

## REPORT TO THE PLANNING COMMISSION

---



**DATE:** February 28, 2017

**TITLE:** Request for a Zoning Map (ZMA 02-16) and General Plan Amendment (GPA 02- 16) for Two Parcels Located on the East Side of Little Morongo Road Between Desert View Avenue and 13<sup>th</sup> Avenue to Change the Designations From Low Density Residential (R-L) to Light Industrial (I-L) on Vacant Lots Totaling 19.4 Acres

**Applicants:** Ozhemma Kazaryan and Feliks Akopyan

**Prepared by:** Scott Taschner, Associate Planner

---

### **RECOMMENDATION:**

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Continue the Public Hearing to allow the Applicant to address Staff's concerns regarding outreach to the neighboring residents and property owners.

### **EXECUTIVE SUMMARY**

Consideration of Zoning Map Amendment (ZMA) 02-16, and General Plan Amendment (GPA) 02-16. The Applicants, Ozhemma Kazaryan & Feliks Akopyan, have filed a request for a Zoning Map Amendment to redesignate two vacant, adjacent parcels totaling approximately 19.4 acres from R-L (Low Density Residential) to I-L (Light Industrial). The subject properties are located east of Little Morongo Road, between 13th Ave and Desert View Ave. A corresponding General Plan Amendment has also been requested which, if approved, would make the requested Zoning Map Amendment consistent with the General Plan.

### **SITE INFORMATION**

*Existing Zoning/General Plan Land Use:* R-L/SP (Low Residential)

*Existing Use:* Vacant Land

*Total Project Area:* 19.44 gross acres

*Assessor's Parcel Number:* APN: 663-260-001 and APN: 663-260-002

The subject properties are roughly of equal size and are located on 19.44 acres of undisturbed desert east of Little Morongo Road, between 13th Avenue and Desert View Drive. The project

site contains slight to moderate amounts of typical desert vegetation (scrub brush and low-lying

plants). Topographically, the site is relatively flat and drains to the south/southeast. The site has no street improvements and has street access via Little Morongo Road, a two lane paved road.

East of the property is the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP) Morongo Wash Conservation Area and the entire site is within Federal Emergency Management Agency (FEMA) flood zones AO.

### **Surrounding Land Uses and Zoning**

	<b><u>Jurisdiction</u></b>	<b><u>Zoning &amp; General Plan Designations</u></b>	<b><u>Current Land Use</u></b>
<b>North</b>	City	R-L/SP (Low Density Residential)	Intermittent Residential Development
<b>West</b>	County	Medium Density Residential	Intermittent Residential Development
<b>South</b>	City	IL (Light Industrial) District	Proposed Cultivation Facility (CUP Processing)
<b>East</b>	City	R-L/SP (Low Residential)	Vacant Land – Coachella Valley Multi Species Habitat Conservation Area

### **Site Photos taken from the Northern lot**

*View to the North*



*View to the Northwest*



*View to the West*





### *South West Corner of Project Site*



## **ANALYSIS**

The proposed ZMA and GPA seek to extend the I-L (light industrial) zoning district to the north and complete the infill of an isolated area along the east side of Little Morongo Road north of 13<sup>th</sup> Avenue. Staff believes that this is a reasonable request however, after a site visit there are existing residences directly across the street from the northern lot that could be greatly impacted if the ensuing development did not have thoughtful mitigation measures (such as restricting height within 150 feet of existing residences, placement of landscape and parking area buffers in-between the proposed structures and the residences across the street, as well as other mitigation measures that may be necessary once the development plans are revealed to city staff. Staff also has major concerns that a change of zoning and general plan designations would allow, by right of zone, a 50 foot tall warehouse building directly across the street from relatively small single-story homes. This change of designations would make any use listed in the I-L zone a permitted use, as well as change the maximum building height, setbacks, lot coverage.

Staff would like to note that during the last general plan update (that was never completed) the city had looked at these parcels as potentially being re-designated to I-L in one of the three options, but the update was never completed.

The city would also benefit from the taxes a future cultivation warehouse would generate. From a site planning perspective, the parcels are physically suitable to the proposed industrial use as existing sewer, water, and electric infrastructure is located at or near the subject properties. The site is also relatively flat, which would be conducive for conventional development types and techniques.

That being said, staff believes the applicant needs to conduct some public outreach and set up several meetings with the neighbors to discuss their proposed change of zone/general plan and the future development of the site. Staff is recommending that the client/applicant set up the meeting and staff will reserve a location and provide input as to the potential uses and development that could ensue from a change in zoning and general plan designations.

## **AGENCY & PUBLIC REVIEW**

### **Public Agency Review**

The ZMA/GPA request was routed to all relevant public agencies and departments for review. There are no review comments at this time.

### **Senate Bill 18 Review**

The General Plan Amendment is subject to review by local Native American Tribal organizations, under Senate Bill 18 (SB 18) requirements. Per SB 18 requirements, the Community Development Department sent notice to the potentially affected Native American Tribes, identified by the Native American Heritage Commission, requesting their response within 90-days for formal consultation. The request for consultation period began on December 22, 2016, with no formal request for consultation by any of the identified Native American Tribes at this time.

### **Public Hearing Notice**

A public hearing notice was advertised in The Desert Sun and was mailed to all property owners within a 300 foot radius of the subject property. As of this writing, staff has not received any comments.

### **ENVIRONMENTAL ASSESSMENT**

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared and a Notice of Intent to adopt a Negative Declaration was sent to applicable agencies and published on February 4, 2017. The Initial Study and Negative Declaration are attached to this report as Exhibit No. 10.

### **RECOMMENDATION**

Staff recommends that the Planning Commission continue the item to allow the Applicant to address Staff's concerns regarding outreach to the neighboring residents.

### **EXHIBITS:**

- Exhibit No.1 - Existing Site Plan
- Exhibit No.2 -Conceptual Site Plan
- Exhibit No.3 -Current Zoning Map/General Plan Map
- Exhibit No.4 - Preferred Land Use Map (previous General Plan Update – not adopted)
- Exhibit No.5 - Site Photographs
- Exhibit No.6 - Distances Map (provided by MSA)
- Exhibit No.7 - Letter from 29 Palms Mission Indians
- Exhibit No.8 - Letter from Agua Caliente Tribe
- Exhibit No.9 -Google Earth View with staff notes
- Exhibit No.10 -Initial Study / Draft MND
- Exhibit No.11 - Draft Conditions of Approval – Akopyan Change of Zone / GP Amendment