



Planning Commission **STAFF REPORT**

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*Danny Castro, Development
Services Director*

DATE: May 21, 2009

TO: Planning Commission

FROM: Danny Castro, Development Services Director

SUBJECT: MUNICIPAL CODE TEXT AMENDMENT (MCTA 09-01); Consideration of Resolution No. 09-10 recommending amendments to Chapter 17.36 (“C” Commercial zone) in its entirety and repeal of Chapter 17.37 and Section 17.60.030(B) of the Sierra Madre Municipal Code.

EXECUTIVE SUMMARY

At their February 5, 2009 meeting, the Planning Commission continued discussion regarding the Downtown Overlay Zone (DOZ – Chapter 17.37), and provided direction to staff to prepare amendments to the C Commercial zone (Chapter 17.36). The amendments include updating the list of permitted and conditionally permitted uses to be provided in a table, and updating the corresponding design and development standards.

There was general consensus that the DOZ restrictions no longer serve its original intention, and therefore Chapter 17.37 should be repealed and the underlying Commercial zone standards under Chapter 17.36, with amendments, should instead be in effect. Further, the business community has expressed that the DOZ’s list of conditionally permitted uses in downtown is very limited, outdated, and the conditional use permit (CUP) requirement that applies to all uses is too restrictive and costly.

Staff seeks the Commission’s consideration of Resolution No. 09-10 (Exhibit C), which recommends that the City Council amend Chapter 17.36 (“C” Commercial zone) in its entirety and repeal Chapter 17.37 and Section 17.60.030(B). Due to the consolidation of permitted and conditionally permitted uses in the proposed table, repeal of Section 17.60.030(B) would remove the cross reference of the same uses that are provided in the table. Attached as Exhibit A for reference are the proposed “red-line” changes to Chapter 17.36.

DISCUSSION

Staff recommends that the Commission review the red-line changes to Chapter 17.36 (Exhibit A). The proposed new table under Section 17.36.020 lists the permitted “P” and conditionally permitted uses “CUP” in the C Commercial zone. The table includes uses that are “shaded” and “shaded with a strikethrough”. The shaded uses are new uses that were added to the list – some of these uses were discussed at the February 5 meeting and others were added to help broaden the category of similar types of uses. The shaded uses with a strikethrough are uses that staff seeks the Commission direction on whether they should remain on the list, or removed. Attached as Exhibit B is the “undecided list” of these same uses, which includes staff’s explanation as to why these uses could be removed. Some of these uses were renamed to fit into a broader category so they are not taken off the list; other uses seem to be outdated.

While the Commercial zone standards provides for permitted and conditionally permitted uses, including design and development standards, there is no discretionary review process for new construction, additional floor area to an existing building, or expansion or enlargement of an existing building. A new section is proposed, Section 17.36.030, which requires a CUP for any new construction, addition to an existing building, or expansion or enlargement of an existing building in the Commercial zone. It is possible for new construction to occur in the Commercial zone that is developed as “speculation” for commercial use, but the type of use is not determined at the time of construction. The CUP process would allow the City to review the building development for its compatibility within the property and with the surrounding downtown development.

The proposed Section 17.36.030 also states that façade alterations and interior alterations to an existing building which do not involve the expansion of floor area or an increase or intensification of activity, as determined by the development services director, do not require a CUP. However, compliance with other zoning standards and the appropriate building permits are required.

The Commission suggested that an “undecided” list be created, which are uses that were on the list of uses but for various reasons call for careful review as to whether they should be added or removed altogether. Some of these uses were renamed as part of a broader category so they are not knocked off the list, but fit as similar to a use. Attached as Exhibit B is the “undecided list.” The right hand column describes why these uses were taken off the list. Staff recommends that the Commission review this list item-by-item, and decide whether they should be added or removed.

Finally, the proposed amendments update the design and development standards, including a few substantive changes that were updated when the DOZ took effect. The changes include the minimum lot size of one acre, and elimination of the mixed-use incentives. Residential uses located above retail (mixed-use) is permitted subject to the approval of a CUP. The height and density standards are preempted by Measure V.

FINDINGS

Pursuant to Code Section 17.64.050, the Planning Commission may grant approval of a Municipal Code Text Amendment whenever the public interest, convenience and general welfare so require: in that the amendments to Chapter 17.36 ("C" Commercial zone) and repeal of Chapter 17.37 (Downtown Overlay zone) will endure the orderly development of compatible and harmonious commercial uses in the downtown area, while safeguarding the downtown area of potentially undesirable impacts caused commercial uses by the requirement of a conditional use permit. The proposed amendments are intended to establish standards and impose the appropriate conditions to ensure the use, activity, and operations of commercial uses are compatible with the surrounding neighborhood. Therefore, the public interest, convenience and welfare would be met.

The Municipal Code Text Amendment is consistent with the Goals and Objectives of the General Plan; in that it would ensure orderly development of commercial uses where they currently exist so that they are compatible with and complement adjacent land uses. The text amendments are consistent with a General Plan objective that the commercial areas provide for a mix of uses which accomplishes a healthy balance of local services and visitor attraction while maximizing the City's revenues from property and sales tax. Further, the text amendments are consistent with General Plan policies to accommodate a diversity of commercial uses intended to meet the needs of local residents, and to accommodate commercial uses intended to attract visitors.

ENVIRONMENTAL

An initial study was conducted for the proposed Municipal Code Text Amendment, and it was concluded that it will not have a potential for a significant effect upon the environment. Therefore, a Negative Declaration is recommended for adoption pursuant to the provisions of Section 15070 of the California Environmental Quality Act (CEQA). A Notice of Intent to Adopt a Negative Declaration (NOI) was issued and posted by the City in accordance with CEQA Guidelines. Refer to Exhibit F for copies of the Initial Study and NOI.

ALTERNATIVES

1. The Planning Commission can recommend approval to the City Council.
2. The Planning Commission can recommend approval as modified to the City Council.
3. The Planning Commission can recommend denial to the City Council.
4. The Planning Commission can continue the matter for further review.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Recommend approval of Resolution 09-10 approving the Municipal Code Text Amendment 09-01 amending Chapter 17.36 (C Commercial zone) in its entirety and repealing Chapter 17.37 (Downtown Overlay zone).

Prepared By:

Danny Castro
Development Services Director

Attachments:

- Exhibit A: Redline of Chapter 17.36
- Exhibit B: Undecided List
- Exhibit C: Resolution No. 09-10
- Exhibit D: Adopting Ordinance
- Exhibit E: Downtown Area Map
- Exhibit F: Initial Study and Notice of Intent (Environmental)