



CITY COUNCIL STAFF REPORT

DATE: May 16, 2012

SUBJECT: INITIATION AND INTRODUCTION FOR FIRST READING OF AN ORDINANCE FOR A ZONE TEXT AMENDMENT FOR THE CIVIC CENTER DISTRICT ZONE AND INITIATION AND INTRODUCTION FOR FIRST READING OF AN ORDINANCE FOR A CHANGE THE ZONE DESIGNATION FOR SEVERAL CITY-OWNED PARCELS FROM THE CURRENT ZONING TO THE CIVIC CENTER DISTRICT / CIVIC USES ZONE.

CASE: 5.1280 ZTA – ZONE TEXT AMENDMENT AND
5.1281 CZ – CHANGE OF ZONE

FROM: David H. Ready, City Manager

BY: Craig Ewing, AICP, Director of Planning Services

SUMMARY

The City Council is requested to initiate a Zone Text Amendment to the Civic Center District Zone, and also a Change of Zone for several City-owned properties changing the current zones to the Civic Center District Zone, as amended. Draft ordinance are offered for introduction (first reading). By initiating and introducing for first reading, the City Council will forward these draft ordinances to the Planning Commission for public hearing prior to returning to the City Council for a public hearing and second reading.

RECOMMENDATION:

1. Initiate and introduce on first reading Ordinance No. ____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 92.23.00, 92.23.01, AND 92.23.02 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO AMENDMENTS TO THE CIVIC CENTER DISTRICT ZONE."

and

2. Initiate and introduce on first reading Ordinance No. ____, "AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF (NUMBER) PARCELS FROM VARIOUS CURRENT ZONING DESIGNATIONS TO CIVIC CENTER DISTRICT (CIVIC USES) ZONE, CASE NO. 5.1281 CZ (CHANGE OF ZONE)"

BACKGROUND:

The City maintains an inventory of parks, parking lots and other lands developed with public uses, facilities and features (see attached list). Presently, these lands are zoned based on

surrounding uses, including commercial, residential and other zones. However, these commercial and other zones do not specifically address or regulate public uses.

In reviewing the City's zoning districts, staff notes that the Civic Center District Zone expressly targets public uses, but is presently focused on the Civic Center area around City Hall. Staff believes that expanding the scope of this zone to encompass other public facilities around the City would more carefully identify and regulate public facilities. Examples include public parking lots, fire stations, the Plaza Theater, the Welwood Murray Memorial Library. Excluded would be parks, open spaces uses and the Palm Springs International Airport, which all have zones suited to their regulation and use.

Staff is recommending that the City Council modify the Civic Center District Zone to become the Civic Uses Zone and apply it to these varied public sites. Two draft ordinances have been prepared for initiation and introduction for first reading. Should the Council introduce these draft ordinances, they would be scheduled for Planning Commission hearings before returning to the City Council for a public hearing, second reading, and adoption.

ENVIRONMENTAL ASSESSMENT:


Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the application has been deemed "a project". An initial study will be prepared and circulated for a 20-day period for public review and comments. Prior to final action on these proposed ordinances, the City Council will conduct a review and certification of an environmental document.


NOTIFICATION:

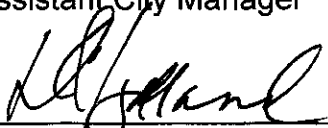
No notification is required to initiate a Zone Text Amendment or Change of Zone.

FISCAL IMPACT: None.


For Craig A. Ewing, AICP,
Director of Planning Services


Thomas J. Wilson,
Assistant City Manager


David H. Ready, City Manager


Douglas Holland, City Attorney

Attachments:

1. Recommended List of Public Facilities and Lands for Re-zoning
2. Draft Ordinances

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA, AMENDING SECTIONS 92.23.00, 92.23.01,
AND 92.23.02 OF THE PALM SPRINGS MUNICIPAL
CODE, RELATING TO AMENDMENTS TO THE CIVIC
CENTER DISTRICT ZONE.**

City Attorney's Summary

This Ordinance renames the Civic Center District Zone as the Civic Uses District Zone and expands its application to civic, governmental, and cultural uses throughout the city.

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

Section 1. Section 92.23.00 of the Palm Springs Municipal Code is amended to read:

92.23.00 "CU" civic uses district zone.

The CU district is intended to accommodate governmental uses, facilities, services, and incidental uses necessary to support governmental facilities.

Section 2. Section 92.23.01 of the Palm Springs Municipal Code is amended to read:

92.23.01 Uses permitted.

A. Uses Permitted.

1. Accessory structures and uses customarily incident to the above uses and located on the same lot therewith;

2. Governmental facilities;

3. Museums, libraries, and cultural uses;

4. Nonprofit uses;

5. Public parking areas, not as an accessory to uses permitted in this zone pursuant to Section 93.06.00;

6. Public parks.

B. Similar Uses Permitted by Commission Determination.

The commission may, by resolution of record, permit any other uses which it may determine to be similar to these listed above and not more obnoxious or detrimental to

the public health, safety, and welfare as other uses permitted in the zone as provided for in Section 94.01.00.

C. Uses Permitted by Land Use Permit.

1. Child care center.

D. Uses Permitted by Conditional Use Permit.

1. Uses permitted pursuant to Section 94.02.00.A.2 of this Code.

Section 3. Section 92.23.02 of the Palm Springs Municipal Code is amended to read:

92.23.02 Uses prohibited.

Any use not expressly permitted by Section 92.23.01 above is prohibited.

Section 4. 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.

Section 5. All properties in the City zoned Civic Center ("CC") District Zone on the date this ordinance becomes effective shall be deemed and designated on the City's Zone Map as Civic Uses ("CU") Zone District.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2012.

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

DOUGLAS HOLLAND, CITY ATTORNEY

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA AMENDING THE ZONING MAP TO
CHANGE THE ZONING DESIGNATION OF (NUMBER)
PARCELS FROM VARIOUS CURRENT ZONING
DESIGNATIONS TO CIVIC USES DISTRICT (FORMERLY
CIVIC CENTER) ZONE, CASE NO. 5.1281 CZ (CHANGE
OF ZONE)**

City Attorney's Summary

*This Ordinance rezones certain specified properties to the
Civic Uses District (CU) Zone (formerly the Civic Center
(CC) District Zone).*

WHEREAS, On May 16, 2012, the City Council initiated and introduced for first reading an ordinance for a Change of Zone for certain specific parcels from their current zoning designation to Civic Uses District Zone (CU), as follows:

<u>Property and Location</u>	<u>Current Zone</u>
Plaza Theater (128 S. Palm Canyon Drive)	CBD
Convention Center (277 North Avenue Caballeros)	PD 164
Fire Station No. 1 (277 N. Indian Canyon Dr.)	CBD
Fire Station No. 4 (1300 Laverne Way)	R1C
Welwood Murray Library (100 S. Palm Canyon Drive)	CBD
McManus Village (211-233 S. Palm Canyon Drive)	CBD
Downtown Parking Garage (275 S. Indian Canyon)	CBD
Visitor Center (2901 N. Palm Canyon Drive)	ESA-SP
Jackie Lee Houston Plaza (APN 009-609-883)	HDR
Cork n Bottle (342-344 N. Palm Canyon Drive)	CBD
Prairie Schooner Parcel (APN 508-055-008, 009, and 007)	RA
PSL-15 Subleasehold (S/E corner Amado Rd & Avenida Cabelleros	RA
Casa del Camino Property (APN 505-182-004)	C1
McKinney Parcel (190 West Sunny Dunes)	C2
Catholic Church Parking Lot (N/W corner Alejo & Belardo)	R2
Blue Coyote Parking Lot (APN 513-082-023 & 040)	CBD
Vineyard Parking Lot (APN 513-153-015, 016, & 025)	CBD
Food Court Parking Lot (APN 513-082-043)	CBD
Desert Hotel Property (285 N. Indian Canyon Drive)	CBD
Henry Frank Arcade Parking Lot (261-265 N. Indian Canyon Drive)	CBD
Convention Center Parking Lot (APN 508-023-012, 013, & 014)	HDR

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") An Initial Study was conducted and the project was found to cause no potentially significant impacts

to the environment. A Notice of Intent to Adopt a Negative Declaration was prepared and circulated for public comment for a period of 20 days. No new information was discovered during the comment period that would require further analysis under CEQA; and

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs, California for Case 5.1281 CZ (Change of Zone) was given in accordance with applicable law, and

WHEREAS, on _____, 2012, a public hearing of the Planning Commission was held to review said case and

WHEREAS, at said hearing the Planning Commission 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 and voted to recommend adoption of the Negative Declaration by the City Council and to recommend approval of Case 5.1281 CZ, and

WHEREAS, a notice of public hearing of the City Council of the City of Palm Springs, California for Case 5.1281 CZ was given in accordance with applicable law; and

WHEREAS, on _____, 2012, a public hearing on Case 5.1281 CZ was held by the City Council in accordance with applicable law; and

WHEREAS, at said hearing the City Council 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 presented, 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 this Council for the approval of Case 5.1281 CZ.

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 Negative Declaration as an adequate analysis of the potential environmental impacts of the proposed Change of Zone.

SECTION 2: Pursuant to Zoning Code Section 94.07.00 (Change of Zone), the City Council hereby makes the following findings in support of the requested change of zone:

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 changes from C-B-D, C-2 (etc.) to Civic Uses District conforms to the General Plan Land Use Designations of Central Business District, Neighborhood Community Commercial (etc.) because the proposed Civic Uses District zone allows uses on the subject sites, including parks, public parking and other civic-oriented uses, which are permitted in the applicable General Plan Land Use Categories, and further support and serve the General Plan Land Uses Categories of the adjacent and surrounding properties.

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 subject properties are presently developed with parks, parking lots and other civic-oriented uses, including appropriate accessory uses, access ways and buffers. The proposed Civic Uses District zone specifically allows public uses and uses accessory thereto. The properties are therefore suited for the uses permitted in the proposed Civic Uses District 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 to the Civic Uses District zone is necessary and proper in that the proposed zone is specifically designed to identify and regulate the public uses in which the subject properties are presently developed. The proposed Civic Uses District zone will not introduce any new uses not presently allowed in the current zones, but instead assures that parks, public parking and other public facilities are available to serve adjacent and surrounding land uses.

SECTION 3. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of Case 5.1275 CZ and a thirty-day waiting period before the approval of Case 5.1275 CZ becomes effective.

SECTION 4. In accordance with the provisions of the City's Zoning Ordinance, the zone district designation of the following properties are hereby changed to the Civic Uses ("CU") District and adopted as amendments to the City's Zone Map:

Plaza Theater (128 S. Palm Canyon Drive)
Convention Center (277 North Avenue Caballeros)
Fire Station No. 1 (277 N. Indian Canyon Dr.)
Fire Station No. 4 (1300 Laverne Way)
Welwood Murray Library (100 S. Palm Canyon Drive)
McManus Village (211-233 S. Palm Canyon Drive)
Downtown Parking Garage (275 S. Indian Canyon)
Visitor Center (2901 N. Palm Canyon Drive)
Jackie Lee Houston Plaza (APN 009-609-883)
Cork n Bottle (342-344 N. Palm Canyon Drive)
Prairie Schooner Parcel (APN 508-055-008, 009, and 007)
PSL-15 Subleasehold (S/E corner Amado Rd & Avenida Cabelleros
Casa del Camino Property (APN 505-182-004)
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Blue Coyote Parking Lot (APN 513-082-023 & 040)
Vineyard Parking Lot (APN 513-153-015, 016, & 025)
Food Court Parking Lot (APN 513-082-043)
Desert Hotel Property (285 N. Indian Canyon Drive)
Henry Frank Arcade Parking Lot (261-265 N. Indian Canyon Drive)
Convention Center Parking Lot (APN 508-023-012, 013, & 014)

SECTION 5. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage or the date on which Ordinance No. _____ becomes effective, whichever event occurs last.

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 _____th day of _____, 2012.

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 \