



City of La Quinta

CITY / SA / HA / FA MEETING DATE: December 16, 2014

ITEM TITLE: INTRODUCE AN ORDINANCE TO ADOPT AMENDMENTS TO ZONING PERMITTED USE TABLES REGARDING FARMING OF FIELD CROPS IN THE LOW DENSITY RESIDENTIAL ZONE; AND OF VOCATIONAL SCHOOLS IN THE REGIONAL COMMERCIAL ZONE, 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: 1

RECOMMENDED ACTION:

- A) Move to take up Ordinance No. ___ by title and number only and waive further reading.
- B) Move to introduce at first reading Ordinance No. ___, adopting Zone Change 2014-1001.

EXECUTIVE SUMMARY:

- The amendments would forgo the currently required Conditional Use Permit ("CUP") and would instead require a Minor Use Permit ("MUP") for field crop farming on land zoned "Low Density Residential," and for locating a vocational school in a "Regional Commercial" zone.
- CUP's require Planning Commission consideration wherein the Community Development Director considers MUP's. This reduces the time and expense associated with CUP's.
- The Planning Commission recommends adoption of both amendments.

BACKGROUND/ANALYSIS:

CUP vs. MUP

The Zoning Ordinance allows two types of Use Permits: Conditional and Minor. In both cases, the permit is established to assure land use compatibility between the proposed use and surrounding land uses. Generally, CUP's are required of land uses that, unless appropriately conditioned, could significantly impact neighboring

residences and/or businesses. Similarly, MUP's are required for land uses with similar potential impacts, but of a lesser degree.

Approval of a CUP requires a public hearing before the Planning Commission. The approval of a MUP requires approval of the Community Development Director. The CUP process can be lengthy, extending 3 to 4 months, while an MUP can be processed in a few weeks.

Required findings for either a CUP or a MUP are identical. Therefore, the same potential impacts, along with consistency with the General Plan and Zoning Ordinance, compliance with the California Environmental Quality Act ("CEQA") and the protection of adjacent land uses are considered in both cases.

As an administrative decision, a MUP does not require public notification or a public hearing, although *"the director may notify residents or property owners near the subject property if the director determines on a case-by-case basis that the public interest would be served by such notification"* (Section 9.200.020). This allows the Community Development Director discretion in notifying surrounding property owners and residents, based on the circumstances of each case. Please see Planning Commission Recommendation below, regarding the Commission's recommendation for noticing.

Finally, as is the case with all Director or Planning Commission decisions, any interested party may appeal the decision of either a CUP or MUP, to the next highest approval authority.

Low Density Residential, Section 9.40.040, Table 9-1

Property zoned Low Density Residential can currently be farmed for field crops with approval of a CUP. Row crop farming is a Permitted use in the Very Low Density Residential zone, and is prohibited in all other residential zones.

As described above, the MUP process would require Community Development Director approval. Farming field crops is a low impact use, which generally will occur only on larger vacant lots prior to residential development. Aspects of field crop farming that warrant special consideration include tilling of land, use of pesticides and fertilizers, and harvesting activities. The MUP process will require the Director to consider such impacts to surrounding properties, and will have the authority to approve or deny a request, based on the significance of these impacts on a case by case basis. For example, the request that spurred consideration of this change is tied to a property located at Avenue 58 and Monroe Street. Vacant Low Density Residential properties in this area of the City are generally 5 acres or more in size, and are in proximity to where farming activity currently occurs. As a result, the use may be appropriate at this location. Conversely, vacant Low Density Residential parcels in north La Quinta are generally under an acre, and surrounded by existing single-family homes. Farming activity in this area may be of greater challenge to permit. The MUP requirements provide the Director with the opportunity to notify neighbors, when deemed necessary, and allow them to comment on an application, and to consider the neighborhood in which the use is proposed before approving or denying the project.

Regional Commercial, Section 9.80.040, Table 9-5

Under the current Zoning Ordinance, vocational schools require approval of a CUP in the Regional Commercial zone. The Regional Commercial zone occurs mainly along the Highway 111 corridor. Generally, these properties have developed as shopping centers, with multiple large "anchor" tenants.

Vocational schools offer educational programs that directly relate to a trade. Most often vocational schools are beauty colleges, but they can include medical-related fields and culinary kitchens. These schools usually include a "hands on" training component, and therefore are open to the public for services that allow the students to train in real world conditions. Aspects of vocational schools that warrant special consideration include potential increased parking demand and depending on the trade, unusual noise and odors.

In the Regional Commercial zone, the location of a vocational school can be compatible, particularly when one considers that such schools have relatively low impacts, and are best located near transit for student access. The specifics of a site, including whether sufficient parking is available, are addressed through the review of each case. The MUP requirements provide the Director with the opportunity to notify neighboring businesses or residents, and allow them to comment on an application, and to consider the setting in which the use is proposed before approving or denying the project.

Findings to recommend approval of the Zoning Ordinance amendments can be made and are contained in the attached Ordinance.

PLANNING COMMISSION RECOMMENDATION:

At their regular meeting of November 25, 2014, the La Quinta Planning Commission adopted, on a 4-0 vote (Commissioner Fitzpatrick absent), Planning Commission Resolutions 2014-027, recommending to the City Council adoption of the proposed zone text amendments, with a finding of CEQA exemption (Attachment 1).

The Planning Commission received one public comment on the proposed change, from the property owner who made the request for the change relating to field crops. The Commission had extensive discussion regarding this part of the amendment, and felt that the a request for field crop farming should require notification of surrounding property owners and residents within 500 feet, and the posting of a notice on the property. The City currently has procedures in place for providing mailed notification of surrounding property owners. The City does not, however, have procedures for the posting of notices on individual properties. The addition of a posting requirement would add a new process, and would require staff time and cost (posts, sign-making, installation) to implement. The mailed notification process has traditionally been the one implemented for most applications, and has proven to be effective. As a result, the draft ordinance does not include language requiring on-site notification.

AGENCY AND PUBLIC REVIEW:

Public Agency Review

As a text amendment that would not impact 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 December 5, 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 zone change is 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 this action 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.

Report prepared by: Nicole Sauviat Criste, Consulting Planner

Approved for submission by: Les Johnson, Community Development Director

Attachment: 1. Excerpt of Planning Commission Minutes; November 25, 2014

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, APPROVING ZONE ORDINANCE AMENDMENT 2014-1001, AMENDING TABLES 9-1 AND 9-5 OF TITLE 9 OF THE LA QUINTA MUNICIPAL CODE, MODIFYING THE TABLE OF PERMITTED USES RELATING TO FIELD CROP FARMING IN THE LOW DENSITY RESIDENTIAL ZONE AND VOCATIONAL SCHOOLS IN THE REGIONAL COMMERCIAL ZONE

CASE: ZONE ORDINANCE AMENDMENT 2014-1001

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 16th day of December, 2014, hold a duly noticed public hearing for review of a City-initiated request of a Zoning Ordinance Amendment to modify Tables 9-1 and 9-5 of Title 9 (Zoning) of the La Quinta Municipal Code; and

WHEREAS, the Planning Commission of the City of La Quinta did, on the 25th day of November, 2014, hold a duly noticed Public Hearing to consider the aforementioned Zone Ordinance Amendment; and,

WHEREAS, subsequent to said Public Hearing, the Planning Commission of the City of La Quinta did adopt Planning Commission Resolution 2014-027 to recommend to the City Council adoption of said Zone Ordinance Amendment; and,

WHEREAS, said Zone Ordinance 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 the Zone Ordinance Amendment 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 Ordinance Amendment:

1. The proposed Zoning Ordinance Amendment is consistent with the goals, objectives and policies of the General Plan. The proposed amendments are

supported by Policy LU-3.1, relating to neighborhood character preservation; Policy LU-4.1, relating to compatible development; Goal LU6 and Policies LU-6.1, LU-6.2 and LA-6.6 relating to providing a broad range of commercial and educational opportunities and developments.

2. Approval of the Zoning Ordinance Amendment will not create conditions materially detrimental to the public health, safety and welfare, and will have no impacts on the public health, safety and welfare. The amendment allows for the streamlining of the approval process while maintaining safeguards, including surrounding property owner and resident notifications, to assure land use compatibility.
3. The Zoning Ordinance Amendment has been determined to be exempt from the California Environmental Quality Act in that the proposed changes to the Municipal Code will have no effect on the environment.

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

SECTION 1. The La Quinta Zoning Ordinance is hereby amended as follows and made a part of this Ordinance.

1. Table 9-1 is amended to allow field crop farming with approval of a Minor Use Permit in the Low Density Residential zone.
2. Table 9-5 is amended to allow vocational school with approval of a Minor Use Permit in the Regional Commercial zone.

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 Ordinance Amendment 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 16th day of December, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LINDA EVANS, 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

Ordinance No.
Zone Ordinance Amendment 2014-1001
Low Density Residential, Section 9.40.040, Table 9-1
Regional Commercial, Section 9.80.040, Table 9-5
Adopted: December 16, 2014
Page 4

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LA QUINTA)

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. (enter number) which was introduced at a regular meeting on the (date) day of (month), (year), and was adopted at a regular meeting held on the (date) day of (month), (year), not being less than 5 days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in the Rules of Procedure adopted by City Council Resolution No. 2014-013.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on _____, pursuant to Council Resolution.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

ATTACHMENT 1



PLANNING COMMISSION MINUTES TUESDAY, NOVEMBER 25, 2014

CALL TO ORDER

A regular meeting of the La Quinta Planning Commission was called to order at 7:00 p.m. by Chairperson Wright.

PRESENT: Commissioners Bettencourt, Blum, Wilkinson, and Chairperson Wright

ABSENT: Commissioner Fitzpatrick

STAFF PRESENT: Planning Manager David Sawyer, Consultant Principal Planner Nicole Criste, and Executive Assistant Monika Radeva

Commissioner Blum led the Commission in the Pledge of Allegiance.

PUBLIC COMMENT

CONFIRMATION OF AGENDA - Confirmed

APPROVAL OF MINUTES

Motion – A motion was made and seconded by Commissioners Blum/Bettencourt to approve the Planning Commission Minutes of October 14, 2014, as submitted with the addition of the following:

Commissioner Bettencourt asked for the following discussion to be added to Public Hearing Item 1, page 2, after paragraph 5:

“Commissioner Bettencourt stated for clarification purposes, the Commission’s role on this item is to make a recommendation on the development agreement as it is before them tonight and not on the competence of the developer or any financial assumptions. He further noted the materials before the Commission do not include information about any cash flows, guarantees, security documents, nor mandates to perform infrastructure by a certain time.

Staff clarified that the development agreement does include a financial component with regards to DIF and other associated permit fees and that the rest of the

financial terms are being addressed by City Council via a purchase sale & development agreement.”

AYES: Commissioners Bettencourt, Blum, Wilkinson, and Wright. NOES: None.
ABSENT: Commissioner Fitzpatrick. ABSTAIN: None.

PUBLIC HEARINGS

1. Zoning Ordinance Amendment 2014-1001 submitted by the City of La Quinta proposing amendments to zoning ordinance permitted use tables to address the farming of field crops in the low density residential zone; and of vocational schools in the regional commercial zone. CEQA: exempt from environmental review pursuant to Chapter 2.6, Section 21080 of the Public Resources Code and Section 15061 (B)(3), Review for Exemptions of the CEQA Guidelines. Location: city-wide.

Consultant Principal Planner Nicole Criste presented the information contained in the staff report, a copy of which is on file in the Community Development Department.

Discussion ensued between the Commission and staff and included:

- Explanation of the City’s current noticing procedures for both Conditional Use Permit and Minor Use Permit applications.
- Commissioner’s desire to ensure appropriate noticing of applications with potential to effect nearby properties and uses.
- Explanation of typical types of trade schools and the definition of field crop farming.

Chairperson Wright declared the PUBLIC HEARING OPEN at 7:38 p.m.

Public Speaker: Mr. Joe Hammer, Indian Wells, CA – introduced himself and said he owned the property located at the southwest corner of Avenue 58 and Monroe Street. He said his request to rezone the property approximately a year ago was not approved and he would like to be able to go back to farming field crops on that property as he had been doing since 1984-85. He said the proposed streamlining of the process would make this a lot faster and financially feasible.

Chairperson Wright declared the PUBLIC HEARING CLOSED at 7:54 p.m.

Motion – A motion was made and seconded by Commissioners Blum/Bettencourt to adopt Resolution 2014-027 recommending City Council approval of Zoning Ordinance Amendment 2014-1001, as submitted with staff’s recommendations and the addition of the following:

The director shall notify residents and property owners within 500 feet of the subject property and notice the property itself.

AYES: Commissioners Bettencourt, Blum, Wilkinson, and Wright. NOES: None. ABSENT: Commissioner Fitzpatrick. ABSTAIN: None.

The Commission recommended that staff look into ordinance refinements to streamline approval of additional land uses.

BUSINESS SESSION

1. Determination of significance regarding installation of façade for future sign locations.

Speaker: Mr. Robert Ricciardi, Applicant and President of Robert H. Ricciardi Architect, Bermuda Dunes, CA – introduced himself, described the proposed sign changes to the one-story buildings at the Plaza La Quinta Shopping Center located at the southwest corner of Highway 111 and Washington Street, and answered the Commission’s questions.

Motion – A motion was made and seconded by Commissioners Blum/Wilkinson to determine the proposed architectural changes to constitute a “not significant effect on the overall aesthetic or architectural style of the building” and to recommend approval by the Community Development Director. AYES: Commissioners Bettencourt, Blum, Wilkinson, and Wright. NOES: None. ABSENT: Commissioner Fitzpatrick. ABSTAIN: None.

CORRESPONDENCE AND WRITTEN MATERIAL – None

COMMISSIONER ITEMS

1. Report on City Council meetings of October 21, November 4 and 18, 2014.
2. Chairperson Wright is scheduled to attend the December 2, 2014, City Council meeting.

DIRECTOR’S ITEMS – None

ADJOURNMENT

There being no further business, it was moved and seconded by Commissioners Blum/Bettencourt to adjourn this meeting at 8:32 p.m. Motion carried unanimously.

Respectfully submitted,



MONIKA RADEVA, Executive Assistant
City of La Quinta, California