



Planning Commission Report

Planning Commission Meeting: December 19, 2012

Agenda Item: 9-B

To: Planning Commission
From: Jory Phillips, Deputy Director – Special Projects
Subject: Zoning Ordinance Update: Use Regulations and Classifications

Introduction

Zoning Ordinance Update consultants Dyett & Bhatia have completed a first draft of the development standards for use regulations and classifications in Santa Monica. The regulations and classifications have been drafted to advance the following goals of the Zoning Ordinance Update:

1. Implement the LUCE.
2. Improve the quality of new development and design while allowing creative architectural expression.
3. Provide greater clarity for the community and applicants.
4. Improve permit review by creating new and modifying existing processes.
5. Modernize the Zoning Ordinance.

This report is intended to help frame a discussion with the Planning Commission and public, and to inform staff and the consultant on recommendations for the revised Zoning Ordinance. The attached paper builds on the “Districting Framework” and “Use Regulation” issue papers. The consultant’s recommendations are based on input received at the July 25, 2012 Planning Commission meeting on these issues papers, as well as LUCE policies and staff and stakeholder comments.

Discussion

The consultant report includes recommendations for categorizing regulated uses into a logical organizational system, and tabulates how these different use categories are treated in each proposed zoning designation. For instance, single-unit dwellings are a permitted use in residential districts, while new schools in residential districts would require a Conditional Use Permit, meaning they are permitted only under certain circumstances and if certain findings can be made.

The attached recommendations include the following categories of allowance for different uses in different districts:

- **Permitted uses**, which require no discretionary review;
- **Limited uses**, which are permitted by right, provided they comply with specified standards; such as a limitation on floor area, indicated by a footnote in the use regulation tables; and
- **Minor conditional uses**, which require approval of a Minor Use Permit based on discretionary review conducted by the Planning and Community Development Director.
- **Conditional uses**, which require approval of a Conditional Use Permit based on discretionary review conducted by the Planning Commission.
- **Prohibited uses**, which are not allowed in the district.

“Minor Conditional Uses” (shown as “MUP” in the use charts in the attached report) is a new permit category, and would absorb some uses that are permitted today through “Performance Standard Permits.” It would capture uses such as Animal Day Care, Bed and Breakfasts, or Group Residential Housing. These types of uses may require additional contextual consideration and requirements, such as indoor use requirements or limited hours of operation. MUPs and CUPs will be explained in more detail in the Administration Module, which is currently scheduled for Planning Commission review in February 2013.

Policy Questions

The following policy questions and associated discussion addresses recommendations found in the attached consultant report. More detailed discussion, along with proposed regulations, can be found in the consultant report.

Question 1: Overall Appropriateness of Proposed Use Regulations.

Does the selection of permitted, limited, conditional, and prohibited uses in each district accurately reflect the purposes of those districts?

- Are there any uses that are currently not allowed in specific districts that should be permitted? Any that should not be allowed in particular districts?
- Are there uses that the proposed regulations lists as subject to discretionary review that could be permitted by right subject to Zoning Conformance Review if the updated Ordinance includes standards and limitations that address typical concerns? Are there any additional limitations that should be imposed to control the location, scale, or operation of new uses in certain districts?
- Are animal day care facilities, which are popular in many municipalities in retail areas, appropriate in Santa Monica’s commercial and mixed-use areas?

- Should Bed and Breakfast, a use that could encourage the historic preservation of large homes, be considered as a minor conditional or conditional use?

Question 2: Cultural Facilities.

A proposed new use classification “Cultural Facilities” encompasses libraries as well as other cultural facilities such as museums. Branch libraries and other cultural facilities, such as “house museums” might be appropriate in the multi-family residential districts. The draft regulations for the RL, RM, and RH districts in this module establish a size threshold of 5,000 square feet for libraries allowed by right; larger facilities would be subject to a CUP.

- In the multi-family residential districts, should libraries and other cultural facilities be permitted by right up to a size of 5,000 square feet and subject to a Conditional Use Permit if greater than that size?
- Which cultural facilities could be allowed in residential districts?
- Are there any types that should not be allowed or subject to a Conditional Use Permit?

Question 3: Auto Dealerships.

The LUCE calls for a transformation of auto dealers in Santa Monica from a suburban to an urban form that puts car showrooms into buildings that face sidewalks and are attractive and pedestrian-friendly additions to the streetscape. This format locates less streetscape-friendly activities, such as inventory storage, customer parking, and service areas behind or underneath. The draft use regulations in the attached report require compliance with these types of standards.

Several auto dealers in Santa Monica also have facilities that occupy adjacent residentially-zoned parcels. While the existing zoning code classifies auto dealerships on residentially-zoned lots as a nonconforming use, LUCE Policy E8.3 states that dealerships should be allowed to expand on parcels now occupied by dealerships, and on adjacent parcels, as long as their redevelopment is in the urban auto dealership format.

The proposed zoning regulations would identify auto dealerships as a permitted use in any zoning district, including residential, if they were legally established prior to the effective date of the LUCE (July 6, 2010). Expansion or significant changes to expansions would be subject to a conditional use permit or development agreement and conformity with the urban auto dealership standards.

The attached recommendations also include most of the provisions for auto dealerships contained in the Interim Zoning Ordinance (IZO) that the City Council enacted on August 28, 2012. The IZO includes operational standards (related to access, circulation, test driving, noise, etc.) for all dealerships and special standards for parking facilities associated with dealerships.

The IZO contains specific standards for the use and development of residentially zoned lots adjacent to dealerships—the most challenging portion of the prior IZO that was adopted in prior years, and also the topic of much discussion among the City Council in the most recent revision to the IZO.

The IZO provisions limit the use of residential lots to parking or inventory storage, and prohibit their use for vehicle display, auto repair, auto washing, and similar activities. They require that such parcels eventually revert to residential use if the adjacent dealerships are abandoned, and restrict parcel coverage to 50 percent of residential lots and height to 23 or 28 feet, the respective base height limits of the R2 and R3 districts. Further, it includes minimum setback standards and screening and buffering from adjacent residential lots. City Council heard testimony from a variety of people on this topic. Several residents discouraged Council from allowing any additional auto dealer-related uses on these lots. On the other side of the argument, Council heard that the provisions were too strict. Notably, no applications were received during the period the auto dealer IZO was in place, indicating that the provisions may have been too limiting. However, this is difficult to gauge given the overall downturn in the economy, and in fact, several auto dealers have left Santa Monica altogether in the last decade.

Several of the auto dealers have proposed an alternative to requiring the residential standards to apply to the residential lots used for auto dealerships. One idea is to apply commercial FAR and height limits to an entire dealership site, and combine required large setbacks from adjacent parcels that are in residential use, but not part of the dealership.

- Are the proposed specific requirements for auto dealerships sufficient to achieve the LUCE goals of creating a quality pedestrian environment and visually attractive street frontage and minimize impacts on nearby residential uses? Should the standards be augmented by design guidelines that further clarify the City's design preferences?

- Should expansions of existing dealerships be allowed in any location in the General Commercial district (such as Lincoln Boulevard) or only on sites with frontage on Santa Monica Boulevard?
- Should the updated Ordinance identify legally established existing auto dealerships, including those located on residentially-zoned lots that are not in residential use, as a permitted use subject to specific standards and procedural requirements or continue to classify them as a nonconforming use?
- Should existing dealerships that occupy both commercially and residentially zoned lots be required to comply with all of the development standards, including height and coverage limitations, of the residential district, or could the FAR applicable to the commercially-zoned lots be applied to the entire site, along with large setbacks, stepbacks, and buffering of any adjacent parcels in residential use that are not part of the dealership?
- The LUCE proposes that dealers be offered incentives to convert to the urban format. Would allowances for increased height and FAR be appropriate incentives?

Question 4: Size Thresholds for Retail Establishments.

The consultant report proposes to create three levels of retail: small (<25,000 sq. ft.), medium (25,000 – 80,000 sq. ft.), and large (>80,000 sq. ft.). Since the consultant report was finalized, staff has discussed size thresholds for retail, and recommends the following divisions:

	Square Feet	Notes
Neighborhood	0 – 2,500	Staff approval, permitted in all commercial zones. This size could be encouraged through additional provisions, such as lower parking requirements.
Small	>2,500 – 7,500	Staff approval, permitted in all commercial zones.
Medium	>7,500 – 15,000	Staff approval, permitted in most commercial zones.
Large	>15,000 – 50,000	Planning commission approval, permitted by CUP in some zones.
Enormous	>50,000	Prohibited (Development Agreement only).

- Does the Planning Commission agree with staff’s above recommendations regarding the divisions and thresholds for retail uses?

- Should large-format retail establishments with over 80,000 (or 50,000) square feet of floor area be conditionally permitted in any districts? Is it appropriate to conditionally permit them in the General Commercial District?
- Should the 7,500-square-foot threshold that currently applies to many commercial establishments in the CM District be carried forward to the new Neighborhood Commercial District, which will encompass areas currently zoned CM, C2, and C4?

Question 5: Social Service Centers

The City Council has approved the by-right establishment of centers that provide supportive services for disabled, homeless, and other individuals needing targeted services, such as counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. The Use Regulation Issues and Options Paper included a new classification called Social Service Center that describes such facilities.

These centers are different from shelters, which include overnight accommodations, and from facilities providing substance abuse treatment, which would be classified as Clinics. The updated Ordinance would include a set of specific requirements that would address aspects of their operation and maintenance such as security, loitering, and trash. Social service centers that comply with the specific requirements would continue to be allowed by right in most nonresidential districts.

- Are the proposed specific requirements for social service centers adequate to address the concerns that have been raised about these facilities?

Question 6: Office Uses

The LUCE descriptions of the land use designations distinguish between the desired ground-floor and upper-floor uses. Several of the descriptions call for small, local-serving offices or limit general office uses to upper floors. The draft regulations are intended to reflect the LUCE land use descriptions and also consider existing regulations. They distinguish between walk-in offices with customer traffic and business offices that are not oriented to customer visits. In the MU-BL and NC districts, they allow walk-in offices at the ground floor but restrict general offices to upper floors.

- Based on LUCE policies, is it appropriate to restrict general office uses to upper floors in the NC and MU-BL districts while allowing them without locational restrictions in the GC and MU-B districts?
- Are office uses appropriate for the ground floor of these areas if they do not occupy the street frontage (i.e. they are located behind more “active” uses)?

Question 7: Live-Work Units

Live-work units provide a way to expand both residential and work choices by permitting individuals to use the same space for work and residential purposes while allowing for a broader range of work activities than possible for home occupations. In contrast to home occupations, which involve incidental commercial use of a dwelling unit, a live-work space is a commercial occupancy with incidental residential use. Originally conceived by artists as a way to create inexpensive studio space in underused industrial buildings, a wide variety of professionals now occupy live-work units in buildings that were originally built for industrial or commercial use as well as new buildings specifically designed for joint occupancy. In Santa Monica, the creation of additional live-work units can expand options for residents involved in creative endeavors who are looking for affordable housing and work spaces as well as help to achieve other key City objectives including trip reduction and the preservation of existing buildings adapted to this hybrid use. Because live-work spaces are by definition a mixed use and the buildings suitable for conversion are often located in areas where the LUCE seeks to increase pedestrian activity, the promotion of live-work development is a particularly good way to implement these policies.

Live-work units may be established through the conversion of existing commercial and industrial buildings or in new construction, where permitted or conditionally permitted in any mixed-use, commercial, or employment district according to the use regulations.

- Are the proposed use regulations and special standards for live-work units appropriate?

Question 8: Second Dwelling Units

Government Code Section 65852.2 requires local agencies to ministerially consider second-unit applications. They may adopt a second-unit ordinance to establish standards for second units, or, in the absence of such a local second-unit ordinance, must ministerially approve second units according to the State standards contained in Section 65852.2.

In general, local governments must allow second units on residentially zoned lots that contain a single-family dwelling unit unless the local ordinance includes findings that allowing second units would have specific adverse impacts on public health, safety, or welfare (Government Code Section 65852.2(c)). A local government may designate areas of the jurisdiction that are appropriate for second units based on criteria such as the adequacy of water and sewer services and the impact of second-units on traffic flow. (Government Code Section 6585.2.2(a)(1)(A) It may also require that the property owner occupy either the

primary or second unit. Jurisdictions may apply quantifiable, fixed and objective standards, such as height, setback, and lot coverage requirements so that second units are compatible with other structures in the surrounding neighborhood.

The proposed regulations would permit second units on any legal lot that contains at least 5,000 square feet and is developed with a primary single-unit dwelling. As an alternative, they would allow second units up to 640 square feet in floor area by right, and allow larger units, up to no more than 900 square feet or 30 percent of the floor area of the primary unit, with a Minor Use Permit.

- Are additional standards for second units needed to ensure compatibility with surrounding residential development?
- Should the City permit second units up to 640 square feet in floor area, as required by State law and allow larger second units with a use permit?
- Is there a need to include a process for legalizing existing second units established without City approval?

Attachments

A. Use Regulations and Classifications Module