



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: JULY 20, 2021**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT** **WARD: 4**  
**DEPARTMENT**

**SUBJECT: P04-1036 ZONING CODE AMENDMENT – RETROACTIVE APPROVAL OF A REQUEST BY STEVEN WALKER COMMUNITIES, INC. TO CHANGE THE ZONE OF A 0.59-ACRE PARCEL FROM R-1-7000 SINGLE-FAMILY RESIDENTIAL ZONE TO CR-X-10-X-5 – COMMERCIAL RETAIL – LANDSCAPE SETBACKS (10 FEET ON INDIANA AVENUE AND 5 FEET ALONG THE 91 FREEWAY) – LOCATED AT 7111 INDIANA AVENUE, SITUATED AT THE INTERSECTION OF INDIANA AVENUE AND WASHINGTON STREET**

## **ISSUE:**

Retroactively approve a request by Steven Walker Communities, Inc. to change the zone of a 0.59-acre parcel developed with a 12,708 square foot office building at 7111 Indiana Avenue from the R-1-7000 - Single Family Residential Zone to CR-X-10-X-5 – Commercial Retail – Landscape Setbacks (10 feet on Indiana Avenue and 5 feet along the 91 Freeway).

## **RECOMMENDATIONS:**

That the City Council:

1. Determine that the proposed project will not have a significant effect on the environment and is consistent with the Negative Declaration adopted by the City Council on September 6, 2005, pursuant to Sections 15074 and 21081.6 of the California Environmental Quality Act (CEQA) Guidelines;
2. Approve Planning Case P04-1036 Zoning Code Amendment; based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions; and
3. Introduce and subsequently adopt the attached Ordinance amending the Zoning Map.

## **PLANNING COMMISSION RECOMMENDATION:**

On October 7, 2004, the City Planning Commission recommended approval of Planning Cases P04-1036 (Zoning Code Amendment) and P04-1037 (Street Vacation), by a vote of 5 ayes, and 0 noes, with modifications to staff's recommended conditions (Attachments 2 and 3).

## **BACKGROUND:**

The 0.59-acre project site is currently developed with a 3-story, 12,708 square foot office building and a surface parking lot. Surrounding land uses include residential to the north (across the State Route 91 Freeway), commercial to the south (across Indiana Avenue), office to the east, and commercial to the west.

In 2006, the City issued the necessary permits for the construction of the office building, and construction was completed in 2007. However, City Council's consideration of the Ordinance amending the Zoning Map did not occur. Steven Walker Communities, Inc., property owner, requested the rezoning to complete the original entitlement request.

Entitlements required for the construction of the office building included: 1) Zoning Code Amendment to change the zone of a 0.59-acre parcel from R-1-7000 - Single Family Residential Zone to CR-X-10-X-5 – Commercial Retail – Landscape Setbacks (10 feet on Indiana Avenue and 5 feet along the 91 Freeway); and 2) Street Vacation to vacate a portion of Washington Street between the 91 Freeway and Indiana Avenue. A summary of the timeline includes:

#### 2004

- Planning Commission recommended approval of the Zoning Code Amendment and Street Vacation for the construction of the office building, subject to these conditions:
  - o Future Design Review request was required to be approved by the Planning Commission; and
  - o The Street Vacation was required to be completed prior to the finalization of the Zoning Code Amendment.

#### 2005

- City Council approved the Street Vacation; and
- Planning Commission approved the Design Review (P05-0278) for the office building.

#### 2006

- Permits were obtained for the construction of the office building.

#### 2007

- The office building was constructed, and a Certificate of Occupancy was issued on April 4, 2007.

### **DISCUSSION:**

The applicant is requesting approval to change the zone of the 0.59-acre parcel from the R-1-7000 - Single Family Residential Zone to CR-X-10-X-5 – Commercial Retail – Landscape Setbacks (10 feet on Indiana Avenue and 5 feet along the 91 Freeway).

The proposed Zoning Code Amendment is a clean-up item that should have been considered by City Council following approval of the Street Vacation. The proposed zoning would: 1) allow the existing building and uses to comply with the development standards of the zone; 2) ensure General Plan Land Use designation of C – Commercial consistency; and 3) have no impact on surrounding properties. The proposed zoning also serves the goals and purposes of the Zoning Code.

### **FISCAL IMPACT:**

There is no fiscal impact with this recommendation since all project costs are borne by the applicant.

Prepared by: David Welch, Community & Economic Development Department Director  
Certified as to  
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer  
Approved by: Rafael Guzman, Assistant City Manager  
Approved as to form: Kristi J. Smith, Interim City Attorney

Attachment:

1. Zoning Code Map Amendment Ordinance
2. City Planning Commission Minutes – October 7, 2004
3. City Planning Commission Report and Exhibits – October 7, 2004
4. Presentation