

Addendum 3.0 to Public Review Draft Zoning and Subdivision Regulations

October 20, 2016

The text below, in redline and ~~strikethrough~~ format, will clarify certain regulations to respond to comments received.

Article 15.04.101 General Provisions

15.04.101.040 Applicability

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D. Effect on Previously Approved Projects and Projects in Progress.

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1. *Applications Filed Prior to and Approved After the Effective Date of the Zoning and Subdivision Regulations.*

a. *Applications for Design Review and Use Permits Submitted Prior to and Approved After the Effective Date of these Regulations.* If a Building Permit application is not filed within one year of the date of approval of Design Review or Use Permit, the approval shall expire unless otherwise specified in the conditions of approval.

i. ~~If a building permit application is not filed within one year of the date of approval of a use permit and design review, the approval shall expire unless otherwise specified in the conditions of approval. A one-year~~ time extension may be permitted upon submission of a completed application fee, and ~~other~~ documentation showing conditions have not substantially changed since the approval was granted~~requested at the Zoning Administrator's discretion.~~

ii. All requests for extensions shall be reviewed for compliance to the ~~existing applicable~~ development standards ~~of the applicable zoning districts and overlay districts and these Regulations, where~~ Where the pre-existing Zoning Ordinance or Interim Regulations ~~is~~ silent on any specific aspect of land use regulations and development standards, these Regulations control. ~~Where a conflict occurs between~~

~~the pre-existing zoning regulations applying to the property and these Regulations, these Regulations shall prevail. Extension requests may be denied or, approved, by the Zoning Administrator. The Zoning Administrator shall approve the extension request if the delay in obtaining a building permit was not caused by the applicant and has discretion to approve or deny the extension if the applicant failed to take steps towards obtaining a building permit. This decision is appealable to the Planning Commission, which may deny, approve, or approve with new conditions the extension request, or approved with new or modified conditions by the original Approving Authority.~~

- b. *Applications for Tentative Subdivision Maps and Parcel Map Submitted Prior to and Approved After the Effective Date of this Zoning Code.*
- i. ... A time extension may be permitted upon submission of a completed application ~~and the required fee, and other documentation requested at the Zoning Administrator's discretion.~~
 - ii. ... ~~Where a conflict occurs between the pre-existing subdivision and zoning regulations applying to the property and these Regulations, these Regulations shall prevail. Extension requests may be denied, approved, or approved with new or modified conditions (if not a vesting tentative map) by the original Approving Authority. When making its decision, the Approving Authority shall consider whether the delay in obtaining a final map was caused by the applicant.~~

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Article 15.04.104 Key Terms and Definitions

15.04.104.020 Definitions

Artisan/Small-Scale Manufacturing. The artisan/small-scale manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hands tools or domestic mechanical equipment not exceeding ~~two (2)~~five horsepower or kilns not exceeding ~~eight~~(8)25 kilowatts, and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, and custom jewelry manufacturers.

Industrial, Limited. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes the manufacturing of finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; monument works; printing, engraving, and publishing; sign painting shops; machine and electrical shops; computer and electronic product manufacturing; furniture and related product manufacturing; perishable commodity services and handling with cold storage; and industrial services. It also includes the preparation, manufacturing, and/or packaging of food for off-site consumption. Typical food manufacturing uses include canners, roasters, production breweries, wholesale bakeries, and frozen food manufacturers.

Article 15.04.303 Interim Study Overlay District

15.04.303.030 Study Districts Established

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These IS designations will expire no later than June 30, 2017, unless extended by action of the City Council.

15.04.303.040 Land Use Regulations

- A. **Use Permit Required.** Approval of a conditional use permit shall be required for establishment of a new use or expanded use adding more than 10 percent to the existing floor area in a building in an IS district, and may be approved for any use classification permitted or conditionally permitted in the base district with which the IS district is combined. In addition, within IS-1, limited industrial development is permitted in an existing building, consistent with the base zoning. Minor additions to such buildings of up to 10 percent of existing floor area are allowed without discretionary review beyond that required for a building permit or design review. Repairs and maintenance also is allowed as may be necessary to comply with existing City codes and ordinances or to strengthen or restore to a safe condition any building, structure, or part thereof declared to be unsafe by the Director of Planning and Building Services or any other City official charged with the responsibility of protection of public health, safety and welfare.

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Article 15.04.601 General Site Regulations

TABLE 15.04.601.050: EXCEPTIONS TO HEIGHT LIMITS		
<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Vertical Projection Above the Height Limit</i>	<i>Size and Locational Limitations</i>
Athletic field lighting	Up to a maximum of 60 <u>80</u> feet in total height	None

Section 15.04.601.060.E.1, Fence Design in Residential Zoning Districts

1. **Permitted Materials...** or shall be of heartwood of a decay-resistant species such as redwood or cedar. For non-residential uses in residential zoning districts, a chain-link (nonmetallic finish) fence with vinyl slats may be used if deemed acceptable and appropriate through design review.

Article 15.04.605 Noise

15.04.605.040 Noise Limits

A. Designated Noise Zones...

1. **Noise Zone 2.** Outdoor sports and recreation uses, parks and playgrounds, including such sport, recreation, park and playground areas at schools.

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- #### B. Exterior and Interior Noise Standards.
- The noise standards established in Table 15.04.605.040, unless otherwise specifically indicated, shall apply to all land within a designated noise zone. They are intended to express limits on regularly occurring noise for the specified time periods, averaged over an hour, and do not apply to incidental, infrequent, or unexpected noise, which are subject to Chapter 9.52, Community Noise Ordinance, and to unamplified human voices. The general prohibitions and specific prohibitions contained in Chapter 9.52, along with the provisions for persistent noises in that Chapter, apply to all land uses and activities in the City, and, in the case of a conflict, the more restrictive provisions apply.

15.04.605.080 Acoustical Studies – When Required

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- #### C. Establishing Ambient Noise.
- When the Director has determined that there could be cause to make adjustments to the standards, an acoustical study shall be performed to establish ambient noise levels. In order to determine if adjustments to the standards should be made ~~either upwards or downwards~~, a minimum 24-hour duration noise measurement shall be conducted. The noise measurements shall

collect data utilizing noise metrics that are consistent with the noise standards presented in Table 15.04.605.040050. ~~An arithmetic average of these ambient noise levels during the three quietest hours shall be made to demonstrate that the ambient noise levels are regularly 10 or more decibels below the respective noise standards. Similarly, an~~ An arithmetic average of ambient noise levels during the three loudest hours should be made to demonstrate that ambient noise levels regularly exceed the noise standards.

Article 15.04.606 Nonconforming Uses, Structures and Lots

15.04.606.030 Exemptions

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- C. **For Certain Nonconforming Features.** A use, lot, or structure shall not be deemed nonconforming solely because it does not conform with standards for parking and loading, setbacks, landscaping and planting requirements ...

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15.04.606.080 Restoration of Damaged Uses or Structures

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- C. **Replacement Cost.** The property owner or his or her agent shall have the right to present information on the replacement cost of the damaged use or structure by providing a report from a construction professional licensed by the State of California. The Chief Building ~~Inspector~~ Official will determine the replacement cost of the damaged use or structure based on that information, if presented, and other published construction industry data.

Article 15.04.607 Parking and Loading Standards

15.04.607.040 Calculation of Parking Requirements

- H. **Maximum Private Parking Requirements.**

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1. ***Excess Parking to be Shared.*** Off-street parking spaces may be provided in excess of the maximum number of spaces specified in this subsection (equal to the estimated peak period parking demand as indicated in Table 15.04.607.040) or pursuant to Section 15.04.607.040.I.2, provided that all

such excess spaces are designed and operated to be shared and publicly accessible parking spaces available for public use at any time. Property owners may charge an hourly, daily, or monthly fee for use of any such public access parking provided in excess of the maximum off-street parking limits of this subsection, except for uses with unique needs, such as schools and daycare centers, which the Planning Commission confirms are valid and justify not sharing the spaces....

15.04.607.060 Design Standards for Parking Lots and Structures

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- E. **Surface.** All outdoor parking spaces, driveways, and maneuvering areas shall be designed, built and permanently maintained to avoid dust, mud and standing water and to maximize permeability, where feasible and appropriate. These surfaces may include traditional asphalt and concrete as well as pervious pavements, sand-set pavers, and supported turf systems, ~~and vegetation.~~

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I. Heat Island Reduction. ...

1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years. To the extent maximizing the shading effect causes the trees to be placed in different locations than would be required by Section 15.04.607.060.N.4, the placement required by this section controls.

2. Trees shall be selected from a list maintained by the Parks Division.

15.04.607.070 Alternative Compliance with f Parking and Loading Requirements

- A. **Alternative Parking and Loading Plan.** Where an applicant can demonstrate to the satisfaction of the Planning Commission that variations in the standards or dimensions otherwise required by this Article are warranted for uses with unique needs, such as schools or in order to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design and loading plan may be allowed with approval of a conditional use permit. Such alternative plans also may be approved ~~for uses with unique needs, such as schools.~~ To grant such a conditional use permit, the Planning Commission must make the following findings in addition to the findings otherwise required:

1. That the applicant has convincingly demonstrated that the alternative plan is a superior solution and the requested modifications in it is physically impossible to provide the required number of parking spaces in conformance

~~with the design standards of Section 15.04.607.060 are warranted on the same lot as the principal use to be served by the parking;~~ and

2. That the alternative parking arrangement will be in place at all times during operation of the principal uses to be served by the parking.

Article 15.04.610 Standards for Specific Uses and Activities

15.04.610.080 Automobile/Vehicle Repair, Major

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- B. **Spray/Paint Booths.** Spray booth stacks must be screened from arterial streets, and must be separated a minimum of 500 feet from Residential districts, parks, schools, and daycare centers. The Planning Commission may reduce this separation to no less than 100 feet if a human health risk assessment (HHRA), prepared by a qualified professional, demonstrates to the satisfaction of the Commission that levels of spray booth chemicals present in the ambient air at adjacent properties will be below applicable thresholds of concern for human health.

Global Change: replace “Director of Public Works” to “Director of Engineering and Capital Improvement Projects”