



Legislation Text

File #: ORD-U 14-0016, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Mark Danaj, City Manager

FROM:

Quinn Barrow, City Attorney
Richard Thompson, Community Development Director

SUBJECT:

Public Hearing Regarding the Interim Zoning Ordinance (IZO) Prohibiting the Conversion of Any Commercial Use to a Different Commercial Use Classification in the Downtown Area of the City (City Attorney Barrow).

CONDUCT PUBLIC HEARING AND ADOPT ORD-U 14-0016 EXTENDING IZO FOR 10 MONTHS AND 15 DAYS

RECOMMENDATION:

Staff recommends that the City Council conduct the public hearing and adopt Ordinance No. ORD-U 14-016 extending the IZO for 10 months and 15 days until July 15, 2015. This will maintain the status quo on uses in the Downtown.

FISCAL IMPLICATIONS:

No impact.

BACKGROUND:

On October 8, 2013, the City Council directed staff to review the commercial regulations for offices, banks and other uses in the Downtown area due to a concern with the composition and mix of uses. A review of the Downtown is also one of the objectives in the City Council six month Strategic Plan (July 2013 - January 2014).

The Planning Commission discussed proposed code changes for Downtown on November 13, 2013. In general, the proposal was to restrict office and bank uses in the core, on the main streets in Downtown on the street front/sidewalk level, and allow these uses only above or below the street level. The Planning Commission did not recommend approval of the proposed changes as they felt there was a need for more community input and a more comprehensive study of the Downtown to address maintaining and enhancing its unique character.

On May 20, 2014, the City Council approved a Request for Proposal (RFP) for a consultant to work with staff, the community (business owners, property owners, residents) and organizations to develop a Plan to identify the needs and future development of Downtown Manhattan Beach. On July 15, 2014, the Council requested revisions to the RFP which were then discussed on August 12, 2014.

On August 12, 2014 the City Council authorized issuance of an RFP to solicit proposals to prepare a Downtown Specific Plan.

On July 1, 2014, the City Attorney provided a briefing on Interim Zoning regulations pending completion of the Downtown Plan. At that meeting the Council discussed the options and directed the City Attorney and staff to prepare a draft Interim Zoning Ordinance to regulate uses in the Downtown, as well as provide options, hardship exemptions and provisions to regulate projects that are “in the pipeline.”

On July 15, 2014, the City Council adopted an interim ordinance prohibiting the conversion of any commercial use to a different commercial use classification in the downtown area of the City (“Ordinance”), basically maintaining the status quo for uses in the Downtown. The Ordinance is effective for 45 days (Attachment 2).

On August 12, 2014, pursuant to Government Code Section 65858, ten days before the expiration of an interim ordinance, the City Council issued a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance. If the City Council does not extend the Ordinance, it will expire on August 29, 2014.

DISCUSSION:

The influx of non-retail uses such offices and banks has been on the rise in the Downtown, with a corresponding decrease in retail uses. The replacement and loss of retail space with office uses changes the overall character of the area and could impact the City’s tax base. Additionally, the Chamber of Commerce, the Downtown Business Professional Association (DBPA), residents and business owners have expressed concerns that the unique character and pedestrian-orientation of the Downtown is changing and small local retail and service businesses are being lost. Prior to 1991 any office use required a Use Permit in the Downtown Commercial (CD) Zone. In 1993, the regulation changed to require a Use Permit for office uses only over 2,500 square feet.

Interim regulations are generally enacted to call a “timeout” when a contemplated general plan, specific plan or zoning proposal which the city intends, or plans to study within a reasonable prior of time is being evaluated. Since the timeline for the development of a plan for the Downtown is anticipated to be a year or more, staff feels there is a need to extend the Interim Zoning Ordinance.

Government Code Section 65858 permits an initial moratorium or interim regulations for 45 days, with a 4/5th vote of the City Council. Interim Ordinances take effect immediately. Subsequently the regulations may be extended for an additional 10 months and 15 days, for a total of one year, after a noticed public hearing. The Government Code has an option of extending the Ordinance up another year after the initial 10 month and 15 days, with another public hearing. In any case, an Interim Ordinance would be valid for a maximum of 2 years.

The draft Interim Zoning Ordinance (IZO) (Attachment 1) proposes to simply extend the existing IZO which prohibits the conversion of any commercial use to a different commercial use classification in the Downtown, essentially maintaining the status quo in the Downtown. The Ordinance does not affect any residential development, only commercial.

The draft Ordinance also continues to address projects that are in the pipeline, prohibiting the

issuance of entitlements to all projects except those projects that have been processed and have received valid building permits. Applicants who have submitted applications, or have a project that is in plan check, or have not yet been submitted to plan check but have Planning approval, such as a Coastal Permit, will be subject to the new ordinance and cannot proceed with processing. If a Use Permit has already been approved for a different use it is exempt.

The Ordinance also continues to provide a hardship exemption. The IZO has a provision where the City Council could approve a hardship if denial of the exemption and enforcement of this Ordinance against an applicant's property would result in the applicant being deprived of all economically viable use of the property. The City Council may consider other factors in order to determine hardship. The business or property owner or tenant would need to provide evidence to support the exemption request.

PUBLIC NOTICE:

A notice (1/4 page ad) was published in the Beach Reporter on August 7, 2014 and a copy of the notice was mailed to all property owners and occupants in the Downtown Commercial District (CD) zone of the City, as well as the Chamber of Commerce and the Downtown Business Professional Association.

CONCLUSION:

Staff recommends that the City Council conduct the public hearing and adopt the continuation of the Interim Zoning Ordinance to prohibit the conversion of any commercial use to a new commercial use classification in the Downtown area. If the Interim Zoning Ordinance is extended tonight it will be effective until July 15, 2015.

Attachments:

1. Draft Interim Zoning Ordinance- ORDU No. 14-0016 and Exhibit A-Downtown Commercial Zone Map
2. IZO-ORD-U 14-0011- Current IZO - July 15, 2014