

ATTACHMENT A

FINDINGS FOR ZONING CODE TEXT AMENDMENT

Prior to the approval of a Zoning Code Text Amendment, the following findings must be made:

1. *The proposed amendment is in conformance with the goals, policies and objectives of the General Plan, and other adopted goals and policies of the City.*

The proposed amendment to the Zoning Code is consistent with the goals and policies of the General Plan as follows:

Land Use Element

- Goal 3. Compatible Land Uses. A mix and distribution of land uses characterized by their compatibility.
 - Policy 3.6 (Non-Conforming Uses). Encourage the replacement of non-conforming uses to achieve groupings of compatible uses that conform to the current zoning standards.
- Goal 4. Elements Contributing to Urban Form. A safe, well-designed, accessible City with a diversity of uses and forms. These diverse forms include distinct, walkable districts, corridors, and transit and neighborhood villages and cohesive, unique single and multi-family residential neighborhoods and open spaces where people of all ages can live, work, shop, and recreate.
 - Policy 4.11 (Development that is Compatible). Require that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, the arrangement of shared and private open spaces, visibility, privacy, automobile and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics.
- Goal 40. Northwest. Economically vigorous and well-maintained development.
 - Policy 40.2 (Institutional Uses Overconcentration). Prohibit new development of but allow for the improvement of: Single-Room Occupancy, Adult Day Care, General, Medical Services – Extended Care (i.e., Convalescent Facilities), Detention Facilities, Hospitals, Maintenance and Service Facilities, Residential Care, General, or a use classification that includes a use listed here with another use.

The proposed amendments add an additional circumstance in which nonconforming uses must be terminated and abated, which is the revocation, termination, or suspension of any license or permit that is required in order to operate the nonconforming use. When a land use becomes nonconforming, it is because of a change in the Zoning Code that indicates that the particular use is incompatible with the surrounding area and the vision for future development. Therefore, nonconforming uses are by definition incompatible with their neighborhoods. Furthermore, nonconforming uses that also do not comply with the requirements of any licenses or permits that are required for their operation are especially incompatible with their surroundings, since the licensing and permitting requirements for the use are intended to ensure minimum health, safety, and operational standards are met. The proposed amendments would expedite the abatement of these nonconforming uses, thereby removing incompatible uses and creating opportunities for more compatible uses that meet current Zoning Code regulations to be established. These outcomes are consistent with Land Use Element Policies 3.6 and 4.11. The amendments would also provide additional tools to abate nonconforming institutional uses that are over-concentrated in certain areas of the City, particularly in the Northwest, because institutional uses often require additional licensing and permits from outside agencies to operate. This outcome is consistent with Land Use Element Policy 40.2.

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

The proposed amendments are consistent with numerous policies in the Land Use Element of the General Plan. The proposed changes to the Zoning Code would enhance the City's ability to discontinue nonconforming uses, thus bringing land uses throughout the City into alignment with current regulations. The amendments also specifically aim to address those uses that no longer adhere to their respective licensing or permitting requirements. These types of requirements are typically in place in order to ensure that a specific land use meets minimum standards of health, safety, and orderly operation. Therefore, expediting the discontinuance of nonconforming uses that no longer meet these minimum standards for licensing or permitting would advance the public interest, health, safety, convenience, or general welfare of the City.