



# Planning Commission Report

Planning Commission Meeting: December 16, 2015

Agenda Item: 9-C

To: Planning Commission  
From: Amanda Schachter, City Planning Division Manager  
Subject: Text Amendment 15ENT-0315

Address: Mixed-Use and Commercial Districts  
Applicant: Santa Monica Chamber of Commerce

## Recommended Action

It is recommended that the Planning Commission recommend to the City Council adoption of the proposed Zoning Ordinance text amendment.

## Executive Summary

Santa Monica Municipal Code (SMMC) Section 9.11.020, Specific Limitations #17 and #19 currently require a Conditional Use Permit (CUP) for any individual tenant space in the Neighborhood Commercial (NC) District that is more than 7,500 square feet of floor area and/or exceeds 50 linear feet of ground floor street frontage and for any individual tenant space in the Mixed-Use Boulevard Low (MUBL), Mixed-Use Boulevard (MUB), and General Commercial (GC) Districts that is more than 12,500 square feet of floor area and/or exceeds 75 linear feet of ground floor street frontage. On September 25, 2015, the applicant, Santa Monica Chamber of Commerce, applied for a text amendment to modify these limitations so that the requirement of a CUP would apply to retail sales tenant spaces only. Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Zoning Ordinance text amendment.

## Background

During the Planning Commission and City Council review of the Draft Zoning Ordinance, the Commission and Council primarily discussed regulating the size of commercial tenant spaces as a method to regulate "big box" retail stores by providing for discretionary review of these larger tenant spaces. The discussion first focused on the Neighborhood Commercial District and was later expanded to include the Mixed-Use Boulevard Low, Mixed-Use Boulevard, and General Commercial Districts.

The Zoning Ordinance was adopted by the City Council in June 2015 with the following limitations for individual tenant spaces in the NC, MUBL, MUB, and GC Districts in Table 9.11.020:

- (17) No individual tenant space in the NC District shall occupy more than 7,500 square feet of floor area and/or exceed 50 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.
- (19) No individual tenant space in the MUBL, MUB, and GC Districts shall occupy more than 12,500 square feet of floor area and/or exceed 75 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.

These limitations apply to all tenant spaces in new or existing buildings in these mixed-use and commercial zoning districts regardless of the type of use.

#### Text Amendments

SMMC Section 9.46.030(C) allows for the initiation of a Zoning Ordinance text amendment by any qualified applicant. On September 25, 2015, a representative of the Santa Monica Chamber of Commerce filed the subject text amendment application. The Santa Monica Chamber of Commerce is representing two property owners whose projects would be impacted by the current CUP requirement. An existing office building over 12,500 square feet in size located at 3402 Pico Boulevard would require a CUP to allow one tenant to occupy the entire existing building. An auto dealership at 1530 Santa Monica Boulevard would require a CUP to enclose the existing outdoor display area if the building exceeds 12,500 square feet yet still conforms to the Urban Auto Dealership Format standards.

#### Discussion

The applicant is requesting a text amendment on behalf of these property owners that would modify Specific Limitations #17 and #19 in Table 9.11.020 to apply to retail sales uses only. Retail sales uses are identified in SMMC Section 9.51.030(B)(22) and include uses such as large, medium, and small-scale general retail sales, building materials and services, pawn shops, and swap meets.

The Planning Commission's discussions of limiting tenant space sizes, particularly during its January 21, 2015 meeting, focused primarily on retail commercial uses and concerns with the proliferation of "big box" and chain stores and the potential loss of neighborhood character and uniqueness. The Planning Commission decided not to exclusively regulate chains. Specific Limitations #17 and #19 requiring CUPs for individual tenant spaces over the size thresholds apply to all tenant spaces in new or existing buildings regardless of use.

A Conditional Use Permit is intended to allow for the discretionary review of potential changes in the character of the use of land or building or for the construction or substantial expansions in the use of land or building which may have an impact upon the general welfare or safety of the public. A CUP is also intended to ensure that a use is compatible with adjacent land uses. The CUP requirement may be cumbersome or unnecessary for certain types of uses such as general office uses that are already prohibited on the ground floor or will be consolidated from existing office tenant spaces on upper stories and would not result in an intensification of the use or require additional parking.

The Zoning Ordinance standards for the Mixed-Use and Commercial Districts currently provides CUP review thresholds for a variety of non-retail sales uses. Concerns with the potential sizes of bank and restaurant tenant spaces and new office and auto dealer square footage are addressed in Table 9.11.020:

- Any individual bank and credit union tenant space exceeding 7,500 square feet of floor area and/or 40 linear feet of ground floor street frontage requires approval of a CUP.
- A restaurant exceeding 5,000 square feet of floor area requires approval of a CUP.
- All new office construction, including new office additions of 50% or more additional square footage to an existing building requires approval of a CUP.
- An addition exceeding 7,500 square feet to existing automobile sales and leasing buildings require approval of a CUP.

The sizes and thresholds for discretionary review of auto dealerships have also been previously discussed and analyzed and are specifically addressed in SMMC Section 9.31.070 by requiring a Development Review Permit for any new auto dealer facility conforming to the Urban Auto Dealership Format standards replacing an existing legally-established auto dealer facility or an expansion exceeding 25,000 square feet within the Tier 1 maximum limits.

Given the existing size regulations for these non-retail uses, staff believes the proposed text amendment for retail sales uses is consistent with the Planning Commission's primary objective of regulating commercial tenant space size to provide for the discretionary review of large retail stores and encourage more neighborhood scale retail uses.

The text amendment language for specific limitations #17 and #19 in Table 9.11.020 is proposed as follows:

**Specific Limitations:**

- (17) No individual retail sales tenant space in the NC District shall occupy more than 7,500 square feet of floor area and/or exceed 50 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.
- (19) No individual retail sales tenant space in the MUBL, MUB, and GC Districts shall occupy more than 12,500 square feet of floor area and/or exceed 75 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.

\* *The underlined text represents language that has been added.*

### **Consistency with the General Plan**

The proposed text amendment is consistent in principle with the goals, objectives, and policies of the General Plan as it will ensure a mix of local-serving retail uses in the Mixed-Use and Commercial Districts, help support existing and local retail areas, and support the continued viability of existing office uses. The proposed text amendment will also help protect neighborhoods by requiring discretionary review of larger retail tenant spaces that have the potential to generate more activity and traffic in neighborhoods, encourage design compatibility, and maintain neighborhood character.

### **Environmental Analysis**

The proposed text amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) in that it can be seen with certainty that there is no possibility the proposed text amendment may have a significant effect on the environment since the proposed amendment would affect the processing of development applications and would continue to require discretionary review for larger retail sales uses.

### **Alternative Actions:**

In addition to the recommended action, the Planning Commission could consider the following with respect to the project:

- A1. Revise the proposed text amendment and recommend adoption to City Council.
- A2. Recommend that the City Council not adopt the proposed text amendment.

### **Conclusion**

The proposed Zoning Ordinance text amendment will require a Conditional Use Permit for any individual retail sales tenant space in the Neighborhood Commercial (NC) District that is more than 7,500 square feet of floor area and/or exceeds 50 linear feet of ground floor street frontage and for any individual retail sales tenant space in the Mixed-Use Boulevard Low (MUBL), Mixed-Use Boulevard (MUB), and General Commercial (GC) Districts that is more than 12,500 square feet of floor area and/or exceeds 75 linear feet of ground floor street frontage. This is consistent with the Planning Commission's overall discussion regarding the regulation of retail tenant space sizes during the Zoning Ordinance Update.

### **Text Amendment Findings**

- 1. The Ordinance amendment is consistent in principle with the General Plan, in that the amendment will ensure a mix of local-serving retail uses in the Mixed-Use and Commercial Districts, help support existing and local retail areas, and support the continued viability of existing office uses. The proposed text amendment will also help protect neighborhoods by requiring discretionary review of larger retail tenant spaces that have the potential to generate more activity and traffic in neighborhoods, encourage design compatibility, and maintain neighborhood character.
- 2. The Ordinance amendment is consistent with the purpose of this Ordinance to promote the growth of the City in an orderly manner and to promote and protect

the public health, safety, and general welfare, in that the amendment will help protect neighborhoods, encourage design compatibility, and maintain neighborhood character by requiring discretionary review of larger retail tenant spaces.

Prepared by: Tony Kim, Principal Planner

**Attachments**

- A. Proposed Text Amendment Language
- B. Draft Statement of Official Action

**Attachment A**

Proposed Text Amendment Language

The following language in Table 9.11.020 is proposed to be modified as follows:

**Specific Limitations:**

- (17) No individual retail sales tenant space in the NC District shall occupy more than 7,500 square feet of floor area and/or exceed 50 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.
- (19) No individual retail sales tenant space in the MUBL, MUB, and GC Districts shall occupy more than 12,500 square feet of floor area and/or exceed 75 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.

\* The underlined text represents language that has been added.

**Attachment B**

**Draft Statement of Official Action**

# DRAFT STATEMENT OF OFFICIAL ACTION



City of Santa Monica  
City Planning Division

## PLANNING COMMISSION STATEMENT OF OFFICIAL ACTION

### PROJECT INFORMATION

CASE NUMBER:	Text Amendment 15ENT-0315
LOCATION:	Mixed-Use and Commercial Districts
APPLICANT:	Santa Monica Chamber of Commerce
CASE PLANNER:	Tony Kim, Principal Planner
REQUEST:	Text Amendment 15ENT-0315 to the City's Zoning Ordinance to modify Table 9.11.020, Specific Limitations #17 and #19, that currently require a Conditional Use Permit (CUP) for any individual tenant space in the Neighborhood Commercial (NC) District that is more than 7,500 square feet of floor area and/or exceeds 50 linear feet of ground floor street frontage and for any individual tenant space in the Mixed-Use Boulevard Low (MUBL), Mixed-Use Boulevard (MUB), and General Commercial (GC) Districts that is more than 12,500 square feet of floor area and/or exceeds 75 linear feet of ground floor street frontage. The text amendment would modify these limitations so that the requirement of a CUP would apply to retail sales tenant spaces only.
CEQA STATUS:	The proposed text amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) in that it can be seen with certainty that there is no possibility the proposed text amendment may have a significant effect on the environment since the proposed amendment would affect the processing of development applications and would continue to require discretionary review for larger retail sales uses.



**VOTE:**

Ayes:

Nays:

Abstain:

Absent:

**NOTICE**

If this is a final decision not subject to further appeal under the City of Santa Monica Comprehensive Land Use and Zoning Ordinance, the time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which provision has been adopted by the City pursuant to Municipal Code Section 1.16.010.

**I hereby certify that this Statement of Official Action accurately reflects the final determination of the Planning Commission of the City of Santa Monica.**

\_\_\_\_\_  
Richard McKinnon, Chairperson

\_\_\_\_\_  
Date