

Title 18 – Development Code
Article 7 –
Permit Processing Procedures

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Chapter 18.80 -- General Provisions

Sections:

- 18.80.010 – Purpose and Intent
- 18.80.020 – Discretionary Permits and Actions
- 18.80.030 – Additional Permits May Be Required
- 18.80.040 – Burden of Proof and Precedence

18.80.010 – Purpose and Intent

This Article identifies and describes the discretionary permits and other approvals required by the Development Code and establishes the overall application and review structure.

18.80.020 – Discretionary Permits and Actions

- A. Administrative Permits and Actions.** Permits and actions are generally limited to interpretation of policy or relatively minor adjustments of Development Code standards.
1. **Administrative Use Permits.** An administrative permit authorizing the operation of a specific use of land or a structure in a particular location.
 2. **Development Code Interpretations.** An administrative interpretation of provisions of the Development Code in an effort to resolve ambiguity in the regulations and to ensure their consistent application.
 3. **Minor Variances.** An administrative action granting exception to certain development standards in cases where strict compliance would result in a unique hardship.
 4. **Reasonable Accommodations.** An administrative permit authorizing limited modifications to residential properties to accommodate a person with specified disabilities and physical limitations in compliance with specific criteria and performance standards.
 5. **Sign-Related Permits.**
 - a. **Sign Permits.** An administrative permit authorizing a variety of signs, including individual signs for promotional advertising in compliance with specific provisions and conditions. Temporary signs may also be approved in conjunction with a Temporary Use Permit.
 - b. **Comprehensive Sign Programs.** A process through which permissible on-site signage is reviewed to provide for a coordinated, complementary program of signage within a single development project consisting of multiple tenant spaces, or a district.
 6. **Site Plan and Design Review.** An administrative review process providing for review of projects for compliance with the provisions of the Development Code and with any site plan or architectural design guidelines adopted by the City.

7. **Temporary Use Permits.** An administrative permit authorizing specific limited term uses in compliance with specified conditions and performance criteria.
 8. **Zoning Clearances.** An administrative plan check process of nonexempt uses and structures which do not otherwise require review to determine compliance with applicable provisions of the Development Code.
- B. Quasi-Judicial Permits and Actions.** Permits and actions which authorize a development activity after a public hearing and which require a written notice of decision reflecting the facts and standards on which the decision is based.
1. **Conditional Use Permits.** A permit authorizing the operation of a specific use of land or a structure in a particular location.
 2. **Planned Development Permits.** A permit authorizing the development of land that may not conform with the applicable zone-driven standards or related regulations, but which complies with the goals and policies of the General Plan and any applicable specific plan for a particular area. A Planned Development Permit may also allow for exceptions to development standards, but only when provisions for enhanced amenities can be demonstrated and the project site is at least one acre in size.
 3. **Variances.** An action granting exception to the development standards in cases where strict compliance would result in a unique hardship and strict state-mandated findings can be made.
 4. **Density Bonus for Affordable Housing.** An action authorizing a residential density bonus .
- C. Legislative Actions.** Actions adopting or amending comprehensive plans or land use planning documents or zoning ordinances.
1. **Development Agreements and Amendments.** An agreement between the City and a party with legal or equitable interest in the real property relating to the development of the property.
 2. **Development Code Text/Zoning Map Amendments.** An action authorizing either a text amendment to the Development Code or a map amendment changing the zoning designation of particular property.
 3. **General Plan Text/Map Amendments.** An action authorizing either a text amendment to the General Plan or a map amendment changing the General Plan land use designation of particular property.
- D. Subdivision Maps and Other Approvals.**
1. **Subdivision of Land.** Regulations governing the subdivision of land are set forth in Article 5.
 2. **Buildings and Construction.** Provisions for construction and building are set forth in Municipal Code Title 15.
- E. Housing Development Projects, Housing for Low, Very Low and Moderate Income Households, and Emergency Shelters**
1. **Density.** If a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review

standards, in effect at the time the application is determined to be complete, but the City proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the City shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

- a. The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
 - b. There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.
2. **Inconsistency or Noncompliance.** If the proposed housing development project is deemed to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision, the City shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:
- a. 150 or fewer housing units: within 30 days of the date that the application for the housing development project is determined to be complete.
 - b. More than 150 units: within 60 days of the date that the application for the housing development project is determined to be complete.
3. **Failure to provide documentation.** The housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision for failure to provide the required documentation.
4. **Impact of density bonus.** Receipt of a density bonus pursuant to Government Code section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.
5. **Additional Findings Required.** In addition to the findings required by the type of approval or permit applied for under Article 5 or Article 7, in order to condition an approval in a manner that would make the project infeasible or to deny or disapprove a development for a housing development project, housing for low, very low or moderate income households or an emergency shelter, a written finding based upon a preponderance of evidence in the record of at least one of the following criteria must be made:
- a. The adopted housing element is in substantial compliance with requirements of the Government Code, and the City has met or exceeded its share of the regional housing need allocation for the planning period for the income category proposed for the housing development project or the need for emergency shelter.

- b. The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.
- c. The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.
- d. The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
- e. The development project or emergency shelter is inconsistent with both the zoning ordinance and general plan land use designation as specified in any element of the general plan.

18.80.030 – Additional Permits May Be Required

A land use on property that complies with the permit requirement or exemption provisions of the Development Code shall also comply with the permit requirements of other Municipal Code provisions and any permit requirements of other agencies before construction or use of the property is commenced. All necessary permits shall be obtained before starting work or establishing a new use. Nothing in the Development Code shall eliminate the need to obtain any permits required by:

- A. Any other Municipal Code provisions, including building, grading, or other construction permits; a business license in compliance with Municipal Code Chapter 5.04, if required; or subdivision approval if required; or
- B. Any applicable county, district, regional, state, or federal regulations.

18.80.040 – Burden of Proof and Precedence

- A. **Burden of Proof.** The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval is the responsibility of the applicant.
- B. **Precedence.**
 - 1. Each permit shall be evaluated on a case-by-case basis.
 - 2. The granting of a prior permit either on the subject property or any other property within the City does not create a precedent and is not justification for the granting of a new permit.

Chapter 18.82 -- Application Processing Procedures

Sections:

- 18.82.010 – Purpose and Intent
- 18.82.020 – Authority for Land Use and Zoning Decisions
- 18.82.030 – Application Submittal
- 18.82.040 – Eligible Applicants
- 18.82.050 – Use of Department Handouts
- 18.82.060 – Filing Fees and Requirements
- 18.82.070 – Initial Application Completeness Review
- 18.82.080 – Environmental Assessment

18.82.010 – Purpose and Intent

This chapter provides procedures and requirements for the preparation, filing, and initial processing of permit applications.

18.82.020 – Authority for Land Use and Zoning Decisions

Table 7-1 identifies the Review Authority responsible for reviewing and making decisions on each type of application.

Table 7-1 Review Authority				
Type of Action	Applicable Code Citation	Role of Review Authority⁽¹⁾⁽²⁾		
		Director	Commission	Council
A. Administrative Permits and Actions				
Administrative Use Permits	Ch. 18.86	Decision	Appeal	Appeal
Development Code Interpretations	Ch. 18.12	Decision	Appeal	Appeal
Joint/Off-Site Parking Plans	Ch. 18.36	Decision	Appeal	Appeal
Minor Variances	Ch. 18.90	Decision	Appeal	Appeal
Reasonable Accommodations	Ch. 18.94	Decision	Appeal	Appeal
Sign Permits/Comprehensive Sign Programs	Ch. 18.38	See Table 7-2 (Site Plan and Design Review Authorities) ⁽³⁾		
Site Plan and Design Reviews	Ch. 18.86	See Table 7-2 (Site Plan and Design Review Authorities) ⁽³⁾		
Temporary Use Permits	Ch. 18.94	Decision	Appeal	Appeal
Zoning Clearances	Ch. 18.84	Issuance	Appeal	Appeal
B. Quasi-Judicial Permits and Actions				
Conditional Use Permits	Ch. 18.86		Decision	Appeal
Planned Development Permits	Ch. 18.92		Recommend	Decision
Variances	Ch. 18.90		Decision	Appeal
Density Bonus for Affordable Housing	Ch. 18.42		Recommend	Decision
C. Legislative Actions				
Development Agreements and Amendments	Ch. 18.116		Recommend	Decision
Development Code Text/Zoning Map Amendments	Ch. 18.108		Recommend	Decision
General Plan Text/Map Amendments	Ch. 18.108		Recommend	Decision
D. Subdivision Maps and Other Approvals				
Tentative Maps, Final and Parcel Maps		See Table 5-1		
Lot Line Adjustments, Mergers, and Approvals		See Table 5-1		

Notes:

1. "Decision" means the Review Authority makes the final decision on the matter; "Appeal" means the Review Authority may consider and decide upon appeals of the decision of a lower decision-making body; "Issuance" means the Review Authority may consider and grant the request; "Recommend" means the Review Authority should provide preliminary review and forward input to the decision-making Review Authority for consideration.
2. Any Review Authority may defer action and refer the request to the next higher Review Authority level for consideration and final action. In cases where the Council is specified as the Review Authority, the Council is the final level of review.
3. Responsibility for Site Plan and Design Review, as well as the review of Sign Permits and Comprehensive Sign Programs is shared by the Department staff, the Director, and the Commission. The specific Review Authority for these actions is further specified in Table 7-2.

18.82.030 – Application Submittal**A. Preliminary Application.**

The purpose of the Preliminary Application (Pre-App) is to allow the Planning Division to work with the applicant and coordinate an internal review of major and complex applications. This process is intended to provide feedback to the applicant early in the process by helping applicants understand the approval process, identifying potential issues to be addressed, and facilitating community outreach.

The Pre-App is not intended to be a comprehensive review of the project, does not result in any approvals, and is not subject to appeal. The outcome of the Pre-App process is a comprehensive letter describing the approval process, summarizing major planning concerns and issues noted during internal

review and a fee estimate. The fee estimate for the project application may differ from the Pre-App estimate.

1. A Pre-App is required for the following types of major and/or complex projects:
 - a. **Major Projects:**
 - (1) New Commercial Construction - Any structure greater than 50,000 square feet.
 - (2) New Residential Construction - Any project proposing twenty (20) or more new dwelling units.
 - (3) Existing Non Residential Structures - An addition to any structure greater than 25,000 square feet.
 - (4) Existing Structure - Rehabilitation, alteration, or addition to more than 25 percent of an existing multi-family structure with five (5) or more units.
 - (5) Existing Structure - Any project that seeks to remove one or more price controlled housing units covered under the City's Rent Stabilization and Just Cause for Eviction Ordinance.
 - (6) Existing Structure - Any project that would demolish a deed restricted affordable housing unit.
 - b. **Complex Projects:**
 - (1) Planned Development Permit
 - (2) Zoning Text Amendment
 - (3) Zoning Change
 - (4) General Plan Amendment
 - (5) Projects with Mandatory Environmental Impact Reports
 - (6) Schools
 - (7) Conditional Use Permit (subject to determination by the Director)
 - (8) ABC License new request and modification (notification shall be 600 feet from the project site)
 - c. **Director Discretion:** The Director, in the public interest, shall have the discretion to require a Major or Complex Pre-App process for any project and to require the applicant to prepare a fiscal impact analysis as part of the process
2. **Planning Commission Study Session and Community Meetings.**
 - a. All Pre-App projects are required to provide neighborhood notification and a minimum of one Commission study session to discuss the proposed project and to document community concerns.

- b. The Director has the discretion to require community meetings prior to the Commission Study Session. The Director may require additional meetings if additional meetings will be beneficial to the community.
- c. Within calendar 15 days of the Commission study session, any member of the Council may request a study session with the Council.

3. Notice and Meeting Requirements.

a. Notices:

- (1) All property owners within 300 feet of the project and community groups or organizations identified by the City as potentially interested in the project must be notified of the Pre-App by way of a written notice describing the project and inviting them to the Community Meeting, Planning Commission study session, and/or other community meetings to discuss the project. Notices must be published as an ad in the local daily newspaper and 8.5" x 11" notices posted on City bulletin boards. New alcohol sales or modifications to existing liquor licenses require in addition noticing within a 600 radius from the site.
- (2) The applicant is responsible for sending out the meeting notice based upon a mailing list and notice template provided by the City. Required notice shall include:
 - (a) Project site map;
 - (b) Project description; and
 - (c) Date, time, and location of the meeting(s).
- (3) In addition, the notice must be:
 - (a) Approved by Director or designee;
 - (b) Sent out, published, or posted according to Department guidelines, at least 14 days prior to the meeting; and
 - (c) Mailed by USPS using a Certificate of Mailing (Form 3788), or another form of registered mail with proof of mailing provided to staff.

b. Community Meeting:

- (1) The applicant is responsible for arranging the community meeting venue.
- (2) Attendees should be requested to sign in, and provide contact information, if further contact desired.
- (3) Applicant shall document questions from the community and the responses to the questions.
- (4) Meetings shall occur at a publicly accessible venue within the City, preferably at the project site or within a one mile radius of the site.
- (5) Weeknight meetings shall occur between 6:00 p.m. and 9:00 p.m.

- (6) Weekend meetings shall occur between 10:00 a.m. and 9:00 p.m.
- (7) The applicant is responsible for presenting the project to the community.
- (8) The Director may require additional meetings if additional meetings will be beneficial to the community.

4. Preliminary Application Letter and Formal Submittal.

- a. Within 30 days of outreach completion, the Department will send to the applicant a letter summarizing major project concerns, a description of the approval process, other issues noted during internal review, and a fee estimate.
- b. A formal project submittal will be accepted only after the Pre-App letter has been issued. The submittal should address the matters discussed in the Pre-App letter, as well as comply with all application submittal requirements.
- c. Comments in the letter, excluding the fee estimates, are in effect for one year from the date of the letter.
 - (1) If a formal application is not submitted within one year, a new Pre-App will be required before project submittal.
 - (2) The requirement for a new Pre-App may be waived by the Director on a case-by-case basis.
 - (3) A new Pre-App may be required by the Director within the one year period if it is determined that the formal submittal is significantly different from the Pre-App submittal.

B. Application Contents.

1. Each application for a permit, amendment, or other matter shall be filed with the Department on a City application form, together with all required fees and/or deposits and all other information and materials pertinent to the application.
2. Applicants are encouraged to contact the Director or designated Department staff member before submitting an application to determine which materials and fees are necessary for application filing and/or to arrange for an appointment for submittal.
3. The applicant shall verify the contents of the application and the date of verification shall be noted on the application.
4. Upon submittal, a “Notice of Development Proposal” shall be placed on the property. The Notice of Development Proposal shall be 2 feet by 3 feet on weather resistant cardstock, must be within 5 feet of the public right of way and between 4-7 feet above the ground. The notice shall include a project description, the parcel information and the contact information for the applicant and property owner. City staff shall approve the notice prior to installation.

C. Application Filing Status.

1. If the Director determines an application cannot lawfully be approved by the City or the application constitutes a non-allowed resubmittal of a previously denied request, the Director shall not accept the application for processing and any collected fees shall be returned.

2. In cases where the Director determines the reasons and conditions specified in the application to be not within the scope of the requested permit or approval, or that the application is incomplete, the applicant shall be so informed and given an opportunity to revise or complete the application.
3. If the application is filed and the required fees are accepted, the application shall be signed by the applicant noting the applicant was informed of any identified concerns related to the submittal.
4. Acceptance of the application and/or fees does not constitute an indication of approval nor imply that the application is complete.

18.82.040 – Eligible Applicants

- A. Filed by the Owner(s).** An application may only be filed by the owner(s) of the subject property or authorized agent of the property owner(s) with the written consent of the property owner(s).
- B. Signature of Owner(s) Required.** The application shall be signed by the owner(s) of record or may be signed by an authorized agent of the property owner(s) if written authorization from the owner(s) of record is filed concurrently with the application.

18.82.050 – Use of Department Handouts

Each application shall include all of the information and materials specified in the most current Department handout for the specific type of application and/or as specified by the Director. The Director shall have the authority to modify or waive specified application content requirements on a case-by-case basis.

18.82.060 – Filing Fees and Requirements

- A. Master Fee Schedule.**
 1. The Council shall establish a schedule of fees for the processing of the applications required by the Development Code, referred to as the Master Fee Schedule.
 2. The Master Fee Schedule is intended to allow recovery of all costs to the maximum extent allowed by law, incurred by the City in processing permit applications.
 3. The Master Fee Schedule may be amended as often as deemed necessary by the Council.
- B. Timing of Payment**
 1. Applications shall not be deemed complete, and processing shall not commence, on any application until all required fees or deposits have been paid. Payment of required fees and/or deposits shall not deem the application complete.
 2. Failure to timely pay any additional fees due shall be a basis for denial or revocation of any permit or other requested entitlement, notwithstanding any other provisions of the Development Code.

C. Refunds and Withdrawals.

1. Application fees cover City costs for public hearings, mailings, staff and consultant time, and the other activities involved in processing applications.
2. No refund due to denial shall be allowed.
3. In the situations where an application is withdrawn, the Director shall authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal, as set forth in the Master Fee Schedule

18.82.070– Initial Application Completeness Review

A. Review for Completeness. The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in any pre-application conference and/or during the initial application review period.

1. **Notification of Applicant.** As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for filing and processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided. As provided for in Government Code Section 65957, an extension of the review period may be mutually agreed to by the City and an applicant for a period not to exceed 90 days.
2. **Submittal of Additional Information.**
 - a. When the Director determines an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur.
 - b. The additional specified information shall be submitted in writing or electronically, as required by the Director.
 - c. The Director's review of the information resubmitted by the applicant shall be accomplished within another 30-day period of review for completeness.
3. **Expiration of Application.**
 - a. If an applicant fails to provide the additional information specified in the Director's letter within 120 days or less as specified by the Director following the date of the letter, the application shall expire and be deemed withdrawn without any further action by the City, unless a written request for an extension is submitted by the applicant and approved by the Director.
 - b. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.
4. **Made Available for Public Review.** After an application has been accepted as complete, in compliance with the Public Records Act, the application may be made available for public review as requested.

5. **Environmental Information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA guidelines.
- B. Referral of Application.** At the discretion of the Director, or where otherwise required by the Development Code or state or federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.
- C. Project Review Procedures.**
1. **Investigation of Facts.** Following receipt of a completed application, the Director shall investigate the facts necessary for action.
 2. **Inspection of Premises.**
 - a. **Pre-inspections.** The Director shall have access to the subject premises in order to make an inspection(s) to confirm the statements contained in the application and accompanying graphic materials and to make a judgment as to its suitability.
 - b. **Post-inspections.** After approval, the Director shall have access to the subject premises to confirm compliance with the Development Code and all conditions of permit approval.

18.82.080 – Environmental Assessment

- A. CEQA review.** After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) to determine whether:
1. The proposed project is exempt from the requirements of CEQA;
 2. The proposed project is not a "project" as defined by CEQA;
 3. A Negative Declaration may be issued;
 4. A Mitigated Negative Declaration may be issued; or
 5. An Environmental Impact Report (EIR) shall be required.
- B. Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and the City's CEQA guidelines.
- C. Special studies required.** One or more special studies, paid for in advance by the applicant, may be required to complete the City's CEQA compliance review. These studies shall become public documents and neither the applicant nor any consultant who prepared the studies shall assert any rights to prevent or limit the documents' availability to the public.

Chapter 18.84 -- Zoning Clearances

Sections:

- 18.84.010 – Purpose and Intent
- 18.84.020 – Applicability/Permit Requirement
- 18.84.030 – Review Authority
- 18.84.040 – Review Procedures
- 18.84.050 – Post Decision Procedures

18.84.010 – Purpose and Intent

Zoning Clearance is the procedure used by the City to verify a proposed land use or structure complies with the uses allowed in the applicable zone and the development standards applicable to the use or structure.

18.84.020 – Applicability/Permit Requirement

- A. A Zoning Clearance is required when any provision of the Development Code indicates a Zoning Clearance is a prerequisite to establishing a land use or structure, including before the initiation or commencement of any use of land not requiring the construction of a structure; before the City issues a new or modified building permit, grading permit, or other construction-related permit required for the alteration, construction, modification, moving, or reconstruction of any structure; whenever a use is proposed to be changed from a use for which a Zoning Clearance has been issued; for a change of lessee, operator, or owner even when the change does not involve a change in the use being conducted on the subject property, to ensure the new lessee, operator, or owner is made aware of requirements applicable to the subject use and any conditions of approval imposed through a discretionary permit authorizing the use.
- B. A Zoning Clearance shall be obtained before the City issues a new or modified business license in compliance with Municipal Code Chapter 5.04.

18.84.030 – Review Authority

The Director may issue a Zoning Clearance only after confirming that the proposed land use and/or structure is in full compliance with all of the applicable provisions of the Development Code.

18.84.040 – Review Procedures

Zoning Clearance approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

18.84.050 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a Zoning Clearance application.

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Chapter 18.86 -- Site Plan and Design Review

Sections:

- 18.86.010 – Purpose and Intent
- 18.86.020 – Applicability
- 18.86.030 – Review Authority
- 18.86.040 – Application Filing, Processing, and Review
- 18.86.050 – Findings and Decision
- 18.86.060 – Discretionary Action by Higher Review Authority
- 18.86.070 – Issuance of Other Required Permits and Approvals
- 18.86.080 – Minor Changes by Director
- 18.86.090 – Post Decision Procedures

18.86.010 – Purpose and Intent

- A. Purpose.** The purpose of this chapter is to provide a process for the appropriate review of development projects by the applicable Review Authority
- B. Intent.** The intent of this chapter is to ensure all approved projects :
 1. Promote the orderly development of the City in compliance with the goals, objectives, and policies of the General Plan, any applicable specific plan, the applicable standards specified in the Development Code, and any applicable design guidelines;
 2. Respect the physical and environmental characteristics of the site;
 3. Ensure safe and convenient access and circulation for pedestrians and vehicles;
 4. Exemplify high-quality design practices;
 5. Encourage the maintenance of a distinct neighborhood and/or community identity; and
 6. Minimize or eliminate negative or undesirable visual impacts.

18.86.020 – Applicability

- A. Site Plan and Design Review Required.** No one shall construct any structure or site improvement, or alter, move, rebuild, relocate, or significantly enlarge or modify any existing structure or site improvement specified in Table 7-2 unless a Site Plan and Design Review application is first reviewed and approved or conditionally approved by the applicable Review Authority in compliance with this chapter.
- B. Compliance with Chapter Required.** No building or grading permit shall be issued until the applicable requirements of this chapter have been met.

18.86.030 – Review Authority

- A. Applicable Review Authority.** The Review Authority for Site Plan and Design Review shall be as specified in Table 7-1.
1. **Director Review.** The Director may consider and act on projects without a public meeting. At the discretion of the Director, proposals listed as Director review items which may have the potential to be incompatible with or have an adverse effect on existing and surrounding property may be elevated to the level of Commission review.
 2. **Commission Review.** The Commission shall consider and act on projects at a scheduled Commission meeting. The Commission shall also act as the Review Authority for appeals of the Director's decisions.
 3. **Council Review.** The Council shall consider and act on projects at a scheduled Council meeting. The Council shall also act as the Review Authority for appeals of the Commission's decisions.

Table 7-2 Review Authority for Site Plan and Design Review	Review Level⁽¹⁾⁽²⁾	
	Director	Commission⁽³⁾
RESIDENTIAL CONSTRUCTION ACTIVITIES		
Residential New Construction		
New Single Family Homes	Decision	Appeal
New Duplex Units	Decision	Appeal
Multi-family (attached or detached)	Recommend	Decision
Residential Additions, Modifications, and/or Accessory Structures		
All Residential Additions, Modifications, and/or Accessory Structures	Decision	Appeal
Other Residential Construction or Improvements (6)		
Façade or exterior improvements in the single- and two-family zones	Decision	Appeal
Façade or exterior improvements multi-family zones	Decision	Appeal
NON-RESIDENTIAL CONSTRUCTION ACTIVITIES		
Accessory structures	Decision	Appeal
New Construction, Additions and Modifications		
Additions, New Construction or Modifications < 1,000 sq. ft.	Decision	Appeal
Additions, New Construction or Modifications > greater than 1,001 sq. ft.	Recommend	Decision
Other Non-Residential Construction		
Façade or exterior improvements <1,000 sq. ft.	Decision	Appeal
Façade or exterior improvements >1,000 sq. ft.	Recommendation	Decision
Landscaping	Decision	Appeal
SIGNS AND SIGN PROGRAMS		
Comprehensive Sign Programs	Decision	Appeal
Signs (excluding freeway and monument signs) permanent and temporary	Decision	Appeal
Freeway signs	Decision	Decision
Monument signs	Decision	Appeal
OTHER REVIEW		
Joint and Off-Site Parking Plans	Decision	Appeal
Newspaper Racks	Decision	Appeal
Outdoor Dining	Decision	Appeal
Planned Development Permits	Recommend	Recommend
Subdivisions/Condominiums Creation of 1 Lot (Lot Split) 2-4 Lot Subdivisions 5 or more new lots	Decision Recommend Recommend	Decision Decision
Lot Merger	Decision	Appeal

Table 7-2 Review Authority for Site Plan and Design Review	Review Level⁽¹⁾⁽²⁾	
	Director	Commission⁽³⁾
Lot Line Adjustment	Decision	Appeal

Notes:

1. "Decision" means the Review Authority makes the final decision on the matter; "Appeal" means the Review Authority may consider and decide upon appeals of the decision of a lower Review Authority; "Recommend" means the Review Authority provides preliminary review and forwards input to the higher Review Authority for consideration.
2. The Review Authority may defer action and refer the request to the higher Review Authority for the final decision.
3. All decisions of the Commission are appealable to the Council.

- B. Determination of Review Authority by Director.** The applicable Review Authority for items not listed in Table 7-2 shall be determined by the Director.

18.86.040 – Application Filing, Processing, and Review

- A. Application Filing.** All projects requiring an application for a Site Plan and Design Review shall be filed and processed in compliance with standard application processing procedures. It is the responsibility of the applicant to provide evidence to support the required findings.
- B. Review with Other Land Use Applications.** If the project for which the request for Site Plan and Design Review is being made also requires some other discretionary approval, the applicant shall file the information required together for concurrent review with the application for discretionary approval.
- C. Application Review.**
1. Each application for Site Plan and Design Review shall be reviewed to ensure the application is consistent with the purpose of this chapter, applicable development standards and regulations, and any adopted design guidelines and policies which may apply. Upon receipt of a complete application, the applicable Review Authority shall review the design, location, site plan configuration, and the effect of the proposed development on surrounding development by comparing the project plans to established development standards, regulations, and applicable design guidelines/ policies.
 2. Written notice shall be sent to the applicant before consideration of the application by the applicable Review Authority.
 3. After the application has been deemed complete, the Review Authority shall either approve or deny the application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and general welfare and ensure compliance with this chapter and various regulations of the City.
- D. Standards of Review.** When reviewing development plans subject to Site Plan and Design Review, the following criteria, as well as the General Plan and any applicable Specific Plan in addition to other principles of good design, shall be considered as part of the review:
1. **Compatibility.** Compatibility shall be ensured and determined by use of the following criteria:

- a. The arrangement, design, location, and size of all structures should be visually harmonious with the project site and with the surrounding sites and structures.
 - b. New development, alteration, and/or enlargement of existing development should enhance and improve the appearance of the project's vicinity and be compatible with the character and quality of surrounding development.
 - c. The proposed development should protect the development site as well as surrounding properties from noise, odor, vibration, and other impacts that may have an adverse impact.
 - d. The height and bulk of proposed structures on the site should be in scale with the height and bulk of structures on surrounding sites, and should not visually dominate their sites or call undue attention.
 - e. The location and configuration of structures should minimize interference with the privacy and views of occupants of surrounding structures.
2. **Architectural Design and Detail.** Architectural design and detail shall be provided in all proposed development and shall be evaluated by use of the following criteria:
- a. Every effort should be given to design new structures in keeping with a recognized and established architectural style utilizing massing, materials, details, and similar elements of that style.
 - b. Elements of good urban design and architecture should be implemented in all projects including, but not limited to building articulation, building colors, fenestration, massing, materials, and other architectural elements.
 - c. Where no consistent architectural style or pattern is present, building design and massing should be used to complement existing development.
 - d. Architectural treatment of all structures should be visually coordinated.
 - e. Long, plain building walls should be avoided by incorporating building articulation (e.g., arcades, decks, material variation, porches, public art, roofline variation, varied setbacks, and windows) and other similar methods.
 - f. Garish, inharmonious, or out-of-character colors should not be used on any structure, face, or roof visible from the street or from an adjoining site.
 - g. Roof-mounted equipment shall be fully screened. Acceptable methods of screening may include parapet walls or some other creative manner as an architectural solution. Individual equipment screens may only be used for structures after all other methods of screening have been explored.
 - h. Rooflines on a structure should create design interest and be compatible throughout the structure and with existing structures and surrounding development.
 - i. The design of the structures, driveways, landscaping, lighting, loading facilities, parking areas, signs, solar facilities, and other features should show proper consideration for the functional aspects of the site (e.g., vehicle, pedestrian, and bicycle circulation) and the visual effect of the development on surrounding development.

- j. Amenities and other design features should be provided on larger development projects.
 - k. Green building practices should be used whenever feasible.
 - l. Electrical rooms with switchgear and similar items should be located within an electrical room and integrated into the structure's footprint.
 - m. Interior roof access shall be used. Exterior roof ladders are prohibited.
3. **Landscape, Lighting, Parking, Signs, and Other Design Details.** Landscaping, lighting, parking, signs, and other design details shall be provided in all proposed development and shall be determined by use of the following criteria:
- a. **Equipment and Utilities.**
 - (1) Utility boxes and other similar equipment should be located where they are well screened from public view.
 - (2) Mechanical equipment on the site shall be appropriately screened from public view.
 - (3) When possible, all utilities should be installed underground.
 - b. **Fences/Walls.**
 - (1) Fencing, walls, solid waste enclosures, and accessory structures should be harmonious with the principal structure and other structures on the site.
 - (2) Retaining walls that are visible from public views should be limited in height, whenever possible. Decorative block or formed concrete should be used for all retaining walls. When taller retaining walls are necessary, they should be designed to reduce visual impact.
 - (3) Barbed wire fences are expressly prohibited.
 - c. **Landscaping.**
 - (1) Landscaping should be designed in a way as to accent the property. Special effort should be given to colorful, creative, and varied planting designs that use native and native-compatible species that provide visual interest and water efficiency.
 - (2) Attention shall be given to selecting parking lot trees that provide the maximum amount of shade.
 - (3) When mature trees are present on a site, every effort should be made to assess the value of the trees and, if reasonable, the trees should be incorporated into the proposed landscape plans.
 - (4) Pedestrian paths should be incorporated into site design to provide access and visual interest and to provide the most effective pedestrian access to structures.

- (5) Decorative hardscape should be integrated into project areas to provide visual interest.
- (6) In the parking and driveway areas, decorative hardscape should be used at driveway access points and nodes in the parking area.
- (7) In pedestrian areas, decorative hardscape should be used near entries, within patio areas, and at other focal points in the project.
- (8) All landscaping shall conform to the provisions related to landscaping and trees.

d. **Lighting.**

- (1) Lighting shall be located so as to avoid glare and to reflect the light away from adjoining property and rights-of-way while recognizing the importance of security.
- (2) Wall-mounted lighting fixtures should be decorative and be compatible with the architectural style of the structure(s). Wall packs and fixtures that spread uncontrolled light shall be prohibited.
- (3) Pole-mounted lighting should be of an appropriate scale to complement the structure that it serves. Wherever possible, decorative poles and fixtures should be used.
- (4) All outdoor lighting shall conform to the provisions related to outdoor lighting.

e. **Parking.**

- (1) Parking and loading facilities should function efficiently with minimum obstruction of traffic on surrounding streets while facilitating on-site circulation
- (2) Wherever possible, driveway access to parking areas should have as shallow of a slope as possible to provide proper drainage and facilitate ease of access.
- (3) All parking and loading facilities shall conform to the provisions related to off-street parking and loading, including back-up space.

f. **Signs.**

- (1) Signs should be creatively designed so as to improve the aesthetic aspects of the development as well as identify a business or location.
- (2) With a focus on graphic design, signs shall be clearly readable and shall utilize materials, textures, colors, and illumination that complement the structure and site design.
- (3) During project design and review, consideration should also be given to the location and size of signs to ensure visual compatibility and vehicular and pedestrian safety.

- (4) For ground-mounted signs, landscape shall be incorporated with plans for the signs.
 - (5) All signs shall conform to the provisions signs.
- E. On-site Inspection.** The Director may perform an on-site inspection of the subject parcel before confirming the project complies with all of the applicable criteria and provisions.
- F. Public Hearing and Notice Provisions.**
- 1. **Public Notice and Hearing Requirements.** When a public notice and hearing is required, notice of the hearing shall be given and the hearing shall be conducted as set forth in the provisions related to public notices and hearing. Public notice and hearing requirements for Site Plan and Design Review applications are as follows:
 - a. **Review by Director.** No public notice or hearing shall be required for the Director's review, except when the Site Plan and Design Review application is accompanied by a companion quasi-judicial or legislative matter which would otherwise require a public hearing.
 - b. **Review by Commission.** Public notice and hearing is required for review by the Commission of all projects listed in Table 7-2 for which the Commission is the Review Authority.
 - 2. **Specific Applications.** Public notice and hearing requirements for specified Site Plan and Design Review applications are as follows:
 - a. For all single-family new construction structures or single-family second-story additions, notice shall be provided to all abutting residential property owners (i.e., properties located immediately adjacent to or across the street from the subject site) before the initial decision.
 - b. For all non-single-family new construction structures or additions exceeding 500 square feet and when adjacent to a residential zone, notice shall be provided to all abutting residential property owners (i.e., properties located immediately adjacent to or across the street from the subject site) before the initial decision.
- G. Appeal Provisions.** The Review Authority's decision may be appealed

18.86.050 – Findings and Decision

- A. Meets Requirements.** The Review Authority shall determine whether or not the application meets requirements.
- B. Review Authority's Action.**

The application shall be considered in a timely manner as required by the Government Code after it is deemed complete. An application for a Site Plan and Design Review may be approved, conditionally approved, or denied by the Review Authority. In approving a Site Plan and Design Review application, the Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval is in compliance with the required findings.

- C. Required Findings.** The Review Authority may approve a Site Plan and Design Review application only after first making all of the following findings.

1. The proposed development is consistent with the General Plan and any applicable specific plan and is in compliance with all applicable provisions of the Development Code and all other City ordinances and regulations;
2. The proposed development is to be constructed on a suitable site, adequate in shape, size, topography, and other circumstances to accommodate the proposed development;
3. The proposed development complies with the applicable standards of review; and
4. The proposed development is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

18.86.060 – Discretionary Action by Higher Review Authority

If the application is filed concurrently with another discretionary land use application, the decision to approve or deny the Site Plan and Design Review shall be made by the authority responsible for reviewing the other discretionary land use application, in compliance with the applicable review procedure for the discretionary review

18.86.070 – Issuance of Other Required Permits and Approvals

- A. Permits for Grading, Structures, and Uses.** Upon approval or conditional approval of a new or revised Site Plan and Design Review, permits may be issued for grading, structures, and uses, unless another provision of this code imposes additional limitations or requirements.
- B. Compliance with Site Plan and Design Review.** Grading shall not be commenced and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this chapter, except in compliance with the approved Site Plan and Design Review and the conditions imposed.
- C. Determination by Director.** Compliance shall be determined by the Director, or in the case of disagreement with the applicant, by the applicable Review Authority.
- D. Expiration.** Construction of improvements permitted by a Site Plan and Design Review approval shall be “exercised” or commenced within 24 months of the actual date of approval.
- E. Extension.** Upon receiving a written request filed at least 30 days before the expiration of any approved time period, the Director may grant an extension for a period not exceeding 12 additional months; provided, it is determined there has been no subsequent change in the findings, conditions of approval, and applicable regulations governing the approval.

18.86.080 – Minor Changes by Director

Minor changes in a Site Plan and Design Review which do not involve an increase in structure area or height, an increase in the number of dwelling units, or an intensity of use may be approved by the Director.

18.86.090 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a Site Plan and Design Review application.

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Chapter 18.88 -- Administrative Use Permits and Conditional Use Permits

Sections:

- 18.88.010 – Purpose and Intent
- 18.88.020 – Applicability
- 18.88.030 – Application Requirements
- 18.88.040 – Review Authority
- 18.88.050 – Project Review, Notice, and Hearing
- 18.88.060 – Findings and Decision
- 18.88.070 – Conditions of Approval
- 18.88.080 – Permit Expiration
- 18.88.090 – Post Decision Procedures

18.88.010– Purpose and Intent

- A. Purpose.** The purpose of this chapter is to provide two distinct procedures for reviewing land uses which may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.
- B. Special Consideration.** Certain types of land uses may require special conditions in a particular zone or physical location within the City as a whole because they possess unique characteristics or present special problems that make automatic inclusion as permitted uses either impractical or undesirable due to potential and unforeseeable impacts to the surrounding area.
- C. Intent.** The Administrative Use Permit and Conditional Use Permit procedures are intended to provide sufficient flexibility in the use regulations in order to further the objectives of the Development Code and to provide the City with the opportunity to impose special conditions in order to mitigate potential impacts that could result from allowing the use(s) at the requested location.

18.88.020 – Applicability

- A. When Required.** Approval of a Use Permit is required to authorize proposed land uses specified in Article 2 as being allowable in the applicable zone when subject to the approval of an Administrative Use Permit or Conditional Use Permit.

18.88.030 – Application Requirements

Public Structures and Uses. Location of electric power, gas, water and oil lines, public utility or public service uses or public structures in any zone when found to be necessary for the public health, safety, convenience, or welfare, except that a Conditional Use Permit is not required for local distribution lines. An application for a Use Permit shall be filed and processed in compliance with standard application processing procedures. It is the responsibility of the applicant to provide evidence to support of the required findings.

18.88.040 – Review Authority**A. Administrative Use Permits.**

1. **Administrative Use Permits shall be approved or denied** by the Director.
2. The Director may choose to refer any Administrative Use Permit application to the Commission for review and final decision.

B. Conditional Use Permits. Conditional Use Permits shall be approved or denied by the Commission, except as otherwise specified.**18.88.050 – Project Review, Notice, and Hearing**

Each application shall be reviewed by the Director to ensure the proposal complies with all applicable requirements of the Development Code.

A. Administrative Use Permits.

1. An application for an Administrative Use Permit may be submitted by the property owner or by an agent on the owner's behalf. The application shall be made to the Community Development Department on a form provided by the City and with all applicable fees and submittal materials. Generally no public hearing is required.
2. If the proposed use requires a division of land, an application for a land division permit shall be submitted in conjunction with the application for a Use Permit. Approval of the Administrative Use Permit shall not become effective until final approval of the land division permit; provided, that if the land division is proposed in phases, the approval of the Administrative Use Permit shall take effect upon final approval of the phase of the land division containing the property on which the specially permitted use is to be located.
3. **Review Procedure.**
 - a. The Director shall send a written notice of the application to each of the adjacent property owners as shown by the latest available assessment roll of the County of San Mateo. The notice shall advise the property owners that a written protest or request for an administrative hearing, or both, may be filed with the Director within ten calendar days from the date of the notice.
 - b. If any written protests are filed by adjacent property owners within the time prescribed in the notice, but no request for hearing is made, the Director shall consider the protests in determining whether to approve, conditionally approve, or deny the application and shall render a decision without conducting an administrative hearing.
 - c. If a request for an administrative hearing is received within the time prescribed in the notice, the Director shall fix a time and place for the hearing and shall give written notice of the hearing to the applicant and the person or persons requesting the hearing. The hearing shall be scheduled within 60 days of receipt of a request for administrative hearing. Within 10 working days of the conclusion of the hearing, the Director shall approve, conditionally approve, or deny the application and shall furnish a copy of his or her written decision to the applicant and the person or persons who requested the hearing.

4. Review and Decision on an Administrative Use Permit.

- a. The Director shall be the final decision-maker for Administrative Use Permits. If there is not an administrative hearing, the Director shall render a decision within 60-days of formal notice of application completeness, subject to findings and conditions necessary to make the use compatible with surrounding uses. If the appropriateness of the use cannot be assured at the proposed location, the application for Administrative Use Permits shall be denied as being incompatible with existing uses or uses permitted by right in the district. The decision by the Director may be appealed to the Commission within 15 calendar days after the decision is issued. Any appeal must be made in writing and shall state how the Director erred or abused discretion.
- b. The Director may refer any Administrative Use Permit application to the Commission for the purpose of processing the same as a Conditional Use Permit in accordance with the public hearing procedures.

5. Administrative Use Permit Limitations.

- a. Approval of an Administrative Use Permit authorizes only the particular use for which the permit is issued and may include a limit on time the use may continue.
- b. No use authorized by an Administrative Use Permit shall be enlarged, extended, increased in intensity or relocated unless an application is made to modify the Administrative Use Permit in accordance with the procedures set forth in the Development Code.
- c. A new permit is required for any new business or activity on the site, including resumption of any business or activity within a structure which has been vacant or abandoned for a period in excess of 90 consecutive calendar days.
- d. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by this Code and by the county, state, federal, or other agencies.

6. Appeals. The Director's decision is appealable to the Commission .**B. Conditional Use Permits.**

1. The Commission shall conduct a public hearing on an application for a Conditional Use Permit before making a decision on the application.
2. Notice of the hearing shall be provided and the hearing shall be conducted as set forth in the provisions related to public notices and hearings..
3. The Commission's decision is appealable to the Council

18.88.060 – Findings and Decision**A. Required Findings.** The Review Authority may approve, conditionally approve, or deny a Use Permit only after first making all of the following findings:

1. The proposed use is consistent with the General Plan and any applicable specific plan;

2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of the Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity, as detailed in the General Plan or any applicable Specific Plan;
4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use; and
5. The subject site is:
 - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and
 - b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

B. Extension of use permits.

1. A noticed public hearing shall be conducted on an application for extension.
2. The Commission may grant the extension if it finds and determines the proposed use, and the conditions under which it would be operated or maintained, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or in the vicinity;
3. Extension of a Conditional Use Permit is not a matter of right and the Commission may deny the application or grant the same subject to conditions.

18.88.070 – Conditions of Approval

In approving a Use Permit, the Review Authority may impose any conditions deemed reasonable and necessary to ensure approval will comply with the required findings.

18.88.080 – Permit Expiration

Any Use Permit that is not actively exercised for a continuous period of 180 days shall become invalid. The 180 days does not apply to a change of tenancy in an office building.

18.88.090 – Post Decision Procedures

The procedures and requirements related to permit implementation, and to appeals and revocation apply following the decision on an Administrative Use Permit or Conditional Use Permit application.

Chapter 18.90 -- Variances and Minor Variances

Sections:

- 18.90.010 – Purpose and Intent
- 18.90.020 – Applicability
- 18.90.030 – Review Authority
- 18.90.040 – Application Filing, Processing, and Review
- 18.90.050 – Findings and Decision
- 18.90.060 – Precedents
- 18.90.070 – Conditions of Approval
- 18.90.080 – Use of Property before Final Action
- 18.90.090 – Post Decision Procedures

18.90.010 – Purpose and Intent

A. Purpose and Intent

1. The purpose of this chapter is to provide procedures for reviewing situations where, because of special circumstances applicable to the property, the strict application of the Development Code denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone.
2. It is the intent that specific findings are required and associated conditions are applied to work together to guarantee the approval of a Variance or Minor Variance shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.
3. The difference between a Variance and a Minor Variance is that the Minor Variance must specify the "...the kinds of variances which may be granted ... and the extent of variation which the ... adjustment may allow..." in compliance with Government Code Section 65901.

B. Limitations.

This chapter does not grant the power to approve Variances and Minor Variances which allow land uses not otherwise allowed in the zone.

18.90.020 – Applicability

- A. **Variances.** A Variance may allow any adjustment from any of the development standards required by the Development Code if the required findings are made. .
- B. **Minor Variances.** A Minor Variance may be granted only for the items specified in Table 7-3 and only if the required findings are made. .

Table 7-3 Types of Minor Variances Allowed		Maximum Variance
1.	Allowable height of a fence, hedge, or wall. An increase of the allowed maximum height of a fence, hedge, or wall located within a side or rear setback.	Up to seven feet
2.	Distances between structures. A decrease of the minimum required distances between detached accessory structures and main structures on the same site.	10 percent
3.	Impervious surface coverage. An increase of the maximum allowable impervious surface coverage.	10 percent
4.	Projections. An increase in the allowed projection of chimneys, eaves, fireplaces, landings, overhangs, stairways, and steps into any required front, side, or rear setbacks.	10 percent
5.	Reduction of landscape standards. Reduction of required on-site landscaping standards.	10 percent
6.	Setbacks. A decrease of the maximum required setback areas (e.g., front, rear, and side) for structures.	10 percent
7.	Signs. Sign regulations (other than prohibited signs).	10 percent
8.	Structure heights. An increase in the maximum allowed height of structures.	5 percent
9.	Code Enforcement. A reduction in development standards, if doing so will help the City abate a public nuisance as part of a code enforcement hearing or process.	10 percent
10.	Nonconforming Adjustments	10 percent

18.90.030 – Review Authority

- A. Responsibility.** The applicable Review Authority shall approve or deny Variance and Minor Variance applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or welfare, and necessary to make the findings required.
- B. Applicable Review Authority.** Variances and Minor Variances may be approved in compliance with the following:
1. **Commission.** The Commission may approve Variances in compliance with this chapter and state law; and
 2. **Director.** The Director may approve Minor Variances without a public hearing, or may defer action and refer the application to the Commission for review and final decision, in compliance with this chapter and state law.

18.90.040 – Application Filing, Processing, and Review

- A. Filing.** An application for a Variance or Minor Variance shall be filed and processed in compliance with standard application processing procedures. It is the responsibility of the applicant to provide evidence to support the required findings.

- B. Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this chapter.
- C. Notice and Hearings.**
1. **Variations – Public Hearing Required.** A public hearing shall be required for the Commission’s decision on a Variance application. The public hearing shall be scheduled once the Director has determined the application complete. Notice of the hearing shall be given and the hearing shall be conducted as set forth in the provisions related to public notices and hearing.
 2. **Minor Variations.** Notice of the public hearing for a Minor Variance application shall be mailed not less than ten (10) days before the date set for the hearing to the owners of all property abutting the subject property, as shown on the latest assessment roll of the County.
 3. **Appeals.** The Director’s decision is appealable to the Commission.

18.90.050 – Findings and Decision

- A. Responsibility.** The applicable Review Authority shall approve or deny Variance and Minor Variance applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or welfare, and necessary to make the required findings.
- B. Authorized Actions.** The Review Authority shall record the decision in writing and shall set forth the findings upon which the decision is based.
- C. Required Findings.** The Review Authority may approve a Variance or Minor Variance application only after first making all of the following findings:
1. There are special circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features, etc.) that do not apply generally to other properties in the vicinity under an identical zoning classification;
 2. Strict compliance with Development Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
 3. Approving the Variance or Minor Variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated; and
 4. The requested Variance or Minor Variance would not allow a use or activity not otherwise expressly authorized by the regulations governing the subject parcel.
 5. The requested Variance or Minor Variance is consistent with the objectives of the General Plan, any applicable specific plan, and the Development Code.
- D. Denial of a Minor Variance.** The Director’s decision to deny a Minor Variance application shall not prohibit or affect the right of the applicant to file an application for a Variance.

18.90.060 – Precedents

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance or Minor Variance is not admissible evidence for the approval of a new Variance or Minor Variance.

18.90.070 – Conditions of Approval

In approving a Variance or Minor Variance application, the applicable Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the required findings.

18.90.080 – Use of Property before Final Action

No permits or approvals shall be issued for any improvement involved in an application for a Variance or Minor Variance until and unless the same shall have become final.

18.90.090 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a Variance or Minor Variance application.

Chapter 18.92 -- Planned Development Permit

Sections:

- 18.92.010 – Purpose and Intent
- 18.92.020 – Applicability
- 18.92.030 -- Modification of Development Standards
- 18.92.040 – Application Filing, Processing, and Review
- 18.92.050 – Review Authority
- 18.92.060 – Project Review, Notice, and Hearing
- 18.92.070 – Findings and Decision
- 18.92.080 – Planned Unit Development Permit Amendment
- 18.92.090 – Specific Development Standards
- 18.92.100 – Conditions of Approval
- 18.92.110 – Use of Property before Final Action
- 18.92.120 – Post Decision Procedures

18.92.010 – Purpose and Intent

The Planned Development Permit allows for review and approval of customized development standards for projects where flexibility in standards can produce unique living and business environments. In exchange for provision of one or more community benefits. The Planned Development Permit is intended to:

- A. Provide for Efficient Use of Land and Excellence of Design.** Create a process that provides for flexibility in the application of Development Code standards to proposed development projects under limited and unique circumstances. The purpose is to: encourage the comprehensive master planning of land development in order to achieve an integrated and harmonious relationship between all elements of the project; allow consideration of innovative site planning and project design; facilitate more effective design responses to site features, uses on adjoining properties, and environmental impacts; produce a more efficient use of land and encourage the creation and preservation of open space as part of the development process; and achieve higher quality site planning and excellence of design and a more desirable living and working environment than may otherwise be possible through the strict application of the development standards.
- B. Provide for Enhanced Amenities and Innovation in Energy Efficiency.** Require enhanced amenities and provide incentives for enhanced energy-efficiency and sustainable building approaches than generally required; and
- C. Meet City's Expectations.** Meet the City's expectations that each Planned Development Permit project be of obvious and significantly higher quality than would be achieved through conventional design practices and standards.

18.92.020 – Applicability

- A. Allowed Development Projects.** A Planned Development Permit may be requested for a residential, industrial, office, commercial retail, mixed-use, or business campus-type development project. The issuance of a Planned Development Permit is not a matter of right and may be denied or subject to conditions if the proposed modification of any zone standard will adversely

affect existing or anticipated uses in the immediate neighborhood or will adversely affect surrounding properties or their occupants.

- B. Minimum Site Area.** A Planned Development Permit may only be requested for a site with a minimum of five acres of land area.
- C. Planned Development Permit Precedes Building or Grading Permits.** For projects proposing a Planned Development Permit, a building or grading permit shall not be issued until the Planned Development Permit has been approved and becomes effective.
- D. Land Uses Limited to those Allowed in the Underlying Zone.** A Planned Development Permit may not authorize a land use activity not allowed in the underlying zone. A separate Administrative Use Permit or Conditional Use Permit may be processed concurrently. The Planned Development Permit shall not authorize any modification of the maximum density of development allowed for the entire site, unless it qualifies for a density bonus. If the density on one portion of the site is increased in order to achieve a lower density on another portion of the same site, the permit shall expressly prohibit any increase in density with respect to the lower density portion and the restriction shall be recorded in the Office of the County Recorder as a covenant running with the land.

18.92.030 – Modification of Development Standards

- A.** The Planned Development Permit may adjust or modify applicable development standards including: lot coverage, floor area ratio (FAR), distance between structures, height, setbacks, parking, open space and ground floor retail requirements. Where setbacks are reduced below the minimum required, the applicant must demonstrate that reductions will encourage better design of the overall project. Where a structure is allowed to have a height in excess of the maximum for the zone an increase in any or all of the setbacks for the structure may be required. No reduction in parcel size or setback shall result in a reduction in the minimum amount of open space required by the zone regulations to be established for the entire development.
- B.** Residential development projects with density or intensity standards increased above the maximums allowed in the zone may only be approved in compliance with Government Code Section 65915 and Chapter 18.36.
- C.** Any request to adjust or modify applicable development standards shall include clear, written justification for each adjustment or modification, and shall include proposals for enhanced on- and off-site amenities that contribute to the overall quality of the development project. In a residential subdivision, average parcel sizes may be used for the subdivision of land and individual parcels may be created having less than the minimum site area required by the zone regulations; provided, however, where any parcel is reduced in size below the minimum site area, an amount of usable land equal to 75 percent of the reduction shall be dedicated as permanent open space on one or more of the other parcels within the subdivision. The permanent open space shall be a dedicated lot for the benefit of the entire subdivision. For example, if the minimum lot size is 5,000 square feet and the applicant is requesting a reduction to 4,000 square feet at least 750 square feet shall be dedicated to useable open space within the subdivision.
- D.** All Planned Developments must provide City Council approved community benefits.

18.92.040 – Application Filing, Processing, and Review

An application for a Planned Development Permit shall be filed and processed in compliance with standard application processing procedures. It is the responsibility of the applicant to provide evidence in support the required findings.

18.92.050 – Review Authority

All Planned Development Permits shall be reviewed by the Commission, which shall make a recommendation to the Council. The Council is the Review Authority for Planned Development Permits.

18.92.060 – Project Review, Notice, and Hearing**A. Application Review.**

1. Each application for a Planned Development Permit application shall be analyzed by the Director to ensure the application is consistent with the purpose of this chapter.
2. The Director shall submit a staff report and recommendation to the Commission and Council for its consideration. The staff report shall describe the proposed project enhancements that justify deviation from the standard development requirements.

B. Notice and Hearings.

1. A public hearing shall be required for the Council action on a Planned Development Permit application.
2. The public hearing shall be scheduled once the Director has deemed the application complete.
3. Notice of the hearing shall be given and the hearing shall be conducted as set forth in the provisions related to public notices and hearings.

18.92.070 – Findings and Decision

The Council may approve or conditionally approve a Planned Development Permit application by resolution only after first making all of the following findings:

1. The Planned Development Permit will:
 - a. Accommodate only uses allowed within the subject base zone;
 - b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan;
 - c. Be generally in compliance with all of the applicable provisions of the Development Code relating to both on- and off-site improvements necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this chapter and the subject base zone(s), including prescribed development standards and applicable design guidelines, except for those provisions adjusted/modified in compliance with this chapter; and
 - d. Ensure compatibility of property uses in the surrounding neighborhood, consistent with the General Plan and any applicable Specific Plan.
2. The proposed project will produce a comprehensive development of superior quality and excellence of design than might otherwise occur from more typical development applications and a strict application of zone regulations;

3. Appropriate standards and conditions have been imposed to ensure modification of standards will not be detrimental to the public health, safety, or general welfare;
4. Appropriate on-site pedestrian and vehicular circulation and traffic control is designed into the development to ensure facilities equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards;
5. The site is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;
6. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity;
7. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or their allowed uses;
8. If the development proposes to mix residential and commercial uses whether in a vertical or horizontal manner, the residential use is appropriately buffered from the commercial use and is provided sufficiently enhanced amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents; and
9. The design, location, operating characteristics, and size of the proposed development will be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, and scale.
10. The project has provided direct and tangible community benefit(s), as approved by the Council.

18.92.080 – Planned Unit Development Permit Amendment

- A. **Requested Changes.** Requested changes to an approved Planned Development Permit, other than those allowed by this section, shall be submitted to the Commission for review and recommendation. After review by the Commission, the Council shall determine whether or not to modify a Planned Development.
- B. **Added Stipulations Deemed Reasonable and Necessary.** The Council may, as a condition of approval, impose additional stipulations, changes, and/or conditions to the Planned Development Permit as it deems reasonable and necessary to carry out the purpose and intent of this chapter.
- C. **Minor Changes by Director.** Minor changes in the Planned Development Permit may be approved by the Director . if required by engineering or other circumstances not foreseen at the time the permit was granted, and provided the change does not cause any of the following:
 1. A change in the use or character of the development;
 2. An increase in the overall density or intensity of development; and/or
 3. A reduction or change in the amount or character of required open space or landscaped areas.

18.92.090 – Specific Development Standards

- A. Landscaping.** Landscaping shall be provided in compliance with the provisions related to landscaping and trees, unless modified.
- B. Off-street parking.** Off-street parking provisions shall be provided in compliance with the provisions related to off-street parking and loading), unless modified .
- C. Signs.** Signs shall be provided in compliance with the provisions related to signs, unless modified.

18.92.100 – Conditions of Approval

In approving a Planned Development Permit, the Council may impose any conditions deemed reasonable and necessary to ensure approval will comply with the required findings required.

18.92.110 – Use of Property before Final Action

No permits or approvals shall be issued for any use or construction involved in an application for a Planned Development Permit until and unless the Planned Development Permit shall have become final.

18.92.120 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a Planned Development Permit application.

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Chapter 18.94 -- Temporary Use Permits

Sections:

- 18.94.010 – Purpose and Intent
- 18.94.020 – Definition
- 18.94.030 – Applicability
- 18.94.040 – Exempt Temporary Uses
- 18.94.050 – Allowed Temporary Uses
- 18.94.060 – Application Filing and Processing
- 18.94.070 – Director Review
- 18.94.080 – Findings and Decision
- 18.94.090 – Conditions of Approval
- 18.94.100 – Condition of Site Following Temporary Use
- 18.94.110 – Post Decision Procedures

18.94.010– Purpose and Intent

The purpose of this chapter is to allow for short-term activities compatible with adjacent and surrounding uses when conducted in compliance with this chapter.

18.94.020 – Definition

A temporary (short-term) land use activity is a land use that is interim, non-permanent, and/or seasonal in nature, and lasting a short period of time, generally not more than 30 consecutive days but in no event longer than 365 consecutive days.

18.94.030 – Applicability

- A. Short-Term Activities.** A Temporary Use Permit allows short-term activities which might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
- B. Categories of Land Uses.** The categories of temporary land uses identify the level of permit required, if any, based on the proposed duration, size, and type of use: exempt and allowed. Allowed uses are further differentiated by length of time the use is in operation.

18.94.040 – Exempt Temporary Uses

The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with provisions related to allowed temporary uses.

A. Construction Sites – On-Site.

1. On-site contractors' construction/storage uses, in conjunction with an approved construction project on the same parcel. One adult caretaker may be present during non-construction hours.

2. The construction and/or storage use shall be removed immediately upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.
- B. Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Director.
- C. Publicly Owned Property.** Events conducted on publicly owned property, subject to the approval of a Special Event Permit under the Municipal Code.

18.94.050 – Allowed Temporary Uses

The following temporary uses are allowed on private property, subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with the specified time limits and conditions of approval. No Temporary Use Permit shall be issued if another temporary use has occurred on the subject property within the previous 30 days (whether by the same applicant or otherwise).

- A. Contractors' Construction Sites – Off-Site.** Temporary use of a site for an off-site contractor's construction, staging, or storage area(s). The permit may be effective for up to 180 days and extended in 180-day increments, with Director approval, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.
- B. Allowed Temporary Uses**
1. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food markets/events, outdoor entertainment/sporting events, petting zoos, rodeos, rummage sales (not garage or yard sales), and swap meets limited to six consecutive days or less within any 30-day period, or six two-day weekends, within a 12-month period. When an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended.
 2. Outdoor display and sale events conducted by a retail business, including auto dealerships, holding a valid business license, issued in compliance with Municipal Code Chapter 5.04 may be allowed a maximum of six outdoor sale events (excluding City-sponsored activities). An outdoor sale event shall be no longer than seven consecutive days in duration. When an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended.
 3. Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sale lots), issued in compliance with the provisions in Municipal Code Chapter 5.04; provided, the length of the activity may not exceed 45 days in any 365-day period (e.g. from October 1st through October 31st of the same year for the Halloween pumpkin sales, and from the day after Thanksgiving through December 26th of the same year for Christmas tree sales).
 4. Car washes, limited to one event each month for each site, not exceeding three days in length, and prohibited within the residential zones of the City. Sponsorship shall be limited to charitable, educational, fraternal, religious, educational, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
 5. Temporary uses on the same lot shall be separated by at least 30 days. Additional time shall be added in between Temporary Use Permits at the discretion of the Director.

- C. Temporary Residential Real Estate Sales Offices.** One temporary real estate office may be located in any approved residential subdivision located within any residential or mixed use zone.
1. The office shall be used only for the sale of residential property located within the subdivision in which the office is located.
 2. The temporary real estate office shall be removed no later than at the end of two years following the date of the recording of the final map of the subject subdivision in which the office is located.
 3. If any parcels within the subdivision have not been sold at the end of the original two-year period, the Director may approve extensions for the continuation of the real estate office on a month-to-month basis.
- D. Other Similar Temporary Uses.** Similar temporary uses which, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

18.94.060 – Application Filing and Processing

- A. Filing.** An application for a Temporary Use Permit shall be filed with the Department in the following manner:
1. An application for a Temporary Use Permit shall be filed and processed in compliance with standard application processing procedures). It is the responsibility of the applicant to provide evidence to support the required findings
 2. The application shall be filed with the Department at least 45 days before the date that the proposed temporary use is scheduled to take place.
- B. Types of Temporary Use Permits.**
1. **Minor Temporary Use Permit.** Permit for use lasting from one to six days.
 2. **Administrative Temporary Use Permit.** Permit for use lasting from seven to 30 days. The days maybe consecutive.
 3. **Major Temporary Use Permit.** Permit for use lasting from 31 to 365 days. The days maybe consecutive.
- C. Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this chapter.

18.94.070 – Director Review

- A. Director Action.** The Director may take action on a Temporary Use Permit for a temporary use operated in compliance with conditions of approval as follows:
1. A Minor Temporary Use Permit may be approved administratively without notice or hearing.
 2. An Administrative Temporary Use Permit may be approved administratively by the Director, with notice provided to abutting property owners.

3. A Major Temporary Use Permit may be approved after notice and hearing to adjacent property owners by the Director. The Director may defer action and refer the application to the Commission for review and final decision.

- B. Referral of Application.** Each Temporary Use Permit application shall also be referred, as needed, to the Chief of Police, Fire Marshal, Building Official, Environmental Health Official, Public Works Director, or their designees, for their recommendations for approval, modification, conditions, or denial in compliance with their respective entitlements and regulations.

18.94.080 – Findings and Decision

- A. Decision.** The Director shall review the application and shall record the decision in writing with the findings on which the decision is based.
- B. Required Findings.** A Temporary Use Permit application may be approved, with or without conditions, only after all of the following findings are made:
1. The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;
 2. The operation of the requested temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics;
 3. The proposed parcel is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;
 4. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;
 5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director; and
 6. The applicant agrees in writing to comply with any and all of the conditions imposed by the Review Authority in the approval of the Temporary Use Permit.

18.94.090 – Conditions of Approval

- A. Applicable Standards.** The standards for parking, automobile and delivery truck ingress and egress, structure setbacks, heights, landscaping requirements, and other structure and property development standards which apply to the category of use or the zone of the subject property shall be used as a guide for determining the appropriate development standards for temporary uses. The Temporary Use Permit may authorize variation from the specific requirements as may be appropriate, so long as variations do not negatively impact adjoining properties to an unacceptable level.
- B. May Impose Conditions.** In approving a Temporary Use Permit application, the Review Authority may impose conditions deemed reasonable and necessary to ensure approval will comply with the required findings.

- C. Appropriate Conditions.** Conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:
1. Fixed period of time;
 2. Operating hours and days;
 3. Temporary pedestrian and vehicular circulation;
 4. Regulation of nuisance factors;
 5. Regulation of temporary structures;
 6. Litter, sanitary, and medical facilities;
 7. Waste collection, recycling, and/or disposal;
 8. Police/security and safety measures;
 9. Signs;
 10. Performance bond or other security;
 11. Limitations on alcoholic beverage sales;
 12. Compliance with applicable provisions; and
 13. Other conditions.

18.94.100 – Condition of Site Following Temporary Use

- A. Removal of Evidence.** Each site occupied by a temporary use shall be cleaned of all temporary structures, debris, litter, or any other evidence of the temporary use upon completion or removal of the use.
- B. Deposit Required.** A security deposit shall be filed with the Director before initiation of any proposed temporary use for the purpose of defraying any cost of site clean-up by the City in the event the applicant fails to leave the property clean and free of debris associated with the approved temporary use. The amount of the security deposit shall be as specified in the Master Fee Schedule.

18.94.110 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a Temporary Use Permit application.

Chapter 18.96 -- Accessory Dwelling Unit

Sections:

- 18.96.010 – Purpose and Intent
- 18.96.020 – Definition
- 18.96.030 – One Accessory Dwelling Unit Per Site
- 18.96.040 – Development Standards
- 18.96.050 – Occupancy Restrictions
- 18.96.060 – Accessory Dwelling Unit Permit Required
- 18.96.070 – Modification of Standards
- 18.96.080 – Use Permit Required
- 18.96.090 – Findings Required for Permit Issuance
- 18.96.090 – Duration of Permit
- 18.96.100 – Determination of Compliance
- 18.96.110 – Recordation of Permit
- 18.96.120 – Revocation of Permit
- 18.96.130 – Legalization of Existing Units
- 18.96.140 – Inspections
- 18.96.150 – Illegal Accessory Units
- 18.96.160 – Post Decision Procedures

18.96.010 – Purpose and Intent

The purpose and intent of this chapter is:

- A. To increase the supply of affordable housing by allowing accessory dwelling units (also known as second units) in conformance with Government Code Section 65852.2 to be established on lots zoned for single family or multiple family dwellings and containing a single-family dwelling;
- B. To establish standards for the development and occupancy of accessory dwelling units to ensure they are compatible with neighboring uses and structures, adequately equipped with public utility services, do not result in negative traffic or public safety impacts, and are safe for human occupancy; and
- C. To strict or prohibit accessory dwelling units which create unreasonable traffic, safety, privacy or other adverse impacts, and to prevent adverse impacts on any real property listed in the California Register of Historic Places

18.96.020 – Definition

Accessory Dwelling Unit or Accessory Unit (ADU). As used in this chapter means a separate dwelling unit providing complete independent living facilities for one or more persons containing living, sleeping, kitchen and sanitation facilities which are defined as a partial bathroom (a water closet, sink or a toilet) or a full bathroom (water closet, sink and a toilet). An existing single family residence may be converted to an accessory unit in conjunction with the development of a new main dwelling unit on the site and in conformity with the development standards for a new accessory unit as set forth in this chapter. Subject to the restrictions contained in this chapter, an accessory unit may be either attached to, or detached from or incorporated into the main dwelling unit. An Accessory Dwelling Unit also includes an efficiency unit, as

defined in Health and Safety Code Section 17958.1 and a manufactured home, as defined in Health and Safety Code Section 18007.

18.96.030 – One Accessory Dwelling Unit Per Site

Only one Accessory Dwelling Unit shall be permitted on any one site. The unit shall not be sold separately from the primary residence, nor rented for a term of less than 30 days.

18.96.040 – Development Standards

Except as otherwise provided in this chapter, each Accessory Dwelling Unit shall comply with all of the following development standards:

- A. **Zoning.** The lot is within a single family or multiple family zoning district and already contains one legally created single-family dwelling.
- B. **Density.** The accessory unit shall be deemed to comply with the density allowed in the General Plan Land Use Element Map and shall not be considered to exceed the allowable density for the lot upon which it is located.
- C. **Lot size.** If the accessory unit is attached to the main dwelling or incorporated within the main dwelling, the site area of the lot upon which the unit is located shall be not less than 5,500 square feet. If the accessory unit is detached from the main dwelling, the lot upon which the unit is located shall be not less than 7,500 square feet. Detached accessory units must be located in the rear of the lot.
- D. **Unit size.** The floor area of an attached accessory unit shall not exceed 50 percent of the living area (interior habitable area) of the existing single family dwelling, not including the garage, if any. In no instance shall an attached accessory unit exceed 1,000 square feet. Detached accessory units shall be no more than 700 square feet, except that unit size may be increased by one square foot for each 10 square feet of lot area in excess of 6,500 square feet, up to a maximum size of 1,000 square feet. Total floor area of the main dwelling and the accessory unit shall not exceed the permissible floor area or lot coverage for the underlying zoning district.
- E. **Building Codes.** The accessory unit shall comply with applicable building, health and fire codes. No passageway (pathway unobstructed to the sky extending from a street to an entrance of the unit) shall be required in conjunction with the construction of an accessory dwelling unit. Accessory units shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence.
- F. **Open Space.** A minimum of 750 square feet of open space shall be maintained on the lot.
- G. **Parking.**
 - 1. **Requirements:** A minimum of one uncovered off-street parking space shall be provided for the accessory unit in addition to the off-street parking spaces required for the main dwelling. The parking space may be provided in an existing driveway or by tandem parking, unless a specific finding is made that such parking is not feasible due to specific site, topographical or fire and life safety conditions.
 - 2. **Exceptions to the Parking Requirements** - No parking standards shall be imposed if:
 - a. The accessory dwelling unit is located within one-half mile of a public transit corridor as defined in Health and Safety Code Section 50093.5.

- b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
- c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- e. Where there is a car share vehicle located within one block of the accessory dwelling unit.

H. Water and Sewer.

- 1. The accessory dwelling unit shall not be required to install a new or separate utility connection directly between the unit and the utility and shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges if it meets the following requirements: the unit is (a) contained within the existing space of a single-family residence or an existing legally-constructed accessory structure, (b) has independent exterior access from the existing residence, and (c) the side and rear setbacks are sufficient for fire safety.
- 2. All other accessory dwelling units are required to have new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge. Any fee or charge shall be proportionate to the burden upon the water or sewer system of the proposed accessory dwelling unit, based on unit size or the number of plumbing fixtures. The fee or charge shall not exceed the reasonable cost of providing the service.

I. Access. The accessory unit shall be served by the same driveway access to the street as the existing main dwelling.

J. Common entrance. If the accessory dwelling unit is attached to the main dwelling, both the accessory unit and the main dwelling unit must be served by a common entrance or a separate entrance to the accessory unit must be located on the side or at the rear of the main dwelling.

K. ADUs In Existing Structures. Prior to submitting an application for review, a proposal for an ADU within an existing structure must receive a Zoning Clearance letter from the Department. The Director shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit (1) is contained within the existing space of a single-family residence or existing legally-constructed accessory structure, (2) has independent exterior access from the existing residence, and (3) the side and rear setbacks are sufficient for fire safety.

L. Setback for Garage Conversion. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

M. Setbacks for Detached Units. Detached units shall be set back 6 feet from the rear property line and existing house. The units also shall be three feet from side property lines for interior lots. The street side property line for an accessory unit on a corner lot shall be a minimum of 12 feet.

18.96.050 – Occupancy Restrictions

- A. Either the existing main dwelling or the accessory unit shall be occupied as the principal place of residence of the record owner of the lot. In the case of ownership by a corporation, partnership, trust or association, either the main dwelling or the accessory unit shall be the place of residence of an officer, director or shareholder of the corporation, a partner in the partnership, a trustor, trustee or beneficiary of the trust, a member of the association, or an employee of any such organization.
- B. The accessory unit may not be occupied by more than three people as permanent living quarters, unless otherwise approved by the Commission pursuant to this chapter.
- C. The accessory unit, or the main unit if the accessory unit is owner occupied, may not be rented out on a short term (less than 30 days) basis.
- D. This section shall apply to either a new or existing accessory unit for which a permit is granted pursuant to this chapter.

18.96.060 – Accessory Dwelling Unit Permit Required

Review of an Accessory Dwelling Unit Permit application for compliance with the development standards compliance with standards set forth in this chapter is ministerial in nature and requires approval of the Director. A determination about compliance with standards shall be made within 120 days of the determination that the application submittal is complete.

- A. **Contents of application.** An application for an accessory unit permit shall be filed with the Director on such form as the Director shall prescribe. The application shall be accompanied by information required by the Director, including but not limited to the following:
 - 1. An accurate scale drawing of the site showing lot size, streets, property lines, the location of all existing and proposed structures, the location of all existing and proposed off-street parking spaces and driveways (including permeable pavers or open-cell concrete blocks) on the site, and the location of existing trees and landscaping;
 - 2. Floor plan and elevations of existing and proposed structures, including a calculation of the floor area and coverage of each and all structures and the floor area of the accessory unit;
 - 3. A boundary survey of the lot on which the accessory unit is proposed showing all existing and proposed structures, parking spaces, and driveways (including permeable pavers or open-cell concrete blocks), and other paved surfaces.
- B. **Processing fee.** A processing fee established by resolution of the Council shall be paid to the City at the time of filing the application for an Accessory Dwelling Unit permit.

18.96.070 – Modification of Standards

The Commission may modify any of the development standards set forth in Sections 18.96.040 and 18.96.050 except lot sizes if the Commission determines that such modification will better achieve the purposes and objectives of this chapter and provided the Commission is able to make all of the findings required for issuance of an Accessory Dwelling Unit permit as prescribed in Section 18.96.090.

The Commission shall have authority to waive or modify either or both of the occupancy restrictions if the Commission determines that, by reason of special circumstances in a particular case, the application of

such restrictions will result in extreme hardship upon the owner or occupant of the property. The Commission may impose such conditions as it deems necessary or appropriate in order to mitigate any actual or potential adverse impacts from the granting of a waiver or modification

18.96.080 – Use Permit Required

An Accessory Dwelling Unit application to waive or modify the development standards set forth in this chapter requires approval by the Commission of a Use Permit pursuant to Chapter 18.88.

18.96.090 – Findings Required for Permit Issuance

Except as otherwise provided in Section 18.96.130 related to permit revocation, the Commission may grant an application for an Accessory Dwelling Unit Permit as applied for or in modified form, if, on the basis of the application and the evidence submitted, the Commission makes all of the following findings:

- A. The proposed accessory unit will not unreasonably interfere with the privacy otherwise available to residents of adjoining properties;
- B. The proposed accessory unit is designed to be compatible with the exterior appearance and character of the existing main dwelling;
- C. The proposed accessory unit is designed to be compatible with the existing neighborhood in terms of form, bulk, height, material and landscaping; and
- D. The proposed accessory unit will not cause unreasonable noise, traffic congestion, parking congestion, or overload existing public facilities or utilities.

18.96.100 – Duration of Permit

An Accessory Unit Dwelling Permit may be granted for a specified period of time, with or without the right to apply for extensions, or may be allowed to continue indefinitely for so long as the holder of such permit complies with the applicable restrictions and standards contained in this chapter and the conditions of approval of the Use Permit. Such Use Permit shall run with the land and the conditions of approval thereof shall be binding upon all successive owners of the property on which the accessory unit is located for so long as the Use Permit remains in effect.

18.96.110 – Determination of Compliance

The Director may at any time, either upon Director initiative or when instructed by the Commission to do so, request the holder of an Accessory Dwelling Unit Permit and Use Permit to certify that such holder has complied and continues to comply with all of the applicable standards and restrictions of this chapter and all conditions as set forth in the Accessory Unit Permit and Use Permit. The Director may request the holder to furnish such information and documents as the Director deems necessary in order to verify the truth or accuracy of any statements contained in the certification

18.96.120 – Recordation of Permit

The original Accessory Dwelling Unit Use Permit shall be recorded in the office of the Recorder for San Mateo County. All of the restrictions and conditions applicable to such Use Permit shall be set forth therein, including the occupancy restrictions.

18.96.130 – Revocation of Permit

In addition to the grounds for revocation of a Use Permit set forth in Chapter 18.88, the Commission may revoke any Accessory Dwelling Unit Permit upon a finding that:

- A. The holder of the Accessory Dwelling Unit Permit has violated any of the permit conditions: or
- B. The holder of the Accessory Dwelling Unit Permit has failed to provide a certification of compliance after being requested to do so; or
- C. The owner of the property has failed to establish the accessory unit within a reasonable time after the granting of the permit: or
- D. The accessory unit has been eliminated through alteration of the structure in which such unit was contained; or
- E. Any of the findings required for issuance of the permit can no longer be made.

18.96.140 – Legalization of Existing Accessory Units

- A. **Purpose of section.** It is in the public interest that all residents of the City live in safe, sanitary housing conditions. Accessory units currently exist which were created prior to the adoption of this chapter. In order to encourage the legitimization of such units under the law, the owners of property on which accessory units are located should be encouraged to legalize such units provided the units are determined to be both safe and sanitary for continued human occupancy. Conversely, if existing accessory units are not safe and sanitary for continued human occupancy, the City has the responsibility to either ensure they are made both safe and sanitary or their use for human occupancy is discontinued. The purpose of this section is to establish special procedures and standards for legalization of existing accessory units that are or can be made fit for human occupancy.
- B. **Scope of section.** This section shall apply only to accessory units established prior to January 8, 1990 within a structure for which a building permit was issued, or otherwise was lawfully constructed, and which complied with any applicable zoning or development standards in force at the time of construction. Any accessory unit established from and after January 8, 1990 shall be deemed a new unit subject to the development standards of this chapter.
- C. **Contents of application.** Application for an Administrative Use Permit to legalize an existing accessory unit shall be filed with the Director. The application shall be accompanied by the following:
 - 1. An accurate scale drawing of the site showing streets, property lines, the location of all existing and proposed structures, the location of all off-street parking spaces and driveways on the site, and the location of existing trees and landscaping;
 - 2. Floor plan and elevations of existing and proposed structures, including a calculation of the floor area of each structure;
 - 3. Inspection report by an independent contractor, as required by Section 18.96.070;
 - 4. The name of each occupant of the accessory unit, if any, together with a copy of any written lease or rental agreement between the owner and such occupant;

5. A list of the names and addresses of all persons owning property immediately adjacent to the site, as shown by the latest available assessment roll of the County of San Mateo or as otherwise known to the applicant;
 6. If the accessory unit is served by a septic system, a description thereof together with a drawing showing the location of the septic tank and leach field on the site; and
 7. Evidence of the date on which the accessory unit was established, in a form and substance satisfactory to the Director.
- D. Processing fee.** A processing fee shall be paid to the City at the time of filing the application for an Administrative Use Permit. If the application is voluntarily filed by the property owner the fee shall be 50 percent of the amount then charged as the normal Accessory Dwelling Unit Permit application fee. If the application is filed in response to a written notice from the City to do so, the fee shall be the amount then charged as the normal Accessory Dwelling Unit Permit application fee.
- E. Procedure.** Upon the filing of an application for an Administrative Use Permit to legalize an existing accessory unit, the following procedure shall be followed:
1. The Director shall send a written notice of the application to each of the adjacent property owners as shown by the latest available assessment roll of the County of San Mateo. The notice shall advise such property owners that a written protest or request for an administrative hearing, or both, may be filed with the Director within 10 days from the date of the notice.
 2. If any written protests are filed by adjacent property owners within the time prescribed in the notice but no request for hearing is made, the Director shall consider such protests in determining whether to approve, conditionally approve or deny the application and shall render a decision without conducting an administrative hearing.
 3. If a request for an administrative hearing is received within the time prescribed in the notice, the Director shall fix a time and place for the conduct of such hearing and shall give written notice to the applicant and the person or persons requesting the hearing. Within 10 working days of the conclusion of the hearing, the Director shall either approve, conditionally approve or deny the application and shall furnish a copy of the decision to the applicant and the person or persons who requested the hearing.
- F. Standards.** Existing accessory units shall comply with the following standards:
1. In lieu of compliance with the California Building Code, the accessory Unit shall comply with the California Housing Code as adopted by the City and shall otherwise comply with applicable health and fire codes;
 2. Where the accessory unit is served by a septic tank and sanitary sewer service is not available for connection by such unit, the septic system shall be inspected and approved by the County Health Department. In addition, the applicant shall execute and record a deferred improvement agreement wherein the applicant and any successors will be obligated to connect the Accessory Unit, and the main dwelling if also served by a septic system, to a sanitary sewer whenever the same becomes available and to pay the proportionate share of the installation cost; and
 3. The accessory unit shall comply with such other standards which, in the judgment of the Director, are necessary or appropriate to mitigate adverse impacts on adjacent properties.

- G. Findings.** The Director may grant the application for an Administrative Use Permit to legalize an existing accessory unit as applied for or in modified form if, on the basis of the application and the evidence submitted, the Director makes all of the following findings:
1. The unit complies with the provisions of the California Housing Code and applicable provisions of the health and fire codes;
 2. The unit is compatible with the exterior appearance and nature of the existing main dwelling on the site; and
 3. The unit does not unreasonably interfere with the privacy otherwise available to the residents of adjacent properties.
- H. Disqualified existing units.** Any accessory unit established prior to January 8, 1990, which does not qualify for legalization under this section by reason of not having been lawfully constructed, shall be deemed a new unit subject to the provisions of this chapter.
- I. Burden of proof.** Wherever in this section the legalization of an existing accessory unit or the occupancy thereof depends upon the establishment of any event occurring on or before a specified date, the burden of proof shall be upon the applicant.

18.96.150 – Inspections

- A.** Where the application is for legalization of an existing accessory unit or approval of a proposed unit to be attached to the main dwelling, an inspection of the property shall be conducted to determine that the existing accessory unit, and any main dwelling to which an accessory unit will be attached by a common wall, will comply with all applicable building, health, fire and zoning codes. If an Administrative Use Permit is granted, a further inspection to determine such compliance shall be conducted after any construction or alteration work is completed. Such inspections shall be performed by the City or by an independent contractor retained by the City for such purpose, and the cost shall be paid by the applicant.
- B.** The inspections to be conducted pursuant to this section shall not constitute an assumption by the City, or by anyone acting in its behalf, of any liability with respect to the physical condition of the property, nor shall the issuance of an Accessory Dwelling Unit Permit constitute a representation or warranty by the City to the owner of the property or any other person that such property fully complies with all applicable building, health and fire codes.

18.96.160 – Illegal Accessory Units

The establishment or continuance of an accessory unit without a permit as required under this chapter is declared to be unlawful and shall constitute a misdemeanor violation of this chapter and a public nuisance. Any violation of this chapter shall be subject to the enforcement provisions and penalties as prescribed in Chapter 18.118.

18.96.170 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on an Accessory Dwelling Unit Permit application.

Chapter 18.98 -- Reasonable Accommodations

Sections:

- 18.98.010 – Purpose and Intent
- 18.98.020 – Applicability
- 18.98.030 – Application Requirements
- 18.98.040 – Review Authority
- 18.98.050 – Review Procedures
- 18.98.060 – Findings and Decision
- 18.98.070 – Conditions of Approval
- 18.98.080 – Rescission, Expiration or Discontinuance of Reasonable Accommodation
- 18.98.090 – Post Decision Procedures

18.98.010 – Purpose and Intent

This chapter provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (“the Disability Acts”) in the application of zoning laws and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

18.98.020 – Applicability

A. Eligible Applicants.

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
3. This chapter is intended to apply to those persons who are defined as disabled under the Disability Acts.

B. Eligible Request.

1. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
2. A request for Reasonable Accommodation shall comply with the provisions of this chapter.

18.98.030 – Application Requirements

- A. Application.** An application for a Reasonable Accommodation shall be filed and processed in compliance with standard application processing procedures).
- B. Filing with Other Land Use Applications.** If the project involves both a request for Reasonable Accommodation and some other discretionary approval, the applicant shall file the information required together with the materials required for the other discretionary approval.
- C. Responsibility of the Applicant.** It is the responsibility of the applicant to provide evidence to support the required findings.

18.98.040 – Review Authority

- A. Director.** A request for Reasonable Accommodation shall be reviewed, and a decision shall be made, by the Director if no approval is sought other than the request for Reasonable Accommodation.
- B. Other Review Authority.** A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority reviewing the discretionary land use application.

18.98.050 – Review Procedures

- A. Director Review.** The Director shall make a written decision and either approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation.
- B. Other Review Authority.** The written decision on whether to approve, conditionally approve, approve with modifications, or deny the request for Reasonable Accommodation shall be made by the Review Authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The decision to approve or deny the request for Reasonable Accommodation shall be made in compliance with the provisions of this chapter.

18.98.060 – Findings and Decision

The written decision to approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation consistent with the Disability Acts shall be based on consideration of all of the following factors:

- A.** Whether the housing which is the subject of the request will be used by an individual defined as disabled under the Disability Acts;
- B.** Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Disability Acts;
- C.** Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;
- D.** Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
- E.** Potential impact on surrounding uses;

- F. Physical attributes of the property and structures; and
- G. Other Reasonable Accommodations that may provide an equivalent level of benefit.

18.98.070 – Conditions of Approval

In approving a request for Reasonable Accommodation, the Review Authority may impose conditions deemed reasonable and necessary to ensure the Reasonable Accommodation will comply with the required findings.

18.98.080 – Rescission, Expiration or Discontinuance of Reasonable Accommodation

- A. **Rescission or Expiration.** An approval or conditional approval of an application may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site.), unless allowed to remain as set forth in this section.
- B. **Discontinuance.**
 - 1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least 180 consecutive days.
 - 2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the Review Authority first determines that:
 - a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Development Code; or
 - b. The accommodation is to be used by another qualifying individual with a disability.
 - 3. The Review Authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities. Failure to provide the documentation within 10 days of the date of a request by the Review Authority shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.

18.98.090 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply

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Chapter 18.100 -- Permit Implementation, Time Limits, and Extensions

Sections:

- 18.100.010 – Purpose and Intent
- 18.100.020 – Conformance to Approved Plans
- 18.100.030 – Effective Dates of Permits
- 18.100.040 – Acknowledgement and Acceptance of Conditions
- 18.100.050 – Applications Deemed Approved
- 18.100.060 – Permits to Run with the Land
- 18.100.070 – Performance Guarantees
- 18.100.080 – Expiration
- 18.100.090 – Time Extensions
- 18.100.100 – Changes to an Approved Project
- 18.100.110 – Resubmittals

18.100.010 – Purpose and Intent

This chapter provides requirements for the implementation or "exercising" of the permits or approvals required or offered by the Development Code, including time limits and procedures for approving extensions of time.

18.100.020 – Conformance to Approved Plans

- A. Compliance.** All work performed under a building permit for which project drawings and plans have received approval by the Director, Commission, or Council shall be in compliance with the approved drawings and plans, and any conditions of approval imposed by the applicable Review Authority.
- B. Changes.** Changes to an approved project shall be submitted and processed in compliance with this chapter.

18.100.030 – Effective Dates of Permits

A. Approvals, Permits, and Variances.

- 1. **Zoning Clearance.** Site Plan and Design Review, Administrative Use Permit, Conditional Use Permit, Variance or Minor Variance, Planned Development Permit, or Temporary Use Permit become effective 15 days following the date the decision was rendered by the applicable Review Authority, unless an appeal is filed prior to the effective date.
- 2. **Denials are effective the date of determination.**

B. Issued on the Effective Date.

- 1. Permits, certificates, and/or other approvals shall not be issued until the effective date; provided no appeal of the Review Authority's decision has been filed.

2. Public Resources Code Section 21167 et seq., specify the applicable time constraints for CEQA compliance. Failure by the applicant to comply with all applicable CEQA time constraints makes the applicant responsible for all associated risks.

18.100.040 – Acknowledgement and Acceptance of Conditions

- A. Appeal.** If the applicant wishes to appeal any or all of the final conditions of approval, the applicant shall file an appeal within 15 days following the actual date the decision was rendered by the applicable Review Authority
- B. Full Understanding and Acceptance.** The applicant, upon receipt of the approved copy of the permit with attached conditions, shall execute an Acknowledgment and Acceptance of Conditions agreement with the City, certifying full understanding and acceptance of the final conditions of approval.
- C. Signed and Dated.** The applicant shall return the Acknowledgment and Acceptance of Conditions agreement to the Department, properly signed and dated, within 30 days following the date of the Acknowledgement.

18.100.050 – Applications Deemed Approved

Applicable Provisions. Any application deemed approved by operation of law under Government Code Section 65956(b) is subject to all applicable provisions of the Development Code, which shall be fully satisfied by the applicant before a building permit is issued or a land use not requiring a building permit is exercised or established.

18.100.060 – Permits to Run with the Land

Conditions Apply. All conditions of approval continue to apply after a change in property ownership.

18.100.070 – Performance Guarantees

- A. Deposit of Security.**
 1. As a condition of approval of an Site Plan and Design Review, Administrative Use Permit, Conditional Use Permit, Variance or Minor Variance, Planned Development Permit, Reasonable Accommodation, or Temporary Use Permit, upon a finding that the City's health, safety, and welfare warrant, the Review Authority may require the execution of a covenant to deposit security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of the permit in the event that the obligor fails to perform.
 2. The applicant/owner may offer to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to weather conditions).
 3. The security shall, as required by law or otherwise at the option of the City, be in the form of cash, a bond or certified check.
 4. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director, in conjunction with the City Engineer, where applicable.

5. Security required shall be payable to the City.
- B. Release of Security.** Upon satisfactory compliance (as determined by the Director) with all applicable provisions of the conditions specified in the approval/permit, the security shall be released.
- C. Failure to Comply.**
1. Upon failure to perform any secured condition(s), the City may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs, including any additional costs exceeding the security deposit, and measurable costs for administration.
 2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.

18.100.080 – Expiration

- A. Expiration of Permit or Approval.** Unless otherwise specified in the permit or approval, all permits and approvals for projects not subject to the Map Act shall comply with the following expiration provisions.
1. **Shall Be Exercised.**
 - a. To ensure continued compliance with the provisions of the Development Code, the permit or approval shall be exercised within 24 months following the date of approval, unless by conditions of the permit or approval a different time is prescribed; otherwise the permit or approval shall be deemed void, unless an extension is approved by the applicable Review Authority.
 - b. Any time limit set by the applicable Review Authority shall be reasonable and based upon the size and the nature of the proposed project.
 - c. If after construction commencement, work is discontinued for a minimum period of 120 days, the permit or approval shall expire and be deemed void.
 - d. For an Administrative or Conditional Use Permit, once all construction is completed and the allowed use established, the applicable of time limits shall be as set forth in the permit or defined in Chapter 18.88.
 2. **Allowable Phasing.**
 - a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit or approval shall not be approved until the Review Authority has approved the final phasing plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the pre-existing base zone and then develop the remaining phases in compliance with this section, without prior Review Authority approval.
 - b. Pre-approved phases.
 - (1) If a project is to be built in pre-approved phases, each subsequent phase shall have 12 months from the date of construction commencement of the prior phase to the date of construction commencement for the next

phase, unless otherwise specified in the permit or approval, or the permit or approval shall expire and be deemed void.

(2) If the application for the permit or approval also involves the approval of a tentative map, the phasing shall be consistent with the tentative map.

(3) Shall Be Exercised before Expiration. A permit or approval shall be exercised before its expiration. The permit or approval shall not be deemed exercised until the applicant has:

- (a) Obtained a Building Permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvement has commenced and diligently pursued toward completion; or
- (b) Diligently continued the approved construction activities in a timely manner in compliance with the subject building permit and not lapsed for longer than allowed by this section; or
- (c) Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

B. Effect of Expiration. Where the permit or approval has expired and/or has been deemed void:

- 1. No further action is required by the City;
- 2. No further reliance may be placed on the previously approved permit or approval;
- 3. The applicant shall have no rights previously granted under the permit or approval;
- 4. The applicant shall file a new application(s) and obtain all required approvals before construction can commence or an allowable use may be implemented; and
- 5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the City to provide suitable protection from any harm that may result from the terminated development.

18.100.090 – Time Extensions

A. Director Action to Extend.

- 1. The Director shall have the authority to extend the permit period for up to one additional 12-month period.
- 2. The applicant's written request for an extension of time shall be on file with the Department at least 30 days before expiration of the permit or approval, together with the filing fee required by the Master Fee Schedule.
- 3. Public hearing not required.
 - a. A public hearing shall not be required for the Director's decision on an extension of time.
 - b. The Director may conduct a public hearing if deemed appropriate by the Director.

- B. Director Denies Extension.** In the event the Director denies the request for extension, the applicant may appeal the decision.
- C. Required Findings.** An extension of the permit or approval may be granted only if the Director first makes all of the following findings:
1. There have been no changes in circumstances or law that would preclude the Director from making the findings upon which the original approval was based; and
 2. Appropriate evidence has been provided by the applicant to document that the extension is required due to a hardship that was not the result of personal action(s) undertaken by the applicant.
- D. Not a Matter of Right.** The granting of an extension of a discretionary approval is not a matter of right and the Review Authority may deny the application or grant the application subject to new or different conditions.

18.100.100 – Changes to an Approved Project

- A. Application.**
1. A development or new land use shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority, except where changes to the project are approved in compliance with this section.
 2. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reason(s) for the request.
 3. Requested changes may involve changes to one or more conditions imposed by the Review Authority or actual changes to the operation, use, or physical characteristics of the project as originally proposed by the applicant or approved by the Review Authority.
 4. Changes may be requested either before or after construction or establishment and operation of the approved use but shall not be implemented until first approved by the applicable Review Authority.
- B. Notice and Hearing.** If the matter originally required a noticed public hearing, the Review Authority shall hold a noticed public hearing, except for the minor changes. The Review Authority retains the right to require a public hearing even if the original approval did not include a hearing.
- C. Minor Changes by Director.** Minor changes are those which do not alter the project significantly, such as a revision equal to less than 10 percent of the square footage, modification of a roofline not altering height, or a change to a mitigation measure not effecting impact. The Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use only if the changes:
1. Are consistent with all applicable provisions of the Development Code and the spirit and intent of the original approval.
 2. Do not involve a feature or aspect of the project that was:
 - a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;

- b. A specific consideration by the Review Authority in granting the permit or approval.
- 3. Do not involve any expansion or intensification of the use or structure.
- D. Major Changes.** Major changes include changes to the project involving features or aspects such as substantial revisions to square footage, changes in density or a revision which results in a CEQA impact. Major changes shall only be approved by the original Review Authority through a new application, processed in compliance with the Development Code.

18.100.110 – Resubmittals

- A.** The Director shall determine whether a new application is for a planning permit or amendment which is the same or substantially similar to a previously approved or denied permit or amendment, and shall either process or reject the application.
- B.** The Director's determination may be appealed to the Commission.