



MEMORANDUM

DATE: September 3, 2008

TO: Ernie Duarte
Director of Development Services

FROM: Mike Hein
City Manager

A handwritten signature in black ink, appearing to read 'Mike Hein', written over the printed name.

Albert Elias
Director of Urban Planning and Design

SUBJECT: Work Program for Certificate of Occupancy and Land Use Code Issues

I understand that Mayor and Council has directed staff to work with a stakeholders group to address concerns regarding a proposed ordinance related to disclosure of the status of the Certificate of Occupancy (C of O) required for every businesses. Mayor and Council directed staff to return in November 2008 with proposed changes to the process to obtain a C of O.

On a different but related matter, there has been consistent concern expressed by both the Mayor and Council and community interest groups on the need to make the Land Use Code (LUC) and its associated documents easier to understand and use. Staff has undertaken efforts to create a user-friendly, simpler zoning code format that condenses regulations and expresses them with modern graphics.

It is apparent that there is some overlap between these two issues. Let me take this opportunity to clarify the work priorities for your respective staffs so progress can be accomplished on both issues in a complimentary manner that is consistent with Mayor and Council direction.

Alternative Documentation for obtaining a C of O. To promote the adaptive reuse of existing buildings, acceptable alternatives that allow resumption of a previously approved use are to be developed.

Change of Use for Existing Buildings. On July 8, 2008, the Mayor and Council directed Planning staff to look for ways to remove obsolete LUC barriers to the use of existing buildings. It is critical that we focus on revising our existing parking regulations in a manner that encourages reuse of existing buildings by making parking standards more flexible. Current LUC regulations trigger full compliance when a new use in an existing building has a greater parking requirement than the previous use creating the unintended consequence of leaving many otherwise usable building vacant because they lack adequate on-site room for parking area and associated site improvements. The expectation is for a short term and long term solutions to this dilemma. I understand that a full revision to the parking standards citywide will begin shortly.

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Simplification of the Land Use Code. This project is a major effort where a national zoning consultant, Clarion Associates, will assist in simplifying the format, the development designator system, and the arrangement of development review documents including the Land Use Code and associated documents. Note that other substantive LUC revision projects can and will take place concurrent with the simplification of the LUC. This effort will be discussed at a Study Session with Mayor and Council on September 16, 2008.

Infill Incentive District and Mixed Use. On June 10, 2008 when the Mayor and Council adopted the Neighborhood Preservation Zone it also directed staff to return with a modification of development requirement concept to include in the Infill Incentive District Plan. Staff has begun work on a Land Use Code amendment to make mixed use and other similar intense urban neighborhood uses available in the Infill Incentive District through more flexible parking, loading, landscaping and building setback standards.

My expectation is that all of these work projects can be progress concurrently and expeditiously so that the community can begin benefiting from the process improvement and simplicity that they intend to make available.

Please contact me if you have further questions.

c: Honorable Mayor and Council
Mike Rankin, City Attorney