

Attachment 2

REQUIRED FINDINGS

The Planning Commission adopted the following findings that the Specific Plan amendments and related Zoning Code Amendments are consistent with the Zoning Code on June 13, 2007.

Specific Plan Amendment Findings

- 1. The proposed Specific Plan amendment is in conformance with the goals, policies, and objectives of the General Plan.*

The proposed Specific Plan Amendment to allow certain changes to land use of residential, commercial and mixed use development, and building height in certain portions of the Specific Plan area, and a modification of the Design Review provision as outlined in this report are consistent with a number of General Plan Objectives and Policies as stated.

OBJECTIVE 1 – TARGETED DEVELOPMENT: Direct higher density development away from Pasadena’s residential neighborhoods and into targeted areas, creating an exciting urban core with diverse economic, housing, cultural and entertainment opportunities.

Policy 1.1 – Targeted Development Areas: Geographical areas have been identified where the bulk of future development is to occur.

Policy 1.2 – Specific Plans: For identified targeted areas, as a principal implementation tool, utilize Specific Plans containing development standards, distribution of land uses, infrastructure requirements and implementation measures.

Policy 1.4 – Mixed-use: Authorize and encourage Mixed-Use development into targeted areas, including in-town housing, live-work spaces, and in-town commercial uses.

Policy 12.6 – Neighborhoods Commercial: Encourage the provision of businesses that serve residents within walking distance of homes.

The proposed amendments continue to focus higher density along the major corridors, away from Pasadena’s residential neighborhoods, while maintaining the General Plan allocation of 500 housing units. The amendments have provided additional opportunity for Mixed-Use within the Specific Plan area as well.

Zoning Map and Zoning Code Amendment Findings (Sections 17.68.070 and 17.74.070B)

The proposed Zoning Map Amendment to allow certain changes to land use of residential, commercial and mixed use development, is consistent with a number of General Plan Objectives and Policies as stated:

The proposed zone change from CL SP1A (Commercial Limited, Specific Plan, Village Building Type) to RM 32 (Multi-Family residential, 32 units per acre) for the north side along East Washington Boulevard between Palm Terrace and El Molino is consistent with the specific purpose of Zoning Code Chapter (17.22.020, RM-32, Multi-Family

Residential district, the proposed zone change from CO SP 1A (Commercial Office, Specific Plan House Building Type) for the south side only along East Washington Boulevard from Mentor to Catalina, is consistent with the specific purpose of Zoning Code Chapter 17.22.020, RM-16 Multi-family residential district, and the proposed zone change from CL SP1A (Commercial Limited, Specific Plan, Village Building Type) to RM-16 Multi-family Residential district, for 3 parcels at the northwest corner of Mentor Avenue and Orange Grove Boulevard is consistent with the specific purpose of Zoning Code Chapter 17.22.020, RM-16, Multi-family residential district which states:

Relate new development to the existing environment in scale, material, and character so that Pasadena's inherent human scale, visual, and functional diversity may be maintained and enhanced.

1. *The proposed Zoning Map and Zoning Code amendment is in conformance with the goals, policies, and objectives of the General Plan.*

The proposed Zoning Map and Zoning Code Amendment to allow certain changes to land use of residential, commercial and mixed use development, and building height in certain portions of the Specific Plan area, and a modification of the Design Review provision as outlined in this report are consistent with a number of General Plan Objectives and Policies as stated:

OBJECTIVE 5 – CHARACTER AND SCALE OF PASADENA: Preservation of Pasadena's character and scale, including its traditional urban design form and historic character, shall be given highest priority in the consideration of future development.

Policy 5.5 – Architectural and Design Excellence: The City shall actively promote architectural and design excellence in buildings, open space and urban design and shall discourage poor quality development.

Policy 5.6 – Human Values: Future development should reflect concern for the well-being of citizens – for workers, visitors, neighbors and passersby – and should embody the cultural values of the community; it should be accommodating, inspiring, inviting, and enduring.

Policy 5.7 – Enhanced Environment: Development should be shaped to improve the environment for the public; it should support the distinctiveness of the locality and region as well as the special characteristics of the existing fabric of the site's immediate surroundings.

The proposed Zoning Code amendment to allow a reduced Design Review threshold for designated areas within the Specific Plan area (outside of the Lake-Washington sub-area), responds to the ongoing community concern to provide for quality, appropriately scaled development that is compatible with the surrounding neighborhoods.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*

Environmental documentation was prepared for the proposed amendments concluded that they will not have a detrimental effect.

FINDINGS FOR STATE LAW

Since 2003, state law has required local jurisdictions to assess any reduction in potential density on a parcel to determine whether it will affect the jurisdiction's capacity for its share of the regional housing need (i.e., RHNA). If adequate capacity remains, then the jurisdiction may approve the reduction with two written findings: 1) the reduction is consistent with the general plan, including the housing element; and (2) the remaining sites that were included in the City's Housing Element analysis are adequate for the jurisdiction's share of regional housing need. The two findings should be made for the proposed changes.

The density reductions are consistent with the City's General Plan, according to the analysis in this report. Further, the City's remaining sites are adequate for development of Pasadena's share of regional housing need (i.e. RHNA allocation of 1,777). The 2000 – 2006 Housing Element analyzed sites both in multi-family residential districts and also in districts that allow both residential and commercial uses, including the seven specific plan areas. Within the North Lake Specific Plan, the Element identified a capacity of 500, in addition to any affordable units. With the proposed amendments, including the recommended changes to the proposed amendments, potential remains to accommodate at least 500 units, as allocated by the Land Use Element, because there is remaining capacity under the zoning for 1,291 additional units.

The RHNA assigned 748 lower income units (out of the 1, 777 RHNA total). With the proposed amendments in conjunction with the two revisions outlined in this report, there will be an increase in the site area zoned for the minimum density that is assumed to be adequate for lower income units at 30 units per acre. As a result, sites to accommodate an additional 803 units at the necessary density would be available within the Specific Plan area. Further, according to the analysis in the Housing Element, the remaining potential citywide, primarily in five of the City's seven Specific Plan areas, is adequate for development of the 748 lower income units assigned in the RHNA.

Attachment 3

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
AMENDING THE NORTH LAKE SPECIFIC PLAN**

WHEREAS, the Land Use Element of the Comprehensive General Plan established the City's goals, objectives and policies with respect to the development of its land resources; and

WHEREAS, the Land Use Diagram of the Comprehensive General Plan designates land within the City for certain types of development consistent with its land use policies; and

WHEREAS, the General Plan Land Use Element calls for the establishment of specific plans to implement the goals and policies of the General Plan through detailed development standards, distribution of land uses, infrastructure requirements and implementation measures; and

WHEREAS, on June 30, 1997, the City Council adopted the North Lake Specific Plan; and

WHEREAS, there is a need to keep the North Lake Specific Plan current with respect to changing economic conditions and future development potential; and

WHEREAS, the Specific Plan currently provides for certain land use designations, density of residential and mixed-use development, and specific limits to building height in certain portions of the Specific Plan area, as well as restrictions on the expansion of certain land uses within the Specific Plan; and

WHEREAS, certain changes to commercial land use designations, density and building height of residential and mixed-use development in certain portions of the Specific Plan area are necessary to provide adequate transition and protection for surrounding single family residential neighborhoods, consistent with the Specific Plan vision; and

WHEREAS, certain land use modifications will facilitate revitalization of the Specific Plan area, such as: (1) allowing exclusively residential development in certain areas, (2) allowing additional opportunities to work and live in the same unit (Work-Live), (3) allowing Retail Sales - Second Hand Appliances so that historic residences may be restored and used for such purposes, and (3) providing flexibility to encourage remodeling of existing drive-through businesses; and

WHEREAS, duly noticed public hearings were held by the Planning Commission on December 13, 2006, January 24, 2007, April 11, 2007, and June 13, 2007 on the proposed amendment to the North Lake Specific Plan; and

WHEREAS, a duly noticed public hearing was held by the City Council on June 25, 2007 on the proposed amendment to the North Lake Specific Plan; and

WHEREAS, a Negative Declaration was prepared for the Specific Plan amendment, was considered by the Planning Commission, and approved by the City Council on June 25, 2007.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following amendments to the North Lake Specific Plan:

1. Provide changes to density and building height of residential, commercial and mixed-use development for properties along:
 - a. Lake Avenue: Segment 1, Ladera Street to Elizabeth Street; and Segment 2, Claremont Street to Mountain Street – Reduce residential density from 48 to 16 units per acre. Reduce height for commercial from 36 feet to 30 feet. Reduce height for mixed-use from 36 to 30 feet.
 - b. Lake Avenue: Segment 3, Mountain Street to Orange Grove Boulevard - Reduce height for mixed-use from 42 to 30 feet. For the three

parcels at the northwest corner of Orange Grove Boulevard and Mentor Avenue (part of Segment 3), reduce density from 32 units per acre to 16 units per acre.

- c. Lake Avenue: Segment 4, Orange Grove Boulevard to Maple Street – Allow density for mixed-use development of 48 units per acre.
2. For those properties where changes in residential density with corresponding heights occur, the City of Gardens Standards will apply.
3. Provide changes to land use designations for certain properties along Washington Boulevard (Segment 5, north side only – from CL to R, and Segment 6, south side only – from CO to R), and for the three parcels at the northwest corner of Orange Grove Boulevard and Mentor Avenue (part of Segment 3), from CL to R.
4. Provide changes to land uses for certain properties along Washington Boulevard (Segment 5, north side only, and Segment 6, south side only), and for the three parcels at the northwest corner of Orange Grove Boulevard and Mentor Avenue (part of Segment 3): prohibit commercial and mixed-use development, and allow residential development along Lake Avenue, between Mountain Street and Maple Street.
5. Provide certain land use modifications to allow Work-Live, Retail Sales - Second Hand Appliance in commercially designated areas of the Specific Plan, and allow remodeling of existing drive-through businesses in Segment 3 of the Specific Plan area.

BE IT FURTHER RESOLVED that the above amendments to the North Lake Specific Plan are consistent with the Land Use Element of the General Plan.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2007 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jane L. Rodriguez, CMC
City Clerk

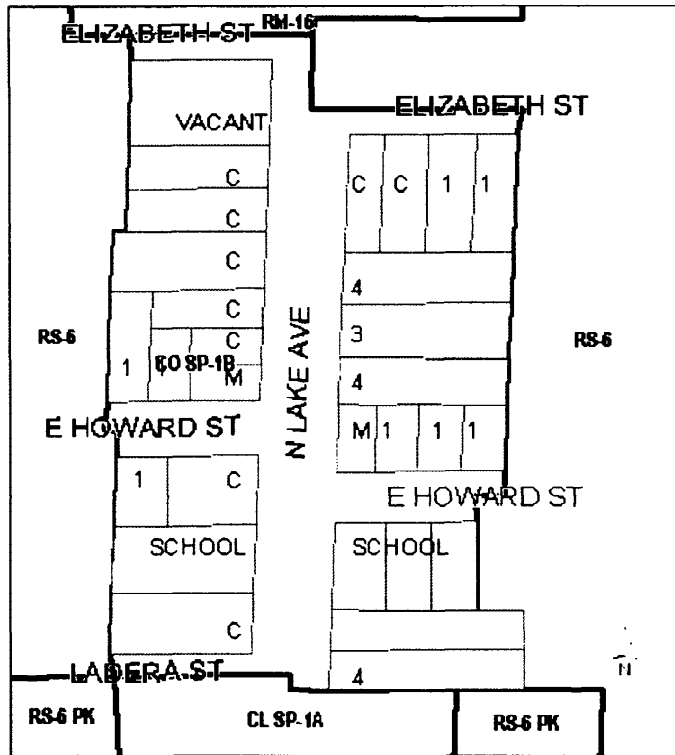
APPROVED AS TO FORM:



Theresa E. Fuentes
Deputy City Attorney

Attachment 4

North Lake Avenue – Ladera Street to Elizabeth Street Segment (1)



Elizabeth Ladera Segment		
Land Uses	#	%
<input type="checkbox"/> Parcel		
<input type="checkbox"/> Commercial	8	28%
<input type="checkbox"/> Mixed Use	2	7%
<input type="checkbox"/> Residential	12	43%
<input type="checkbox"/> School	5	18%
<input type="checkbox"/> Vacant	1	3%

Number of parcels = 28

Existing Conditions:

Existing zoning: CO SP-1b: House ¹	Existing # Units	Existing Average Density, units/ac ²	Potential additional units (R lots only)	Potential additional units (all lots)	Potential Additional capacity or reduction	Height Limit ³	Height Bonus?
Current permitted density: 48 units/ac	26	11	55	178		36' comm'l; 38' resid'l (COG)	No
Proposed: 16 units/ac			17	59	Reduction: 38 – 119 units	30' comm'l; 32' resid'l (COG)	No

1 - **Building Types: House** – Promotes residential scale and character, "intended to encourage existing buildings to be retained, reused, and appropriately added onto."

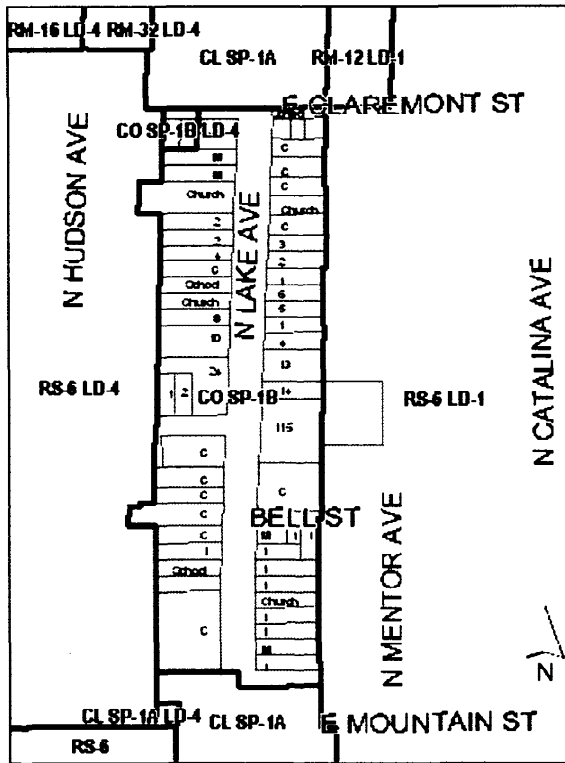
2 - 14 parcels have residential density under 16 units per acre. Surrounding zoning and neighborhood character consist of RS-6 (Single-Family Residential, 6 units per acre) zone with single family residences to the north, east and west.

3 - In general, existing structures in this segment are one story in height.

■ Recommendation

- Continue to provide for low intensity commercial uses, such as offices of residential scale and neighborhood serving commercial, as well as residential, mixed-use development, and work-live.
- Reduce density from 48 to 16 units per acre for multi-family residential and mixed-use development.
- Reduce height limit from 36 feet to 30 feet for commercial and mixed-use development.
- Reduce the height limit from 38 feet to 32 feet for residential development at 16 units per acre according to Code.

North Lake - Claremont Street to Mountain Street Segment (2)



Claremont-Mountain Segment		
Parcel	#	%
Commercial	18	30%
Mixed Use	4	6%
Residential	31	51%
Institutional	8	13%

Number of parcels = 61

Existing Conditions:

Existing zoning: CO SP-1b	Existing # Units	Existing Average Density, units/ac ⁴	Potential additional units (R lots only)	Potential additional units (all lots)	Potential Additional capacity or reduction	Height Limit ⁵	Height Bonus?
Current permitted density=48units/ac	249	20	119	470		36' comm'l; 38' for resid'l (COG)	No
Proposed: 16 units/ac			32	173	Reduction: 87 – 297 units	30' comm'l; 32' resid'l (COG)	No

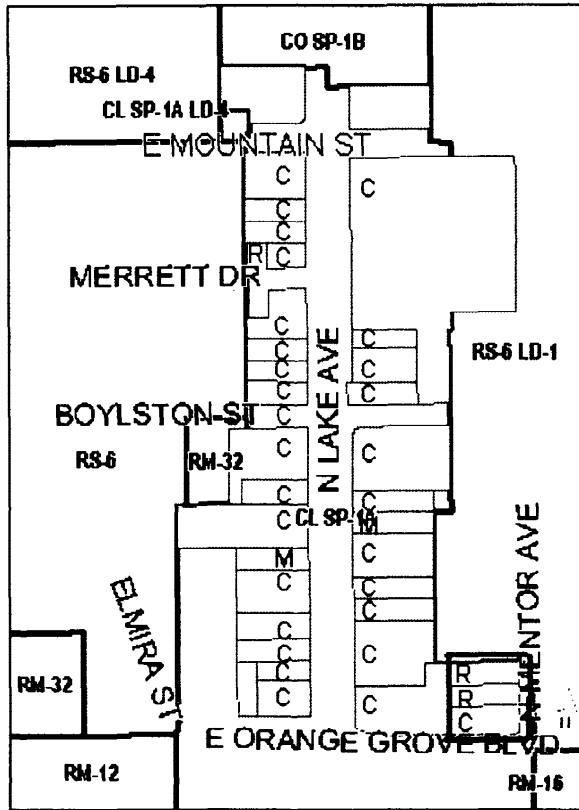
4 - 16 parcels have density under 16 units per acre. Surrounding zoning and neighborhood character consist of RS-6 (single family residential, 6 units per acre) to the north, east, and west.

5 - In general, structures tend to be one story, with some two-story structures, and the Social Service Building that is about 3 stories.

■ Recommendation

- **Maintain low intensity commercial, i.e. offices of residential scale, allow residential, mixed-use, work live, and encourage adaptive reuse of existing buildings.**
- **Reduce density from 48 to 16 units per acre for multi-family residential and mixed-use development.**
- **Reduce height limit from 36 to 30 feet for commercial and mixed-use buildings**
- **Reduce the height limit from 38 to 32 feet for residential development at 16 units per acre, according to Code.**

North Lake Avenue - Mountain Street to Orange Grove Boulevard Segment (3)



Mountain-Orange Grove			
Parcels	#	%	
Commercial	32	87%	
Mixed Use	2	5%	
Residential	3	8%	

Number of parcels = 37

Existing Conditions:

Existing zoning: CL SP-1a ⁶	Existing # Units	Existing Average Density, ⁷ units/ac ⁷	Potential additional units, R lots only	Potential additional units, all lots	Potential additional capacity or reduction	Height Limit ⁸	Height Bonus?
Current permitted density = 32units/ac	9	20	4	306		30' comm'l; 36' resid'l (COG)	Yes +12' if mxd use (housing above comm'l)
Proposed: Commercial uses. No housing component allowed					Capacity: 4 – 306 units	30' comm'l dev't only	Yes

6 - Village – promotes commercial scale and character, "intended to encourage development to contribute to the pedestrian life of the street."

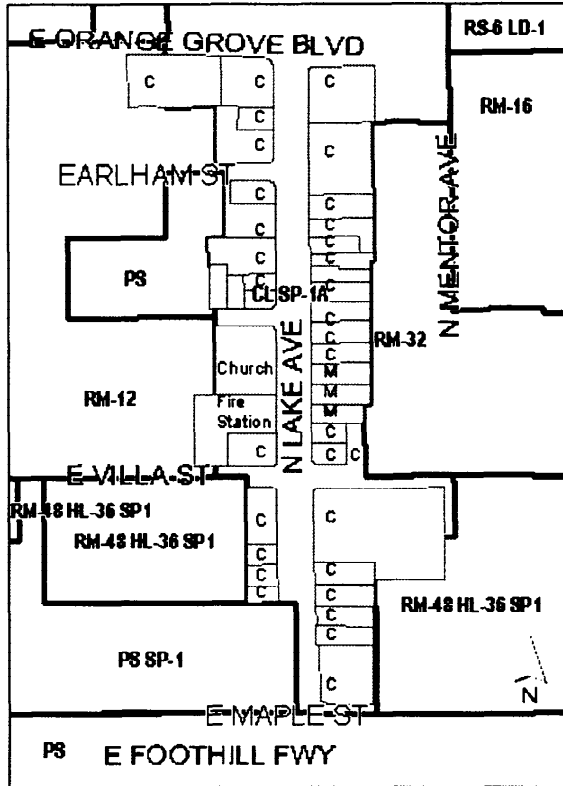
7 - The average density is approximately 20 units per acre. Surrounding zoning and neighborhood character consist of RS-6 (single family residential, 6 units per acre) to the east and west.

8 - Building Height - Structures in this area tend to be one-story, with the exception of the Sav-on Pharmacy (now CVS), and the mixed use building between Taco Bell and Burger King.

Recommendation

- Allow residential units only as part of mixed-use development.
- Maintain a maximum height of 30 feet for commercial buildings,
- Reduce the height for mixed-use development from 42 to a maximum of 30 feet.
- Change the Zoning designation for the 3 parcels (contained within the red square above) at the NW corner of Mentor Ave and Orange Grove Blvd. from Commercial to Multi-family Residential (RM-16).
- Existing Drive-through businesses would be exempt from the Nonconforming Provisions.

North Lake Avenue - Orange Grove Boulevard to Maple Street Segment (4)



Land Use	#	%
Commercial	31	77%
Mixed Use	3	8%
Residential	4	10%
Institutional	2	5%

Number of parcels = 40

Existing Conditions:

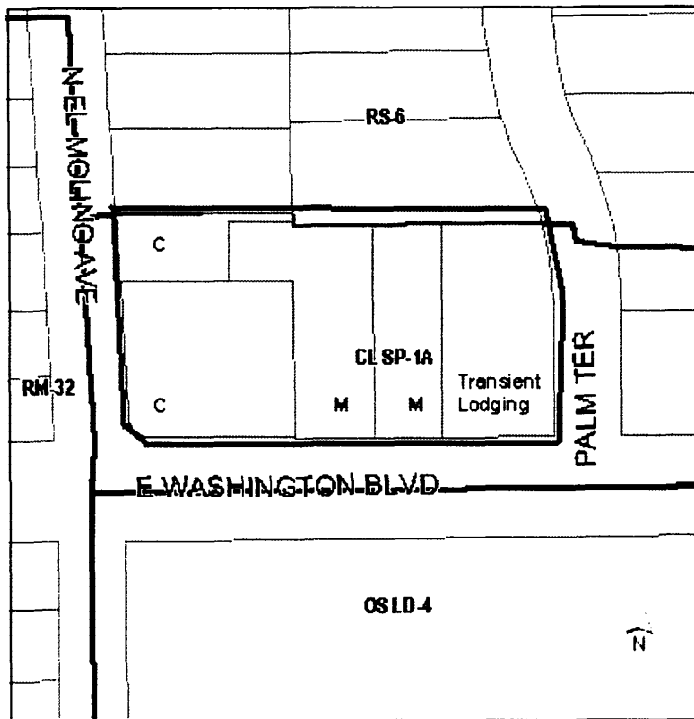
Existing zoning: CL SP-1a;	Existing # Units	Existing Average Density, ⁹ units/ac	Potential additional units (R lots only)	Potential additional units (all lots)	Potential additional capacity or reduction	Height Limit ¹⁰	Height Bonus?
Current permitted density = 32 units/ac	8	6	26	272 ¹¹		36' Maple to Villa only; 30' Villa to Orange Grove	Yes +12' if mxd use (housing above comm'l)
Proposed: 48 units/ac			34	375¹¹	Capacity of 103 additional units, all parcels⁵	36' comm'l, 48' mxd-use Orange Grove to Maple	No

- 9 - The 7 parcels with residential use (including mixed-use) show an average density of 6 units per acre. Surrounding zoning and neighborhood character consist of Residential zones (RM-12, two units per lot) and RM-32 (32 units per acre) adjacent to the East and West of the corridor. There are also institutional uses (churches) to the east.
- 10 - In general, structures are one story, with some two to three story buildings, i.e. Villa Gardens (senior housing) and Lake Avenue Congregational Church.
- 11 - Excludes Pasadena Covenant Church, Fire Station #33, Walgreens Pharmacy, Holoworld commercial building and Kaiser Permanente medical office site. These properties are less likely to change.

Recommendation

- **Maintain low intensity commercial uses, mixed use, work live. Allow residential units only as part of mixed-use development.**
- **Increase the density for residential development from 32 to 48 dwelling units per acre.**
- **Maintain the height limit for commercial buildings at 36 feet. Require commercial use at ground floor level.**
- **Set 48 feet as the maximum height limit for mixed-use development including housing. Remove height bonus.**

Washington (west of Lake, north side only) EI Molino – Palm Terrace (5)



Washington-Palm Terrace-EI Molino		
Land Use	#	%
Commercial	2	40%
Mixed Use	2	40%
Institutional	1	20%

Number of parcels = 5

Existing Conditions:

Existing zoning: CL SP-1a	Existing # Units	Existing Resid'l Density, ¹² units/ac	Potential additional units, R lots only	Potential additional units, all lots	Potential additional capacity or reduction	Height Limit ¹³	Height Bonus?
Current permitted density = 32 units/ac	12	32	0	12		25' comm'l; 36' resid'l (COG)	Yes +12' if mxd use (housing above comm'l)

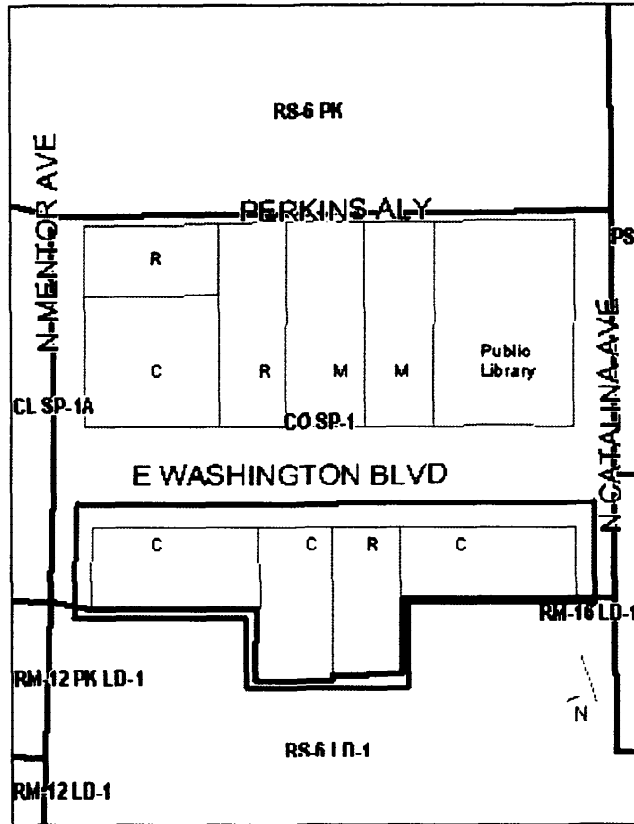
12 – Existing density is approximately 32 units per acre. Surrounding zoning and neighborhood character consist of RS-6 (single family residential, 6 units per acre) to the north, RM-32 to the east.

13 - Half of the structures are one story, and half are two stories.

■ **Recommendation**

- Allow residential uses only; no commercial, mixed-use or work-live.
- Maintain the density for residential development at 32 units/acre.
- Maintain height limit of 36 feet for residential development (RM-32) according to Zoning Code. Eliminate 25 feet for commercial and 37 feet for mixed-use.

Washington (east of Lake, both sides) Mentor – Catalina (6)



Land Use	#	%
<input type="checkbox"/> Commercial	4	40
<input type="checkbox"/> Mixed Use	2	20
<input type="checkbox"/> Public Library	1	10
<input type="checkbox"/> Residential	3	30

Number of Parcels = 10

Existing Conditions

Existing zoning: COSP-1a (Village)	Existing # Units	Existing Average Density, ¹⁴ units/ac	Potential additional units, R lots only	Potential additional units, all lots	Potential additional capacity or reduction	Height Limit ¹⁵	Height Bonus?
Current permitted density = 48 units/ac			7	34 ¹⁶		25' comm'l; 38' resd'l (COG)	Yes +12' if mxd use (housing above comm'l)
Proposed: 32 units/ac	6	10	7	34¹⁶	No change in capacity of additional units	25' comm'l; 36' resd'l (COG)	Yes as currently permitted

14 - There are three single family residences in this segment. Surrounding zoning and neighborhood character consist of RS- 6 (single family residential, 6 units per acre) to the north and south, and RM-16 to the east.

15 - Buildings in this segment are one story in height.

16 - Excludes public library (Santa Catalina branch).

■ Recommendation

- For the **north side only**, maintain low intensity commercial uses, specifically offices of residential scale, neighborhood serving commercial, also residential, mixed-use, work-live.
- Reduce density for residential development from 48 to 32 units per acre.
- Maintain the Specific Plan height limits (25 feet for commercial, 37 feet for mixed-use using height bonus). Change height limit for residential development from 38 to 36 feet, consistent with the Zoning Code.
- For the **south side only**, change the zoning designation from commercial (CO) to residential (RM-16), allowing residential units only at a density of 16 units per acre.
- Change height limit for residential development from 38 feet to 32 feet, consistent with the City of Gardens Development Standards.

Attachment 5

Land Use Modifications

- **Work-Live** – The Specific Plan does not currently address this use. However, the Zoning Code does not allow this use in the CL and CO districts. It is also allowed in the CG district with a CUP.

Recommendation – Allow the use within entire specific Plan area, except for the area along East Washington Boulevard, north side only between Palm Terrace, and El Molino Avenue, along East Washington, south side only, between Mentor Avenue and Catalina Avenue, and the three parcels located at the northwest corner of Mentor Avenue and Orange Grove Boulevard.

- **Second Hand Appliances** - The Community wishes to allow this use, which which is prohibited by the Specific Plan, to allow the sale of antique appliances.

Recommendation - The solution would be to allow the use, with the stipulation that second hand appliances must always be offered for sale within an enclosed structure.

Land Use Regulation Clarifications

- 1) **Administrative reference correction** – Section 17.34.030 – SP-1 A.1. b. **Allowable land uses and Permit Requirements:**

A. Allowable land uses. All land uses allowed in the base zoning districts as permitted or conditional uses may be allowed in the SP-1 Overlay district in compliance with the land use permit requirements of the applicable base zoning district, except as follows:

1. **Permitted uses.** The following shall be permitted uses within the SP-1 overlay:

b. In all of the R districts on Prime Court, Rio Grande Street and North Mentor Avenue north of Claremont Street, the provisions of Section ~~17.16.090 (PK Overlay District)~~ **Section 17.28.110** shall apply.

- 2) **Administrative reference correction** – Section 17.34.040 B.1.e. and C.1.f. **SP-1b Development Standards.** The following standards apply only in the areas Designated SP-1b on the Zoning Map:

e. **Projections.** Building projections may encroach into required setbacks in compliance with Section ~~17.40.150~~ 17.40.160 (Setback and Encroachment Requirements and Exceptions).

f. **Projections.** Building projections may encroach into a yard or encroachment plane in compliance with Section ~~17.40.150~~ 17.40.160.

- 3) **Administrative reference clarification** – Section 17.34.060 – SP-1 C. Development Incentives. The following development incentives shall apply:

C. Residential Buildings in SP-1b. Buildings originally constructed for residential use prior to November 23, 1997, may be reused for permitted or conditionally permitted non-residential use. Such reuse shall comply with the provisions of 17.50.070 (Conversion of a Residential Structure to a Commercial Use). **Add the following clarification to this provision:**

Mixed-Use standards and Work-Live Standards shall not apply.

4) Administrative Clarification and revision provision requirement – Section 17.34.030 SP -1B. See the purpose of the administrative clarification following these proposed Revisions.

B. Nonconforming uses. Except as modified in this Section, the provisions of Chapter 17.71 (Nonconforming Uses, Structures, and Parcels) shall apply to nonconforming uses in the overlay district.

1. Expansion or Enlargement prohibited. The following uses shall not be expanded or enlarged:

a. Mini-malls; ~~or~~

b. ~~Vehicle service services – service stations; uses, except automobile rentals; and~~

c. Vehicle services – vehicle/equipment repair;

d. Vehicle services – sales and leasing and sales and leasing, limited;

e. Vehicle services – vehicle storage;

f. Vehicle services – vehicle washing/detailing and vehicle washing/detailing small-scale; and

~~e.~~ g. Commercial off-street parking.

2. Expansion or enlargement defined. For the uses listed above in Subsection 1, expansion or enlargement is prohibited. No application for a Conditional Use Permit shall be accepted for any expansion or enlargement. ~~the~~ The use is expanded or enlarged if any of the following occurs:

a. Enlargement of the gross floor area of buildings on the site;

b. The paved parking area serving the use is increased;

c. The use is ~~intensified by: Intensification includes, but is not limited to,~~ expanded or enlarged if any of the following occurs:

(1) Increasing the number of fueling positions for a service station;

- (2) Increasing the number of work stations for vehicle/equipment repair; and
- (3) Adding or changing a service to a service station or vehicle/equipment repair use that was not previously offered, including auto wash or mini-mart, and increasing the gross floor area permitting more patrons to be served thereby.

3. **Allowed changes.** The following changes are allowed:

- a. Modernization of equipment;
- b. Reconfiguration of the parking in order to provide a more efficient site plan; and
- c. Modification of existing landscaping or new landscaping to accommodate a reconfiguration of the parking.
- d. Modernization that is consistent with the intent of this subsection as determined by the Zoning Administrator.

~~Installation of more efficient equipment is not in itself an intensification further expansion of the use. The following further expansions can occur with a minor conditional use permit.~~

~~No application for a conditional use permit shall be accepted for any expansion as defined herein provided that a reconfiguration, modernization, or landscaping of or on a site to provide a more efficient site plan shall not constitute an expansion so long as such actions are consistent with subsection E, and a conditional use permit has been obtained.~~

- 4. **Alterations.** Buildings housing any of the uses listed in Subsection B.3.a B.1 may be altered according to the provisions of Chapter 17.71 (Nonconforming Uses, Structures, and Parcels). (The remainder of this subsection remains unchanged.)
- 5. **Exempt from Nonconforming provisions.** In segment 3, Mountain Street to Orange Grove Boulevard, existing Drive-through uses would be exempt from the Nonconforming provisions of Chapter 17.71 of the Zoning Code, and therefore would be allowed to retain drive-through service for any expansion or remodel, and would be allowed to increase queing positions or service windows. A Conditional Use Permit would continue to be required under the Nonconforming provisions.
- 6. **Design Review –** Modify Design Review, Chapter 17.61.030, require New Construction, Major Rehabilitation, Substantial Alterations of all structures within the Specific Plan area, as is currently required for the Lake/Washington sub-area.