

Zoning Update Committee

October 20, 2004

Michael Lighty, Chair

Nicole Franklin

Anne E. Mudge

Location:	Citywide
Proposal:	Reorganize, reformat, and simplify the language of key chapters of the existing planning code.
Applicant:	City Planning Commission
Case File Number:	ZT04-215
Staff recommendation:	Review and discuss
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BACKGROUND

On April 19, 2004, staff presented to the Zoning Update Committee (ZUC) its proposal to update the planning code in two phases. At that time, staff made a commitment to complete Phase I and return to the ZUC by October, 2004. The first phase reorganizes, reformats, condenses, and simplifies the language of key chapters of the existing planning code without making substantive changes to the regulations. This phase fulfills Objective a7.b, page 169, of the Land Use and Transportation Element of the General Plan (LUTE) to “create a ‘user friendly’ document by minimizing the complexity of the regulations”. The content of these changes will be summarized in the following section. The second phase will include adding several new zones to the code to implement various aspects of the LUTE such as the Housing and Business Mix, Transit Oriented Development, Residential Mixed Use, Transit Overlay, Industrial, and Health and Safety Zones. The second phase also includes implementing the General Plan by replacing the current zoning land use classifications, amending the regulations relating to joint living and working quarters, and amending the General Plan land use and zoning maps. Finally, this phase will include a general simplification of the substance of the zoning regulations, particularly the residential chapters, use permit criteria, and activity regulations.

Thus far, staff has completed the bulk of Phase I and requests comments from the ZUC regarding this work. We also note that there is an independent effort in process to revise the residential design review regulations.

SUMMARY OF WORK COMPLETED

The following is a summary of the work completed for Phase I of the project.

Reformatting the residential and commercial chapters

Staff has dramatically changed the format of the chapters containing the residential and commercial zones through the consolidation of various regulations.

Currently, the each zone is contained in its own dedicated chapter in the planning code. Staff has consolidated these 28 chapters into 10 chapters, each containing several zones that have similar regulations. Staff has grouped zones into the following chapters:

Existing Chapters	New Chapters
Residential Chapters	
OS Open space zoning regulations	Chapter 17.13
R-1, R-10, R-20, R-30	Chapter 17.15 R-1, R-10, R-20, and R-30 Low Density Residential Zones Regulations
R-36	Chapter 17.17 R-36 Small Lot Residential Zone Regulations
R-35, R-40, R-50	Chapter 17.19 R-35, R-40, and R-50 Medium Density Residential Zones Regulations
R-60, R-70, R-80, R-90	Chapter 17.21 R-60, R-70, R-80, and R-90 High Density Residential Zones Regulations
Commercial Chapters	
C-5, C-10, C-20	Chapter 17.23 C-5, C-10, and C-20 Residential Neighborhood Commercial Zones Regulations
C-27, C-28, C-31	Chapter 17.25 C-27, C-28, and C-31 Neighborhood Shopping Commercial Zones Regulations
C-30, C-36, C-40, C-45	Chapter 17.27 C-30, C-36, C-40, and C-45 Community and Regional Service Commercial Zones Regulations
C-51, C-52, C-55	Chapter 17.29 C-51, C-52, and C-55 Downtown Office and Retail Commercial Zones Regulations
S-1, S-2	Chapter 17.31 C-60 and C-65 Special Commercial Zones Regulations

Note that the C-25, C-35, and C-60 will no longer be part of the zoning ordinance because the proposed rezoning that will occur during Phase II of the project will result in the elimination of these zones from the zoning maps, consistent with the General Plan Land Use and Transportation element.

Staff has further replaced the lists of permitted and conditionally permitted activities and facilities of each zone with a single chart containing these activity regulations for all the zones in a chapter. Each of these land use charts contains a column with additional regulations that apply to a particular activity regardless of the zone; notes under the chart contain activity regulations that are specific to that chapter.

Each chapter also includes a development standards chart that contain regulations regarding density, height, setback, open space, design review, and other related regulations for each of the zones in a chapter. Notes are placed beneath the tables that contain additional regulations relating to a particular standard. These charts have as many as 16 notes; this high number of notes is a reflection of the complexity of the zoning ordinance and staff’s decision to reduce the number of cross references to other parts of the zoning ordinance by including several regulations in each zoning chapter for ease of reference.

These chapters are contained in Attachments A and B.

Changes to the general regulations chapter (Chapter 17.102).

Over the years, Chapter 17.102, General Regulations Applying to Several or All Zones, has become a chapter where new regulations have been placed, instead of in chapters that contain regulations of similar subjects. By placing these general regulations into chapters more specific to the issues being addressed, staff has reduced the number of sections in this chapter from 46 to 34. For instance, the section regarding the application of zoning regulations to lots divided by zone boundaries has been moved from Chapter 17.102 to Chapter 17.154, the chapter relating to zoning maps. Staff has also reworded the text of the regulations to make them clearer and more understandable. We note that these revisions are not material and do not reflect any change in the meaning of the regulation. If anything these clarifications will make the regulations easier to apply. Finally, staff has grouped the sections that remained in Chapter 17.102 into subject areas depending on their activity type to make an individual regulation easier to locate.

Attachment C contains the new 17.102 chapter that is annotated to compare with the old text. Attachment D is a table that maps where sections of the current chapter have been moved.

New hillside chapter

Staff has extracted all the regulations relating to steep lots out of the zoning ordinance and consolidated them into one chapter. This consolidation allows the developer of a steep lot to easily find all these special regulations in one place, instead of having to search the entire code. The hillside chapter also contains illustrations inserted into the text to assist the reader in understanding the complex regulations relating to steep lots.

Attachments E and F contain the new hillside chapter and an annotated version that 1) compares the new with the old text and 2) shows the original location of the regulations.

New fence and retaining wall chapter

Staff has also consolidated fence and retaining wall regulations into one chapter. Often, the only information a homeowner needs from the zoning ordinance are fence standards; removing these regulations from their current location embedded in various code sections and placing them in their own dedicated chapter makes them easier to find. Staff has also revised the fence regulations to make them more understandable.

Attachment G contains the new fence and retaining wall chapter that is annotated to compare with the old text.

Consolidation of planned unit development and mini-lot chapters

Currently, regulations relating to integrated developments are located in three areas of the zoning code: Chapter 17.122 (Planned unit development regulations), Chapter 17.140 (Planned Unit Development Procedure), and section 17.102.320 (Conditional use permit for waiver of certain

requirements in mini-lot developments). Staff has consolidated these regulations into one chapter so that a developer can find all the information regarding integrated developments at one location. Staff has also revised the text to make the regulations more understandable and has added new text to clarify the Planned Unit Development permitting process.

Attachment H contains the integrated development chapter that is annotated to compare with the old text.

Landmarks and historic areas

Staff has combined most of the regulations related to historic properties and areas into one new chapter to reduce redundancy and provide convenience to the reader.

Staff has combined section 17.102.030 (Special regulations for designated landmarks), section 17.102.060 (Study list--Postponement of demolition), Chapter 17.84 (S-7 Preservation combining zone regulations), and Chapter 17.101 (S-20 Historic preservation district combining zone regulations) into one section that contains all the development regulations regarding landmarks, historic neighborhoods, and historic districts. The S-7 zoning designation is a combining zone for neighborhoods that have a high concentration of historic buildings; the S-20 zone is similar to the S-7 zone, but is designed for larger districts such as the Oak Center area by containing a more expedited design review process. Section 17.102.030 has similar development regulations as the S-7 zone but is applied to individual landmark properties. Section 17.102.060 contains special regulations related to the demolition of structures under study by the City for possible landmark designation.

Most of the regulations related to landmarks and regulations in the S-7 zone are identical. Staff proposes to remove this redundancy by applying the S-7 designation to landmarks and moving provisions unique to landmarks into the new combined chapter. Staff does not propose to combine the S-20 and the S-7 zones because of their different design review procedures. However, combining both these zones into one chapter eliminates several redundancies because they have identical regulations regarding demolition, building maintenance, and design review findings.

Attachment I contains the landmark and historic areas chapter that is annotated to compare with the old text.

Changes to Chapter 17.108, General Height, Yard and Court Regulations

Chapter 17.108 currently contains regulations for height, yards, and courts that are applied in several zones. Staff has simplified the text of each of these sections and, where possible, moved provisions to the chapters containing individual zones to reduce the number of times that a reader is required to reference other chapters. For instance, section 17.108.070 states:

Wherever any reversed corner lot located in any commercial or industrial zone abuts to the rear a key lot which is in any residential zone, there shall be provided on the street side of such corner lot a side yard with a minimum width of one-half of the minimum front yard

depth required on the key lot. Such side yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard width prescribed for certain facilities by Section 17.108.020, and the special controls prescribed by Section 17.110.040C for detached accessory buildings on such corner lots.

This regulation is now in the notes of the development standards table in each commercial chapter with the following simplified text:

When a reversed corner lot abuts the rear yard of a key lot in a residential zone, the street side setback is one-half of the minimum front yard depth required on the key lot.

Staff has also moved the sections regarding residential height limits on hillside lots and fence regulations from this chapter to new chapters devoted to these subjects (see above).

Attachment J contains the height, yards, and courts chapter that is annotated to compare with the old text.

Use Classifications

Staff has updated and modernized the use classifications in the following manner:

The current use classifications have been refined into several more categories to provide more flexibility to decision makers in regulating activities. For instance, the current category “General Food Sales” includes both grocery stores and restaurants; therefore, changing a regulation related to restaurants also affects grocery stores even though these categories may have very different impacts on a neighborhood. Therefore, staff has split General Food Sales into three new categories: “Full Service Restaurant”, “Limited Service Restaurant”, and “Grocery Stores”, so policy makers can independently regulate these activities.

Staff has also reduced the number of facility types in the ordinance. For instance, the descriptions of the seven types of sign facilities in the zoning ordinance have been moved from Chapter 17.010, the chapter containing the use and facility classifications to 17.09, the chapter containing definitions. The regulations controlling where different sign facilities are allowed has been moved from the chapters containing the zones to Chapter 17.104, the chapter containing all the other sign regulations. Also, most of the residential facility types have been removed because they are redundant with the permanent residential activity classification and the density regulations.

We note that no substantive changes have been made to the classifications. The classifications presented to the Zoning Update Committee at previous meetings contained substantive changes to the zoning ordinance, and, therefore, cannot be incorporated during Phase I of the project. Substantive changes that have been previously proposed will be incorporated during Phase II. We also note also that the changes to the classifications have been incorporated into the new residential and commercial zoning chapters, but not elsewhere in the code. Staff proposes to incorporate the new classifications throughout the code when Phase I and II are complete and the final consolidated and revised code is submitted for final review and adoption.

after the final draft of the code is complete.

Attachment K contains the new proposed classifications. Attachment L is a table that shows how the old categories were split into new categories.

INPUT

Thus far strategic planning staff has received input from the City Attorney and members of the planning staff. The largest concern expressed by staff was the number of footnotes after the development standards charts and the fact that the remainder of the existing code that was not part of the current rewrite effort. Strategic planning will work with staff to reduce the number of footnotes. Phase II of the code revision process will address most of the onerous existing code provisions and eliminate the major conformity problems between the 1998 General Plan land use designations and the zoning regulations.

The City Attorney did not have major concerns regarding the proposed format. However, the City Attorney has recommended several changes to the text to assure that no substantive changes to regulations have been made to the zoning ordinance during Phase I of the effort. Staff proposes to incorporate these changes prior to beginning Phase II of the project.

NEXT STEPS

Staff has identified several priority tasks for the following months. The listed tasks present those priorities that will most substantially forward the objectives of the General Plan, simplify the code, and make the operations of the zoning division more efficient. The priority tasks include:

1. Incorporating comments from staff and the City Attorney into the draft of the changes to the zoning ordinance.
2. Rewriting several proposed new chapters previously reviewed by the Zoning Update Committee to be consistent with the new format of the zoning ordinance. These zones and regulations include:
 - HBX, Housing and business mix zone;
 - TOD, Transit oriented development zone;
 - RUX, Residential mixed use zone;
 - T, Transit overlay zone;
 - New Industrial Zones, including the Commercial and light industrial business mix, Light industrial business mix, Industrial office park, and General industrial zones;
 - Refinement of the proposed zoning land use classifications; and
 - Regulations relating to joint living and working quarters.

Note that this list does not include the proposed health and safety or new open space zone. Staff believes these zones should be adopted during a future phase due to time and staffing constraints. Staff also believes that a discussion regarding the adoption of these

zones should take place after the major overhaul of the zoning ordinance has been adopted by the City Council.

3. Amending the zoning and General Plan maps to implement the General Plan and reflect extensive review of the draft maps, including the results of a windshield survey. This task includes reviewing the changes to affected neighborhoods at community meeting.
4. Revising the zoning ordinance to streamline the zoning process and simplify the zoning regulations. A preliminary list of changes under consideration by staff include:
 - Replacing several requirements for conditional use permits with a nondiscretionary process based on standards;
 - Removing obsolete zoning provisions, especially those particular to an individual zone;
 - Combining the efforts to simplify the residential design review regulations with the other efforts to reformat the zoning ordinance;
 - Combining zones that have insignificant differences in regulations;
 - Making regulations relating to historic districts and landmarks more consistent;
 - Removing insignificant differences in zones, particularly those with the same General Plan designation;
 - Removing the requirement for a conditional use permit for the construction of more than three residential units in medium density zones; and
 - Making the permitted, conditionally permitted, and prohibited activities in zones less arbitrary; zones with same General Plan designations should have similar (though not identical) permitted and conditionally permitted activities.
5. Staff also proposes applying regular design review to commercial districts to improve the appearance of the City's major corridors.

There are also several "cleanup" tasks required throughout the code such as renumbering sections, renaming zones, and correcting references.

RECOMMENDATIONS

Staff recommends that the Zoning Update Committee provide comments regarding the proposed zoning text. The Committee's comments are also requested pertaining to proposed next phase and steps outlined in the staff report.

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Approved for forwarding to the
Zoning Update Committee of the
City Planning Commission

CLAUDIA CAPPPIO, Development Director

ATTACHMENTS:

- A. Proposed residential chapters
- B. Proposed commercial chapters
- C. Annotated version of proposed general regulations applicable to several or all zones chapter
- D. Table mapping the proposed location of existing sections of Chapter 17.102
- E. Proposed new hillside regulations chapter
- F. Annotated version of proposed hillside chapter
- G. Annotated version of proposed new fence and retaining wall chapter
- H. Annotated version of proposed integrated development chapter
- I. Annotated version of proposed consolidated historic properties chapter
- J. Annotated version of proposed general height, yard, and court regulations chapter
- K. Proposed new activity classifications
- L. Table showing how the existing classification where split into new classifications