

## A2D2 Amendments to Chapter 55 (Zoning)

Revise Section 5:65 to include the following changes:

### 5:65. Floor Area Premium Options.

In the C1A, C1A/R, D1 and D2 C2A, C2A/R and C2B/R zoning districts, the normal maximum floor area in percentage of lot area set forth in Sections 5:43A, 5:43B, and 5:10.19 5:44, 5:44A and 5:45A may be exceeded on properties located outside of a historic district and/or floodplain when ~~pedestrian~~ amenities as described in this section paragraph (2)(b) below are provided, subject to the premium limit designated in Sections 5:43A, 5:43B and 5:10.19, 5:44, 5:44A and 5:45A.

~~In the C2A and C2A/R zoning districts, the premium limits designated in Sections 5:44 and 5:44A may be exceeded up to a maximum of 10 percent when residential uses as described in paragraph (2)(a) below are provided.~~

(1) General regulations.

(a) Premium options may be applied only to properties that are located outside of an historic district, as designated by Chapter 103, and/or properties that contain no part of an 100-year floodplain, as designated by the city's adopted floodplain map. The required front open space shall be excluded in computing the amount of premiums allowed with the following exception: in the case of any lot which abuts more than one public street, the required open space along the shortest abutting lot line may be included in computing the amount of premium allowed.

(b) Premiums options apply only to any structure located on the same lot as the amenities or land uses, or both, which give rise to the premium.

(c) The use of multiple options to acquire premiums is permitted. When seating is provided for a public open space used to acquire a premium, it shall be available for use by the general public at all times the space is open. Tables and/or umbrellas may be placed in usable open space.

(d) A public open space used to acquire a premium shall be designed to avoid creation of isolated areas, to maintain lines of sight into the space from streets and major pedestrian walkways, and to provide a secure environment. Lighting shall be provided for public open space premiums which are open at night.

~~(e)~~(d) All amenities or land uses used to acquire a floor area premium shall remain for the life of the structure. The feature(s) shall only be diminished or discontinued if the additional gross floor area is permanently removed or if ~~it is replaced with another approved premium feature option(s)~~ of at least equivalent floor area value, as described in this section, is approved by the Planning Commission.

~~(f)~~(e) Any property that received additional floor area through a premium option(s) which was lawfully established prior to, and lawfully continuing in existence on the date of adoption of this amendment, shall be deemed a conforming use and/or structure. Where modifications for this property

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are requested, compliance with the current premium options is required. The use of multiple options to acquire premiums is permitted.

- (f) As a condition of receiving the additional floor area through a premium option, the building must comply with the following energy efficiency standards for the construction of all new floor area:
1. A minimum of two points must be achieved under the most current version of the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Energy & Atmosphere Credit No. 1.
  2. Compliance with this requirement shall be verified and documented by the property owner using an industry standard software energy modeling tool (EQUEST or equivalent) prior to the issuance of building permits.

### (2) Premium Options.

- (a) Residential Use Premium. In D1 and D2 districts, ~~one~~ 0.75 square foot of floor area in excess of the normal maximum usable floor area in percentage of lot area shall be allowed for each square foot of floor area, regardless of location within the building, that is used for multiple-family housing and that meets the standards of Chapter 105 (Housing Code). If dwelling units constitute a portion of a mixed use building, dwelling units must be completed and receive a certificate of occupancy in advance or at the same time as the certificate of occupancy for nonresidential use, or the property owner shall provide a performance bond for the residential use at the time the certificate of occupancy is requested, subject to the requirements of Chapter 57, Section 5:134.
- (b) Affordable Housing Premium. In D1 and D2 districts, 3,000 square feet of floor area in excess of the normal maximum usable floor area in percentage of lot area shall be allowed for each on-site dwelling unit designated as affordable to lower income households. Designated units shall have a minimum of 500 square feet of usable floor area and shall remain affordable for the life of the project. Provisions to implement the affordable housing premium option shall be included in a development agreement and shall be deed restricted or other method, as determined by the city attorney.
- (c) Green Building Premium. In D1 and D2 districts, floor area in excess of the normal maximum usable floor area in percentage of lot area shall be allowed in the following increments for site and/or buildings achieving the following levels of the most current version of the U.S. Green Building Council Leadership in Energy and Environmental Development (LEED) New Construction certification:
- LEED Silver certification, with a minimum of 4 points in Energy & Atmosphere Credits No. 1 and 2: 50% of lot area

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LEED Gold certification, with a minimum of 6 points in Energy & Atmosphere Credits No. 1 and 2: 150% of lot area

LEED Platinum certification, with a minimum of 8 points in Energy & Atmosphere Credits No. 1 and 2: 200% of lot area.

1. Prior to issuance of any building permits, the applicant shall submit a performance bond and letter of intent securing the commitment to achieve the requested LEED rating. The bond amount shall be at the discretion of the planning and development services manager or designee. Within 12 months of receiving the final Certificate of Occupancy, the applicant shall submit documentation that demonstrates achievement of the requested rating. This time period may be extended by the Planning & Development Services Director if additional time is needed to complete the LEED certification process. Once the applicant demonstrates certification has been achieved, the City will release the performance bond.
  2. Failure to submit documentation demonstrating achievement of the requested LEED rating shall be a violation of this ordinance. The Planning & Development Services Manager may order forfeiture of the performance bond to insure that the public amenity received in exchange for added floor area is achieved.
- (d) Historic Preservation Premium. In D1 and D2 districts, 50% of the lot area in excess of the normal maximum floor area in percentage of lot area shall be allowed for a site and/or building that preserves a historic resource that is currently listed on the National Register of Historic Places, the State Register of Historic Places. For purposes of calculating the maximum floor area for the property, the floor area of the historic resource shall not be counted in the total.
- (be) Pedestrian Amenity Premium. In D1 districts, ~~Four~~ 50 square feet of floor area in excess of the normal maximum usable floor area in percentage of lot area shall be allowed for each square foot of pedestrian amenity improvements. Any space in which a pedestrian amenity is used to acquire a premium shall not be used for the off-street parking of any vehicle, including, but not limited to, automobiles, bicycles, motor bikes, and scooters; nor shall such area be used for access drives, loading, or trash collection stations, except as noted in paragraph 3d. Interconnections of pedestrian amenities between two or more lots are required to the extent feasible. A public open space used to acquire a premium shall be designed to avoid creation of isolated areas, to maintain lines of sight into the space from streets and major pedestrian walkways, and to provide a secure environment. Lighting shall be provided for public open space premiums which are open at night.

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Pedestrian amenities may include:

1. ~~Arcade. A non-publicly owned, continuous covered open space along the facade of a building, which either:~~
  - a. ~~Adjoins the front lot line and is not less than 10 feet or more than 15 feet deep, and extends the full length of, or at least 50 feet along, the front lot line, whichever is less; or~~
  - b. ~~Is at a corner lot bounded on two sides by two intersecting streets, has an area of not less than 500 square feet, and has a minimum dimension of 10 feet perpendicular to the sidewalk.~~

~~An arcade shall be at the same grade as the adjacent public sidewalk or not more than 24 inches above or below the adjoining public sidewalk for no more than 50 percent of its length measured at the property line, shall have an open and unobstructed headroom of at least 12 feet, and shall be readily visible and identifiable from the public sidewalk.~~

~~The covering shall either be a permanent canopy or part of the building. Structural columns or art works may occupy a maximum of 5 percent of the total arcade area but all obstructions shall leave a minimum clearance of 6 feet for circulation.~~

21. Inner Arcade. A non-publicly owned, continuous covered space which runs through or along the side of a building and connects public streets, arcades, open space, or sidewalks and is readily visible and identifiable from the public street, arcade, or sidewalk. An arcade shall meet the following requirements:

- a. Connect and be accessible from at least two public streets, or a public street and a public or non-public arcade fronting on another public street, or a public street and a public or non-public plaza fronting on another public street, or a public or non-public arcade and another public or non-public arcade fronting on another public street; or a public or private parking garage and a public street; and
- b. Measure not less than 12 feet wide; and
- c. Have an open and unobstructed headroom of at least 12 feet in height; and
- d. Remain open for use by the general public during all business hours common in the area.

Art works may occupy up to 5 percent of the total arcade area if a minimum clearance of 6 feet for circulation is provided.

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32. Plaza. A non-publicly owned continuous space, open to the sky for its entire width and length which fronts on a public street or public sidewalk, which is directly and conveniently accessible to the public at all times for passive recreational activities. Up to two-thirds of the surface area of the plaza may be occupied by features such as seating, permanent planting areas, water features or works of art. When landscaping is provided for a plaza amenity premium, a variety of living trees, shrubs, ground covers, and seasonal plantings shall be used and shall be located in permanently installed beds or planters serviced by automatic irrigation systems or in large containers, provided they cannot be readily removed. A plaza shall meet the following requirements:

- a. Be located at a corner lot bounded on two sides by two intersecting public streets, be located at the corner closest to the street intersection, have a minimum dimension of 10 feet; and occupy a minimum of 5.7 percent of the lot area, but not less than 500 square feet; and
- b. Be at the same grade as the adjacent public sidewalk or not more than 24 inches above or below the grade of adjoining public sidewalk for no more than 50 percent of either length of the sides adjoining and measured at the property line; and
- c. Be readily identifiable from the public sidewalk; and
- d. A portion of a plaza may be used for the parking of non-motorized bicycles, provided the square footage of the plaza is increased beyond the minimum requirement at the rate of 96 square feet for each 2 bicycles parked, and permanently-installed bicycle hoops are provided.

d.e. When seating is provided, it shall be available for use by the general public at all times the space is open. Tables and/or umbrellas may be placed in usable open space.

(f) Public Parking. In D1 districts, floor area devoted to above-grade structured parking floor area that is available to the general public shall be exempt from the FAR limitation, up to a maximum of 200% of the lot area. The property owner must sign and record a development agreement or other document approved by the city attorney with the City outlining the operating conditions for this parking.