

TO: James L. App, City Manager
FROM: Ed Gallagher, Community Development Director
SUBJECT: Request for Reconsideration of Council Action within One Year (Steve Elsayed)
DATE: May 20, 2014

Needs: For the City Council to determine whether it wants to reconsider its action of September 17, 2013 denying a request by Steve Elsayed to amend the Uptown/Town Centre Specific Plan.

Facts:

1. At its meeting of September 17, 2013, the City Council adopted an amendment to the Uptown/Town Centre Specific Plan as part of a semi-annual review of the Plan; that action included denial of a request from Steve El Sayed to amend the zoning regulations in Chapter 5 of the Plan to allow carwashes in conjunction with existing service stations in the TC-1 Zone.
2. At the City Council meeting of May 6, 2014, during Public Comments, Steve Elsayed (represented by Margaret Holstine) requested that the Council reconsider its action of September 17, 2013. The Council directed staff to schedule his request for consideration at its May 20 meeting.
3. The City Council has adopted written Policies and Procedures. Section 5.5.3 of these policies and procedures provides that: "Any Councilmember may request an item be placed on a future agenda. If the request is to reconsider a Council action effected within the preceding 12 months, authorization for placement will require majority action of the Council."

Analysis and

Conclusion: Pursuant to the Council's Policies and Procedures, a majority of the Council would have to specifically authorize the scheduling of a hearing before September 14, 2014 to consider Mr. Elsayed's request for a zoning change. If the Council does not authorize reconsideration of this issue before that date, Mr. Elsayed may nonetheless apply for an amendment of the Uptown/Town Centre Specific Plan zoning, for Council review after September 16, 2014.

Policy

Reference: Adopted Council Policies and Procedures; State Planning and Zoning Law (Government Code Sections 65000 et seq.)

Options:

- a. Allow consideration of a new application to amend Chapter 5 of the Uptown/Town Centre Specific Plan to allow development of carwashes in conjunction with existing service stations in the TC-1 Zone;
- b. Deny early reconsideration of the Council's action September 17, 2013 denying request to amend Chapter 5 of the Uptown/Town Centre Specific Plan to allow development of carwashes in conjunction with existing service stations in the TC-1 Zone;
- c. Amend, modify, or reject the above options.

Chronology for Steve's Gas and Carwash

- June 10, 2008 Planning Commission approved CUP 07-019 authorizing remodeling of an existing service station to replace the auto repair garage and build a new mini-mart and carwash at 1441 Spring Street. At that time, the property was designated by the General Plan for Highway Commercial and was zoned C-2. Conditions #11 and 12 required that the carwash operation not exceed certain noise levels and that this be documented by licensed professionals prior to issuance of a certificate of occupancy.
- June 10, 2010 CUP 07-019 expired. The property owner had not filed any applications for time extensions.
- May 3, 2011 The Uptown/Town Centre Specific Plan was adopted. The plan extended the downtown north along Spring Street to 16th Street. The property was redesignated by the General Plan for Downtown Commercial use and rezoned to TC-1. The Plan provides that gas stations and carwashes are no longer permitted in the TC-1 Zone. The existing gas station became a non-conforming use.
- February 25, 2013 The Planning Commission interpreted the Uptown/Town Centre Specific Plan to determine that a mini-mart could be developed on the same site as a non-conforming service station.
- Spring 2013 Steve Elsayed verbally requested that the Uptown/Town Centre Specific Plan be amended to allow carwashes in conjunction with non-conforming gas stations in the TC-1 Zone. This request was added to the list of items to be considered in the next semi-annual review of the Plan.
- August 27, 2013 On a 4-2 straw vote (Holstine absent), as part of a semi-annual review of the Uptown/Town Centre Specific Plan, the Planning Commission recommended denial of the request to allow carwashes in conjunction with nonconforming service stations in the TC-1 Zone.
- September 17, 2013 On a 3-1 straw vote (Strong absent), as part of a semi-annual review of the Uptown/Town Centre Specific Plan, the City Council denied the request to allow carwashes in conjunction with nonconforming service stations in the TC-1 Zone.