MEMORANDUM

DATE: June 21, 2012

TO: Planning Commission

FROM: James Walgren, Assistant City Manager

SUBJECT: DOWNTOWN CRS AND CRS/OAD ORDINANCE AMENDMENTS

RECOMMENDATION

Recommend approval of ordinances that would:

1. Amend the public benefit findings contained in sections 14.44.180 – Commercial Downtown District, 14.48.180 – Commercial Retail Sales District, and 14.52.160 – Commercial Downtown/Multiple Family District.

2. Amend the height measurement definition contained in section 14.66.230 Height Limitations – Measurement.

3. Amend the public benefit findings contained in section 14.44.180 – Commercial Retail Sales/Office-Administrative District.

BACKGROUND

A City Council subcommittee of Mayor Carpenter and Councilmember Packard prepared a recommendation to amend the downtown zoning public benefit findings and to specifically limit buildings along the downtown core of State and Main Streets to two-stories. The form-based zoning that was adopted for downtown in 2010 regulated buildings by height and architectural design versus by story limits and other development restrictions.

The matter was discussed at the May 8, 2012 City Council meeting and Council voted unanimously to direct staff to prepare ordinance amendments for Planning Commission consideration. Minutes from that meeting are attached.

DISCUSSION

Public Benefit Findings

Below are the current public benefit findings for the downtown area. These were developed to complement and foster implementation of the Downtown Design Plan.

A. *To implement the downtown urban design plan, exemptions from the provisions of this chapter may be granted provided the following findings are made:*
   1. *The granting if the exception will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the area;*
   2. *The benefit to the city derived from granting the exception is an appropnate mitigation when considered against the cost to the developer;*
   3. *The project and mitigation will result in a public benefit to the downtown; and*
   4. *The resultant project and mitigation are consistent with the general plan and promote or accomplish objectives of the downtown urban design plan.*

B. *For the purposes of this chapter, exceptions may include, but are not limited to, setbacks, on-site parking, and development or building standards.*

It was Council's opinion that these exceptions to the zoning ordinances, in light of the broad wording of the Downtown Design Plan, may be too subjective and that the zoning ordinances have been well thought-out and generally should be enforced. In order to better set developer expectations, minimize community disagreements, avoid possible accusations of favoritism, and limit exceptions to important zoning ordinances, Council recommended the following revised public benefit findings:

A. *To implement the downtown design plan, minor exceptions from the provisions of this chapter may be granted. Since these are not required by law, they are to be allowed sparingly, if at all, and at the complete discretion of the city, provided the following findings are made:*
   1. *The benefits to the downtown will be significant and not speculative;*
   2. *The benefits to the city derived from granting the exception is an appropriate mitigation when considered against the cost to the developer;*
   3. *The project and mitigation will result in a public benefits to the downtown; and*
   4. *The resultant project and mitigation are consistent with the General Plan and promote or accomplish objectives of the downtown design plan.*

B. *For the purposes of this chapter, such minor exceptions may include, but are not limited to, setbacks and other zoning regulations. Such exceptions shall not include modifications of the height of the structure, height of the first floor, or on-site parking requirements, which instead may be granted if qualified under standard variance procedures.*

Commercial Building Height Measurement

Council also desired to limit buildings to no more than two stories in the downtown core, consisting of the CRS and CRS/OAD districts that govern State and Main Streets. Following discussion at the May 8, 2012 meeting, and a desire to retain the essences of the recently adopted form-based zoning, a motion passed to continue to limit buildings based on height but to adopt lower height limits. Staff believes the language below both accomplishes this and corrects an oddity in the zoning ordinance. The current height measurement for commercial buildings with a sloped roof is to the midpoint of the roof. This is appropriate since buildings with sloped roofs tend to appear less massive than a flat roofed building. The height measurement for a flat roofed commercial building is to the interior ceiling. This is odd in that an interior false ceiling has little relationship to how a building is viewed from the exterior. And given that it is a more liberal height measurement, it has

resulted in predominantly flat roofed new commercial buildings. The combination of the taller flat roof, and then typically a parapet above that to screen equipment, results in a taller and visually more massive building. By modifying the height measurement for flat roofed buildings per the below language, it will better equalize the two definitions and may result in more sloped roof commercial buildings.

14.66.230 - Height limitations—Measurement.

The vertical dimension shall be measured from the average elevation of the finished lot grade at the front, rear, or side of the building, whichever has the greater height, to the highest point of the ~~ceiling~~ roof deck of the top story in the case of a flat roof or~~; to the deck line of~~ a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.~~; provided, however, in~~ In the R1 Districts, the vertical dimension shall be measured to the highest point of the roof.

14.66.240 - Height limitations—Exceptions.

E. *Completely enclosed penthouses or other similar roof structures for the housing of elevators, stairways, tanks, or electrical or mechanical equipment required to operate and maintain the building~~, and parapet walls~~ and skylights may project not more than eight feet above the roof and the permitted building height, provided the combined area of all roof structures does not exceed four percent of the gross area of the building roof. However, no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional usable floor space for dwelling, retailing, or storage of any type.*

F. *Parapet walls, and similar architecturally integrated screening walls, may project not more than eight feet above the permitted building height.*

By retaining the downtown core 30-foot height limit, this revised language will preclude anything above a two story building, particularly with the current first floor 12-foot interior ceiling height requirement to accommodate retail uses.