



PLANNING DIVISION

STAFF REPORT

TO: PLANNING & TRANSPORTATION COMMISSION

FROM: Clare Campbell, Planner
Curtis Williams, Chief Planning and
Transportation Official

DEPARTMENT: Planning &
Community Environment

DATE: September 13, 2006

SUBJECT: Zoning Ordinance Update – Study Session Regarding Commercial Zoning
Districts, Mixed Use Development Standards, and Performance Criteria

RECOMMENDATION

Staff recommends that the Planning and Transportation Commission (PTC) review and comment on proposed revisions to the Commercial Zoning Districts, Mixed Use Development Standards, and Performance Criteria for the Zoning Ordinance Update, as outlined in the August 30, 2006 staff report and attachments.

BACKGROUND

On August 30, 2006, the Planning and Transportation Commission heard staff's presentation and public comments regarding revisions to the commercial zoning districts, mixed use standards, and performance criteria. The Commission provided initial comments and questions related to the revisions and continued the item to September 13th for further discussion.

DISCUSSION

The September 30, 2006 P&TC staff report describes the proposed revisions to the Zoning Ordinance. While staff has not attempted to respond to all questions from the last study session, the following outlines some initial responses and clarifications to issues raised by the Commission and the public:

Commercial Districts

1. Commercial use is generally intended to encompass retail, personal services, eating and drinking establishments, and hotels. The ordinance will make that clarification.
2. Staff does not believe the IR process is appropriate for commercial development adjacent to residential zones. Daylight planes, setbacks, and ARB review address that interface for commercial and industrial sites.

3. The open space requirements would result in more total usable open space for a 5-unit project (1,000 square feet) than a 6-unit project (900 square feet). Staff proposes no change as this provision was adopted by the Council for the PTOD zoning and results in a very minor discrepancy.
4. Daylight plane and setbacks, as well as performance standards, would apply where adjacent to residential zones (not uses). There are very few low-density residential uses in the commercial zones.
5. Program H-29 in the Comprehensive Plan (Housing Element) would provide for preservation of rental units in new mixed use projects with three or more units. Currently there is no mechanism to ensure the affordability of the rental units, however.
6. First source hiring for transportation purposes is a complex issue. Staff will be looking at that and other TDM approaches as part of the PTOD implementation and on a longer term basis after the ZOU is adopted.
7. Staff does not support eliminating or substantially modifying the CC(2) zone standards. Addressing that issue would greatly complicate and lengthen the ZOU revisions, and the City Council limited the scope of the ZOU program in June. Similarly, the PTOD standards should not be required for the CC(2); that would be a downzoning in some cases, and there are appropriate instances in the CC(2) zone where no residential development is appropriate. We believe there are sufficient safeguards (parking, height, ARB review, etc.) to preclude objectionable uses or design.
8. Staff intends to propose an increase FAR for hotels, and will consider whether to allow some of the FAR to be used for “condotel” (condominium units within the hotel) or office purposes.
9. Staff would prefer to provide flexibility to allow mixed use on Auto Dealer (AD) overlay sites, but is willing to support prohibiting housing altogether on those sites if the Commission so desires. Staff does not support restricting housing on sites adjacent to AD zoned sites.

Mixed Use

10. Staff supports the concept of requiring a minimum percentage or FAR of commercial development for a mixed use project, but not necessarily to retain the same amount as currently exists. Such a requirement could be a discouragement to allowing flexibility for enhanced commercial usage (such as a restaurant replacing an obsolete furniture store).
11. Mixed use is allowed on Housing Opportunity Sites (but not required). The zoning on Housing Opportunity Sites must restrict the use to require housing, either all residential or within a mixed use project.
12. Staff does not believe that FAR increases (from 0.9 to 1.0) and height increases (from 35 feet to 40 feet) in El Camino Real CN zones should be based on increases in density. These adjustments are minor and are intended to better reflect the El Camino streetscape.
13. Compatibility language similar to SOFA will be included in the context-based design criteria, as it was in the PTOD chapter.
14. Similar rooftop garden language (including gardens of edible plants) will be included in the context-based design criteria, as it was in the PTOD chapter.
15. Shared parking is not part of the proposed revisions at this point and will be discussed when the Parking chapter comes forward.

16. Staff does not believe an “average” unit size for mixed use is necessary or appropriate in all cases, and does not recommend adopting such an average as that restriction may limit the potential for residential use to help underwrite the retail component of a mixed use project.
17. The determination of setbacks that are greater at corners should be a consideration of the ARB and corner treatment is outlined in the context-based design criteria.
18. Dry cleaners and spray paint shops and other uses that involve amounts of hazardous materials requiring reporting and monitoring would not be allowed in a mixed use configuration, and language will be added to that effect.

Performance Standards

19. Late night usage restrictions will be applied to the CC(2) zone, as well as the CN and CS zones, where the site is adjacent to a residential zone.
20. Performance standards would apply adjacent to all residential zones, including the multi-family (RM) zones and residential PC zones.
21. The commercial districts considered in these revisions are not generally a significant source of hazardous materials resulting in incompatibility with residential uses. The discussion of hazardous materials focuses mostly on the performance standards, as they would apply to industrial areas of the City.
22. Staff will be working with the Fire Marshal and the Barron Park neighbors regarding revisions to the hazardous materials section of the Performance criteria, particularly to provide additional public input for residents adjacent to businesses that propose use or storage of extremely hazardous materials.
23. Staff will also revise the noise section to require acoustic specifications and analysis sufficient to determine that new equipment will not exceed allowable noise thresholds at residential property lines.

Key Issues

Staff would appreciate Commission input on the following specific issues:

1. Should a CUP be required for office in the CN and CS zones?
2. Should residential use be prohibited where an Auto Dealer (AD) overlay applies?
3. Should a percentage of FAR for hotels be allowed for condominium or office use?
4. Should an average unit size be required for mixed use development in certain circumstances, such as when a mixed use parking adjustment is requested?
5. Should mixed use be allowed in the CC zone (Stanford Shopping Center and Town and Country)?

NEXT STEPS

Staff will prepare a draft ordinance encompassing all of the described components for review and public hearing by the Commission on September 27, 2006. Upon recommendation from the P&TC, the draft ordinance will be presented to the City Council for review and adoption. The Council is tentatively scheduled to hear this item on October 16, 2006.

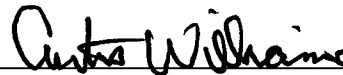
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