

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONSIDERATION OF ZONING CODE UPDATE TO BRING INTO CONFORMANCE WITH THE LAND USE AND HOUSING ELEMENTS (DEVELOPMENT PERMIT APPLICATION NO. 11-12)

BACKGROUND

On August 6, 2012, the Council conducted a public hearing to consider a comprehensive update to the Zoning Code. The Council took action to adopt a Negative Declaration, approve a General Plan and Local Coastal Program amendment, and conducted a first reading of the Ordinance to adopt the Zoning Code update. On August 20, the Council considered the second reading of the Ordinance. As a result of public input, the Council directed staff to revise the section on legal non-conforming uses and bring the item back for first reading. This staff report only addresses the proposed revision to the legal non-conforming section of the Zoning Code update. For a comprehensive background on the Zoning Code update, please refer to the August 6, 2012 City Council staff report (reference Attachment 2).

DISCUSSION

The Zoning Code update would change the zoning from Coastal Industrial Commercial to Coastal Commercial for the area generally bounded by Ramona Avenue, Front Street, Beckett Street, and Atlantic City. The zone change would eliminate light industrial uses as a permitted use, which would make all existing light industrial uses legal non-conforming. In addition, the Zoning Code update would reduce the period that a legal non-conforming use is abandoned from one year to 180 days.

As a result of public input from a property owner on Beckett Street, the Council directed staff to revise the section on legal non-conforming uses to increase the abandonment period in the Coastal Commercial zone to one year. Therefore, staff has revised the section as follows (additions are shown in underline and **bold** font, deletions are shown in ~~strike-through~~):

Section 7.04.050 Loss of Nonconforming Status

A. Termination by Abandonment.

- 1. Nonconforming use. If a nonconforming use is discontinued for a continuous period of 180 days or more in any zone except the Coastal Commercial zone, all rights

APPROVED FOR FORWARDING



ROBERT PERRAULT
CITY MANAGER

Please Review for the Possibility of a Potential Conflict of Interest:

- None Identified by Staff
- Bright
- Shoals
- Molnar
- Nicolls
- Peterson

Meeting Date: October 1, 2012

Agenda Item No. 2

to legal nonconforming status shall terminate. **If a nonconforming use is discontinued for a continuous period of one year or more in the Coastal Commercial zone, all rights to legal nonconforming status shall terminate.** The Director shall make a determination of discontinuance based on evidence such as the removal of equipment, furniture, machinery, inventory, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or lack of business records to document continued operation.

2. Extensions of nonconforming uses or structures. An applicant can file an application for a Use Permit (Subsection 6.20.090) before the expiration of the ~~180-day~~ **abandonment** period to extend the life of the nonconforming use. The Commission may approve a Use Permit to allow an extension, if the Commission finds that circumstances of a significant or unusual nature prevent or have prevented the timely reestablishment of the use or structure.
3. Termination. Once the rights to a legal nonconforming status have terminated, any further use of the site or structure shall comply with the current standards of the applicable zone and all other applicable provisions of the Development Code.

ALTERNATIVES

The City Council has the following alternatives to consider:

1. Conduct the public hearing and introduce the Ordinance to amend the Municipal Code, by title only, and schedule the second reading and adoption at the next regular City Council meeting; or
2. Provide alternative direction to staff.

RECOMMENDED ACTION

It is recommended that the City Council conduct the public hearing and introduce the Ordinance to amend the Municipal Code, by title only, and schedule the second reading and adoption at the next regular City Council meeting

FISCAL IMPACT

The proposed Zoning Code update would not have a fiscal impact on the General Fund.

PUBLIC NOTIFICATION

On September 21, 2012, the public hearing notice was posted as required by City code and published in The Tribune. The proposed Zoning Code update affects more than 1,000 properties within the City, which requires a one-eighth page notice be published. The agenda was posted in accordance with the Brown Act. The property owner on Beckett Street who spoke at the August 6, 2012 City Council meeting was also sent a copy of the Public Hearing notice.

ATTACHMENTS

1. Ordinance No. 12-__ (Exhibit A available for review at the City Hall front counter)
2. City Council Staff Report Dated August 6, 2012 (without attachments)

ORDINANCE NO. 12-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH
AMENDING GROVER BEACH MUNICIPAL CODE ARTICLE IX PLANNING
AND ZONING REGULATIONS AND ARTICLE VII PUBLIC WORKS ASSOCIATED WITH
DEVELOPMENT PERMIT APPLICATION NO. 11-12**

WHEREAS, in November 2009 the City updated the Housing Element of the General Plan, which included many new policies regarding housing; and

WHEREAS, in February 2010, the City Council adopted a comprehensive update to the Land Use Element of the General Plan, which included many new policies regarding future development of the City; and

WHEREAS, in January 2011 the City adopted the West Grand Avenue Master Plan, which included new guidelines for development along West Grand Avenue; and

WHEREAS, Section 65860 of the California Government Code directs that a city's zoning ordinance must be consistent with its General Plan; and

WHEREAS, it is necessary for the Zoning Code to be updated to bring it into conformance with the updated Land Use and Housing Elements; and

WHEREAS, Article IX Chapters 1 Zoning Regulations, Chapter 2 Subdivision Regulations, Chapter 4 Signs and Chapter 5 Tree Regulations are being reorganized and reformatted to create a new Article IX to be known as the "Development Code"; and

WHEREAS, Article IX Chapters 1 Zoning Regulations, Chapter 2 Subdivision Regulations, Chapter 4 Signs and Chapter 5 Tree Regulations shall serve as the "Interim Zoning Code" for the area of the City within the Coastal Zone until such time the new Article IX known as the "Development Code" is approved by the Coastal Commission; and

WHEREAS, Article IX Chapter 3 Underground Utility Districts is being deleted and added in its entirety to Article VII Public Works as Chapter 7; and

WHEREAS, Article VII Public Works, Chapter 3 Flood Damage Prevention Regulations is being deleted and replaced with new flood hazard regulations in Article IX Chapter 5 consistent with the new FEMA model ordinance; and

WHEREAS, public notice has been given in the time and manner required by State law and City code; and

WHEREAS, the Planning Commission of the City of Grover Beach has reviewed and considered the proposed Zoning Code Amendment associated with Development Permit Application No. 11-12 at Public Hearings on July 9 and July 24, 2012; and

WHEREAS, at its meeting of August 6, 2012, the City Council duly considered all evidence, including public testimony from interested parties, and the evaluation and recommendations by the Planning Commission, presented at said hearings and conducted a first reading, by title only, of Ordinance No. 12-05; and

WHEREAS, at its meeting of August 20, 2012, the City Council did not conduct a second reading of the Ordinance and directed staff to amend the legal non-conforming use section; and

WHEREAS, at its meeting of October 1, 2012, the City Council duly considered all evidence, including public testimony from interested parties, and the evaluation and recommendations by the Planning Commission, presented at said hearings and conducted a first reading, by title only, of Ordinance No. 12-__ which included a revision to the legal non-conforming use section for the Coastal Commercial zone; and

WHEREAS, at its meeting of October __, 2012, the City Council conducted a second reading, by title only of Ordinance No. 12-__; and

WHEREAS, the City Council makes the following findings:

1. Changes to the Development Code were made to maintain consistency with the General Plan Land Use and Housing Elements.
2. Changes to the Zoning Map were made to maintain consistency with the General Plan Land Use Element.
3. The City has prepared an Initial Study and Negative Declaration in compliance with California Environmental Quality Act and determined in its independent judgment that the Amendment would not have a significant impact on the environment.

THE CITY COUNCIL OF THE CITY OF GROVER BEACH does hereby ordain as follows:

PART 1. For the areas of the City that are not within the Coastal Zone, Article IX Planning and Zoning Regulations, Chapter 1, Chapter 2, Chapter 4 and Chapter 5 are hereby deleted in their entirety and replaced with Exhibit "A" referenced as the 2012 Grover Beach Development Code, except that all regulations effecting the CPR1, CR1, CR2, CR3, CVS, CC, CI, CIC, COS, CGC, CVB, and CPB zones shall not take effect until Part 4 becomes effective.

PART 2. Article IX Planning and Zoning Regulations, Chapter 3 Underground Utility Districts is hereby deleted in its entirety and added in its entirety to Article VII Public Works, Chapter 7 Utility Undergrounding Districts.

PART 3. Article VII Public Works Chapter 3 Flood Damage Prevention Regulations is hereby deleted in its entirety and replaced with new flood hazard regulations in Article IX Chapter 5.

PART 4. For the areas of the City that are within the Coastal Zone, Article IX Planning and Zoning Regulations, Chapter 1, Chapter 2, Chapter 4 and Chapter 5 are hereby deleted in their entirety and replaced with Exhibit "A" referenced as the 2012 Grover Beach Development Code. Until such time that Part 4 becomes effective, Article IX Planning and Zoning Regulations, Chapter 1, Chapter 2, Chapter 4 and Chapter 5 shall serve as the interim Planning and Zoning Regulations for the CPR1, CR1, CR2, CR3, CVS, CC, CI, CIC, COS, CGC, CVB, and CPB zones and shall be referenced as "Article IX-A Interim Planning and Zoning Regulations for the Coastal Zone".

PART 5. For the areas of the City that are within the Coastal Zone, the following Zoning Map amendments to Article IX Section 2.10.020.B Official Zoning Map are amended as follows:

General Location/Area	Current Zone	Proposed Zone
950 El Camino Real	CPC	CVS
Beckett Industrial area	CIC	CC

General Location/Area	Current Zone	Proposed Zone
150 South Highway 1 (Train Station)	PF	CVS
202 South 3 rd St.	CI	CC
South side of Ramona Ave. between 2 nd & 4 th Streets	CR2	CVS

PART 6. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared in violation of the law.

PART 7. Parts 1, 2, and 3 of this Ordinance shall become effective thirty (30) days after the date of its adoption, except that all regulations effecting the CPR1, CR1, CR2, CR3, CVS, CC, CI, CIC, COS, CGC, CVB, and CPB zones shall not take effect until Part 4 becomes effective. Within fifteen (15) days after its adoption by the City Council, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

PART 8. Parts 4 and 5 of this Ordinance **shall not become effective until final certification by the California Coastal Commission.** However, within fifteen (15) days after adoption by the City Council, the Ordinance shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held October 1, 2012, and **PASSED, APPROVED,** and **ADOPTED** by the City Council on October __, 2012, on the following roll call vote, to wit:

AYES: Council Members -
NOES: Council Members -
ABSENT: Council Members -
ABSTAIN: Council Members -

DRAFT

JOHN P. SHOALS, MAYOR

Attest:

DONNA L. McMAHON, CITY CLERK

Approved as to Form:

MARTIN D. KOCZANOWICZ, CITY ATTORNEY

EXHIBIT A

DEVELOPMENT CODE UPDATE

DATED OCTOBER 1, 2012

(Available for review at the City Hall front counter
and the City of Grover Beach website –
www.grover.org.)

A full copy of the attachment will be included with the
final adopted and fully-executed Ordinance)

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

**FROM: BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
JANET REESE, PLANNER II**

**SUBJECT: CONSIDERATION OF ZONING CODE UPDATE AND ASSOCIATED
GENERAL PLAN AND LOCAL COASTAL PROGRAM AMENDMENTS TO
BRING INTO CONFORMANCE WITH THE LAND USE AND HOUSING
ELEMENTS (DEVELOPMENT PERMIT APPLICATION NO. 11-12)**

BACKGROUND

In February 2010, the Council adopted a comprehensive update to the City's General Plan Land Use Element (available for viewing on the City's website at www.grover.org > Community Development Department > Documents, Forms & Resources). The Land Use Element (LUE) contains broad land use policies that are implemented through the regulations and development standards contained in the City's Zoning Code. As a result, the City's Zoning Code needs to be updated to incorporate the new policies of the LUE. The update of the Zoning Code was deferred until the adoption of the West Grand Avenue Master Plan in January 2011 so the Council could provide additional direction on the vision for the City's main commercial corridor. In February 2011, the Council adopted a Zoning Map amendment that brought a majority of the zoning map into conformance with the LUE.

This final step of updating the Zoning Code will bring it into full conformance with the LUE. This will also require a few amendments to the Land Use Element. In addition, amendments are required to the Local Coastal Program (LCP) to reflect the changes to the LUE and Zoning Code. After final adoption of the Zoning Code update, an application will be submitted to the Coastal Commission for its review regarding the portions of the LUE and Zoning Code that affect development within the Coastal Zone and the LCP amendments.

In addition to bringing the Zoning Code into conformance with the LUE, the other key goals of the Zoning Code update are as follows:

- Revise the Commercial and Industrial Use Tables to reduce the development review processing time by allowing more "permitted" uses. This allows many types of businesses to occupy existing buildings without lengthy review processes and/or public hearings before the Planning Commission.

APPROVED FOR FORWARDING

**ROBERT PERRAULT
CITY MANAGER**

Meeting Date: August 6, 2012

**Please Review for the Possibility of a
Potential Conflict of Interest:**

None Identified by Staff Bright
 Shoals Molnar
 Nicolls Peterson

Agenda Item No.

- Incorporate development standards and land uses that will emphasize the policies of creating commercial activity nodes consistent with the West Grand Avenue Master Plan.
- Reduce or eliminate regulations where possible to expedite project review consistent with the City's Economic Development Strategy.
- Incorporate policies and programs contained in the 2009 Housing Element update.
- Reformat and consolidate the Zoning Code for ease of use
- Eliminate inconsistencies and outdated terms.

The last comprehensive update to the Zoning Code occurred in 1996. The proposed Zoning Code update is also a comprehensive update and involves a complete reorganization of the document to reduce its size and make it more user-friendly to find applicable information. This includes the creation of tables for development standards and grouping of like information into a single chapter for ease of use. The new format has also incorporated the City's subdivision standards, flood plain regulations, and sign ordinance, which were previously not part of the Zoning Code. In addition, future standards for storm water management, and grading and drainage will be added. As a result of creating a single document that will contain all development regulations, the Zoning Code will be renamed the "Development Code".

Although this is a comprehensive update to the Zoning Code, three main topics were not included as part of this update and will need to be updated in the near future. These sections include signs, planned unit developments, and parking. Once the Zoning Code update is adopted, staff will ask Council for direction in prioritizing the future updates.

The City hired Lisa Wise Consulting (LWC) to assist with the Zoning Code update. LWC was previously involved in the update to the City's Housing Element and the adoption of the West Grand Avenue Master Plan. The primary focus of LWC was to update the commercial zones, code procedures, and administration. Staff has updated and revised the remaining sections.

The Planning Commission held two public hearings on July 9 and July 24, 2012 to allow ample opportunity for public input and Commission discussion on the Zoning Code update (reference draft minutes Attachments 8 and 9). On July 24th, the Planning Commission recommended that the City Council approve the Zoning Code update and the related applications (resolutions recommending approval are available for viewing in the City Manager's office).

DISCUSSION

Development Code Update

The new Development Code is separated into nine chapters as summarized below. Attachment 5 provides a summary of the proposed changes and a reference to the existing Zoning Code section. Sections that indicate "no substantial change" have been revised to include standardized formatting or language, or portions were deleted because the language is covered in another section of the new Development Code. For example, many existing sections of the Zoning Code had language regarding appeals which were redundant; therefore, the language was deleted, but these types of revisions had no effect on the existing regulations or development standards.

- **Chapter 1 Purpose and Applicability** - This chapter provides the basic frame work for the Development Code.
- **Chapter 2 Zones and Allowable Land Uses** - This chapter contains a description of all zones, Use Tables for all zones, Development Standards Tables for all zones, and miscellaneous development standards.
- **Chapter 3 Standards for All Development and Land Uses** - This chapter groups development standards that apply to all zones, such as landscaping, parking and signs.

- Chapter 4 Standards for Specific Development and Land Uses - This chapter groups specific development standards that apply to certain land uses. The specific standard is referenced in the far right column of the Use Tables in Chapter 2. This allows the user to immediately know that there are specific development standards that apply to the use in addition to the Chapter 3 development standards that apply to all projects.
- Chapter 5 Site Development Standards - This chapter contains all development standards that relate to developing a lot such as street improvements and utility undergrounding. Additional standards will be added for storm water management in the future.
- Chapter 6 Procedures - This chapter contains the procedures for filing development applications, the requirements for every type of development permit (e.g., Use Permits), and implementation of development permits.
- Chapter 7 Administration - This chapter contains the procedures for public hearings, appeals, amendments to the General Plan and Development Code, and non-conforming uses, structures and lots.
- Chapter 8 Subdivision Regulations - This chapter contains the regulations for subdividing lots.
- Chapter 9 Definitions - This chapter contains definitions.

Zoning Map Amendments

There are 19 proposed Zoning Map amendments as shown in the table below (reference Attachment 6 for the map indicating the locations). The majority of these are consistent with the LUE update except as indicated in the table. It should also be noted that the table below does not reflect the renaming of several zones to reflect the new land use designations adopted as part of the LUE update. For example, the current Shopping Center (CS) zone would be renamed Retail Commercial (RC) to more accurately correspond to the Retail and Commercial Services land use designation. The "new" Zoning Map which reflects all the zone changes and name changes are included in the draft ordinance (reference Attachment 13, Draft Development Code Section 2.10.020 Official Zoning Map and Zones).

Further, the proposed Zoning Code update would eliminate the following zones: Mobilehome (MH); Coastal Residential Agricultural (CRA); Residential Agricultural (RA); Mixed Use Development (MU); Coastal Planned Commercial (CPC); Planned Commercial (PC); Flood Plain (FP); and Design Development (D). These zones would be replaced by existing zones. For example, the MH and RA zones would be replaced with the R-1 zone which allows residential development consistent with the LUE update. One new zone would be created, the Central Business Open (CBO), for the areas on West Grand Avenue between 5th to 8th Streets and 11th to 14th Streets. This zone would allow for all residential projects.

Zoning Map Amendment Table

No.	General Location/Area	Current Zone	Proposed Zone	Comments
1	950 El Camino Real (Site of approved hotel project)	CPC	CVS	LUE update changed to Retail Commercial land use designation. The Commission recommended changing the zone to Coastal Visitor Serving because the site is located in the Coastal Zone.
2	Nacimiento Avenue Mono Court Owens Court	MH	R1	Change consistent with LUE. This would eliminate the MH zone, but State law still allows mobilehomes in the R1 zone. Net effect is that construction of single family homes using conventional methods would be allowed.

No.	General Location/Area	Current Zone	Proposed Zone	Comments
3	Laguna Court	RA	R-1	Change consistent with LUE.
4	1598 El Camino Real	RA	RC	Change consistent with LUE.
5	1783 to 1825 Farroll Rd. 920 to 975 Rose Court	RA	R1	Change consistent with LUE.
6	1465, 1483, 1499, 1591 Farroll Rd.	RA	R1	Change consistent with LUE.
7	1230 to 1293 South 4 th St.	RA	UR	The zone change to Urban Reserve would require a Specific Plan prior to residential development to ensure a comprehensively planned development. A rezone to R-1 could allow a pocket of residential development independent from the future specific plan area. Alternative is to rezone R-1 consistent with the LUE update.
8	Beckett Industrial area	CIC	CC	Change consistent with LUE.
9	150 South Highway 1 (Train Station)	PF	CVS	The zone change to Coastal Visitor Serving would maintain a "coastal" zone for this site located in the Coastal Zone. This would have no impact on the existing train station use.
10	202 South 3 rd St.	CI	CC	Change consistent with LUE.
11	South side of Ramona Ave. between 2 nd & 4 th Streets	CR2	CVS	Change consistent with LUE.
12	South side of Ramona Ave. between 4 th & 5 th Streets	R3	R3	LUE update changed the land use designation to Visitor Serving – Mixed Use. The Commission recommended retaining the R3 zoning and amending the LUE to the corresponding High Density Residential land use designation (reference GPA #5). Alternative is to rezone Visitor Serving – Mixed Use consistent with the LUE update.
12	South side of Ramona Ave. between 5 th & 8 th Streets	R3	R3	LUE update changed the land use designation to Central Business – Mixed Use. The Commission recommended retaining the R3 zoning and amending the LUE to the corresponding High Density Residential land use designation (reference GPA #5). Alternative is to rezone Central Business Open consistent with the LUE update.
13	247 North 9 th St.	R3	PF	Change consistent with Ramona Specific Plan.
14	809 Ramona Ave.	CP	PF	Change consistent with Ramona Specific Plan.
15	South side of West Grand Ave. between 11 th & 12 th Streets	MU	CBO	Change consistent with LUE.
16	West Grand Ave. between 12 th & 14 th Streets	CS	CBO	Change consistent with LUE.
17	1345 to 1381 Long Branch Ave.	MU	CBO	Change consistent with LUE.

No.	General Location/Area	Current Zone	Proposed Zone	Comments
18	Area bounded by 12 th & 14 th Sts. & Longbranch & Manhattan Aves	CP & R3	R3	LUE update changed these two blocks to Neighborhood Commercial & Low Density Residential. Council subsequently requested the Commission reevaluate the zoning. The Commission recommended both blocks be changed to R3. Alternatives include Neighborhood Commercial, R2 or R3 or a combination.
19	South side of Ramona Ave. between 14 th & 16 th Streets	MU	RC	Change consistent with LUE.

General Plan Map Amendments

As part of the LUE update, a new land use map was adopted. Since then, the Council directed staff to change the land use designation on North 4th Street generally between Ramona Avenue and Brighton Avenue (reference #4 in the Table below). In addition, staff has identified some clean-up items (reference #2 and #7 in the Table below) and a few revisions. In total there are nine proposed General Plan amendments as follows (reference Attachment 7 for the map indicating the locations).

General Plan Amendment (GPA) Table

No.	General Location/Area	Current Land Use Designation	Proposed Land Use Designation	Comments
1	950 El Camino Real (Site of approved hotel project)	Retail Commercial	Visitor Serving	Corresponds to Zoning Map Amendment #1.
2	1541 Hillcrest Ave.	Public Facilities	Low Density Residential	City owned lot for potential affordable housing. Change would make it consistent with proposed residential use.
3	150 South Highway 1	Public Facilities	Visitor Serving	Corresponds to Zoning Map Amendment #9.
4	200 Block N. 4 th St.	Neighborhood Commercial	Medium & High Density Residential	Change based on previous Council direction.
5	South side of Ramona Ave. between 4 th & 5 th Streets	Visitor Serving	High Density Residential	Corresponds to Zoning Map Amendment #12.
5	South side of Ramona Ave. between 5 th & 8 th Streets	Central Business	High Density Residential	Corresponds to Zoning Map Amendment #12.
6	West Grand Ave. From 5 th to 6 th Streets	Visitor Serving	Central Business	Change consistent with the West Grand Avenue Master Plan.
7	247 North 9 th St.	High Density Residential	Public Facilities	Change consistent with Ramona Specific Plan. Corresponds to Zoning Map Amendment #13.
8	Area bounded by 12 th & 14 th Sts. & Long Branch & Manhattan Aves.	Neighborhood Commercial & High Density Residential	High Density Residential	Corresponds to Zoning Map Amendment #18.
9	1230 to 1293 South 4 th St.	Low Density Residential	Urban Reserve	Corresponds to Zoning Map Amendment #7.

Local Coastal Program Amendment

The Local Coastal Program would be amended to reflect the new Land Use Map names (e.g., Visitor Serving Mixed-Use) and the new zone names as follows (reference Attachment 4):

- Chapter 1.3 (Relationship to the General Plan & Zoning Ordinance) would be revised to reflect LUE and the Zoning Code updates.
- Chapter 7 (Description of Land Use and Zoning Designations) would be revised to reflect LUE and the Zoning Code updates.
- Map 5 (Land Use Designations) and Map 6 (Zoning Districts) would be revised to reflect LUE and the Zoning Code updates.
- All references to a specific zone would be revised throughout the document to reflect the Zoning Code updates.

Planning Commission Review

The Planning Commission recommended approval of the Zoning Code update which included a few revisions to the draft Development Code dated July 9, 2012 (previously distributed to the Council). These changes have been incorporated into the revised draft Development Code update dated August 6, 2012 (additions shown in double underline font and deletions shown in ~~strikethrough~~) as follows:

1. Section 2.30.040 End Note #1 was revised to allow an increase in the maximum building height of 50 feet for properties on West Grand Avenue in the Central Business zone (8th to 11th Streets). This would allow for the potential of having four-story mixed use buildings in the downtown core in addition to the corner of West Grand Avenue and 4th Street.
2. Section 2.40.030 End Note #2 was revised to allow the Review Authority to increase the lot coverage to 100% and/or the FAR to 1.50 in the Industrial and Coastal Industrial zones if a finding is made that the project will provide a substantial economic benefit to the City. This would potentially allow high technology businesses attracted by the City's future broadband network to construct three story buildings to take advantage of views.
3. The State has mandated that every City provide an area that would allow an emergency shelter. In February 2011, staff requested direction from the Council on preparing an ordinance to address the state mandate (reference Attachment 10). The Council directed staff to prepare a draft ordinance that would create an overlay zone east of South 4th Street, between Highland Way and the southern City limit (reference Attachment 11). Based on the direction from the Council, the Emergency Shelter Overlay Zone was incorporated into the Zoning Code update (reference Section 2.90.030 of the Development Code). After public comment, the Planning Commission recommended the overlay area be revised to a portion of the industrial area generally south of Farroll Road and east of South 4th Street as shown on the revised Figure 2.3 (reference page 2-39 of the draft Development Code dated August 6, 2012).
4. Section 3.30.050.E.1 and 3 regarding landscaping were revised to allow artificial plant materials and clarify minimum plant sizes.
5. Section 9.10.020 Specialized Education/Training was revised to clarify the uses allowed.

In addition, the Planning Commission recommended revisions to Section 1.20.060, Section 2.10, and Appendix A, which were not included in the draft Development Code dated July 9, 2012, but were subsequently added and are included in the draft Development Code dated August 6, 2012. Further, formatting, numbering and typos have been corrected and

incorporated into the draft Development Code dated August 6, 2012.

ENVIRONMENTAL REVIEW

An Initial Study and Draft Negative Declaration have been prepared for the project (reference Attachment 1, Exhibit A). The majority of the proposed Zoning Code update is a subsequent project that was anticipated and analyzed as part of the Master Environmental Impact Report (EIR) prepared for the Land Use Element update. This means that the potential environmental impacts associated with the proposed Zoning Code update were already evaluated and mitigation measures adopted as part of the Master EIR. However, there are a few proposed revisions that were not previously contemplated in the Master EIR; therefore, an Initial Study and Draft Negative Declaration were prepared and concluded that the proposed project would not have a significant impact on the environment.

ALTERNATIVES

The City Council has the following alternatives to consider:

1. Conduct the public hearing and receive testimony; adopt the Resolution adopting the Negative Declaration; adopt the Resolution approving the General Plan Amendment; Introduce the Ordinance to amend the Zoning Code, by title only, and schedule the second reading and adoption at the next regular City Council meeting; and adopt the Resolution approving the Local Coastal Program Amendment; or
2. Conduct the public hearing, receive testimony, and continue the item to a date certain; or
3. Provide alternative direction to staff.

RECOMMENDED ACTION

It is recommended that the City Council take the following actions:

1. Conduct the public hearing and receive testimony;
2. Adopt the Resolution adopting the Negative Declaration;
3. Adopt the Resolution approving the General Plan Amendment;
4. Introduce the Ordinance to amend the Zoning Code, by title only, and schedule the second reading and adoption at the next regular City Council meeting; and
5. Adopt the Resolution approving the Local Coastal Program Amendment.

FISCAL IMPACT

The proposed Zoning Code update would not have a fiscal impact.

PUBLIC NOTIFICATION

On July 26, 2012, the public hearing notice was posted as required by City code and published in The Tribune on Friday, July 27, 2012. The proposed Zoning Code update affects more than 1,000 properties within the City, which required a one-eighth page notice be published. In addition to meeting the legal noticing requirements, a public hearing notice was mailed on July 26, 2012 to all property owners who have properties potentially impacted by the proposed Zoning Map amendments. The agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Resolution No. 12-__ Adopting the Negative Declaration
2. Resolution No. 12-__ Approving the General Plan Amendment
3. Ordinance No. 12-__ Approving the Zoning Code Amendment
4. Resolution No. 12-__ Approving the Local Coastal Program Amendment
5. Summary of Proposed Zoning Code Updates
6. Map of Proposed Zoning Map Amendments
7. Map of Proposed Land Use Map Amendments
8. Planning Commission Draft Meeting Minutes Dated July 9, 2012
9. Planning Commission Draft Meeting Minutes Dated July 24, 2012
10. City Council Staff Report on Emergency Shelters Dated February 7, 2011(with attachments)
11. Council Directed Draft Emergency Shelter Overlay Zone
12. Correspondence Received on the Zoning Code Update
13. Draft Development Code Update Dated August 6, 2012 (provided under separate cover)