

**Summary of Proposed September 2023 Annual Zoning Code Update**

<b>Ord Section</b>	<b>Doc Page</b>	<b>Section</b>	<b>Section Title</b>	<b>Proposed Change</b>	<b>Reason</b>
<b>Article 1</b>					
1	108-3	155.108.050.A	Land Use Regulations	Fix references to other Zoning Code sections	Due to changes from previous annual updates, the references to 155.412 (Special Permits and Approvals) in this section have changed and need updating.
<b>Article 2</b>					
2	204-3	155.204.020 Table 204-1	Allowed Land Uses in Residential Zoning Districts	Change family day care home, large from a conditional use to principally permitted	The City is required to permit small and large family day care home uses "by right" per Health and Safety Code §1597.45(a).
2	204-3	155.204.020 Table 204-1	Allowed Land Uses in Residential Zoning Districts	Modify footnote 1 to allow detached single-family homes in the R2 and R3 under additional circumstances	The code currently prohibits new detached single-family residences (SFRs) on lots greater than 3,000 sf in size in the R2 and R3, in order to promote increased residential density. The proposed amendment would allow a new detached SFR if it results from the subdivision of a site with an existing multi-family dwelling (e.g., splitting a lot with 2 units into 2 lots with 1 unit each) - in this scenario, density doesn't decrease, and it results in the potential for more home ownership. The proposed amendment would also allow a new detached SFR in conjunction with a non-residential primary use (e.g., a church with an SFR onsite for an employee) - this allows people to add a residence to a non-residential use, promoting increased density.
2	204-3	155.204.020 Table 204-1	Allowed Land Uses in Residential Zoning Districts	Add Resource Protection and Restoration as a permitted use in all residential districts	The City should include resource protection and restoration as a permitted use type in the residential districts because over 75% of the inland gulch greenway area is zoned residential, and the City wants to allow and encourage resource protection and restoration in the gulch greenways.
3	204-5,6	155.204.030 Table 204-2	RE and R1 Development Standards	Remove footnote 8 about ADUs requiring greater than 4 foot setback, renumber accordingly	Per CA Govt. Code §65852.2, the City cannot require more than a 4 foot setback, even for ADUs atop other structures.

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3	204-5, 204-6, 204-8	155.204.030 Tables 204-2, 204-2.1, and 204-2.2	RE and R1 Development Standards	Add reference to 155.204.030.H	This reference will alert the reader to the fact that there is a separate section discussing the subject development standard.
4	208-4	155.208.020 Table 208-1	Allowed Land Uses in the Mixed-Use Zoning Districts	Make micro/shared housing principally permitted in all mixed-use districts except HM	Micro/shared housing is similar in intensity/impact to commercial lodging, which is principally permitted in these districts.
4	208-4,7	155.208.020 Table 208-1	Allowed Land Uses in the Mixed-Use Zoning Districts	Permit new single-family detached homes if combined with another primary use of the site	The code currently prohibits new detached single-family residences (SFRs) in the mixed-use districts, in order to promote increased residential density. This change would allow a single-family home in combination with a non-residential primary use; this would allow, for instance, a live-work development where someone lives above or behind their place of business.
4	208-4, 208-5	155.208.020 Table 208-1	Allowed Land Uses in the Mixed-Use Zoning Districts	Change the use type "Bars and Nightclubs" to "Bars" and add a new "Indoor Commercial Recreation" use type	Currently, indoor commercial recreation (e.g., movie theaters) falls under "General Services" if no alcohol is served and "Bars and Nightclubs" if alcohol is served. Staff proposes creating a new "Indoor Commercial Recreation" use type that mirrors the existing "Outdoor Commercial Recreation" use type where things like movie theaters and bowling alleys fit regardless of whether alcohol is served. Staff proposes allowing this new use type in the same mixed-use districts and with the same permitting requirements as the General Services Use Type.
4	208-5	155.208.020 Table 208-1	Allowed Land Uses in the Mixed-Use Zoning Districts	Change family day care home, large from a conditional use to principally permitted	The City is required to permit small and large family day care home uses "by right" per Health and Safety Code §1597.45(a).
4	208-5, 212-3,	155.208.020 Table 208-1, 155.212.020 Table 212-1	Allowed Land Uses in the Mixed-Use and Industrial Zoning Districts	Change the land use classification "vehicle repair" to "vehicle cleaning and repair"	There currently isn't a land use classification that allows vehicle cleaning (e.g., a car wash) as a primary use. It is currently only allowed under the classification "fuel and service stations" as an accessory use incidental to a fueling station.

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5	208-12	155.208.030 Table 208-3	Setbacks Adjacent to Residentially-zoned Lot	Indent "Accessory Dwelling Unit"	The indent is necessary to indicate "accessory dwelling unit - 4ft" falls under "interior side" and isn't a separate category.
5	208-12,13	155.208.030 Figure 208-3	Setbacks Adjacent to Residential Zoning Districts (Elevations)	Remove the second set of figures relating to ADU setbacks	Pursuant to State ADU law (CA Govt. Code 65852.2), local govts. cannot require more than a four ft. setback from side and rear lot lines for an ADU.
6	208-13	155.208.040.B	Design Review Required	Add an exemption from Design Review for minor modifications not noticeable by a pedestrian	Design Review is currently required for any exterior modifications to a building façade located on a Pedestrian-focused Frontages (PFFs). The purpose of Design Review for PFFs is to ensure maintainance and enhancement of an active and engaging pedestrian environment. Therefore, Design Review should not be necessary if the proposed modification is so minor it is not noticeable by a pedestrian. Design Review adds time and expense to projects so it should not be required for insignificant modifications.
6	208-13	155.208.040.B	Design Review Required	Clarify Design Review is not required for exempt signage	On Pedestrian-focused Frontages, Design Review is required for adding signage. A sentence has been added to clarify this does not include signs otherwise allowed without permits, like directory and window signs.
6	208-14	155.208.040.D	Ground Floor Residential Use Limitations	Add a density threshold for group quarters without separate kitchen/bathroom facilities	The code currently prohibits ground-floor residential uses on pedestrian-focused frontages unless the project meets the density threshold of 66 dwelling units per acre or more. This density threshold doesn't translate for group quarters, where there aren't always distinct dwelling units, but there can be a high density of people sharing residential space. This change would, for example, allow transitional or supportive housing to occupy a currently vacant commercial building in the Downtown without requiring a separate ground-floor, street-facing commercial use, if the transitional/supportive housing serves 99 persons or more per acre.

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6	208-16	155.208.040.E.3	Ground Floor Storefront Transparency	Allow the Design Review Committee to approve storefront transparency exceptions when they review street-facing building façade alterations on pedestrian-focused frontages	Currently the Director acts on an Administrative Adjustment for storefront transparency separately from the Design Review Committee (DRC) review of a pedestrian-focused frontage; allowing DRC to review the Administrative Adjustment will remove one review step.
7	212-2	155.212.020 Table 212-1	Allowed Land Uses in the Industrial Zoning Districts	Change the use type "Bars and Nightclubs" to "Bars" and add a new "Indoor Commercial Recreation" use type	Currently, indoor commercial recreation (e.g., movie theaters) falls under "General Services" if no alcohol is served and "Bars and Nightclubs" if alcohol is served. Staff proposes creating a new "Indoor Commercial Recreation" use type that mirrors the existing "Outdoor Commercial Recreation" use type where things like movie theaters and bowling alleys fit regardless of whether alcohol is served. Staff proposes allowing this new use type in the same industrial districts and with the same permitting requirements as the "Fitness, Dance, or Health Facility, Large" use type.
7	212-3	155.212.020 Table 212-1	Allowed Land Uses in the Industrial Zoning Districts	Change the land use classification "Vehicle Repair" to "Vehicle Cleaning and Repair"	There currently isn't a land use classification that allows vehicle cleaning (e.g., a car wash) as a primary use. It is currently only allowed under the classifications "Fuel and Service Stations" and "Vehicle Sales and Rental (Indoor)" as an accessory use incidental to a fueling station or vehicle sale/rental operation.
8	216-2	155.216.020 Table 216-1	Allowed Land Uses in the Public Zoning Districts	Add Resource Protection and Restoration as permitted use in PF and PR Districts	The City should include resource protection and restoration as a permitted use type in the Public Facilities (PF) or Parks and Recreation Districts (PR) because approximately 22% of the inland gulch greenway area is zoned PF or PR, and the City wants to allow and encourage resource protection and restoration in the gulch greenways.

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8	216-2	155.216.020 Table 216-1	Allowed Land Uses in the Public Zoning Districts	Add Emergency Shelter as permitted use in PF zone	Emergency shelters are considered a civic or institutional use type so it makes sense to allow them in the Public Facilities Zone, which covers a number of City facilities as well as public school sites. Emergency shelters would continued to not be allowed in the Parks and Recreation Zone. It's important to note that State Shelter Crisis Law (CA Govt. Code 8698, et seq.) allows local jurisdictions to suspend zoning standards for emergency shelters during a declared shelter crisis; therefore, the City could already establish a shelter on any City-owned or -controlled property.

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<b>Article 3</b>					
9	304-2	155.304.020.E and F	Accessory Uses	Clarify accessory uses are allowed in association with a primary use regardless of zoning district	Currently the code indicates that residential accessory uses are only allowed in residential zoning districts and non-residential accessory uses are only allowed in non-residential zoning districts. The change would clarify that residential accessory uses are allowed in association with a primary residence, and non-residential accessory uses are allowed in association with a primary non-residential use, regardless of zoning district. For example, a residence in Downtown should be allowed residential accessory uses like home occupations and keeping of pets. Similarly a school in a residential district should be allowed non-residential accessory uses.
10	304-5	155.304.030.F	Application Review/Conditions of Approval	Fix incorrect reference	Due to changes from previous annual updates, the reference to 155.412 (Special Permits and Approvals) needs updating.
11	304-6	155.304.050.C	Emergency Shelters	Remove required buffer from schools	This is not allowed by State law and thus must be removed. Pursuant to CA Govt. Code 65583(a)(4)(B), emergency shelters shall only be subject to the list of objective standards included in that subsection.
12	304-6	155.304.060	Family Day Care Homes	Remove the 300-ft separation requirement between large family day care homes	Pursuant to Health and Safety Code 1597.45(e), the City can't require a buffer between day care homes because the only restrictions the state allows the City to impose on day care homes are ones imposed on other residences in the same zoning designations (e.g., minimum setbacks and maximum heights).
13	304-7-8	155.304.070	Home Occupations	Clarify what happens when someone applies for more than one home occupation per residence	Currently the code does not indicate whether more than one home occupation is allowed per residence. The proposed modification would allow more than one, but would require all home occupations at a site combined to meet the home occupation standards. For example, home occupations are limited to 10 client/customer vehicle trips per day. If someone had two home occupations at a site, both combined would be limited to 10 trips; they wouldn't each be allowed 10 trips.

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14	304-11	155.304.110.C	Outdoor Storage	Clarify outdoor storage is allowed as an accessory use	This applicability section is intended to explain where outdoor storage is allowed, but it currently only explains where it is allowed as a primary use. The modification would clarify outdoor storage is also allowed as an accessory use. This modification makes it clear that outdoor storage must be screened consistent with this subsection regardless of whether it is a primary or accessory use.
15	304-16	155.304.130.C	Tiny House on Wheels	Remove certain design requirements for Tiny Houses on Wheels	The purpose of removing design standards is to reduce barriers to the use of Tiny Houses on Wheels including a reduction in the cost of construction. The design standards proposed to be removed are likely to significantly increase the cost of converting a motor vehicle into a tiny house, and are not necessary to ensure the health and safety of the tiny house occupant.
16	304-16	155.304.130.F.4	Tiny House on Wheels	Fix the name of the permit for tiny houses on wheels	The permit is called a "Tiny House on Wheels Permit" not a "Tiny Houses on Wheels Permit."
17	304-17	155.304.140.A	Purpose	Remove caveat that tree removal standards only apply in residential districts	There are larger stature protected trees in districts other than residential districts so it doesn't make sense to limit our tree removal regulations to residential districts.

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18,19	304-20	155.304.140.H, I	Findings of Approval, Conditions of Approval	Clarify these findings and conditions apply not just to Tree Permits but also to Conditional Use Permits for tree removal	Tree removal may require no authorization, a Zoning Clearance, a Tree Permit (for removal of 5 protected trees over a 10 year period), or a Conditional Use Permit (CUP) (for removal of more than 5 protected trees in 10 years). The findings and conditions of approval are intended to apply to both Tree Permits and CUPs, and the proposed edit would make that explicit.
20	308-4	155.308.030.A.3	Setback Exceptions	Delete duplicative/conflicting provision A.3	A.3 states building projections may not extend across a property line except as allowed by A.4, but A.1 also discusses allowing building features to cross property lines. A.3 conflicts with A.1 and isn't necessary.
21	308-5	155.308.040.C.2	Vision Clearance Areas	Delete "where no sidewalk is present, the lot line will be used"	This statement conflicts with the first part of 155.308.040.C.2 which indicates vision clearance areas are always measures from the lot line, not the sidewalk.
22	308-6,7	155.308.050.D	Administrative Adjustment	Add a criteria for granting an Administrative Adjustment for deviations from lighting standards	One of the outdoor light standards requires all lights to be directed downward; because of this standard, Planning has denied requests for accent lighting, where, for instance, lighting is pointed at an architectural feature or landscaping, rather than at the ground. Currently, deviations from outdoor lighting standards are only allowed through an Administrative Adjustment if the Director finds that the modification is necessary for public safety or security. The proposed change would also allow deviations for accent lighting, if the accent lighting is creative, visible from public vantage points, and designed to minimize light pollution.



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22	308-7	155.308.050.F, G	Fixture Types and Light Trespass	Add language about avoiding lighting in nearby habitat areas	Currently the standards for outdoor lighting focus on avoiding lighting encroachment onto adjoining properties or the public right-of-way. The change would add language about also avoiding lighting encroachment into nearby habitat areas. Artificial lighting can negatively affect wildlife, and it is not uncommon for new lighting to be proposed in or adjacent to the City's extensive gulch greenway network.
23	308-8	155.308.070.A	Solid Waste/Recyclable Material Storage	Delete "newly created"	The applicability section for waste screening currently indicates the screening standards only apply for newly created solid waste and recyclable material collection and storage areas. The deletion will clarify that the standards apply to all solid waste and recyclable material collection and storage areas. Existing waste storage not consistent with these standards must be brought into compliance when triggered by a building permit or CUP pursuant to thenonconformities provisions of the code.
23	308-8	155.308.070.E.1	Solid Waste/Recyclable Material Storage	Clarify the location standard for collection and storage areas	The code currently states that collection and storage areas may not be street-facing, but there is no definition of street-facing. The proposed modification would clarify that collection and storage areas must be setback as far from front and exterior side property lines as feasible.
23	308-8	155.308.070.E.2	Solid Waste/Recyclable Material Storage	Add requirement that collection and storage areas be screened from adjacent commercial businesses	Currently the code requires screening of waste collection and storage areas from any parking lot (public or private) and from adjoining residential properties, but not from adjacent commercial businesses. This means the code would require a dumpster to be screened from an adjacent restaurant's parking lot but not the adjacent restaurant's windows which seems contrary to the intent of the code writers to improve aesthetics for onlookers.

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24	312-1	155.312.020.A	Design Standards	Require adherence to design standards not just for new primary buildings, but for 30% or greater additions to primary buildings	30% or greater additions to buildings currently trigger adherence to subjective Design Review but not adherence to objective Design Standards. The proposed modification provides more continuity between the Design Standards section (155.312) and the Design Review section (155.412).
24	312-1	155.312.020.B.2	Design Standards	Instead of exempting all development in the HM district from design standards, limit to medical-related uses	Instead of exempting all development from design standards in the Hospital Medical (HM) zoning district, limit the exemption to "hospitals, medical offices and clinics, other health care-related uses." The purpose of the exemption is to remove regulatory barriers to medical-related development, so the exemption should be tied to medical-related uses.
25	312-2	155.312.040.B	Building Entries	Change "units" plural to "unit" singular	Copy edit.
26	312-11	155.312.060.B.2	Breaks in Blank Walls	Add signage and murals to the list of features that do not constitute a break in a blank wall	The code prohibits blank walls fronting a public street that exceed a 10-ft-by-10-ft square area, and includes one list of features that can be used to break up a blank wall (e.g., windows and architectural articulation) and one list of features that cannot (e.g., variations in building wall color and gutters). Neither of the lists currently expressly include signage or murals. The purpose of the change is to clarify that signage and murals cannot be used to break up a blank wall.
27	312-12	155.312.080 (new)	Design Standards	Add a standard requiring screening of mechanical equipment	Mechanical equipment visible on a roof or on the ground can visually degrade the aesthetic.
28	316-1	155.316.020	Accessory Dwelling Units	Reduce the deadline for action on ADUs from 60 to 45 days	CA Govt. Code 65852.2(a)(3)(A) requires local governments to approve/deny ADUs ministerially within 60 days of submittal of a complete application. The modification would require the City to process ADU applications faster than what is required by the State, within 45 days of receiving a complete application. This is feasible for staff and will earn the City points in the City's application for HCD's Prohousing Designation.

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28	316-2	155.316.040.B	Number of Accessory Dwelling Units	Allow ADUs in association with a proposed multi-family dwelling	AB 2221 (passed in 2022, effective in 2023) amended the State ADU Law (65852.2) to enable applicants to propose new ADUs concurrently with new multi-family housing projects.
28	316-2	155.316.060.B	Site and Design Standards	Remove caveat on when FAR and site coverage standards do not apply to ADUs	Pursuant to State ADU law (CA Govt. Code 65852.2), an ADU "shall not be considered to exceed the allowable density for the lot upon which it is located." To be consistent with state law, ADUs should never count towards FAR and site coverage maximums. The way the City standard is currently written, it sounds like FAR and lot coverage standards do apply if the ADU doesn't comply with height and setback standards.
28	316-3	155.316.060.C	Relationship to Residential Structure	Add an explanation of how a JADU must be contained entirely within an existing or proposed single-family residence	The code is currently lacking an explanation of where a junior ADU is allowed on a property.
28	316-3	155.316.060.C	Relationship to Residential Structure	Add a requirement for an interior entry to the primary residence if the JADU relies on the primary dwelling's bathroom	The State Junior ADU law (CA Govt. Code 65852.22) has been updated to clarify that if a JADU does not include a bathroom, the bathroom in the primary dwelling needs to be accessible to the JADU through an interior entry. The proposed edit updates the City's JADU standards consistent with the revised JADU law.
28	316-3	155.316.060.D.2	Maximum Unit Size	Amend 1 to state the maximum unit size for JADUs rather than referencing state law	Staff recommends including the number here instead of referencing state law to make it easier for code readers to find the information they are looking for.

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28	316-3	155.316.060.D.2	Maximum Unit Size	Amend 2.a. and b. so they apply to the conversion of any existing space or structure to an ADU, and clarify in c. that floor area calcs for ADUs do not include covered parking.	Currently these ADU size requirements cover new construction ADUs and ADUs creating within existing accessory structures - they don't cover ADUs created within existing primary residences. Subparts a. and b. have thus been amended to cover both conversion of existing accessory structures to ADUs and conversion of existing space within primary residences. Also, in EMC 155.112.050, the City defines floor area to include covered areas used for vehicle parking, but the City just wants to count livable area towards the 1,200 sf maximum floor area for new ADUs. Thus a sentence has been added clarifying that floor area calculations for ADUs do not include covered parking.
28	316-4	155.316.060.F	Setbacks	Clarify that no setback is required for an accessory dwelling unit constructed in the same location and to the same dimensions as an existing structure.	This setback exemption is required by State ADU law under CA Govt. Code 65852.2(a)(1)(D)(vii).
28	316-4	155.316.060.F	Setbacks	Add an exception to front yard setbacks for new construction ADUs	The State ADU law (CA Govt. Code 65852.2) has been amended to add front setbacks to the list of local zoning restrictions which cannot preclude the construction of an ADU under 800 sq ft with 4 foot side and rear yard setbacks. The proposed edit updates the City's ADU standards consistent with the revised State ADU law.

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28	316-4	155.316.060.H	Historic Review	Clarify when Historic Preservation Review is not required for ADUs on historic properties.	Historic Preservation Commission (HPC) Review is required when there is an exterior alteration to a historic structure on a property listed on the Local Register of Historic Places and the alteration is visible from the street or alley. Staff proposes adding language to the ADU section to clarify which types of ADUs would not require HPC Review because they don't involve an exterior alteration to a historic structure or are not visible from public vantage points. Making this clarification also helps the City's case that we deserve a pro-housing designation from HCD. Based on feedback from Planning Commission, a caveat has been added that new-construction, detached ADUs would require HPC Review if located between a historic building and the street, because in this case the ADU would affect the relationship of the historic building to the street.
28	316-4	155.316.060.I	Nonconformities	Replace exemption of ADUs from entire nonconformities chapter (155.424) with more specific exemption of ADUs from triggers to correct nonconformities	This division currently states that ADUs are not subject to the Nonconformities Chapter of the EMC (155.424). However, the Nonconformities Chapter includes important information that should apply to ADUs, including the idea that only legally authorized nonconformities are allowed. State ADU law (CA Govt. Code 65852.2) prohibits local agencies from requiring the correction of nonconforming zoning conditions as a condition of approval of an ADU. The proposed modification would make the City's language consistent with this state law provision.
28	316-4	155.316.060.J	Additional JADU Requirements	Add a division including some key state requirements for JADUs	The State Junior ADU law (CA Govt. Code 65852.22) mandates that the City require owner-occupancy of either the single-family residence or JADU, and mandates the City require a deed restriction be recorded against the property to prohibit future separate sale of the JADU. These requirements can be deal-breakers for property owners looking to develop a JADU and thus Staff recommends including them in the City's zoning code so they don't come as a surprise.

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28	316-5	New 155.316.070	New "Interpretation"	Clarify intent to follow State ADU law in case of a conflict with local ADU regulations	State ADU law was amended in 2022 and 2023 and is anticipated to continue to change often, so it is helpful to include a provision in our local regulations about state law prevailing in the case our local regulations fall out of date.
29	320-3	155.320.040 Table 320-1	Allowed Fence Height	Move footnote [3] so that it is more broadly applicable to all fences	Footnote [3] indicates there are additional height limitations for fences and walls at street intersections and when adjacent to driveways and alleys pursuant to the Vision Clearance Area standards in 155.308.040. Currently this footnote is placed incorrectly in the table so that it only modifies solid front-yard fences in residential zones; the proposed change moves the footnote up to the top of the table so it clearly applies to all types of fences in all zoning districts.
29, 30	320-3,4	155.320.040 Table 320-1, 155.320.050 Table 320-2	Allowed Fence Height and Prohibited Fence Material	Change the prohibition on chain link fencing in residential zone districts from only applying in required front and street side setbacks to applying anywhere between a building and a street	As currently written, chain link fencing is not allowed in the required 5-foot exterior side setback on a residential property, but could be constructed 6 feet back from the street outside of the required 5-foot setback area. The proposed change would expand the prohibition on chain link fencing to cover anywhere between a building and the street, consistent with the prohibition in the mixed-use zones.
31	320-4	155.320.060	Nonconforming Fences and Walls	Clarify that when fences and walls conflict with Vision Clearance Areas, correction of that conflict may be required	In the Nonconformities Chapter of the EMC, certain site features, including Vision Clearance Areas (VCAs), must be brought into compliance when someone proposes a project valued at \$50,000 or more on the site, while other site features, including fences and walls, do not need to be corrected. This raises the question of whether fences and walls in conflict with required VCAs need to be corrected. A sentence has been added clarifying that the \$50,000 trigger for nonconformities upgrades means that any fence/wall conflicting with VCAs must be corrected.

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32	324-2	155.324.020.B	Residential Use Exemptions	Exempt lots without vehicular access from parking requirements	Pursuant to 155.308.010.C.1.b, if vehicle access is not possible due to the location of existing buildings or other physical site features, a new residential lot can instead be served by a minimum four-foot wide dedicated pedestrian accessway. If any new lots get built under this provision, the proposed edit would make it clear they are exempt from off-street parking requirements.
33	324-5	155.324.040.C.1	Reductions and Alternatives to Automobile Parking	Remove language about the minimum interval of time between buses	The code allows a reduction in required off-street parking if a project is in close proximity to a bus stop. Currently the reduction is only allowed where the average interval of time between buses is 90 minutes or less (90-minute headways) during weekday daytime hours. Parking reductions facilitate increased density, and increased density in turn can better support more frequent bus intervals. The hope is that if the City achieves greater density near our active bus stops, buses will run more frequently in the future and the 90 minute headway will be achieved along all of the routes within the City of Eureka.
33	324-7	155.324.040.C.10	Reductions and Alternatives to Automobile Parking	Edit language to clarify that all required parking proposed offsite requires a parking indenture	The intent of the code is to allow required parking to be provided off-site within 300 feet of the lot serving the use if a parking indenture is obtained. If the off-site location is a non-adjointing lot, an Administrative Adjustment is also required. The way the code is currently written, there has been some confusion about whether the parking indenture only applies for non-adjointing offsite locations - the changes are intended to clarify the parking indenture is required for all offsite parking, even on adjointing parcels.
33	324-8	155.324.040.C.14	Reductions and Alternatives to Automobile Parking	Fix incorrect reference	The table outlining allowed deviation with an Infill Incentive Permit is Table 412-2 not 412-1 as currently stated.

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34	324-9	155.324.050.C	Electric Vehicle Charging	Remove information on what triggers requirements for EV charging stations and instead just reference the building code	The current intent of the City's code is to require EV charging stations in parking lots consistent with state law, so it is simpler to state consistency with state law is required rather than include the state law requirements in our local code, especially because the state requirements for EV and EV-ready charging stations in parking lots continue to evolve and increase.
35	324-11	155.324.060.B	Parking Placement on Site	Clarify that carports, like surface parking, are prohibited between a primary building and the street	The intent of the code is to hide parking behind buildings, so that buildings line the street, which improves the aesthetics of Eureka and is more pedestrian-friendly. An applicant has tried to argue that because the code standard prohibiting parking between a building and the street just refers to "surface parking," it does not apply to carports. The proposed edit would clarify that both surface parking spaces and carports may not be located between a primary building and front or exterior side lot line.
36	324-12,13	155.324.060.E	Parking Space and Lot Dimensions	Change two categories from Single-family Homes and Parking Lots to Parking Areas with Three or Fewer Spaces and Parking Lots with Four or More Spaces	There are currently parking space dimension standards for single-family homes and for parking lots, but not for other situations. The proposed edit ensures non-parking lot parking for uses other than single-family homes is covered.
37	324-19	155.324.070.C.2	Bicycle Parking	Change primary to primarily	Copy edit to fix incorrect word choice.
38	324-23	155.324.080.D.1.a	Perimeter Parking Lot Landscaping	Add a reference to 155.324.060.K (Screening)	In certain situations a low-profile wall or fence is required along the perimeter of a parking lot in addition to parking lot landscaping. Referencing the perimeter wall/fence screening standards in the perimeter landscaping section helps the reader who is trying to figure out what is required around the perimeter of their parking lot.



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39	328-1	155.328.020.B	Exemptions	Remove two exemptions from landscaping requirements	Currently, the code states that buildings in mixed-use zoning districts constructed on a front or exterior side lot line without any setback are exempt from the landscaping section, but they are really just exempt from the requirement for landscaping between a building and a lot line on the side of the building where there is zero setback, which is obvious without a written exemption. And currently the code states that all development in industrial zoning districts is exempt from the landscaping section, but parking lots in industrial districts do need to provide landscaping that must meet the standards in the landscaping section (e.g., no invasive species, submit a maintenance plan, etc.). It is clearer to remove these exemptions and instead refer people to 155.328.040 (Required Landscape Areas).
40	328-2	155.328.030.C	Review and Approval	Allow staff to review and approve landscape plans unless Design Review approval is required	The proposed change would only require committee/commission review of landscape plans in association with Design Review; if Design Review is not required for the project, Staff would be able to review and approve landscape plans. Currently if any discretionary permit is required, the code states that the review authority responsible for approving the discretionary permit must also approve the landscape plan. This is really only necessary for Design Review, since Design Review is considering the aesthetics of the site, and landscaping can significantly affect aesthetics, and because there is a required Design Review finding specifically about landscaping. Otherwise, it's much easier for Staff to review the consistency of landscaping plans with the objective criteria of the landscaping zoning code section. Landscaping plans often change during the construction process when the landscapers attempt to purchase and install plants; allowing Staff review and approval of landscaping plans allows for these changes to occur quickly without having to schedule review at a meeting of a commission or committee.

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41	328-3	155.328.040.B.1	Residential Zoning Districts	Clarify landscaping is required between a building and a front or exterior side lot line, rather than between a building and any lot line.	Right now the landscaping requirement seems to indicate landscaping is required everywhere between a building and a lot line; this would mean landscaping is even required at the rear and interior side(s) of the property, where it might not even be visible from the street. The proposed edit would clarify landscaping is just required between the building and the street (i.e., front or exterior side lot lines).
42	328-4	155.328.040.C	Mixed-Use Zoning Districts	Add requirement for landscaping between front or exterior side lot lines and the sidewalk or edge of street curb.	Often the sidewalk does not fill the entire sidewalk area, and thus there is a gap between the edge of the sidewalk and the property line. The proposed change would require landscaping in this gap in the mixed-use zoning districts, consistent with the requirement for residential zoning districts under 155.328.040.B.1.c.
43	328-5	155.328.050.E	General Landscape Requirements	Change "is" to "are"	The subject of the sentence ("species") is plural so the verb should also be plural.
44	332-7	155.332.030.D.4; Table 332-1	Development Standards	Remove maximum site coverage standards for individual lots within a conservation subdivision	The purpose of a conservation subdivision is to conserve open space by clustering residential development together on smaller than normal lots and designating the remaining 50% or more of the project area as permanent open space. Requiring open space on the small individual residential lots through a maximum site coverage requirement seems unnecessary, given the lots will be part of a development that is at least 50% open space, and reduces flexibility for developers. Under the proposed change, maximum site coverage standards will be removed, but minimum setbacks and maximum building heights and FARs will remain and will prevent overdevelopment of individual lots.
45	340-2	155.340.030.A.4	Signs Allowed Without Permits	Add a reference to 155.340.070.F (Sandwich Board Signs)	Sandwich board signs on private property not to exceed 4'X4' are exempt from the City's sign regulations by 155.340.030.A.4, while sandwich board signs in the public right of way are regulated separately under 155.340.070.F. Staff proposes to add a reference to 155.340.070.F under 155.340.030.A.4 to help the reader navigate the regulations.

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45	340-3	155.340.030.A.19	Signs Allowed Without Permits	Change "Service Station Signs" to "Fuel Price Signs"	Elsewhere in the Zoning Code, "Service Station Signs" are referred to as "Fuel Price Signs" so the proposed change seeks to ensure consistency.
46	340-4	155.340.040.A	Prohibited Sign Types	Add paranthesis to paragraph 6	Missing closing paranthesis.
47	340-7	155.340.050.B	Tenant Frontage	Add clarifying language to the definition of tenant frontage	There has been confusion about how to interpret and apply the current definition of tenant frontage. The modifications attempt to make it clear that any building wall that faces a public vantage point counts as tenant frontage. Because the allowed sign numbers and square footages are allocated on a per frontage basis, allowing multiple sides of a building to count as tenant frontage does not result in bigger signs, but does allow flexibility, for instance, in the case of a business that doesn't front a street but instead fronts a parking lot, alley, or walkway.
48	340-9	155.340.060.B	Administrative Sign Permits	Add clarifying language to cases where signage is covered under a Creative or Master Sign Permit	The proposed edits seek to clarify the applicant must have an approved Master or Creative Sign Permit rather than just having to comply with the Master or Creative Sign standards. The proposed edits also seek to clarify a Master or Creative Sign Permit may approve a sign program that allows some future sign changes without the need to come back for a Master or Creative Sign Permit amendment. For instance, subsequent signs consistent with an approved Master Sign Program are allowed with an Administrative Sign Permit.

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48	340-10, 340-11	155.340.060.C.6	Master Sign Permit	Clarify the type and extent of deviations from sign standards allowed by a Master Sign Permit	The purpose of a Master Sign Permit is to provide a coordinated approach to signage for large sites/buildings and multi-tenant developments. The "Design Standards" paragraph lists what types of sign standard deviations are allowed under a Master Sign Permit, and includes contradictory language. For instance, currently part c. makes it sound like individual signs can deviate from maximum sign area standards, as long as the overall square footage is below the total maximum (i.e., transfers/pooling of square footage is allowed), while part e. makes it sound like any deviation from the maximum size of signs is allowed regardless of the total square footage of signage. Staff proposes to clarify that while deviations in the total number of signs and size of individual signs is allowed, the total amount of signage must stay below the overall square footage limits set by the code. The only way to get more overall sign area (beyond pooling of allowed square footage) is through a Creative Sign Permit.
48	340-12, 340-14	155.340.060.C.9, 155.340.060.D.10	Master Sign Permit, Creative Sign Permit	Clarify the Design Review Committee is allowed to impose additional limitations on signage approved through a Master or Creative Sign Permit, beyond the limits set by the objective standards of the Zoning Code	Staff believes the intent of 155.340.060.C.9 and 155.340.060.10 is to explain that, because Master and Creative Sign Permits are discretionary permits allowing deviations from objective standards, the review authority has the discretion to impose additional limitations on the proposed signage beyond the limits set by the objective standards of the code to ensure consistency with the required subjective findings of approval. Staff proposes some additional language to clarify this intent.

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48	340-12, 340-13	155.340.060.D.4	Creative Sign Permit	Explain that as part of a Creative Sign Permit application, an applicant may submit their entire sign package for approval, including signs only requiring an Administrative Sign Permit so that no separate Administrative Sign Permit is required	Applicants for Creative Sign Permits for signs deviating from code standards are often also proposing signs allowed with an Administrative Sign Permit (e.g., a new business may be proposing 1 pole sign that deviates from standards plus three wall signs that are consistent with all standards). The language added by staff clarifies that in this case, an applicant can submit all of their proposed signage under the Creative Sign Permit application, and the Creative Sign Permit serves as the equivalent of an Administrative Sign Permit for signs meeting all applicable standards, and no separate Administrative Sign Permit is required. This will save applicants from having to pay for both a Creative Sign Permit and an Administrative Sign Permit.
48	340-13	155.340.060.D.5	Creative Sign Permit	Clarify that one Creative Sign Permit can cover multiple deviations from standards and multiple signs on the same site	The Creative Sign Permit standards seem to have been written with the idea that someone would just be applying for one creative sign at a time, when in reality, there has been interest in applying for a site's total sign program with a number of signs and deviation requests. The added language clarifies one Creative Sign Permit can cover multiple deviations from standards and multiple signs on the same site.
49	340-16	155.340.070.A Table 340-1	Wall Signs	Change the maximum projection allowed from 6" to 12"	Increasing the maximum allowed wall sign projection distance allows for more variation in projection. Variation in projection (e.g., a wall sign with projecting cut-out text) adds visual interest.
50	340-17	155.340.070.A Table 340-2	Window Signs, Non-Illuminated	Change requirement for each individual window to be at least 75% transparent and free of signage to 50% to address inconsistency	Currently there is one standard that up to 50% of total tenant frontage window area may include signage in the SC, LI and HI Districts, and another standard that each individual window must be 75% transparent and free of signage. These two standards conflict, because there is no way to reach 50% total coverage across all windows if each individual window can only reach 25% coverage. Staff recommends changing to make consistent.

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51	340-18	155.340.070.A Table 340-3	Window Signs, Internally Illuminated	Add same minimum 50% individual window transparency requirement to the table on internally illuminated signs	As currently written, the minimum 50% individual window transparency requirement technically only applies to windows with non-illuminated window signs. The addition makes it clear that on any site where any window signs are proposed, all windows need to maintain at least 50% transparency.
52, 53	340-23, 340-24	155.340.070.A Table 340-7, Table 340-8	Monument Signs, Pole Signs	Clarify the maximum square footage is "for 3 or more tenants"	There is an overall maximum square footage for multi-tenant monument and pole signs in the SC, LI and HI zoning districts that is tripple the maximum square footage indicated per tenant. The proposed language is intended to clarify this overall maximum is for 3 or more tenants.
53	340-24	155.340.070.A Table 340-8	Pole Signs	Change the language about a pole sign not being allowed on a "tenant frontage" with a monument sign to not being allowed on a "site" with a monument sign	The Monument Sign Table 340-7 indicates a monument sign is not allowed on a site that also contains a pole sign. The proposed change would make the mirroring language in the Pole Sign Table 340-8 consistent.
54	340-25	155.340.070.A Table 340-9	Digital Signs	Remove design standards for digital signs and an explanation that existing digital signs must comply with the remaining digital sign standards	Digital signs are now prohibited by the zoning code, so standards on how new digital signs should be designed are no longer relevant and Staff proposes removing. There are a number of existing legal nonconforming digital signs still in existence throughout the City. Staff proposes retaining the remaining digital sign standards that prohibit off-premise advertising and set limits on message display and brightness, and adding language clarifying that existing legal nonconforming digital signs must comply with these standards. The proposed new language also adds a reference to the nonconforming signs section of the code, which explains when existing nonconforming signs must be removed.

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55	340-28	155.340.080.C	Maximum Number of Sign Types	Remove language indicating a Master Sign Permit allows more than three sign types on a site	As proposed to be clarified, Master Sign Permits only allow maximum sign square footages to be redistributed, they don't allow additional sign area. Maximum square footages are allocated by sign type; if we allow more than three sign types, each additional sign type = additional square footage of signage.
56	340-28	155.340.080.D	Changes to Sign Face	Clarify that an Administrative Sign Permit is not needed for changes to sign face, just a Zoning Clearance	There has been some confusion among staff if a change to a sign face requires submittal of a Zoning Clearance or an Administrative Sign Permit application. Because changes in sign face are such a minor project requiring minimal review, it makes sense to clarify the less expensive Zoning Clearance application is the one that is required.
57	340-30	155.340.080.J	Detached Sign Ground Support and Placement	Add reference to vision clearance areas	Someone interested in erecting a new sign needs to be aware about Vision Clearance Areas (VCAs) required by 155.308.040, because signs above 3 feet in height are not allowed in VCAs.
58, 59	344-1, 344-5	155.344.010, new 155.344.080	Purpose, new "Interpretation"	Add language clarifying that anything in the City's Density Bonus provisions in conflict with state law is superceded by state law and any ambiguities should be interpreting consistent with state law	When the City submitted its Pro-Housing Designation application to HCD, one of the prerequisites was that the City has Density Bonus provisions in our Zoning Code consistent with State Density Bonus Law (CA Govt. Code 65915 et seq.). HCD wasn't convinced 155.344 (Density Bonus) was consistent with State Density Bonus Law, but indicated that just adding the proposed language about state law guiding and superceding local law was enough to find the provisions adequate. This is the current unwritten standard; Staff always refers to the most recent version of CA Govt. Code 65915 et seq. when we receive a Density Bonus application.

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<b>Article 4</b>					
60	404-2	155.404.030 Table 404-1	Review and Decision-Making Authority	Add existing footnote [3] to a number of permit types	Pursuant to 155.408.050.B and 155.412.020.A, projects requiring multiple permit applications must be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., if a permit requires Design Review and a Use Permit, both permits are heard together at Planning Commission instead of the Design Review being heard separately at the Design Review Committee). This applies to discretionary permits where noticing is required, to minimize cost by consolidating notices. Currently the footnote that describes this (footnote 3) is just applied to discretionary Density Bonuses. Staff proposes to add footnote 3 next to every discretionary permit type to show that hearing consolidation applies more broadly.
60	404-2	155.404.030 Table 404-1	Review and Decision-Making Authority	For Minor Infill, Minor Variance, and Minor Use Permits, change the Planning Commission "Appeal" to "Decision" and add an associated footnote [5]	For Minor Infill, Minor Variance, and Minor Use Permits, a notice of pending Director action (NOPA) is sent out to neighboring properties for a 15-day noticing period. If no request for a public hearing is received by the end of the 15-day period, the Director acts on the application, and the action is final. If during the 15-day period, someone requests a public hearing before the Planning Commission, the Planning Commission then acts on the permit. This is technically not an appeal to the Planning Commission because the request for hearing occurs before the Director takes action, and then the PC acts in lieu of the Director. So Staff proposes changing the table to show both the Director and the Planning Commission as the decision-makers, and to add a footnote explaining the NOPA process.
60	404-2	155.404.030 Table 404-1	Review and Decision-Making Authority	Fix incorrect references and add the Tiny House on Wheels Permit	The code has been amended annually since its original adoption in 2019, which has resulted in some renumbering. The City has also adopted a new Tiny House on Wheels permit type. Staff proposes updating the table to reflect these changes.



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60	404-2	155.404.030 Table 404-1	Review and Decision-Making Authority	Amend footnote (4) to clarify that Historic Preservation Commission (HPC) is in charge of Design Review if both HPC and Planning Commission are involved in permitting a project	Footnote 4 explains that the Design Review Committee acts on Design Review unless (1) the project is altering a designated historic resource (then HPC does both the Historic Preservation Review and the Design Review) or (2) the project requires a permit/approval from Planning Commission (then PC acts on the Design Review in conjunction with the other permit/approval). This leaves open the question - who conducts Design Review if the project requires both HPC and PC review? Staff proposes adding a sentence clarifying HPC would conduct Design Review in this case.
61	404-3	155.404.040.A	Responsibilities and Powers	Fix reference in paragraph 4	The Director of Development Services' duties are described in EMC 32.041.
62	404-4	155.404.050.C	Responsibilities and Powers	Consolidate two bullet points	Bullet points 3 and 4 both list certain legislative matters that Planning Commission makes recommendations on. Staff recommends consolidating into one bullet for clarity and conciseness.
63	408-2	155.408.020.C	Eligibility for Filing	Add another category of person who is eligible for filing an application ("any other person who can demonstrate a legal right, interest or other entitlement to use the property for the proposed project")	Currently this code section limits who can file an application to the property owner, tenant, their authorized agent, or a person under contract to purchase the property. However, there are many cases when another entity may apply for work on a property, such as when another entity has an easement over the property they don't own in fee. Therefore staff proposes to allow any person to be an applicant who can demonstrate a legal right, interest or other entitlement to use the property for the proposed project. The City always requires evidence of property owner authorization, which allows us to except applications from people who are not the property owner.

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64,66	408-4, 412-2	155.408.050.B and 155.412.020.A	Concurrent Processing and Review	Clarify that concurrent processing and review does not apply to ministerial permits or approvals	Pursuant to 155.408.050.B and 155.412.020.A, projects requiring multiple permit applications must be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., if a permit requires Design Review and a Use Permit, both permits are heard together at Planning Commission instead of the Design Review being heard separately at the Design Review Committee). In practice, this is just applied to discretionary permits where noticing is required, to minimize cost by consolidating notices. The proposed language would clarify that Staff processes any ministerial approvals (e.g., admin sign permits, building permits, encroachment permits) after discretionary review by the highest review authority; these ministerial approvals do not need to be acted on by the highest review authority.
65	408-5	155.408.080.B	Content of Notice	Add an "and" to list in paragraph 2	Copy edit.
67	412-3	155.412.030.B	When Allowed	Fix incorrect references	Three of the administrative adjustments cited as being found in 155.324.050 are actually found in 155.324.040.

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68	412-4	155.412.040.A and B	When Required; Exemptions	Expand the residential exemption to Design Review	Currently single-family homes and accessory dwelling units are exempt from Design Review. The proposed change would expand this exemption to include any residential project with four or fewer residential units, including mixed-use developments with at least two-thirds of the square footage designated for residential use. The proposed change would also exempt transitional, supportive, emergency and farmworker housing from Design Review. These changes help reduce barriers to housing development during a housing crisis and help the City achieve HCD's Pro-Housing Designation. The Inland Zoning Code has objective design standards (155.312) and other objective standards (e.g., for landscaping, signage, lighting, parking lot design, etc.) that would continue to apply to ensure projects exempt from subjective Design Review contribute positively to Eureka's character and sense of place.
68	412-5	155.412.040.D.2.a	Signs	Change periods to commas and remove "Community Character"	The change from periods to commas makes the formatting consistent. "Community Character" is being removed as a review criterion because it is being consolidated with "Surrounding Context."
68	412-5	155.412.040.E	Review Authority	Clarify that Historic Preservation Commission (HPC) is in charge of Design Review if both HPC and Planning Commission or City Council are involved in permitting a project	This division explains that the Design Review Committee acts on Design Review unless (1) the project is altering a designated historic resource (then HPC does both the Historic Preservation Review and the Design Review) or (2) the project requires a permit/approval from Planning Commission or City Council (then PC/CC acts on the Design Review in conjunction with the other permit/approval). This leaves open the question - who conducts Design Review if the project requires both HPC and PC/CC review? Staff proposes adding a sentence clarifying HPC would conduct Design Review in this case.

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68	412-6	155.412.040.G	Consistency	Clarify the Director determines a project's consistency with <u>objective</u> design policies (rather than all design policies) before scheduling a project for Design Review	The Inland Zoning Code has both objective design standards (155.312) and subjective Design Review approval criteria (155.412.040.J). The intent of this provision is to ensure Planning Staff reviews an application for consistency with the objective standards of the code (155.312) before bringing the project to the Design Review Committee (DRC) or another hearing body for consideration of the subjective Design Review criteria in 155.412.040.J. Staff proposes adding the word "objective" to make this intent clear.
68	412-6	155.412.040.J	Design Review Criteria	Consolidate Design Review Criteria 1 and 2	In writing Design Review staff reports, Staff has noticed the findings in support of Design Review Criterion 1 (Community Character) and Criterion 2 (Surrounding Context) tend to be so similar they sound redundant. Staff thus proposes combining these two criteria, to eliminate redundancy which in turns improves the quality of the staff reports and reduces the time and cost in permitting.
69	412-9	155.412.060.E.11	Required Benefits	Delete "the" from paragraph 11	Copy edit.
70, 71, 72	412-11, 412-15, 412-17	155.412.060.I, 155.412.120.E, 155.412.140.G	Public Notice and Hearing	Add the modifier "pending" to "Director's action"	During the last code update, "notice of Director action" on Minor Use Permits, Variances, and Infill Incentive Permits was changed to "notice of pending Director action." Staff proposes to add the word "pending" to these code sections to reflect this change.
73	412-17	155.412.140.H	Findings of Approval	Remove finding of approval #3	This finding is not required by CA Govt. Code Section 65906. Reducing the number of variances findings reduces the time and cost of permitting, and allows for more projects to qualify for variances to allow flexibility in permitting to promote development in Eureka.

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74	412-18	155.412.150	Zoning Clearances	Clarify an application for a Zoning Clearance is only required if the Zoning Clearance is the only City approval necessary; otherwise the other City approval serves as the Zoning Clearance	As currently written, it sounds like only discretionary approvals serve as zoning clearances, when in fact ministerial approvals also serve as zoning clearances, such as in the case of building permits and business licenses (i.e., Planning Staff approval of the building permit or business license counts as a Zoning Clearance). It also sounds like Zoning Clearances never require their own application; however, the City does require a Zoning Clearance application and fee when there is no other permit required, such as when someone is changing the face of an existing sign. The proposed changes correct these inaccuracies in the code language.
75	416-1	155.416.020.A.2	Appealable Decisions	Add a sentence about notices of pending Director action	For Minor Infill, Minor Variance, and Minor Use Permits, a notice of pending Director action (NOPA) is sent out to neighboring properties for a 15-day noticing period. If no request for a public hearing is received by the end of the 15-day period, the Director acts on the application, and the action is final. If during the 15-day period, someone requests a public hearing before the Planning Commission, the Planning Commission then acts on the permit. The proposed sentence clarifies that for NOPAs, the request for a hearing is in lieu of an appeal to Planning Commission. There is not an additional 10-day appeal period after the 15-day NOPA period.
76, 77, 78, 79	420-4 , 420-5, 420-6	155.420.090 through 155.420.120	Permit Expiration, Extension of Time, Resubmittals Following Denial or Revocation, Permits to Run with the Land	Add "approvals" wherever "permits" are mentioned	There has been some confusion about whether these permit expiration and extension provisions apply to permits and approvals listed in 155.412 or just to approvals called permits (e.g., for Use Permits but not for Design Review approval). The proposed changes clarify these provisions apply to all permits and approvals listed in 155.412.

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80	424-2	155.424.020	Applicability	Replace ADU exemption from entire nonconformities chapter with more specific exemption from triggers to correct nonconformities	This division currently states ADUs are not subject to the Nonconformities Chapter of the EMC (155.424). However, the Nonconformities Chapter includes important information that should apply to ADUs, including the idea that only legally authorized nonconformities are allowed. State ADU law (CA Govt. Code 65852.2) prohibits local agencies from requiring the correction of nonconforming zoning conditions as a condition of approval of an ADU. The proposed modification would make the City's language consistent with this state law provision.
80	424-2, 424-3, 424-4	155.424.020, 155.424.030	Applicability, Nonconforming Site Features	Move "Exclusions" from the "Applicability" subsection to the "Nonconforming Site Features" subsection and change title to "Exceptions"	The "Nonconforming Site Features" subsection of the Nonconformities section of the code includes a provision requiring a list of nonconforming site features to be brought into compliance with the current code if the City receives a building permit for the property where the total construction value is \$50,000 or more. There are certain projects the City wants to exempt from this \$50,000 trigger, to promote their development, including ADUs, reroofs, solar systems, ADA accessibility projects, and EV charging stations. Currently these exemptions are incorrectly included in the "Applicability" section, resulting in the aforementioned projects being exempted from all provisions of the Nonconformities section of the code, rather than just from the \$50,000 trigger. Staff recommends fixing this error by moving these exemptions to the "Nonconforming Site Features" section and specifying they are development projects that do not trigger the need to bring nonconforming site features into compliance.
80	424-3	155.424.030.A	Nonconforming Site Features	Remove "primary" to address inconsistency	155.242.030.A says 155.424.040 applies to "houses, garages, and other primary buildings on a lot," while 155.424.040.A says it applies to "nonconforming houses, garages, and other buildings as defined in 155.508 (Glossary)." The proposed change would make the two sections consistent.

**Summary of Proposed September 2023 Annual Zoning Code Update**

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80	424-3, 424-8	155.424.030, 155.424.050.D.2	Nonconforming Site Features, Nonconforming Signs	Change the \$50,000 trigger to a \$55,000 trigger with an annual adjustment of 3%	The "Nonconforming Site Features" and "Nonconforming Signs" subsections of the Nonconformities section of the code include a provision requiring a list of nonconforming site features and nonconforming signs installed before January 1, 2000 to be brought into compliance with the current code if the City receives a building permit for the property where the total construction value is \$50,000 or more. Given the increase in construction costs since the \$50,000 trigger was enacted in 2019, and given inflation overtime, it seems appropriate to increase the trigger value.
80	424-3	155.424.030.B	Nonconforming Site Features	Make Use Permits another trigger for corrections of nonconforming site features	If someone is proposing a new use type requiring Use Permit discretionary review, that seems like an appropriate time to require site upgrades to address nonconforming landscaping, lighting, waste storage, etc. Thus Staff recommends adding Use Permits as a trigger for correcting nonconforming site features.
80	424-3	155.424.030.B.3	Nonconforming Site Features	Clarify parking lot paving and striping is required only when the parking lot is not paved or striped	"Parking Lot Striping" is one of the nonconforming site features required to be brought into compliance with the Zoning Code when compliance is triggered by this subsection. It is unclear as currently written if the intent of this provision is to only require striping if it does not exist, or if it is also to require restriping if the existing parking spaces don't meet current minimum dimension requirements. Staff proposes clarifying striping is just required if the parking lot is not currently striped, and adding a provision requiring paving if the parking lot is not already paved.
80	424-4	155.424.030	Nonconforming Site Features	Remove current 155.424.030.C.2 about the ability to repair and replace nonconforming site features	This same information is provided under the "Repairs and Modifications" subsection, so this provision is redundant.

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80	424-5	155.424.030, 155.424.040	Nonconformit Site Features, Nonconforming Buildings	Clarify whether the % deviation for a Minor Modification/ Variance is calculated based on the total deviation from the written standard or just the incremental increase proposed above the existing nonconformance	Under 155.412.070.B.2, the maximum deviation allowed for a Minor Modification is 10% of the standard or 20% for walls and fence height. For example, if the maximum permitted height is 30 feet, up to 3 additional feet would be allowed with a minor modification. In the Nonconformities section, it states a project that increases or exacerbates the nonconforming aspect of any nonconforming site feature or building is subject to the permit requirements for Variances and Minor Modifications in 155.412. Staff proposes to clarify the calculation of the percent deviation for purposes of qualifying for a Minor Modification is based on the proposed incremental increase in nonconformity. For example, if a maximum permitted height is 30 feet, and a nonconforming building is 35 feet tall, up to three additional feet (10% of 30 feet) may be allowed with a Minor Modification, allowing the building height to be increased to 38 feet.
80	424-5, 424-6	155.424.040.E	Damage, Destruction, and Demolition	Change the name of the division to "Demolition and Reconstruction;" remove "Involuntary Damage and Destruction" paragraph; and change the name of the "Voluntary Demolition" paragraph to "Demolition"	During the last code update, the paragraph on "Voluntary Demolition" was amended to discuss both voluntary and involuntary demolition, making the paragraph on "Involuntary Damage and Destruction" obsolete. The proposed change removes a conflict between the two paragraphs by removing the obsolete paragraph.
80	424-6	155.424.040.E	Damage, Destruction, and Demolition	Modify the paragraph on Design Standards and add a separate paragraph on Design Review	The intent is to require subjective Design Review approval and compliance with objective Design Standards for a reconstructed building under the same circumstances as is required for a new building. The proposed changes seek to make this clear to the reader.



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80	424-7, 424-9	155.424.050, 155.424.070	Nonconforming Signs, Nonconforming Lots	Remove the modifier "legal" where it is used to modify nonconforming signs and lots	"Legal" is inconsistently used as a modifier in 155.424 (e.g., "legal nonconforming lot" vs "nonconforming building"). 155.424.020.A makes it clear 155.424 (Nonconformities) only applies to things that were legally established, so the modifier "legal" is unnecessary. Staff proposes removing "legal" where it is used to remove inconsistency.
80	424-7	155.424.050.C	Allowed Changes	Clarify 50% or more replacement of a nonconforming sign triggers compliance with current standards	The code currently lacks clarity as to whether either repair and maintenance of a nonconforming sign structure, or replacement of a nonconforming sign exactly in-kind, are allowed or whether they trigger compliance with current standards. The proposed changes would clarify repair and maintenance which involves less than 50% replacement is allowed, while 50% or more replacement triggers correction of nonconformities. This is consistent with the existing language in 155.424.050.C.3 and similar to how nonconforming buildings are treated. It is also consistent with the coastal sign regulations.
80	424-8	155.424.050.D.2	Required Compliance	Clarify what constitutes a new use for the purpose of this paragraph	The code currently states a nonconforming sign installed before January 1, 2000 must be removed and brought into compliance if "a new use occupies the tenant space served by the sign." It is not clear if "a new use" means a new use type under the zoning code (e.g., "General Retail" vs. "General Services"), or a new occupancy type under the building code, or any new business, or something else. Staff proposes instead using the need for a Use Permit as the trigger for bringing the sign into conformance.
<b>Article 5</b>					
81	504-2, 504-3	155.504.030.10, 15	Land Use Classifications - Alpha	Change references to "Vehicle Sales and Services" to "Vehicle Sales and Rental (Indoor)"	The terms "Car Dealership" and "Automobile Sales/Repair" currently direct the reader to the use "Vehicle Sales and Services" which is not a listed use.

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81	504-2, 504-5, 504-8, 504-13	155.504.030.10, 35, 55 (now 56), 96 (now 97), 97 (now 98)	Land Use Classifications - Alpha	Change the land use classification "Vehicle Repair" to "Vehicle Cleaning and Repair"	There currently isn't a land use classification that allows vehicle cleaning (e.g., a car wash) as a primary use. It is currently only allowed under the classifications "Fuel and Service Stations" and "Vehicle Sales and Rental (Indoor)" as an accessory use incidental to a fueling station or vehicle sale/rental operation.
81	504-2, 504-6, 504-7, 504-11,	155.504.030.11, 43, new 51, 77 (now 78)	Land Use Classifications - Alpha	Change the use type "Bars and Nightclubs" to "Bars" and add a new "Indoor Commercial Recreation" use type	Currently, indoor commercial recreation (e.g., movie theaters) falls under "General Services" if no alcohol is served and "Bars and Nightclubs" if alcohol is served. Staff proposes creating a new "Indoor Commercial Recreation" use type that mirrors the existing "Outdoor Commercial Recreation" use type where things like movie theaters and bowling alleys fit regardless of whether alcohol is served.
82	504-15, 504-16	155.504.040.B.1, B.4	Land Use Classifications - Use Type	Change references to "Vehicle Sales and Services"	The terms "Car Dealership" and "Automobile Sales/Repair" currently direct the reader to the use "Vehicle Sales and Services" which is not a listed use.
82, 83, 84	504-15, 504-16, 504-18, 504-21, 504-22	155.504.040.B.1, B.6, B.12, C.20 (now C.21), D.3	Land Use Classifications - Use Type	Change the land use classification "Vehicle Repair" to "Vehicle Cleaning and Repair"	There currently isn't a land use classification that allows vehicle cleaning (e.g., a car wash) as a primary use. It is currently only allowed under the classifications "Fuel and Service Stations" and "Vehicle Sales and Rental (Indoor)" as an accessory use incidental to a fueling station or vehicle sale/rental operation.
82, 83	504-17, 504-19, 504-20, 504-21	155.504.040.B.2, B.11, C.9, new C.12	Land Use Classifications - Use Type	Change the use type "Bars and Nightclubs" to "Bars" and add a new "Indoor Commercial Recreation" use type	Currently, indoor commercial recreation (e.g., movie theaters) falls under "General Services" if no alcohol is served and "Bars and Nightclubs" if alcohol is served. Staff proposes creating a new "Indoor Commercial Recreation" use type that mirrors the existing "Outdoor Commercial Recreation" use type where things like movie theaters and bowling alleys fit regardless of whether alcohol is served.

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84	508-1	155.508.020.A	Definitions "A" Terms	Add a definition for "advertise"	Off-premise signs that advertise a land use, business, produce, or service not located or available on the site where the sign is located are prohibited by the current zoning code. This has raised the question of what constitutes advertising. Staff proposes adding a definition of "advertise" to 155.508 (Defined Terms) consistent with 155.340.030.C.
85	508-13	155.508.020.R	Definitions "R" Terms	Fix reference in definition of "reconstruction"	The section referenced has a new title.
85	508-13	155.508.020.R	Definitions "R" Terms	Add a definition of "residential property"	The term "residential property" is used four times in different places in the Inland Zoning Code without definition. There has been confusion whether a "residential property" is a property zoned for residential use, a property with an existing residential use, or some other definition. Staff proposes to define "residential property" as an property used for residential purposes.
86	508-17	155.508.020.S Figure 508-7	Definitions "S" Terms	Fix Figure 508-7 consistent with the definition of "Street-Facing Building Wall"	Figure 508-7 is intended to illustrate which walls of a building constitute "street-facing building walls," but as currently drawn, two street-facing building walls in the figure are not identified as such.