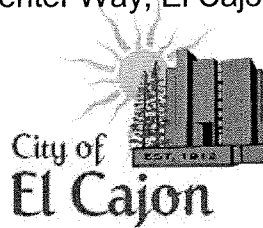




City of El Cajon
Planning Commission Agenda
September 28, 2009, 7 p.m.

ANTHONY SOTTILE, Chairman
 TONY AMBROSE
 STAR BALES
 PAUL CIRCO
 DARRIN J. MROZ

Meeting Location: City Council Chamber, 200 Civic Center Way, El Cajon, CA



*A quality community through responsible change,
 continuous improvement, and superb public service.*

- I. CALL TO ORDER:
- II. PLEDGE OF ALLEGIANCE:
- III. ROLL CALL:
- IV. CHAIRPERSON'S WELCOME:
- V. PUBLIC COMMENT:
 (This is the opportunity for a member of the public to address the Commission on any item of business within the jurisdiction of the Commission that is not on the agenda. Under state law no action can be taken on items brought forward under Public Comment except to refer the item to the staff for administrative action or to place it on a future agenda.)
- VI. CONSENT CALENDAR:
 - 1. P.C. Minutes of August 10, 2009
 - 2. P.C. Minutes of September 14, 2009
- VII. PUBLIC HEARINGS:
 There are no public hearing items.
- VIII. OTHER ITEMS FOR CONSIDERATION:
 - 3. REVIEW OF PLANNING ITEMS FROM AMERICAN PLANNING ASSOCIATION'S CALIFORNIA 2009 CONFERENCE
 This is a presentation on some issues that were covered at the American Planning Association's California Regional Conference held in Lake Tahoe, California on September 13 – 16, 2009. Project Planner: Eric Craig / 619.441.1782
- IX. STAFF COMMUNICATIONS:
 - 4. Community Planning Month – SAVE THE DATE – October 13, 2009
- X. COMMISSIONER REPORTS/COMMENTS:
- XI. ADJOURNMENT:
 This Planning Commission meeting is adjourned to Monday, October 12, 2009 at 7 p.m.

The City of El Cajon is endeavoring to be in total compliance with the Americans with Disabilities Act. If you require assistance or auxiliary aids in order to participate at Planning Commission meetings, please contact the Planning Division at (619) 441-1741 as far in advance of the meeting as possible.



Decisions and Appeals – A decision of the Planning Commission is not final until the appeal period expires 10 days from the date of transmittal of the Commission's resolution to the City Clerk. The appeal period for the items on this Agenda will end on Monday, October 12, 2009 at 5:00 p.m., except that Agenda items which are forwarded to City Council for final action need not be appealed.



DRAFT MINUTES
PLANNING COMMISSION MEETING
AUGUST 10, 2009

The meeting of the El Cajon City Planning Commission was called to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

ROLL CALL:

COMMISSIONERS PRESENT: Anthony SOTTILE, Chairman
Anthony AMBROSE
Star BALES
Darrin J. MROZ

COMMISSIONERS ABSENT: Paul CIRCO

OTHERS PRESENT: Barbara RAMIREZ, Principal Planner
Noah ALVEY, Associate Planner
Barbara LUCK, Assistant City Attorney
Michael GRIFFITHS, Deputy Director, Public Works /
Engineering
Ron Luis VALLES, Administrative Secretary

SOTTILE briefly explained the mission of the Planning Commission. SOTTILE welcomed comments under Public Comments. No one came forward.

CONSENT CALENDAR: Motion was made by AMBROSE, seconded by MROZ
to adopt the Planning Commission minutes of
July 27, 2009; carried 4-0 (CIRCO – absent).

ZONE RECLASSIFICATION NO. 2300

(This was jointly noticed for a City Council public hearing on September 8, 2009 at 7 p.m.)
This was a public hearing on a request to rezone property from the Residential One-Family, 6,000 sq. ft. (R-1-6) zone to the Multiple-Family (R-3) zone. The subject property is located on the north side of Oakdale Avenue between North Second and Grape Streets, and is addressed 1376 Oakdale Avenue.

APN: 489-122-27
General Plan: Medium Density Residential 18-20 (MR)
Zoning: Residential One-Family, 6,000 sq. ft. (R-1-6)
Applicant: James M. Snyder / 619.921.8895
Project Planner: Tony Shute / 619.441.1705

RAMIREZ informed the Planning Commission that staff received an email this afternoon from the applicant requesting a postponement of their item to a future meeting.

SOTTILE opened the public hearing and invited any speakers to the podium. No speakers approached the podium.

Motion was made by AMBROSE, seconded by BALES to continue Zone Reclassification No. 2300 to the Planning Commission meeting on Monday, September 14, 2009 at 7 p.m.; carried 4-0 (CIRCO – absent).

This item was jointly noticed for the City Council meeting on September 8, 2009 at 7 p.m. The City Clerk's office will be notified of the Planning Commission continuance in order to cancel the City Council public hearing, and schedule a new date.

AMENDMENT OF CONDITIONAL USE PERMIT NO. 824

This was a public hearing on a request to expand an existing automobile dealership in the General Commercial (C-2) zone. The subject property is located on the east side of East Main Street between Melody Lane and East Madison Avenue, and is addressed 1385 East Main Street.

APN: 511-171-16
General Plan: General Commercial (C2)
Zoning: General Commercial (C-2)
Applicant: East Main Property, LLC (David Wick) / 858.623.9000
Project Planner: Noah Alvey / 619.441.1773

ALVEY summarized the staff report. He noted that the project is consistent with the General Plan, compatible with surrounding properties, and encouraged the addition of drought-tolerant landscaping to help beautify the site. He also noted that the proposed site plan indicates that the expanded portion of the dealership will have a separate driveway from the primary sales and display area. Staff has recommended that three parking spaces be designated on the expanded portion of the dealership for customer parking to ensure that sufficient on-site parking is provided.

Staff received comments from several departments and divisions and they were incorporated into the conditions of approval. He emphasized that Public Works comments require improvements to the public right of way, including the closure of two unused driveways. The proposed resolution also recommended that landscaping be added where the driveways will be closed. Public Works staff also indicated that the site would be governed by a Development Conditions Agreement.

ALVEY informed that in order to ensure that the CUP reflects this agreement, staff requested that the Planning Commission add the following statement to condition 1.e. in the proposed resolution: "Any future development of the site, including any demolition, removal, replacement or increase, in the amount of impervious surfaces, is subject to the Development Conditions Agreement, to be executed with the property owner."

SOTTILE opened the public hearing and invited any speakers to the podium.

Mr. David WICK, East Main Property LLC, 5400 Morehouse Drive, Suite 4000, San Diego, CA 92121, represented the property owner. He noted that this amendment to the conditional use permit resulted from a dispute with the City of El Cajon. They submitted this application in order to be in compliance.

He appreciated staff's work, but objected to the closure of the two driveways as recommended by staff. WICK explained that the site is accessed by three driveways fronting Main Street; he recommended that they only close one driveway (the first driveway approaching the property from south) and keep others open.

He noted that even though Cadillac headquarters requested the closure of the El Cajon dealership, they will remain open which should benefit the City of El Cajon [through sales tax revenue].

SOTTILE referenced the photographs in the staff report, and sought confirmation that the driveways weren't being used. WICK replied affirmatively and that the dealership now has less car inventory; however, they would like to change the ingress and egress to the property.

SOTTILE asked staff for clarification on traffic circulation. ALVEY noted that staff could accept the applicant's proposed driveway configuration. However, staff recommended that a revised site plan, which notes the proposed circulation pattern, be submitted to Planning staff. The plan would also need to be reviewed by the Public Works Department.

SOTTILE asked WICK if he agreed to staff's recommendation, and WICK replied affirmatively.

AMBROSE recommended a continuance to a future Planning Commission meeting, so that the Commission could receive a revised site plan with modified conditions of approval.

ALVEY added that Public Works noted if the two driveways remain, staff would require handicapped-accessible driveways.

WICK agreed to the continuance.

No other speakers approached the podium.

Motion was made by AMBROSE, seconded by MROZ to continue the Amendment of Conditional Use Permit No. 824 to the Planning Commission meeting on Monday, September 14, 2009 at 7 p.m.; carried 4-0 (CIRCO – absent). [A new public hearing notice will be mailed.]

CONDITIONAL USE PERMIT NO. 2089

This was a six-month review of an approved request for an ambulance service at 1136 – 1138 Broadway. The property is located on the north side of Broadway between North First and Oro Streets. *(This request was granted at the Planning Commission meeting of January 5, 2009.)*

APN:	484-184-15
General Plan:	General Commercial (GC)
Zoning:	General Commercial (C-2)
Applicant:	John Olson / 619.885.0803
Project Planner:	Noah Alvey / 619.441.1773

ALVEY summarized the staff report for this project that was granted on January 5, 2009 by the Planning Commission. He mentioned that during an inspection of the subject site staff verified that sufficient on-site parking is being provided.

He noted that the applicant has not constructed the fleet maintenance building. He also noted that staff has not received any parking complaints at the subject site.

ALVEY advised that staff also notified adjacent property owners and received one positive response indicating that the ambulance service has been a good neighbor and that there were no problems at the site. During a site visit, staff observed that the property is well maintained.

SOTTILE invited any speakers to the podium. No speakers approached the podium.

Motion was made by BALES, seconded by AMBROSE to accept the report as filed and take no further action; carried 4-0 (CIRCO – absent).

OTHER ITEMS FOR CONSIDERATION:

There were no items.

STAFF COMMUNICATIONS

RAMIREZ informed that there were no scheduled items for the Planning Commission meeting of August 24, 2009 at 7:00 p.m., therefore that meeting will be canceled. The next Planning Commission meeting would be on held on Monday, September 14, 2009 at 7:30 p.m.

COMMISSIONER REPORTS/COMMENTS

AMBROSE said that he will be absent from the September 14, 2009 Planning Commission meeting as he attend the American Planning Association's California conference.

ADJOURNMENT

Motion was made by MROZ, seconded by BALES to adjourn the meeting of the El Cajon City Planning Commission at 7:22 p.m. this 10th of August, 2009 until September 14, 2009 at 7:00 p.m.; carried 4-0 (CIRCO – absent).

Anthony SOTTILE, Chairman

ATTEST:

Melissa AYRES, Secretary



DRAFT MINUTES
PLANNING COMMISSION MEETING
SEPTEMBER 14, 2009

The meeting of the El Cajon City Planning Commission was called to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

ROLL CALL:

COMMISSIONERS PRESENT: Anthony SOTTILE, Chairman
Paul CIRCO
Darrin J. MROZ

COMMISSIONERS ABSENT: Anthony AMBROSE
Star BALES

OTHERS PRESENT: Barbara RAMIREZ, Principal Planner
Noah ALVEY, Associate Planner
Barbara LUCK, Assistant City Attorney
John PHILLIPS, Associate Civil Engineer, Public Works
/ Engineering
Ron Luis VALLES, Administrative Secretary

SOTTILE briefly explained the mission of the Planning Commission. SOTTILE welcomed comments under Public Comments. No one came forward.

CONSENT CALENDAR: Due to CIRCO's absence at the August 10, 2009 Planning Commission meeting, and the requirement for three yes votes, the minutes adoption will be deferred until next meeting on September 28, 2009.

ZONE RECLASSIFICATION NO. 2300

(This was tentatively scheduled for a City Council public hearing on October 13, 2009 at 7 p.m.)
This was a continued public hearing on a request to rezone property from the Residential One-Family, 6,000 sq. ft. (R-1-6) zone to the Multiple-Family (R-3) zone. The subject

property is located on the north side of Oakdale Avenue between North Second and Grape Streets, and is addressed 1376 Oakdale Avenue.

APN: 489-122-27
General Plan: Medium Density Residential 18-20 (MR)
Zoning: Residential One-Family, 6,000 sq. ft. (R-1-6)
Applicant: James M. Snyder / 619.921.8895
Project Planner: Tony Shute / 619.441.1705

RAMIREZ summarized the staff report and informed that this item was continued from the August 10, 2009 Planning Commission meeting at the request of the applicant. A new legal notice was distributed for this continued public hearing. She also informed that staff met with the applicant and his designer to provide clarification regarding staff's recommendation for the R-2 zone.

SOTTILE announced that the public hearing is still open and invited any speakers to the podium.

Mr. Alan AUSTIN, 1622 Pioneer Way, El Cajon, CA 92020, is the architect representing the applicant.

He explained that they need the property rezoned so they could construct four separate single-family dwellings on the lot. He said that the applicant has a history in the City of El Cajon of asking for a higher density in order to build fewer units, in an attempt to have larger yards for families.

AUSTIN said that the lot is 65 [sic; 67.5] feet wide, which is less than the required minimum of 70 feet, and noted that it is not even 10 percent less than the Zoning Ordinance requirement. He mentioned that the deep lot limits the design criteria on the subject property. An R-2 or less zone would not be financially feasible to the applicant. He emphasized that they will have a nice project with nice homes.

SOTTILE noted in the pertinent cases section of staff's report to the Commission, an applicant with similar circumstances had requested R-3 zone; however, the Commission recommended approval of the R-2 zone.

MROZ asked the speaker if the project would work with three units on the property. The speaker replied that they prefer four units. He reiterated that if it is zoned R-3, the maximum allowable units would be seven; however, the applicant prefers to have more yard space for the families [and he is proposing to construct only four units].

SOTTILE asked staff if there were any cases where a rezone was approved with substandard lot width. RAMIREZ noted that it is possible, but noted that there are two other reasons not to recommend the R-3 zone: first, a City Council policy to approve the lowest density [in a multiple-family General Plan category], and second, the lack of an adjoining R-3 zone.

CIRCO informed that in the pertinent cases, most of the R-3 zoned properties were in the 1800 or 2000 block of Oakdale, while the subject property is located in the 1300 block, which would not have an adjoining R-3 zoned lot. AUSTIN replied that there is no time like the present to rezone the property to the R-3 zone.

Mr. James SNYDER, 1003 Rachele Way, El Cajon, CA 92019, is the applicant. He explained that he has a property on Grape Street and Oakdale Avenue that was rezoned to R-3, even though the subject property was 67 feet wide and not 70 feet.

He has developed and improved substandard properties into projects with nice quality homes, with good tenants, maintenance and landscaping. He noted that the General Plan shows R-3 in the entire area and doesn't understand why the R-3 zone stops at Oakdale. He emphasized that he doesn't want to maximize the allowable density of seven houses on the subject property, but only wants to build four quality homes.

No other speakers approached the podium.

Motion was made by CIRCO, seconded by MROZ to close the public hearing; carried 3-0 (AMBROSE & BALES – absent).

SOTTILE commended the applicant for his desire to improve the subject property; however, he felt that recommending R-3 would set a precedent for future requests.

CIRCO agreed and acknowledged the advantages of building four houses instead of three on this lot.

[RAMIREZ noted that CIRCO reviewed the draft minutes and staff report for August 10 and was prepared to participate in this continued public hearing without any questions or need for clarification from staff.]

Motion was made by CIRCO, seconded by MROZ to adopt the proposed Resolution No. 10574, recommending City Council approval of Zone Reclassification No. 2300, that the subject site be rezoned R-2 rather than the requested R-3 zone; carried 3-0 (AMBROSE & BALES – absent).

This item was tentatively scheduled for the City Council meeting on October 13, 2009 at 7 p.m.

AMENDMENT OF CONDITIONAL USE PERMIT NO. 824

This was a continued public hearing on a request to expand an existing automobile dealership. The subject property is located on the east side of East Main Street between Melody Lane and East Madison Avenue, and is addressed 1385 East Main Street. *(This item was continued from the Planning Commission meeting of August 10, 2009.)*

APNs: 511-171-11, -14 & -16
General Plan: General Commercial (GC)
Zoning: General Commercial (C-2)

Applicant: East Main Property, LLC (David Wick) / 858.623.9000
Project Planner: Noah Alvey / 619.441.1773

ALVEY summarized the staff report and informed that this request was continued from the August 10 Planning Commission meeting to allow the applicant time to revise the proposed site plan for the dealership.

ALVEY mentioned that the proposed vehicle display areas would not negatively impact the surrounding neighborhood because the applicant will provide onsite parking for customers. Additionally, staff believes that the proposal will enhance the neighborhood by occupying a vacant lot that could otherwise be an attractive nuisance.

SOTTILE announced that the public hearing is still open and invited any speakers to the podium.

Mr. David WICK, East Main Property LLC, 5400 Morehouse Drive, Suite 4000, San Diego, CA 92121, represented the property owner. He mentioned that he has worked with staff on revising the site plan and agreed to conditions of approval. He commended staff for their work on this project.

No other speakers approached the podium.

Motion was made by MROZ, seconded by CIRCO to close the public hearing; carried 3-0 (AMBROSE & BALES – absent).

Motion was made by SOTTILE, seconded by CIRCO to adopt the proposed Resolution No. 10575 granting Amendment of Conditional Use Permit No. 824, subject to conditions; carried 3-0 (AMBROSE & BALES – absent).

The appeal period for this item ends at 5 p.m., Monday, September 28, 2009.

CONDITIONAL USE PERMIT NO. 2109

(This item is jointly noticed for a City Council meeting on Tuesday, October 13, 2009 at 7 p.m.)

This was a public hearing on a request to establish a full service car wash on property located on the south side of Broadway, between North First and Oro Streets, and is addressed 1149 Broadway.

APN: 484-182-51
General Plan: Office/Non-Retail (O/NR)
Zoning: General Commercial (C-2)
Applicant: Mazin Yako / 619.933.5571
Project Planner: Noah Alvey / 619.441.1773

ALVEY summarized the staff report for this project. Additionally, he emphasized several recommended conditions of approval in order to bring the project more into conformance with current development standards. The Commission was advised that this item requires City Council approval because the existing zoning is inconsistent with the General Plan.

CIRCO asked about the canvas canopy and recalled a discussion item at a previous Planning Commission meeting about awnings and temporary canopies for use as carports. ALVEY clarified that the canopy on the pending project must be a permanent structure.

SOTTILE invited any speakers to the podium.

Mr. Devin BIRCH, 13827 Lewiston Street, San Diego, CA 92128, is the architect representing the applicant. He said that he read the staff report and conditions of approval in the resolution and had no concerns.

No other speakers approached the podium.

Motion was made by CIRCO, seconded by MROZ to close the public hearing; carried 3-0 (AMBROSE & BALES – absent).

Motion was made by MROZ, seconded by CIRCO to adopt the proposed Resolution No. 10576 recommending that the City Council approve Conditional Use Permit No. 2109, subject to conditions; carried 3-0 (AMBROSE & BALES – absent).

This item is jointly noticed for a City Council meeting on Tuesday, October 13, 2009 at 7 p.m.

CONDITIONAL USE PERMIT NO. 2111

This was a public hearing on a request for a children's carnival and pumpkin patch from October 1 through 31, 2009 (with set-up to begin September 21 and take-down to conclude before November 6) in the southwest Westfield Parkway Plaza Mall parking lot between North Johnson Avenue and Interstate 8, and is addressed 415 Fletcher Parkway.

APNs: 482-270-33 thru -37, -41, -42, -48, and -50 thru -57
General Plan: Regional Commercial (RC) / Special Development Area No. 8 (SDA #8)
Zoning: Regional Commercial (C-2)
Applicant: Pinery Christmas Trees (dba Pumpkin Station) – Norm Osbourne / 858.566.7466
Project Planner: Noah Alvey / 619.441.1773

RAMIREZ summarized the staff report for this project.

SOTTILE opened the public hearing and invited any speakers to the podium.

Mr. Norm OSBOURNE, Pinery Christmas Trees, 10665 Brookview Lane, San Diego, CA 92123, is the applicant. He agreed with all the conditions. Additionally, he mentioned that he worked out an agreement with the City Attorney's office whereby the set-up will stop if an appeal is filed. [The anticipated setup begins September 21; however, the appeal period ends 5 p.m., Monday, September 28, 2009.] He also informed that this would be the third year of having an event in El Cajon.

Motion was made by CIRCO, seconded by MROZ to close the public hearing; carried 3-0 (AMBROSE & BALES – absent).

Motion was made by CIRCO, seconded by SOTTILE to adopt the proposed Resolution No. 10577 granting Conditional Use Permit No. 2111, subject to conditions; carried 3-0 (AMBROSE & BALES – absent).

The appeal period for this project ends at 5 p.m., Monday, September 28, 2009.

CONDITIONAL USE PERMIT NO. 2113 (MINOR)

(This is jointly noticed for a City Council meeting on Tuesday, October 13, 2009 at 7 p.m.)
This was a public hearing on a request for a reduction in required parking for a proposed restaurant within Specific Plan No. 182. The subject property is located on the north side of East Main Street, between Ballantyne and Roanoke Streets, and is addressed 532 East Main Street.

APN:	484-112-22
General Plan:	Special Development Area No. 9 (SDA #9) / General Commercial (GC)
Zoning:	General Commercial (C-2)
Applicant:	Nemet Anjomshoaa / 858.525.5554
Project Planner:	Noah Alvey / 619.441.1773

ALVEY summarized the staff report for this project. He emphasized that the General Plan designation of the subject property is General Commercial and Special Development Area No. 9. The Special Development Area No. 9 intends for a mixed-use urban village centered on the historic commercial center of El Cajon. He said that a restaurant with reduced parking would be consistent with this General Plan designation.

He also pointed out that, in accordance with the regulations contained within SP No. 182, the applicant requested this conditional use permit to reduce the number of required on-site parking spaces for the proposed restaurant. ALVEY advised that the parking lot has rarely been observed to be even 50 percent occupied. Staff, therefore, supports a finding that the proposed restaurant will not result in a parking inadequacy that is detrimental to adjacent uses or properties or the downtown area as a whole.

ALVEY added that, since the subject site is located within SP 182, the Planning Commission will be making a recommendation to the City Council regarding this request. It is staff's opinion that the proposal will enhance the pedestrian-oriented retail atmosphere in the downtown area. Staff also believes that the Planning Commission can make all of the required findings that the proposed restaurant with reduced parking is consistent with the General Plan and compatible with surrounding properties.

SOTTILE opened the public hearing and invited any speakers to the podium.

Mr. Nemat ANJOMSHOAA, 5532 Renaissance Avenue, #3, San Diego, CA 92122, is the applicant. He had no questions and agreed to the conditions of approval.

No speakers approached the podium.

Motion was made by MROZ, seconded by CIRCO to close the public hearing; carried 3-0 (AMBROSE & BALES – absent).

Motion was made by CIRCO, seconded by MROZ to adopt the proposed Resolution No. 10578 recommending City Council approval of Conditional Use Permit No. 2113, subject to conditions; carried 3-0 (AMBROSE & BALES – absent).

This item is jointly noticed for a City Council meeting on Tuesday, October 13, 2009 at 7 p.m.

CONDITIONAL USE PERMIT NO. 2114

This was a public hearing on a request to temporarily collocate three panel antennas on an existing monopole and place one equipment cabinet inside the existing equipment enclosure. The subject property is located on the west side of North Magnolia Avenue between Coogan Way and Fletcher Parkway, and is addressed 1034 North Magnolia Avenue.

APN:	483-071-29
General Plan:	Regional Commercial (RC)
Zoning:	Regional Commercial (C-2)
Applicant:	Cox Communications (Felicia Phillips) / 619-266-5653
Project Planner:	Tony Shute / 619.441.1705

RAMIREZ summarized the staff report for this project.

SOTTILE opened the public hearing and invited any speakers to the podium.

Ms. Felicia PHILLIPS, BCI Communications, 2014 Granada Avenue, San Diego, CA 92104, is representing the applicant, Cox Communications. She read the staff report and agreed to the conditions of approval.

CIRCO asked about the 4G technology, and the speaker replied that it's the next generation in communications and will be a faster way to transfer data through cellular phones.

No other speakers approached the podium.

Motion was made by SOTTILE, seconded by CIRCO to close the public hearing; carried 3-0 (AMBROSE & BALES – absent).

Motion was made by MROZ, seconded by CIRCO to adopt the proposed Resolution No. 10579 granting Minor Conditional Use Permit No. 2114, subject to conditions; carried 3-0 (AMBROSE & BALES – absent).

The appeal period for this item ends at 5 p.m., Monday, September 28, 2009.

OTHER ITEMS FOR CONSIDERATION:

There were no items.

STAFF COMMUNICATIONS

RAMIREZ welcomed Valhalla High School students in the audience. She informed that she would be available after the meeting if they had any questions. One student, Adeal AWAD, approached the podium and asked several questions pertaining to the process, procedure and representation at the Planning Commission hearings. RAMIREZ replied to her questions and provided an overview of the application process and further insights and explanations on some of the items at tonight's public hearing.

COMMISSIONER REPORTS/COMMENTS

There were none.

ADJOURNMENT

Motion was made by CIRCO, seconded by MROZ to adjourn the meeting of the El Cajon City Planning Commission at 8:02 p.m. this 14th of September, 2009 until September 28, 2009 at 7:00 p.m.; carried 3-0 (AMBROSE & BALES – absent).

Anthony SOTTILE, Chairman

ATTEST:

Melissa AYRES, Secretary

Chapter 4. Governing Well

Chapter 4 discusses how the evolution of zoning has emphasized flexibility and citizen support at the expense of effective and efficient government. The chapter identifies six aspects of good governance that are sometimes violated by Euclidean Hybrid Zoning, including (1) effectiveness in encouraging the type of development we want, (2) responsiveness to property owners and citizens, (3) fairness among property owners, (4) efficient governance systems, (5) understandability to the public, and (6) the ability to produce predictable results while allowing some degree of flexibility.

Chapter 5. The Legal Framework for Change

Chapter 5 discusses how the law of zoning does – and does not – constrain our search for better ways to zone. While many citizens believe that the law forces zoning to be the way it is, in fact the law offers broad flexibility to change our approach. The chapter discusses available flexibility within each of the seven key legal doctrines that affect zoning, including: (1) ensuring due process, (2) avoiding regulatory “Takings” of property, (3) protecting First Amendment rights, (4) avoiding equal protection claims, (5) protecting vested rights, (6) drafting to avoid vagueness, and (7) avoiding conflict with state and federal laws.

Chapter 6. What Have We Learned

This Chapter summarizes the information in Chapters 1 through 5 and distills eight lessons that should guide the search for better zoning. It also emphasizes that few model codes meet the needs of large cities, and that zoning can and should continue to evolve over time. It encourages a focus on the process of how zoning changes over time – not a fixed picture of what it should look when it is done correctly.

Chapter 7. A Better Way to Zone

This chapter outlines ten principles that should guide efforts to improve the effectiveness, understandability, and efficiency of zoning in the future. Those principles include (1) defining permitted land uses more broadly and flexibly, (2) making much greater use of mixed use districts, (3) allowing more ways to provide affordable housing, (4) defining separate development standards for mature areas of the city, (5) being more lenient on structures and uses that do not comply with zoning, (6) drafting zoning rules that change automatically as surrounding conditions change, (7) allowing for the negotiation of large, image-changing developments, (8) reducing opportunities for NIMBYism to affect final approvals, (9) using innovative web-based tools to link zoning with other information systems, and (10) planning for periodic – not ad hoc – amendment of zoning rules. The chapter concludes by discussing how these principles are consistent with current trends in Smart Growth and form-based zoning, but are also applicable for cities that do not endorse either of those approaches.

Chapter 8. The Way Forward

Chapter 8 discusses how to overcome the inertia behind current Euclidean Hybrid Zoning to move towards the ten principles outlined in Chapter 7. Those steps include (1) conducting an audit of specific ways in which current zoning does not meet the 10 principles, (2) prioritizing reform efforts to focus on areas where there is political will to change, (3) integrating changes within the current structure of the zoning ordinance, (4) using graphics and illustrations to show how to comply with zoning rules, and (5) having the political will to adopt reforms in spite of inevitable opposition.