

REPORT OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE ON URGENCY ORDINANCE NO. 451-U IMPOSING A MORATORIUM ON THE ISSUANCE OF ANY NEW PERMIT PERTAINING TO ANY USE WITH A GROSS FLOOR AREA GREATER THAN 10,000 SQUARE FEET IN THE MIXED USE 1 AND MIXED USE 2 DISTRICTS OF THE DOWNTOWN VILLAGE SPECIFIC PLAN AREA

I. Introduction.

On June 7, 2016, the City Council of the City of La Cañada Flintridge enacted Ordinance No. 451-U, an urgency ordinance imposing a moratorium on the issuance of any new permit pertaining to any use with a gross floor area greater than 10,000 square feet in the Mixed Use 1 and Mixed Use 2 Districts of the Downtown Village Specific Plan area. Pursuant to Government Code section 65858, the interim urgency ordinance remains in effect for forty-five (45) days. Thereafter, state law allows the City Council to extend the ordinance for ten (10) months and fifteen (15) days and, if necessary, to adopt a second extension for an additional year.

Ten days prior to the expiration of the urgency ordinance, the City Council must issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the ordinance. The City has prepared this report in satisfaction of the requirements of Government Code section 65858.

II. Background to the Adoption of the Interim Urgency Ordinance.

In support of the interim urgency ordinance, the City Council made the following findings:

A. La Cañada Flintridge was incorporated in 1976, has a population of 20,335 residents (2010 Census), is 8.6 square miles in size, and located approximately 13 miles northeast of downtown Los Angeles.

B. Although the City is relatively young, it is a nearly fully developed hillside community. As stated in the City's General Plan Update dated January 2013, the City is a "predominantly low-density, single-family residential community with considerable open space and a trail system" and "retains a small-town feel and a semi-rural character..."

C. As stated in the City's General Plan Update dated January 2013, "[t]hese distinctive characteristics are highly valued by the City's residents, and it is their desire to retain these special qualities and existing community character" in the future development of the City.

D. To ensure that these special characteristics and qualities valued by the community are preserved, the City has adopted various land use regulations to guide the physical development of the City and to identify and mitigate the impacts of development on the small-town feel and a semi-rural character of this community.

E. In accordance with California state law, for example, the City adopted an updated General Plan in 2013, a legislative act which serves as a comprehensive, long-term plan to guide the physical development of the City and serves as the official statement of policies governing all

City Council, advisory commission, and administrative decisions regarding zoning, subdivisions, and public improvements. The General Plan identified several development concerns in the City and set forth goals to mitigate those concerns. For example:

1. With respect to land use policy, the City desires to:
 - a. “Protect existing single-family residential neighborhoods from intrusion of noise, traffic, and other impacts.”
 - b. “[E]nsure that development is designed, constructed, and maintained to preserve the integrity of residential neighborhoods and protect them from potential negative impacts of non-residential development”, such as noise, traffic, parking, and circulation issues.
 - c. Address parking concerns in the Downtown Village Specific Plan area (further described below). To address this need, the 2013 General Plan noted that actions were taken to re-designate certain park property to allow additional parking due to the shortage and difficulty of parking in this area. Additionally, the City established a policy to “[e]ncourage consolidation of parking and reciprocal-access agreements among adjacent businesses” due to the shortage of parking area in the commercial areas including the Downtown Village Specific Plan. (LUE Policy 2.2.4.)
2. With respect to traffic, circulation and parking policies, the City desires to:
 - a. Pursue opportunities for improved access to off-street parking in the Downtown Village Specific Plan area by “working with property owners and developers to encourage reciprocal parking arrangements and removal of barriers to reciprocal access to such parking; revising the Zoning Code to permit removal of such barriers to encourage access to off-street parking; and investigating opportunities for development of additional publicly owned or leased parking.”
 - b. “Enhance parking efficiency and utilization along Foothill Boulevard to promote the City’s commercial vitality.”
 - c. “Encourage developments that contribute to balanced land uses and that serve to reduce overall trip lengths (e.g., jobs and housing balance, locating retail in closer proximity to residents and patrons.)”
 - d. “Monitor congestion along Foothill Boulevard, evaluate alternatives, and make improvements when volumes increase.” This concern is based on the recognition by the City that the intersections of Angeles Crest Highway and Chevy Chase Drive with Foothill Boulevard are offset and, as a result, there are closely spaced traffic signals that have resulted in less-than-satisfactory operation that serve to create traffic congestion.
3. With respect to mitigating noise, the City recognizes that:

a. The presence of residential neighborhoods directly adjacent to Town Center Drive, Foothill Boulevard and the Downtown Village Specific Plan area poses a noise issue to those residents.

b. Commercial establishments can produce unwanted sources of noise such as “periodic loading and unloading operations, restaurants and live music venues, use of pneumatic auto repair tools, and use of mechanical equipment.”

c. “La Cañada Flintridge will continue to be a community that retains its quiet, small-town feeling and predominantly single-family residential character with a limited amount of local-serving commercial development.”

d. To address noise impacts, the City must “[r]equire new development to minimize noise impacts on adjacent uses through site and building design, setbacks, berms, landscaping, and/or other noise abatement techniques.”

F. To implement these goals and policies of the General Plan and to ensure that the City’s characteristics and qualities valued by the community are preserved, the City Council adopted the Downtown Village Specific Plan in 2000 to establish land use regulations to strengthen the “downtown” area of La Cañada Flintridge as the heart of the community. It primarily regulates a portion of Foothill Boulevard, which is the City’s primary commercial thoroughfare.

G. The Downtown Village Specific Plan expressly identified several goals including:

1. “Create a plan that enhances economic viability.”
2. “Create a workable street system with a smooth flow of traffic and circulation.”
3. “Create appropriate design standards.”
4. “Create a new home for Sport Chalet that fits in to the community’s vision.”
5. To “keep the large retail uses, Sport Chalet and Vons market, physically separated on the western and eastern edges of the Village Center area.”
6. “To ensure consistency between the Downtown Village Specific Plan and the City of La Cañada Flintridge General Plan...”
7. “Encourage mutual access easements, shared parking and public parking lots or subterranean parking to improve parking and circulation along [Foothill] Boulevard.”
8. “Encourage local-serving commercial uses and low density development consistent with the small town character of the community.”

H. The Downtown Village Specific Plan established five districts including the Mixed Use 1 and Mixed Use 2 Districts, which aim to create mixtures of retail, office, and residential uses in the same building.

I. “All permitted uses in all land use districts [in the Downtown Village Specific Plan area] with a gross floor area greater than 10,000 square feet require a Conditional Use Permit.” This requirement was necessary to allow the City an opportunity to review impacts from that large scale developments, such as noise, traffic, circulation, and parking impacts and provide an opportunity to mitigate those impacts.

J. The Downtown Village Specific Plan recognizes that the La Cañada Properties site, which includes the Sport Chalet development, is the “critical development in the Downtown Village Specific Plan as it will set the tone for what is to come” with respect to other uses and impacts to the community including noise, traffic, circulation, and parking impacts.

K. Since the adoption of the Downtown Village Specific Plan, the City has repeatedly found and raised concerns about noise, traffic, circulation and parking in the Downtown Village Specific Plan and how those impacts are largely tied to the land uses permitted in that area. The City Council has also repeatedly expressed a desire to review the Downtown Village Specific Plan to address the permitted land uses and impacts created therefrom. For example:

1. In 2007, the City completed development on the La Canada Flintridge Town Center development, which is located at the center of the Downtown Village Specific Plan. The project consisted of seven new buildings comprised of 111,200 square feet of retail floor area, 5,585 square feet of restaurant uses, and 26,972 of office space for a total floor area of 143,757 square feet. As set forth in a City Council agenda report dated June 2, 2014, the City Engineer stated: “Soon after the Town Center project was completed, the City experienced difficulties and received complaints in managing several traffic signals in a short distance. Several interim measures were implemented, including adjustments to signal timing, vehicle detection, signs striping, left turn phasing, and blank-out LED turn restrictions.”

2. As a result of these impacts, the City commissioned a traffic study in 2013, which included two public workshops to discuss these concerns. The traffic study found numerous traffic and circulation concerns in the Downtown Village Specific Plan area. Recommended solutions included traffic signal timing optimization, new signage, new turn restrictions, changes to medians, and installation of vehicle detector loops.

3. In 2009, the City Council adopted Ordinance No. 380 to amend parking standards for any conditional permitted use in the Downtown Village Specific Plan, such as a use with a gross floor area greater than 10,000 square feet, in order “to prevent traffic congestion and excessive on-street parking.”

4. Additionally, through Ordinance No. 380, the City Council adopted procedures to allow for shared parking and valet parking to assist with concerns about deficiencies in parking in the Downtown Village Specific Plan area, traffic congestion, excessive on-street parking, and negative impacts on neighboring businesses.

5. On June 16, 2014, the City Council adopted various goals and objectives for the City Council and its staff. One of the goals was to “improve the commercial sector and major thoroughfares of the City.” As part of this goal, the City Council established an objective to “Continue to Implement the Downtown Village Specific Plan.” Two tasks of this objective were to “Evaluate parking needs, solutions and financing mechanisms” and to conduct a “Comprehensive Specific Plan Review.”

6. In March 2015, during its Annual General Plan Progress Report, the “City Council has indicated its desire to review the DVSP (originally adopted in 2000) for updates in the future.”

7. On May 31, 2016, the City Council reviewed the 2014 goals and objectives and made amendments thereto. The goal to “improve the commercial sector and major thoroughfares of the City” was amended to state “Evaluate and update the Downtown Village Specific Plan.” And, the task to conduct a “Comprehensive Specific Plan Review” was amended to state “Comprehensive Specific Plan Review including a full evaluation of all land uses permitted in the DVSP.”

8. The City’s planning staff is currently in the process of reviewing and updating its Zoning Code, which is scheduled to be reviewed by the Planning Commission later in 2016 or early 2017. The Zoning Code update will lead to a full scale review of the entire Downtown Village Specific Plan.

L. The City has determined that larger developments create greater impacts on parking, traffic congestion, circulation issues, and noise. Indeed, this is the reason why the Downtown Village Specific Plan requires a Conditional Use Permit process for all uses with a gross floor area greater than 10,000 square feet. The City currently has approximately 14 businesses in the Mixed Use 1 and 2 Districts that have a gross floor area greater than 10,000 square feet.

M. In May 2016, the City learned that Sport Chalet retail establishment will be closing. As stated above, the Downtown Village Specific Plan expressly identified several goals relating to this development including “Create a new home for Sport Chalet that fits in to the community’s vision” and to “keep the large retail uses, Sport Chalet and Vons market, physically separated on the western and eastern edges of the Village Center area.” Moreover, the Downtown Village Specific Plan recognized that the La Cañada Properties site, which includes the Sport Chalet development, is the “*critical development in the Downtown Village Specific Plan as it will set the tone for what is to come*” with respect to other uses and impacts to the community including noise, traffic, circulation, and parking impacts.

N. Based on the express and critical importance of this site in the Downtown Village Specific Plan and the intent of that plan to regulate “large retail uses” and to mitigate the impacts to the community from those large developments, such as noise, traffic, circulation, and parking impacts, the City Council finds it necessary to immediately place a temporary moratorium on the issuance of permits for uses to have a gross floor area greater than 10,000 square feet in the Mixed Use 1 and Mixed Use 2 Districts of the Downtown Village Specific Plan Area since the closure of the Sport Chalet provides a unique, time-sensitive opportunity to thoroughly review, study and analyze the types of uses that are appropriate to have a gross floor

area greater than 10,000 square feet in the Mixed Use 1 and Mixed Use 2 Districts of the Downtown Village Specific Plan Area.

O. Existing permitted and conditionally permitted uses under the Downtown Village Specific Plan may not sufficiently support the City's goals for the future of the Downtown Village Specific Plan and may continue to intensify the negative impacts on parking, circulation, noise, and traffic congestion.

P. Should any new use with a gross floor area greater than 10,000 square feet be established in the Downtown Village Specific Plan area, such a development would constitute a current and immediate threat to the public health, safety and welfare in that such a development will continue or intensify impacts to parking, traffic congestion, circulation, or noise in the Downtown Village Specific Plan area. Thus, while certain uses may benefit the City and the community with respect to customer attraction, retail sales and commercial synergy, those same uses may serve to exacerbate parking, traffic congestion, circulation, and noise impacts.

Q. Adopting an interim zoning measure for uses with a gross floor area greater than 10,000 square feet in the Mixed Use 1 and 2 Districts of the Downtown Village Specific Plan area is necessary to mitigate or avoid the specific adverse impacts of such uses by allowing the City staff to study these potential impacts before they occur and to develop changes to the Downtown Village Specific Plan which will allow City's General Plan goals and objectives to be met.

R. Pursuant to Sections 36934 and 65858 of the California Government Code, to protect the public health, safety, and welfare, the City Council may, by a four-fifths vote, adopt as an urgency measure an interim ordinance prohibiting land uses that the City is studying, or intends to study, within a reasonable time.

S. For the reasons stated above, there is a current and immediate threat to the public health, safety, and welfare, such that the approval of additional permits including building permits and any other applicable entitlement for use which is required in order to comply with a Downtown Village Specific Plan would result in the realization of that threat to the public health, safety, or welfare.

T. The City Council now desires to adopt as an urgency measure an interim ordinance temporarily prohibiting land uses with a gross floor area greater than 10,000 square feet in the Mixed Use 1 and 2 Districts of the Downtown Village Specific Plan.

III. Measures Taken Since the Adoption of the Interim Urgency Ordinance.

As the City Council's findings demonstrate, the interim urgency ordinance was enacted in response to potential new uses with a gross floor area greater than 10,000 square feet that could enter the Downtown Village Specific Plan area and present a threat to the public health, safety and welfare by continuing or intensifying impacts to parking, traffic congestion, circulation, or noise in the Downtown Village Specific Plan area.

To alleviate the conditions that led to the adoption of the interim urgency, City staff has performed the following tasks and analyses:

- Generated an inventory of existing uses with a gross floor area greater than 10,000 square feet in the Mixed Use 1 and Mixed Use 2 Districts of the Downtown Village Specific Plan.
- Created a list of uses that may be permitted by right or conditionally in the Mixed Use 1 and Mixed Use 2 Districts of the Downtown Village Specific Plan pursuant to that Plan.
- Studied the location of the existing uses that have a floor area greater than 10,000 square feet in the Mixed Use I and II areas of the Downtown Village Specific Plan and analyze parking supply, demand, and circulation.
- Conducted an initial analysis regarding the adverse impacts of uses that have a gross floor area greater than 10,000 square feet. Impacts include noise, traffic, parking, and other impacts to the health, safety and welfare of the surrounding community. Staff has made the preliminary determination that some uses that have a gross floor area greater than 10,000 square feet could negatively impact traffic and circulation depending on availability of parking and trigger noise issues.

During the remaining period of the moratorium, including any extension period if enacted, City staff will continue to perform the following tasks and analyses:

- Study the potential impacts of uses that have a gross floor area greater than 10,000 square feet on the public health, safety and welfare.
- Gather factual data regarding the adverse impacts uses that have a gross floor area greater than 10,000 square feet.
- Research how other cities regulate uses that have a gross floor area greater than 10,000 square feet, especially in built out cities.
- Determine what uses should be permitted to have, or be prohibited from having, a gross floor area greater than 10,000 square feet due to parking, circulation, and noise concerns.
- Amend the Downtown Village Specific Plan to incorporate the uses that will be permitted to have, or be prohibited from having, a gross floor area greater than 10,000 square feet, including any new development standards to mitigate parking, circulation, and noise impacts. The development standards will seek to further implement the goals of the General Plan and to support the best and highest use of properties within the City, while also promoting economic development, and providing services and access to businesses desired by the residents of the City.
- Provide recommendations to the Planning Commission and City Council.

City staff has not concluded its research. For these reasons, on July 19, 2016, staff will present a proposed extension of the moratorium for City Council consideration. If adopted, the moratorium would be extended an additional ten (10) months and fifteen (15) days to permit City staff to complete its research and to provide sufficient time for City staff to formulate appropriate recommendations in light of that research.