



STAFF REPORT
4/20/2016

TO: Planning Commission

FROM: Luis Lopez, Development Services Director

SUBJECT: Zoning Ordinance Amendment (ZOA 16-02) amending various sections of the Coachella Zoning Code in order to streamline the application review and approval process for land use entitlement applications.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council approval of the attached draft Zoning Ordinance Amendment (ZOA 16-02) amending various sections of the Coachella Zoning Code in order to streamline the application review and approval process for land use entitlement applications.

BACKGROUND:

The Coachella Zoning Code sets forth the process for the review and approval of land use entitlement applications for projects within the City. Depending upon the type, size and scope of a project, the Zoning Code assigns responsibility for application review and approval among the City's Planning Director, the Planning Commission and the City Council. Over the years, working with the current Code, City Staff has identified opportunities to simplify and streamline the application review and approval process.

DISCUSSION/ANALYSIS:

Minor Variances:

As an example, if a project requires 100 parking spaces and the applicant is seeking a limited variance of only 5 parking spaces, the current Code nonetheless requires this to be reviewed by the Planning Commission at a noticed public hearing. The additional Staff time to prepare for a public hearing adds cost and delay to these types of projects. Staff believes that most "minor variances" involve only slight modifications that do not pose significant land use challenges to the City. Therefore, most do not warrant a full noticed public hearing. The attached Ordinance proposes to delegate review of certain "minor variances" to the City's Planning Director, without a public hearing. These "minor variances" would include the following:

- 1) Reduction in front, side or rear yard setback by not more than 10% of Code-required minimum;

- 2) Increase in fence height not more than 10% above Code-required maximum;
- 3) Reduction in required off-street parking, by not more than 5% of Code-required minimum;
- 4) Increase in building height not more than 5% above Code-required maximum;
- 5) Modification of allowable sign area not more than 10% above Code-required maximum;
- 6) Modification of allowable size of accessory structures no more than 10% above Code-required maximum, and reduction in minimum distance between accessory structures and other buildings not more than 10% of Code required minimum, in residential zones.

The Planning Director would be required to render a written decision within 60 days after receiving a complete application and must base his or her findings upon the same “unique circumstances/hardship” standards as the Planning Commission. All “major variances” (variances larger in scope than those identified above) would still be reviewed by the Planning Commission. Further, if the Planning Commission believes a “minor variance” warrants consideration at a public hearing, it may “call up” the matter to hear it on appeal (see “call up” appeals below).

Administrative Architectural Review:

Under the current Code, all architectural review applications are considered by the Planning Commission. Staff believes that the process can be better streamlined by allowing architectural review for small projects to be decided by the Planning Director. Therefore, the attached Ordinance delegates architectural review for the following projects to the Planning Director:

- 1) not more than 3 single family residences or new one-family and two-family dwelling units;
- 2) not more than 500 square feet of new multi-family residential square footage; or
- 3) not more than 2,000 square feet of new commercial/industrial square footage.

All other architectural review decisions would remain with the Planning Commission. Further, if the Planning Commission believes an architectural review application warrants consideration at a public hearing, it may “call up” the matter to hear it on appeal (see “call up” appeals below). Extensions of time to utilize architectural review would be decided by the person(s) who rendered the original decision (either the Planning Director or Planning Commission).

“Call Up” Appeal Procedure and Other Technical Clarifications Regarding Appeal Process:

The current Code provides that an appeal of a land use decision shall be filed (presumably by the applicant) within 15 days after the notice of determination is mailed. However, if the applicant does not file an appeal, there is no procedure for further review. The attached Ordinance adds a procedure by which any two members of the Planning Commission or City Council (whichever body is the next direct level of review) may “call up” a decision for review by that body without

the applicant having to file an appeal. The decision must be “called up” in writing within 15 days after the notice of determination by the lower body was mailed. Once “called up”, the matter would be processed like any applicant-filed appeal.

The Ordinance makes other technical clarifications regarding appeals: (i) That appeals are *de novo* hearings (the appeal body is not bound by the findings of the prior decision), and (ii) That if the appeal body fails to decide a matter, the prior decision made at the lower level stands.

Other Technical/Conforming Amendments:

The Ordinance makes other technical/confirming changes consistent with the amendments discussed above. For example, from time to time, questions regarding technical interpretation or implementation of the Zoning Code will arise. In many cases, it is cumbersome to bring these questions directly to the City Council or Planning Commission. Therefore, this Ordinance expressly authorizes the Planning Director to adopt administrative rules, interpretations and minor extensions consistent with the Zoning Code to carry out its terms. This has been the Planning Department’s practice for many years and the amendment merely codifies this practice. This ordinance also eliminates all references to the “Office of Zoning Administration” and “Zoning Administrator”. The City has not had these positions for many years and the reference is outdated. The Planning Director carries out these roles and the Code’s terms would be amended to reflect this.

ALTERNATIVES:

- 1) Recommend to City Council approval of the attached draft ordinance approving Zoning Ordinance Amendment 16-02.
- 2) Recommend to City Council approval of portions of the draft Ordinance, or a modified version of the Ordinance.
- 3) Continue this item and provide staff with direction.

RECOMMENDED ALTERNATIVE(S):

Staff recommends Alternative #1 above.

Attachment: Draft Ordinance approving ZOA #16-02