



# City Council Staff Report

DATE: July 26, 2017

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1930, ADOPTING AN AMENDMENT TO SECTION 93.02.00(B) OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SAFETY ENCLOSURES.

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

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## SUMMARY:

The City Council will consider adoption of Ordinance No. 1930.

## RECOMMENDATION:

Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1930, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN AMENDMENT TO SECTION 93.02.00(B) OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SAFETY ENCLOSURES."

## STAFF ANALYSIS:

On July 19, 2017, Ordinance No. 1930 was introduced for first reading, as noted below:

**ACTION:** 1) Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No. 1930, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN AMENDMENT TO SECTION 93.02.00(B) OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SAFETY ENCLOSURES."

**Motion by Councilmember Roberts, seconded by Councilmember Kors, and unanimously carried on a roll call vote.**

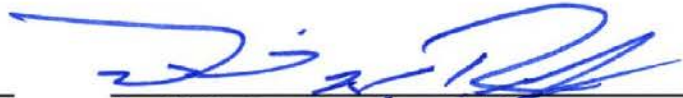
ITEM NO. 1.D.

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



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Kathleen D. Hart, MMC  
Interim City Clerk



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

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Attachment:  
Ordinance No. 1930

ORDINANCE NO. 1930

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN AMENDMENT TO SECTION 93.02.00(B) OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SAFETY ENCLOSURES.

City Attorney Summary

*The proposed ordinance allows an exception to the City's wall height limitations for swimming pool safety enclosures, as required by the California Building Code.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

A. Pursuant to Section 94.07.01 of the Palm Springs Zoning Code (PSZC), the Director of Planning Services is authorized to initiate proceedings and recommend amendments to the Zoning Code.

B. The 2016 California Building Code establishes requirements for swimming pool safety enclosure fencing that is in conflict with PSZC Section 93.02.00, necessitating a change to the City's zoning requirements for perimeter walls.

C. Notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1421 ZTA ("Zone Text Amendment") was given in accordance with applicable law.

D. On June 14, 2017, a public hearing on the proposed Zone Text Amendment was held by the Planning Commission in accordance with applicable law, and after taking public testimony and reviewing all evidence presented in connection with the hearing, the Planning Commission voted 6 to 0 to recommend approval of the proposed ordinance to the City Council.

E. Notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1421 ZTA was given in accordance with applicable law.

F. The proposed Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) pursuant to Section 15060(c)(2) of the State Guidelines, because the Ordinance is directly related to ministerial actions, will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines.

G. On July 19, 2017, a public hearing on the proposed Zone Text Amendment was held by the City Council in accordance with applicable law, and the City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the Zone Text Amendment, including, but not limited to, the staff report, and all written and oral testimony presented.

H. The City Council hereby finds that the proposed Zone Text Amendment would:

1. Align the City's zoning requirements with the 2016 California Building Code;
2. Provide a ministerial process for property owners to comply with the updated Building Code requirements; and
3. Maintain the City's aesthetic standards for perimeter walls.

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

SECTION 1. That the findings and determinations reflected above are true and correct, and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Ordinance.

SECTION 2. Palm Springs Zoning Code (PSZC) Section 93.02.00(B) is hereby amended to read as follows:

B. Security Fencing.

Security fencing, including swimming pool safety enclosure fencing, as required by any governmental agency of jurisdiction shall be permitted, notwithstanding any other provision of this Zoning Code.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY  
COUNCIL THIS 26<sup>TH</sup> DAY OF JULY, 2017.

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ROBERT MOON  
MAYOR

ATTEST:

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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, California, do hereby certify that Ordinance No. 1930 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on July 19, 2017 and adopted at an adjourned regular and special meeting of the City Council held on July 26, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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KATHLEEN D. HART, MMC  
INTERIM CITY CLERK