



Planning Commission

MEETING DATE: August 23, 2012

SUBJECT: Comprehensive Zoning Ordinance Update and Adoption of Zoning Map

CASE: TA 12-63/ R 12-147

Recommendation

Staff recommends the following Planning Commission actions:

- A. Receive staff presentation
- B. Discuss and comment on the Public Draft Zoning Ordinance
- C. Consider Staff recommended errata revisions
- D. Take public testimony on the draft documents
- E. Adopt findings and modifications in support of adopting the Public Draft Zoning Ordinance
- F. Recommend to the City Council the adoption of the City of San Marcos Public Draft Zoning Ordinance; incorporating the Zoning Ordinance revisions as included in Attachment D Errata Revisions; incorporating any further modification to the plan as directed by the Planning Commission at the meeting(s).
- G. Recommend to the City Council the adoption of the updated Zoning Map
- H. Confirmation of the certified General Plan/Zoning Ordinance EIR as supported by attached Initial Study
- I. Recommend review of the adopted Zoning Ordinance with Planning Commission/City Council one year from adoption

Introduction

On February 14, 2012, the City Council adopted by resolution the comprehensive update of the City of San Marcos General Plan and General Plan Final Environmental Impact Report (EIR). The adoption of the General Plan updated the Land Use and Community Design Element, effectively changing the land use designations for the City. The update of the Zoning Ordinance is required to bring the Zoning Ordinance into conformance with the land use designations established by the adopted General Plan.

During the General Plan update process, the update of the Zoning Ordinance was considered concurrent. The Zoning Ordinance has not been comprehensively updated since it was established; only



incremental updates have occurred over time. Meetings of the General Plan Advisory Committee (GPAC) included discussion of General Plan items, as well as thorough discussion of Zoning Ordinance items including but not limited to transitional zones, outdoor storage, non-conforming uses and structures, and treatment of industrial property. The discussion, feedback, and recommendations from the GPAC related to Zoning Ordinance items are reflected in the Public Draft Zoning Ordinance.

The Public Draft Zoning Ordinance includes updates to Zone boundaries, definitions, and minor updates to regulations to bring the Zoning Ordinance into conformance with the Land Use and Community Design Element of the General Plan.

Following adoption of the General Plan, City Council directed Staff to complete the update of the Zoning Ordinance by the end of summer with the City Council hearing in September 2012. Document revisions were made by Staff and the consultant, including the circulation of two zoning ordinance documents prior to this Draft. Each are discussed below.

A three chapter "Stakeholder DRAFT" was released on June 12, 2012, for public review and comment targeted to the industrial / business community stakeholder group. The Stakeholder DRAFT included the Industrial Zone chapter, and Transitional Zone chapter, with an abridged Definitions chapter; this draft was available on the internet at www.ourcityourfuture.com and at the Planning Division front counter. The comment period for the Stakeholder DRAFT was open from June 12th to June 26th, which was extended one week at the request of the public.

A full Public Screencheck Draft was released on July 18, 2012 for concurrent public review and comment and City Staff review and comment. The Public Screencheck Draft included all chapters of the Zoning Ordinance in a clean copy format. Revisions from the existing code were not included as wholesale revisions to the format and organization of the document prevented tracking of the revisions. However, a "Users Guide" was prepared which provided an overview of the significant changes. This draft was available on the internet at www.ourcityourfuture.com and at the Planning Division front counter. The comment period for the Public Screencheck Draft was open from July 18 to July 31, 2012.

A public workshop before the Planning Commission was held on July 23, 2012 for the Public Screencheck Draft Zoning Ordinance. Public noticing for the Zoning Ordinance update was executed consistent with California state law.

Subject to California Environmental Quality Act (CEQA), the Zoning Ordinance update is considered a tiered project under the General Plan Final Environmental Impact Report (EIR) adopted by resolution by the City Council February 14, 2012. An Initial Study (IS) has been prepared for the Public Draft Zoning Ordinance to review environmental impacts of the update and ensure that impacts are not more significant than those impacts evaluated under the General Plan EIR. No significant impacts beyond those evaluated in the EIR were identified.



Discussion

A. Project Description

The Zoning Ordinance is a tool utilized by local governments to implement the General Plan. The Public Draft Zoning Ordinance represents an update to the Zoning Ordinance to bring the establishment and regulation of zoning districts (zones) into conformance with the Land Use and Community Design Element of the current General Plan.

The purpose of the Zoning Ordinance update was expanded to address current planning trends, standards, and innovations; streamline regulation; and reorganize the document and simplification of language to improve public and staff understanding of the application and regulations of the code.

The City of San Marcos Public Draft Zoning Ordinance has been redesigned to be a more user-friendly document. The intent of the redesign is to create a document that is:

- Well organized (common sense of grouping of sections with intuitive titles)
- Easy to understand (common language instead of legalese)
- Simple to interpret including development standards and land uses
- Avoids repetition by consolidating standard in one location
- Conveys regulations with graphics where appropriate

This approach reorganized the Public Draft Zoning Ordinance into six Articles that enable simple navigation to standards and regulations. The six articles are as follows.

- Article 1 - General Zoning Provisions
- Article 2 - Zones
- Article 3 - General Development Standards
- Article 4 - Specific Use Standards
- Article 5 - Zoning Administration
- Article 6 - Definitions

B. Background

In Fall 2009, the City of San Marcos initiated a collaborative program to complete a comprehensive update of its General Plan and Zoning Ordinance by appointing the General Plan Advisory Committee (GPAC). The GPAC held 24 public meetings which included public input, Staff and consultant collaboration. During the GPAC and General Plan update process, several zoning-related topics were publicly addressed including non-conforming structures, need for a transitional zone, and land use decisions regarding focus areas that impact the Zoning Map. Through this process the City focused on updating the General Plan first, to guide the direction of the subsequent Zoning Ordinance updated. The General Plan and certified FEIR was adopted by resolution by the City Council on February 14, 2012. The



public release of the Public DRAFT Zoning Ordinance represents the tail end of the comprehensive updated process started in 2009.

C. Major Policy Issues by Article

The Public DRAFT Zoning Ordinance update represents a complete overhaul of the application, regulation, and administration of the Zoning Ordinance to reflect the goals of the General Plan. Redundancies, inconsistencies, and legalese language have been eliminated to make the reading, understanding, application and enforcement of the Ordinance simpler. In general, regulation of Zones and land uses was updated to reflect the living and business climate of San Marcos. The updated Zoning Ordinance is easier to use and administer, includes new and condensed zones, but does not represent a large change in the amount of regulation. The following is a brief summary of key policy changes incorporated into the Public DRAFT Zoning Ordinance update:

1. Land Use Consolidation and Permissions

Land use categories have generally been reevaluated, expanded and adjusted to represent current land uses. Previously, the Zoning Ordinance regulated the permit permissions for each individual land use. The updated Zoning Ordinance generally consolidates these individual types into broader land use categories for simplified regulation. The following table shows an example of consolidating all the general retail land uses into a single land use category; other land uses were similarly condensed. All land use categories are defined, including all incorporated land use types, in Chapter 20.600 Definitions.

Old Land Use Categories (Individually permitted and regulated)	New Land Use Category
<ul style="list-style-type: none">• Apparel and other finished products;• Chemicals and related products• Fabricated metal products;• Lumber and wood products;• Paper and related products;	Manufacturing and Assembly (5 land uses condensed into 1 land use; see page 20.230-5 for land use permissions in Industrial Zones; see page 20.600-28 for definition)
<ul style="list-style-type: none">• Artists' / craft supplies• Bicycle shops• Books / stationary• Cameras and photographic supply stores• Candy shop• Clothing and accessories• Collectibles (cards, coins, comics, stamps) excludes second-hand and pawn	Merchandise Sales, New Retail (26 land uses condensed into 1 land use; see page 20.220-5 for land use permission in the Commercial Zones; see page 20.600-30 for definition)



<ul style="list-style-type: none">• Department stores• Dry goods• Fabrics and sewing supplies• Pharmacy• Florist and house plants (indoor sales only)• Hardware• Hobby materials• Jewelry• Luggage and leather goods• Musical instruments, parts and accessories• Newsstands• Orthopedic supplies• Paint sales• Small wares• Specialty shops• Sporting goods and equipment• Toys and games• Variety stores• Movie rental and sales (does not include cinemas)	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Land use categories and the design and order of land use tables is consistent through the individual Zone chapters to promote consistency and ease of use. All land uses categories identified in the land use tables are also identified in the Off-Street Parking and Loading chapter to promote straightforward administration of the code.

Additionally, land use permissions and permit type requirements for all the land uses were reevaluated to ensure consistency with current conditions, streamline the application/approval process, and reflect the intent of the General Plan. Most significantly, land uses that previously required a Minor Conditional Use Permit (generally) now require a Director's Permit (DP); DPs are addressed further in section 5 of this discussion.

Emergency Shelters and Transitional Housing have been added to the code as land use categories for compliance with California state law. Emergency shelters will be allowed by right in the Industrial (I) Zone. Transitional housing will be regulated per State law in the multifamily zones.

In the Screencheck Zoning Ordinance, staff recommended prohibiting tattoo/body piercing establishments citywide, which modified the current standard of regulating tattoo establishments in the Commercial zone with a Major Conditional Use Permit and location restrictions in proximity to other land uses, such as churches, residential zones, etc. However,



based on public input about the recommendation to prohibit tattoo establishments, staff has consulted with the City Attorney and has revised the recommendation. Based on input from the City Attorney, the City can regulate tattoo and/or body art facilities but cannot prohibit this type of business. Therefore tattoo and/or body art facilities will be allowed by right in the Commercial (C) zone with location and operational standards that include:

- The exterior walls of any tattoo and/or body art facility in the Commercial (C) zone shall be located more than two thousand (2,000) feet from the exterior walls of any other Tattoo and/or Body Art Facility.
- Tattoo and/or Body Art Facility shall not operate between the hours of 10:00 p.m. and 10:00 a.m.
- Live animals, except for service animals, shall not be allowed on the premises.
- Once established, the Tattoo and/or Body Art Facility shall not be permitted to expand into another tenant space or building or otherwise on the site or any contiguous site unless the distance separation is complied with
- Temporary or mobile establishments or events are not authorized
- The applicant/operator of the Tattoo and/or Body Art Facility shall also comply with all applicable state and local laws as they may be amended from time to time including, but not limited to: Health and Safety Code sections 119300, et seq. (California Safe Body Art Act); Penal Code section 653, and Chapter 8.95 of the San Marcos Municipal Code

Also, the land use classification was modified from "tattoo and/or body piercing establishment" to "tattoo and/or body art facility" to be consistent with terminology within the California Health and Safety Code. There was also a comment at the Planning Commission workshop about whether a business that provides ear piercing would be classified as a tattoo establishment; the revised standards clearly indicate an ear piercing business (if this is the extent of piercing) would not be considered a "tattoo and/or body art facility."

Staff has also proposed prohibiting hookah lounges. Hookah pipes (which are also referred to as water pipes) are used to smoke specially made tobacco that is available in a variety of flavors, often sweetened. Hookah smoking is typically practiced in groups, with the same mouthpiece passed from person to person, and has grown in popularity in recent years, especially among college age individuals. Hookah tobacco that is placed into the head of the hookah pipe is typically very moist and requires a charcoal to be placed on top of the tobacco in order for it to be smoked. In some instances, a pile of lit charcoal may be kept in a nearby firebox since it is necessary to occasionally replenish the charcoal to continue smoking.

A study (referenced in Attachment G) by the World Health Organization has concluded that hookah pipes are distinct from other forms of smoking tobacco and similar legal products because the hookah pipes transmit the ingestion of a large volume of smoke and other high



levels of toxic compounds, making such ingestion more harmful than other means used to smoke tobacco and other similar products. Secondly, sharing hookah pipes is more likely to lead to the transmission of communicable diseases than other forms of smoking; and lastly, because hookah tobacco is often sweetened and flavored this may encourage young individuals to smoke.

It is for the above listed reasons, including the potential fire hazards associated with hookah lounges, that staff is recommending prohibiting this land use.

2. Article 2 Zones

The General Plan Land Use and Community Design Element updated, consolidated, and renamed land use designations. These changes, including elimination, renaming, and creation of Zones, have been reflected in Zone chapters of Article 2 of the Zoning Ordinance.

Eliminated Zones include:

- Commercial (C-1) – replaced with Senior Residential (S-R) Zone
- Commercial-Manufacturing (C-M) - very few properties zoned C-M, no longer needed
- Freeway Commercial (F-C) very few properties zoned F-C, no longer needed
- Residential zones R-1-6 and R-1-15, to reduce the repetition of the residential zone categories
- Design Overlay Zone – review will be handled administratively through Site Development Plan Review
- Solid Waste Management Zone – landfill was closed (now designated Open Space), no longer needed
- Potential Classification Zone
- Satellite Dish Antenna Chapter eliminated, regulations were outdated
- Hazardous Waste Management Plan – simplified regulations and condensed into Chapter 20.00.070(A)

Renamed Zones, to be consistent with the General Plan land use designations, include:

Old Zone Description	Old Zone Name	New Zone Name
Estate Residential	E-1-20	R-1-20
Light Industrial	L-M	LI
Industrial	M	I
Industrial	M-2	I2



New Zones added to the Zoning Ordinance to address expanded land use designations included:

- Mixed Use Zones, Chapter 20.225
- Transitional Zones, Chapter 20.235
- Public Institutional Zone, Chapter 20.240
- Neighborhood Commercial Zone, Chapter 20.220
- Airport Overlay Zone, Chapter 20.270

Chapter 20.225 Mixed Use Zones

The Mixed Use Zones implement the Mixed Use land use designations of the General Plan. Mixed Use Zones will allow for the vertical and horizontal integration of supportive residential, office, commercial and business park uses adjacent to highly-traveled transit corridors and strategic areas within the City to promote sustainable economic and environmental growth in close proximity to transit opportunities or complimentary to existing land use design. Mixed Use Zones include:

- MU-1 [residential and non-residential]
- MU-2 [residential and non-residential]
- MU-3 (SP) – [non-residential, requires a specific plan]
- MU-4 (SP) – [non-residential, requires a specific plan]

Allowed land uses have been identified for the MU-1 and MU-2 Zones, see Table 20.225-5. Allowed land uses for the MU-3 (SP) and MU-4 (SP) Zones will be determined through the Specific Plan process on a per project basis; residential uses are not permitted. The Mixed Use Zones are identified on the Zoning map and further implemented through the Regulating Plan, Figure 20.225-2.

The Mixed Use Zones chapter will be the regulating Zone chapter for many of the Transitional Zone properties when the property owner elects to transition to the future Zone.

Chapter 20.235 Transitional Zones

The Transitional Zones implement the General Plan intent to provide for a “Transitional Zoning category” to facilitate viable, appropriate, and timely transition of existing industrial land uses to a non-industrial land use (such as mixed use, business park, commercial, etc). The Transitional Zone encompasses unique and individual Zones to protect the stability of existing developed uses and provide a process for the future transition of the property to the land use designated by the General Plan.



The essence of the transition zone is to allow industrial properties to continue to function as conforming industrial uses pursuant to the Initial Zone (such as Industrial or Light Industrial) regulations until the property owner makes a determination to change the use to the "Future Zone." Continuation of permitted development activities include development, partial demolition, reconstruction, expansion, and renovation activities. Build out to the full extent of the Initial Zone standards is permitted in Transitional Zones prior to transition to Future Zone development.

Chapter 20.240 Public, Institutional, and Open Space Zones

The Public, Institutional, and Open Space Zones establish standards and land use permission for public and institutional properties to protect public uses. The Public / Institutional (P-I) Zone is applied to existing public parks, schools, colleges, and City properties that are occupied with fire stations, the public works facility, and Sheriff's substation. The Open Space (OS) Zone provides for and protects the passive/conserved open space areas of the City.

Chapter 20.270 Airport Overlay Zone

This Zone was created to be consistent with the Safety Element of the General Plan and the adopted McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP). The Zone requires notification and limits building heights based on the ALUCP requirements.

Land use designations have been updated, including:

- Renamed/reorganized land Use categories are addressed consistently in every Zone.
- All land uses identified in the land use tables are also identified in the Parking Ordinance.

Chapter 20.230 Industrial Zones

The Industrial Zones have been updated to reflect the industrial business climate of San Marcos. The Business Park (B-P) Zone has been expanded to incorporate design standards to attract and promote this type of business in the City. Development standards for the Industrial Zones were slightly modified; modifications would only impact future expansion or redevelopment and will not impact current industrial operations.

Land use categories and permissions have been reevaluated, expanded and adjusted to represent current land uses. This resulted in new land use categories. Many land use categories with "similar" operating standards and noise/parking/vibration/traffic impacts were consolidated into broader land use categories. There are some land use restrictions, such as



not limiting restaurants in industrial parks to delicatessens or employee cafeterias have been relaxed. In this example, the Ordinance now allows all types of take-out restaurants and sit-down restaurants are permitted with a DP.

During the public review period, staff met with the Economic Development Corporation subcommittee, and did modify land use permissions as well as some proposed development standards from the initial publicly released versions.

In addition, the Economic Development Corporation subcommittee expressed concern with the proposed modification to outdoor storage regulations. The initial stakeholder and Screencheck versions of the Zoning Ordinance did not clearly indicate that outdoor storage would be regulated the same as in the existing Zoning Ordinance; part of the confusion may have been due to relocating the outdoor storage standards in a separate chapter than the Industrial chapter. The Draft Zoning Ordinance has been modified to reflect a continuation of existing standards relating to outdoor storage. Table 20.230-2 has been modified to clearly identify outdoor storage as an accessory use in the Industrial (I and I-2) and Light Industrial (LI) zones is permitted by right with restrictions. Outdoor storage in the Light Industrial (LI) zone is still limited to 25% of the floor area of the building. Outdoor storage is allowed as an accessory to a permitted industrial use, however, any materials stored outdoors are required to be screened and located to the rear or side of the building. This standard has not been modified. Additionally, outdoor storage in the I-2 zone is still allowed by right as a primary land use, and the requirement for the outdoor storage to be screened also has not been modified.

Eliminated land use categories include:

- Child care centers
- Creameries
- Outdoor manufacturing
- Public utilities
- Union hiring halls

3. Article 3 General Development Standards

Article 3 houses the standards that are applicable to all lots, property, and/or Zones. These chapters are referenced frequently in the Zone chapter regulations.

Chapter 20.305 and 20.310 (Density Bonus and Inclusionary Housing, respectively) address opportunities and requirements related to the production of housing for extremely low, very low, low income households and for older adult households in accordance with state law. Based on comments received from the public, the Density Bonus chapter language was modified to



make it explicitly clear the regulations are in full compliance with Government Code section 65915 et. Seq.

Chapter 20.330 Water Efficient Landscape Standards. This chapter is a slightly-streamlined version of the “Water Efficient Landscape Ordinance” passed in 2010 in compliance with state law. All development (subject to the applicability of chapter 20.330) is required to comply with the landscape and watering standards of this chapter.

Chapter 20.320 Signs on Private Property. This chapter is a slightly-streamlined version of the “Signs on Private Property” regulations adopted in January 2012. All permitted signage for all development types is regulated by this chapter. Staff has recommended limiting monument sign heights to 10 feet with a maximum of 50 square feet for standard commercial or industrial sites (this doesn’t include shopping centers or industrial parks that are regulated through comprehensive sign programs). Signs on City property are regulated by Chapter 20.325 (also adopted in 2012); no changes to these regulations are being proposed.

Chapter 20.335 Walls and Fences. This chapter regulates the location, material, and permitted heights of all walls and fences for all Zones. This chapter consolidates the various standards previously found in multiple locations to a single chapter. The new maximum height for walls and fences is 10 feet in Industrial Zones and 8 feet in Commercial Zones; regulations for Mixed Use Zones have been added. Maintenance standards are included. Restrictions have been added for barbed, concertina, or electrified wire fences in all Zones (an exception is in the Agricultural zone if needed to secure livestock and/or horses). Chain link fencing adjacent to any public right-of-way will also be prohibited.

Chapter 20.340 Off-Street Parking and Loading. This chapter regulates required parking for all land uses within the City. Table 20.340-1 lists all land uses, by the same land use titles as the “Land Use Permit Types” of the individual Zones, listing the required parking ratios. A limited number of parking ratio requirements have been adjusted and updated to meet current planning policy standards. Regulations have been expanded to address mixed use development parking, bicycle parking, and electric vehicle/alternative fuel vehicle parking. New standards have also been added to address parking and trip reduction measures. Table 20.240-2 and Figure 20.340-1 provide a much simpler approach to parking lot and parking space configuration requirements. The standard parking stall dimension has been reduced from nine feet by twenty feet to eight feet by eighteen feet; and up to twenty percent of required parking may now be provided with compact parking spaces (8.5’ x 16’).

Chapter 20.345 Nonconforming Uses, and Structures. This chapter is the same version drafted by subcommittee input during the General Plan update process. Limited text has been revised to



eliminate redundancies; no meaning, intent, or regulation has been modified by the limited revisions.

4. Article 4 Specific Use Standards

Article 4 houses all regulations that are specific to an individual or set of land uses. All applicable land uses are regulated by the provisions of this Article regardless of Zone.

Chapter 20.435 Planned Residential Development has been moved to Article 4 as it is a planning application specific to a type of residential development. Regulations of Planned Residential Development applications are consistent with the existing code.

New Chapters

The following chapters are new additions to the Zoning Ordinance, codified for the purpose of streamlining regulation of the topic into a single location. Consolidation of regulations into a new chapter does not imply expansion or revision of regulation of the topic. New chapters are as follows.

Chapter 20.400 Specific Use Standards. This chapter codifies regulations of individual land uses into a single location. Examples include:

- regulations related to drive-through services are located in section 20.400.070
- regulations related to outdoor dining are located in section 20.400.150
- regulations related to utility services are located in section 20.400.210

Generally regulations have been consolidated into a single section by topic, whereas the old code spread out or repeated regulations throughout the Zoning Ordinance.

This chapter adds performance standards to regulate noise, odor, hazardous materials, vibration, light and glare, electrical disturbance. Standards for line of sight and requirements for developments to retain colors/materials of original approval have been added which codifies current City practices.

Outdoor dining regulations have been added to allow this as a permitted land use in conjunction with all eating establishments (Restaurant, Sit-Down and Restaurant, Take-Out land uses).

Other modification to specific use regulations have been limited to state law updates and clarifications with the exception of outdoor dining regulations.



Chapter 20.420 Automotive Services. This chapter condenses all regulations related to automotive service uses (fueling stations, repair, washing and detailing). All current code requirements are incorporated and operational and development standards have been added.

Chapter 20.425 Bars, Alcohol-Service, and Entertainment. This chapter codifies the standard Conditional Use Permit (CUP) requirements utilized by the City for these types of uses to streamline process of applications.

Chapter 20.440 Reasonable Accommodation. This chapter provides procedures for persons with disabilities seeking access to housing and requires compliance with the Federal Fair Housing Act and State Fair Employment and Housing Act.

Chapter 20.445 Refuse and Recycling Facilities. This chapter regulates the location of and design of trash, refuse, and recycling structures for all Zones. All design standards have been consolidated to this one chapter. Sustainability standards have been incorporated, requiring recycling facilities for all new development.

Chapter 20.450 Renewable Energy. This chapter includes standards for all renewable energy systems such as solar panels and small wind turbines.

Chapter 20.455 Temporary Uses. This chapter regulates parking lot sales, temporary and seasonal uses, and farmer's markets.

Revised Standards

The following chapters of Article 4 include revisions, primarily related to consistency with state law.

Chapter 20.410 Second Units and Accessory Structures. This chapter has been slightly modified to regulate the size and location of second dwelling units and accessory structures. Minor revisions update the chapter to be consistent with state law.

Chapter 20.415 Animals. This chapter has been expanded to consolidate regulations into one location and to also address animal keeping in multifamily and Mixed Use Zones. Overall, this chapter reduces the number of non-domestic animals allowed in the single-family residential Zones. Standards include the ability to keep up to 5 hens are allowed per property in the single-family residential Zones while prohibiting roosters. The number of dogs and cats allowed have not been modified in the single family zones.



5. Article 5 Zoning Administration

This Article consolidates all administrative processes and requirements for the Zoning Ordinance into one location. All other chapters and Zones refer to Article 5 where a noticing, application, or appeals process is required.

Discussion and requirements for applications, permitting, noticing, hearings, fees, and appeals have all been addressed once. This eliminates redundancies in the code and, generally, applies the same process to all permits. Citizens and Staff only have to look in one location for all process requirements, simplifying overall administration of the code.

Public hearing, noticing, appeal, and amendment processes have not been modified.

The Conditional Use Permit process has been revised to streamline applications. The Zoning Ordinance maintains a two-tiered use permit process. The two tiers are now:

- Director's Permit (Chapter 20.510)
- Conditional Use Permit (Chapter 20.520)

Chapter 20.510 Director's Permit. The regulations and provisions of this chapter replace the former Minor Conditional Use Permit process which has been eliminated. The Director's Permit (DP) is an administrative review process enabling the Director to administratively review the location, site development, and/or conduct of certain land uses with the issuance of public notifications, eliminating the need for administrative hearings. The Director has the responsibility to approve, conditionally approve, or disapprove a DP, and may decline to take action by forwarding the application to the Planning Commission for action by public hearing. A DP is applicable to the real property and is non-transferable to another location.

Chapter 20.520 Conditional Use Permit. The "Conditional Use Permit" (CUP) classification replaces the "Major Conditional Use Permit" from the existing code. All applications requiring a CUP, subject to regulations of the applicable Zone, require a public hearing by the Planning Commission. Appeals can be made to the City Council. This chapter has been simplified for usability; the regulations and process have not changed.

Chapter 20.515 Site Development Plan Review. This chapter codifies the current City standards for site plan review and applies this administrative review process more widely.



D. Items for Consideration/Modification

1. Zoning Map

Zoning Map revisions are consistent with the adopted General Plan land use map. Revisions to the Zoning Map include rezoning of:

- All property (parcels) within the General Plan 'focus areas' where land uses were changed with the adoption of the 2012 General Plan land use map,
- Historical 'clean up' properties to update the Zoning to be consistent with General Plan land use classifications
- Rezoning of properties in Zones that were eliminated (C-1, C-M, F-C, DZ, and "Potential")
- Rezoning of properties where new Zones have been created (MU-1, MU-2, MU-3, MU-4, Transitional Zones, P-I, NC)

2. Errata Revisions

The Public DRAFT Zoning Ordinance shows markup revisions from the Screencheck DRAFT released for concurrent City Staff and public review and comment on July 18, 2012. "Track changes" revisions represent City Staff changes to the document based on the review period. A summary of these "Track changes" revisions by chapter are provided in Attachment C.

The City Attorney has reviewed the individual chapters and provided direction for substantive and administrative changes; these changes are represented in Attachment D.

Additional changes have been recommended by the Staff based on further analysis of the code, insertion of outstanding existing code items, and responses to public comments.

All recommended errata revisions are identified in Attachment D, Errata Revisions.



Attachment(s)

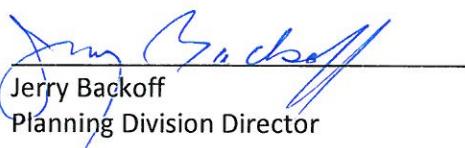
Adopting Resolutions

- A- Public DRAFT Zoning Map
- B- Mixed Use Regulating Plan
- C- Summary of Public DRAFT Zoning Ordinance "Track changes" Revisions
- D- Errata Revisions, Substantive and Administrative
- E- Public Comments on Stakeholder DRAFT Sections
- F- Public Comments and Staff's Response to Comments on Public Screencheck DRAFT Zoning Ordinance
- G- Tobacco Control Legal Consortium, "Regulating Hookah and Waterpipe Smoking"
- H- Zoning Ordinance Update Initial Study

Prepared by:


Karen Brindley
Principal Planner

Reviewed by:


Jerry Backoff
Planning Division Director

Approved by:


Charlie Schaffer
Development Services Director

AGENDA ITEM NO. _____