelines. The Initial Study / ND conclude that the proposed Change of Zone will not have a significant effect on the environment.
- H. The City Council has carefully 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 presents.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

Pursuant to CEQA, the City Council hereby adopts a Negative Declaration (ND) and finds that the ND adequately discusses and addresses the known environmental issues associated with the proposed Change of Zone, including without limitation, topics such as land use policies, safety, aesthetics, noise effects and traffic impacts relative to Manufacturing zoning designation.

SECTION 2:

Pursuant to Zoning Code Section 94.07.00(A)—*“the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property”*:

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The proposed change of zone is in conformity with the General Plan map and will further support and serve the General Plan Land Uses of the adjacent and surrounding properties. The M-2 zone allows a broader range of permitted uses than the HC zone; the applicant desires more intensive use opportunities that are permitted in the M-2 zone and conforms to the General Plan designation of RBC. The proposed change of zone will not require an amendment of the general plan because the M-2 zoning district is consistent with the purpose of the RBC designation.

2. *The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The existing properties on the site are suited for uses permitted in the proposed M-2 zone; moreover, supporting infrastructures such as roadways and sidewalks already exist in the area as well. The size of the parcel and structures involved are determined to be adequate for manufacturing related uses. The area in which the parcel is located is a zone in which industrial uses are permitted; existing uses that are consistent with the uses permitted in the M-2 zone are already in the location. Therefore, the existing buildings at the site and the parcel are suitable for the uses permitted in the M-2 zone.

3. *The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The proposed change of zone to M-2 is proper at this time; the change will specifically allow the property to be leased out to potential businesses that are appropriate within the M-2 zone. The proposed zone change will not have adverse effects on existing and future surrounding land uses given that properties to the north and west of the site are zoned M-2.

SECTION 3:

Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of Case 5.1401-CZ Change of Zone and a thirty-day waiting period before it is effective allowing the approval of Case 5.1401 CZ.

SECTION 4:

The City Council adopts an ordinance to approve the zone map change which changes the zoning designation from HC (Highway Commercial) to M-2 (Manufacturing) for an existing site containing a business park located at 19345-19465 North Indian Canyon Drive.

SECTION 5:

Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 6:

Publication: The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

PASSED, APPROVED, AND ADOPTED THIS 1ST DAY of MARCH, 2017.

ROBERT MOON, MAYOR

ATTEST:

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, hereby certify that Ordinance No. 1915 is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 15th day of February, 2017, and adopted a regular meeting of the Palm Springs City Council on the 1st day of March, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

KATHLEEN D. HART, MMC
INTERIM CITY CLERK