



## Legislation Text

File #: 2016-998, Version: 1

### Report to Mayor and City Council

Tuesday, September 20, 2016

Discussion

#### SUBJECT:

**CONSIDER RESOLUTION NO. 16-131 AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 16-1578U FOR HABITAT COMMERCIAL AT 21316 AVALON BOULEVARD (CITY COUNCIL)**

#### **I. SUMMARY**

On September 20, 2016, this item was continued to October 4, 2016.

On January 19, 2016, the City Council adopted Interim Urgency Ordinance No. 16-1578U extending a moratorium on new development and expansion or modification of existing buildings or sites in six Planning Areas for 10 months and 15 days. On February 2, 2016, the City Council ratified the ordinance (Exhibit No. 1). Section 6 of this Ordinance allows the City Council to make exceptions to the application of this Ordinance. On August 15, 2016, Mr. Hassan Amirsadeghi of Habitat Commercial filed a request to make an exception to this ordinance to allow processing of plans and all necessary permits for construction of a Coffee Bean and Tea Leaf with a drive-thru (Exhibit No. 2). If the City Council determines to allow an exception pursuant to Section 6, such applications and/or permits may be filed and processed in accordance with the City's regulations and authority, and any other applicable laws, ordinances and regulations. Staff recommends adoption of Resolution No. 16-131 allowing the applicant to proceed with filing the plans (Exhibit No. 3).

#### **II. RECOMMENDATION**

1. WAIVE further reading and ADOPT Resolution No. 16-131, "ALLOWING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 16-1578U TO ALLOW PROCESSING OF PLANS AND ALL RELATED PERMITS FOR THE CONSTRUCTION OF A COFFEE BEAN AND TEA LEAF WITH A DRIVE THRU LOCATED AT 21316 AVALON BOULEVARD."

#### **III. ALTERNATIVES**

TAKE such other action as the City Council deems appropriate, consistent with the requirements of law.

#### **IV. BACKGROUND**

Section 6 of Interim Urgency Ordinance No. 16-1578U states that the City Council may allow exceptions to the application of this Ordinance, if the City Council determines any of the provisions included in Section 6, A through D apply to the request. Staff has determined that provisions of Section D. apply to this request. Section 6.D. of Interim Urgency Ordinance No. 16-1578U states:

“The request is for an exception from the application of this Ordinance for permits for development of new projects or expansion and modification of existing buildings and sites and the use proposed is consistent with and will not pose an impediment to the establishment of a “signature project” as that concept is described in the Land Use and Economic Development Elements of the City’s General Plan.”

The small size of this parcel makes it very challenging to develop. The attached conceptual site plan provides an efficient use of the property (Exhibit No. 2). Staff would have preferred to combine this parcel with the larger parcel to the east currently occupied by the post office for a larger development. However, the likelihood of this civic use relocating or expanding is fairly low. Staff prefers to see this parcel develop since it is located on one of City’s heavily traveled intersections. The said use has been determined to be consistent with the existing zoning and character of the area and would not pose an impediment to the establishment of a “signature project” as required by Section 6.D.

#### **V. FISCAL IMPACT**

None.

#### **VI. EXHIBITS**

1. Ordinance No. 16-1578U. (pgs. 3-11)
2. Letter from Mr. Hassan Amirsadeghi, dated August 15, 2016. (pg. 12-13)
3. Resolution No. 16-131. (pgs. 14-17)

Prepared by: Saied Naaseh, Planning Manager