



## **BACKGROUND:**

On September 12, 2005, the City Council adopted a moratorium on issuance of building permits for structures three stories or taller within any zone (except in Specific Plan areas) abutting a residential single-family zone. Concerns were raised regarding the impact that three-story projects were having on single-family homes, due to height, proximity, and scale. Development over two-stories is permitted in various zones throughout the city. The proposed amendment focuses on the commercial and industrial development standards that apply to properties that are abutting low-density residential zones, i.e. RS (Single-family Residential) and RM-12 (Residential – two units per lot). Stand alone residential development in the commercial zones is subject to the City of Gardens regulations that are also being considered by the Council tonight.

## **ANALYSIS:**

Since the size of buildings in the commercial and industrial zones is governed by a maximum height in feet, not by number of stories, building three-story and taller are permitted throughout different areas of the City.

### **Current Standards**

**Height** - The maximum height allowed in the Limited Commercial (CL), zone is 36 feet and 45 feet in the Office Commercial (CO), General Commercial (CG), and General Industrial (IG) Districts with no maximum top plate height. The maximum height to the ridge line allowed in the RS and RM-12 Districts is 36 feet for properties of 20,000 square feet or more and 32 feet for properties with less than 20,000 square feet in lot area with a top plate limit of 23 feet.

**Stories** – As mentioned above, there is no regulation limiting the number of stories in commercial districts, except in the CL zone. The CL district is limited to two stories but development can be up to three stories if a floor of residential units is provided. The maximum height in the CO, CG, and IG districts is 45 feet thereby allowing up to four stories. In the commercial areas generally affected by the moratorium on three story development and surveyed by staff (CG-1 and CL districts), the majority of existing development is at two-stories or less.

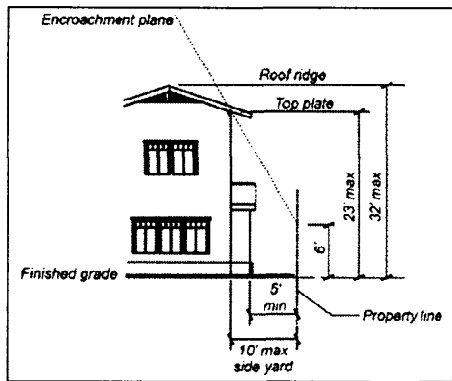
Conversely, residential development in the RS and RM-12 zones are effectively limited to two stories due to a maximum plate height restriction at 23 feet.

**Setback and Encroachment Plane** - Presently, new projects in the commercial and industrial zones have to adhere to additional setback and encroachment plane regulations when located next to a residential zone. These rules apply in the CL, CG, and IG zones. The Office Commercial (CO) District is exempt from these requirements. The zoning code requires that the commercial and industrial projects abutting residential zones provide a 15-foot side and/or rear setback and adhere to a 45-degree encroachment plane requirement with no further limitations on number of stories within the allowable height. An encroachment plane creates a diagonal limit to the building envelope where the height of the building can be increased as a function of the distance of the building to the property line. Figure 4-8 illustrates the current encroachment plane standard that is applicable in residential districts. In this example,

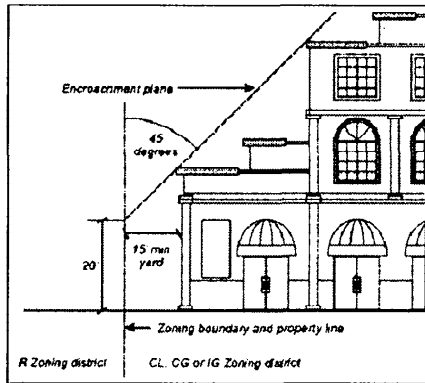
the encroachment plane measurement is taken at the property line, six feet above the existing grade and the angle is 30 degrees.

The encroachment plane standard that applies to commercial and industrial development abutting a Residential zoning district is measured starting at 20 feet above existing grade, and is a 45 degree angle. (See Figure 4-9 below) Currently, a building could reach a height of 35 ft. at a 15-foot setback and the encroachment plane standard does not apply to development in the Office Commercial (CO) zone which allows buildings up to 45 feet in height.

**Figure 4-8 — Encroachment plane requirements for the RS and RM districts**

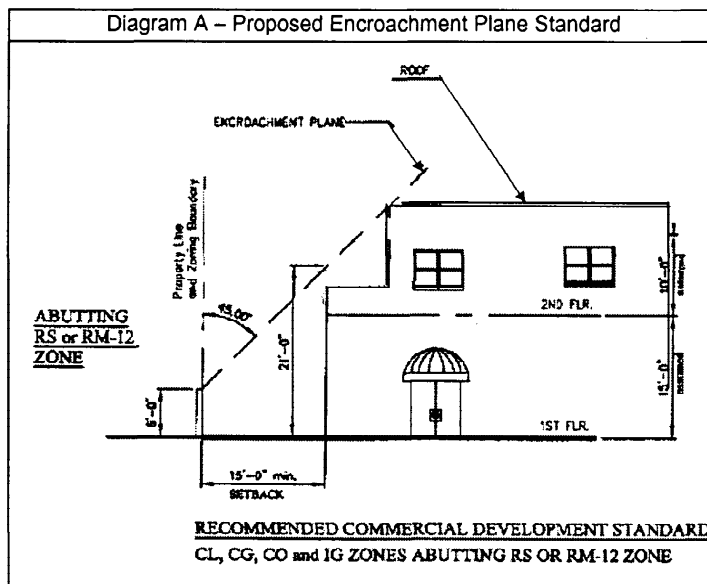


**Figure 4-9 - Encroachment plane requirements for the CL, CG, and IG districts**



**PROPOSED REVISION**

The staff recommendation is to limit development to a maximum height of 36 feet and two stories in the CL, CO, CG, and IG zoning districts abutting an RS or RM-12 district. The intent is to buffer RS and RM-12 residential properties from abutting commercial and industrial properties. In addition to the height limits and stories, staff is recommending a combination of the two standards above (Figures 4-8 and 4-9) to create a visual transition from the commercial and industrial areas to the lower density residential areas. See the graphic below.



Mixed-use (residential/commercial), commercial, and industrial projects would have to adhere to height limits set by a 45-degree encroachment plane that would be measured at six (6) feet above existing grade abutting an RS or RM-12 district. The changes to the encroachment plane would require a larger setback depending on building height or step back for a second story (Diagram A). The existing and proposed standard shows how the allowable height is a function of the setback or step back (Table A). Chimneys, eaves, and dormers would still be allowed to project beyond the encroachment plane.

	Allowable Height	Minimum Setback or Step Back		Allowable Height	Minimum Setback or Step Back
Current	35	15	Proposed	21	15
Standard	40	20	Standard	26	20
	45	25		31	25
				36	30

By lowering the measurement to six feet, a typical two-story building (26-feet tall) would be set back approximately 20 feet from the property line of a RS or RM-12 zoned property. In a commercial development, a second story that reached the maximum height of 36 feet would need to be set back 30 feet away from the abutting residential property line. As buildings will also be limited to two stories in the CO, CG, and IG zones, any new building would have to follow this rule as stated above.

The proposed Zoning Code amendment would also be applicable to the CO zone and differentiate between the standards applicable to other residential districts, with a more restrictive standard applying to commercial and industrial projects abutting a RS and RM-12 districts than those which abut the multiple-family zones (RM-16, RM-32, and RM-48). The standard illustrated in Figure 4-9 would apply to Commercial and Industrial Development abutting Multi-family residential zones. As part of the zoning code amendment, lots used for parking in the Parking Overlay District (PK) are being exempted from the setback and encroachment plane requirement.

The proposed changes would affect the development potential of commercial properties abutting RS and RM-12 zones. Staff identified approximately 74 parcels that would be subject to the new regulations. Although the allowable residential density is not being changed, the limitations will affect the building envelope and possibly reduce the potential number of units including mixed-use developments. However, the overall reduction is difficult to quantify.

**GENERAL PLAN DESIGNATION:**

The proposed amendment would affect properties designated in the General Plan land use diagram as Neighborhood Commercial, Office Commercial, General Commercial, and Industrial when abutting residential land use categories.

**ZONING DESIGNATIONS:**

The amendment in general would affect all the commercial and industrial zoning districts. The specific plan areas are exempt from the moratorium and as proposed would be exempt from the proposed amendment. According to preliminary staff research, most areas that abut RS and RM-12 residential zones are commercially zoned. The identified areas are primarily the CG -1 (General Commercial), and CL (Limited Commercial) zoning districts where three-story development is permitted abutting RS and RM-12 zoned properties.

**SURROUNDING LAND USES:**

The study focuses on commercial and industrial properties abutting RS and RM-12 residential zones. The subject properties and properties in the immediate vicinity are developed with a variety of uses including residential, educational, public assembly, office, professional, retail sales, and service uses. Commercial development on these properties is generally located on infill sites, usually sites with existing development that is demolished to construct new projects.

**GENERAL PLAN CONSISTENCY:**

The proposed amendment implements the General Plan goal that seeks to preserve the character and scale of residential neighborhoods. (General Plan Objective #5) The intention of revising the development standards is to further the City’s goal of preserving the quality of established residential neighborhoods.

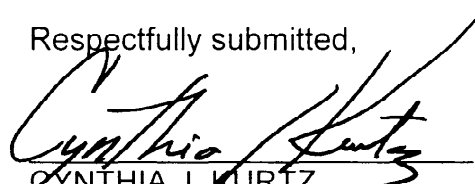
**ENVIRONMENTAL DETERMINATION:**

An initial environmental study was prepared in conformance with the requirements of the California Environmental Quality Act (CEQA) for the proposed zoning changes. The initial study determined that the proposed zoning changes would not have a potential significant impact on the environment; therefore a negative declaration was prepared.

**FISCAL IMPACT**

The immediate fiscal impact resulting from this zoning code amendment is staff time. The reduction in development potential may result in a loss in permit fees.

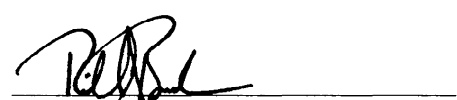
Respectfully submitted,

  
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Attachments:

1. Findings
2. Negative Declaration
3. Notice of Determination
4. De Minimis Impact Finding
5. Initial Environmental Study
6. Public Correspondence