

## Proposed 2010 Council Study Issue

## CDD 10-02 Revisit Use Permit Requirement for Uses over 10,000 s.f. in C-1 and C-2 Zoning Districts

<b>Lead Department</b>	Community Development		
<b>Element or Sub-element</b>	Land Use and Transportation		
<b>New or Previous</b>	New		
<b>Status</b>	Pending	<b>History</b>	1 year ago None      2 years ago None

### 1. What are the key elements of the issue? What precipitated it?

In March 2009 the City Council reviewed a Use Permit application for a retail use in an existing retail shopping center. The application was for a grocery store to occupy a building larger than 10,000 square feet that had been vacant for over six years. In 1999, as part of a major reorganization of the Zoning Code, the permitted and conditionally permitted uses for all zoning districts were evaluated. Prior to the reorganization, no use was permitted by right in the Highway Commercial (C-2) zoning district, yet many uses were permitted by right in the Neighborhood Commercial (C-1) zoning district. Subsequently, the City Council adopted zoning code amendments that resulted in:

- permitting uses under 10,000 s.f. as a matter of right in both zoning districts; and
- requiring a use permit for new uses greater than 10,000 s.f. square feet, and for new buildings (regardless of size), and for major exterior renovations in both zoning districts.

A new use is one that is generally different than the most recent use (e.g. all retail would be considered the same use, but a restaurant would be different than a retail store) or if the building has been vacant for more than a year, any use is considered a new use.

This study will examine the regulations for Use Permits for new major tenants (greater than 10,000 s.f.) in existing buildings in the C-1 and C-2 zoning districts. The study would review whether no use permit or administrative level review should be required in either or both zoning districts for existing buildings (as was the case in the C-1 zoning district prior to 1999), whether a higher threshold (greater than 10,000 s.f.) is desirable, and/or if more than a year vacancy should be considered as a new use.

### 2. How does this relate to the General Plan or existing City Policy?

#### Land Use and Transportation Element

**Policy C4.1** Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.

**Action Statement C4.1.3** Promote commercial uses that respond to the current and future retail service needs of the community.

**Policy C4.3** Consider the needs of business as well as residents when making land use and transportation decisions.

**Policy N1.3** Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.

**Policy N1.13** Promote an attractive and functional commercial environment.

**Action Statement N1.13.2** Support convenient neighborhood commercial services that reduce automobile dependency and contribute positively to neighborhood character.

**Action Statement N1.13.3** Provide opportunities for and encourage neighborhood-serving commercial services in each residential neighborhood.

**Action Statement N1.13.4** Encourage the maintenance and revitalization of shopping centers.

**Action Statement N1.13.5** Provide pedestrian and bicycling opportunities to neighborhood commercial services.

**3. Origin of issue**

**Council Member(s)** Howe, Chu  
**General Plan**  
**City Staff**  
**Public**  
**Board or Commission** none

**4. Multiple Year Project?** No **Planned Completion Year** 2010

**5. Expected participation involved in the study issue process?**

**Does Council need to approve a work plan?** No  
**Does this issue require review by a Board/Commission?** Yes  
**If so, which?**  
 Planning Commission  
**Is a Council Study Session anticipated?** No  
**What is the public participation process?**  
 Newspaper and web notices to the general public, direct notice to shopping center owners and neighborhood associations.  
 Noticed public hearings with the Planning Commission and City Council.

**6. Cost of Study**

**Operating Budget Program covering costs**  
 242 - Land Use Planning  
**Project Budget covering costs**  
**Budget modification \$ amount needed for study**  
**Explain below what the additional funding will be used for**

**7. Potential fiscal impact to implement recommendations in the Study approved by Council**

**Capital expenditure range** None  
**Operating expenditure range** None  
**New revenues/savings range** None  
**Explain impact briefly**

**8. Staff Recommendation**

**Staff Recommendation Against Study**

**If 'For Study' or 'Against Study', explain**

Staff will bring suggested code changes to the Council in late 2009 to provide a more efficient process to the zoning requirements. Included in those suggested revisions will be the issue covered by this study issue, therefore it is not necessary to keep this study issue paper.

**9. Estimated consultant hours for completion of the study issue**

Managers	Role	Manager			Hours	
Lead	Ryan, Trudi		Mgr CY1:	10	Mgr CY2:	0
			Staff CY1:	50	Staff CY2:	0
Interdep	Berry, Kathryn		Mgr CY1:	8	Mgr CY2:	0
			Staff CY1:	0	Staff CY2:	0
Interdep	Verceles, Connie		Mgr CY1:	8	Mgr CY2:	0
			Staff CY1:	0	Staff CY2:	0
<b>Total Hours CY1:</b>			<b>76</b>			
<b>Total Hours CY2:</b>			<b>0</b>			

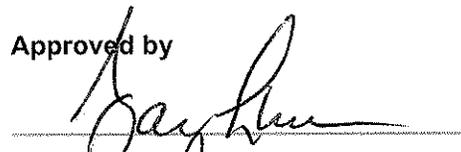
**Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.**

Reviewed by

  
 Department Director

10/13/09  
 Date

Approved by

  
 City Manager

10/14/09  
 Date

### Addendum

**A. Board / Commission Recommendation**

**Issue Created Too Late for B/C Ranking**

Board or Commission	Rank	Rank
	Rank 1 year ago	Rank 2 years ago
Arts Commission		
Bicycle and Pedestrian Advisory Committee		
Board of Building Code Appeals		
Board of Library Trustees		
Child Care Advisory Board		
Heritage Preservation Commission		
Housing and Human Services Commission		
Parks and Recreation Commission		
Personnel Board		
Planning Commission		
<b>Board or Commission ranking comments</b>		

**B. Council**

**Council Rank** (no rank yet)  
**Start Date** (blank)  
**Work Plan Review Date** (blank)  
**Study Session Date** (blank)  
**RTC Date** (blank)  
**Actual Complete Date** (blank)  
**Staff Contact**