



## **BACKGROUND:**

In April 1998, the City received a preliminary application to construct a 56-foot tall, 6-story hotel at 170 North Fair Oaks Avenue. This property is in an area designated in the Land Use Element of the General Plan as “Central District Specific Plan - Remaining Areas within the Central Business District.” The General Plan states for this area, “Until completion of the Zoning Code revision, the height of buildings in this area shall not exceed 60 feet and never more than 5 stories...” Although the proposed hotel was less than 60 feet in height, the General Plan does not allow it to exceed 5-stories. Therefore, this project was found to be inconsistent with the General Plan. This determination of inconsistency created the impetus to revisit the intent of this General Plan height policy.

On June 24, 1998, the Planning Commission held a public hearing on a proposed General Plan Amendment to amend the height policy for the “Remaining Areas within the Central Business District.” The proposed amendment would change the language to read “Until completion of the Zoning Code revision, the height of buildings in this area shall not exceed 60 feet. ~~and never more than 5 stories...~~” The Planning Commission requested that this amendment not be initiated by City staff, “but that the applicant for the hotel must apply for a General Plan Amendment.” They requested more information about the specific hotel project being proposed on North Fair Oaks Avenue.

On July 22, 1998, responding to an application from the proposed hotel developer at 170 North Fair Oaks Avenue, the Planning Commission held a public hearing to again consider removing the “never more than five stories” height limit for the entire “remaining area.” Although public testimony was in favor of the proposed hotel, the Planning Commission was concerned that the removal of the five-story limit could have adverse impacts in the Central District, and denied the staff recommendation.

## **ANALYSIS:**

Staff’s research on the origin of the language about building height limits in the “remaining areas” showed no conclusive evidence as to the intent of using a combined number of feet (60) and number of stories (5) in the height policy.

Depending on the height of each floor of a building, a height limit of 60 feet could result in a building that is either 4, 5, or 6 stories tall. A typical “rule-of-thumb” for office construction is 12 feet per story. This is possibly the origin of the 60 feet/5-story policy in the General Plan. However, residential construction can often be built with as little as 9 or 10 feet per floor and still meet the requirements of the Uniform Building Code (UBC) of a minimum ceiling height of 7 feet 6 inches.

Staff concluded that a height limit of 60 feet, without the additional qualifier of 5-stories, would meet the General Plan goal of limiting height in these “Remaining Areas of the Central District,” while at the same time allowing flexibility for different land uses to have different floor heights and allowing for creative design of new buildings.

The proposed amendment will not change the current Zoning height limitations for the “Remaining Areas of the Central District.” According to the Zoning Code, the height limit in most of the “remaining areas” is sixty (60) feet or less. Within the sixty (60) foot height limit, buildings could achieve up to six (6) stories, depending on their use. There are also few portions of the “remaining areas” the Zoning Code allows heights of more than sixty (60) feet. In these areas, the proposed amendment would create the potential for buildings over five (5) stories in height, but within a sixty (60) foot high envelope. However, required project reviews such as the Conditional Use Permit and Design Review will provide ample opportunity for staff and the community to ensure quality of projects, protection of the environment, and preservation of the City’s historic character.

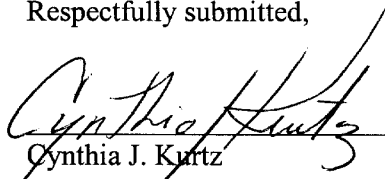
In the General Plan only where one other area includes a height limit in stories - the Lake Avenue Office Area. In this area, the General Plan has a six story height limit, but does not specify a number of feet. This would allow a building to have very tall floors, resulting in buildings that could exceed 72 feet. No other area of the General Plan has height limits expressed in both stories and feet.

**Environmental Study:** An Initial Environmental Study was prepared for the proposed amendment in accordance with the requirements of the California Environmental Quality Act. The study concluded that the proposal would not have a significant impact on the environment. The proposal is not changing the land use designation, the maximum building height in feet (60 feet), or the building intensity standards established by the General Plan for properties within the “remaining areas.” The potential additional square feet of residential or non-residential development allowed by the possible increase in the number of floors of buildings in the “remaining areas” is controlled by the square footage and number of units limits in the General Plan. Additionally, design guidelines and other reviews applicable to developments in the Central District will ensure that possible visual and aesthetic impacts created by additional building floors are reduced to a level of insignificance.

**FISCAL IMPACT:** Removing the General Plan reference to number of stories in the “Remaining Areas” may allow 6 story projects to proceed in this area where they are not currently permitted. This may result in a small increase the number of new buildings constructed in these areas, which would provide additional property tax revenues to the City.

**WORKLOAD IMPACT:** The proposed amendment to the General Plan language removing the reference to number of stories (5 stories) and retaining the number of feet (60 feet) will not require additional staff time. The staff time to review additional buildings taller than 5 stories that may result from this amendment can be accommodated within existing work programs. Fees collected for these projects will offset the staff costs of processing the projects.

Respectfully submitted,

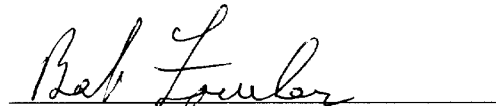
  
Cynthia J. Kurtz  
Acting City Manager

Prepared by:



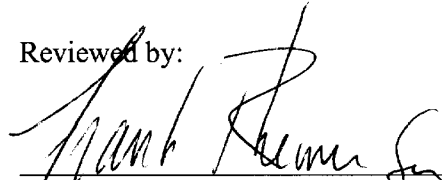
Annabella Atendido  
Assistant Planner

Approved by:



Bob Fowler  
Acting Planning Director

Reviewed by:



Michele Beal Bagneris  
Acting City Attorney

Exhibits:

1. Planning Commission's Recommendations to the City Council
2. Initial Environmental Study and Negative Declaration
3. De Minimis Impact Finding - California Department of Fish and Wildlife
4. Resolution
5. Notice of Determination
6. Staff report to the Planning Commission dated July 22, 1998