



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: FEBRUARY 23, 2016

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 4
DEPARTMENT

**SUBJECT: PLANNING CASE P15-0825 – SCOTT MOMMER ON BEHALF OF THE HOME
DEPOT – CONDITIONAL USE PERMIT TO PERMIT THE OUTDOOR DISPLAY OF
LARGE FOR-SALE AND RENTAL MERCHANDISE – 3323 MADISON STREET**

ISSUE:

The issue for City Council consideration is a proposed Conditional Use Permit to bring a non-conforming large format Home Improvement Store (Home Depot) into conformity and to permit the outdoor display of large for-sale and rental merchandise within surplus parking area as a Special or Unusual Use.

RECOMMENDATIONS:

That the City Council:

1. Determine the proposed project is exempt from the provisions of the California Environmental Quality Act per Section 15301 of the CEQA Guidelines; and
2. Approve Planning Case P15-0825 based on and subject to the Planning Commission findings and recommended conditions found in the attached staff report.

STAFF/PLANNING COMMISSION RECOMMENDATIONS:

Staff recommended approval to the Planning Commission, subject to recommended conditions of approval. On January 21, 2016, the City Planning Commission recommended approval of Planning Case P15-0825 by a vote of 8 ayes, 0 noes and 0 abstentions, subject to staff's recommended conditions.

BACKGROUND:

The site is developed with a 129,000 square foot Home Depot that was constructed in 1997 and later expanded in 2000 to include a 2,900 square foot Tool Rental Center. In July 2015, the City received a complaint regarding the removal of parking spaces as a result of the placement of sheds, rental equipment and trucks within a portion of the parking lot. Upon inspection by Code Enforcement Staff, a Courtesy Notice of Violation was issued for outdoor sales and display of merchandise without a Temporary Use Permit.

In August 2015, Planning Staff received and reviewed a request for an interpretation of the Zoning Code pursuant to section 19.150.030 which states "At the discretion of the Community

Development Director or his/her designee, a Conditional Use Permit may be considered for a unique or unusual combination of uses or special facilities similar to and not more detrimental than other uses in a particular zone.” The Community & Economic Development Department Director determined that the outdoor display and sales of large equipment, sheds and other similar products is unique to large format home improvement stores and was not otherwise considered or accounted for within the Zoning Code; therefore, the use may be considered through the Conditional Use Permit process.

The proposed outdoor display area is located within existing parking spaces that meet setback requirements and other development standards for the underlying zone. The outdoor display area is not proposed in any code-required parking spaces.

Please refer to the January 21, 2016, City Planning Commission staff report, recommended conditions and draft minutes.

FISCAL IMPACT:

There is no impact to the General Fund, since all project costs are borne by the applicant.

Prepared by: Rafael Guzman, Community & Economic Development Director
Certified as to
availability of funds: Brent A. Mason, Finance Director/Treasurer
Approved by: Al Zelinka, FAICP, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. City Planning Commission Recommended Conditions
2. City Planning Commission Report – January 21, 2016
3. City Planning Commission Draft Minutes – January 21, 2016