

Item No:
Meeting Date: **June 8, 2005**

Staff Report

May 25, 2005

TO: Planning Commission

FROM: Bill Emlen, Community Development Director
Katherine Hess, Community Development Administrator
Ken Hiatt, Economic Development Manager
Heather Johanson, Economic Development Assistant

SUBJECT: PA #96-04, Zoning Ordinance Amendment #02-04, Negative Declaration #16-04; Amendments to the Zoning Ordinance pertaining to development standards within the Mixed Use (M-U) Zoning District

Recommendation

That the City Council:

1. Hold a public hearing;
2. Adopt Negative Declaration #16-04, determining that the proposed ordinance amendments would have a less than significant impact on the environment; and
3. Adopt a recommendation for approval to the City Council of the proposed amendments to the zoning ordinance pertaining to the development standards within the Mixed Use (M-U) district.

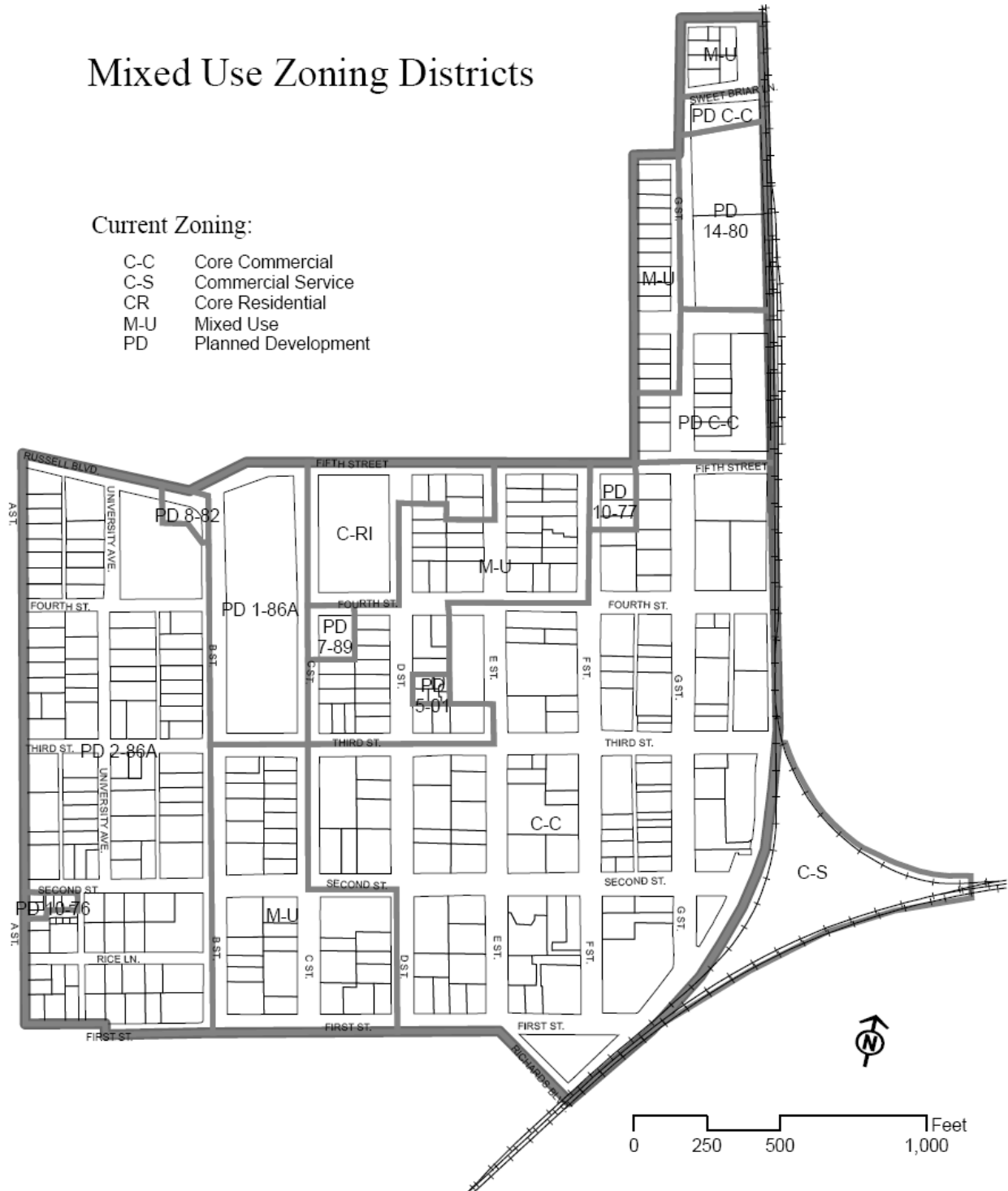
Background

The Mixed Use (M-U) District surrounds the downtown commercial core and provides a use and scale transition to the residential neighborhoods adjacent to the downtown. The purposes of the M-U District in the City of Davis Municipal Code are to...provide for and increased variety and intermixture of residential and commercial activities; and enhance the tree-shaded ambience, the pedestrian usage and character of the district.

Mixed Use Zoning Districts

Current Zoning:

- C-C Core Commercial
- C-S Commercial Service
- CR Core Residential
- M-U Mixed Use
- PD Planned Development



In 2001, the City adopted the Downtown and Traditional Residential Design Guidelines. The guidelines were developed with the expressed purpose to:

- Conserve the traditional neighborhood character, fabric and setting while guiding future development, reuse and investment.
- Discourage the demolition of structures consistent with the district's historic character by providing incentives for reuse of non-designated contributing structures.
- Plan for new commercial and residential infill construction that is compatible and complementary to the character of existing neighborhood areas within the district.
- Foster reinvestment and economic development in the core that is consistent with historic conservation.
- Provide guidelines to clarify the community's expectations for the type and quality of development within the district.

The Design Guidelines contain general and specific guidelines for the various mixed use character areas. When the guidelines were adopted they were incorporated and apply as an overlay district to the M-U zone. It was acknowledged at the time of adoption that amendments to the MU and other districts were needed in order to bring the zoning into better conformance with the Guidelines. The city has completed several of these efforts including the PD 2-86A and R2-CD amendments.

Analysis of Proposed Amendments

The proposed amendments will strengthen both the purpose of the district through improved standards and the relationship with to the Davis Downtown and Traditional Neighborhoods Design Guidelines though continuity. Amendments to the development standards of the M-U District (Article 40.15) include modifications to the open space, lot coverage, setbacks in relation to architectural projections, and parking requirements in relation to preservation. Staff is also recommending several changes be made to the list of permitted and conditional uses which will serve to enhance the livability of the district and provide greater incentive for new investment.

Applicability of the Core Area Design in Combining District

Staff is recommending applicability of the Core Area Design Combining district be deleted from Section 40.13.020. The Core Area Design Combining district was developed prior to the Downtown and Traditional Residential Neighborhood Design Guidelines (DTRNDG). The combining district effectively serves the same purpose as the DTRNDG and addresses many of the same design criteria including requirements for pedestrian circulation, commercial frontage, weather protection, parking access, and architectural/landscape standards. Staff feels the applicability of the Combining district creates redundancy and some contradictions with the Design Guidelines and is therefore recommended to be deleted as applicable to the M-U district.

Permitted Uses

As stated in the purpose above the M-U district is a place to intermix uses. The amendment proposed to the permitted uses would allow commercial and office uses to locate within the district in other than a mixed use project or structure without a conditional use permit. Staff feels the existing requirement for a use permit for such uses creates a disincentive for adaptive reuse and reinvestment in existing residential structures in the district.

Section 40.15.030 (c) (Permitted Uses) of Chapter 40 of the Davis Municipal Code is proposed to read as follows:

(c) Retail stores, shops and business and professional offices supplying commodities or performing services such as those provided by department stores, specialty shops, personal and business service establishments, antique shops, artists' supply stores and similar uses.

Conditional Uses

The proposed amendment to Section 40.15.050 (**Conditional Uses**) removes nightclubs, commercial or office uses not located in a mixed use building, and drive-through facilities as a conditionally permitted use. Staff feels that allowing nightclubs and drive-through facilities as conditionally permitted uses in the MU district invites potential conflicts with the residential uses within the district as well as the adjoining residential neighborhoods. For reasons stated under the permitted uses section above staff is recommending eliminating the requirement for a conditional use permit for commercial or office uses not located within a mixed use building.

Height Requirements

Staff is proposing an amendment to Section 40.15.060 to remove redundant language. The amendment will not change the maximum height allowed (Attachment 1).

Open Space

The proposed amendment regarding open space decreases the required amount of total open space per project. Currently open space is determined by calculating 25% of the gross residential floor area of a project. This is a substantial requirement when designing a mixed use project and creates a disincentive for developing residential units. The amendment proposes to determine open space based on number of bedrooms per unit (see table below) and may be provided in the form of patios, decks, balconies or similar features. The amendments would also require the open space to be directly accessible from the unit making it potentially more desirable to the residents than common open space allowed under existing zoning.

Bedrooms/Unit	Open Space Required
Studio or One Bedroom	40 square feet
Two Bedrooms	80 square feet
Three or More Bedrooms	10% of gross area of such unit

Setbacks

The Mixed Use (M-U) district allows for residential infill provided setbacks and other development standards can be met. Through the processing of design review applications for residential infill staff has observed that certain architectural features provide better design as well as increased livability. Examples of such features are bay windows and covered stoops. The proposed amendment would allow for these types of projections to encroach into the required setbacks to within three feet of the side and rear property lines. This amendment also provides further continuity with the Davis Downtown and Traditional Neighborhoods Guidelines which encourages the use of architectural features that add visual interest to the street; more specifically, porches, awnings, balconies, bay windows and stoops.

Section 40.15.070 (**Open space, lot area and yard requirements**)

(2) **Side yards.** Required side yards shall be a minimum total of ten feet per lot. In addition to projections allowed under Section 40.27.060, architectural features characteristic of traditional structures in the district such as bay windows, covered stoops, and other similar architectural projections that break up the perceived building mass may project within three feet of required side yards.

(3) **Rear yards.** Required rear yards shall be a minimum of five feet per lot. In addition to projections allowed under Section 40.27.060, architectural features characteristic of traditional structures in the district such as bay windows, covered stoops, and other similar architectural projections that break up the perceived building mass may project within three feet of required side yards.

Lot Coverage

Staff is proposing to remove the lot coverage requirement in the Mixed Use district as it is redundant and to other development standards that must be met including floor area ratio, open space, parking, and setbacks. Lots in this district average approximately 6,000 square feet. After applying FAR and setbacks there is approximately 3,000 square feet of building area remaining. Rather than further limiting potential projects, staff believes providing a little flexibility in the area of lot coverage may encourage and allow for better design.

Parking Requirements

The amendments to the parking requirements simplify calculations for determining the number of spaces and also strive to preserve historical structures and trees of significance to maintain the character and ambiance of Davis' Mixed Use district while removing the unintended incentive to preserve structures that do not contribute to the traditional architectural character of the district.

(a) Off-street parking shall be required for all uses, subject to the requirements set forth in sections 40.25.010 to 40.25.120 and the requirements of this section. The requirements of this section shall prevail in case of conflict. Where the total parking spaces required by this subsection call for a one-half parking space, it shall require the provision of one full parking space.

(5) All requirements in this subsection may be reduced if conditions set forth in subsections (e) and/or (f) are met.

(e) In the case of conversion or preservation of buildings identified on the city's cultural resources inventory, parking requirements shall be reduced as follows: For each square foot at ground level of structure preserved, one square foot of parking eliminated. For the purposes of this section, preservation shall constitute the preservation of the primary façade and at least 50% of the floor area of the original structure.

(f) Parking may be reduced where necessary to preserve a Landmark Tree or tree of significance as defined by the city's Tree Preservation Ordinance. Total amount of parking reduction for tree preservation shall be determined through the design review process.

Residential use requirements

Amendments are proposed to Section 40.15.100 that clarify the intent of the section to establish minimum residential use requirements for projects to qualify for FAR bonuses under Section 40.15.080. Reference to an attachment containing Uniform Building Code (UBC) standards for residential units is proposed to be removed as incorporating it into the ordinance is unnecessary

and does not allow for the standards to change as the UBC is updated. Also, subsection (d) pertaining to usable open space requirements is removed as it is redundant and would be inconsistent with the amended open space requirements proposed in the Section 40.15.070.

General Plan / Core Area Specific Plan Consistency

Staff believes that the proposed zoning amendments are consistent with policies contained within the General Plan and Core Area Specific Plan directly relevant to mixed use development. Specifically, the following support the proposed amendments:

General Plan

Goal UD 1. Encourage community design throughout the City that helps to build community, encourage human interaction and support non-automobile transportation.

Standards

- d. Where possible, commercial buildings should abut the street or other public access way...
- h. Pedestrian-oriented design is encouraged in the allocation of space, building size and placement, site enhancement, open space design, connection to pedestrian/bikeways and site amenities.

Goal UD 2. Maintain an aesthetically pleasing environment and manage a sustainable community forest to optimize environmental, aesthetic, social and economic benefits.

Actions

- b. Develop, adopt and implement policies and actions to protect and preserve identified scenic resources and elements reflective of place and history.

Goal UD 6. Strengthen the City's neighborhoods to retain desirable characteristics while allowing for change and evolution, promoting public and private investments and encouraging citizen involvement in neighborhood planning.

Actions

- c. Revise city code to remove regulatory barriers to neighborhood improvements and livability, particularly in older neighborhoods. Such revisions could be related to development standards and home occupation standards in the zoning ordinance.

CASP

2.6 Land Use Policies

- 1.B. The City shall take measures that encourage new businesses to locate in the Core Area.
- 1.H. Where feasible, encourage the adaptive reuse, renovation and /or rehabilitation of existing residential facilities.

City Council Goals

Furthermore, the proposed amendments to the M-U district are consistent with and will serve to implement the following goals and objectives specifically established by the City Council:

Economic Development

- Pursue economic development that balances the pursuit of new NET revenue with maintaining and enhancing the community's unique character
- Reduce need for new taxes through increased economic activity

Downtown

- Downtown should continue to have residential uses
- Downtown is a vital commercial center. The actions of the city should continue to support this function and reduce potential for blight

Housing and Growth

- Provide slow, steady additions to housing stock, consistent with Council set goals and General Plan.
- Ensure special needs housing – for seniors, for those who have accessibility issues, and for people who work but don't currently live in Davis
- Provide an array of housing to meet needs of citizens
- Provide housing for people who live/work in Davis
- Develop multi-family housing near downtown.
- Ensure any new housing benefits community

Summary

Staff feels that the proposed amendments to the Mixed Use district are not only consist with city policies and goals for infill development but necessary to create better consistency with the established Design Guidelines for the district. The amendments will help to ensure future projects which are well designed, livable and integrate appropriate uses within the district.

Attachments:

1. Ordinance
2. Existing Code Section: Mixed Use (M-U) District (40.15)
3. Existing Code Section: Core Area Design (C-D) Combining District (40.13) and
4. Mixed Use Zoning Districts Map
5. Initial Study