

REPORT TO THE PLANNING COMMISSION



DATE: April 11, 2017

TITLE: Request for a Zoning Map and General Plan amendment (ZMA 02-16 & GPA 02- 16) for two parcels located on the east side of Little Morongo Road between Desert View Ave and 13th Avenue. The request is 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 & Feliks Akopyan

Prepared by: Scott Taschner, Associate Planner

Reviewed by: Daniel Porras P.E. Acting Community Development Director

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) Planning Commission Recommendation to the City Council to either:

a. Approve the Zoning Map & General Plan Amendment

Or

b. Deny the Zoning Map & General Plan Amendment

PRIOR ACTIONS:

On February 14, 2017 the Planning Commission voted to continue the item to a date certain of February 28, 2017 for the applicant to conduct outreach to the neighbors and so that they could bring back a conceptual site plan.

On February 28, 2017 the Planning Commission voted to continue the item to a date certain of April 11, 2017 so that the applicant could have more time to reach out to the neighbors.

On April 3, 2017 City staff and the applicants consulting firm held an informal community meeting with the neighboring property owners to discuss the proposed project, answer questions about the project, and to hear concerns about the proposal.

City staff noted the following residents' concerns:

- Decline in Property Values
- Inability to sell their homes in the future
- Odors emanating from the project
- Light Pollution
- Impacts on their views
- Traffic Concerns
- Tall buildings too close to street
- Toxic Waste
- In the wrong place – should be further down Little Morongo

City Staff replied on several of the comments stating that:

- 1) Outdoor lighting will be conditioned to direct light downward and not spill into the night sky or onto adjacent properties. Light fixtures will be required to be fully shielded.
- 2) Any proposed construction will be subject to a discretionary review by the city. The Planning Commission and City Council will have the ability to further mitigate the impacts and design at that time.
- 3) Any odors emanating from the site would be a violation of the conditions of approval and would be subject to citation, inspection, and additional mitigation measures being required by the city.
- 4) Wastewater will largely be recycled. In addition, projects are either required to have a holding tank which is pumped and taken off-site for treatment, or the project will be required to have an on-site water treatment / package plant.

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

& 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

NORTH

SINGLE FAMILY RESIDENTIAL & VACANT LAND

WEST

SINGLE FAMILY RESIDENTIAL & VACANT LAND

SOUTH

LIGHT INDUSTRIAL - CULTIVATION

EAST

VACANT - MSHCP

Site Photos take 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 13th 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.

Staff also has concerns with a change of zone and general plan amendment without having the development review application in process in order to mitigate design concerns and fully condition the approvals.

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 4th, 2017. The Initial Study and Negative Declaration are attached to this report as Exhibit No. 10.

RECOMMENDATION

Planning Commission Recommendation to the City Council to either:

a. Approve the Zoning Map & General Plan Amendment

Or

b. Deny the Zoning Map & General Plan Amendment

EXHIBIT(S)

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 – COA's – Akopyan Change of