

REPORT TO THE CITY COUNCIL - STUDY SESSION



DATE: February 21, 2017

TITLE: I-10 Corridor Study

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Reviewed by: Jennifer A. Mizrahi, City Attorney

The Item has been withdrawn and rescheduled to March 7, 2017

RECOMMENDATION

Provide Staff with direction on how the City Council would like to proceed with its vision for the land abutting or near the I-10 Freeway.

BACKGROUND

It has been noted that Council wanted to review the industrial land located adjacent or near the I-10 to better study the land uses allowed in that area and to determine what kinds of uses it envisions to best be at the entrance to the City. Currently, the City anticipates that several people and businesses will express (or have done so already) interest in applying for entitlements, permits and licenses for Medical Marijuana Facilities in the LI Light Industrial zone located generally along the I-10 freeway. Although Medical Marijuana Facilities are currently allowed (with certain entitlements, permits, and licenses) within Industrial Districts of the City, the area along the I-10 Freeway may not be suited for Medical Marijuana Facility use. Because the area is a prominent gateway to the City and close proximity to the I-10 Freeway, Staff seeks City Council vision for this area with respect to land use and zoning standards. In light of these points, below are a few options for City Council's consideration.

OPTIONS

Council has several land use and zoning options relating to the land uses along the I-10 Corridor. The options are broken down in this Staff Report as 1) adoption of Urgency Interim Zoning Ordinance (with sub-options contained therein), and 2) Land Use and zoning options for the Corridor Study Area (with sub-options contained therein). The options are not mutually exclusive.

1) An Urgency Interim Zoning Ordinance /Also Known as "Moratorium"

a. Subject Ordinance

An Urgency Interim Zoning Ordinance ("Subject Ordinance") is a local law that takes immediate effect once passed to temporarily prohibit a particular land use so that a locality can have the time it needs to study the potential effects and impacts and to establish regulations for same.

b. Requirements

Under California Government Code section 65858, without following the procedures otherwise required prior to the adoption of a zoning ordinance, a city may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City intends on studying for a period of up to 24 months. In order to adopt such an ordinance, the following must be done:

1. Adoption requires a four-fifths vote of the City Council;
2. The Subject Ordinance must contain findings stating why the Subject Ordinance is needed to address a current and immediate threat to public health, safety, or welfare;
3. 10 days prior to the expiration of the Subject Ordinance or any extension thereof, the Council shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Subject Ordinance

c. Term of the Subject Ordinance

The Subject Ordinance has an initial term of 45 days, unless it is extended by four-fifths vote of the City Council. If the City does *not* notice and publish the Subject Ordinance, the City can extend the Subject Ordinance for a period of time up to 10 months and 15 days, for a total of 1 year. If the City *does* notice and publish (10 days in the newspaper of general circulation) the Subject Ordinance, the City can extend the Subject Ordinance for a period of time up to 22 months and 15 days, for a total of 2 years.

d. Effects

If approved, the Subject Ordinance would cause a temporary suspension of the processing of any incomplete application or approval of any permit, entitlement or license within a certain area or zone. Further, no use permit, variance, building permit, or any other entitlement for use would be accepted, processed, approved or issued for the establishment or operation of uses for a subject area. Adopting such Subject Ordinance would allow adequate time for the City to consider, study, and enact regulations for any such area, so that the City Council can properly consider the best uses and proper development standards for that area.

2) Land Use and Zoning Options for the Corridor Study Area

a. Defining the Subject Area

The first decision that Council would need to make is to define the boundary area near the I-10 Freeway for Staff to study. To this extent, Staff prepared three (3) Corridor Study maps which each delineate the affected Industrial zoned parcels that would be affected (see attachments):

1. Study Area No. 1
 - a. This Study Area No. 1 delineates only the Industrial Zoned parcels which abut the I-10 Freeway.
 - b. There are 18 parcels in this Study Area, which in total consist of approximately 239.8 acres.
2. Study Area No. 2
 - a. This Study Area No. 2 delineates only the Industrial Zoned parcels located within 1000 feet of the I-10 Freeway.
 - b. There are 24 parcels in this Study Area, which in total consist of approximately 367.8 acres.
3. Study Area No. 3
 - a. This Study Area No. 3 delineates only the Industrial Zoned parcels located within 2000 feet of the I-10 Freeway.

- b. There are 41 parcels in this Study Area, which in total consist of approximately 508.1 acres.

Setting the boundary area is an essential step not only for the Subject Ordinance, but in addition to eventually setting the land use designations, zoning uses, development standards, and regulations for the contemplated subject area. Currently, the most prevalent General Plan Land Use Designation along the I-10 corridor, west of Palm Drive and east of Indian Avenue is L-I Light Industrial, with a small portion shown as RD Rural Desert, and a larger portion shown as OS-W Open Space Water (which is essentially unbuildable). Because the City annexed much of the land adjacent to the I-10 as part of the I-10 Annexation, the City uses the County land designation of L-I, because the City has yet to re-zone and develop its own development standards for that area.

b. Land Use Options for the Corridor Study Area

Staff proposes two (2) land use options:

- 1) Option 1 - Change of Zone and General Plan Amendment from L-I to Commercial General (C-G) or a C-G Overlay

Should Council desire a mix of commercial uses (such as hotels, eating establishments, and destination stop/convenience commercial and regional commercial), it could change the zone or create an overlay zone to allow for these types of uses. Because these uses are currently not permitted in the L-I zoning designation of the general plan, the City would need to also perform a General Plan Amendment.

- 2) Option 2 - Create a new Freeway-Oriented Zoning Designation and General Plan Amendment.

Should Council desire, it could create a new zoning designation which could specifically allow for freeway-oriented uses, such as a truck stop, rest area, and hotels.

In general, it should be noted that the City plans on performing a Comprehensive Update to the General Plan and could include either of the above in its Comprehensive General Plan Amendment.

FISCAL IMPACT

Depending upon specific City Council direction, Staff will be able to assess the financial impact.

EXHIBITS

- 1) Industrial Zoned Properties directly abutting the I-10 corridor
- 2) Industrial Zoned Properties within 1000 feet of the I-10 corridor
- 3) Industrial Zoned Properties within 2000 feet of the I-10 corridor