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Item# 5

City Council/Planning Commission Staff Report

To: Lemoore City Council & Planning Commission
From: Holly Smyth, Planning Director and Christopher Jordan of PMC
Date: June 28, 2010
Subject: Comprehensive Zoning Update – Downtown and Mixed Use Sites

BACKGROUND:

The City's General Plan provides for four categories of retail and commercial areas: neighborhood centers, mixed use areas, regional retail centers, and a Downtown mixed use center. The Plan describes the neighborhood and regional retail centers as contemporary shopping centers that include a variety of retail and service uses. Based upon the policy direction in the Plan, staff and the consultant team is reasonably confident moving forward with preparation of zoning regulations for these types of sites.

However, for the mixed use areas and Downtown, the General Plan envisions a more diverse range of uses that include not only retail and services but also offices and residential. The General Plan provides a strong policy structure for these areas; but, the Plan does not describe how exactly they should be regulated and specifically what the regulations should say. Tonight's meeting is focused on the questions of how to regulate these types of sites and what design and development regulations should be included.

Overview of Form Based Zoning:

While the concept of mixing multiple types of uses in one structure or site is not new, many zoning codes do not provide strong support or direction for allowing these types of developments to occur. When zoning regulations were established nationwide in the late 1920s and in the decades following, a need was often seen to separate what were perceived as "incompatible" uses. As a result, development regulations created "zones" that would allow for only retail uses, or only office uses, or only residential uses. These development patterns were foreign to the more traditional development patterns found in historic downtowns. Today, these types of codes are referred to as "Euclidian" codes because of the court case that established their legality. "Euclidian" regulations typically focus on the types of uses that can go within a structure, providing only basic regulations for the form or design of the development (typically things like building setbacks and height limits). The resulting

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development pattern is very automobile-centric, with buildings pushed back far from the street with small sidewalks and large parking fields.

Over the past 20 years or so, a movement in the planning circles has been pushing for a change in how development is regulated. The idea is that while some uses are indeed incompatible (e.g., industrial shouldn't be directly next to residential), the design of a development plays a significant (if not the most significant) role in how the property will function. These newer codes, called "Form Based" codes include more design-based regulations than traditional "Euclidian" codes. Their approach lends itself very well to traditional downtowns (like Downtown Lemoore) and mixed use environments (like those envisioned in the General Plan.

At the workshop, the consultant team will present a more detailed overview of "Form Based" zoning and describe how this type of approach could work in Lemoore.

CRITICAL ISSUES:

The consultant team requires direction on the following list of critical issues prior to starting work on the Code specific to both Downtown and Citywide mixed-use districts.

A. Allowed Uses – Allowed uses deals with the types of businesses, establishments, and activities that can occur in a given area. Examples include restaurants, offices, retail shops, medical offices, and residential uses.

The allowable uses on the ground/first floor in a downtown can have a huge affect on the quality of the pedestrian experience. The more active the ground floor uses are the more active the street is likely to be. Desirable uses tend to include retail (shopping), restaurants, and entertainment establishments (e.g., theatres, nightclubs). In downtowns, historical ground floor uses have also included business professional offices, banks, real estate offices and the like, which work well on side streets where foot traffic is often less intense.

Second floor uses have typically included residential and offices (both business professional and medical). These types of uses have a lower level of foot and vehicle traffic than retail and restaurant uses. Therefore, they tend to do better on second floors and above as they don't take away from the prime pedestrian level on the ground floor.

It is also appropriate to limit the types of uses within the Downtown. For example, some communities have limited businesses like massage, bars, and tattoo parlors. While Lemoore has had issues with these types of businesses in the past, it should be noted that these businesses can be successfully implemented if the right regulations are in place. Additionally, they can be a destination business that attracts people from around the community, increasing foot traffic and having a spillover effect to other businesses. Community desires and values should be weighed in the decision process.

Auto-serving uses are additional types of businesses that should be considered in both the Downtown and mixed use centers. Both locations are intended to be pedestrian-serving destinations, meaning that they not only can be easily walked around but can also promote walking through the use of active store fronts and continuous sidewalks. Auto-serving uses, such as gas stations and vehicle repair shops are not, in and of themselves, pedestrian promoting businesses. Some locations can be designed to incorporate pedestrian uses,

such as neighborhood markets and restaurants, but they often have limited storage spaces. Their locations can create dead-zones of pedestrian activity. If allowed (conditionally or by right) their location should be carefully regulated as to not compromise the greater Downtown or mixed use center.

Churches are another type of use in the Downtown that the City should review. While a critical and important use to any community, most churches operate on a more limited basis than retail and office uses (generally Sunday services and the occasional Saturday and mid-week services). When not in use, the spaces churches occupy can take up valuable retail space within a Downtown.

Question A.1: What types of uses are appropriate on the ground floor of buildings in the Downtown?

Question A.2: What businesses should be excluded from the Downtown?

Question A.3: What uses should be promoted in (or prohibited from) mixed use centers?

B. Nonconforming Uses – Depending upon the changes directed in question set A above, there is a chance that the City could be creating a number of legal nonconforming uses. The City's current regulations for nonconforming uses allows the use to continue operating as long as the owner desires, but prohibits the expansion of the business or replacement if significantly damaged. Additionally, if the business is suspended for more than 12 months the use cannot be re-established.

Question B.1: Should the City modify its nonconforming policies for the Downtown or mixed use sites if significant modifications are made to the allowed uses in question set A?

C. Parking – Parking in downtowns can behave very differently from conventional shopping centers. Shopping centers often feature large off-street parking fields that are designed for the period between Thanksgiving and Christmas. During the majority of the year, shop owners and patrons can often find parking immediately adjacent or in very close proximity to the destination store.

In downtowns, on-street parking is provided and is very often the only available parking. Some communities, including Lemoore, offer both City-operated lots and private off-street lots to accommodate the full demand. Parking spaces are often not available directly in front of a patron's destination store. Patrons often have to park down the street or in a city lot, and then walk to their destination. The benefit is that they often pass other stores and services and may be tempted to enter those stores. Further, the character of the Downtown is one that supports pedestrian activities, not vehicular ones. Buildings are built close to the street and designed to take advantage of an active sidewalk. As such, having a parking lot in front of a building is not conducive to maintaining the overall quality of the area.

In response to this, many communities waive the requirement of providing new off-street parking for not only new tenants in existing buildings but also for the construction of new buildings. Removing this requirement leaves it up to the property owner to decide to what extent they are going to offer parking and has the advantage of encouraging the construction

of more building on the lot (parking lot construction could be spent on the building instead). In place of a parking requirement, some jurisdictions require the payment of an in-lieu fee to the city for acquisition and construction of new city parking lots. Some jurisdictions still require parking for new residential construction.

Question C.1: Should the City waive parking requirements in the Downtown? If so, should it waive them all together or just for retail uses (the general plan allows some exemptions for retail and restaurants but no exemption for office or residential)? Are there specific retail uses that should always require parking?

Question C.2: Should the City continue to offer an in-lieu fee in exchange for waiving the parking requirements? The fee would be used to acquire and construct new City parking facilities in the Downtown as new development warrants.

D. Signs - There are many types of signs that most zoning regulations prohibit that are totally acceptable and even encouraged in a downtown environment. Conversely, there are a number of signage types that are more contemporary and do not work in a downtown setting. The consultant team will be showing a number of different types of signs as part of the presentation and will be asking the group to rate indicate their preferences (like/prefer, neutral, dislike/discourage).

E. Downtown "Ordinances" - Outdoor dining, panhandling, adaptive reuse, outdoor sales, non conforming sign removal, and live work ordinances are just a few of the many custom regulations that can be developed for a downtown. Given the existing context and character of Downtown Lemoore, the consultant team is recommending that the following specific regulations be developed:

- Outdoor dining. These regulations would identify where outdoor dining areas can be developed, how big they can be, and other standards for seating, trash collection, fencing, and potential impacts to the public right-of-way.
- Outdoor sales. Like outdoor dining, the standards would specify where display areas could be developed and how big they could be. If outdoor display areas get too large, they can prohibit effective pedestrian mobility.
- Trash collection. These standards would prescribe where trash collection containers should be placed and could require the storage areas to be integrated into buildings or other accessory enclosures along alleys.

Question E.1: Should the consultant team move forward with this list of specific standards for the Downtown?

Question E.2: Should the outdoor sales also have details regarding how the sales are presented (i.e. display boxes/tables, etc.).

Question E.3: Are there other issue areas that could benefit from specific detail?

F. Residential Density – The General Plan calls for residential densities in the Downtown and mixed use areas to be in the range of 8 to 20 units per acre. This range of density will allow for housing products ranging from small detached homes, duplexes, halfplexes, and triplexes, and apartments over retail spaces (live-work units) to townhomes, condos, and more traditional apartments. Having residential uses in places like the Downtown is important to

the overall success of the area. Residents bring built-in traffic to retail and office uses. They also are present after store hours, helping to make an area safer (eyes on the street). However, the type of residential can play a critical role in defining the character of the area. For instance, apartments and live-work spaces may be more in line with the vision of the Downtown, but the outlying mixed use areas could benefit from a wider range of housing styles.

Question F.1: What housing styles are appropriate in the Downtown?

Question F.2: What housing styles are appropriate in the other Citywide mixed use areas?

G. Existing Downtown Design Guidelines – The City developed a set of detailed design guidelines for development and redevelopment in the Downtown in the mid 1990s. The consultant team will be reviewing these guidelines and incorporating them into the regulations for the Downtown as appropriate based upon the format of the Code as discussed in section H below. Before the consultant team begins, it would be helpful to know the following:

Question G.1: The Design Guidelines call upon the creation of “landmark buildings” that are unique and stately and designated special places. They would be located at key locations in the Downtown, including D Street and Lemoore Avenue, D Street and Follett Street, Heinlen and E Streets, Fox and E Streets, Fox and D Streets, and Fox and C Streets. Should the City continue to require new buildings at these locations to be “landmark buildings?” What design features define a “landmark building” (design height, towers, gables, turrets, pilasters, overhands, corner entrances, street furniture, etc.)?

Question G.2: The Design Guidelines allowed for lower level of building treatments along the alleys, seeing them as utility spaces, rather than active pedestrian areas. Given the large lot depths in the Downtown, should the new regulations allow for alleys to be extensions of the main streets with active building entrances to secondary stores and restaurants?

Question G.3: The Design Guidelines include a discussion on building color (both base and accent) and currently the Benjamin Moore historic palette is part of a conforming palette not subject to Architectural Design Review. Do these existing regulations work, or should the City consider amending the regulations or deleting them entirely?

H. Development Regulations – The City has an opportunity to create a new set of development regulations for the Downtown and the mixed use districts. A conventional regulation process (called a “Euclidian” code) would provide a detailed list of allowed use regulations and would have minimal design requirements such as minimum building setbacks and height limits.

As mentioned earlier, the consultant team will be presenting an overview of “Form Based Codes.” These types of codes can (and should) include limitations on the kind of uses allowed, but they also include much greater detail on the design requirements than conventional codes. Examples include the use of “build-to lines” rather than setbacks, storefront design requirements, and architectural detailing. Further, “Form Based” codes can identify requirements and standards for things like sidewalk spaces in ways a more

conventional “Euclidian” code cannot. In short, it would be like integrating the existing Downtown Design Guidelines into the Zoning Code, but with greater specificity and exactness.

Based upon the characteristics of Downtown Lemoore and the descriptions of the mixed use centers in the General Plan, the consultant team is recommending that a “Form Based” code be development for these areas.

Question H: Shall the consultant proceed with creating a “Form Based” code for the Downtown and mixed use areas?

RECOMMENDATION:

The purpose of this workshop on the Comprehensive Zoning Code update is to discuss the format and parameters, design, and efficiency of the regulations for the Downtown and other Mixed Use areas of the City as identified in the General Plan. Staff recommends that the Planning Commission:

1. Receive staff’s presentation, and
2. Provide direction on the questions identified in this report and during the presentation after getting input from the public, staff, and Commissioners.