

# *Comprehensive Zoning Code Update Summary of Change*



Newport Beach Planning Department

October 2010

## **Part 1 – Zoning Code Applicability (page 1-3)**

Part 1 of the draft code replaces Chapter 20.01 of the current Code. This Part includes the purpose of the zoning code, provisions for interpretations and an explanation of the zoning map. There are two notable differences between the current code and the draft code. First, section 20.10.040A of the draft code states that the City Council may exempt specific City implemented projects by adopting a resolution at a noticed public hearing upon setting forth the specific Code provisions that would apply in the absence of the exemption. The current code does not contain such language as state law allows cities to exempt their public projects from zoning rules. The second difference is the zoning map. The current code uses a set of over seventy 8.5 x 11 Districting Maps to depict the zoning districts, density, intensity and setbacks. The draft code utilizes a large format map (36" x 48") to depict zoning districts, density and intensity and set of thirty-one 11" x 17" setback maps (see Part 8 for the setback maps).

## **Part 2 – Zoning Districts, Allowable Land Uses and Zoning District Standards**

Part 2 establishes all zoning districts, their allowed uses and district standards to implement the uses of land established by the General Plan. The districts are identified on the Zoning Map and the various zones correspond to the General Plan Land Use Plan maps and land use categories. The density of residential use and intensity of non-residential use allowed within the various zones is no greater than allowed by the Land Use Element of the General Plan. Part 2 is the heart of the Zoning Code and each of the other Parts of the code are directly related.

Each zone has a list of allowed uses and those uses are defined in Part 7 (Definitions). Uses are either allowed by right or are subject to discretionary review such as a Limited Term Permit (LTP), Minor Use Permit (MUP) or Conditional Use Permit (CUP). If a particular use is not listed in the tables, it is not allowed unless the Planning Director finds (i.e. interprets) that an unlisted use is similar to a listed use. These discretionary permits processes are defined in detail within Part 5 (Planning Permit Procedures), but for now, the LTP simply allow uses for a limited amount of time and the review authority is the Zoning Administrator. The MUP is a reflection of the current process where the Planning Director may issue certain Use Permits. The Zoning Administrator is the review authority for MUPs. A CUP is no different than the current Use Permit process where the Planning Commission is the review authority.

### **Allowed Uses**

The specific entries within the various allowed use tables were developed by staff and the City's consultant with specific input and oversight from the General Plan Implementation Committee. Entries are based upon current zoning regulations, the purpose of each zone and its corresponding land use category of the Land Use Element of the General Plan, related policies of General Plan, and the locations of the various zones and their unique relationships with their surroundings. Other factors influenced the entries within the allowed use tables including a desire to simplify the process wherever possible, to maintain consistency with any applicable State laws, and to avoid creating nonconforming uses where possible. The allowed use tables also contain references to specific use regulations that are located within Part 4 (Standards for Specific Land Uses) as a way to highlight for the reader additional regulations for that listed use. The most noteworthy changes relate to the sale of alcohol and eating and drinking establishments, which are discussed below in Part 4.

### **Development Standards**

Each of the zones has base development standards that are listed in several tables. Those standards include minimum lot dimensions, density or intensity limits, minimum setbacks, lot coverage limits, floor area limits, structure height, open space, fencing, landscaping, lighting, parking and signs among others. In many cases, specific dimensions, areas, percentages or ratios appear but in other cases, there is a reference to a separate Chapter or Section where the standards can be found when those standards are too complex to appear within the development standard tables.

As with the allowed use tables, the development standards tables were developed by staff and the City's consultant with specific input and oversight from the General Plan Implementation Committee. Most of the standards are based upon current zoning regulations so as to avoid creating nonconformities. Where new standards were necessary for new zones, entries were based upon existing standards for similar uses within existing zoning classifications.

In residential districts, the current existing floor area limit (FAL) and lot coverage standards will be retained. Subterranean basements will not count towards the maximum FAL in zoning districts that utilize the FAL. A new provision limits 3<sup>rd</sup> floors to 15% or 20% of the buildable area of the lot, depending on the lot width. Another change is the elimination of the current open space provision, which is replaced by an open volume provision that will create building modulation to improve designs and provide noticeable and useful open space. It is important to note that single family residences and duplexes within existing Planned Communities and those regulated by lot coverage standards would not be affected by the third floor and open volume provisions. Another change is the inclusion of the several of the 2007 Design Criteria. This change will be outlined below in Part 3 (site Planning and Development Standards). Another change to note is the method of measuring the height of buildings. The height limits are not changing, but the practice of measuring the height of a sloping roof at its midpoint is being eliminated for a far simpler method. Again, this change will be highlighted below in Part 3. The last change to note is an increased alley setback for all new residential buildings when the alley is narrow (10 feet) and the lot on the other side of the alley has its side yard abutting the alley. This increased setback will improve vehicle circulation in the alleys in these specific cases.

### **Changes to Zones**

The boundaries and use of existing residentially-zoned properties remain unchanged, although the names of the various residential zones have been altered. For example, the R-1.5 zone for Balboa Island becomes R-BI, the R-1-B becomes the R-1-6000 and the MFR zone becomes the RM zone.

Existing commercial zones (RSC, RMC and APF) have been diversified. The existing retail zones (RSC and some RMC areas) are now the CC (Commercial Corridor), CG (Commercial General), CN (Commercial Neighborhood), CM (Commercial Recreational and Marine) and the CV (Commercial Visitor-Serving). The existing office zone (APF) becomes the OA (Office – Airport), OG (Office – General), OM (Office – Medical) and the OR (Office – Regional).

The existing industrial zones (M-1, M-1-A and IBP) were condensed into the IG (Industrial Zoning District) due to the contraction of industrially designated land.

The existing institutional zone (GEIF) was split into two new zones, the PF (Public Facilities) and PI (Private Institutional) to differentiate between public and private institutions.

All boundaries and uses in all existing Planned Community Districts remain unchanged.

The existing open space zones (OS-A and OS-P) were altered to create the PR (Parks and Recreation) for active areas and the OS (Open Space) zone primarily for resource protection.

The updated General Plan establishes a variety of mixed-use land use designations that were applied to areas where mixed-use development is allowed by existing regulations as well as new areas such as Mariner's Mile and several properties along Dover Drive. The MU-V (Mixed-Use Vertical) zone is applied to areas where residential units are presently allowed above a commercial use and this zone is designed to replicate existing standards. The MU-MM (Mixed-Use Mariner's Mile), MU-DW (Mixed-Use Dover/Westcliff) and the MU-CV/15<sup>th</sup> St (Mixed-Use Cannery Village and 15<sup>th</sup> Street) zones are new and were designed for the specific provisions and limited residential uses allowed by the General Plan for these areas. The MU-W1 and MU-W2 (Mixed-Use Water) are to address mixed-use development for locations on Newport Bay and on Marine Avenue.

### **Specific Plans**

Five existing specific plan districts (Newport Shores, Mariner's Mile, Cannery Village/McFadden Square, Central Balboa, and Old Newport Boulevard) are eliminated and replaced with the various zones identified above based on the General Plan. The Santa Ana Heights Specific Plan is the only adopted specific plan that will remain unchanged, although it will be re-adopted by ordinance separately.

### **Overlay Zoning Districts**

The number and type of "overlay" districts will be reduced as a result of the expanded zoning districts. The "B" overlay has been eliminated with its provisions being incorporated within the new residential zones. The "R" or Residential overlay, and the "MM" or Mariner's Mile overlay are both eliminated with their provisions being replaced by the mixed-use zones. The "IS" or Interim Study overlay is being eliminated altogether. The "SPR" or Site Plan Review overlay, and the "PRD" or Planned Residential Development overlay have been replaced by updated permit processes contained within Part 5 of the new Zoning Code. The existing "MHP" or Mobile Home Park overlay, and the "PM" or Parking Management overlay remain.

One new overlay district has been added, the Bluff overlay. The purpose of this proposed overlay district is to implement specific policies of the Natural Resources Element of the General Plan that require limiting development to the predominant line of existing development to preserve visual quality, protect public views and to ensure safety. The proposed overlay is reflected on the Zoning Map with detailed maps found in Part 8. A Canyon overlay district to implement similar policy objectives for Buck Gully and Morning Canyon has not been included at this time as it requires additional analysis. In the interim, staff will continue to implement the Natural Resources Element Policy NR 23.6 that requires new development to be within the predominant line of existing development.

## **Part 3 - Site Planning and Development Standards**

The following outlines notable changes within Part 3 of the Draft Zoning Code:

### **Section 20.30.020 - Buffering and Screening (page 3-5)**

The current code (Section 20.60.020) provides for the screening of mechanical equipment from view. This section has been revised to add standards to address the interfaces between residential and nonresidential uses and buffering requirements to reduce impacts between incompatible land uses. Also, it adds screening requirements for outdoor storage and display and solid waste storage areas.

### **Section 20.30.040 - Fences, Hedges, Walls and Retaining Walls (page 3-7)**

The current code (Section 20.60.030) provides limits on the height of fences, hedges and walls. This section has been revised to limit the height of retaining walls and to require that they be terraced to help minimize alteration of slopes. Also, it increases the maximum height for fences, hedges and retaining walls within front setback areas from 36 to 42 inches consistent with the minimum height of guardrails pursuant to the Building Code. Provisions were also included to allow protective fencing for pools and spas, which must be a minimum height of 5 feet, when required Building Code.

### **Section 20.30.050 - Grade Establishment (page 3-10)**

Section 20.65.030 of the current code requires the use of the “natural grade” as the baseline grade to measure the height of buildings and structures. The height is measured from height from “the grade below” which equates to height being measured from an uneven, undulating surface (e.g. a potato chip). Subsection 20.65.030.B addresses sites that have been altered where the finished grade of filled areas is used and the finished grade of excavated surfaces is not used. These existing provisions are challenging to implement when designers are designing buildings to take advantage of every inch below height limits and owners are seeking ever taller structures. The revised provisions simplify the way grade is established for the purpose of measuring building height. In cases where the slope is 5% or less, a simple average of the existing grade will be used. In cases where the average grade is greater than 5%, a sloping grade plane will be used and Figure 3-4 on page 3-14 shows the grade plane concept. These new techniques will save time for staff, owners and builders.

### **Section 20.30.060 - Height Limits and Exceptions (page 3-13)**

Chapter 20.65 of the current code establishes height limits for zoning districts and it identifies several limited exceptions e.g. roof peaks, vents, chimneys, flag poles, etc.). Height limits are not changing. The draft section eliminates the practice of measuring the height of buildings at the mid-point of sloping roofs. Flat roofs, including parapet walls or guardrails, and the peak of sloping roofs (slopes 3:12 or greater) will not be any higher than presently allowed based upon a property’s zoning designation (e.g. R-1, CG, PC, etc.).

### **Section 20.30.070 - Outdoor Lighting (page 3-18)**

The current code regulates outdoor lighting for sports courts in residential districts, requires “adequate” lighting in certain circumstances and has few protections from excessive lighting. This section provides subjective outdoor lighting standards without specifying minimum or maximum levels. The draft provisions provide a more complete set of tools than the City presently has to avoid or reduce negative impacts of light and glare.

### **Section 20.30.080 - Noise (page 3-19)**

The Zoning Code does not contain any noise standards as the City regulates noise by Title 10 (Offenses and Nuisances), specifically Chapter 10.26 (Community Noise Control) and Chapter 10.28 (Loud and Unreasonable Noise). The draft section adds provisions for the review of proposed projects to avoid or mitigate impacts, establishes thresholds of significance pursuant to the Noise Element and promotes compatibility between land uses. The proposed section is consistent with and augments the standards within Chapters 10.26.

### **Section 20.30.100 - Public View Protection (page 3-21)**

The current code does not contain any specific regulations protecting public views. Public views are currently protected through the implementation of the California Environmental Quality Act only for discretionary projects. This section adds public view protection regulations to preserve visual resources and public views from identified public view points and corridors in accordance with General Plan polices under GP Goal NR 20.

### **Section 20.30.110 - Setback Exceptions Regulations and Exceptions (page 3-22)**

The current code (Sections 20.60.020 & 20.60.030) contains an extensive list of allowed encroachments within required setback areas (e.g. fences, eaves, architectural features, accessory structures, mechanical equipment, etc.). These current standards have been revised to provide clearer rules for the placement of accessory mechanical equipment, minor accessory structures, and to allow a broader range of minor structures that are commonly requested that are subordinate to primary residential and commercial uses to encroach into front yard setbacks. Examples are decorative caps for compliant walls, built-in barbeques and minor encroachments into all setbacks by subterranean walls and structural supports. Side yard encroachments have been revised to require a 36-inch wide clear path of travel on one side of new buildings for emergency personnel and a standard for clear access through front and side yards primary entrances to dwellings.

### **Section 20.30.120 - Solid Waste and Recyclable Materials Storage (page 3-29)**

The current code (Section 20.60.090) provides for the inclusion of recycling areas within certain development projects. This section was updated to require solid waste and recyclable material storage areas in compliance with State law for both residential and

commercial uses. The standards will ensure that adequate space is provided and trash storage areas are adequately screened.

### **Section 20.30.130 - Traffic Visibility Area (page 3-32)**

The current code (Section 20.60.030) limits the height of fences, walls, uncovered accessory structures, and hedges to 36 inches in areas that could block a driver's visibility at driveways and corners. This section has been revised to provide additional safety visibility standards consistent with Public Works Traffic standards.

### **Chapter 20.32 - Density Bonus (page 3-35)**

The current code does not implement State bonus density law. This section adds density bonus regulations consistent with State law to promote the City's goal to add affordable housing units to the housing stock.

### **Chapter 20.34 - Conversion or Demolition of Affordable Housing (page 3-47)**

The current code (Chapter 20.86) implements the Mello Act (Government Code §65590) and it only applies to property within the Coastal Zone. This section has been revised, maintaining its consistency with State law, and adds standards to determine if providing affordable replacement units is feasible.

### **Chapter 20.36 - Landscaping Standards (page 3-53)**

The current code does not provide landscape standards. This section adds landscape standards to enhance the appearance of development projects, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, preserve the integrity of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety.

### **Chapter 20.38.40 - Nonconforming Uses and Structures (page 3-59)**

The current code (Chapter 20.62) regulates the alteration, expansion and elimination of nonconformities. The most notable change relates to additions to nonconforming residential structures (Section 20.38.040). Currently, additions of up to 25% of the floor area of residential structures are allowed by right provided they have the minimum number of parking spaces and if the addition complies with other standards. Additions above 25% and up to 50% require the approval of a modification permit. Additions above 50% and up to 75% require the approval of use permit by the Planning Director. The draft code would only allow conforming additions of up to 50% over a 10-year period by right provided that the minimum number of parking spaces are provided. Additions would be limited to 10% when the minimum number of parking spaces is not provided. The proposed code would eliminate a time consuming review process.



### **Chapter 20.40 - Off-Street Parking (page 3-73)**

The current code (Chapter 20.66) provides comprehensive standards for parking and when parking can be reduced or waived. For the first time, the draft code provides information on the dimensions of non-residential parking spaces in consistent with the current specifications administered by the Public Works Department. A new section (section 20.40.130) allows for an in-lieu fee authorized by the Planning Commission or City Council for parking reductions if an in-lieu fee amount is established by the City Council. Most required parking ratios were left unchanged; however, parking for single and two-unit dwellings not within existing Planned Communities will be changed as follows:

<b>Use</b>	<b>Current standard</b>	<b>Proposed standard</b>
Single-Unit Dwellings	2 spaces (1 space covered)	2 garage spaces
Single-Unit Dwellings (over 4,000 sf and on lots wider than 30 feet)	2 spaces (1 space covered)	3 garage spaces
Two-Unit Dwellings	2 spaces per unit (1 space per unit covered)	2 spaces per unit (1 garage space and 1 covered, per unit)

### **Chapter 20.46 - Transfer of Development Rights (page 3-145)**

The current code (Section 20.63.080) provides for the transfer of development intensity between sites that are no more than 1000 feet apart, subject to traffic analysis and findings. Traffic analysis remains necessary and the draft provisions clarify that the transfer of development intensity from one property to another must be within the same statistical area. A transfer from one statistical area to another would require a general plan amendment. The review authority has also been changed from the Planning Commission to the City Council.

## **Part 4 – Standards for Specific Purposes**

Part 4 (Standards for Specific Land Uses) replaces Part V (Special Land Use Regulations) of the existing Zoning Code. Currently Part V provides development standards and in some cases operational standards for 10 different uses: Automobile Service Stations, Oil Wells, Eating and Drinking Establishments, Residential Condominium Projects, Time Share Developments, Accessory Dwelling Units, Low and Moderate Income Housing within the Coastal Zone, Massage Establishments, Adult-Oriented Businesses, and Alcoholic Beverage Outlets. With the reorganization of the code, some of the existing Chapters remain although they have been updated and renamed. The provisions regarding low and moderate income housing within the coastal zone were relocated to Part 3. The Chapter on oil wells was deleted as it was duplicative of provisions within the City Charter. Several additional Sections have been added that have roots within other Parts of the current code.

### **Section 20.48.030 - Alcohol Sales (page 4-4)**

Currently, the sale of alcohol requires a Use Permit and is subject to Chapter 20.89 (Alcoholic Beverage Outlets). The proposed code provides operational controls for all alcohol sales similar to the provisions within the current code (Chapter 20.89), but discretionary permits were moved to the allowed uses tables within Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards). The principal difference is that accessory alcohol sales at off-sale establishments where no more than 30% of the floor area is devoted to alcohol sales in most commercial zones would be allowed by right subject. Alcohol sales at off-sale establishments as a principal use would be subject to the Zoning Administrator's review of a Minor Use Permit (MUP). Additionally, alcohol sales at restaurants that are not open past 11:00PM would be subject to the Zoning Administrator's review rather than the Planning Commission.

### **Section 20.48.040 - Animal Keeping (page 4-8)**

Currently, the Municipal Code provides regulations for animal keeping within Title 7 (Animals). Title 7 does not establish any specific limits on the number of animals one can keep at their home. The Zoning Code provides standards for animal keeping only for the R-A district (Section 20.10.020.G) due to its agricultural character. This new section establishes limits on the keeping of pets for all residential zones and incorporates existing limits and procedures for the keeping of domesticated livestock within the existing R-A zone.

### **Section 20.48.040 - Animal Sales and Service (page 4-10)**

The current code does not provide comprehensive regulations and this section will provide standards for various animal sales and services establishments to protect adjacent residential uses from undesired secondary effects.

### **Section 20.48.070 - Day Care Facilities (Adult and Child) (page 4-12)**

The current code (Section 20.60.130) provides regulations only for child day care facilities. This section has been expanded to address adult day care and revised to be consistent with current state law. Many of the current provisions are being maintained to protect adjacent residential uses.

### **Section 20.48.080 - Drive-Through and Drive-Up Facilities (page 4-13)**

The current code (Section 20.60.075) has been revised to provide enhanced standards to mitigate traffic, litter, and unsightliness.

### **Section 20.48.090 - Eating and Drinking Establishments (page 4-14)**

The current code (Chapter 20.82) has been revised to create a regulatory system based on the type of establishment, its hours of operation, its operational characteristics and its proximity to residential districts. History show us that restaurants can become nuisances when they are close to residences, serve alcohol and have late hours. The Planning Commission will retain the review authority for CUPs for any bar or nightclub and restaurants that have late hours of operation (i.e. past 11:00PM). The Zoning Administrator would have the review authority for MUPs for establishments that close at or before 11:00PM or when the establishment is in close proximity to residential zones (i.e. within 500 feet). Some establishments would be permitted by right when they are not located within 500 feet of a residential district, do not keep late hours and if they don't serve alcohol. Revised operational standards and review criteria were also added to ensure that direct and secondary effects are adequately addressed, especially when late operating hours are requested. Standards for outdoor dining have been included without a separate permit and potential issues associated with outdoor dining can be reviewed on a project-by-project basis with either the MUP or CUP where applicable.

### **Section 20.48.100 - Emergency Shelters (page 4-18)**

Currently, the Zoning Code does not contain provisions for emergency shelters and recent State law mandates that cities permit them. Emergency shelters in this context are shelters for the homeless and not disaster shelters. This section contains design and operational standards for emergency shelters in compliance with State law and they would be an allowed use in the AO and PI districts only.

### **Section 20.48.130 - Mixed-Use Projects (page 4-22)**

The current code (Section 20.60.115) allows for extended hours of operation for businesses that are located within any zone where mixed-use development is allowed. Development standards for mixed-use projects are distributed within several existing specific plans and the "R" overlay. The new code consolidates these provisions and provides a balance between nonresidential uses and residential uses. All mixed-use projects also require review and approval of a Site Development Review (Section 20.52.080 page 5-33)

### **Section 20.48.140 - Outdoor Storage Display and Activities (page 4-24)**

The current code (Section 20.60.105) requires a Use Permit within the jurisdiction of the Planning Director for all outdoor storage and display. The proposed code eliminates the permit requirement in lieu of specific standards for the location and screening of outdoor storage and provides operational control for outdoor display of merchandise.

### **Section 20.48.160 - Recycling Facilities (page 4-26)**

The current code does not provide regulations for recycling facilities and the proposed draft establishes standards for the siting and operation of small and large commercial facilities.

### **Section 20.48.180 - Residential Development Standards (page 4-28)**

The existing floor area limit (FAL) standards and lot coverage provisions are being retained. A notable change that is addressed in Part 2 is that subterranean basements will not count towards the maximum FAL in zoning districts that utilize the FAL. Eliminating the floor area limit would have the effect of allowing people to build basements with full-height ceilings where typically they have to be less than 7 feet.

New standards that apply to R-1 and R-2 zoning districts include an open volume standard that replaces the current open space provision. This standard requires building modulation/articulation on the first or second floors and the standard does not specify where it is to be located. Areas must maintain certain minimum dimensions to satisfy the open volume standard (5 feet in depth from the wall on which it is located and 7.5 feet in height and open to the exterior on at least one side). Additionally, new third story step-backs and third story floor area limits are included to limit building mass. These standards will not apply residential lots that are currently subject to lot coverage limits and those in Planned Communities, as sufficient open space is provided by existing lot coverage limits that are not changing. Additionally, these new standards are not being proposed to apply to narrow lots (25 feet wide or less) that are zoned R-2 as applying these standards to these narrow lots would affect their property rights.

Also included in this section are the design criteria from the 2007 Single and Two-family Design Ordinance in order to implement General Plan design polices. These standards will apply in all residential districts, including Planned Communities.

#### **Design criteria.**

- a. **Walls.** Long unarticulated exterior walls are discouraged on all structures. The visual massing of a building should be reduced by incorporating appropriate design elements; including variation in the wall plane, building modulation, openings, recesses, vertical elements, varied textures, and design accents (e.g. moldings, pilasters, etc.). Front facades shall include windows.

- b. **Upper floors.** Portions of upper floors should be set back in order to scale down facades that face the street, common open space, and adjacent residential structures. Upper story setbacks are recommended either as full length “stepbacks” or partial indentations for upper story balconies, decks, and/or aesthetic setbacks.
- c. **Architectural treatment.** Architectural treatment of all elevations visible from public places, including alleys, is encouraged. Treatments may include window treatments, cornices, siding, eaves, and other architectural features.
- d. **Front facade.** Where the neighborhood pattern is for the primary entrance to face the street, the primary entry and windows should be the dominant elements of the front facade. Primary entrances should face the street with a clear, connecting path to the public sidewalk or street. Alternatively, entry elements may be visible from the street without the door necessarily facing the street.
- e. **Main entrance.** The main dwelling entrance should be clearly articulated through the use of architectural detailing.

#### **Section 20.48.220 - Time Share Facilities (page 4-41)**

Current provisions are within Chapter 20.84 and the standards were updated to address operational plans. The requirement for all time share developments to obtain Development Agreements remains unchanged.

## **Part 5 – Planning Permit Procedures**

Part 5 includes the requirements related to planning permit application filing, processing and review procedures. The sections discussed below represent those that have been notably revised when compared to the current code.

### **Section - 20.52.020 Conditional Use Permits and Minor Use Permits (page 5-9)**

Use Permits (UP), current code Chapter 20.91, have been renamed Conditional Use Permits (CUP). The review authority remains the Planning Commission and the review process is essentially unchanged. Use Permit/Planning Director, also found in Chapter 20.91 of the current code, was eliminated and a minor use permit (MUP) process was added. The MUP process has a required public hearing where the existing PD/UP does not require a public hearing. The review authority for MUP's is the Zoning Administrator.

The findings for CUP's and MUP's in the draft code remain essentially the same except for the addition of the following finding:

4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities;

### **Section 20.52.040 - Limited Term Permits (page 5-16)**

This section replaces section 20.60.015 Temporary Structure and Uses of the current code. The section has been significantly revised to provide a clear process, findings for approval and standard conditions of approval for temporary structure and uses. The revised standards specify those temporary uses permitted by right (e.g. Christmas tree lots, work trailers associated with a valid building permit) and those that require ZA approval without a public hearing (90 days or less) and those that require a public hearing (90 days or more). When a use or structure is not allowed by right, the review authority has been changed from the Planning Director to the Zoning Administrator.

### **Section 20.52.050 - Modification Permits (page 5-21)**

The draft code revises Chapter 20.93 (Modification Permits) of the current code by limiting some modification requests (e.g. fence height, setback encroachments) to a maximum 10% deviation from the standard. The existing provisions do not have a cap. The review authority for modification permits remain with the Zoning Administrator. Any request for a greater modification than 10% for the identified standards would require a request and approval of a variance.

### **Section 20.52.060 - Planned Development Permits (page 5-24)**

The Planned Development Permit chapter is a new process that is intended to provide a method whereby land may be developed or redeveloped as a unified site resulting in better design than what would be possible by using the standard regulations. This process and associated findings were drafted provide flexibility for infill development or re-developed on unusually shaped lots or lots that are otherwise constrained. This new

process would allow for the review of a single permit and single set findings rather than a request for multiple modification permits or variances or using the Planned Community designation for developments that don't warrant use of the PC process due to their limited size.

#### **Section 20.52.070 - Reasonable Accommodations (page 5-26)**

In Chapter 20.98 of the current code, it is unclear as to which body has review authority when another discretionary permit is applied for concurrently with a request for reasonable accommodation. Therefore, the provisions have been revised to clarify review authority when a reasonable accommodation application is filed concurrently with another discretionary application. The revised regulations indicate that the request for reasonable accommodation shall be heard with any associated discretionary permit when they are applied for concurrently.

#### **Section 20.52.080 - Site Development Reviews (page 5-31)**

This section significantly revises the Chapter 20.92 (Site Plan Review) of the current code by expanding the applicability and providing more guidance for review. The new provisions provide a process for the comprehensive review of some development projects not otherwise subject to discretionary review to ensure compliance with the zoning code, general plan policies and site design criteria. Review authority rests with the Zoning Administrator or Planning Commission, as specified by Table 5-2 on page 5-34.

#### **Section 20.52.100 - Zoning Clearances (page 5-37)**

The draft code adds a Zoning Clearance process that provides a procedure to verify that proposed developments, uses or projects comply with the list of uses and development standards for the applicable zoning district. All zoning clearances are ministerial. Examples of zoning clearances are Planning Department approval of a building permit or sign-off on a business license.

#### **Chapter 20.58 - Specific Plan Procedures (page 5-51)**

This chapter revises the Specific Plan procedures found in Chapter 20.40 of the current code to provide a process for preparing, processing, reviewing, adopting, and amending specific plans in compliance with Government Code Section 65450 et seq.

## **Part 6 – Zoning Code Administration (page 6-1)**

Part 6 of the zoning code describes the authority and responsibility for code administration. Also included are the procedural requirements for public hearings, appeals, code amendments and code enforcement. These regulations are located in Part 6 of the current code. The notable change in the draft Part 6 is that the public hearing requirements for discretionary permits have been consolidated into one chapter whereas the current code describes the hearing process in each individual discretionary permit chapter. Otherwise, the review authority, hearing processes, appeal procedure and code enforcement regulations remain essentially unchanged.

## **Part 7 – Definitions (page 7-1)**

Part 7 includes all definitions of terms that are technical or specialized, or that may not reflect common usage. Included are the definitions of the land uses found in land use tables located in Part 2. The current code separates the definitions (Chapter 20.03) from the land uses classifications (Chapter 20.05). The combining of all terms in one location will help reduce instances where a term or land use description is overlooked because the wrong list was consulted. Land use definitions are identified by the term, “(Land Use)” following the entry. For example “Hedge” is a definition and “Hospital” is a land use definition:

**Hedge.** A group of shrubs or trees planted in a line or in groups forming a compact, dense, barrier that protects, shields, separates, or demarcates an area from view. For purposes of this definition, a shrub is a perennial woody plant smaller than a tree, having multiple permanent stems branching from or near the base and lacking a single trunk; a bush. See “Fence.”

**Hospital (Land Use).** An establishment that provides medical, surgical, psychiatric, or emergency medical services to sick or injured persons, on an inpatient or outpatient basis. Includes facilities for training, research, and administrative services for patients and employees. May include accessory pharmacy uses and food service uses. Does not include walk-in clinics (“Emergency Health Facilities”).



## **Part 8 – Maps (page 8-1)**

Part 8 includes all the maps referenced though out the code except the Zoning Map, which is adopted by reference and described in Part 1.

### **Area Maps**

The area maps depict geographic boundaries for areas in the city that are subject to unique standards. For example, the section below identifies standards applicable to specific geographic areas. These maps replace the meets and bounds descriptions for these standard found in the current code.

### **Bluff Overlay Maps**

The bluff Overlay maps depict the geographies and development areas included in the Bluff (B) Overlay District (Section20.28.040).

### **Height Limit Areas**

The height limit areas map depict the location of the Shoreline Height Limit Area and High Rise Height Area (see section 20.30.060). The Shoreline Height Limit Area is the same as the current code. The High Rise Height Limit Area has been lowered from 375 feet to 300 feet and several areas within adopted Planned Communities that have established lower height limits, such as the North Ford PC, are no longer included.

### **Setback Maps**

The set of 31 setback maps replaces the current set of 77 Districting Maps. The Districting Maps are both official zoning map and the setbacks maps. The Districting Maps date back to 1943 and include hundreds of code amendments and are a combination of hand-drawn and digital cartography. The setbacks on the districting maps have been transferred to the set of 31 setback maps. The zoning map (wall map), referenced in Part 1 is the official zoning map.