

## Legislation Details (With Text)

**File #:** 2017-354      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Public Hearing  
**File created:** 8/28/2017      **In control:** City Council  
**On agenda:** 9/13/2017      **Final action:**  
**Title:** Change of Zone No. 17-001, Specific Plan Amendment No. 90-43A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Planning Commission Resolution for SPA 90-43A and CZ 17-001, 2. Specific Plan 90-43 Site Plan, 3. Specific Plan 90-43 Land Use Map, 4. strikeout-underline draft SPA 90-43, 5. City Council Ordinance 90-43A, 6. CZ 17-001 CC Hearing Notice2 - 9.13.pdf

Date	Ver.	Action By	Action	Result
9/13/2017	1	City Council	approved	Pass

**City Council**

**MEETING DATE: 9/13/2017**

**TITLE:**

**Change of Zone No. 17-001, Specific Plan Amendment No. 90-43A**

**FROM:**

Robert Rodriguez, Planning Manager  
Pat Milos, Community Development Director

**RECOMMENDATION:**

APPROVE an exemption to the California Environmental Quality Act (CEQA) based on the finding that the project is exempt pursuant to the California Environmental Quality Act (CEQA) per Section 15601(b)(3), as it can be seen with certainty that there is no possibility that Specific Plan Amendment No. 90-43A and Change of Zone No. 17-001 may have a significant effect on the environment.

The City Council adopt an ordinance approving Specific Plan Amendment No. 90-43A and Change of Zone No. 17-001.

**BACKGROUND:**

The applicant (Alex Gonzales representing AGG Worldwide, LLC) submitted applications for a Specific Plan Amendment and Change of Zone on March 6, 2017 requesting a change of zone from PLC (Planned Limited Commercial) to PCC (Planned Community Commercial) for Planning Unit 1 of Specific Plan No. 90-43. The applicant is representing the property owners of 34212 Date Palm Drive

(Azteca Furniture).

The Specific Plan was approved on July 24, 1990 and was an amendment to the original specific plan (SP 88-28) for the area. The specific plan area is bounded by Date Palm Drive on the west, Dinah Shore Drive on the north, Eagle Canyon Drive on the east and 35th Avenue on the south, and is comprised of two Planning Units (see Attachment 2).

The Cathedral City Planning Commission considered the item at their regularly scheduled meeting on July 19, 2017 and voted unanimously 3-0 to adopt resolution P17-0235, recommending approval of the specific plan amendment and change of zone with the condition that "all cannabis businesses" and "sexually oriented businesses" be added to the prohibited uses section of the Specific Plan (Development Standard No. 4).

This item was originally scheduled for a City Council Public Hearing on 8/9/2017, but the hearing was continued to a date uncertain at the Applicants request.

#### **DISCUSSION:**

At the time the original specific plan was adopted, the area was comprised of existing mixed, commercial and residential uses, many approved prior to the City's incorporation (see Attachment 3). Therefore, the objective of the specific plan is to assure compatibility in uses and development between these uses. As such, two Planning Units were established (Planning Unit 1 and 2), each with its own zoning and development provisions.

Planning Unit 1, the portion of the Specific Plan north of Victoria Drive, was designated as limited commercial (Planned Limited Commercial) and the portion south of Victoria Drive, Planning Unit 2, was designated as a higher intensity commercial (Planned Community Commercial). The basis for the different zoning designations is unclear in the previous staff reports but appeared to be based on the existing commercial uses at the time, with Planning Unit 1 having more office and smaller commercial uses.

In the years since the adoption of the Specific Plan, the area has changed. Many of the single-family homes have been removed, including all those within Planning Unit 1. In addition, there are more commercial uses in the area including recent additions such as Smith Pipe and Supply and Family Dollar. With the existing development standards and provisions of the Specific Plan, both Planning Units would be appropriate for higher intensity commercial and the PCC (Planned Community Commercial) zoning designation.

All of the uses that are permitted by right in the PLC zone are also permitted by right in the PCC zone. In addition, the following uses are permitted by right in the PCC zone: animal clinics; cocktail lounges and bars; hotels and motels; new auto and truck sales; nurseries; recycling collection facility (small); restaurants; sexually oriented businesses (subject to full compliance with all licensing and regulatory provisions of Chapter 5.18 of the code); and theaters. The conditionally permitted uses in the PLC and PCC zones are as follows:

Uses conditionally permitted in PLC:

Apparel stores in excess of two thousand square feet;

Automobile service station, provided that only minor repairing, battery charging, storage of merchandise and supplies, and lubrication be permitted so long as conducted within a building;

Auto parts stores in excess of two thousand square feet;

Hotels and motels;

Liquor stores;

Offices of any type exceeding two thousand square feet;

Public service facilities and public utility structures;

Restaurants serving beer and wine, provided that the sale of such beverages is incidental to the primary restaurant function, and provided, further, that the use does not include a cocktail lounge, bar (except for a service counter or bar without seating facilities, from which patrons may obtain beverages for consumption at tables), entertainment, or dancing;

Retail store, used

Uses conditionally permitted in PCC:

Any use involving outdoor activity or storage except those permitted uses listed in Section 9.30.020, parking appurtenant to other permissible uses;

Auctions;

Automobile repair shops;

Automobile service stations;

Carwashes, limited to self-serve and full-serve only;

Commercial recreation facilities;

Cultivation sites;

Dispensaries;

Distribution site;

Fast-food restaurants and drive-thrus;

Game arcades;

Private clubs and lodges;

Public service facilities and public utility structures;

Retail store-used;

Tattooing establishments (as defined by Chapter 5.34 of this code);

Transportation site;

Vehicle rental establishments and used vehicle sales (except used vehicles sold in conjunction with the operation of a manufacturer licensed new vehicle sales dealership) subject to the provisions of Section 9.96.170 pertaining to special provisions applying to miscellaneous problem uses.

A City letter was mailed in June to all property owners within the Specific Plan area and on the east side of Eagle Canyon Drive in order to seek comments on the proposed changes. Included with the letter were the zoning designation handouts listing the permitted and conditional use of each zone (PLC and PCC). The City received one call from a property owner who supported the change. No other comments were received.

A strikeout/underline draft of the Specific Plan has been prepared (see Attachment 4). All references to the PLC designation have been removed and Planning Unit 1 has been designated as PCC. Additionally, staff has taken the opportunity to remove and/or revise unneeded development requirements and add a provision to allow fast-food restaurants and auto repair shops and service stations in the Specific Plan area, which are conditional uses in the PCC zoning designation. As conditioned by the Planning Commission, "all cannabis businesses" and "sexually oriented businesses" have been added to the prohibited uses section of the Specific Plan.

#### ENVIRONMENTAL ANALYSIS:

In accordance with Senate Bill 18, the project proposal was sent to California Native American tribes on April 11, 2017 for review and comment. Letters were received from two tribes indicating no further consultation was needed.

The ordinance is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), as it can be seen with certainty that there is no possibility that Specific Plan Amendment No. 90-43A and Change of Zone No. 17-001 may have a significant effect on the environment.

#### PUBLIC NOTIFICATION:

This Public Hearing and the Environmental Determination were noticed in accordance with the City Municipal Code, State Law and the California Environmental Quality Act.

#### **FISCAL IMPACT:**

There are no fiscal impacts related to this action.

**ATTACHMENTS:**

Attachment 1: Planning Commission Resolution

Attachment 2: Specific Plan 90-43 Site Map

Attachment 3: Specific Plan 90-43 Land Use Map

Attachment 4: Strikeout/Underline Draft Specific Plan 90-43A

Attachment 5: City Council Ordinance

Attachment 6: Public Hearing Notice