

ATTACHMENT E: CHANGES MADE TO PROPOSAL AT OR SINCE THE APRIL 15, 2009 PLANNING COMMISSION MEETING

The following changes to the proposal were made at or since the April 15, 2009 Planning Commission meeting and are shown in detail in Ordinance Exhibit A:

A. Changes Recommended by City Planning Commission on April 15, 2009

1. In Table 17.58.03 of Attachment A, Property Development Standards, the minimum ground floor height of buildings has been increased from 14 feet to 15 feet. This change was recommended by the Planning Commission to assure that new construction has a strong ground floor presence.
2. 1880 Jackson Street has been changed from Height Area 4 to Height Area 2 (See Attached). This change was recommended to maintain the intimate character of the street, preserve the street as a social gathering space, and create a transition to neighboring historic properties. Note that the Planning Commission recommended the change to be from Height Area 3 to Height Area 1a for this parcel. Staff's proposed change is reflective of the Planning Commission recommendation because the adjusted numbering of the Height Areas described in item 15.
3. Note L7 in Table 17.58.01 of Attachment A, Permitted and Conditionally Permitted Activities, has been modified to allow ground floor commercial activities in the CBD-R zone to extend to the second story. Previous versions limited commercial activities to the ground floor of buildings in the CBD-R zone. This modification allows more flexibility for small businesses to expand in the CBD-R zone.
4. A change to Section 17.58.060(B)(4) of Attachment A clarifies that open parking is not allowed between a principal building and the street. This change lessens the visual presence of parked cars and provides a more attractive streetscape
5. Table 17.58.01 of Attachment A has been changed to conditionally permit Research and Development Industrial Activities in the CBD-C zone. The previous proposal prohibited this activity in that zone. This change was recommended by the Planning Commission to allow a wider range of downtown business activities.

B. Staff Initiated Changes

6. Note L7 in Table 17.58.01 of Attachment A has been clarified to state that commercial activities can be performed in the upper stories of Local Register Properties in the CBD-R zone. This note encourages adaptive reuse of historic buildings and is consistent with the Commission's recommendation regarding second floor activities in the CBD-R zone, is not significant and not controversial.

7. Section 17.136.055(B)(2) in Exhibit A of the ordinance has been amended to state that the subsection only applies to APIs. This is a clerical correction because the intent, as described in the Staff Report to the Planning Commission on April 15, 2009, was for these finding to only apply to APIs. Further, the Section 17.136.055(B)(2) provides findings for historic resources outside API's, so findings for these historic resources are not also required in Section 17.136.055(B)(2).
8. Sections 17.136.055(B)(2) and 17.136.055(B)(3) in Exhibit A of the ordinance have been changed to state that the findings in those sections only apply to applications requiring Regular Design Review approval. This corrects a clerical error because the Small Project Design Review requirements for projects involving historic resources are already established in the current regulations under 17.136.030(C)(2).
9. The finding contained in 17.136.055(B)(2)(f) in Exhibit A of the ordinance has been modified to reflect the language in the Historic Preservation Element of the General Plan. The change will allow minor additions to historic structures to be reviewed administratively and will encourage the rehabilitation of historic resources. The change is consistent with the Commission's recommendation, is not significant and not controversial.
10. The finding contained in 17.136.055(B)(3)(c) in Exhibit A of the ordinance from "The proposal does not remove a designation of a district as an ASI" to "The proposal does not disqualify an ASI as an ASI". This is not a substantive change and makes the text more readable. Therefore, the change is not significant and not controversial; and
11. "Animal Boarding" (i.e. kennels) was added to the list of commercial activities in Table 17.58.01 in Attachment A. This activity was mistakenly omitted from the previous version. Staff recommends not allowing this activity in the CBD because of its impacts on residential activities and such change is consistent with the Commission's recommendation that kennels be prohibited in the CBD. This change places the regulation contained in former note L11 of this table of the Chapter into the Table. Removal of the note changes the numbering of the Table. This change is not substantive and, therefore, is not significant and not controversial.
12. "Intermediate Recycling Processing Facility" was removed from the list of industrial activities in Table 17.58.01 in Attachment A because it is not an activity defined in the Planning Code. This is a clerical correction.
13. Note L4 of Table 17.58.01 in Attachment A removes a use permit requirement for activities greater than 7,500 square feet on Telegraph Avenue and 14th Street. This change encourages more business activity on these major streets and such change is consistent with the Commission's recommendation, is not significant and not controversial.
14. In Section 17.58.060(B)(3) in Attachment A, a reference was changed from note "E" to note "4". This change is a clerical correction.

15. In Table 17.58.040 in Attachment A, the Height Area 1a was changed to Height Area 2. This required the names of Height Areas 2 to 6 to be changed to 3 through 7. In other words, previous versions of the proposal contained Height Areas 1, 1a, 2, 3, 4, 5, and 6; the proposed version contains Height Areas 1, 2, 3, 4, 5, 6, and 7. Note 3 of that table reflects this clerical change in the numbering of the height areas.