



City of La Quinta

CITY / SA / HA / FA MEETING DATE: January 6, 2015

ITEM TITLE: SECOND READING AND ADOPTION OF ORDINANCE NO. 523 APPROVING CHANGES TO PERMIT REQUIREMENTS FOR FIELD CROP FARMING AND VOCATIONAL SCHOOLS IN CERTAIN ZONES

AGENDA CATEGORY:

BUSINESS SESSION:

CONSENT CALENDAR: 9

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

Adopt Ordinance No. 523 on second reading.

EXECUTIVE SUMMARY:

- At the December 16, 2014 Council meeting, City Council unanimously approved a motion to take up and introduce an ordinance on first reading, which approves a zone ordinance amendment in the City's Municipal Code relating to field crop farming in low density residential zones and vocational schools in regional commercial zones.
- The amendments would replace the currently required Conditional Use Permit ("CUP") with a Minor Use Permit ("MUP") requirement for field crop farming on land zoned "Low Density Residential" and for locating a vocational school in a "Regional Commercial" zone.
- CUP's require public hearings before the Planning Commission, which can take up to four months. MUP's are considered by the Community Development Director. Requirements for both are the same; however, MUP's require less time and expense to process.

FISCAL IMPACT:

None.

BACKGROUND/ANALYSIS:

The City is working toward streamlining processes and reducing lengthy delays in permit processing. The adoption of Ordinance No. 523 will help to accomplish this goal. The Zoning Ordinance of the City's Municipal Code allows two types of Use

Permits: CUP's and MUP's. These permits assure land use compatibility between the proposed use and surrounding land uses. Approval of a CUP requires a public hearing before the Planning Commission. This process can be lengthy, extending three to four months. The approval of a MUP requires approval of the Community Development Director, which 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 and the protection of adjacent land uses are considered in both cases.

This ordinance specifically approves 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 Zones and Vocational Schools in the Regional Commercial Zones. 2014-1001, Amending Tables 9-1 and 9-5 of Title 9 of The La Quinta Municipal Code, modifying the table of permitted uses. Staff will also be following the noticing requirements for agricultural uses in low-density residential zones as the Council discussed on December 16.

ALTERNATIVES:

As Council approved this ordinance at first reading, staff does not recommend an alternative.

Report prepared by: Pam Nieto, Administrative Technician
Report approved for submission by: Susan Maysels, City Clerk

ORDINANCE NO. 523

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 California Environmental Quality Act (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 CEQA 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. Table 9-1 shall note that processing of applications for field crop farming shall require notification to all property owners within five-hundred (500) feet of the subject property of the proposed land use. Notification shall be distributed at least ten (10) days in advance of any land use decision.
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 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 6th day of January 2015, 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. 523
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: January 6, 2015
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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. 523 which was introduced at a regular meeting on the 16th day of December 2014, and was adopted at a regular meeting held on the 6th day of January 2015, 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 January _____, 2015, pursuant to Council Resolution.

SUSAN MAYSELS, City Clerk
City of La Quinta, California