

Process and Procedures Ordinance Analysis

I previously sent out information on the proposed ordinance, including the City Planning Department Summary and the table of who within the City review and approval chain are responsible for review and approval of various processes involved in planning and land use issues. Here is a summary of the table and other material of concern that I noted in a detailed review of the first 90 pages of the 250 page details of modifications to code. The entire document contains 984 pages, but after the 250 pages it is primarily the proposed final code documents. I'm not sure where we should go with this ordinance, except perhaps to write a note on items I've noted below.

1. Role of the Zoning Administer. The ZA role seems to be greatly reduced with decisions on many matters going to the Area Planning Commission or directly to the Planning Director. There are no public hearings on the matters that go to the Director, although almost all are appealable to the Area Planning Commission with public hearings at that time. These issues that go to the director include specific plan interpretations, lot line adjustments, director determinations, specific plan project interpretation and compliance, and preliminary parcel maps.

2. Notification. The number of people and organizations notified of proposed projects and changes is greatly reduced. Instead of the current requirement that appropriate Neighborhood Councils and properties within 500 feet be notified, notification would be limited to the appropriate Council person and the nearest 20 property owners.

3. Lot Size. There may be reductions in the minimum width and area of single family lots:

- RA may be reduce from 17,500 square feet to 14,000 with a width reduction to 63 feet
- RE 40 from 40,000 sq. ft. to 32,000 (not width reduction)
- RE 20 from 20,000 to 16,000 with a width reduction to 72 feet
- RE 15 from 15,000 to 12,000 with a width reduction to 72 feet
- RE 11 from 11,000 to 8,000 with a width reduction to 63 feet
- RE 9 from 9,000 to 7,200 with a width reduction to 60 feet

4. Open Space. For new projects a Director Determination shall not exceed: (1) a ten percent reduction in the total required usable open space, provided that any reduction is to the common open space portion only; or (2) a ten percent reduction in the required area for planting of ground cover, shrubs and trees in common open space, but that reduction shall not decrease the total required usable open space.

5. Adult Entertainment. A person may establish and maintain, or continue to operate, an adult entertainment business on a lot within 500 feet of an "A" or "R" Zone, or within the "CR", "C1" or "C1.5" Zones, if a site consistent with Section 12.70. C. of this Chapter is not reasonably available elsewhere in the City for the establishment or relocation of the subject adult entertainment business. This exception shall only apply to an adult entertainment business which is otherwise in compliance with all other provisions. This exception shall not apply to massage parlors or sexual encounter establishments.

6. Density Bonus and Parking. Housing Development Projects requesting a Density Bonus without any Incentives (which includes a Density Bonus with only parking requirements) shall be considered ministerial and follow the Affordable Housing Incentives Guidelines and the Density Bonus Procedures. No application for these projects need be filed with the City Planning Department.

7. Density Bonus Increases.

- 11% Very Low Income Units for a 35% density increase;
- 20% Low Income Units for a 35% density increase;
- 40% Moderate Income Units for a 35% density increase in for-sale projects.
- For every additional 1% set aside of Very Low Income Units, the project is granted an additional 2.5% density increase;

- For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or
- For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase.

8. Dwelling Adjacent to an Equinekeeping Use. (a) Notwithstanding any provision of this Chapter to the contrary, the Zoning Administrator shall determine that the City may issue a building permit for any residential building which has a habitable room closer than 35 feet from a legally established equine use, if the Zoning Administrator determines that the residential building cannot reasonably be constructed at a location 35 feet or greater from a legally established equine use. This determination may be made after giving consideration to: (1) Size and configuration of land parcel; (2) Environmental conditions, including but not limited to topography, geology, drainage and soil; (3) Public facilities and easements that restrict buildable area location; (4) Economic hardship; and (5) Feasibility of relocating the equine enclosure

9. Fences or Walls in A or R Zones. (a) A Zoning Administrator may, upon application, permit fences, walls or gates not to exceed eight feet in height, including light fixtures, in the required front yard, side yard or rear yard of any lot or on the side lot line along the street of a reversed corner lot in the A and R Zones.

10. Height and Reduced Side Yards. A Zoning Administrator may, upon application, permit buildings and structures on a lot or group of lots in the RA, RE20, RE15, RE11, RE9, RS, R1 and R2 Zones where the lot is not located in a Hillside Area or Coastal Zone, to exceed the maximum height or number of stories otherwise permitted or to reduce the required side yards otherwise required. In addition to the findings otherwise required by Section 13.4.1. (Conditional Use Permit, Class 1) of Chapter 1A of this Code, a Zoning Administrator shall find:

(1) that the increase in height shall not result in a building or structure that exceeds an overall height of 45 feet;

(2) that the increased height will result in a building or structure which is compatible in scale with existing structures and uses in the same zone and vicinity; and

(3) that the grant is necessary for the preservation and enjoyment of a substantial property right

(4) that the reduction will not result in side yards of less than three feet; and

(5) that the reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.