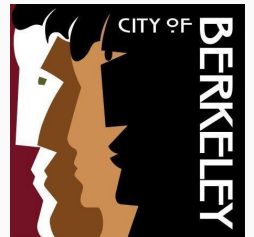


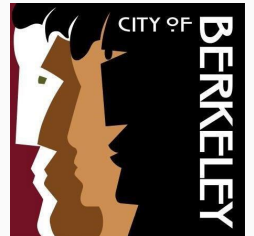
Item 10: Public Hearing on Zoning Ordinance Amendments that Address Technical Edits and Corrections

Justin Horner, Associate Planner
Planning Commission, April 6, 2022



Outline

1. Category One Amendments (7 in total)
2. Category Two Amendments (4 in total)
3. Questions



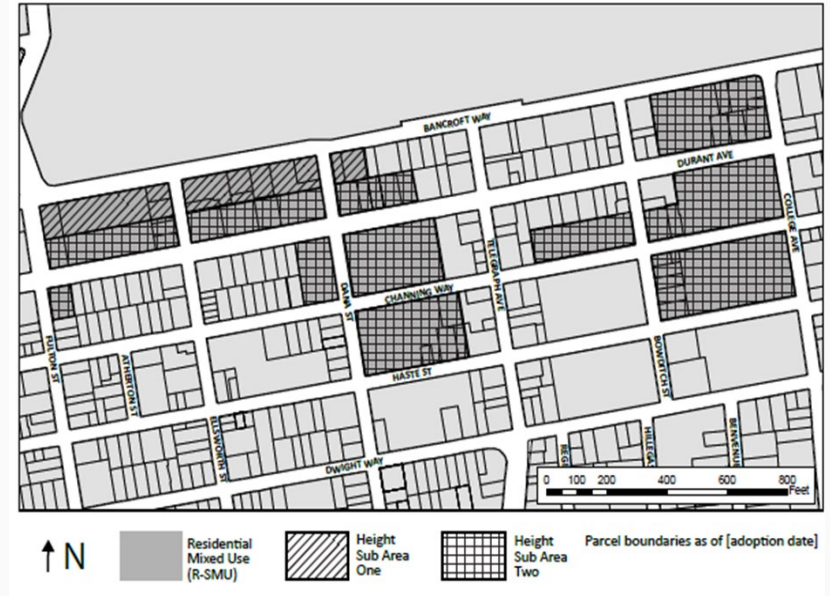
Category One Amendments

BMC Section 23.202.140 (R-SMU Zoning District)

Policy: The R-SMU district includes two subareas that pertain to height requirements for Main Buildings. All R-SMU parcels belong in one of the two subareas.

Issue: The new Zoning Ordinance includes a map where some parcels are not included in either subarea.

Amendment: Adopt a new map that assigns the proper subarea to every parcel



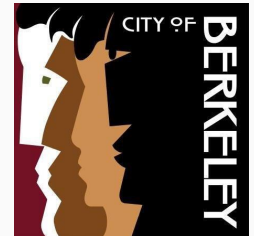
Category One Amendments

BMC Section 23.204.030 (Commercial Districts- Allowed Uses)

Policy: The BMC indicates that Research and Development may be permitted in the C-W district with an AUP, but only if a finding is made that the R&D use is consistent with the purposes of the district.

Issue: The new Zoning Ordinance states that Research and Development is permitted in the C-W district with an AUP, and does not include the additional finding.

Amendment: Amend the **Table 23.204-1: Allowed Uses in Commercial Districts** to state that that Research and Development is permitted with an AUP, but requires the additional finding..



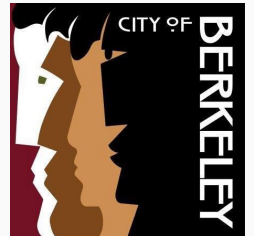
Category One Amendments

BMC Section 23.204.130 (C-DMU Zoning District)

Policy: The BMC indicates that in the C-DMU district, there are alternative means to meet the district's open space requirements. These alternatives require a Use Permit.

Issue: The new Zoning Ordinance includes the alternatives, but does not clearly indicate that a Use Permit is required.

Amendment: Add explicit language that a Use Permit is required to utilize either of the alternative compliance paths.



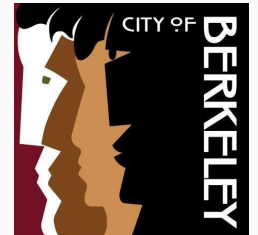
Category One Amendments

BMC Section 302.070 (Food Service Establishments)

Policy: The BMC indicates that uses established by an AUP in the C-T district require public notification of a decision within a 300-foot radius of the subject property.

Issue: The new Zoning Ordinance identifies the zoning districts in which a public notification is required for food service establishments that receive an AUP, but the C-T district is missing from the list

Amendment: Add the C-T district to the list of zoning districts in which a public notification is required for food service establishments that receive an AUP.



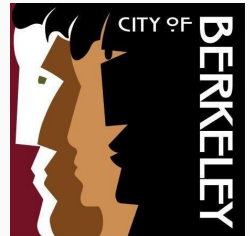
Category One Amendments

BMC Section 23.204.040 (Public Notice)

Policy: Pursuant to California Government Code Section 65090, amendments to the Zoning Ordinance require a public hearing, with a 10 day public notice.

Issue: Section 23.404.040 of the new Zoning Ordinance indicates that a public hearing notice must be provided 14 days prior to a public hearing

Amendment: Amend Section 23.404.C.3 to state that a 10 day notice is required.



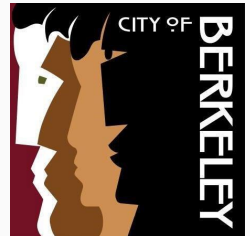
Category One Amendments

BMC Section 23.204.040 (Public Notice)

Policy: Pursuant to California Government Code Section 65090, amendments to the Zoning Ordinance require the publication of a public hearing notice (PHN) in a newspaper of general circulation no more than 7 days prior to the public hearing.

Issue: Section 23.404.040.C.5 of the new Zoning Ordinance indicates that a PHN for text amendments to the Zoning Ordinance must be published in a newspaper of general circulation **both** 14 days and 7 days prior to a public hearing.

Amendment: Amend Section 23.404.040 to indicate that the publication of a PHN in a newspaper for a text amendment is only required once, 7 days prior to the hearing.



Category One Amendments

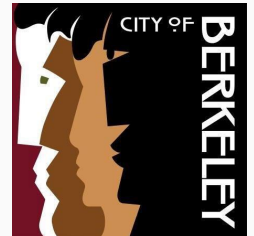
BMC Section 23.502.020 (Glossary – Family Day Care Home)

Policy: A Family Day Care Home is day care establishment that is run out of the dwelling unit in which the day care provider resides.

Issue: The new Zoning Ordinance Glossary section states that “The day care operator must live in the primary dwelling on the lot.” However, the phrase “primary dwelling” is not defined in the Zoning Ordinance

Amendment:

Family Day Care Home. An establishment providing day care for 14 or fewer children in a dwelling unit as licensed by the California Department of Social Services. A family day care homes must be incidental to a residential use and must be operated in the dwelling unit or accessory building where the family day care operator resides. ~~The day care operator must live in the primary dwelling on the lot.~~



Category Two Amendments

Zoning Ordinance Section	Proposed Amendment	Rationale
23.204.030 (Additional Permit Requirements— Commercial Districts)	Remove definition of Change of Use	Glossary already contains exact same definition language. Stating it twice raises the opportunity for discrepancies in future updates. One location for definitions is best practice.
Table 23.204-12 (C-U Setback Standards)	Lots on south <u>north</u> side of University Avenue	Parcels on the north side of University Avenue are subject to C-U Solar Access Standards, not on the south side.
Table 23.206-6 (Permits Required for Changes to Protected Land Uses)	Change less than or equal to 20,000 sq. ft. or less than or equal to and 25% of protected use to a non-protected use Change over 20,000 sq. ft. or over 25% of protected use to a non-protected use	Clarification of appropriate thresholds.
23.302.030.D.3.d (Temporary Outdoor Uses on Private Property – COVID Local Emergency)	(d) Permits issued pursuant to this subsection must be posted in plain view within the commercial establishment for which the permit has been issued.	Spelling correction

Questions

