

Zoning Update Committee**STAFF REPORT**

Michael Colbruno – Chair
 Blake Huntsman – Vice-Chair
 Vien Truong

April 17, 2013

Location:	Citywide
Item:	Discussion of proposed zoning text amendments to Chapter 17.102 and other various parts of the Planning Code, including: 1) Non-Substantive Changes (reformatting, reorganizing and improving the consistency of the Code); 2) Minor-Substantive Changes (text changes to improve the interpretability, clarity, and flexibility of the Code); and, 3) Substantive Changes (changes to the standards in the Code).
Applicant:	City of Oakland
Case File Number:	ZT13065
General Plan:	Citywide
Zoning:	Citywide
Environmental Determination:	Several past environmental documents discussed and evaluated the environmental impacts associated with this proposal and reliance on them satisfies any requirements under the California Environmental Quality Act (CEQA), as specified by CEQA Guidelines Section 15183 “Projects Consistent with a Community Plan, General Plan or Zoning”. Those environmental documents include, but are not limited to, the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the Oakland General Plan, adopted in 1998.
Staff Recommendation:	Review, discuss and recommend approval to the Planning Commission
For Further Information:	Contact Ann Clevenger at 238-6980 or email aclevenger@oaklandnet.com

PROPOSED ZONING TEXT AMENDMENTS

The Land Use and Transportation Element (LUTE) of the City of Oakland General Plan contains the following policy direction calling for a simple, user-friendly and easier-to-interpret Planning Code:

Since the existing Zoning Regulations are regarded as cumbersome and difficult to use, a simpler, more user-friendly code will be developed. (Pg. 170)

To comply with that directive, this report’s proposed zoning text amendments are largely focused on improving consistency, reducing redundancies, and simplifying language of key chapters of the Planning Code. In particular, Chapter 17.102 – General Regulations Applicable to All or Several Zones, is the main subject of this report. In addition to cleaning up Chapter 17.102, other miscellaneous changes are included.

The proposed changes to the zoning text fall into three basic categories:

- I. Non-substantive Changes
- II. Minor-substantive Changes
- III. Substantive Changes

Non-substantive changes include reformatting, reorganizing and improving the internal consistency of the Planning Code and the consistency of the Planning Code with the General Plan Land Use and

Transportation Element (LUTE). Minor substantive changes include text changes to improve the interpretability, clarity, and flexibility of the Planning Code. Finally, staff proposes substantive changes to certain codes to improve the standards in the Planning Code. The content of these proposed changes is summarized in the following report. Please see Attachment A for the proposed zoning text amendments.

Staff requests authorization to make any non-substantive, technical conforming edits to the Planning Code that may have been overlooked in this update.

These proposed changes are scheduled to be presented to the City Planning Commission at a public hearing on May 15, 2013, and will ultimately be presented to the City Council for final approval.

I. NON-SUBSTANTIVE CHANGES

The following section summarizes the proposed Non-Substantive changes to the Planning Code. The Code language is in **bold type** and explanations are in normal type.

- A. Staff proposes to modify the following chapters and sections to improve the clarity and internal consistency of the Code and/or its consistency with the General Plan:

17.07.030 – Purposes of the zoning regulations

Section 17.07.030(A). To promote the achievement of the proposals, policies and objectives of the Oakland General Plan

By inserting the phrase “policies and objectives” to this Section, this amendment would bring consistency between the objectives of the Planning Code with those of the General Plan LUTE.

17.10.280 - Fast-food restaurant commercial activities.

B. Except as may otherwise be allowed in OMC Chapters 5.49, 5.51, and 8.09, the sale of ready-to-consume prepared foods from trucks, pushcarts or other movable equipment located on public or private property on a semi-permanent basis during hours of operation. Vehicular food vending generally has the following characteristics:

For the benefit of the public, Staff proposes to insert a reference to provisions related to food vending found in the Oakland Municipal Code (OMC).

17.10.440 Transient Habitation Commercial Activities

Transient Habitation Commercial Activities include the provision of lodging services to transient guests on a less-than-weekly basis, other than in the case of activities classified by Section 17.10.120 Semi-Transient Residential Activities or Section 17.10.125 Bed and Breakfast Commercial-Residential Activities. Examples include hotels and motels. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

Staff inserted “hotels and motels” as examples of types of Transient Habitation Commercial Facilities and corrected the designation of the Bed and Breakfast classification from Commercial to Residential to be consistent with the rest of the Code.

17.13.060 - Special regulations for ~~mini-lot and~~ planned unit developments.

Staff proposes to remove the reference to mini-lots from the RH (Hillside Residential) zones. This inclusion was an oversight in a previous zoning update and the change is consistent with the old R-1, R-10, and R-20 zones.

17.58 Central Business District

Table 17.58.04, note 2: For mixed use projects in the Central Business District (CBD) zones, the allowable intensity of development shall be measured according to the maximum Floor Area

Ratio (FAR) allowed by the zone without a separate residential density calculation, provided the maximum number of units is not exceeded. No portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through the maximum floor area ratio, the maximum amount of floor area for any nonresidential facility on the same lot, and visa versa.

Staff proposes to delete the existing language regarding density calculations for mixed use projects located in the Central Business District and replace it with language that is consistent with that used in 17.106.030(A).

17.130.060 - Obligation of applicant to defend, indemnify, and hold harmless the City of Oakland

A. To the maximum extent permitted by law, the applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, City of Oakland Redevelopment Successor Agency, the Oakland City Planning Commission and its respective agents, officers, volunteers and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision and/or a (Lease) Disposition and Development Agreement; or (2) implementation of such an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

B. Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this Section or any other requirements or conditions of approval that may be imposed by the City.

Staff added clarifications to the above language.

17.102.310 — Special regulations for certain projects with development agreements

17.138.015— Projects eligible and special regulations for projects with development agreements

Staff proposes to relocate Section 17.102.310 to a new Section 17.138.015(A) and (B), and modify the language to add “successor to the” Redevelopment Agency and delete “major” in reference to affected permit types.

Chapter 17.142 — Mini Lot and Planned Unit Development Regulations

Staff added a separate mini-lot section in the chapter to clarify applicability and basic provisions.

17.142.030 – Developments for which planned unit development permit approval is required or requested

Staff added a new subsection B to clarify that:

B. Unless required by the Planning Director, other large, integrated developments involving the same minimum land area thresholds of a planned unit development, as defined in Section 17.142.020, are permitted without such a permit. However, an applicant of such a development may request a planned unit development permit pursuant to the planned unit development procedure in Chapter 17.140, but shall be subject to all regulations generally applying in the zone in which they are located.

B. Staff proposes to move or combine the following code chapters and sections as noted:

~~Chapter 17.68 M-20 Industrial Zones Regulations~~

~~Chapter 17.70 M-30 Industrial Zones Regulations~~

~~Chapter 17.72 M-40 Industrial Zones Regulations~~

Chapter 17.72 M-20, M-30, and M-40 Industrial Zones Regulations

Staff proposes to combine these three Industrial zones into one chapter that will be in the same format as the most recently adopted zones.

17.102.070 - Application of zoning regulations to lots divided by zone boundaries

Staff proposes to move this entire section to 17.154.060 Zoning maps.

17.07.065 17.102.080 - Permitted and conditionally permitted uses

A. Other Uses Prohibited. Except as otherwise provided in Sections 17.114.030 ~~17.102.040~~ and 17.154.060, ~~17.102.070~~, the nonconforming use regulations in Chapter 17.114, and the planned unit development regulations in Chapter 17.142, or as authorized under Section 17.138.015, ~~17.102.310~~, the development agreement procedure in Chapter 17.138, or the variance procedure in Chapter 17.148, no land shall be improved or used for any activity or facility which is not listed as permitted or conditionally permitted in the applicable individual zone regulations or development control maps.

B. Relationship Between Activities and Facilities. A use must qualify under the zoning regulations both as an activity and as a facility. A permitted or conditionally permitted activity may be accommodated or served only by a permitted facility or, upon the granting of a conditional use permit, by a conditionally permitted facility; and a permitted or conditionally permitted facility may accommodate or serve, or be designed to accommodate or serve, only a permitted activity or, upon the granting of a conditional use permit, a conditionally permitted activity.

Staff proposes to move Section 102.080 to 17.07 Title purpose and scope of zoning regulations, and correct the references as shown.

17.102.100 - Conditions for accessory parking serving activities which are not themselves allowed

Staff proposes to move this entire section to 17.116 Off-Street Parking and Loading Requirements.

17.102.220 - Special regulations applying to mining and quarrying extractive activities

Staff proposes to move this entire section to its own, new chapter 17.155, because it is so lengthy.

17.102.280 - Rules for determining the number of habitable rooms in Residential Facilities

Staff proposes to move this entire section to Chapter 17.09 Definitions ("Habitable room" and "Habitable rooms, number of").

17.102.310 - Special regulations for certain projects with development agreements

Staff proposes to move this section to Chapter 17.138 Development Agreement Procedure.

17.102.320 - Conditional use permit for waiver of certain requirements in mini-lot developments

Moved to 17.142 Planned Unit Development Regulations so that both types of integrated developments, PUD's and mini-lots, are in the same chapter.

17.102.400 - Special design requirements for lots that contain Residential Facilities and no Nonresidential Facilities

Paving restrictions moved to a footnote in the zoning chapters that allow residential facilities;
Screening of utility meters and trash containers moved to Chapter 17.124 Landscaping and Screening standards. (Exterior security bars and grills regulations stay in 17.102.400).

17.102.260 "Occupancy of a dwelling unit"**17.09.040 Definitions**

"Dwelling unit" means a room or suite of rooms including one and only one kitchen, except as otherwise provided in Section 17.102.270, and designed or occupied as separate living quarters ~~for one of the persons or groups specified in Section 17.102.260. one person or family; or,~~ where the facility occupied is a One-Family Dwelling, such family and not more than three (3) boarders, roomers, or lodgers, where access to all rooms occupied by such boarders, roomers, or lodgers is had through the main entrance of the dwelling unit.

Section 17.102.260 "Occupancy of a dwelling unit" is essentially a definition of a dwelling unit; therefore, Staff proposes to delete Section 17.102.260 and combine its language with the definition of "Dwelling unit" in Section 17.09.040.

- C. Staff proposes to delete the following sections in their entirety because they serve no purpose:

~~17.10.760 Shopping Center Facility.~~

~~A. Shopping Center Nonresidential Facility is a complex of one or more retail buildings and related facilities forming a central retail market within a given area and having a common parking area.~~

~~17.102.020 Supplemental Zoning Provisions~~

~~The definitions, special use classification rules, and other provisions set forth in Chapters 17.07, 17.09 and 17.10; the provisions of 17.108.130; the nonconforming use regulations in Chapter 17.114; the rezoning, variance, and other provisions set forth in Chapters 17.130 through 17.152; and the provisions of the zoning maps in Chapter 17.154 shall apply throughout the city. The planned unit development regulations in Chapter 17.1432 shall apply in the zones and situations specified in said chapters. The provisions of development control maps are in addition to, or supersede when so specified, the regulations applying in the zones covering the same area.~~

- D. Staff proposes to delete the following section in its entirety because there is already a regulation that addresses this issue in 17.10.040 Accessory Activities.

~~17.102.130 Time limit on operation of subdivision sales offices - Residential Zones.~~

- E. Staff proposes to move all of the following sections to a new Chapter 17.103 Special regulations and findings for certain use classifications that will contain special regulations that apply to a particular use classification that is listed in Chapter 17.10:

17.102.210 - Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or, and electronic games

17.102.212 - Special Regulations Applying to Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities

17.102.290 - Special regulations for Drive-Through Nonresidential Facilities

17.102.335 - Standards for Sidewalk Cafes

17.102.360 - Secondary Units

- 17.102.370 - Conditional use permit for hotels and motels**
- 17.102.390 - Regulations Applying to Special Health Care Civic Activities**
- 17.102.430 - Regulations applying to check cashier and/or check cashing activity**
- 17.102.440 - Special regulations for primary collection centers in all zones**

- F. The following new code section and related code changes are proposed (a) to codify the long-standing practice of processing minor permits with major permits; and (b) to clarify that this only applies to the procedural requirements, but that the substantive requirements of minor permits (i.e., findings) still apply:

17.130.090 – Minor land use permits considered concurrently with Major permits.

- A. Any Minor land use related permit and/or approval that is related to a development application that also includes any Major land use related permit and/or approval shall be considered concurrently with the Major land use related permit and/or approval, and shall follow all procedural requirements associated with City Planning Commission decisions. In this case, the entire application shall initially be considered by the City Planning Commission and may be appealed to the City Council, in accordance with the requirements for Major land use related permit and/or approval or discretionary actions.
- B. Any Minor land use related permit referred to the City Planning Commission for initial decision in order to be considered concurrently with any Major land use related permit and/or approval shall still be considered a Minor land use related permit and/or approval, and the required findings for said Minor land use related permit and/or approval shall apply.

17.134.020 – Definition of major and minor conditional use permits.

Staff deleted Subsection 17.134.020(3)(h) to clarify that a minor conditional use permit referred by the Planning Director to the Planning Commission for initial decision is still considered a minor permit.

17.134.040(B) – Procedures for consideration – Minor Conditional Use Permits

Staff added language to clarify that a minor conditional use permit referred by the Planning Director to the Planning Commission for initial decision is still considered a minor permit, but shall simply be processed according to the Major CUP procedure.

17.136.040(D) – Regular Design Review – Procedure for Consideration

Staff added language to clarify that a regular design review permit referred by the Planning Director to the Planning Commission for initial decision is still considered a minor permit, but shall simply be processed according to the Major Permit procedure.

17.148.020 – Definition of major and minor variances.

~~7. Any variance application that requires development of an Environmental Impact Report;~~

~~8. Any variance application referred by the Director of City Planning to the City Planning Commission for initial decision pursuant to Section 17.148.040(B)(1).~~

Subsection 7 was deleted to clarify that a minor variance that is simply accompanying a project that requires an EIR does not make the variance a Major permit.

Subsection 8 was deleted to clarify that a minor variance referred by the Planning Director to the Planning Commission for initial decision is still considered a minor permit.

17.148.040 – Procedure for consideration

Staff added language to subsection B, Minor Variances, to clarify that a minor variance referred by the Planning Director to the Planning Commission for initial decision is still considered a minor permit, but shall simply be processed according to the Major Variance procedure.

G. Other general clean-up:

- Staff inserted the word "Section" prior to the section number where appropriate (e.g., "17.105.010" changed to "Section 17.105.010").
- Numbers were placed in parentheses and inserted after spelled-out numbers where appropriate (e.g., "35 feet" was changed to "thirty-five (35) feet").
- When massage, adult entertainment; check cashing; special health care, fast food are permitted or conditionally permitted in a zone, new notes are added in the Activity Tables directing the reader to further regulations in Chapters 17.102 or 17.103.
- 17.65.030, Note L3 - Staff added a missing note for General Warehousing Activities in order to fix an error during the HBX Zones text amendment.

II. MINOR-SUBSTANTIVE CHANGES

The following section summarizes the proposed Minor-Substantive changes to the Planning Code. The Code language is in **bold** type and explanations are in normal type.

17.09.040 Definitions

Staff proposes to add the following definition for "gross vehicle rating":

"Gross vehicle weight rating" means the vehicle weight specified by the manufacturer as the maximum loaded weight (truck plus cargo) of a single vehicle.

This is the industry standard and creates consistency in the truck activity classifications.

Table 17.35.04 - Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

Staff proposes to adjust/increase the density for rooming units in the 120- and 160-foot height areas from "one unit per 225 sf of lot area" to "one unit per 110 sf of lot area", in order to correct a previous typographical error that reduces density for rooming units located in the tallest height areas.

Table 17.58.03: Property Development Standards

Staff proposes to change the required percentage of façade transparency in the CBD zones to be consistent with standards in other zones.

The updated Industrial classifications, created in 2008, were not included in the activity table for the HBX, M-10 to M-40 zones, and the C-45 and C-40 zones. Staff proposes to integrate these activities into the chapters to correct this oversight.

~~**17.102.250 Maximum density and floor area ratio during construction**~~

Staff proposes to delete this section because it has never been an issue and has proven difficult to enforce.

~~**17.114.030 17.102.040- Effect of prior permits.**~~

A. Fundamental Vested Rights Not Abrogated By Code Adoption or Amendment. The adoption of, or amendment to, the Planning Code (Chapter 17); including without limitation, ordinances enacted pursuant to Oakland City Charter section 213 (Emergency Ordinances) and/or ordinances enacted pursuant to Government Code section 65858 (Urgency Measure/moratoria), shall not abrogate any fundamental vested rights established pursuant to State law, including, without limitation, those established pursuant to the prior valid adoption and execution of a development agreement under Section 17.138.015 and the development agreement procedure in Chapter 17.138. Absent the prior establishment of such vested rights, any Planning Code adoption or amendment shall apply.

~~**A. Building and Sign Permits and Development Agreements. Whenever any subsisting**~~

~~building permit or sign permit has been lawfully issued beforehand, or whenever a subsisting development agreement has been approved beforehand under Section 17.102.310 and the development agreement procedure in Chapter 17.138, neither the original adoption of the zoning regulations nor the adoption of any subsequent rezoning or other amendment thereto shall prohibit the construction, other development or change, or use authorized by said permit or agreement. The uses as they result shall be deemed noneconforming uses and subject to the noneconforming use regulations in Chapter 17.114, except to the extent that they are authorized by a subsisting conditional use permit, development agreement, variance, or other special zoning approval.~~

B. Alcoholic Beverage Control Licenses. On premises for which a valid state of California Alcoholic Beverage Control license had been issued, and which premises had been used in the exercise of the rights and privileges conferred by the license at a time immediately prior to the effective date of the applicable provisions of Section ~~17.102.210~~ 17.103.030, the premises may hereafter be used in the exercise of the same rights and privileges without requiring a conditional use permit or having to meet the provisions of the aforesaid section. ~~Such use~~The uses as they result that do not conform to the zoning regulations shall be deemed a nonconforming use and subject to the nonconforming use regulations, except as otherwise provided in Sections 17.114.020 and 17.114.030. For the purposes of this subsection, the word "premises" shall mean and include only the actual space within a building devoted to the sale of alcoholic beverages on said effective date.

Staff proposes to move the section above to Chapter 17.114 - Non-Conforming Uses, and clarify it to be consistent with State law.

In addition, language was added to the following sections to: A) codify and clarify the long-standing practice limiting evidence and testimony during appeals to evidence submitted in the appeal form itself and presented (1) prior to the close of the written public comment period for the underlying decision being appealed, in the case of appeals based on a decision by the Zoning Administrator or other administrative decisions, or (2) prior to the close of the City Planning Commission's public hearing for the underlying decision being appealed, in the case of appeals based on decisions made by the City Planning Commission, as applicable; and (B) eliminate the requirement that, if the City Council is unable to decide an appeal, the matter appear for a vote on each regular meeting of the Council thereafter until decided.

17.130.050 - Presentation of written and documentary evidence

17.134.040 - Procedures for consideration

17.134.060 - Appeal to Planning Commission-Minor Conditional Use Permits

17.134.070 -Appeal to Council-Major Conditional Use Permits

17.136.040 - Regular Design Review

17.136.080 - Appeal to Planning Commission—Regular design review

17.136.090 - Appeal to City Council—Regular design review

17.040.030 - Preliminary Planning Commission action

17.040.060 - Final Planning Commission action

17.140.070 - Appeal to Council

17.144.090 - Council action

17.148.040 - Procedure for consideration

17.148.060 - Appeal to Planning Commission—Minor variances

17.148.070 - Appeal to Council—Major variances

17.156.140 - Procedure for consideration of violations to performance standards

17.156.150 - Procedure for consideration of violations to conditions of approval

17.156.160 - Appeal to Planning Commission

17.156.170 - Appeal on the revocation of a Deemed Approved Status to the City Council

- 17.157.110 - Procedure for consideration of violations to performance standards
- 17.157.120 - Procedure for consideration of violations of conditions of approval
- 17.157.130 - Appeal to City Planning Commission
- 17.157.140 - Appeal on the revocation of a Deemed Approved Status to the City Council

Further, new language was added to the following sections to: require items sent to the Landmarks Board or Parks and Recreation Commission for review to automatically be sent back to either the Director or the Planning Commission for review after a 30-45 day period. This is to give certainty to the process and ensure projects do not linger with an advisory board too long without any action to schedule or review the item.

- 17.11.020 - Designation and mapping of parks by category
- 17.100B.030 - Required design review process
- 17.135.030 - Procedure for consideration
- 17.135.040 - Referral to Landmarks Preservation Advisory Board
- 17.136.055 - Special regulations for historic properties in the central business zones
- 17.136.060 - Review by Landmarks Board in certain cases
- 17.144.050 - Review by Landmarks Board in certain cases
- 17.144.055 - Review by Parks and Recreation Advisory Commission in certain cases
- 18.02.0140 - Appeal Procedures

III. SUBSTANTIVE CHANGES

The following section summarizes the proposed substantive changes to the Planning Code. The Code language is in **bold** type and explanations are in normal type.

17.10.485 – Taxi and light fleet-based service commercial activities.

Passenger transportation services, local delivery services, and other businesses that rely on fleets of **three (3) or more vehicles with a gross vehicle weight rating** ~~rated capacity of less than twelve thousand five hundred (12,500) fourteen thousand (14,000) pounds.~~ **This classification includes parking, dispatching, and offices for taxicab and limousine operations, airport shuttles, medical transport, local messenger and document delivery services, janitorial services, and similar businesses. This classification does not only includes towing operations when except for tow truck services where vehicles are taken to off-site locations and the tow trucks do not exceed the above gross vehicle weight rating.** This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

Staff proposes the above changes to this regulation to use measurements that are consistent with industry standards for Light Vehicles (e.g., pick-up trucks, ambulances and parcel delivery trucks).

17.10.585 Trucking and truck-related industrial activities

Trucking and Truck-Related Activities include the provision of freight handling and shipping services by trucks as well as parking, maintenance, and services for trucks and other heavy vehicles and equipment. **Each classification involves the use of trucks and other heavy vehicles that have a gross vehicle weight rating greater than or equal to fourteen thousand (14,000) pounds.** This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

Staff proposes changes to the Truck Activities regulations and use measurements in Section 17.10.585 that are consistent with industry standards.

Table 17.58.03, note 4 Property development standards

In the CBD-R zone, portions of a building over fifty-five (55) feet in height shall have a setback of at least one (1) foot from the required interior side yard for every five (5) ~~four (4)~~ feet that portion is above fifty-five (55) feet. This setback, however, need not exceed forty (40) feet. Also, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally-required living room window. See Section 17.108.130 for allowed projections into required yards.

Staff proposes to change the requirement for 1 foot of additional setback to apply to each 5 feet of height over 55 feet, rather than 4. This stepback is more appropriate in a downtown context.

17.73 - CIX-1, CIX-2, IG and IO Industrial Zone Regulations

The following text was added to the Design Review Section (17.73.015): **Except for projects that are exempt from design review as set forth in Section 17.136.025, no Residential Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.**

Staff proposes to include this language to provide for Design Review for Residential facilities and historic properties that are located in the CIX, IG and IO zones. This is considered a minor change because it does not apply to non-residential buildings that are not historic.

~~17.102.110(F). Increased Off Street Parking. Off street parking shall be provided for the proposed development in an amount at least one hundred fifty percent (150%) of that required by the off street parking requirements in Chapter 17.116.~~

Staff proposes to delete Section 17.102.110(F) because it seems too onerous and will generally apply in the corridors where development is encouraged.

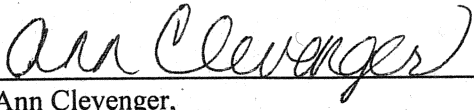
IV. OTHER RELATED CHANGES

Various changes were made to the code that relate and correspond to the amendments described above.

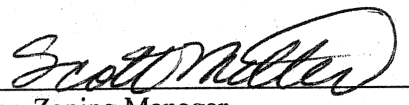
ACTION REQUESTED OF THE ZONING UPDATE COMMITTEE

Staff recommends that the Zoning Update Committee provide comments regarding the proposed zoning text amendments, and forward the proposal to the Planning Commission.

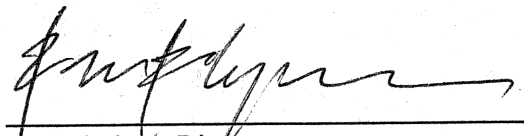
Prepared by:


Ann Clevenger,
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Approved for forwarding to the
Zoning Update Committee of the
City Planning Commission by:


Rachel Flynn, Director
Department of Planning and Building

ATTACHMENTS:

- A. Proposed Zoning Text Amendments

