



City of La Quinta

CITY / SA / HA / FA MEETING DATE: November 18, 2014

ITEM TITLE: ADOPT A RESOLUTION TO APPROVE A GENERAL PLAN AMENDMENT, INTRODUCE AN ORDINANCE TO ADOPT A ZONE CHANGE FROM MAJOR COMMUNITY FACILITIES TO VILLAGE COMMERCIAL, AND CONFIRM A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15061 (B)(3) REVIEW OF EXEMPTIONS – GENERAL RULE

AGENDA CATEGORY:

BUSINESS SESSION:

CONSENT CALENDAR:

STUDY SESSION:

PUBLIC HEARING: 2

RECOMMENDED ACTION:

- A) Adopt a resolution approving General Plan Amendment 2014-128.
- B) Move to take up Ordinance No. ___ by title and number only and waive further reading.
- C) Move to introduce at first reading Ordinance No. ___, adopting Zone Change 2014-146.

EXECUTIVE SUMMARY:

- The subject property is located in the Village on Avenida Bermudas south of the Post Office. The property was sold by the City earlier this year to an individual who is now using it as an office (Attachment 1).
- The current Zoning designation of Major Community Facilities was representative of the former use of the property as the City's police substation. The purpose of these amendments is to facilitate the current use of the property as private office or retail space.
- The proposed General Plan and Zoning designations of Village Commercial are compatible with the existing surrounding land uses and designations.
- The Planning Commission recommended adoption of the designations.

BACKGROUND/ANALYSIS:

The existing Major Community Facilities land use designations were applied to the property under the 2002 General Plan and 2003 Zoning Ordinance Update. The site, under City ownership, has since been used as office space for the La Quinta Chamber and as a substation for the La Quinta Police until 2012. In March 2014, the City sold the property to a private party with the intent of continuing use of the property as office space. The small public parking lot located west of the property was not a part of the purchase. The parking lot is not part of this application and is intended to remain available for public use. The location of the site is illustrated in Attachment 2, and represented in Exhibit "A" of the attached resolution and ordinance.

The purpose of these amendments is to facilitate the use of the property as private office or retail space. As the property is currently developed, the General Plan Amendment and Zone Change will not have an impact on the surrounding neighborhood. The Village Commercial land use designation will not significantly change the type or intensity of use that could be proposed for the site in the future. The relatively small site size of approximately 10,000 square feet will limit the range of uses that could be accommodated under Village Commercial, primarily based on parking.

As Village Commercial, the site will accommodate uses that are compatible with the surrounding land use and zoning. The north border of the site is currently Village Commercial, and to the south, the land use is residential. Village Commercial zoning allows both residential and lighter intensity commercial uses, which are intended to be compatible with and complementary to residential land uses.

PLANNING COMMISSION RECOMMENDATION:

At their regular meeting of August 26, 2014, the La Quinta Planning Commission adopted, on a 4-0 vote (Commissioner Fitzpatrick absent), Planning Commission Resolutions 2014-023 and 2014-024, recommending to the City Council adoption of the proposed amendments and zone changes, respectively, with a finding of California Environmental Quality Act (CEQA) exemption. There was no testimony during the public hearing and the Commission had no substantive comments (Attachment 3).

AGENCY AND PUBLIC REVIEW:

SB18 Review

The General Plan Amendment was subject to review by Native American Tribal organizations, under SB 18 requirements. No consultation requests were received during the 90-day tribal consultation request period.

Public Agency Review

As a land use action with no change in intensity or physical development potential that could affect other City departments or public agencies, the request was not transmitted for development review comment.

Public Notice

The proposed applications were advertised in *The Desert Sun* newspaper on November 7, 2014. To date, no comments have been received. Any written comments received subsequent to this report will be provided at the City Council hearing.

ENVIRONMENTAL REVIEW

The Community Development Director has determined that the proposed general plan amendment and zone change are exempt from environmental review under CEQA, pursuant to Section 15061(b)(3), Review for Exemptions – General Rule, in that it can be seen with certainty that there is no possibility for these actions to have a significant effect on the environment.

ALTERNATIVES:

Alternative actions available to the City Council include discussion and incorporation of any adjustments deemed appropriate in order to approve the proposed amendment request.

Report prepared by: Wallace Nesbit, Principal Planner

Approved for submission by: Les Johnson, Community Development Director

Attachments: 1. Project Information
 2. Project Area Map
 3. Excerpt; Planning Commission Minutes; August 26, 2014

RESOLUTION 2014 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, GRANTING APPROVAL OF GENERAL PLAN AMENDMENT 2014-128, APPROVING A CHANGE IN LAND USE DESIGNATION FOR PROPERTY LOCATED AT 51351 AVENIDA BERMUDAS

CASE NO.: GENERAL PLAN AMENDMENT 2014-128

APPLICANT: CITY OF LA QUINTA

CEQA: SECTION 15061(b)(3) REVIEW FOR EXEMPTIONS – GENERAL RULE

WHEREAS, the City Council of the City of La Quinta, California did, on the 18th day of November, 2014, hold a duly noticed public hearing for review of a City-initiated request to consider a General Plan Amendment for a change in land use from Major Community Facilities to Village Commercial, for property located at 51351 Avenida Bermudas, within the Village at La Quinta and identified in attached Exhibit "A", more particularly described as:

LOTS 5 AND 6, BLOCK 134, SANTA CARMELITA AT VALE LA QUINTA, UNIT 14
– MB 018/082 - APN: 773-104-017

WHEREAS, the Planning Commission of the City of La Quinta did, on the 26th day of August, 2014, hold a duly noticed Public Hearing to consider the aforementioned General Plan Amendment; and,

WHEREAS, subsequent to said Public Hearing, the Planning Commission of the City of La Quinta did adopt Planning Commission Resolution 2014-023 to recommend that to the City Council adoption of said General Plan Amendment; and,

WHEREAS, said General Plan Amendment has complied with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" as amended (Resolution 83-68), in that the La Quinta Community Development Director has determined that said Amendment is exempt, pursuant to Section 15061 (b)(3), Review for Exemptions – General Rule; and,

WHEREAS, at said Public Hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons wanting to be heard, the La Quinta City Council did make the following mandatory findings to justify adoption of said General Plan Amendment:

Finding A - The proposal is consistent with the General Plan.

The proposed General Plan Amendment is internally consistent with those goals, objectives and policies of the general plan which are not being amended. The Village Commercial land use designation proposed will not significantly change the type or intensity of land use that could be proposed for the site in the future.

Finding B - Approval of the amendment will not create conditions materially detrimental to the public health, safety and general welfare.

Approval of the proposed General Plan Amendment will not create conditions materially detrimental to public health, safety and general welfare in that the proposed change will not result in a substantial change to existing recreational area, will not result in the loss of existing wildlife habitat, nor will it have an effect on the conditions of the existing surrounding neighborhood. The site was developed with a residential structure which has been used as office space since approximately 2002. No change in the current use is proposed, and any future uses permitted under the Village Commercial land use would be consistent with existing surrounding residential and commercial land uses. The proposed General Plan Amendment will not result in any changed conditions and will have no effect on the health, safety, and welfare of the community or surrounding natural environment.

Finding C - The new designation is compatible with the land use designations on adjacent properties.

The General Plan Amendment will allow use of the property as office space. Residential and commercial properties exist adjacent to the site, and these uses are compatible. Further, the Village Commercial land use and underlying zoning will allow residential and commercial uses and development through a Village Use Permit process, which would assess and mitigate any future proposed uses other than office.

Finding D - The new land use designation is suitable and appropriate for the subject property.

The new land use designation is suitable and appropriate for the subject property, as the Village Commercial land use designation allows residential and commercial land uses which are suitable land uses with the surrounding area.

Finding E - Approval of the amendment is warranted because the situation and the general conditions of the property have substantially changed since the existing designation was imposed.

The Village Commercial land use designation is warranted because existing land use has changed from a publicly-owned service facility (police substation) to private ownership with a proposed traditional commercial land use (escrow office). Village Commercial land uses are generally suitable and compatible with the existing surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California, as follows:

SECTION 1. That the above recitations are true and correct, and constitute the findings of the City Council in regard to this General Plan Amendment;

SECTION 2. That it does hereby adopt the herein-described General Plan Amendment 2014-128, as represented in the attached Exhibit "A", for the reasons set forth in this Resolution.

PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council, held on this 18th day of November, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DON ADOLPH, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

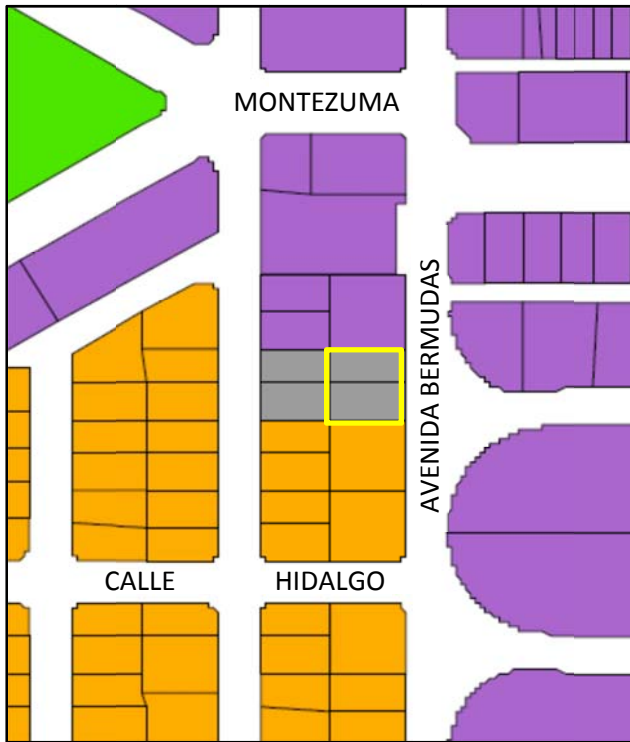
Resolution 2014 -
General Plan Amendment 2014-128
Applicant: City of La Quinta
Adopted: November 18, 2014
Page 4

(CITY SEAL)

APPROVED AS TO FORM:

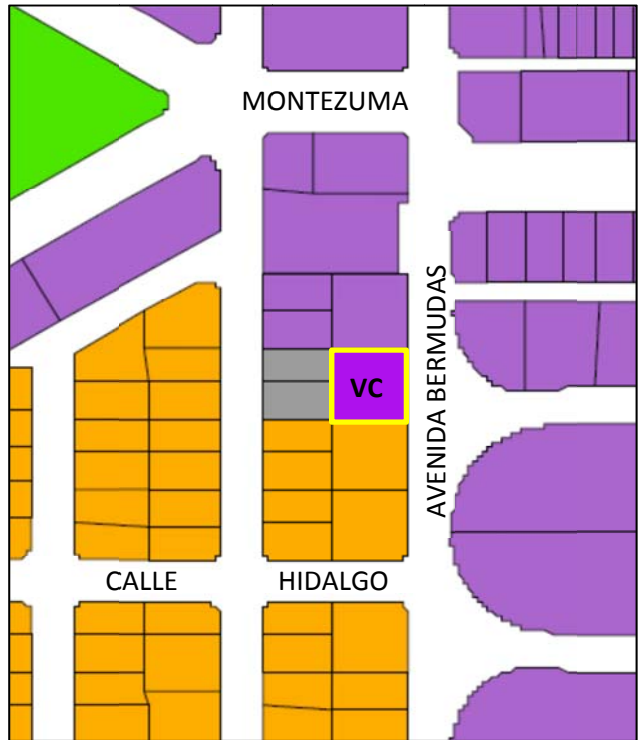
WILLIAM H. IHRKE, City Attorney
City of La Quinta, California

EXHIBIT "A"
GENERAL PLAN AMENDMENT 2014-128
RESOLUTION 2014 - ____



**CURRENT LAND USE
DESIGNATION:
MAJOR COMMUNITY
FACILITIES**

**PROPOSED LAND USE
DESIGNATION:
VILLAGE COMMERCIAL**



ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LA QUINTA, CALIFORNIA, APPROVING ZONE
CHANGE 2014-146, REZONING PROPERTY LOCATED
AT 51351 AVENIDA BERMUDAS**

**CASE: ZONE CHANGE 2014-146
APPLICANT: CITY OF LA QUINTA
CEQA: SECTION 15061(b)(3) REVIEW FOR EXEMPTIONS – GENERAL RULE**

WHEREAS, the City Council of the City of La Quinta, California did, on the 18th day of November, 2014, hold a duly noticed public hearing for review of a City-initiated request to consider a Zone Change from Major Community Facilities to Village Commercial, for property located at 51351 Avenida Bermudas, within the Village at La Quinta and identified in attached Exhibit "A," more particularly described as:

LOTS 5 AND 6, BLOCK 134, SANTA CARMELITA AT VALE LA QUINTA, UNIT 14
– MB 018/082 - APN: 773-104-017

WHEREAS, the Planning Commission of the City of La Quinta did, on the 26th day of August, 2014, hold a duly noticed Public Hearing to consider the aforementioned Zone Change; and,

WHEREAS, subsequent to said Public Hearing, the Planning Commission of the City of La Quinta did adopt Planning Commission Resolution 2014-023 to recommend to the City Council adoption of said Zone Change; and,

WHEREAS, said Zone Change has complied with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" as amended (Resolution 83-68), in that the La Quinta Community Development Director has determined that the Zone Change is exempt from CEQA review pursuant to Section 15061 (b)(3), Review for Exemptions – General Rule; and,

WHEREAS, at said Public Hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons wanting to be heard, the La Quinta City Council did make the following mandatory findings to justify adoption of said Zone Change:

Finding A - The Zone Change is consistent with the General Plan.

The proposed Zone Change is consistent with the goals, objectives and policies of the La Quinta General Plan. The Village Commercial zoning designation proposed will not significantly change the type or intensity of land use that could be proposed for the site in the future.

Finding B - Approval of the Zone Change will not create conditions materially detrimental to the public health, safety and general welfare.

The proposed change will not result in a substantial change to existing recreational areas, will not result in the loss of existing wildlife habitat, nor will it have an effect on the conditions of the existing surrounding neighborhood. The site was originally developed with a residential structure, which has been used as office space since 2002. No change in the current use is proposed, and any future uses permitted under the Village Commercial land use would be consistent with existing surrounding residential and commercial land uses. The proposed Zone Change will not result in any changed conditions and will therefore have no effect on the health, safety, and welfare of the community or surrounding natural environment.

Finding C - The new zoning is compatible with the zoning designations on adjacent properties.

The Zone Change will allow use of the property as office and commercial space. Residential and commercial properties exist adjacent to the site, and these uses are compatible. Further, the Village Commercial zoning district allows residential and commercial development through a Village Use Permit process, which would assess and mitigate any future proposed uses.

Finding D - The new zoning designation is suitable and appropriate for the subject property.

The Village Commercial zoning designation allows residential and commercial land uses, which are suitable with the surrounding uses.

Finding E - Approval of the Zone Change is warranted because the situation and general conditions of the property have substantially changed since the existing designation was imposed.

The Village Commercial land use designation is warranted as the existing land use has changed from a public ownership and service facility (police substation) to

private ownership with a traditional commercial land use. Village Commercial land uses are generally suitable and compatible with the existing surrounding area.

NOW, THEREFORE, the City Council of the City of La Quinta does ordain as follows:

SECTION 1. The La Quinta Official Zoning Map is hereby amended by rezoning the properties as depicted on the map attached hereto as Exhibit "A," and made a part of this Ordinance.

SECTION 2. ENVIRONMENTAL: A review for exemption was conducted under the California Environmental Quality Act (CEQA). The Community Development Department determined that the proposed Zone Change is exempt from environmental review under CEQA, pursuant to Section 15061(b)(3), Review for Exemptions of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility for these actions to have a significant effect on the environment.

SECTION 3. EFFECTIVE DATE: This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 4. POSTING: The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting to be entered into the Book of Ordinances of the City of La Quinta.

PASSED, APPROVED and ADOPTED at a regular meeting of the La Quinta City Council held this ____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DON ADOLPH, Mayor
City of La Quinta, California

ATTEST:

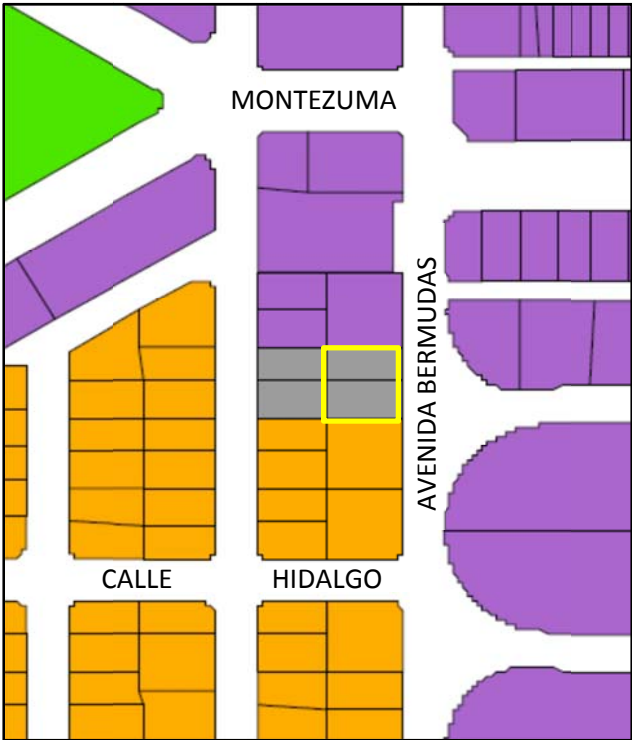
SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

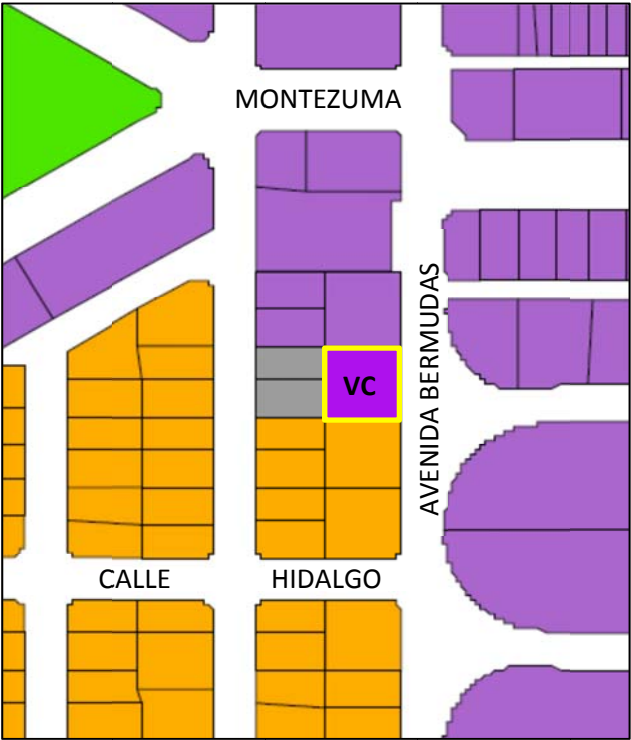
WILLIAM H. IHRKE, City Attorney
City of La Quinta, California

EXHIBIT "A"
ZONE CHANGE 2014-146
ORDINANCE # _____



**CURRENT ZONING
DESIGNATION:
MAJOR COMMUNITY
FACILITIES**

**PROPOSED ZONING
DESIGNATION:
VILLAGE COMMERCIAL**



ATTACHMENT 1

Project Information

CASE NO.: GENERAL PLAN AMENDMENT 2014-128
ZONE CHANGE 2014-146

APPLICANT: CITY OF LA QUINTA

REQUEST: CONSIDERATION OF AN AMENDMENT TO THE LA QUINTA GENERAL PLAN LAND USE MAP, CHANGING PROPERTY FROM MAJOR COMMUNITY FACILITIES TO VILLAGE COMMERCIAL AND AN AMENDMENT TO THE LA QUINTA ZONING MAP AFFECTING THE SAME PROPERTY, FROM MAJOR COMMUNITY FACILITIES TO VILLAGE COMMERCIAL

LOCATION: 51351 AVENIDA BERMUDAS

ARCHITECT: N/A

LANDSCAPE ARCHITECT: N/A

ENGINEER: N/A

LOCATION: WEST SIDE OF AVENIDA BERMUDAS, APPROXIMATELY 200 FEET SOUTH OF AVENIDA MONTEZUMA

GENERAL PLAN DESIGNATION: EXISTING - MAJOR COMMUNITY FACILITIES
PROPOSED - VILLAGE COMMERCIAL

ZONING DESIGNATION: EXISTING - MAJOR COMMUNITY FACILITIES
PROPOSED - VILLAGE COMMERCIAL

SURROUNDING ZONING/LAND USES:

NORTH:	VILLAGE COMMERCIAL GOVERNMENT (POST OFFICE)
SOUTH:	COVE RESIDENTIAL SINGLE FAMILY HOMES
EAST:	VILLAGE COMMERCIAL EXISTING OFFICE/RESIDENTIAL
WEST:	VILLAGE COMMERCIAL VACANT/PARKING LOT

SUBDIVISION INFORMATION: LOTS 5 AND 6, BLOCK 134, SANTA CARMELITA AT VALE LA QUINTA, UNIT 14 – MB 018/082
ORIGINALLY APPROVED FOR SINGLE FAMILY DWELLING IN 1950



**GENERAL PLAN AMENDMENT 2014-128
ZONE CHANGE 2014-146**



**Project
Area
Map**

ATTACHMENT 3

Community Development Director, and approving Site Development Permit 2014-1001, as submitted with staff's recommendations. AYES: Commissioners Bettencourt, Blum, Wilkinson, and Chairperson Wright. NOES: None. ABSENT: Commissioner Fitzpatrick. ABSTAIN: None.

3. General Plan Amendment 2014-128 and Zone Change 2014-146 submitted by the City of La Quinta for the consideration of amendments to the La Quinta General Plan Map and the La Quinta Zoning Map changing a property from Major Community Facilities to Village Commercial. CEQA: exempt from environmental review pursuant to Section 15061 (B)(3), Review for Exemptions of the CEQA Guidelines. Location: 51-351 Avenida Bermudas.

Principal Planner Wally Nesbit presented the staff report, a copy of which is on file in the Community Development Department.

Chairperson Wright declared the PUBLIC HEARING OPEN at 8:52 p.m.

Public Speaker: None.

Chairperson Wright declared the PUBLIC HEARING CLOSED at 8:52 p.m.

Motion – A motion was made and seconded by Commissioners Wilkinson/Blum to adopt Resolution 2014-023 recommending approval of General Plan Amendment 2014-128, as submitted with staff's recommendations. AYES: Commissioners Bettencourt, Blum, Wilkinson, and Chairperson Wright. NOES: None. ABSENT: Commissioner Fitzpatrick. ABSTAIN: None.

Motion – A motion was made and seconded by Commissioners Wilkinson/Blum to adopt Resolution 2014-024 recommending approval of Zone Change 2014-146, with a finding of CEQA exemption. AYES: Commissioners Bettencourt, Blum, Wilkinson, and Chairperson Wright. NOES: None. ABSENT: Commissioner Fitzpatrick. ABSTAIN: None.

BUSINESS SESSION – None

CORRESPONDENCE AND WRITTEN MATERIAL – None

COMMISSIONER ITEMS

1. Report on City Council meetings of August 5, 2014.
2. Chairperson Wright is scheduled to attend the September 16, 2014, City Council meeting.

