



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: APRIL 10, 2024

TO: PLANNING COMMISSION

FROM: JENNIFER PAIGE, AICP, DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: STUDY SESSION #3 ON THE NORTH LAKE SPECIFIC PLAN UPDATE

RECOMMENDATION:

Receive the staff report and provide feedback on the North Lake Specific Plan (NLSP) update related to drive-through businesses and housing opportunities. There is no action required at this time.

BACKGROUND:

The Planning Commission has held two Study Sessions on the NLSP, with the first in May 2023 and the second in January 2024. At the last Study Session, the Commission discussion focused on drive-through businesses and housing opportunities in the NLSP area. The Planning Commission: 1) expressed concern about the traffic generated by existing drive-through businesses, the conflict between such uses and pedestrians, and whether such uses should be allowed to be rebuilt; 2) indicated that the proposed residential density at the intersection of North Lake Avenue and Washington Boulevard was too high; and 3) discussed introducing housing along North Lake Avenue, between Mountain Street and Orange Grove Boulevard (within the North Lake Village Subarea). The Commission discussion also focused on public realm improvements and processes. The public realm will be discussed at a separate Study Session next month.

STUDY SESSION DISCUSSION:

Drive-Through Businesses

As discussed at the last Study Session, new drive-through businesses have been prohibited along North Lake Avenue since the NLSP was first adopted in 1997. The drive-through businesses that existed at the time were therefore considered to be 'legal, non-conforming' (i.e., they were legally established but no longer comply with current requirements).

Per the Zoning Code, legal, non-conforming uses may be altered or enlarged throughout most of the City, subject to the approval of a Minor Conditional Use Permit. They cannot be demolished and rebuilt. The logic behind such a regulation is that, once a use has been discontinued or the life of a building exceeded, the property will be redeveloped with a permitted

use. However, when the NLSP was updated in 2007, it included a specific provision that allowed an existing drive-through business to be completely demolished and rebuilt, subject to the approval of a Conditional Use Permit, provided the size of the building was not increasing. This was done to incentivize existing drive-through businesses to improve their properties with updated architecture and landscaping, as it was seen as unlikely that any would be redeveloped with permitted uses. Outside of the NLSP, no other non-conforming use, including drive-through business, are allowed to be demolished and rebuilt in the City.

Currently, there are seven drive-through businesses in the NLSP, all of which are restaurants and are located between Orange Grove Boulevard and Mountain Street. Of these, four have been remodeled, two have been rebuilt and one has remained unchanged (Refer to Table 1).

Table 1: Drive-Through Businesses within NLSP Area

Drive-Through Businesses Demolished and Rebuilt within the last six years	Drive-Through Businesses Remodeled within the last 16 years	Drive-Through Business Not Remodeled or Rebuilt
Chick-fil-A (2023)	Del Taco (2018)	Riccardo's
McDonald's (2018)	KFC (2008)	
	Popeye's (2015)	
	Starbucks (2014)	

The proposed draft NLSP will continue to prohibit new drive-through businesses. However, there are three options staff has identified regarding rebuilding and/or expanding existing drive-through businesses:

1. Maintain the existing provision to allow demolition and rebuilding, with a Conditional Use Permit.
2. Remove the provision and mirror what is permitted for other non-conforming uses citywide. They could only be altered or enlarged, with a Minor Conditional Use Permit.
3. Add drive-through businesses to the list of uses in the NLSP that are prohibited from being enlarged.

At the last Study Session, the Planning Commission and several community members indicated their preference to eliminate the rebuild provision and regulate these seven businesses like any other legal, non-conforming use (i.e., alter or expand with a Minor Conditional Use Permit, but cannot rebuild) in the City.

Some also wanted information on the feasibility of amortizing the existing drive-through businesses (or just the drive-through component of the businesses). The Zoning Code does contain an abatement schedule for a very limited type of uses and structures (Section 17.71.070 (C)). Any type of abatement considerations would require a more in-depth study and separate code amendment. At the Study Session, staff will provide additional information on this.

New Housing Opportunities and Residential Densities

Currently, the Land Use Element of the General Plan shows housing throughout the NLSP, except for the area between Orange Grove Boulevard and Mountain Street, which has been envisioned as a commercial-only segment (Refer to Figure 1, page 4). As shown, the areas with the highest residential density are the two 'Medium Mixed-Use' areas, between Maple Street

and Orange Grove Boulevard (near the A-Line Station) and between Claremont and Rio Grande Streets (near the intersection of Lake Avenue and Washington Boulevard), with up to 87 units per acre. As such, these areas would permit the greatest opportunity for new housing, based on having the highest allowed residential density.

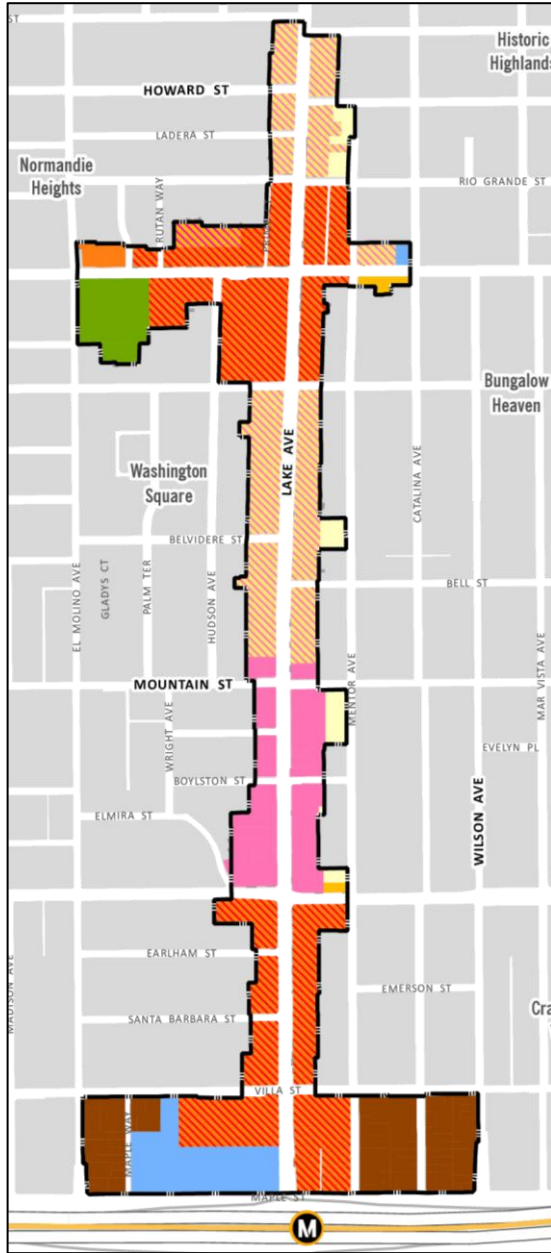
At the last Study Session, staff presented potential residential densities for the NLSP area to implement the Land Use Diagram (Refer to Figure 2, page 4). The highest density areas of the NLSP were proposed to be between Maple Street and Orange Grove Boulevard with 87 units per acre and between Claremont and Rio Grande Streets with 64 units per acre. The remaining residential density in the NLSP would generally be 32 units per acre.

The Planning Commission expressed concern that the proposed density of between Claremont and Rio Grande Streets (Area A of Figure 2) was too high. The Commission also expressed interest in allowing housing between Orange Grove Boulevard and Mountain Street (Area B of Figure 2). The Land Use Map designates the latter area as 'Low Commercial', which currently does not permit housing.

Based on the Planning Commission's discussion, staff has reviewed the potential of redistributing some residential density from Area A (i.e., lowering the residential density) to Area B (introducing residential). However, per state law, any redistribution of density cannot result in an overall reduction of residential capacity within the NLSP.

For the development of housing in Area B to be feasible and comply with state law, the new residential density would need to be 48 units per acre. If lower densities are preferred, residential density would also need to be redistributed from Area A to the area bounded by Maple Street, Mentor Avenue, Villa Street and Catalina Avenue (Area C of Figure 2). At the Study Session, staff will provide additional information and seek the Commission's and community's feedback.

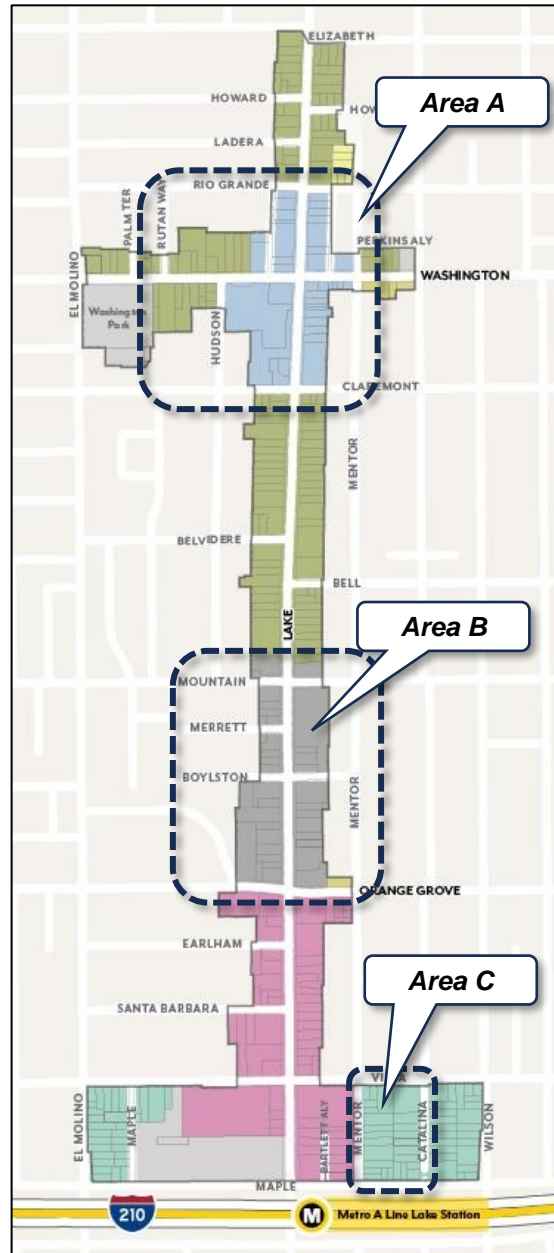
Figure 1: Land Use Diagram



Land Use Diagram

- Low Density Residential 6 du/ac
- Medium Density Residential 16 du/ac
- Medium-High Density Res. 32 du/ac
- High Density Residential 48 du/ac
- Low Mixed Use 1.0 FAR, 32 du/ac
- Low-Medium Mixed Use 1.75 FAR, 48 du/ac
- Medium Mixed Use 2.25 FAR, 87 du/ac
- Low Commercial 1.0 FAR
- Institutional
- Open Space

Figure 2: Draft Residential Density Presented at January 2024 Study Session)



Maximum Density (du/ac)

- 6 du/ac.
- 16 du/ac.
- 32 du/ac.
- 48 du/ac.
- 64 du/ac.
- 87 du/ac.
- Specified by a CUP or Master Plan
- Residential not allowed

NEXT STEPS:

Following this Study Session, staff anticipates returning to the Planning Commission in May with a Study Session to further discuss public realm improvements and processes. Staff from the Departments of Public Works and Transportation will present information on current and future public realm improvement projects and policy programs within the NLSP area.

Based on feedback from the Planning Commission and community staff intends to present the proposed NLSP update to the Planning Commission at a public hearing in fall 2024, for review and recommendation to City Council.

Respectfully Submitted,



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