

RESOLUTION NO. 2023-22

RESOLUTION OF THE CITY OF PETALUMA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING SECTION 5.070 TO THE CITY OF PETALUMA IMPLEMENTING ZONING ORDINANCE, ORDINANCE 2300 N.C.S., AND AMENDING THE ZONING MAP TO ZONE APPLICABLE PARCELS TO THE PROPOSED DOWNTOWN HOUSING & ECONOMIC OPPORTUNITY OVERLAY; FILE NO. PLGP-2023-0001 AND PLZA-2023-0002

WHEREAS, the City of Petaluma Implementing Zoning Ordinance (IZO) Section 25.010 provides that no amendment that regulates matters listed in Government Code Section 65850 shall be made to the IZO unless the Planning Commission and City Council find the amendment to be in conformity with the General Plan; and

WHEREAS, pursuant to IZO Chapter 25, an amendment may be requested by a property owner, and the City Council may adopt the amendment upon the recommendation of the Planning Commission; and

WHEREAS, pursuant to IZO Sections 25.010 and 25.050.B, if the Planning Commission finds the IZO amendments to be in conformance with the Petaluma General Plan, and consistent with the public necessity, convenience, and general welfare, it may recommend amendment of the IZO to the City Council; and

WHEREAS, pursuant to IZO Section 15.020.A.6, the Historic and Cultural Preservation Committee has provided their independent analysis of the project and made a recommendation on the proposed Zoning Map and Text Amendments to the Planning Commission; and

WHEREAS, prior to making a recommendation to the City Council, the Planning Commission has concurrently considered the staff report dated November 14, 2023, all associated attachments, including the Draft IS/MND and consistent with IZO Section 15.020.B.2, has considered the recommendation provided by the Historic and Cultural Preservation Committee on the proposed Zoning Map and Text Amendments; and

WHEREAS, Mike Jolly of EKN Development Group, submitted an application for Historic Site Plan and Architectural Review (HSPAR), and Conditional Use Permit (CUP) for the EKN Appellation Hotel (formerly Hotel Weaver) project; and

WHEREAS, the EKN Appellation Hotel project proposes construction of a 6-story, 93-room hotel that would include a below-grade parking garage with valet parking for 58 vehicles, food service uses on the ground floor and a rooftop event space and bar; and

WHEREAS, based on the proposed height, lot coverage, and floor area ratio (FAR), the proposed Hotel also requires a General Plan Amendment (GPA), Zoning Map Amendment (ZMA), and Zoning Text Amendment (ZTA); and

WHEREAS, the proposed Downtown Housing & Economic Opportunity Overlay is subject to the Petaluma General Plan 2025, adopted by the City Council on May 19, 2008; and

WHEREAS, three parcels within Subarea A and one parcel within Subarea B of the proposed Downtown Housing & Economic Opportunity Overlay are also within the boundaries of the Petaluma Historic Commercial District and Subarea C is adjacent to the Petaluma Historic Commercial District; and

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WHEREAS, the City of Petaluma conducted publicly noticed study sessions on June 13, 2023, August 8, 2023, and October 3, 2023, to develop the scope and content of a Downtown Housing & Economic Opportunity Overlay, which would apply amendments to the General Plan and Implementing Zoning Ordinance, initiated as a result of the EKN Appellation Hotel project, to three areas within downtown Petaluma, referred to as Areas A, B, and C; and

WHEREAS, at the June 13, 2023, study session, the Planning Commission and Historic and Cultural Preservation Committee considered the proposed Overlay, which at the time included a 10-block zoning overlay within a 14-block study area, inclusive of the EKN Appellation Hotel site and generally bounded by Washington Street to the north, Petaluma Boulevard to the east, D Street to the south, and Howard/Liberty Streets to the west; and

WHEREAS, based on feedback provided by the Planning Commission and Historic and Cultural Preservation Committee at the June 13, 2023, study session the proposed Overlay was revised to reduce the area to focus on underutilized parcels in three smaller areas within the original study area, referred to as Subareas A, B, and C, avoid overlap with designated historic districts, avoid residential areas, and require discretionary approval of a conditional use permit for any building proposed above 45-feet, subject to meeting specific findings; and

WHEREAS, at the August 8, 2023, Planning Commission study session, a *Frequently Asked Questions (FAQ)* document was prepared to provide comprehensive responses to questions related to the proposed Overlay and the revised Overlay was presented to seek additional feedback; and

WHEREAS, at the August 8, 2023, study session, the Planning Commission requested additional information related to the Overlay's alignment with the City of Petaluma General Plan 2025 as well as additional information on characteristics of each Subarea; and

WHEREAS, at the August 8, 2023, study session, the Planning Commission also requested that staff consider focusing housing development in Subareas B and C, consider unique development standards for each Subarea to maintain the individual characteristics of each, provide photographs and parcel data for each Subarea, and provide a Historic Cultural Resources Report for the proposed Overlay; and

WHEREAS, based on feedback provided by the Planning Commission at the August 8, 2023 study session, the proposed Overlay was revised to expand the boundaries of Subarea B to include the entirety of the parcel currently occupied by the Well Fargo bank (125 Western Ave, APN 008-051-025), and to indicate opportunities for Pedestrian/Façade Activation Zones and Ground Floor Residential Zones which are each intended to apply new land use and design controls for any new building within the three respective Subareas; and

WHEREAS, at the October 3, 2023, Historic and Cultural Preservation Committee study session, the Committee was informed that a parcel inventory presenting the existing parcels and a discussion of their development potential was in process; and

WHEREAS, at the October 3, 2023, Historic and Cultural Preservation Committee study session, the Historic Cultural Resources Report for the proposed Overlay was presented; and

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WHEREAS, a third party Peer Review Report of the Historic Cultural Resources Report was prepared by First Carbon Solutions (FCS) and included recommendations to improve clarity of the Report's purpose and recommendations; and

WHEREAS, the Historic Cultural Resources Report was updated to incorporate recommendations provided in the Peer Review Report; and

WHEREAS, in preparation of the November 14, 2023 joint hearing of the Planning Commission and Historic and Cultural Preservation Committee, the proposed Overlay was revised to: update review criteria for future development proposals requesting a building height greater than 45-feet; finalize the development standards table; simplify setback and stepback tables; provide development standards for the Pedestrian/Façade Activation Zones and Ground Floor Residential Uses, which includes clarification that ground floor residential zones will be allowed as a permitted use in any of the three respective Subareas as opposed to the original proposal to limit housing development on the ground floor to Subarea C only, and to require a Conditional Use Permit to exceed the current maximum for lot coverage of 80%; and

WHEREAS, the intent of the Downtown Housing & Economic Opportunity Overlay is to facilitate the development of residential uses, orderly economic development, preservation of historic buildings and resources and the Commercial Historic District activate the ground levels, and incorporate sites with the greatest opportunity for redevelopment activity by increasing the allowable floor area ratio from 2.5 to 6.0, building height from 45 feet to up to 75 feet subject to approval of a conditional use permit, and lot coverage from 80% to 100% subject to approval of a conditional use permit, and subject to development and design controls for properties within the proposed Overlay; and

WHEREAS, for purposes of the California Environmental Quality Act (CEQA), the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel are considered one "project" and were considered concurrently in the Draft Initial Study/Mitigated Negative Declaration; and

WHEREAS, for purposes of discretionary approvals subject to review by the City's Historic and Cultural Preservation Committee, Planning Commission, and City Council, the Downtown Housing & Economic Opportunity Overlay is being considered separately from the EKN Appellation Hotel; and

WHEREAS, on November 14, 2023, the Planning Commission by Resolution No. 2023-20, incorporated herein by reference, recommended to the City Council adoption of the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), in accordance with CEQA; and

WHEREAS, as described in the Draft IS/MND, no physical development will occur as a result of adoption of the proposed Downtown Housing & Economic Opportunity Overlay, including the EKN Hotel; and

WHEREAS, future site-specific development proposals within the Downtown Housing & Economic Opportunity Overlay will be subject to a separate discretionary review process, including Site Plan and Architectural Review (SPAR), Historic Site Plan and Architectural Review (HSPAR), Conditional Use Permit (CUP); and

WHEREAS, consistent with the California Environmental Quality Act (CEQA), future development proposals within the proposed Overlay requesting approval of SPAR, HSPAR, and/or CUP, which are discretionary in nature and therefore defined as projects under CEQA, will also be subject to an independent CEQA analysis to determine potential impacts of site-specific proposals; and

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WHEREAS, all future development proposals within the proposed Overlay will be subject to mitigation measures identified in the Draft IS/MND, or as revised through the Final IS/MND process, which include measures with clearly defined criteria for which the City of Petaluma will apply in determining the impacts of future development; and

WHEREAS, consistent with CEQA, the City of Petaluma, as the Lead Agency may rely on the future studies for site-specific developments to devise the specific design of mitigation measures as the results of later studies will be used to tailor mitigation measures to fit on-the-ground environmental conditions; and

WHEREAS, because the proposed Overlay will not result in direct physical development, identifying site-specific mitigation measures for potential impacts to the resource areas identified in the Draft IS/MND is not appropriate at this time as this would represent speculative analysis under CEQA; and

WHEREAS, on October 13, 2023, the City's Notice of Public Hearing to be held on October 24, 2023, before the City of Petaluma Planning Commission and Historic and Cultural Preservation Committee, was published and mailed to all residents and property owners within 1,000 feet of the perimeter of the Downtown Housing & Economic Opportunity Overlay study area as well as persons having requested special notice of said proceedings; and

WHEREAS, on October 24, 2023, the joint hearing of the Petaluma Planning Commission and Historic and Cultural Preservation Committee was continued to a date certain of November 14, 2023; and

WHEREAS, on November 2, 2023, the two signs were installed on-site to inform the public of the November 14, 2023, public hearing with the Planning Commission and Historic and Cultural Preservation Committee, in compliance with IZO Section 24.100.B; and

WHEREAS, on November 3, 2023, the City's Notice of Public Hearing to be held on November 14, 2023, before the City of Petaluma Planning Commission and Historic and Cultural Preservation Committee, was published and mailed to all residents and property owners within 1,000 feet of the perimeter of the Downtown Housing & Economic Opportunity Overlay study area as well as persons having requested special notice of said proceedings; and

WHEREAS, the Planning Commission and Historic and Cultural Preservation Committee held a duly noticed public hearing on November 14, 2023, at which time all interested parties had the opportunity to be heard; and

WHEREAS, on November 14, 2023, the Historic and Cultural Preservation Committee motion to recommend that the Planning Commission recommend that the City Council adopt an Ordinance to amend the text of the Implementing Zoning Ordinance as shown in Exhibit 1, and amend the Zoning Map as shown in Exhibit 2, as attached hereto and incorporated into this Resolution, did not pass; and

WHEREAS, on November 14, 2023, the Planning Commission considered the proposed ordinance to implement the Overlay to recommended three modifications to the Zoning Map and Zoning Text for consideration by the City Council to: 1) Reduce the scope of Subarea C; 2) Revise the CUP findings for height; and 3) Expand the Pedestrian/Façade Activation Zones in Subarea A and Subarea C; and

WHEREAS, on November 14, 2023, the Planning Commission recommended reducing the scope of Subarea C because the parcels to be removed do not need revitalization and need to be protected from

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development pressure; and

WHEREAS, on November 14, 2023, the Planning Commission recommended revising the CUP findings for height to clarify and strengthen the findings; and

WHEREAS, on November 14, 2023, the Planning Commission recommended revising the Pedestrian/Façade Activation Zones in Subarea A and Subarea C because the rationale behind establishing the Pedestrian/Facade Activation Zones should apply to a larger area than proposed in the Overlay.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PETALUMA AS FOLLOWS:

1. The foregoing recitals are true and correct and incorporated herein by reference as findings of the Petaluma Planning Commissions
2. Based on the staff report, staff presentation, comments received, and the public hearing, the Planning Commission makes the following findings based on substantial evidence in the record:
 - a. California Environmental Quality Act Findings:
An Initial Study/MND was prepared, and proper notice was provided in accordance with CEQA and local Guidelines.

The potential environmental impacts of the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel project, including the proposed Zoning Map Amendment, were fully analyzed in the IS/MND (SCH # 2023100359).

Based on its review of the entire record herein, including the Initial Study, MND, all supporting, referenced, and incorporated documents, and all comments received to date, the Planning Commission finds that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment, and hereby recommends that the City Council adopt the MND for the project, including the Mitigation Monitoring and Reporting Program.

The project does have the potential to affect wildlife resources as defined in the Fish and Game Code, either individually or cumulatively; However, with mitigation, these potential environmental impacts would be reduced to a less than significant level and is not exempt from Fish and Wildlife filing fees.

The Planning Commission reviewed the Initial Study/MND and considered the comments received to date before making a recommendation on the project. Pursuant to the analysis in the Initial Study/MND, the project does not make a cumulatively considerable contribution to the significant and unavoidable cumulative traffic or noise impacts identified in the General Plan 2025 EIR.

The proposed EKN Appellation Hotel is located on a Hazardous Waste Site compiled by the State pursuant to Government Code Section 65962.5 Code; however, with mitigation, any potential environmental impacts related to location on such a site would be reduced to a less than significant level.

Approval of the proposed Zoning Map Amendment, as shown in Exhibit 2, is contingent upon City

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Council adoption of the IS/MND, including adoption of the Mitigation Monitoring and Reporting Program.

b. Pursuant to IZO Sections 25.010 and 25.050.B:

The proposed zoning text amendments attached hereto as Exhibit 1 and zoning map amendments attached hereto as Exhibit 2 are in general conformity with the Petaluma General Plan 2025 in that the amendments implement the goals and policies of the General Plan as described in the November 14, 2023, Historic and Cultural Preservation Committee and Planning Commission staff report and as detailed below.

The public necessity, convenience, and general welfare clearly permit the adoption of the proposed zoning text and map amendments in that it will allow for intensification in uses in the city's downtown, thereby increasing opportunities for housing and mixed-use developments in proximity to transit; is consistent with state and regional plans and policies, such as Plan Bay Area 2050, which aim to reduce GHG emissions through transit-oriented development; and is consistent with General Plan goals and policies that seek to:

- maintain a balanced land use program that meets the long-term needs of the community by providing opportunities for all types of uses including residential, employment, retail, institutional, recreational, and open space (Goal 1-G-1);
- promote the efficient use of land through infill development at equal or higher density and intensity as surrounding uses (Policy 1-P-2);
- encourage mixed-use development in the downtown area, thereby increasing access to existing transit (Policy 1-P-6);
- encourage redevelopment of underutilized sites thereby providing flexibility in building form and allowing for the ability to change over time (Policy 1-P-7);
- contribute to advancing downtown as a focus of activity, retain pedestrian orientation, and continue to preserve and enhance buildings of historic and architectural importance (Goal 2-G-3);
- promote development and intensification of downtown as a visitor destination and neighborhood retail center (Policy 2-P-14);
- reduce motor vehicle air pollution through intensification of development in the downtown area, which is proximate to existing transit opportunities (Policy 4-P-7); and
- maintain the historic character and identity of the community (Goal 3-G-1), through implementation of associated policies (3-P-1, 3-P-5, 3-P-6) which aim to protect historic and archaeological resources, ensure their protection is a key consideration during the development review process, and ensure that new development adjacent to historic and cultural resources is compatible.

3. Based on its review of the entire record herein, including the October 24, 2023, Historic and Cultural Preservation Committee and Planning Commission staff report, all supporting, referenced, and incorporated documents and all comments received and the foregoing findings, the Planning Commission hereby recommends that the City Council adopt an Ordinance to amend the text of the Implementing Zoning Ordinance as shown in Exhibit 1, and amend the Zoning Map as shown in Exhibit 2, as attached hereto and incorporated into this Resolution.

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ADOPTED this 14th day of November 2023, by following vote:

Commission Member	Aye	No	Absent	Abstain
Bauer	X			
Chair Hooper	X			
McErlane		X		
Vice Chair Racusen	X			
Whisman	X			
Vice Mayor Cader Thompson	X			
Mozes	X			

DocuSigned by:

Blake Hooper

11/18/2024

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Blake Hooper, Chair

ATTEST:

Signed by:

Andrew Trippel

11/18/2024

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Andrew Trippel, Planning Manager

APPROVED AS TO FORM:

Signed by:

Dylan Brady

11/18/2024

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Dylan Brady, Assistant City Attorney

EXHIBIT 1 –Zoning Text Amendment (New text in Underline>)

Mixed Use Zones					
TABLE 4.3 Allowed Land Uses and Permit Requirements for Mixed Use Zones	P(16)	Permitted Use			
	CUP	Conditional Use Permit Required			
	S	Permit Requirement in Specific Use Regulations			
	A	Accessory Use			
	—	Use Not Allowed			
LAND USE TYPE (1)	Permit Required by Zone				Specific Use Regulations
	MU1A	MU1B	MU1C	MU2²¹	

Notes:

²¹ Refer to Section 5.070 for parcels in the Downtown Housing and Economic Overlay Zone

Table 4.10. MU1 and MU2 Zone Development Standards

Development Feature	Requirement by Zone	
	MU1 Mixed Use 1	MU Mixed Use 2 ⁴

Notes:

⁴ Unless specifically prescribed in Section 5.070, Downtown Housing and Economic Development Overlay Zone, all other development standards shall apply.

Table 4.13. CF Zone Development Standards

Development Feature	Requirement by Zone
	CF Civic Facilities ¹

Note:

¹ Refer to Section 5.070 for parcels in the Downtown Housing and Economic Development Overlay Zone

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A: **Purpose.** It is the intent of the Downtown Housing and Economic Opportunity Overlay Zone to facilitate the development of residential uses, provide for orderly economic development, ensure the preservation of historic buildings, cultural resources, and the Commercial Historic District, strengthen and expand pedestrian activity through new design and land use controls, and incorporate sites with the greatest opportunity for redevelopment activity. The regulations established for this district shall apply to any property described in this section to include the development of new floor area or new buildings, of any size.

District Boundaries. The proposed Downtown Housing and Economic Development Overlay shall apply to Subarea A, B, and C as shown in Figures 5.1 & 5.4 below.

Figure 5.1: District Boundaries
Downtown Housing and Economic Development Overlay



B: **Ground Floor Uses, Pedestrian/Façade Activation Zone and Ground Floor Residential Use Zone.** To continue the land uses and forms established by the parcels that abut or confront each subarea and to allow for specific land uses and the design of new buildings to reflect the characteristics and the context of each subarea a “Pedestrian/Façade Activation Zone” & a “Ground Floor Residential Use Zone” will apply to each subarea.

1. **Pedestrian/Façade Activation Zone & Ground Floor Residential Use Zone Established.** A Pedestrian/Façade Activation Zone & a Ground Floor Residential Use Zone is established as shown in Figures 5.2 through 5.4. Land uses and ground floor development standards apply as provided for in this section.

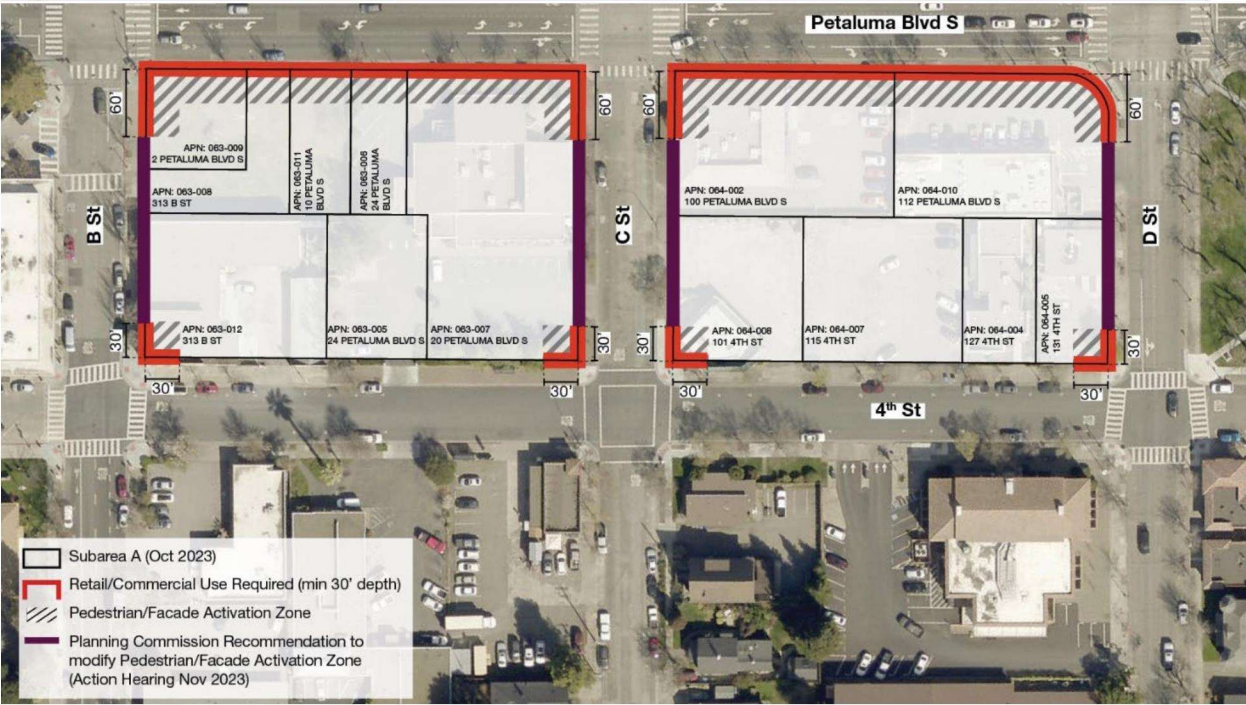
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- a. **Purpose.** The Pedestrian/Façade Activation Zone is intended to enhance the pedestrian experience to ensure that new buildings are occupied by pedestrian-oriented uses and that they present attractive building facades in specific locations to reflect the land use pattern and vibrancy of active pedestrian-oriented streets established in the historic core of the downtown. The Ground Floor Residential Use Zone is intended to create new opportunities for residential development and to provide a land use transition from the retail and service uses provided in the Downtown core to the lower-intensity retail and residential areas beyond the Downtown.
2. **Pedestrian/Façade Activation Zone.** Permitted Uses in any new ground floor area within 30 feet of the public right-of-way in the Pedestrian/Façade Activation Zone, shall be as follows, and each use, as used in this Section, shall be deemed a ground floor activating use:
- Artisan Shop
 - Bank, Financial Services
 - Fitness/Health Facility
 - General Retail, 25,000 sf or Less
 - Groceries/Specialty Foods, 25,000 sf or Less
 - Library, Museum, Art Gallery
 - Personal Services
 - Restaurant, Café, Coffee Shop
 - Studio - Art, Dance, Martial Arts, Music, etc.
3. **Ground Floor Uses.** New ground floor area not identified as a Pedestrian/Façade Activation Zone may be occupied by any use identified in accordance with Table 4.3 and Table 4.5.
4. **Multi-family Residential Allowed in Specific Locations.** Multi-family residential uses shall be a permitted use on the ground floor in any portion of a parcel that is not within a designated Pedestrian/Façade Activation Zone.
5. **Pedestrian/Façade Activation Development Standards.** Additional development standards apply to the ground floor facades of the portion of new building or new floor area constructed within the Pedestrian/Façade Activation Zone. These development standards are provided in Table 5.1, below.

Table 5.1		
Pedestrian/Façade Activation Development Standards		
Feature	Standard	Applies to First Floor:
<u>Storefront Transparency, minimum glazing</u>	<u>60%</u>	<u>Facades facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces</u>
<u>Blank Walls, maximum length</u>	<u>30 feet</u>	<u>Facades facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces</u>
<u>Interior Partitions or shelving above 36" in height when parallel with storefront, minimum setback</u>	<u>30 feet</u>	<u>Tenant spaces facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces; Does not apply to any partition that is perpendicular to the storefront or any shelving that is abutting a wall</u>
<u>Window Signs, maximum coverage</u>	<u>15%</u>	<u>Windows facing sidewalks, pedestrian walks, or publicly accessible outdoor spaces</u>

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Figure 5.2: Subarea A, Pedestrian/Facade Activation Zones + Residential Allowed Zones



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Figure 5.3: Subarea B, Pedestrian/Facade Activation Zones + Residential Allowed Zones



<u>Development Standard</u>	<u>Max/Min</u>
<u>Setbacks</u>	
<u>Front</u>	0 feet
<u>Rear</u>	0 feet
<u>Street-side</u>	0 feet
<u>Interior Side</u>	0 feet
<u>Height¹</u>	45 feet
<u>With Conditional Use Permit²</u>	60 feet
<u>With Conditional Use Permit and Community Benefits³</u>	75 feet
<u>Minimum Ground Floor Height</u>	14 feet floor-to-floor for any Building over 45 feet
<u>Stepbacks</u>	Per Tables 5.2 through 5.4
<u>Lot Coverage</u>	80%
<u>With Conditional Use Permit⁴</u>	100%

⁴ Additional lot coverage above 80% may be granted, subject to subsection H, below.

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D: Development Standards, Stepbacks Apply. Upper floor stepbacks apply as shown in Tables 5.3 to 5.5, to require that any portion of a building above a certain height be separated from a property line.

1. As used in this subsection, the “Primary Street Frontage” stepbacks provided in Tables 5.3 to 5.5 apply to any parcel that abuts Petaluma Boulevard South, Kentucky Street, Fourth Street, Western Avenue, and Washington Street, and “Other Street Frontage” is any other abutting street.
2. The stepbacks shall include usable balconies, usable open space, or be landscaped, and may not be used for mechanical equipment, storage, or other non-active uses.

Table 5.3			
Stepback: General			
	Stepback (Based on Building Height)		
	<u>0-45’/4-stories</u>	<u>Above 45’/4-stories (whichever is less)</u>	<u>Above 60’/5-stories (whichever is less)</u>
<u>Primary Street Frontage</u>	<u>NA</u>	<u>8’ Min</u>	<u>16’ Min</u>
<u>Other Street Frontage (excluding an alley)</u>	<u>NA</u>	<u>5’ Min</u>	<u>5’ Min</u>

Table 5.4		
Stepback: Confronting a Residential Use		
	Stepback (Based on Building Height)	
	<u>0-30’/2-stories</u>	<u>30’/2-stories (whichever is less)</u>
<u>Primary Street Frontage</u>	<u>NA</u>	<u>10’ Min</u>
<u>Other Street Frontage (excluding an alley)</u>	<u>NA</u>	<u>5’ Min</u>

Note: Additional 10’ stepback to be applied for every story above 30’

Table 5.5				
Stepback: Abutting Historic Resource				
	Stepback (Based on Building Height)			
	<u>0-30’/2-stories</u>	<u>Above 30’/2-stories (whichever is less)</u>	<u>Above 45’/4-stories (whichever is less)</u>	<u>Above 60’/5-stories (whichever is less)</u>
<u>Primary Street Frontage</u>	<u>NA</u>	<u>0</u>	<u>8’ Min</u>	<u>16’ Min</u>
<u>Other Street Frontage (excluding an alley)</u>	<u>NA</u>	<u>0</u>	<u>5’ Min</u>	<u>5’ Min</u>
<u>Interior Side, abutting historic resource</u>	<u>NA</u>	<u>10’ Min</u>	<u>10’ Min</u>	<u>10’ Min</u>
<u>Rear, abutting historic resource</u>	<u>0</u>	<u>8’ Min</u>	<u>8’ Min</u>	<u>8’ Min</u>

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E: **Criteria to Exceed 45 feet.** The Planning Commission may approve a Conditional Use Permit to allow for additional height up to 60 feet pursuant to the findings listed in this subsection and the review criteria set forth in Section 24.060.E:

1. That the additional height is consistent with the applicable purposes of the Overlay;
2. That the additional height makes a positive contribution to the overall character of the area and that the building will be compatible with its surroundings. The “positive contribution” and “compatibility” will be assessed using a combination of visual studies, line-of-sight drawings, photo simulations, 3-D modeling, and view shed analysis;
3. That the additional height would not adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship in terms of harmony and appropriateness with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural, or aesthetic interest or value of the district;
4. That the additional height will not result in unreasonable restrictions of light and air to adjacent properties or the public right-of-way, or otherwise be detrimental to the public health, safety, or welfare; and
5. That the building design expresses a relationship to an existing datum line or lines of the street wall or adjacent historic resource, if any.

F: **Criteria to Exceed 60 feet.** The Planning Commission may allow for additional height up to 75 feet, if a Conditional Use Permit is granted per subsection 5.070.F, above, and when a proposed project includes at least 2 of the community benefits described in 1, 2 & 3, and 1 of the community benefits described in 4, 5, or 6, below:

1. Improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/paseos, public plazas, parks, etc. For a project that would widen the sidewalk by increasing the ground floor building setback, a public outdoor amenity space shall be included in the design, and this space shall be designed and configured to provide adequate space for pedestrian movement and activity;
2. Provides publicly accessible private open space, such as a street-level park or rooftop open space that is open to the public at least 12 hours per day and at least 260 days per year;
3. Demonstrates exceptional architecture/design. “Exceptional” architecture/design may be demonstrated by any of the following:
 - a. The use of innovative, creative or original architectural concepts, materials, or building techniques;
 - b. The use of visual elements that contribute positively to the built environment, such as well-proportioned facades, pleasing materials, and unique features;
 - c. The use of innovative building systems or forms, and/or the use of creative design, to increase building efficiency and to reduce energy consumption;
 - d. The use of low impact development and green infrastructure features in sustainable design and landscaping; or
 - e. The use of high-quality building materials that contribute to long-term durability and visual quality.
4. Respects and/or preserve cultural, historical, or archaeological resources that exist or occur onsite or within the Overlay;

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5. Exceeds the minimum number of Inclusionary Dwelling units required by IZO Section 3.040;
6. Exceeds the minimum number of bicycle parking spaces required by IZO Section 11.090; or
7. Provides all required parking below grade.

G: **Criteria to exceed 80% Lot Coverage.** The Planning Commission may approve a Conditional Use Permit to allow for additional lot coverage of up to 100% pursuant to the review criteria set forth in Section 24.060.E and if any one or more of the following are true for a project:

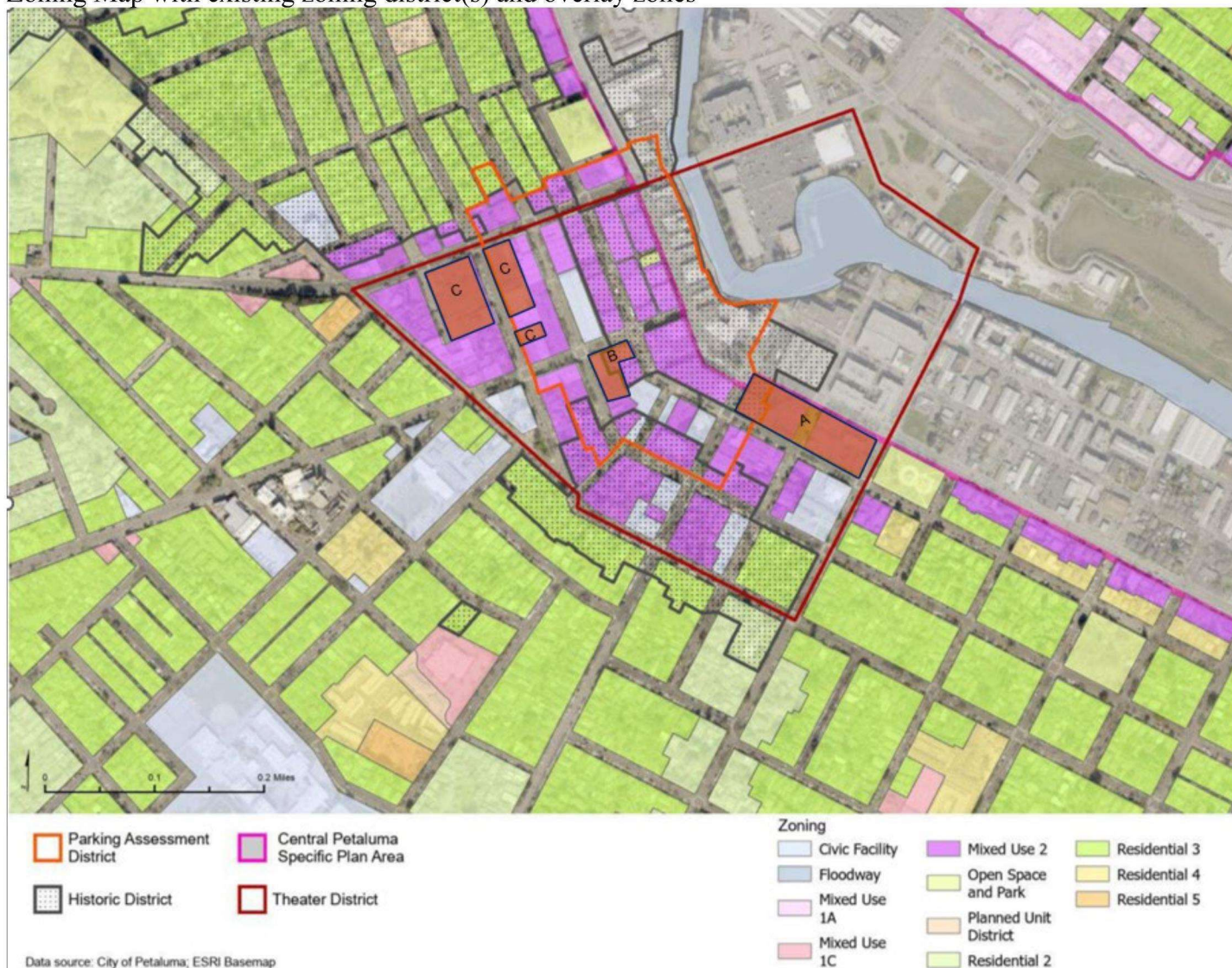
1. The development improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/ paseos, public plazas, parks, etc.;
2. The additional lot coverage would reflect the prevailing development pattern in the for the abutting and adjacent parcels;
3. The development includes adequate provision for recycling and solid waste;
4. The development includes adequate space for street trees, or
5. The development includes other measures to enhance the pedestrian environment.

H: **Sunset Provision.** Unless otherwise amended by the City Council, this ordinance shall expire on the effective date of the Zoning Ordinance that implements the adopted 2040 General Plan.

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EXHIBIT 2

Zoning Map with existing zoning district(s) and overlay zones¹



¹ Note: The theater district overlay expired on August 4, 2023.