



City Council Memorandum

City Council Meeting: July 1, 2010

Agenda Item: _____

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning and Community Development

Subject: Proposed Staff Clarifications and Responses to City Council Requested Changes to Draft LUCE

Executive Summary

The City Council is receiving proposed language clarifications and City Council-requested changes to the Draft LUCE based on comments and direction of the City Council from the prior Council LUCE hearings. The Planning Commission's resolution recommending adoption of the Draft LUCE, which was previously transmitted to the City Council, consisted of two components:

- 1) Exhibit A – Draft LUCE November 24, 2009 (as corrected on February 24, 2010 for minor typographical errors)
- 2) Exhibit B – Changes to Draft LUCE

In light of clarifications requested by the Planning Commission, City Council, and during public testimony, staff has carefully reviewed the Draft LUCE and Planning Commission Exhibit B to ensure that the intent of the LUCE is reflected accurately in the language of the document. Furthermore, at the June 10, 17, and 24 City Council hearings, various Council members made comments indicating a desire for language to be brought back for City Council review.

The purpose of City Council's review is to transform Planning Commission Exhibit B into Exhibit B of the City Council resolution adopting the LUCE, which will incorporate all of the City Council's changes. The attached document is intended to be a starting point for City Council deliberation on appropriate changes to Planning Commission Exhibit B.

A revised draft of Exhibit B, based on the City Council's deliberations on July 1, will be distributed to the City Council on Friday, July 2.

Prepared by: Jing Yeo, Special Projects Manager

Approved:

Forwarded to Council:

Eileen Fogarty
Director, Planning and Community
Development

Rod Gould
City Manager

Attachments:

1. Proposed Staff Clarifications and Responses to City Council Requested Changes to Draft LUCE, July 1, 2010



Proposed Staff Clarifications and Responses to City Council Requested Changes to Draft LUCE July 1, 2010

New changes for City Council consideration are in red.

Staff Clarifications in response to issues raised at City Council hearings

1. **Modify incorrect segment titles for Santa Monica Boulevard to clarify that an existing automobile dealership is allowed to expand on Pages 2.4-12 and 2.4-13 in Chapter 2.4 (Boulevards):**
 - Page 2.4-12: Centinela to ~~26th Street~~ Street Cloverfield
 - Page 2.4-13: ~~26th Cloverfield~~ to 20th Street
2. **Modify Policy LU7.3 in Chapter 2.1 (Land Use Policy) to clarify that services and uses supportive to the hospitals are encouraged in areas beyond the Healthcare District:**
 - Encourage a variety of services and uses in the district, and in commercial districts throughout the City, to support the changing needs of the healthcare community and hospitals.
3. **Modify Exhibit B #88 to further expand the scope of Main Street issues to be addressed in the zoning ordinance update: Add Policy D31.12 to Main Street District (Chapter 2.6 Districts):**
 - Ensure that disincentives for new and existing restaurants on Main Street as well as other issues of concern will be addressed in an updated Main Street Master Plan and the Zoning Ordinance update.
4. **Modify Policy D32.7 for Main Street District (Chapter 2.6 Districts) in response to concerns from the Main Street Business Improvement Association:**
 - Mixed-use developments should have active ground floor uses that face the ~~boulevard street~~ with residential or office development located on the upper floors. Entrances to upper level uses, such as lobbies, should be limited in length along the sidewalk.
5. **Modify Policy D32.8 for Main Street District (Chapter 2.6 Districts) in response to concerns from the Main Street Business Improvement Association:**
 - Offices and other limited pedestrian access uses are discouraged on the ground floor facing the ~~boulevard street~~. Entrances to upper level uses, such as lobbies, shall be limited in length along the sidewalk.
6. **Modify Tier 2 description on Page 3.2-5 (Chapter 3.2 Community Benefits) to provide flexibility and allow the zoning code to define the specific type of discretionary permit that would be required for Tier 2 projects:**
 - Commercial Projects and Mixed-Use Projects with Commercial Uses above the First Floor between 35-45 Feet ~~by CUP~~ through a discretionary process:

Unless a developer seeks a development agreement, a CUP discretionary process will apply to all commercial projects and mixed-use projects that provide at least a limited amount of neighborhood-serving or other non-residential uses above the first floor.
7. **Remove references to a state density bonus for mixed-use projects in non-residential designations.**

- 8. Modify Tier 1 Development Parameters for all non-residential Land Use Designations (Chapter 2.1 Land Use Policy) to clarify that the number of required affordable housing units in Tier 1 projects is based upon the total number of proposed units:**
 - A project will receive a 3-foot height bonus above the 32-foot base height, allowing for an additional floor of housing, by providing the required affordable housing units in accordance with the percentage requirements specified in the City’s Affordable Housing Production Program for the project as a whole.

- 9. Add text to ‘Plans for the Districts’ on Page 5.0-12 (Chapter 5.0 Measuring Progress) to update Local Coastal Program (LCP) Land Use Plan. Note that current LCP Land Use Plan does not conflict with LUCE as most provisions taken from existing zoning ordinance.**
 - Local Coastal Program Land Use Plan – Update the LCP Land Use Plan to be consistent with the LUCE goals and policies for the Beach and Oceanfront District, Downtown, and residential neighborhoods within the Coastal Zone.

- 10. Modify Exhibit B #4 in response to SMADA requests to allows existing auto dealership sales and services facilities to be allowed to expand onto nearby commercial properties and include auto sales with a CUP: Modify Policy B14.4 for Colorado Avenue (Chapter 2.4 Boulevards) to read:**
 - Maintain service/storage facilities for automobile dealerships as permitted uses west of 20th Street. At existing or expanded dealership service and storage facilities, a discretionary approval process may be implemented to authorize auto sales on lots that are contiguous to and are associated with the ~~at~~ existing or expanded dealership service and storage facilities.

City Council Actions

Council Comment: Motion 5-2 (McKeown and Holbrook dissenting) for a 50/50 land use mix in Mixed Use Creative District with no more than 5% deviation in either direction and follow-up every 2 years.

11. Modify Land Use Parameters for Mixed Use Creative on Page 2.1-42 (Chapter 2.1 Land Use Policy) to read:

- At the ground floor, active, local-serving retail, service commercial, and creative arts uses are allowed. Above the ground floor, creative office and affordable, workforce, and market-rate residential uses are allowed, with a maximum ratio target of 50% residential to 50% nonresidential uses at 40/60 and no more than a 5% deviation in either direction. In order to monitor progress in achieving the desired mix of uses, the City shall evaluate the residential to nonresidential land use targets every two years. Uses that serve both employees and residents of the area, such as child care, community meeting spaces, small restaurants, and neighborhood markets are encouraged.

Council Comment: Motion 6-1 (McKeown dissenting) to explore possibility of not prohibiting auto dealers on east side of Lincoln north of I-10.

12. Modify Exhibit B #3: Text for Mixed Use Boulevard - Wilshire and Lincoln north of I-10 on Page 2.1-34 (Chapter 2.1 Land Use Policy):

- ~~Existing automobile dealerships may continue or be revitalized using the urban auto dealership format described in the 20th Street to Lincoln Boulevard section of Santa Monica Boulevard.~~ Existing automobile dealers shall be allowed to expand using the urban auto dealership format described in the Strategic Approach for 20th Street to Lincoln Boulevard on Santa Monica Boulevard (Chapter 2.4 Boulevards), and in a manner that is compatible with the surrounding neighborhood. Auto dealers that do not expand are encouraged to upgrade their dealerships into the urban auto dealership format, which contributes to Santa Monica's urban form with multi-story buildings built to the street and parking in structures at the rear or underground. For purposes of calculating FAR, below grade auto dealer facilities shall be excluded and rooftop parking/automobile storage shall be discounted by 50%. During the review and adoption of the Zoning Ordinance, consideration may be given on whether to provide for a discretionary approval process to allow new auto dealerships on the east side of the Lincoln Boulevard between I-10 and Santa Monica Boulevard.

Council Comment: Motion 7-0 to endorse activity center concepts, excluding heights, and bring back the activity centers as a study session item to review community goals and boundaries. Question regarding process of initiation and how to ensure that affordable grocery stores are included.

13. Modify Policy AC1.1 (Chapter 2.5 Activity Centers) to add requirement for affordable grocery stores.

- An activity center overlay should create a true mixed-use development including uses such as a grocery store, a drugstore; local serving retail and convenience services; with a moderately-priced, full-service grocery store/supermarket as an anchor; and small floor plate, local-serving offices and a wide range of new housing.

Individual Councilmember Requested Changes for Consideration

Council Comment: Require active ground floor uses for 100% affordable housing however, allow flexibility for meeting this requirement if it creates a barrier to the production of affordable housing.

14. Modify Exhibit B #13: The following clarifications are to be made to Chapter 3.3 (Housing):

- **Page 3.3-4** One hundred percent affordable housing projects will continue to be provided existing incentives, including: an up to 50% density bonus in residential designations, inclusive of the State density bonus requirement; building height in non-residential designations not to exceed the allowable maximum height limit at the highest tier, or 40 feet where applicable; reduced parking requirements; ~~flexibility in providing a reduction in required ground floor pedestrian-oriented uses~~ pedestrian orientation, if applicable ~~a hardship is demonstrated~~; and administrative review of one hundred percent affordable housing projects with 50 units or less. One hundred percent affordable housing projects are defined as housing in which one hundred percent of the dwelling units are deed-restricted or restricted by an agreement approved by the City for occupancy by low or moderate income households. Such projects may also include non-residential uses, as long as such uses do not exceed a maximum percentage ~~thirty-three percent~~ of the floor area of the total project to be established in the Zoning Ordinance.

15. Modify Exhibit B #17: The following additions and clarifications are made to land use designations in Chapter 2.1 (Land Use Policy):

- **Modify bullet under ‘All Tiers’ regarding 100% affordable housing for all non-residential land use designations that have housing:**
 - One hundred percent affordable housing projects will continue to be provided existing incentives, including: building height not to exceed the allowable maximum height limit at the highest tier, inclusive of any development bonus for affordable housing; reduced parking requirements; ~~a reduction and flexibility in providing required ground floor pedestrian-oriented uses, which may also include community services, arts, and similar uses, as applicable; and~~ administrative review of one hundred percent affordable housing projects with 50 units or less; and flexibility in providing required ground floor pedestrian-orientation if a hardship is demonstrated.
- **Modify bullet under “All Tiers” regarding 100% affordable housing for General Commercial (Lincoln and Pico) and Neighborhood Commercial (Pico only):**
 - One hundred percent affordable housing projects have a base height of 40 feet (4 stories) and 2.0 FAR, inclusive of any development bonus for affordable housing. Such projects will continue to be provided existing incentives, including: ~~a reduction in required ground floor pedestrian-oriented uses, which may also include community services, arts, and similar uses, as applicable;~~ reduced parking requirements; ~~and~~ administrative review of projects with 50 units or less; and flexibility in providing required ground floor pedestrian-orientation if a hardship is demonstrated.

Council Comment: Review document to ensure consistency of historic preservation terms (addressed in Exhibit B #81 and #82) and policy intent

16. Modify HP2.1 (Chapter 2.3 Historic Preservation) to clarify TDR sending and receiving areas and ensure consistency with Historic Preservation actions that intended to allow sending areas to also include boulevards:

- Establish a program for the Transfer of Development Rights for significant historic resources and character-defining structures, ~~which will be considered a community benefit, in Neighborhood Conservation Districts or the Downtown area. Define such districts or individual resources as a community benefit and eligible as a sending area and/or sending site.~~ Identify receiving areas such as boulevards, transit corridors, activity centers, and ~~Mixed-Use-Creative~~ Districts.

Council Comment: Need to have gateway features at key entrances to the City

17. Add text regarding gateway features to vision statements for Wilshire Boulevard (Page 2.4-5) and Olympic Boulevard (Page 2.4-35):

- Wilshire Boulevard is Southern California's grand street, connecting Downtown Santa Monica to Downtown Los Angeles. ~~Within~~ The installation of a gateway feature on Wilshire Boulevard at the border of Santa Monica creates a distinct and elegant entryway into the City.
- Olympic Boulevard is one of the important eastern gateways to Santa Monica and immediately establishes a sense of arrival through installation of a gateway feature while becoming the spine of the new Bergamot Transit Village District and the Mixed-Use Creative District.

Council Comment: There should be different values applied to community benefits that benefit the immediate neighborhood and those have citywide benefit. Meeting code requirements is not considered a community benefit.

18. Add text to end of 'Five Priority Categories of Community Benefits' on Page 3.2-3 (Chapter 3.2 Community Benefits) to read:

- There are numerous factors in assessing the type and extent of community benefit that must be provided. Benefits that merely meet or go slightly beyond standard requirements for all projects, such as TDM or Green Building requirements, would not qualify as community benefits. Benefits that are for the immediate neighborhood should also be considered in addition to those that apply citywide.

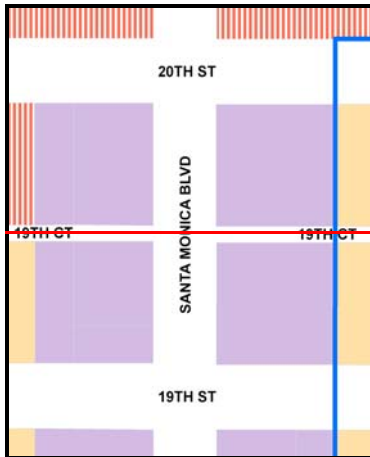
Council Comment: Potential conflict between Policies B12.1 and B12.2.

19. Delete Policy B12.1 for Colorado Avenue (Chapter 2.4 Boulevards):

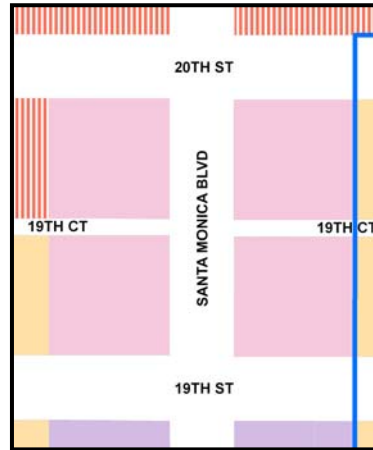
- ~~Allow arts and entertainment uses to continue as the predominant land use in the eastern end Colorado Avenue between Stanford and Stewart Streets.~~

Council Comment: City Council appeared to agree with staff recommendation to allow Santa Monica Boulevard between 19th and 20th Streets to remain General Commercial (deletion of Exhibit B #89)

20. Delete Exhibit B #89: Change land use designation for Santa Monica Boulevard between 20th and 19th Streets from General Commercial to Mixed Use Boulevard Low (Chapter 2.1 Land Use Policy)



~~DRAFT LUCE~~



AS AMENDED

Issues Raised in Deliberations

21. *Bergamot Transit Village has some of the most intense development parameters in the LUCE in anticipation of the future Bergamot Light Rail Station and opportunities to create a transit village with a balanced mix of jobs and housing. The Bergamot Transit Village Development Parameters for Tier 3 state:*

“Subject to a discretionary review process and creation of an area plan, projects that provide additional community benefits may request a height up to 75 feet and 3.5 FAR. The average height cannot exceed 65 feet. The maximum allowable height of 75 feet may be achieved for no more than 50 percent of the area of the building footprint.”

The LUCE requires an Area Plan for Bergamot Transit Village because Tier 3 projects are afforded significant development incentives and the intent of the Area Plan is to ensure that the District is not driven by piecemeal development but is shaped by a comprehensive community process that will address fundamental elements such as: amount and location of open space; building mass and form; location of pedestrian, bicycle, and automobile connections; prioritization of community benefits; district-wide TDM strategies; and future shared parking facilities.

As shown in Exhibit B #63, the Planning Commission made changes to the Tier 3 Development Parameters by raising the maximum potential height to 81 feet with a corresponding percentage decrease in FAR, required that the average height be at least 10 feet less than the maximum requested height, and deferred details on building form and variation to the Bergamot Transit Village Area Plan.

A question has been raised as to whether Tier 3 projects should be allowed to proceed up to formal hearings prior to the adoption of an Area Plan.