

ORDINANCE NO. 17-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO TERMINATING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF CERTAIN RESIDENTIAL USES IN THE TOURIST COMMERCIAL ZONE AND AMENDING CITY CODE SECTIONS 29-60, 29-61.1(g)(7, 8, 15) AND 29-128.1 OF DIVISION 3, ARTICLE II AND SECTIONS 29-128.1 AND 29-132 OF DIVISION 5, ARTICLE III OF CHAPTER 29 TO DISALLOW RESIDENTIAL USES IN THE DOWNTOWN COMMERCIAL ZONE AND MAKING FINDINGS RELATED THERETO

The City Council of the City of El Centro finds and does ordain as follows:

SECTION 1. FINDINGS

The City Council finds as follows:

- a) The City's Housing Element of the General Plan allows for but does not require residential uses in the Downtown Commercial and Tourist Commercial Zones in order to address affordable housing issues and to try to revitalize the downtown commercial area by utilizing mixed use development (See Table 34 of the Housing Element).
- b) In 2008, when the zoning for these areas was last determined, staff and the Council believed that allowing residential uses on the second floor of buildings with commercial uses in the Downtown Commercial Zone would assist in the revitalization of that area; unfortunately, that has not proven to be the case.
- c) Based upon development experience since that time, Staff has advised the Council that it is necessary to reconsider the location of such residential uses in the Downtown Commercial Zone. For that reason Staff recommended and the City Council approved, pursuant to the requirements of Govt. Code Section 65858 and the findings in Ordinance No. 17-07, a temporary moratorium on certain such uses to study their continuing location in those zones and in the interim to protect public health, safety and welfare within the community as set out in the May 2, 2017 hearing.
- d) As determined at that hearing, there are significant public health and safety issues in the Downtown Commercial Zone which must be resolved before residential uses are appropriate or successful there; those issues include: crime as indicated by police calls and the testimony of local merchants; health and safety issues from discarded needles, excrement and trash on the streets; and specifically the unsuitability of the buildings in the Downtown Commercial Zone for second story residential use inappropriate they cannot meet the standards of the California building codes or requirements of Municipal Code Section 7-111 regarding seismic strengthening provisions for unreinforced masonry bearing wall buildings.

- e) Staff also has considered whether residential uses are appropriate in the Downtown Commercial Zone with a conditional use permit (CUP) and has concluded that the issues regarding such uses arise from the surrounding area, and not from the nature of the use itself, so that a CUP will not resolve the issues.
- f) Upon further examination of complementary uses, staff has determined that residential housing continues to be viable in the Tourist Commercial Zone with a CUP and therefore the prohibition on such use in the Tourist Commercial Zone will be repealed.
- g) For that reason, staff recommends that residential uses of all types be prohibited in the Downtown Commercial Zone for a period of at least five (5) years.
- h) This ordinance is intended to repeal and replace interim urgency Ordinance 17-07 in its entirety.
- i) This action is exempt from CEQA pursuant to Guidelines Section 15061(b) as it does not have any potential for significant impact on the environment.
- j) This ordinance does not apply to existing residential uses within the Downtown Commercial Zone which have been properly zoned, approved, licensed and operated in compliance with all applicable local, state and federal laws and regulations. In the event such uses are not in compliance with City Code provisions, such uses may be cited as a violation of this ordinance or pursuant to any other remedy available to the City.

SECTION 2. Interim urgency Ordinance No. 17-07 hereby is repealed in its entirety.

SECTION 3. Section 29-60 of Division 3, Article II of Chapter 29 of the Code of El Centro, California, entitled Commercial Zones is hereby amended as follows:

“Section 29-60. Purpose and intent.

CD downtown commercial zone. This zone is intended for retail, office, entertainment, restaurant, and service oriented uses that will help draw visitors and revitalize the downtown area. Developments in this zone are encouraged to be pedestrian oriented and tied together through common architecture and the use of arcades. The CD zone is intended to implement the downtown commercial general plan land use designation. Residential uses are not allowed in the CD downtown commercial zone.

SECTION 4. Section 29-61.1 of Division 3, Article II of Chapter 29 of the Code of El Centro, California, entitled Commercial Zones Use Regulations is hereby amended as follows:

“**Section 29-61.1 Commercial zones use regulations.**

The uses identified in table 29-61.1 shall be permitted uses where the symbol “P” appears. Where the symbol “C” appears, the use requires a conditional use permit pursuant to article V, division 6 of this chapter. The symbol “X” indicates that the use is prohibited.

Table 29-61.1 Commercial Zones Use Regulations

Use		Zoning District Regulations					
		CT	CO	CN	CD	CG	CH
(g)	<i>Other uses:</i>						
	(1) Clubs and lodges including YMCA/YWCA and similar youth group uses (in which no alcoholic beverages shall be served or sold except for special events)	X	C	C	C	P	P
	(2) Colleges, public or private	X	C	X	C	P	P
	(3) Communication facilities, see requirements in Article IV, Division 8 of this Chapter, including exemptions in section 29-25 and excluding collation facilities discussed in section 29-259	C	C	C	C	C	C
	(4) Collocation facilities in compliance with section 29-259.	C	C	C	C	C	C
	(5) Convalescent homes and convalescent hospitals	X	C	X	X	C	C
	(6) Churches and parochial schools	X	C	C	C	P	P
	(7) Group care facilities and residential retirement hotels	C	C	X	X	C	X
	(8) Multi-family residential or residential units on the second floor and above first floor commercial uses, including residential care facilities, transitional housing and supportive housing	C	X	X	X	X	X
	(9) Museums and cultural centers	C	C	C	C	C	C
	(10) Municipal solid waste transfer stations and material recovery facilities	X	X	X	X	X	C
	(11) Post office branch	X	X	C	C	P	P
	(12) Private schools	X	C	C	C	P	P
	(13) Public parks, playgrounds, schools, satellite educational facilities, libraries, fire and police stations, and other public offices	C	C	C	C	C	C

	(14) Homeless shelters, emergency shelters	X	X	X	X	P	P
	(15) Single room occupancy building	C	X	X	X	X	X

SECTION 5. Section 29-128.1 of Division 5, Article III of Chapter 29 of the Code of El Centro, California, entitled Required Parking Spaces is hereby amended as follows:

“Section 29-128.1 – The Required Parking Spaces table is hereby amended as follows:
Residential dwellings within the downtown commercial zone use classification shall be deleted from the Table.

SECTION 6. Section 29-132 of Division 5, Article III of Chapter 29 of the Code of El Centro, California, entitled “In lieu payments for noncompliance” is hereby amended as follows:

Paragraph 3 is hereby amended as follows:
 All residential development must provide off-street parking in compliance with the requirement of table 29-128.1 and the other applicable provisions of this chapter.”

SECTION 7. Effective Day of Ordinance

This Ordinance shall take effect (thirty) 30 days from the date of its adoption by the City Council. Within fifteen (15) days after adoption, it shall be published once in a newspaper published and circulated within the City of El Centro.

INTRODUCED at a regular meeting of the City Council of the City of El Centro, California held on the 5th day of Sept. 2017.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 19th day of Sept., 2017.

CITY OF EL CENTRO

By: _____
 Alex Cardenas, Mayor

ATTEST:

By: _____
 L. Diane Caldwell, City Clerk

APPROVED AS TO FORM:
 Office of the City Attorney

By: _____
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) ss
CITY OF EL CENTRO)

I, L. Diane Caldwell, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Ordinance No. 17-10 had its first reading on Sept. 5, 2017, and had its second reading on Sept. 19, 2017, and was passed by the following vote:

AYES: Jackson, Silva, Cardenas, Viegas-Walker, Garcia
NOES: None
ABSENT: None
ABSTAINED: None

AYES: Jackson, Cardenas, Viegas-Walker, Garcia
NOES: None
ABSENT: Silva
ABSTAINED: None

By: _____
L. Diane Caldwell, City Clerk