



MEMORANDUM

Development Services Department

To: Interested Parties

Date: January 29, 2020

PROPOSED ADMINISTRATIVE POLICY CHANGE:

MODIFY NON-CONFORMING USE POLICY TO ALLOW FLEXIBILITY FOR PROPERTY OWNERS IN THE COMMERCIAL ZONES (DOWNTOWN MIXED USE, MIXED-USE, COMMERCIAL MANUFACTURING, AND CENTRAL BUSINESS DISTRICT)

SUMMARY

In 2016, the Downtown Arcadia Improvement Association (DAIA) recommended a series of changes to zoning in the Downtown, with the intended goal being the creation of a vibrant downtown area. The belief from the DAIA was that the City's zoning at the time was too permissive, and allowed too broad a range of land uses to fill tenant spaces. The DAIA believed that uses such as general and professional offices, medical offices, and the like were creating "functional vacancies" in the Downtown, and not helping to promote an active, vibrant streetscape. As such, these types of uses were prohibited on the ground floor of buildings in certain zones.

Over the past few years, this has led to some uncertainty with EXISTING office uses, medical office uses, and industrial uses and whether buildings with these uses can continue to operate a new similar business, or whether they would be prohibited from doing so. Any legally established use that is currently not allowed is considered "legal nonconforming". The Development Code allows a new similar use to take the place of a legal nonconforming use within 90 days of the end of business of the original use. After 90 days, the new use cannot be established and the building would need to change uses.

Under the proposed new administrative policy, these types of uses could be re-established with no 90-day time limit. This provides flexibility to property owners in that they can continue to fill their buildings with similar uses over time, without the pressure to convert their buildings for new land uses. This administrative policy is recommended to be in place for the next two (2) calendar years to provide a change to evaluate the effects over time.