

## **July 17, 2018 Staff Report Excerpt**

### Zoning Recommendations

The Working Group discussed developing more flexible development standards in return for desirable uses and features, in an attempt to attract uses and development that was deemed desirable by the group members. In summary, the group generally supported flexible development standards related to parking, height and setbacks as described in further detail below.

#### *Issue #1: Height*

The Working Group indicated that the height limit along the corridor was one of the biggest obstacles facing development. Although the proposed amendments may allow buildings to be built at a higher height, no additional square footage will be allowed and the maximum allowed square footage will remain the same. In addition, a Use Permit is required in order to take advantage of the height increase incentive, and the applicant would have to demonstrate that no impacts would be generated on the adjacent properties. The ordinance will also include certain criteria that will require project sites to be a minimum depth and square footage in order to qualify to take advantage of the increased height flexibility.

#### *Ad Hoc Working Group Input*

- Modifying the height limit to allow contemporary/modern/flat-roof design buildings to be built at 30 feet (i.e. three-story) without the need of a 4:12 roof pitch and without the need to have structure parking at the ground or below ground levels.
- Changing the height limit to allow contemporary/modern/flat-roof design buildings to be built at a height greater than 30 feet (i.e. more than three-story) without the need of a 4:12 roof pitch and without the need to have structure parking at the ground or below ground levels.

Staff's recommendation to the Planning Commission was to allow "opportunity sites" up to 40 feet of building height, plus five additional feet for rooftop mechanical equipment.

The Planning Commission had a split vote on height. Three commissioners did not agree with allowing 40 feet plus five feet as part of the overlay zone, although one of the three thought it could be approved for hotels only. Two commissioners supported the 45-foot height limit for opportunity site projects.

#### *Issue #2: Setbacks*

The required setbacks within the CG zone along Sepulveda Boulevard are relatively generous as they currently exist. For conventional setbacks, there are almost no required setback standards as part of the CG zoning district with the exception of a required 10-foot front yard setback on the west side of Sepulveda Boulevard and a daylight plane requirement that would require increased setbacks for multi-story buildings. However, if Mixed-Use development is allowed in the CG zoning district, it may benefit from more relaxed setbacks for all residential portions of the development.

Currently, as part of Mixed-Use projects, the residential standards for the Residential High Density (RH) district and area district in which the site is located apply to a building intended for residential use, and commercial standards apply to a building or portion of a building intended for commercial use. Reduced setback standards would provide additional flexibility for mixed use development if it were allowed within the CG zoning district.

#### Ad Hoc Working Group Input

- Daylight Plane Requirement: Change the daylight plane requirement in order to allow additional flexibility for new commercial or mixed use projects. This additional flexibility will only be eligible for uses/projects that are deemed desirable and within the CG zone along Sepulveda Boulevard. Additional flexibility may be needed if additional height is granted (i.e. greater than 30 feet/three-stories).
- Conventional Setbacks: Modify existing setbacks in order to accommodate Mixed-Use development and provide additional flexibility for all residential portions of a Mixed-Use project.

The Planning Commission agreed unanimously with the staff recommendation for a 60-degree daylight plane formula for setbacks. A shade/shadow study for these projects would ensure that the setbacks would appropriately limit impacts to height.

#### *Issue #3 - Change of Use*

The current zoning ordinance requires a Use Permit for a change of use for a single-use tenant improvement project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area and a Master Use Permit for a change of use for a multiple-use tenant improvement project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area. Staff incorporated a provision within the code amendment (MBMC Section 10.44.040.v.) that will not require a Use Permit or Master Use Permit for a change of use so long as the use is permitted by right and the change of use does not intensify the use or parking as part of the project. No additions in square footage will be allowed as part of this provision. This will allow tenant improvement projects within the overlay involving a change of use to secure needed permits and approvals faster and more efficiently without the need of a Use Permit.

During the Planning Commission meeting on May 23<sup>rd</sup> staff received comments pertaining to this provision from the public. The public had concerns regarding bars or alcohol establishments being allowed without the need of a Use Permit. However, the provision within the code amendment would not allow any intensification in use or parking associated within this provision. It would only allow a change of use for businesses that are permitted by right by the code (as part of Section 10.16.020) and the change in use cannot involve an intensification in use or parking. Also, no net addition of buildable floor area would be allowed in conjunction with this provision.

The Planning Commission approved the staff recommendation for change of use in a 5-0 vote.