



City Council Staff Report

DATE: May 18, 2011

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1791, APPROVING CASE 5.1212 CZ, A CHANGE OF ZONE FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING) FOR AN APPROXIMATE 98-ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF KAREN AVENUE AND 19TH AVENUE

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1791.

RECOMMENDATION:

Waive further reading and adopt Ordinance No. 1791, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1212 CZ, A CHANGE OF ZONE FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING) FOR AN APPROXIMATE 98-ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF KAREN AVENUE AND 19TH AVENUE, SECTION 15, APN 666-330-001-7."

STAFF ANALYSIS:

At its May 4, 2011, meeting Ordinance No. 1791 was introduced for first reading "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1212 CZ, A CHANGE OF ZONE FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING) FOR AN APPROXIMATE 98-ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF KAREN AVENUE AND 19TH AVENUE, SECTION 15, APN 666-330-001-7" by the following vote:

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.

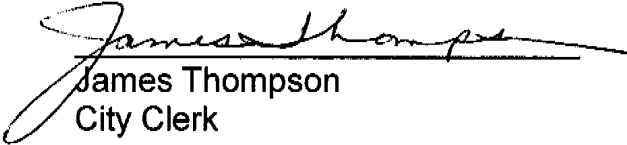
NOES: None.

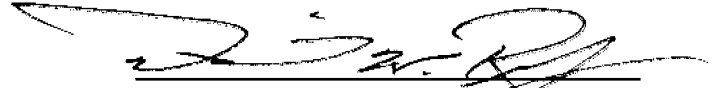
ABSENT: None.

ABSTAIN: None.

ITEM NO. 2.V.

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. 1791

PROPOSED ORDINANCE NO. 1791

AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1212 CZ, A CHANGE OF ZONE FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING) FOR AN APPROXIMATE 98-ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF KAREN AVENUE AND 19TH AVENUE, SECTION 15, APN 666-330-001-7

WHEREAS, On August 14, 2008, Noble & Company (the Applicant) filed an application for a Change of Zone, requesting to change the zoning designation of an approximately 98 acre parcel identified as APN 666-330-001-7 from zone E-I (Energy Industrial) to zone M-2 (Manufacturing); and

WHEREAS, on February 2, 2011, the City issued a Notice of Intent to adopt a Mitigated Negative Declaration (MND). The Initial Study and proposed MND was submitted for a 20-day public comment period beginning on February 8, 2011 and ending on February 27, 2011; and

WHEREAS, all public comments received on the MND were reviewed and written responses were provided, and

WHEREAS, on March 23, 2011, a public hearing to consider Case 5.1212 CZ TPM 36073, was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on March 23, 2011, the Planning Commission adopted Resolution 6189, a recommendation to the City Council to approve Case 5.1212 CZ TPM 36073, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1212 CZ TPM 36073, was given in accordance with applicable law; and

WHEREAS, on May 4, 2011, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, a Change of Zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1212 CZ TPM 36073, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider said Ordinance adopting the Change of Zone and approving the Tentative Parcel Map held by the City Council in accordance with applicable law; and

WHEREAS, at said public hearing the City Council considered Case 5.1212 CZ TPM 36073 Change of Zone, including the staff report, the associated MND, and all written and public testimony related to Case 5.1212 CZ TPM 36073.

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

SECTION 1. Pursuant to CEQA, the City Council hereby adopts the Mitigated Negative Declaration as an adequate analysis of the potential environmental impacts of the proposed Change of Zone and Tentative Parcel map. The City Council further finds that with adoption of the proposed mitigation measures, all potentially significant impacts will be reduced to less than significant impacts.

SECTION 2: Pursuant to Zoning Code Section 94.07.00 –*“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 from E-I to M-2 conforms to the General Plan Land Use Designation of Regional Business Center. The change of zone will permit greater development density because the E-I zone restricts non-WECS uses to 15% of the total lot, whereas the M-2 zone allows up to 60% of the total lot area to be developed with buildings and uses consistent with the zone. This increased density is evaluated in the associated environmental analysis. The proposed change of zone and parcel map are consistent with the policies and goals of the City’s General Plan as follows:

Policy LU12.1 Promote the development of high-quality regional and freeway-serving land uses that generate a sense of place and arrival into the City at the interchanges of Gene Autry Drive and Indian Canyon Drive with I-10

The proposed zone change from E-I to M-2 and Tentative Parcel Map is consistent with this policy because the M-2 zone allows for uses and densities that are complementary and appropriate for this site which is visible from the freeway, adjacent to other M-2 zones and near the interchange of Indian Canyon Drive and the I-10.

Policy LU12-5 Periodically reevaluate the concentration, type, and mix of commercial, office and industrial development that is appropriate and

sustainable adjacent to the freeway.

The proposed change of zone from E-I to M-2 presents an appropriate opportunity for the City to consider the potential to increase the concentration and allowable density for this freeway-fronting parcel.

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 application proposes three (3) lots each of which are conforming to the minimum size and dimensional requirements for the M-2 zone. The area in which the parcels are located is a zone in which industrial uses are permitted and current development patterns are already emerging that are consistent with the uses permitted in the M-2 zone. Therefore, the City Council has concluded that the property and the proposed parcels are suitable for the uses permitted in the proposed 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 change of zone request allows consistency in development patterns and proposed uses that are similar to those in adjacent parcels with the M-2 zone to the east. The parcels are currently undeveloped and by making the change of zone at this time, future development patterns should emerge that are complementary and consistent with one another. There are no residential zones in the vicinity of these parcels. For these reasons, the change of zone is necessary and proper at this time and poses no detrimental impact on adjacent properties.

SECTION 3. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of Case 5.1212 CZ Change of Zone and a thirty-day waiting period before it is effective allowing the approval of Case 5.1212 CZ.

SECTION 4. The City Council adopts an ordinance to approve the zone map change which changes the zoning designation from E-I (Energy-Industrial) to M-2 (Manufacturing) for an approximately 98 acre parcel southeast of the intersection of Karen Avenue and 19th Avenue, in conjunction with Case 5.1212 CZ TPM 36073.

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.

ADOPTED this 4th day of May, 2011.

MAYOR

ATTEST:

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 \