PART 11.6 LAND USE AND DEVELOPMENT PERMITS AND PROCEDURES

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Chapter 11.6.01 Filing and Processing of Applications

§11.6.01.001 Purpose.

This Chapter establishes the general processes and procedures necessary for the efficient and consistent processing of applications for land use and planning development permits, licenses, requests, entitlements, and other actions subject to the regulation of this Zoning Code.

§11.6.01.002 Applicability.

The provisions of this Chapter shall apply to the filing and processing of all applications required by this Zoning Code unless otherwise specified.

§11.6.01.003 Applications.

A. **Applicants**. The following persons may file applications:

1. The owner(s) of the subject property.
2. A representative of the property owner, duly authorized in writing by the property owner.
3. The City.

B. **Planning Applications.**

1. Planning applications pertaining to this Zoning Code shall be submitted to the Director on a completed City application approved by the Director and designated for the particular request. The applicant shall provide such information and supporting data as the Director considers necessary to process that particular type of permit, including, but not limited to, the minimum application requirements plus any additional requirements based on each permit.
2. Every application shall include the signatures of the applicant and/or representative of the property owner as appropriate, and shall include a property owner's affidavit.
3. Applications shall be submitted together with all plans, exhibits, maps, data, and any additional information about the proposed project development or land use entitlements requested, project site, and vicinity deemed necessary by the Director to provide the decision-making authority with adequate information on which to base decisions.
4. When a new structure or addition(s) to an existing structure is proposed, where such new development could potentially encroach into a required setback, a survey prepared by a licensed surveyor shall be required. The survey shall include all pertinent property lines and existing structures and easements on site. The surveyor shall stake the property lines in the field for building inspection. The requirements for a survey may be waived by the Director if the proposed structure or addition is to be located a minimum of five (5) feet beyond the required setback, as demonstrated on the project plans and verified by field measurements.

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§11.6.01.004 Application Fees.

All applications shall be subject to the permit and processing fee(s) prescribed by City Council resolution and as amended from time-to-time, as prescribed by state law in accordance with Government Code Section 66020, to cover the cost of investigation and processing, unless otherwise specified.

§11.6.01.005 Determination of Completeness.

A. **Application Completeness**. Within thirty (30) days of application submittal, except as otherwise provided for in this Zoning Code, the state Permit Streamlining Act (California Government Code Section 65943), or as otherwise provided for in state law, the Director shall determine whether the application is complete for processing. The Director shall notify the applicant of the determination in writing that either:

1. All the submittal requirements have been satisfied and the application has been accepted as complete; or

2. The submittal is not in compliance with City standards and requirements and specific information is still necessary to complete the application for processing.

B. **Application Completeness Without Notification**. If the written determination is not made within thirty (30) days after receipt, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for the purposes of this Chapter.

C. **Resubmittal**. Upon receipt and resubmittal of any incomplete application, a new thirty (30) day period shall begin during which the Director shall determine the completeness of the application, as specified in Subsection (A) of this Section.

D. **Incomplete Application**. If additional information or submittals are required and the application is not made complete within six (6) months, or some greater period as determined by the Director, of the completeness determination letter, the application may be deemed by the City to have been withdrawn and no action will be taken on the application. Unexpended fees, as determined by a Resolution of the City Council, will be returned to the applicant as provided for in the Fee Resolution as adopted by the City Council and as may be amended from time to time. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with this Chapter.

E. **Right to Appeal**. The applicant may appeal the determination in accordance with Chapter 11.2.03 (Call-Up and Appeals) and the Permit Streamlining Act.

§11.6.01.006 Environmental Review.

A. After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA).

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§11.6.01.007 Multiple Entitlements.

When a proposed project requires more than one (1) permit with more than one (1) decision-making authority, the Director shall have the discretion to elevate all permits to the highest level of authority if there is a nexus between the permits. If the Director determines that there is no nexus, the permits may be considered individually. Projects that require legislative approvals may go to the City Council as stand-alone items with the associated quasi-judicial approvals stopping at Planning Commission.

§11.6.01.008 Additional Permits May Be Required.

A. A land use on property that complies with the permit requirement or exemption provisions of the Zoning Code shall also comply with the permit requirements of other LCFMC provisions and any permit requirements of other public agencies before construction or use of the property is commenced. Nothing in the Zoning Code shall eliminate the need to obtain any permits required by any applicable county, regional, State, or federal regulations.

B. All necessary permits shall be obtained before starting work or establishing a new use.

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Chapter 11.6.02 Land Use and Development Permits

§11.6.02.001 Purpose.

This Chapter establishes general provisions and processes for land use and development permits that are subject to the regulation of this Zoning Code.

§11.6.02.002 Applicability.

The provisions of this Chapter shall be applicable to all permits for development, building, establishment, renewal, modification, or discontinuance of any land use or structure within the City. Land use permits that are subject to this Chapter shall be issued in accordance with the permitted land use, as established by the applicable zone. Nonconforming uses and structures shall be subject to permit procedures as established by Chapter 11.5.03 (Legal Nonconforming Uses, Structures, and Parcels) and as otherwise prescribed in this Zoning Code. All development proposals and applications may be subject to one (1) or more permits and processing procedures as provided for in this Zoning Code.

§11.6.02.003 Authority for Land Use and Development Permits.

A. The decision-making authorities designated in Table 11.6.02-1 shall have the authority to approve, conditionally approve, recommend, or deny land use and development permits and other actions in accordance with Chapter 11.2.01 (Administrative Authority and Responsibility). In acting on a permit, the decision-making authority shall make all required findings as applicable. Call-up shall be in accordance with Chapter 11.2.03 (Call-Up and Appeals). If provided for in Table 11.6.02-1 or elsewhere in this Zoning Code, an action of a decision-making authority may be appealed pursuant to procedures set forth in Chapter 11.2.03 (Call-Up and Appeals). Enforcement of any land use permit shall be in accordance with Chapter 11.2.04 (Enforcement) or as otherwise specified.

B. Table 11.6.02-1 depicts the following information regarding land use and development permits provided for in this Zoning Code: 1) list of land use and development permits; 2) the applicable Chapter or Section of each permit for reference purposes; and 3) the role of the decision-making and appeal authority (if applicable) responsible for action on the permit. The permits are organized based on the applicable review processes, which are described in Section 11.6.02.004.

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Table 11.6.02-1: Permits and Role of Decision-Making Authority

Permits and Role of Decision-Making Authority							
LAND USE & DEVELOPMENT PERMITS[1,2]	**CHAPTER/ SECTION**	**ROLE OF Decision-Making AUTHORITY[3]**					
		Director	**City Manager**	**Zoning Hearing Officer**	**Design Commission**	**Planning Commission**	**City Council**
Review Process A (Section 11.6.02.004(A))							
Certificate of Compliance (C of C)	Chapter 12.X.XX	I					
Home Occupation Permit (HOP)	§11.4.31.003	I					
Zoning Clearance (ZC)	Chapter 11.6.03	I					
Review Process B (Section 11.6.02.004(B))							
Zoning Modification (ZM)	Chapter 11.6.04	F				A	A
Director's Use Permit (DUP)	§11.6.06.002	F				A	A
Director's Development Review Permit (DDPR)	§11.6.05.002	F				A	A
Review Process C (Section 11.6.02.004(C))							
Minor Development Review Permit (DRP-MIN)	§11.6.05.003			F		A	A
Review Process D (Section 11.6.02.004(D))							
• **Review Process D-1:**							
Minor Conditional Use Permit (MUP)	§11.6.06.003					F	A
• **Review Process D-2:**							
Conditional Use Permit (CUP)	§11.6.06.004					F	A
Master Conditional Use Permit (CUP-MAS)	§11.6.06.005					F	A
Development Review Permit (DRP)	§11.6.05.004					F	A
Tentative Parcel Map (TPM)	Chapter 12.X.XX						
Tentative Tract Map (TTM)	Chapter 12.X.XX						
Variance	§11.6.07					F	A
Design Review	Chapter 11.6.08				F		A
Review Process E (Section 11.6.02.004(E))							

[1] Any CEQA document or decision may be appealed in accordance with the appeal procedures in Chapter 11.2.03 (Call-Up and Appeals).

[2] Design Review is required for all permits pursuant to Chapter 11.6.14 (Design Review) and as otherwise provided for in this Zoning Code. In addition, any project subject to Planning Commission review, and individually or categorically made subject to Design Review by the Planning Commission or City Council, other than single-family residential, may be referred to the Design Commission for review and recommendation.

[3] "I" means the permit is issued ministerially by the Director and is not subject to appeal. "F" means the decision by decision-making authority is final unless appealed to a higher approving authority. "R" means the designated authority makes a recommendation to a higher approving authority for approval. "A" means the decision-making authority to which the appeal is subject.

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Permits and Role of Decision-Making Authority							
LAND USE & DEVELOPMENT PERMITS[1,2]	**CHAPTER/ SECTION**	**ROLE OF Decision-Making AUTHORITY[3]**					
		Director	**City Manager**	**Zoning Hearing Officer**	**Design Commission**	**Planning Commission**	**City Council**
Amendments of General Plan, Zoning Code, & Zoning Map	Chapter 11.6.09					R	F
Specific Plan	Chapter 11.6.10					R	F
Development Agreement	Chapter 11.6.11					R	F
Special Permits (with Review Processes as Specified)							
Adult Oriented Business Permit	Chapter 11.4.26		R				A
Animal Club Permit	§11.4.27.011			F		A	A
Animal Keeping—Property Registration	§11.4.27.009	F				A	A
Condominium Conversion Permit	Chapter 12.X.XX					F	A
Donation Collection Bin Permit	§11.4.29.003	F				A	A
Emergency Shelter Facilities Permit	§11.4.04.002	F				A	A
Excess Animal Permit	§11.4.27.010			F		A	A
Hillside Development Permit (HDP):	§11.4.05.013(B)(1)						
• Director Review (HDP-D)	§11.4.05.013(B)(2)	F		A			A
• Zoning Hearing Officer Review (HDP-ZHO)	§11.4.05.013(B)(3)			F		A	A
• Planning Commission Review (HDP-PC)	§11.4.05.004					F	A
Lot Line Adjustment (LLA)	Chapter 12.X.XX	F				A	A
Massage Permit	Chapter 11.4.21						
Merger of Contiguous Parcels	Chapter 12.X.XX	I					
Outdoor Vending/Service Facility Permit	§11.4.35.003	F				A	A
Personal Indoor Cultivation of Marijuana Permit	§11.4.36.004	F	A				
Reasonable Accommodation (RA)	Chapter 11.6.13	F		A			A
Sign Permit	Chapter 11.5.08-TBD						
Telecommunications Permit (TP):	Chapter 11.4.22						
• Director Review (TP-D)	§11.4.22.004	F[4]				A[4]	A[4]
• Planning Commission Review (TP-PC)	§11.4.22.004					F[4]	A[4]
Temporary Use Permit (TUP):	Chapter 11.6.12						
• Major (TUP-Major)	§11.6.12.004(A)	F	A				
• Master (TUP-Master)	§11.6.12.004(A)	F	A				
• Minor (TUP-Minor)	§11.6.12.004(B)	F	A				
Tree Protection—Director's Determination	11.5.06.007(B)	F				A	A
Tree Removal Permit	§11.5.06.006	F				A	A

[4] The final decisions, including appeals, shall be conducted in accordance with applicable State and Federal law.

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§11.6.02.004 Review Process for Decisions Regarding Land Use and Development Permits.

Decisions for permits and actions referenced in Table 11.6.02-1 are categorized into five (5) general review processes (Review Processes A through E) based on several criteria, including: 1) which decision-making authority has responsibility for the decision; 2) whether the action is ministerial or discretionary; 3) whether public notice is required; 4) whether a public hearing is required; and 5) whether there is an opportunity for appeal. Permits that do not fall into one of the five (5) general review processes are categorized in the table as "Special Permits (with Other Review Processes as Specified)"; they are described elsewhere in this Zoning Code. Refer to Chapter 11.2.02 (Public Notice and Hearing Requirements) regarding the notification processes and public hearing procedures that are applicable to administration of this Zoning Code, or as otherwise described in the applicable section of the Zoning Code. The review processes are described below in Subsections (A) through (E) and summarized in Table 11.6.02-2.

A. **Review Process A.** Review Process A decisions are ministerial land use decisions made by the Director for certain permits and actions subject to the regulation of this Zoning Code.

1. **Authority:** Director.
2. **Action:** Ministerial.
3. Public Notification: No.
4. Public Hearing: No.
5. Call-Up and Appeals: No.

B. **Review Process B.** Review Process B decisions are discretionary land use decisions made by the Director for certain permits subject to the regulation of this Zoning Code.

1. **Authority:** Director.
2. **Action:** Discretionary.
3. **Public Notification:** Yes—as specified in Section 11.2.02.003 for permits subject to Review Process B.
4. Public Hearing: No.
5. **Call-Up and Appeals:** Yes—as specified in Chapter 11.2.03 (Call-Up and Appeals).

C. **Review Process C.** Review Process C decisions are discretionary land use decisions made by the Zoning Hearing Officer for certain discretionary permits subject to the regulation of this Zoning Code.

1. **Authority:** Zoning Hearing Officer.
2. **Action:** Discretionary.

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3. **Public Notification:** Yes—as specified in Section 11.2.003 for permits subject to Review Process C.

4. **Public Hearing:** Yes—as specified in Section 11.2.02.004.

5. **Call-Up and Appeals:** Yes—as specified in Chapter 11.2.03 (Call-Up and Appeals).

D. **Review Process D.** Preview Process D decisions are discretionary land use decisions made by the Design Commission or Planning Commission for certain discretionary permits subject to the regulation of this Zoning Code. Process D decisions include two sub-processes, Process D-1 and Process D-2, as provided for in Subsections (1) and (2) of this Subsection.

1. Review Process D-1.

a. **Authority:** Planning Commission.

b. **Action:** Discretionary.

c. **Public Notification:** Yes—as specified in Section 11.2.02.003 for projects subject to Review Process D-1.

d. **Public Hearing:** No—Review Process D-1 permits are placed on the Consent Calendar of the Planning Commission's agenda. Items on the Consent Calendar may be enacted by one (1) motion without individual discussion. If discussion is requested by one (1) or more Planning Commissioners, the applicant, or a member of the public, the item may be removed from the Consent Calendar and considered separately.

e. **Call-Up and Appeals:** As provided for in Chapter 11.2.02 (Call-Up and Appeals).

2. Review Process D-2.

a. *Authority:* Design Commission or Planning Commission.

b. *Action:* Discretionary, unless otherwise provided for in this Zoning Code or required by state law.

c. *Public Notification:* Yes—as specified in Section 11.2.02.003 for projects subject to Review Process D-2.

d. *Public Meeting or Public Hearing:* Yes—as specified in Section 11.2.02.004;

e. *Call-Up and Appeals:* As provided for in Chapter 11.2.02 (Call-Up and Appeals).

E. **Review Process E.** Review Process E decisions are discretionary land use decisions for certain legislative actions made by the City Council, after consideration and recommendation by the Planning Commission and other commissions as may be authorized or requested by the City Council.

1. **Authority:**

a. *Recommendation:* Planning Commission and other Commissions, as applicable.

b. *Approval:* City Council.

2. **Action:** Discretionary.

3. **Public Notification:** Yes—as specified in Section 11.2.02.003 for projects subject to Review Process E.

4. **Public Hearing:** Yes—as specified in Section 11.2.02.003 for projects subject to Review Process E.

5. **Call-Up and Appeals:** No—the City Council is the final decision-making authority for all Process E decisions.

Table 11.6.02-2: Review Process for Decisions Regarding Land Use and Development Permits

Review Process for Decisions Regarding Land Use and Development Permits					
Permit Process	**Decision-Making Authority**	**Action**	**Public Notice Required**	**Public Meeting or Public Hearing**	**Call-Up/Appeal**
Process A	Director	Ministerial	No	No	No
Process B	Director	Discretionary	Yes §11.2.02.003(A)(1)	No	Yes Chapter 11.2.03
Process C	Zoning Hearing Officer	Discretionary	Yes §11.2.02.003(A)(3)	Yes §11.2.02.004	Yes Chapter 11.2.03
Process D:					
• ***Process D-1***	Planning Commission	Discretionary	Yes §11.2.02.003(A)(2)	Yes §11.2.02.004	Yes Chapter 11.2.03
• ***Process D-2***	Design Commission Planning Commission	Discretionary or Ministerial	Yes §11.2.02.003(A)(3)	Yes §11.2.02.004	Yes Chapter 11.2.03
Process E	Recommendation: Planning Commission Approval: City Council	Discretionary or Legislative	Yes §11.2.02.003(A)(3)	Yes §11.2.02.004	Yes Chapter 11.2.03

§11.6.02.005 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 planning action in accordance with this Chapter is the responsibility of the applicant.

B. **Precedence.** Each permit shall be evaluated on a case-specific basis. Therefore, granting of a prior permit does not create a precedent and is not justification for the granting of a new permit.

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Chapter 11.6.03 Zoning Clearance

§11.6.03.001 Purpose.

This Chapter establishes the Zoning Clearance (ZC), which provides an administrative process to ensure that all new and modified uses, structures, and certain development of land comply with applicable provisions of this Zoning Code, and, if applicable, the terms and conditions of any previously approved permit or variance.

§11.6.03.002 Applicability.

A Zoning Clearance shall be required as follows:

A. For any structure that requires a Building Permit.

B. Prior to striping, restriping, or resurfacing of any existing or new parking facility.

C. Prior to the issuance of any business license, Home Occupation Permit, encroachment permit, grading and improvement plans, and/or any other applicable City permit or license.

D. As requested by an interested party.

§11.6.03.003 Procedures and Requirements for a Zoning Clearance.

A request for a Zoning Clearance is subject to the following procedures and requirements.

A. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Zoning Clearance as provided for in Chapter 11.6.01 (Filing and Processing of Applications). In addition to the applicable application procedures provided for elsewhere in this Zoning Code, the following application procedures shall apply to Zoning Clearances.

1. **General application**. An application for a Zoning Clearance, not subject to Subsections (2) or (3) below, shall be filed with the Department on an application provided by the Director with the required fee as required by Section 11.6.01.004. The application shall be accompanied by plans, specifications, and information as may be required by the Director to determine compliance with this Title. The Zoning Clearance issued under this Subsection may be in the form of a letter signed by the Director, an application signed by the Director, or the plans approved by the Department, as determined applicable by the Director.

2. **Application associated with a building permit**. An application submitted to the Building Department for a building permit shall include plans, specifications, and information as determined necessary by the Director that demonstrates conformance with this Title. The Zoning Clearance associated with the issuance of a building permit shall be the plans approved by the Department for issuance of a building permit; a separate permit application is not required.

3. **Application associated with other City permits**. An application submitted to the City for a business license, Home Occupation Permit, or any other applicable City permit shall include information as determined necessary by the Director that demonstrates conformance with this Title. The Zoning Clearance associated with the issuance of an applicable permit shall be the permit approved by the Department for issuance of that permit; a separate permit application is not required.

B. **Review Process.** The applicable Review Process for a Zoning Clearance is Review Process A (Section 11.6.02.004(A)).

§11.6.03.004 Time Limits—Expiration of Zoning Clearance.

A Zoning Clearance shall be valid for the same period that the subject license or permit is in effect.

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Chapter 11.6.04 Zoning Modifications

§11.6.04.001 Purpose.

This Chapter establishes a process for a Zoning Modification to allow certain specific minor modifications of the standards and regulations of this Zoning Code, in order to provide flexibility necessary to achieve the objectives of this Zoning Code, where such modifications will result in development that is compatible with adjoining properties and consistent with the General Plan.

§11.6.04.002 Applicability.

Certain development standards are subject to a Zoning Modification as provided for in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and as specified in this Zoning Code and listed below:

A. **Mechanical Equipment Encroachment:** The Director may approve a Zoning Modification for encroachment of mechanical equipment in the side yard setback as provided in Section 11.3.03.005(E)(8)(a) only if the findings in required in Section 11.6.04.004 can be made. Additionally, per the discretion of the Director, a sound-buffering structure may be required for any equipment located within the required side or rear yard setback, depending on the location and orientation of the adjacent affected residence.

B. **Dormer Encroachment:** The Director may approve a Zoning Modification for encroachment of a dormer in the side yard setback as provided in Section 11.3.03.005(E)(8)(b) only if the findings in required in Section 11.6.04.004 can be made and the additional finding in this Subsection can be made:

   1. **Additional required finding:** The proposal is consistent with the Residential Design Guidelines as adopted by Resolution of the City Council.

C. **Yard Equipment Encroachment:** The Director may approve a Zoning Modification for encroachment of yard equipment as provided for in Section 11.3.03.005(E)(8)(c) only if the findings in required in Section 11.6.04.004 can be made.

D. **Fence, Solid Wall, and Gate Encroachment.** The Director may approve a Zoning Modification for encroachment of a fence, solid wall, or gate as provided for in Subsection 11.3.03.005(E)(8)(d) only if the findings in Section 11.6.04.004 and the additional finding in this Subsection can be made:

   1. **Additional required finding:** The fence, solid wall, or gate(s) will not be visible from the public right-of-way or surrounding properties.

E. **Design and Materials of Fences and Walls:**

   1. The Director may approve a Zoning Modification for the design and materials for all fences and walls as provided for in Section 11.3.03.005(G)(1)(b) only if the findings required in Section 11.6.04.004 can be made and the additional finding in this Subsection can be made:

a. *Additional required finding for a determination regarding the finished side of fences and walls:* The proposed fence or wall is similar in appearance on both sides and is otherwise not adversely affecting neighboring properties.

2. The Director may approve a Zoning Modification for the design and materials for all fences and walls as provided for in Section 11.3.03.005(G)(1)(c) only if the findings in required in Section 11.6.04.004 can be made.

F. **Replacement of Legal Nonconforming Fences or Walls.** The Director may approve a Zoning Modification to allow the replacement of legal nonconforming walls as provided for in Section 11.3.03.005(G)(11) upon receipt of evidence (such as, but not limited to: previous fence material present on-site, camera-dated photograph, or written testimony from the owners of the adjoining property) indicating that the fence or wall existed on-site, and if the findings in Section 11.6.04.004 and the additional findings in this Subsection can be made:

1. Additional required findings:

a. The fence or wall does not impede line-of-sight or public safety; and

b. Either the fence or wall is compatible with the neighborhood or the removal of which would impose a practical hardship.

G. **Chicken Coop Waiver:** The Director may approve a Zoning Modification to waive the requirements pertaining to chicken coops as provided in Sections 11.4.27.006(B)(3) and (4) only if the criteria in Subsection 11.4.27.006(B)(5) are met and the findings required in Section 11.6.04.004 can be made.

H. **Batting Cage Encroachment.** The Director may approve a Zoning Modification for encroachment of a batting cage into the side yard as provided for in Section 11.4.37.003(A)(1) or rear yard as provided for in Section 11.4.37.003(A)(2) only of the findings required in Section 11.6.04.004 can be made.

§11.6.04.003 Procedures and Requirements for Zoning Modification.

A Zoning Modification application shall be prepared, filed, and processed as provided by this Section.

A. **Application.** Any property owner or any individual with the property owner's written authorization shall submit an application to the Director for a Zoning Modification as provided for in Chapter 11.6.01 (Filing and Processing of Application).

B. **Review Process.** A Zoning Modification is subject to Review Process B (Section 11.6.02.004(B)).

§11.6.04.004 Decision and Required Findings.

A Zoning Modification shall not be approved unless the Director makes the following findings:

A. Any impacts on adjacent properties will be negligible or can be conditioned to result in no or negligible impacts.

B. The proposed project preserves the existing character of the surrounding neighborhood and protects public views and aesthetics.

C. The granting of the Zoning Modification will not interfere with the reasonable use and enjoyment of adjacent or adjoining property, and will not be materially detrimental to public health, safety, welfare, or be materially injurious to properties or improvements in the vicinity.

§11.6.04.005 Conditions of Approval.

In approving a Zoning Modification, the Director may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained in this Zoning Code.

§11.6.04.006 Expiration Where Not Used.

A Zoning Modification shall expire when not used within one (1) year unless otherwise specified by the Director in a condition of approval.

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Chapter 11.6.05 Development Review Permits

§11.6.05.001 Purpose.

This Chapter establishes a permit process for review, evaluation, and determination of certain types of development projects and site plan review to ensure orderly development of structures and sites that are consistent with and maintain the character of the surrounding neighborhood. The development review permits prescribed in this Chapter include Director's Development Review Permit, Minor Development Review Permit, and Development Review Permit.

§11.6.05.002 Director's Development Review Permit (DDRP).

A. **Applicability**. The Director may approve a Director's Development Review Permit for any proposed structure or site development which meets any of the following criteria:

1. **Height modification:** as provided in Subsection (a) of this Subsection, only if the findings required in Section 11.6.05.005 and the additional finding in Subsection (b) of this Subsection can be made:

   a. *Development subject to a height modification:*

      i. Excess height as provided in Section 11.3.03.005(A)(3).

      ii. Porch height as provided in Section 11.3.03.005(A)(4)(b).

   b. *Additional required finding:* The excess height accommodates an architectural objective, as dictated by style, scale, and/or architectural consistency with the subject structure.

2. **Single-story review:** as provided for in Section 11.3.03.005(A)(5)(a)(i), only if the findings required in Section 11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

   a. *Additional required finding:* The design includes adequate setbacks, screening, and modulation, and preserves reasonable privacy.

3. **Second story review:** as provided in Section 11.3.03.005(A)(5)(b)(i)((a)), only if the findings required in Section 11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

   a. *Additional required finding:* The two-story design includes adequate setbacks, screening, and modulation, and preserves reasonable privacy.

4. **Conversion of attic space to floor area:** as provided in Section 11.3.03.005(A)(5)(c)(i), only if the conditions required in Section 11.3.03.005(A)(5)(c)(i) and the findings required in Section 11.6.05.005 can be made.

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5. **Flat roof modification:** as provided for in Section 11.3.03.005(B)(1)(b), only if the findings required in Section 11.6.05.005 and the additional required finding in Subsection (a) of this Subsection can be made:

   a. *Additional required finding:* The roof configuration accommodates an architectural objective, as dictated by style, scale, and/or architectural consistency with the subject structure.

6. **Roof equipment review:** as provided in Section 11.3.03.005(B)(2)(b), only if the findings required in Section 11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

   a. *Additional required findings:*

      i. The equipment is not in a position to be visible from offsite, or

      ii. The equipment is adequately screened from off-site view and the screening is integral to the design of the structure.

7. **Setback modification:** development subject to setback modification shall be as provided in Subsections (a), (b), and/or (c) of this Subsection, except that any project that meets the definition of a new structure shall not be eligible for a setback modification.

   a. Setback modification to allow a building addition to an existing and legally established primary or accessory residential structure to encroach into a required front, side, or rear setback as provided in Section 11.3.03.005(E)(1)(d), subject to the following conditions, and only if the findings required in Section 11.6.05.005 can be made:

      i. The building addition will not encroach into a required front, side, or rear yard beyond the limits already established by the existing structure to which the addition will be attached, or result in less than a five (5) foot setback.

      ii. If the building addition is a second story, it will not create additional encroaching floor area that is more than fifty (50) percent of the amount of overall encroaching floor area on the same side and story as the request, existing prior to the request.

      iii. Within the required setback, the existing exterior walls, windows or doors and roofline of the structure establishing an existing setback encroachment shall be retained to qualify for a setback modification. This shall not prohibit modification of materials or changes made for maintenance purposes, and "like-for-like" replacement of windows and doors. Framing of a new roof on top of an existing roof (often referred to as "California framing") within the setback encroachment shall be prohibited.

   b. Setback modification for outdoor fireplaces/chimneys as provided for in Section 11.3.03.005(E)(5)(a), subject to the following conditions, and only if the findings required in Section 11.6.05.005 can be made:

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i. Outdoor fireplaces/chimneys and chimney outlets serving interior fireplaces shall not encroach into the front, side, and rear yard beyond the limits already established by the existing primary structure. In no case shall the setback be less than five (5) feet;

ii. Maximum width of encroachment up to and including ten (10) feet above finish floor: ten (10) feet;

iii. Maximum width of encroachment more than ten (10) feet above finish floor: five (5) feet.

c. *Other setback encroachments:* All other setback encroachments as provided for in Section 11.3.03.005(E)(9), only if the findings required in Section 11.6.05.005 and the additional findings in Subsection (i) of this Subsection can be made.

i. Additional required finding: Topographic features, lot configurations, or other conditions make it impractical to require compliance with the yard setback requirements.

8. **Relocation of pool/spa equipment previously approved with a Development Review Permit (or equivalent permit):** as provided for in Section 11.3.005(E)(6)(a)(iii), and only if the findings required in Section 11.6.05.005 can be made.

9. **Light wells in front and exterior side yards:** as provided for in Section 11.3.03.005(F)(1)(b), only if the findings required in Section 11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

a. *Conditions for light wells in front and exterior side yards:*

i. The light well shall not encroach into the required front or exterior side yard setback; and

ii. Per the discretion of the Director, additional screening, including landscaping, fencing, and/or walls, may be required for any light well located within the front or exterior side yard.

b. *Additional required findings:*

i. Due to unique conditions, such as lot configuration (including flag lots and other lots where the front or exterior side yard does not face the street), topographic features, or other conditions, the light well will not be located between the dwelling unit and the street.

10. **Street-fronting fences and walls:** as provided for in Subsection 11.3.03.005(G)(4)(c), subject to the condition in Subsection (a)of this Subsection, and only if the findings required in Section 11.6.05.005 and the additional finding in Subsection (b) of this Subsection can be made:

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a. *Required condition:* Walls and fences within the front yard setback, the street side yard of a reverse corner lot, or the rear yard of a through lot shall not be visible from the public right-of-way or surrounding properties.

b. *Additional required findings:*

i. Due to lot configuration, topography, or a similar condition as determined by the Director, the wall, fence, or gate will not be visible from the public right-of-way or surrounding properties; and

ii. Meets State Uniform Building Code requirements for pools, as appropriate, and

iii. If visibility requirements are met

11. **Pedestrian entries:** as provided for in Section 11.3.03.005(G)(10)(a), only if the findings required in Section 11.6.05.005 can be made.

12. **Terracing:** as provided for in Section 11.3.03.005(G)(10)(c)(iii), only if the findings required in Section 11.6.05.005 can be made.

13. **Minimum front yard landscaping:** as provided for in Section 11.3.03.005(G)(13), only if the required in Section 11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made.

a. *Additional required findings:*

i. The front yard treatment is compatible with the neighborhood;

ii. The front yard treatment is not prominently visible from the street.

14. **Grading:** as provided for in Section 11.5.02.002(A), only if the findings required in Section 11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

a. *Additional required finding:*

i. Natural topography and scenic features of the site have been retained and incorporated into the proposed project to the extent feasible.

15. **Reduction of required off-street parking:** as provided for in Section 11.5.05.004(F)(1), only if the findings required in Section 11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

a. *Additional required findings:*

i. The applicant has demonstrated to the satisfaction of the Director, on plans submitted with the permit application, that the use is located within one quarter mile (1,320 feet) of a bus stop or public parking lot, measured as the walking distance (along sidewalks or other legal walking routes and legal street crossings) from the nearest bus stop sign or the lot line of the public parking lot to the nearest lot line of the lot containing the use; and

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ii. The use has at least one (1) primary entrance that is directly accessed by a sidewalk or plaza within twenty (20) feet of the primary entrance; and

iii. Pedestrian access from the public sidewalk to each use is free of physical barriers, such as walls and significant vegetation.

16. **Garage modification:** as provided for in Section 11.5.05.005(A)(2)(b), only if the findings required in Section 11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

a. *Additional required findings:*

i. The garage was existing and was constructed in good faith in compliance with the regulations of the Zoning Code at the time the garage was constructed; and

ii. The existing exterior walls, windows or door and roofline of the structure of the garage will not change as a result of alteration or expansion of the dwelling unit. This shall not prohibit modification of materials or changes made for maintenance purposes, and "like-for-like" replacement of windows and doors. Framing of a new roof on top of an existing roof (often referred to as "California framing") within the setback encroachment shall be prohibited.

17. **Semi-circular driveway:** as provided for in Section 11.5.005(D)(1)(c) and Section 11.5.050(D)(1)(e) only if the findings required in Section 11.6.05.005 can be made.

18. **Vehicle parking facilities in multifamily, mixed use, and non-residential zones:** as provided for in Section 11.5.05.007, only if the findings required in Section 11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

a. *Additional required findings:*

i. The applicant has demonstrated that, due to the size and/or configuration of the subject property, strict adherence to the requirements of Section 11.5.05.007 would result in unreasonable difficulties in developing the property.

19. **Recreational vehicle parking or storage review:** as provided for in Section 11.5.05.010(A), only if the findings required in Section 11.6.05.005 can be made.

20. Any development project for which a Director's Development Review Permit is required pursuant to a zone, overlay zone, specific plan, or other regulatory provision of this Zoning Code, only if the findings required in Section 11.6.05.005 can be made and any additional findings as otherwise may be required.

21. Any new non-residential accessory structure, excluding a parking structure.

22. Any changes required to implement the Americans with Disabilities Act that conflict with the requirements of this Zoning Code.

23. Any addition to an existing non-residential structure.

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24. Any new non-residential primary structure.

B. **Procedures and Requirements for Director's Development Review Permits.** Any Director's Development Review Permit application shall be prepared, filed, and processed as provided by this Section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Director's Development Review Permit as provided for in Chapter 11.6.01 (Filing and Processing of Applications).

2. **Review process.** A Director's Development Review Permit is subject to Review Process B (Section 11.6.02.004(B)).

§11.6.05.003 Development Review Permit—Minor (DRP-MIN).

A. **Applicability.** The Zoning Hearing Officer may approve a Development Review Permit—Minor (Minor Development Review Permit) for any proposed structure or site development which meets any of the following criteria:

1. **Garage elevation review:** as provided in Section 11.5.05.005(B), only if the if the findings required in Section 11.6.05.005 can be made.

2. **Large garage review:** as provided for in Section 11.5.05.005(C), only if the findings required in Section 11.6.05.005 can be made.

3. Any development that is subject a Director's Development Review Permit and for which the Director determines a higher level of review is required.

B. **Procedures and Requirements for Minor Development Review Permits.** A Minor Development Review Permit application shall be prepared, filed, and processed as provided by this Section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Minor Development Review Permit as provided for in Chapter 11.6.01 (Filing and Processing of Application).

2. **Review process.** A Minor Development Review Permit is subject to Review Process C (Section 11.6.02.004(C)).

§11.6.05.004 Development Review Permit (DRP).

A. **Applicability**. The Planning Commission may approve a Development Review Permit for any proposed structure or site development which meets any of the following criteria, as otherwise provided for by this Zoning Code, and as otherwise determined by the Director.

1. **Second story review:** as provided for in Section 11.3.03.005(A)(5)(b)(i)((b)) and in Section 11.3.03.005(A)(5)(b)(ii), only if the findings required in Section 11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

a. Additional required findings:

i. The two-story design includes adequate setbacks, screening, modulation, and preserves reasonable privacy.

ii. The two-story design preserves the existing scale and character of the surrounding neighborhood.

iii. The two-story design protects public views, aesthetics, and privacy of the neighbors.

iv. The two-story design is consistent with the residential design guidelines as adopted by resolution of the City Council.

2. **Conversion of attic space:** as provided for in Section 11.3.03.005(A)(5)(c)(ii), only if the findings required in Section 11.6.05.005 can be made.

3. **Floor/solid roofed area review for narrow lots:** as provided in Section 11.3.03.005(D)(1)(b)(i), only if the findings required in Section 11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

a. *Additional required finding:* Through its siting, screening, and/or massing effects, the project is compatible with its neighborhood setting and is consistent with the residential design guidelines as adopted by resolution of the City Council.

4. **Floor/solid roofed area review for large projects:** as provided in Section 11.3.03.005(D)(1)(b)(ii), only if the findings required in Section 11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

a. *Additional required finding:* Through its siting, screening, and/or massing effects, the project is compatible with its neighborhood setting and is consistent with the residential design guidelines as adopted by resolution of the City Council.

5. **Pool or spa in front of a residence or within the front yard setback:** as provided for in Section 11.3.03.005(E)(6)(a)(iii), only if the findings required in Section 11.6.05.005 can be made.

6. **Allowable total floor/roofed area of accessory structure:** as provided in Section 11.3.03.005(H)(2), only if the findings required in Section 11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

a. *Additional required finding:* The design of the accessory structure and location on the lot are appropriate to the size and shape of the lot, and are compatible and harmonious with and prevent adverse effects on surrounding properties.

7. **Grading:** as provided in Section 11.5.02.002(B), only if the findings required in Section 11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made.

a. *Additional required finding:* Natural topography and scenic features of the site have been retained and incorporated into the proposed project to the extent feasible.

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8. **Reduction of required off-street parking:** as provided for in Section 11.5.05.004(F)(2), only if the findings in Section 11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

   a. *Additional required findings:*

      i. Expected automobile use, alternative modes of transportation, or other use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use(s), as supported by a parking study if required by the Planning Commission.

      ii. The parking demand varies throughout the day in relation to parking supply.

      iii. The nature of operational aspects of the use warrants unique parking arrangements.

9. **Off-street shared parking:** as provided for in Section 11.5.05.004(G), only if the findings in Section 11.6.05.005 and the additional findings in Subsection (a) of this Subsection can be made:

   a. *Additional required findings:*

      i. The existing or anticipated land use(s) will have different periods of peak parking demand;

      ii. The shared parking arrangement can accommodate the parking demand for all uses;

      iii. Off-site parking is located within one-quarter mile (1,320) feet of the associated use;

      iv. Appropriate signage to direct vehicles to the shared parking facility and pedestrians from the parking facility to each use is or will be installed;

      v. Pedestrian access from the parking facility to each use is free of physical barriers, such as walls and significant vegetation;

      vi. Shared driveway access for all users of the parking facility is guaranteed;

      vii. A parking management plan is provided specifying parking space assignments, as applicable, and detailing any time limit or other restrictions to ensure that spaces are available for the intended users; and

      viii. A written agreement is provided between the property owners lessees to share their parking as determined by the decision-making authority, approved by the City, and recorded against the participating properties.

10. **Valet parking:** as provided in Section 11.5.05.004(H) only if the findings in Section 11.6.05.005 and the additional finding in Subsection (a) of this Subsection can be made:

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a. The nature of operational aspects of the use will benefit from valet parking.

11. Any development project for which a Development Review Permit is required pursuant to a zone, overlay zone, specific plan, or other regulatory provision of this Zoning Code, only if the findings required in Section 11.6.05.005 can be made and any additional findings as otherwise may be required.

B. **Procedures and Requirements.** A Development Review Permit application shall be prepared, filed, and processed as provided by this Section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Development Review Permit as provided for in Chapter 11.6.01 (Filing and Processing of Applications).

2. **Review process.** A Development Review Permit is subject to Review Process D-2 (Section 11.6.02.004(D)(2).

§11.6.05.005 Decision and Required Findings.

The decision-making authority shall approve, or approve with conditions, an application for a development permit as provided by this Chapter after finding all of the following, unless the project is subject to the Housing Accountability Act (HAA). If the project is a multi-family development (including Single Family Dwellings with Accessory Dwelling Units), these findings would not apply. If the decision-making authority does not make all the findings, the development permit shall be denied. A development permit shall not be approved unless the decision-making authority makes the following findings:

A. The proposed project is consistent with all elements of the City's General Plan and with any Specific Plan which has been adopted for the area; and

B. The proposed project complies with any applicable design guidelines and the development standards set forth in this Zoning Code; and

C. Any impacts on adjacent properties will be negligible or can be conditioned to result in no or negligible impacts; and

D. For projects in the single-family (R-1) zone that are subject to the provisions of this Chapter, the proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views and aesthetics in such neighborhood(s) in a manner which is compatible with reasonable development of the subject lot and is consistent with the Residential Design Guidelines as adopted by Resolution of the City Council.

§11.6.05.006 Conditions.

In approving a development permit, the decision-making authority may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained in this Zoning Code.

Chapter 11.6.06 Use Permits

§11.6.06.001 Purpose.

This Chapter establishes permits for review, evaluation, and determination of requests for uses and activities that typically have features or operating characteristics that require special consideration so that they may be designed, located, and operated compatibly with neighboring sites and the vicinity. The use permits prescribed in the Chapter include, Minor Use Permit, Conditional Use Permit, and Master Conditional Use Permit.

§11.6.06.002 Director's Use Permit (DUP).

A. **Applicability.** The Director may approve a Director's Use Permit for land use requiring a Director's Use Permit as designated with a "DUP" on Table 11.3.02-1, except that uses that otherwise would require a Director's Use Permit may be established without an additional Director's Use permit where an existing Master Conditional Use Permit explicitly so allows.

B. **Procedures and Requirements for Director's Use Permits.** A Director's Use Permit application shall be prepared, filed, and processed as provided by this Section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Director's Use Permit as provided for in Chapter 11.6.01 (Filing and Processing of Applications).

2. **Review Process.** A Director's Use Permit is subject to Review Process B (Section 11.6.02.004(B)).

C. **Decision and Required Findings.** The Director shall approve, or approve with conditions, an application for a Director's Use Permit as provided by this Chapter after finding all of the following. If the Director does not make all of these findings, the Director's Use Permit shall be denied.

1. The proposed use is consistent with the City's General Plan; is allowed with a Director's Use Permit within the applicable zone; and complies with all other applicable provisions of this Zoning Code, and any applicable Specific Plans or City regulations and standards; and

2. The proposed use is compatible with existing and proposed land uses in the surrounding area; and

3. Approval of the Director's Use Permit, as described and conditioned, would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

§11.6.06.003 Conditional Use Permit—Minor (MUP).

A. **Applicability.** The Planning Commission may approve a Conditional Use Permit—Minor (Minor Conditional Use Permit or MUP) as follows:

1. Land use requiring a Minor Conditional Use Permit as designated with a "MUP" on Table 11.3.02-1.

2. Land use requiring a Conditional Use Permit as designated with a "CUP" on Table 11.3.02-1 in the Zoning Code and the Downtown Village Specific Plan, but where the all of the following circumstances apply:

   a. Only the use is changing and no construction other than interior tenant improvements is required or will occur.

   b. The project does not require a Variance, joint use parking agreement, or other similar action(s) that otherwise would be subject to Review Process D-2 or Review Process E.

B. **Procedures and Requirements for Minor Conditional Use Permits.** A Minor Conditional Use Permit application shall be prepared, filed, and processed as provided by this Section.

1. **Application.** Any property owner or any individual with the property owner's written authorization shall submit an application to the Director for a Minor Conditional Use Permit as provided for in Chapter 11.6.01 (Filing and Processing of Application).

2. **Review Process.** A Minor Conditional Use Permit is subject to Review Process D-1 (Section 11.6.02.004(D).

C. **Decision and Required Findings.** The Planning Commission shall approve, or approve with conditions, an application for a Minor Conditional Use Permit as provided by this Chapter after finding all of the following. If the Planning Commission does not make all of these findings, the Minor Conditional Use Permit shall be denied.

1. The proposed use is consistent with the City's General Plan; is allowed with a Minor Conditional Use Permit within the applicable zone; and complies with all other applicable provisions of this Zoning Code, and any applicable Specific Plans or City regulations and standards; and

2. The proposed use is compatible with existing and proposed land uses in the surrounding area; and

3. The site is physically suited for the type, density, and intensity of the proposed use including factors relating to access, traffic characteristics, adequacy of utilities, and absence of physical constraints; and

4. Approval of the Minor Conditional Use Permit, as described and conditioned, would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

§11.6.06.004 Conditional Use Permit (CUP).

D. **Applicability.** The Planning Commission may approve Conditional Use Permits for land use as designated with a "CUP" on the allowed use tables and that is not otherwise subject to Section 11.6.06.003(A)(2).

E. **Procedures and Requirements for Conditional Use Permits.** A Conditional Use Permit application shall be prepared, filed, and processed as provided by this Section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Conditional Use Permit as provided for in Chapter 11.6.01 (Filing and Processing of Applications).

2. **Review Process.** A Conditional Use Permit is subject to Review Process D-2 (Section 11.6.02.004(D)(2)).

F. **Decision and Required Findings.** The Planning Commission shall approve, or approve with conditions, an application for a Conditional Use Permit as provided by this Chapter after finding all of the following. If the Planning Commission does not make all of these findings, the Conditional Use Permit shall be denied.

1. The proposed use is consistent with the City's General Plan; is allowed with a Conditional Use Permit within the applicable zone; and complies with all other applicable provisions of this Zoning Code, and any applicable Specific Plans or City regulations and standards; and

2. The proposed use is compatible with existing and proposed land uses in the surrounding area; and

3. The site is physically suited for the type, density, and intensity of the proposed use including factors relating to access, traffic characteristics, adequacy of utilities, and absence of physical constraints; and

4. Approval of the Conditional Use Permit, as described and conditioned, would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

§11.6.06.005 Conditional Use Permit—Master (CUP-MAS).

A. **Applicability.** The Planning Commission may approve applications for Master Conditional Use Permits as provided for in this Section.

1. **Master-planned, campus-style, and/or phased projects.** An applicant may apply for a Master Conditional Use Permit for any master-planned or campus-style project (planned for development as a cohesive project) and/or phased project, and that otherwise would require a Use Permit in accordance with Table 11.3.02-1 (Land Use Permit Table for All Zones), except for R-1 and R-3 uses, and that is not otherwise subject to the requirements of a specific plan; and/or

2. **Multiple conditional use projects.** An applicant may apply for a Master Conditional Use Permit if the applicant proposes multiple uses that otherwise would require approval of individual use permits or will be renting space to multiple tenants that may require individual use permits in accordance with Table 11.3.02-1 (Land Use Permit Table for All Zones), except for single-family and multifamily uses, adult oriented business uses, or uses otherwise preempted by State law.

B. **Additional Regulations.** In addition to the requirements of this Zoning Code, a Master Conditional Use Permit shall be subject to the following regulations. A Master Conditional Use Permit does not allow modifications from standards in this Zoning Code except as otherwise provided for.

1. **For all projects.** The proposed subject use(s), structures, and/or building(s) must be located on one (1) parcel or on multiple adjoining parcels under one (1) ownership at the time of the application for the Master Conditional Use Permit, and where no portion of the site is separated by a parcel(s) that is maintained under ownership different than the signatory for the project.

2. **For projects subject to Subsection (A)(1):**

   a. A project approved pursuant to Subsection (A)(1) may be developed with multiple land uses, activities, buildings, and structures organized in an integrated and comprehensive manner over single or multiple parcels. If the project is proposed to be developed over multiple parcels and/or is proposed to be phased, the maximum allowed floor area ratio allowed by the zone may be averaged across the entirety of the project.

   b. A project approved pursuant to Subsection (A)(1) may be built in phases in accordance with the approved Master Conditional Use Permit, if the construction and provision of all required elements (such as parking, utilities, drainage, common open spaces, etc.), as shown on the approved plan, proceed at a rate commensurate with the construction of buildings. If the Director determines that the rate of building construction is not commensurate with the construction of the required elements, the Director shall notify the developer that no permits for building construction will be issued until the rate of construction conforms accordingly. Failure to comply with the terms of this Subsection in a timely manner following notification shall result in all building construction being halted until compliance is restored.

   c. When the project has been completed, the use of the land and the buildings and structures within the development shall remain in conformance with the approved plan except that any minor extension, alteration, or modification of existing buildings or structures may be reviewed and approved by the Director if the request is found to be consistent with the purpose and intent of the approved Master Conditional Use Permit.

3. **For projects subject to Subsection (A)(2):**

   a. The Master Conditional Use Permit must include the total square footage of the building(s) and/or area devoted to the use(s), a list of specific conditional uses that are consistent with the conditional uses allowed in the zone (as provided in Table 11.3.002-1), and the proportion of square footage (building and/or area) allowed for those conditional uses, consistent with parking as required in Chapter 11.5.04 (Off-Street parking Facilities). Uses that are permitted in the zone do not need to be listed in the Master Conditional Use Permit.

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b. Once a Master Conditional Use Permit is approved for a project (pursuant to Subsection (C)), the Director may issue occupancy permits for users/tenants without further discretionary review upon determination by the Director that the conditional uses are consistent with the list and proportion of conditional uses approved in the Master Conditional Use Permit, the property and landscaping are in good repair, and that all other conditions of the Master Conditional Use Permit are being met.

c. If a proposed conditional use is not consistent with the Master Conditional Use Permit, the use shall require approval of a Use Permit as otherwise required by this Chapter; alternatively, an amendment to the Master Conditional Use Permit may be applied for to add the conditional use to the list of allowed conditional uses in the Master Conditional Use Permit.

d. Any adverse determination made by the Director under this Subsection may be appealed by the applicant to the Planning Commission within ten (10) calendar days of receipt of notice from the Director.

C. **Procedures and Requirements for Master Conditional Use Permits.** A Master Conditional Use Permit application shall be prepared, filed, and processed as provided by this Section.

1. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Master Conditional Use Permit as provided for in Chapter 11.6.01 (Application Filing and Processing).

2. **Review process.** A Master Conditional Use Permit is subject to Review Process D-2 (Section 11.6.02.004(D)(2)) and as otherwise required by this Section.

D. **Decision and Required Findings.** The Planning Commission shall approve, or approve with conditions, an application for a Master Conditional Use Permit as provided by this Chapter after finding all the following. If the Planning Commission does not make all the findings, the Master Conditional Use Permit shall be denied.

1. The proposed use is consistent with the City's General Plan; is allowed with a Conditional Use Permit within the applicable zone; and complies with all other applicable provisions of this Zoning Code, and any applicable Specific Plans or City regulations and standards; and

2. The proposed use is compatible with existing and proposed land uses in the surrounding area; or for projects that are subject to Subsection (A)(2), the proposed types and proportion of conditional uses allowed pursuant to the Master Conditional Use Permit are compatible with existing and proposed land uses within the project and in the surrounding area; and

3. The site is physically suited for the type, density, and intensity of the proposed use(s) including factors relating to access, traffic characteristics, adequacy of utilities, and absence of physical constraints; and

4. Approval of the Master Conditional Use Permit, as described and conditioned, would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

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5. *Additional finding for projects subject to Subsection (A)(1):* The master-planned/campus-style and/or phased land use activities and development are designed to achieve a comprehensive, cohesive, and integrated project to benefit both the project and neighboring area.

E. **Five-Year Review Required.**

1. All Master Conditional Use Permits shall be reviewed by the Planning Commission every five (5) years, commencing the fifth year after the approval date of the Master Conditional Use Permit to review the status of implementation of the Master Conditional Use Permit. The City's cost for such periodic review shall be paid by the applicant to the City prior to the time of such review.

2. The review shall take place at a noticed public hearing pursuant to Section 11.2.02.002 for projects subject to Review Process D-2.

3. The owner and original applicant, if not the owner, shall be notified of the public hearing.

4. The owner and original applicant, if not the owner, shall be notified in writing of the Planning Commission's determination.

5. If the Planning Commission finds noncompliance with the approved Master Conditional Use Permit or the conditions of approval, it may direct:

   a. The applicant to apply for an amendment of the Master Conditional Use Permit pursuant with Section 11.6.06.005(F); and/or

   b. The Director to issue a "Stop Work Order" withholding building and other permits for any development within the area covered by the Master Conditional Use Permit until compliance is achieved; and/or

   c. The Director to schedule a public hearing before the City Council for revocation or modification of the Master Conditional Use Permit pursuant to Chapter 11.2.04 (Enforcement).

F. **Amendments.** The Planning Commission may approve, conditionally approve, or disapprove an application for an amendment to an approved Master Conditional Use Permit. The application for an amendment shall be processed with the same procedures and fees as required for Master Conditional Use Permit applications. The review of the proposed amendment shall be limited to the scope of the application, and shall not address reconsideration of aspects of the existing Master Conditional Use Permit, including conditions of approval, that are not the subject of the application, with the following exceptions:

1. The Planning Commission may reconsider aspects of the existing Master Conditional Use Permit and conditions of approval that may be affected by the proposed amendment.

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2. The Planning Commission may reconsider aspects of the existing Master Conditional Use Permit and conditions of approval if either the development or operation of the use, as approved pursuant to the existing Master Conditional Use Permit, have been demonstrated to adversely impact the health, safety, and welfare of the community such that one (1) or more of the required findings can no longer be made.

§11.6.06.006 Time Extension and Expiration Where Not Used.

Unless otherwise specified in the approval, Section 11.6.14.004 shall apply to all Use Permits, except that a Master Conditional Use Permit shall automatically expire with three (3) years after the date of such approval was granted; a one (1) year time extension may be granted in accordance with Section 11.6.14.004.

§11.6.06.007 Conditions.

In approving a Use Permit, the decision-making authority may impose any reasonable conditions that will ensure that the approved use will comply with the required findings and eliminate or minimize any negative impacts caused by the use.

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Chapter 11.6.07 Variances

§11.6.07.001 Purpose.

This Chapter establishes a Variance procedure to permit modification of development standards of this Zoning Code only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zones.

§11.6.07.002 Applicability.

A. A Variance may be granted to permit modification of the standards and regulations of this Zoning Code only for the following development standards:

   1. Dimensional standards (i.e., distance between structures, parcel area, building coverage, landscape and paving requirements, parcel dimensions, setbacks, and structure heights); and

   2. Number and dimensions of parking spaces and drive aisles, loading spaces, landscaping, or lighting requirements, except as otherwise provided in this Zoning Code.

B. No Variance shall be granted to allow land uses or residential densities that would otherwise not be allowed by this Zoning Code.

C. Any modification of a development standard that is not in accordance with Chapter 11.6.04 (Zoning Modifications) or Chapter 11.6.05 (Development Review Permits) shall be required to be processed as a Variance in accordance with this Chapter or as an amendment to the Zoning Code (Chapter 11.6.09—Amendments to General Plan, Zoning Code, and Zoning Map).

§11.6.07.003 Procedures and Requirements for Variances.

A Variance application shall be prepared, filed, and processed as provided by this Section.

A. **Application.** Any property owner or any individual with the property owner's written authorization may submit an application to the Director for a Variance as provided for in Chapter 11.6.01 (Filing and Processing of Application).

B. **Review Process.** A Variance is subject to Review Process D-2 (Section 11.6.02.004(D)(2)).

§11.6.07.004 Decision and Required Findings.

The decision-making authority may approve or approve subject to conditions an application for a Variance where the information submitted by the applicant and/or presented at a public hearing substantiates the following findings:

A. There are special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not apply generally to other properties in the same zone and vicinity.

B. The strict application of this Zoning Code would deprive such property of privileges enjoyed by other property in the vicinity and under the identical zone.

§11.6.07.005 Conditions.

In approving a Variance, the decision-making authority may impose any reasonable conditions to ensure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

§11.6.07.006 Precedents.

A previous Variance shall not be considered to have set a precedent for the granting of further variances; each case must be considered only on its individual merits.

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Chapter 11.6.08 Design Review

§11.6.08.001 Purpose.

This Chapter establishes procedures for Design Review in order to:

A. Improve, enhance, and encourage the orderly and harmonious, yet varied appearance of existing and proposed public and private non-single-family development and property within the city, including structures, signs, awnings, landscaping, outdoor lighting (non-single-family), and parking areas.

B. Ensure that development does not have an adverse impact in terms of aesthetics upon existing adjoining properties or the city in general; and

C. Preserve and enhance the particular character and unique assets of the city, as described in the City's General Plan.

§11.6.08.002 Applicability.

The following projects are subject to Design Review pursuant to this Chapter, except that the Director may waive the requirement for Design Review for any project subject to Subsections (A) through (G) when he or she determines the change is minor in nature and/or is for the purpose of de minimis repair:

A. Discretionary design review shall be required for the following development projects and uses:

1. **Nonresidential Projects.**

   a. Projects involving new construction or appreciable exterior change to any building, where such change requires a building, grading, or trade permit.

   b. Buildings repainted or partially repainted. Design Review can be waived by the Director if it can be determined that the colors are similar to or compatible with the existing building colors or colors previously approved by the Design Commission. Partial repainting for de minimis repair, touch-up maintenance, or graffiti removal with substantially similar paint color shall be exempt from Design Review. There shall be no presumption, if a color has not been previously approved by the Design Commission, that the color is prohibited.

   c. Permanent signage, as governed by Chapter 11.5.08 (Sign Regulations) of this Zoning Code.

   d. Awnings visible from a public right-of-way.

   e. Outdoor furniture visible from a public right-of-way, if said furniture is not approved by the Director.

   f. Landscaping, in the case of:

i. A project subject to review for building construction or change under Subsection (A)(1) or (A)(3) of this Section, or

ii. A project involving changes to an approved landscape plan.

2. **Residential Projects.** Residential Planned Development. For any project requiring a residential planned development permit, the associated design guidelines shall be reviewed per Subsection 11.3.05.002.F and a recommendation made to the City Council.

3. **Development Review Permit for Mixed Use Development.** For any project requiring a Development Review Permit for mixed use development, the commercial portion of the project shall be reviewed in accordance with Subsection (A) and the multifamily residential portion shall be reviewed in accordance with Subsection (B) of this Section.

4. **Master Conditional Use Permit.** Any project requiring a Master Conditional Use Permit.

5. **Specific Plan.** Creation of a specific plan or any amendment(s) to a specific plan that include new or modified design elements.

6. **Referred Projects.** Any project, other than single-family residential, subject to Planning Commission review, and individually or categorically made subject to Design Review by the Planning Commission or City Council.

B. Ministerial design review to confirm nondiscretionary compliance with the objective design standards in Chapter 11.5.13 (Objective Design Standards) and the objective development standards of the underlying zone district are required for the following development projects and uses unless the district regulations require discretionary review or the project needs another discretionary permit;

a. **Housing Development Projects.** Housing Development Projects are defined as consisting of any of the following; Residential units only.

b. Mixed-Use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

c. Transitional housing or supportive housing.

d. Any other project mandated by state law to be reviewed ministerially.

§11.6.08.003 Findings.

For Design Review approval to be granted, the following findings shall be made:

A. **Findings for Projects Pursuant to Subsection 11.6.08.002(1) (excluding Subsection 11.6.08.002(A).1.c - Permanent Signage and Subsection 11.6.08.002(A).3 – Development Review Permit for Mixed Use Development).**

1. The design of the proposed project is compatible with the character of the surrounding neighborhood and that all reasonable design efforts have been made to maintain the harmonious, orderly, and attractive development contemplated by this Zoning Code and the General Plan.

2. The design of the proposed project will provide a desirable environment and that it is aesthetically of good composition, materials, texture, and color that will remain aesthetically appealing with the level of maintenance that might reasonably be expected.

B. **Findings for Projects Pursuant to Subsection 11.6.08.002.A(3):** The design of any commercial portion of the project complies with the findings in subsection (A) of this section. And the design of the residential component complies with the nondiscretionary objective design standards provided in Chapter 11.5.13 for all projects, including multifamily residential.

C. **Findings for Projects Pursuant to Subsection 11.6.08.002(B):** The design of the proposed project complies with the nondiscretionary objective design standards provided in Chapter 11.5.13 for multifamily residential and mixed use projects and the objective development standards applicable to the underlying zone district.

D. **Signage Findings.**

1. Add findings from Sign Ordinance, when it is completed.

§11.6.08.004 Procedures and Requirements for Projects Subject to Design Review.

A. **Application.** Any property owner or any individual with the property owner's authorization may submit an application to the Director for Design Review as provided for in Chapter 11.6.01 (Filing and Processing of Applications). Items listed as requirements in the application may be waived by the Director for projects of smaller scope. For projects consisting solely of signage, the application materials need not exceed the review requirements set forth for sign applications. All application materials shall be retained by the City to assure field compliance with Design Commission approval.

B. **Review Process.** Design Review is subject to Review Process D-2 pursuant to Section 11.6.02.004(D)(2), and as further required by this Section.

C. **Design Commission Review.** The Design Commission shall review all applications for design review action as provided for in Section 11.6.05.002:

1. **Design Concept Review.**

a. Design concept review is the opportunity for initial Design Commission response to the project. Topics of review may include building massing and siting, circulation, façade composition and articulation, and open space design.

b. Design Concept Review shall be subject to the requirements for a public meeting as provided for in Chapter 11.2.02 (Public Notice and Meeting or Hearing Requirements).

c. The Design Commission shall not take its final action on the project under consideration.

2. **Final Design Review.**

a. Final design review includes review for compliance with conditions set forth in design concept approval, as well as more detailed concerns including materials, colors, lighting, detailing, and landscape/hardscape specifications.

b. Final design review shall be subject to the requirements for a public meeting as provided for in Chapter 11.2.02 (Public Notice and Meeting or Hearing Requirements).

c. The Design Commission may take its final action on the project under consideration.

3. **Consolidated Design Review.**

a. An applicant may consolidate the Design Concept Review and Final Design Review application materials and review meetings. In so doing, the applicant acknowledges the risk in preparing Final Design Review detail prior to Design Concept Review.

b. Consolidated design review is appropriate chiefly for projects of minor scope and/or minor visibility.

c. Consolidated design review shall be subject to the requirements for a public meeting as provided for in Chapter 11.2.02 (Public Notice and Meeting or Hearing Requirements). The Design Commission may take its final action on the project under consideration.

D. **Coordination with Planning Commission Review.**

1. In cases for which Planning Commission action is required, Planning Commission review and action shall precede final or consolidated Design Commission review and action, except that the Planning Commission may remand projects to the Design Commission for final details, when appropriate.

2. Design Commission review concurrent with Planning Commission review shall be used for those cases in which the Director determines that design considerations are essential to project analysis for Planning Commission action.

§11.6.08.005 Initiation.

An application for Design Review may be initiated by application or by the City Council.

§11.6.08.006 Enforcement.

Failure to comply with a Design Review approval is a violation of this Zoning Code and shall be subject to the provisions of Chapter 11.2.04 (Enforcement).

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Chapter 11.6.09 Amendments of General Plan, Zoning Code, and Zoning Map

§11.6.09.001 Purpose.

This Chapter establishes provisions for the amendment of the General Plan, this Zoning Code, or the Zoning Map.

§11.6.09.002 Applicability.

A. **General Plan**. A General Plan amendment may include revisions to text, maps, or exhibits.

B. **Zoning Code.** A Zoning Code amendment may impose regulations not previously imposed, and may remove or modify any standard, requirement, guideline, process, or procedure applicable to land use and/or development within the City.

C. **Zoning Map**. A Zoning Map amendment has the effect of rezoning property from one zone to another and/or to alter the boundaries of zones.

§11.6.09.003 Authority.

All amendments to the General Plan, Zoning Code, or Zoning Map shall be made by the City Council pursuant to the provisions of this Zoning Code and Title 7 of the California Government Code.

§11.6.09.004 Initiation of Amendments.

An amendment to the General Plan, this Zoning Code, or the Zoning Map shall be initiated in compliance with this Section:

A. **Who May Initiate an Amendment.**

1. **General Plan**. A General Plan amendment may only be initiated in the following manner:

   a. Upon the initiative of the City Council;

   b. Upon the initiative of the Planning Commission;

   c. Upon the initiative of the Director;

   d. Upon the filing of an application by an applicant for an amendment to the Land Use Map of the General Plan, who has provided evidence that he or she:

      i. Is the owner or authorized agent of the owner of the property involved, or

      ii. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or

iii. In the case of a public agency, is negotiating to acquire a portion of the premises involved.

e. If the property for which amendment is proposed is under more than one ownership, all the owners or their authorized agents must join in filing the application.

2. **Zoning Code**. A Zoning Code amendment may only be initiated in the following manner:

a. Upon the initiative of the Council;

b. Upon the initiative of the Planning Commission;

c. Upon the initiative of the Director;

d. Upon the request of an applicant.

3. **Zoning Map**. A Zoning Map amendment may be initiated in the following manner:

a. Upon the initiative of the Council;

b. Upon the initiative of the Planning Commission;

c. Upon the initiative of the Director; or

d. Upon the filing of an application by an applicant who has provided evidence that he or she:

i. Is the owner or authorized agent of the owner of the property involved, or

ii. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or

iii. In the case of a public agency, is negotiating to acquire a portion of the premises involved.

iv. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents must join in filing the application.

e. Where an application is filed requesting an amendment to the Zoning Map, the Director, the Planning Commission, or the City Council may elect to include additional property within the boundaries of the area to be studied when, in his/her/its opinion, good planning practice justifies such action.

B. **Application Filing and Processing.** An application for an amendment shall be filed and processed in compliance with Chapter 11.6.01 (Filing and Processing of Applications).

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C. Amendment Fees.

1. An applicant applying for a General Plan or Zoning Code amendment initiated pursuant to Subsection (A)(1)(d) shall be required to deposit with the Planning Department an amount equal to the estimated cost of preparing the amendment, as determined by the Director, prior to the preparation of the amendment.

2. An application for a Zoning Map amendment initiated pursuant to Subsection (A)(2)(c) shall be accompanied by the filing fee as required by Section 11.6.01.004.

§11.6.09.005 Review Process.

Amendments as provided in this Chapter shall comply with Review Process E, as provided for in Section 11.6.02.004(E), and as further required in Section 11.6.10.006. In addition, an amendment to rezone property in accordance with Chapter 11.3.05 (Residential Planned Development) also shall comply with the requirements of that Chapter.

§11.6.09.006 Planning Commission Action on Amendments.

A. The Planning Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in Section 11.6.09.008.

B. A recommendation by the Planning Commission relative to an amendment shall be by resolution carried by the affirmative vote of not less than three (3) of its members.

C. Recommendation by the Planning Commission shall be forwarded to the City Council for consideration at the earliest available date.

§11.6.09.007 City Council's Action on Amendments.

A. **Approval or Disapproval of Amendment.** Upon receipt of the Planning Commission's recommendation, the City Council shall consider the proposed amendment.

B. **Referral to Planning Commission.**

1. If the City Council proposes to adopt any substantial modification to the amendment not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred to the Planning Commission for its recommendation, in compliance with State law (Government Code Sections 65356 General Plan amendments and 65857 Zoning Code/Map Amendments).

2. Failure of the Planning Commission to report to the City Council within forty-five (45) days for General Plan amendments or forty (40) days for Zoning Code or Zoning Map amendments after the referral, or within a longer time set by the City Council, shall be deemed a recommendation for approval of the modification.

§11.6.09.008 Decision and Findings.

A. **Findings for General Plan Amendments**. An amendment to the General Plan may be approved only if all the following findings can be made in a positive manner:

1. The proposed amendment is internally consistent with the goals, objectives, policies, and programs of the General Plan; and

2. If applicable, the site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.

B. **Findings for Zoning Code and Zoning Map Amendments**. An amendment to this Zoning Code or the Zoning Map may be approved only if all the following findings of fact can be made in a positive manner, as applicable to the type of amendment.

1. **Finding required for all Zoning Code/Map amendments.** The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan.

2. **Additional finding for Zoning Code amendments.** The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

3. **Additional findings for Zoning Map amendments.**

   a. That the subject property is physically suitable (including access, compatibility with adjoining land uses, provision of utilities, and absence of physical constraints) for the requested zone and anticipated land uses/projects; and

   b. That placement of the proposed zone at such location will be in the interest of public health, safety, and general welfare and in conformity with good zoning practice.

§11.6.09.009 Effective Date.

An amendment shall become effective as follows:

A. **General Plan**. A General Plan amendment shall become effective immediately upon the adoption of a resolution by the City Council.

B. **Zoning Code or Zoning Map**. A Zoning Code or Zoning Map amendment shall become effective following the adoption of an ordinance by the City Council in accordance with applicable State law.

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Chapter 11.6.10 Specific Plans

§11.6.10.001 Purpose.

This Chapter establishes uniform procedures for preparing, processing, reviewing, adopting, and amending a specific plan for the orderly and systematic implementation of the General Plan. The intent of a specific plan is to provide for the creative and effective planning and design of portions of the City that would benefit from a more comprehensive and coordinated approach to planning than can be achieved through the conventional application of zoning regulations.

§11.6.10.002 Authority.

The authority for specific plans is as set forth in Sections 65450-65457 of the California Government Code.

§11.6.10.003 Effect of Approval.

A. The adoption of a specific plan shall constitute the zoning regulations for the property that is subject to the specific plan.

B. If the specific plan does not address a particular standard, the provisions of this Zoning Code shall apply.

§11.6.10.004 Initiation of a Specific Plan.

A specific plan may only be initiated in the following manner:

A. Upon the initiative of the Council;

B. Upon the initiative of the Planning Commission;

C. Upon the initiative of the Director;

D. Upon the filing of an application by an applicant for a specific plan, who has provided evidence that he or she:

   1. Is the owner or authorized agent of the owner of the property involved, or

   2. If the property for which the specific plan is proposed is in more than one ownership, all the owners or their authorized agents must join in filing the application.

§11.6.10.005 Project Requirements.

A. **Minimum Site Area.** The minimum site area for a specific plan shall be ten (10) acres. A Variance shall not be allowed to decrease this minimum project area requirement.

B. **Ownership.** For specific plans proposed by private property owners, the project area may be one (1) parcel under single ownership or a combination of adjoining parcels subject to a unified planning concept with the full written concurrence of all applicable property owners.

§11.6.10.006 Procedures.

A. The adoption of a specific plan shall include an amendment to the Zoning Map in accordance with Chapter 11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map). The designation on zoning map shall include the designation "SP" followed by a reference number that corresponds to the name of the specific plan. Land use designations and zoning for the area will then be guided by the provisions of the adopted specific plan.

B. The adoption of a specific plan shall also require an amendment to the General Plan in accordance with Chapter 11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map).

§11.6.10.007 Processing, Review, and Adoption.

A draft specific plan shall be processed in the same manner as required for General Plans by State law, in accordance with Chapter 11.6.01 (Filing and Processing of Applications), and as follows:

A. **Specific Plan Application.** An application for a specific plan shall be filed in compliance with Chapter 11.6.01 (Filing and Processing of Applications), and shall include detailed information in the form of text and diagram(s), organized in compliance with State law (Government Code Section 65451).

B. **Review Process**. Specific plans are subject to Review Process E, as provided for in Section 11.6.02.004(E).

C. **Planning Commission Initial Action on Specific Plans**. The Planning Commission shall consider an application for a specific plan based upon the findings contained in this Chapter. The Planning Commission will forward the specific plan to the Design Commission for review of certain design aspects of the specific plan under the Design Commission's purview.

D. **Design Commission Action on Specific Plans**. The Design Commission shall make a written recommendation on the specific plan for the items under its authority, including potential design aspects such as landscaping, lighting, aesthetic style, as provided for in Title 2 of the LCFMC. Design Commission action recommending that the proposed specific plan be approved, approved in modified form, or denied shall be forwarded to and considered by the Planning Commission following Design Commission action.

E. **Planning Commission Action on Specific Plans**. The Planning Commission shall make a written recommendation on the proposed specific plan whether to approve, approve in modified form, or disapprove, based upon the findings contained in this Chapter. Planning Commission action recommending that the proposed specific plan be approved, approved in modified form, or denied shall be forwarded to the City Council following Planning Commission action.

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F. **City Council Action on Specific Plans.** Upon receipt of the Planning Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed specific plan based upon the findings contained in this Chapter.

G. **Findings.** A specific plan may be adopted only if all the following findings are made:

1. The proposed specific plan is consistent with the General Plan.

2. The proposed specific plan would not be detrimental to the public interest, health, safety, or welfare of the City.

3. The subject property is physically suitable for the requested land use designation(s) and the anticipated land use developments.

H. **Adoption.** The specific plan shall be adopted by ordinance, or by resolution of the City Council, in compliance with State law (Government Code Section 65453).

§11.6.10.008 Implementation and Amendments to Approved Specific Plans.

A. **Development on Property Within a Specific Plan.** After the adoption of a specific plan, subsequent projects to implement the specific plan may be approved/adopted within the area covered by a specific plan only if first found consistent with the specific plan.

B. **Permit Fees**. Permits within the specific plan area shall be subject to the applicable filing fee as set by resolution of the Council and as may be amended from time to time, in compliance with State law (Government Code Section 65456).

C. **Amendments.**

1. Amendments to approved specific plans shall be made using the same procedure as was followed when the plan was adopted.

2. Any adopted specific plan may also be repealed by the same procedure as was applied when the plan was originally adopted.

§11.6.10.009 Approved Specific Plans.

The following specific plans have been approved by the City and are designated on the official Zoning Map of the City:

A. **SP-1: Downtown Village Specific Plan (DVSP)**

B. **SP-2: Flintridge Sacred Heart Academy (FSHA)**

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Chapter 11.6.11 Development Agreements

§11.6.11.001 Purpose.

The purpose of this Chapter is to establish rules and regulations for the processing, review, and approval of development agreements.

§11.6.11.002 Applicability.

The procedures and requirements set forth in this Chapter shall apply to all development agreements proposed by developers of projects in the city of La Cañada Flintridge and considered by the City Council of La Cañada Flintridge.

§11.6.11.003 Authority.

This Chapter is adopted in accordance with Government Code Title 7, Division 1, Chapter 4, Article 2.5, Section 65864 et seq., as amended.

§11.6.11.004 Parties to Development Agreements.

A. An applicant shall possess a legal or equitable interest in the real property which is to be the subject of the development agreement. As set forth in Section 11.6.11.005(A), an application for a development agreement may be submitted by an authorized agent of the applicant.

B. In addition to the City and the applicant, any federal, State, or local governmental agency may be included as a party to a development agreement. Any such additional party may be made a party to a development agreement pursuant to the provisions of the Joint Exercise of Powers Act, set forth in Section 6500 et seq., of the California Government Code, as amended, providing for joint powers agreements, or provisions of other applicable federal, State, or local law, in order to create a legally binding agreement among such parties.

§11.6.11.005 Procedures and Requirements for Development Agreements.

A. **Application**. Any property owner or any individual with the property owner's authorization may submit an application to the Director for a development agreement as provided for in Chapter 11.6.01 (Filing and Processing of Applications).

B. **Review Process.** A Development Agreement is subject to Review Process E (Section 11.6.02.004(E)).

C. **Finding.** To approve a development agreement, the City Council shall be required to find that the provisions of the development agreement are consistent with the City's General Plan and any applicable Specific Plan.

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§11.6.11.006 Execution and Recordation of Development Agreement.

No later than ten (10) days after the ordinance approving a development agreement takes effect, the City's Mayor or other authorized City official shall execute the development agreement, and the City Clerk shall have the development agreement recorded in the official records of the county of Los Angeles.

§11.6.11.007 Effect of Development Agreement.

A. When approved, a development agreement and any development control maps and all notations, references, and regulations which are a part of the development agreement shall be considered part of this Zoning Code. Development control maps include, but are not limited to, regulations intended to carry out any plan with respect to location or type of activities; height, bulk, siting, or design of structures; location or design of open areas; and landscaping and other comparable regulations. In the case of any conflict with any other provisions of this Zoning Code, such development agreement provisions shall take precedence.

B. Unless otherwise provided by the development agreement, the rules, regulations, and official policies governing permitted uses of the subject property, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the development agreement.

C. A development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

D. In the event that State or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the development agreement shall be modified or suspended as may be necessary to comply with such State or federal laws or regulations.

§11.6.11.008 Irregularity in Proceeding.

Formal rules of evidence or procedure which must be followed in a court of law shall not apply to the consideration of a proposed development agreement. No action, inaction, or recommendation regarding a development agreement shall be held void or invalid on the ground of the improper admission or rejection of evidence or by reason of any error or informality, as to any procedural matter whatsoever unless, after an examination of the entire case, including the evidence, a court of law finds that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury resulted if error is shown.

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§11.6.11.009 Periodic Review.

A. The City shall review development agreements which have been approved by the City Council at least once every twelve (12) months from the date of their approval. Pursuant to Government Code Section 65865.1, the applicant shall have the duty to demonstrate its good faith compliance with the terms of the development agreement at the time of such periodic review. The City's cost for such periodic review shall be paid by the applicant to the City prior to the time of such review.

B. Not less than thirty (30), nor more than sixty (60), days prior to the anniversary date of a development agreement, and each anniversary date thereafter, the applicant shall submit to the Director a letter setting forth the applicant's good faith compliance with the terms and conditions of the development agreement. Such letter shall be accompanied by documents and other information as may be necessary and available to enable the City to undertake its annual review of good faith compliance under the terms of the development agreement, and shall also state that such letter is submitted to the City pursuant to the requirements of Government Code Section 65865.1, as amended, and this chapter. Following receipt of the letter, the Director shall provide notice to the City Council, at a regularly scheduled meeting of the City Council, that a development agreement will be subject to annual review in accordance with this chapter.

C. The Director shall review the applicant's submission to ascertain whether the applicant has complied in good faith with the terms of the development agreement. Upon request of the Director, the applicant shall furnish such additional documents or information as may be reasonably required and available to the applicant to enable Director to make and complete its review hereunder. If the Director finds good faith compliance by the applicant with the terms of the development agreement, he or she shall issue a certificate of compliance, certifying the applicant's good faith compliance with the terms of the agreement through the period of the applicable annual review. Such certificate of compliance shall be in recordable form and shall contain such information as may be necessary in order to impart constructive record notice of the finding of good faith compliance hereunder. The applicant shall have the right to record the certificate of compliance, at the applicant's sole cost, in the official records of the county of Los Angeles. At least ten (10) days prior to making its determination, the Director shall provide to the applicant copies of all staff reports and other information concerning the applicant's compliance with the terms of the development agreement and the determination made by the Director.

D. If the Director finds that the applicant has not complied in good faith with the terms of the development agreement, it shall specify to the applicant in writing the respects in which the applicant has failed to comply. The Director shall also specify a reasonable time for the applicant to comply with such terms for compliance, which shall not be less than thirty (30) days, and shall be reasonably related to the time necessary to adequately bring the applicant's performance into good faith compliance with the development agreement. If the areas of noncompliance specified by the Director are not perfected within such reasonable time limits prescribed by the director, then the development agreement shall be subject to modification or cancellation pursuant to this chapter and the provisions of Government Code Section 65865.1.

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E. The Director may refer any review to be conducted hereunder to the City Council. Such referral shall be made by the Director, together with a staff report on the Director's preliminary findings. Upon such referral, the City Council shall conduct a noticed public hearing on the applicant's compliance with the terms of the development agreement in accordance with the provisions of this Chapter and Government Code Section 65865.1. If, after considering all the evidence at such public hearing, the City Council finds and determines on the basis of substantial evidence that the applicant has not complied in good faith to the terms and conditions of the development agreement, then the City Council shall specify to the applicant the respects in which the applicant has failed to comply and shall also specify a reasonable time for the applicant to comply with such terms which shall not be less than thirty (30) days, and shall be reasonably related to the time necessary to adequately bring the applicant's performance into good faith compliance with the terms of the development agreement. If the areas of noncompliance specified by the City Council are not perfected within such reasonable time limits, then the City Council, by noticed hearing in accordance with Chapter 11.2.02 (Public Notice and Hearing Requirements) and Section 11.6.11.008 of this Chapter, may terminate, modify or take such other action with regard to the development agreement.

F. The Director's determination of either compliance or noncompliance shall be made within thirty (30) days after the submission by the applicant of the required material hereunder, and, if the Director refers the matter to the City Council, then the determination by the City Council shall be made within thirty (30) days after such referral. The issuance of the certificate of compliance by the Director (or the City Council on referral) shall conclude the review for the applicable period, and such determination shall be final and conclusive up to and including the date of the annual review hereunder.

G. All costs incurred by the City for the annual review conducted under this Chapter shall be borne by the applicant, including, but not limited to, the City's retention of professionals.

§11.6.11.010 Amendment or Cancellation by Mutual Consent.

A. Any development agreement may be cancelled or modified by mutual consent of the parties, but only in the manner provided for by California Government Code Section 65868, as amended. Any proposal to cancel or modify a development agreement shall be heard and determined in accordance with the same procedures specified by this Chapter for approval of a development agreement.

B. If the parties to a development agreement, or their successors in interest, mutually agree to amend or cancel the development agreement as provided for in Government Code Section 65868 and this Chapter, the City Clerk shall, after such action takes effect, have notice of such action recorded in the official records of the county of Los Angeles.

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§11.6.11.011 Cancellation by City.

A. If, at any time during the term of a development agreement the Director determines that the applicant has not complied with the terms and conditions of the development agreement, the Director shall provide the applicant thirty (30) days to cure any deficiency following notice to the applicant. Should the applicant fail to cure said deficiency, the Director shall, pursuant to the notice provisions of Section 11.6.11.007(B), request that the Planning Commission conduct a public hearing at which the applicant must demonstrate good faith compliance with the terms of the development agreement. The burden of proof by substantial evidence of compliance by the applicant is upon the applicant. If such compliance cannot be shown, the Planning Commission shall recommend to the City Council that it either commence proceedings to cancel the development agreement or recommend new terms and conditions intended to remedy the noncompliance.

B. The City Council shall conduct a noticed hearing, as provided in Section 11.6.11.007(B), on the recommendations of the Planning Commission at which the applicant and any other interested person shall be entitled to submit such evidence and testimony as may be germane to the issue of the applicant's good faith compliance with the terms of the development agreement. If the City Council finds, based on substantial evidence, noncompliance with the terms and conditions of the development agreement and failure to cure the deficiency during the cure period provided in Subsection (A) of this Section, it may either cancel the development agreement upon giving sixty (60) days' notice to the applicant, or in its discretion, may allow the development agreement to be continued by imposition of new terms and conditions intended to remedy such noncompliance. The City Council may impose such conditions to the action it takes as it considers necessary to protect the interests of the city. The decision of the City Council shall be final.

C. Any cancellation or imposition of new terms and conditions pursuant to this section shall be noticed in accordance with the procedures specified in Section 11.6.11.007(B).

D. If the City Council cancels or modifies a development agreement as provided for in Government Code Section 65865.1 and this Chapter for failure of the applicant to comply in good faith with the terms or conditions of the development agreement, the City Clerk shall, after such action takes effect, have notice of such action recorded in the official records of the county of Los Angeles.

§11.6.11.012 Rights of the Parties after Cancellation.

In the event a development agreement is cancelled, unless otherwise agreed, all rights of the applicant under the development agreement, shall terminate. Any and all benefits, including money or land, received by the City shall be retained by the City. Notwithstanding the above provision, the termination of a development agreement shall not prevent an applicant from completing a building or other improvements authorized pursuant to a valid building permit previously approved by the City or under construction at the time of termination, but the City may take any action permitted by law to prevent, stop, or correct any violation of law occurring during and after construction, and the applicant or any tenant shall not occupy any portion of the project or any building not authorized by a previously issued building permit. As used herein, "construction" shall mean work performed in good faith in reliance upon a valid building permit, and "completing" shall mean completion for beneficial occupancy for an applicant's use, or if a portion of the project is intended for use by a lessee or tenant, then for such

portion "completing" shall mean completion except for interior improvements such as partitions, duct and electrical run outs, floor covering, wall coverings, lighting, furniture, trade fixtures, finished ceilings and other improvements typically constructed by or for tenants of similar buildings. All such uses shall, to the extent applicable, be deemed nonconforming uses and shall be subject to the nonconforming use provisions of this Zoning Code.

§11.6.11.013 Fees.

The applicant shall reimburse the City for all its reasonable and actual costs, fees, and expenses, including legal counsel and special counsel fees, for review, processing, negotiation, approval, and recordation of the development agreement. The City Council may, by resolution, fix the schedule of fees and charges imposed for the filing and processing of each development agreement application and for the annual review.

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Chapter 11.6.12 Temporary Use Permits

§11.6.12.001 Purpose and Intent.

The intent of this Chapter is to accommodate reasonable requests for interim, temporary, or seasonal uses within any zone, when such activities are desirable for the community in the short term but would have detrimental effects if allowed to continue on a permanent basis. Temporary uses generally do not have permanent structures associated with their use. Temporary uses allowed under this Chapter shall be sensitive to the health, safety, and general welfare of persons residing and working in the vicinity of their use, and shall be conducted so as not to cause any long-term detrimental effects on surrounding uses, properties, or the community. The issuance of a Temporary Use Permit does not confer any land use entitlement or property right to the holder of the permit.

§11.6.12.002 Authority.

A temporary use permit may be approved, conditionally approved, or denied administratively by the Director. The Director may, at his or her discretion, refer such initial applications to the Planning Commission for determination.

§11.6.12.003 Applicability.

A. Temporary events or uses identified in Section 11.6.12.005 shall not be established, operated, or conducted in any manner without the issuance and maintenance of a valid Major, Master, or Minor Temporary Use Permit in compliance with this Section.

B. The temporary events and uses identified in Section 11.6.12.006 are exempt from a Temporary Use Permit.

C. The provisions of this Chapter shall govern special events and temporary uses on private property. The provisions of this Chapter shall not govern special events and temporary uses on public property.

D. Special events and temporary uses within the public right-of-way or on public property shall be as governed by Chapter 4.05 of the LCFMC.

§11.6.12.004 Procedures and Requirements for Temporary Use Permits.

A. **Major and Master Temporary Use Permits.** Prior to commencement of a major or master temporary use listed in this Chapter, a Major or Master Temporary Use Permit must be approved by the Director. A public hearing shall not be required for the approval and issuance of a temporary use permit; however, public notice of an approved event shall be provided prior to commencement of the use, as follows:

1. An application for a Temporary Use Permit shall be filed with the Community Development Department as provided in Chapter 11.6.01 (Filing and Processing of Applications) at least thirty-five (35) days prior to the proposed use. Applicants are encouraged to apply earlier for larger projects.

2. The Director shall render a decision at least twenty-four (24) days prior to the proposed use.

3. The decision shall be followed by the mailing or delivery of public notices to all property addresses within a five hundred (500) foot radius of the subject property.

4. The public notice shall state the nature of the request, location, and zone of the property, name of the project proponent, the time and place of the proposed temporary use, the conditions placed on the use, and notice of a seven (7) day appeal period.

B. **Minor Temporary Use Permit**. Prior to commencement of a minor temporary use listed in this Chapter, a Minor Temporary Use Permit must be approved by the Director. A public hearing shall not be required for the approval and issuance of a Minor Temporary Use Permit. An application for a Minor Temporary Use Permit shall be filed with the Community Development Department at least ten (10) days prior to the proposed use. Notice of the Director's determination shall be sent to the applicant prior to the commencement of the use. No other notice shall be required. The decision of the Director shall be final.

§11.6.12.005 Permitted Temporary Uses.

Temporary uses are divided into three (3) general categories: major, minor, and master, as follows:

A. **Major Temporary Uses.** Major temporary uses or events are generally distinguished by, but not limited to, the following circumstances: may create health and safety concerns; may occur on undeveloped property; may create traffic problems; and/or may disrupt community life if not properly conditioned or otherwise limited. Major temporary uses include, but are not limited to, the following:

1. Off-site contractors' construction yards in conjunction with an approved, active development project.

2. Storage of building materials and construction equipment used in the construction of a building or building project, during the construction and thirty (30) days thereafter, for a period not to exceed one (1) year unless extended by the Director, including contractor's temporary office provided that any lot or parcel of land so used shall be a part of the building project, or on property adjoining the construction site.

3. Temporary real estate tract offices and model homes within approved development projects are limited to a maximum of two (2) years or until all dwelling units are sold, whichever occurs first, provided they shall only be within an existing unit within the development and not within a temporary structure or trailer.

4. Trailers, coaches, or mobile homes as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to two (2) years, or upon expiration/finalization of the building permit, whichever occurs first.

5. Outdoor display and sales of Christmas trees or pumpkins on vacant commercial property, or on parking lots of commercial property, the commercial portion of mixed use, public-semi-public, or institutional (in the DVSP) property, subject to the following provisions:

    a. Operation of a Christmas tree sales lot shall not exceed a maximum of forty-five (45) calendar days. All products, materials, temporary structures, signs, fencing, and any other evidence of the Christmas tree sales lot operation must be completely removed from the subject site by December 31.

    b. Operation of a pumpkin sales lot shall not begin prior to October 1. All products, materials, temporary structures, signs, fencing, and any other evidence of the pumpkin sales lot operation must be completely removed from the subject site by November 6.

    c. A site plan shall be submitted for approval by the Director, showing the layout for the subject display area, pedestrian circulation aisles, sales area, temporary structures, temporary fencing, lighting, and customer parking area, with adequate parking capacity provided in a safe, convenient location to the satisfaction of the Director. Christmas tree or pumpkin sales lots located on a parking lot of an existing business/use shall not occupy more than ten (10) percent of a required parking area and shall not substantially alter the existing traffic circulation pattern of the site. Upon approval, the sales lot shall be clearly marked in accordance with the approved site plan.

6. Temporary portable storage units in residential zones, subject to the following provisions:

    a. A temporary portable storage unit shall be placed on property within a residential zone for a period not to exceed thirty (30) consecutive calendar days unless used in conjunction with a building permit; except that a maximum of one (1) time extension up to a maximum of thirty (30) consecutive calendar days may be granted prior to the expiration of the original Major Temporary Use Permit.

    b. A temporary portable storage unit shall be placed on property within a residential zone for a period not to exceed ninety (90) calendar days when used in conjunction with a building permit, or upon expiration/finalization of the building permit, whichever occurs first; except that a maximum of one (1) time extension up to a maximum of ninety (90) days may be granted prior to the expiration of the original Major Temporary Use Permit.

7. Storage of seasonal merchandise on-site in temporary portable storage units on parking lots of commercial use or the commercial portion of mixed use property, subject to the following provisions:

    a. The placement and use of temporary portable storage units on-site shall be limited to October 1 through December 31.

b. The temporary portable storage unit(s) shall not be visible from the public right-of-way of the front property line, unless the storage unit is screened to the satisfaction of the Director.

c. The maximum number of temporary portable storage units shall be determined by the Director. The Director may ask for additional information to make the decision, including a parking analysis.

8. Outdoor temporary swap meets or auctions in commercial, mixed use, public/semi-public or institutional (in the DVSP) zones, limited to two (2) events per calendar year, and not exceeding five (5) consecutive days per event.

9. Indoor and outdoor entertainment and assembly events in the commercial portion of mixed use, commercial, public/semi-public, or institutional (in the DVSP) zones, including, but not limited to, fundraisers, retreats, fairs, circuses, festivals, and concerts, when not held within premises designed to accommodate such events, such as: auditoriums, stadiums or other public assembly facilities, or private clubhouse facilities and excluding special events which are considered social events and approved through a separate City process.

10. In residential zones or the residential portion of mixed use zones:

a. Temporary uses that are of a scale and use to have the ability to disrupt residential neighborhood character, may include some accessory commercial use, may increase traffic impacts, and generally last for more than one (1) day, such as the "Showcase House" charitable event.

b. A Bed and Breakfast within a residential zone may be used for receptions, private parties, or similar activities only with Major Temporary Use Permit approval.

c. Except as allowed as a home occupation pursuant to Chapter 11.4.31 (Home Occupations) of this Zoning Code, allowed pursuant to an issued filming permit, and allowed pursuant to (A)(3) of this Section, commercial uses in the residential zone are prohibited.

11. Mobile Food Vending.

a. *Defined.* For the purposes of this Section, "mobile food vendor" and "vending vehicle" shall have the same meanings as defined in Section (TBD) of Title 4 of the LCFMC. A mobile food vendor is not a "caterer."

b. *Applicability.* Applies only to public events held on private property not in residential zones.

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c. *Standards for mobile food vending.* A Major Temporary Use Permit, which the Director may issue for a single event with a duration of more than one (1) day, shall be issued to a mobile food vendor or a group of mobile food vendors that are part of a mobile food vending event, only if the Director determines that the following standards or requirements listed below have been met. For the purposes of this Subsection, a "single event" includes the number of days for which one (1) Major Temporary Use Permit allows mobile food vending at the subject site.

i. A mobile food vendor or a group of mobile food vendors that are part of a mobile food vending event may not operate for more than twelve (12) days within a ninety (90) day period on any single property within nonresidential zones.

ii. If located within a parking lot, written permission of the property owner is required.

iii. Vending vehicles, including those operated at events on public school property, shall maintain a valid Los Angeles County Department of Health permit and a valid City business license.

iv. Mobile food vendors shall comply with Chapter 6.05 (Regulation of Food Facilities). For the purposes of this Subsection, "mobile food vendor" and "vending vehicle" shall have the same meanings as defined by Section 6.05.010, "mobile food facility" and "mobile food preparation unit."

v. Maintenance of clearly designated noncombustible waste receptacles in the immediate vicinity of the food truck sales which will reasonably accommodate the immediate waste needs of the mobile food vendor's patrons, which are generated by the mobile food vendor's sales.

vi. If a mobile food vendor operates and/or parks for more than one (1) hour at the location, provision of a letter or other written documentation verifying that employees and customers of the mobile food vendor have permission to use a readily available toilet and handwashing facility that is located within two hundred (200) feet travel distance from the location where the vending vehicle is engaged in operations and/or is parked, and otherwise the mobile food vendor complies with the California Health Code standards.

vii. Necessary plans or other required documents have been submitted and found to be satisfactory to the Director, and contain at least the following information:

(a) Proposed vehicle and pedestrian circulation at the site for both the temporary vending vehicle use and existing uses;

(b) Proposed parking plan for the vending vehicle(s);

(c) Proposed lighting plan; and

(d) Proposed noise mitigation plan.

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viii. In approving a Major Temporary Use Permit for a mobile food vending vehicle, the Director shall first make the finding that the proposed vending vehicle sales will not be located, operated, or maintained in a manner that impedes vehicular and pedestrian circulation at the proposed site.

B. **Minor Temporary Uses.** Minor temporary uses or events are generally distinguished by, but not limited to, the following circumstances: occur on developed private property for short time periods; produce little noise; do not impact improved parking areas; and/or have no significant impacts to adjacent properties or to traffic and public safety. Minor temporary uses include, but are not limited to, the following:

1. In any building project, during construction and for thirty (30) days thereafter, property in the project may be used for the storage of building materials and equipment used in the construction of the building project, and for the contractor's temporary office, provided that any lot or parcel of land so used shall be a part of the building project, or on property adjoining the construction site.

2. Outdoor display and sales of merchandise within commercial or mixed use zones, including "sidewalk" type sales not exceeding thirty (30) days per calendar year per business or organization, and subject to the following provisions:

   a. Merchandise displayed or sold must be customarily sold on the premises by the permanently established business;

   b. All outdoor displays shall occur in front of or alongside the subject store,

   c. The maximum number of consecutive days for any one event shall not exceed four (4) calendar days;

   d. Set-up and take-down of tents, lighting, fencing, merchandise and/or items for the event shall not be counted towards the allowable event days per calendar year, except that set-up shall not exceed one (1) day and take-down shall not exceed (1) one day unless otherwise authorized by the Director;

3. Public health and safety activities, including clinics and temporary inoculation centers not otherwise exempted under Section 11.6.12.006;

4. Temporary lighting of a limited duration for special events, holidays and other temporary uses, such as spotlights or searchlights identifying civic and commercial events, construction projects, and other temporary lighting determined by the Director to be similar;

5. Veterinary clinics on developed sites that are not in conjunction with a veterinary facility (i.e., pet store or groomer).

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6. Temporary car washes for fundraising, limited to a maximum of two (2) days each month for each sponsoring organization, on non-residentially zoned properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with Section 501(c) of the Federal Revenue and Taxation Code. Car washes are subject to Section 9.21.060(B)(h) of the LCFMC.

C. **Master Temporary Use Permits**. Master temporary uses are similar, in effect, to major temporary uses; however, they occur with more regularity and/or for much longer time periods. Master temporary uses are generally reoccurring events at a reoccurring fixed location but without permanent structures. Master temporary uses include, but are not limited to, the following:

1. Outdoor markets and swap meets, limited to a maximum of two (2) days per week and generally occurring weekly or with some frequency or regularity throughout the calendar year.

§11.6.12.006 Exempt Temporary Uses.

The following minor and limited duration temporary events and uses are exempt from the requirement for a Temporary Use Permit. Events and uses that do not fall within the categories defined below shall comply with Section 11.6.12.005.

A. Emergency public health and safety needs and land use activities;

B. Garage sales, provided that sales occur no more often than two (2) times per year per residence, for a maximum of two (2) consecutive days each.

C. Noncommercial weddings and other single-day life events, such as birthday parties, etc., conducted on the premises of a residence in a residential zone, and not being used as a Bed and Breakfast, shall be exempt from the requirement to obtain any type of temporary use permit.

§11.6.12.007 Temporary Uses Not Listed.

For other temporary uses not listed, the Director may, at his or her discretion, determine whether an unlisted temporary use should be classified as major, master, minor, or exempt. This determination shall be based upon the similarities and differences with the listed uses and an assessment of the proposed temporary use's compatibility with the zone and surrounding land uses.

§11.6.12.008 Temporary Use Limitations.

A. **Canopies/Tents**. Canopies/tents shall not be located within any public right-of-way.

B. **Banners.**

1. The maximum number shall be one (1) banner per street frontage.

2. The maximum area for each banner shall not exceed twenty-four (24) square feet.

3. The vertical dimension of a banner shall not exceed six (6) feet and shall not be located more than eight (8) feet above the ground, unless the banner is mounted to the face of a building.

C. **Food Services.** Food services are allowed subject to all rules and regulations of the Los Angeles County Health Department.

D. **Obstructions.** Activities shall not substantially block, restrict, or impair any of the following, as determined by the Director:

1. The public's view of another business or activity;

2. The public's view of the signage for another business or activity;

3. The view or visibility of the operator of any motor vehicle;

4. The movement of any pedestrian or motorized or non-motorized vehicle; or

5. The points of ingress or egress to a site or trail.

§11.6.12.009 Decision and Required Findings.

The Director may approve a Temporary Use Permit application provided all the following findings are made:

A. The proposed site is adequate in size and shape to accommodate the temporary use;

B. Adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations acceptable to the Director; and

C. The proposed use will not unreasonably jeopardize the public health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

§11.6.12.010 Conditions of Approval.

In approving an application for a temporary use permit, the Director may impose such conditions as are deemed necessary to ensure that the permit will be in accordance with the findings required by Section 11.6.12.009. These conditions may involve any pertinent factors affecting the operation of the temporary use, and may include, but are not limited to, the following:

A. Provision of adequate temporary off-street parking facilities, including vehicular access and egress as defined by the Director.

B. Regulation of nuisance factors such as, but not limited to, the prevention of glare or direct illumination onto adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gasses, and heat.

C. Regulation of temporary buildings, structures and facilities (including placement, height, and size), location of equipment, and open spaces (including buffer areas and other yards).

D. Provision of sanitary and medical facilities.

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E. Provision of solid waste collection and disposal, including containers for recycling cans, glass, plastic, and paper generated.

F. Provision of security and safety measures.

G. Regulation of signs.

H. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested, and limiting the hours for event set-up, break-down, and clean-up.

I. Submission of a performance bond or other surety device(s) to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

J. Requirement that the approval of the Temporary Use Permit is contingent upon compliance with applicable provisions of other ordinances or other agencies (e.g., Fire Department).

K. Such other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this Chapter.

L. Submission of additional services bond for the purpose of protecting, assisting and regulating the proposed event. The cost of providing such additional services shall be paid in advance to the City by the applicant.

M. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action, or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this permit.

N. The applicant shall have a copy of the approved Temporary Use Permit available and visible on-site during the entire duration of the use.

O. The temporary use shall conform to the City's Community Development Department, Building and Safety Division, Public Works Department, Los Angeles County Fire Department, Los Angeles County Sheriff's Department, and the Los Angeles County Environmental Health Department programs, regulations, and requirements.

§11.6.12.011 Appeals.

Appeals of Major and Master Temporary Use Permits shall be made directly to the City Manager pursuant to Chapter 11.2.03 (Call-Up and Appeals).

§11.6.12.012 Violations and Enforcement.

A. The following actions are prohibited and are violations of this Chapter:

1. Conducting any temporary use as provided for in this Chapter, with the exception of exempt temporary uses pursuant to Section 11.6.12.006, without a permit.

2. Failing to comply with any conditions of a permit.

3. Failing to comply with any rules and regulations promulgated by the Director.

4. Falsification of any information in an application for a temporary use permit.

5. Conducting any temporary use during prohibited hours and/or on prohibited days.

6. Conducting any temporary use in violation of any law, or if the activity endangers the public health, safety, or general welfare so as to constitute a nuisance, hazard, or detriment to the surrounding properties, neighborhood, or City in general.

B. Any violation of Subsection (A) of this Section shall be enforceable in accordance with Chapter 11.2.04 (Enforcement).

C. In addition to penalties imposed in accordance with Subsection (B) of this Section, any person who conducts any temporary use without a permit shall be levied a penalty fee of three hundred (300) percent of all fees which would have otherwise been required.

D. Revocation or modification of a Temporary Use Permit shall be as provided for in Section 11.2.04.005 (Permit Revocation or Modification) of Chapter 11.2.04 (Enforcement).

E. In addition to the penalties imposed in Subsections (B), (C) and (D), the property owner and/or applicant shall not be permitted to obtain a Temporary Use Permit for up to one (1) year following the violation.

§11.6.12.013 Expiration.

Temporary Use Permits shall expire at the end of their approval period. No Temporary Use Permit shall exceed a one (1) year approval period unless otherwise specified. Recurring temporary uses must be reapplied for each year.

Chapter 11.6.13 Reasonable Accommodation for Individuals with Disabilities

§11.6.13.001 Purpose.

It is the policy of the City, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter called "fair housing laws"), to provide individuals with disabilities reasonable accommodations in rules, policies, practices and procedures to ensure equal access to housing, facilitate the development of housing for individuals with disabilities, and remove constraints to housing for persons with disabilities. This Chapter establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

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§11.6.13.002 Definitions.

The following definitions are applicable to this Chapter.

A. "Act" means The Fair Housing Amendments Act of 1988.

B. "Applicant" means an individual making a request for reasonable accommodation pursuant to this division.

C. "Reasonable accommodation" in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

D. "Disabled person" means any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment.

§11.6.13.003 Procedure for Requesting a Reasonable Accommodation.

A. **Permit Application Requirements.** Any disabled person, or someone acting on his or her behalf, may request a reasonable accommodation from land use, zoning, and building regulations, policies, practices, and procedures. Such individual desiring to obtain a reasonable accommodation shall file an application with the Director on a form provided by the Director. The application shall be filed and processed in accordance with the procedures specified in Chapter 11.6.01 (Filing and Processing of Applications). The application form shall contain the following information:

1. Name, address, and telephone number of the applicant. If the disabled person is not the applicant, the identity of the disabled person(s), and the applicant's relationship to the disabled person(s).

2. The address of the property for which the request is being made, including the name and address of all persons owning any or all of the subject property.

3. A statement that the applicant is either an individual with a disability or is applying on behalf of one or more individuals with a disability.

4. Evidence that the applicant is the owner of the subject property or has written permission of the owner or owners to make such request.

5. Location of the subject property, including address (or vicinity) and Assessor's parcel number(s).

6. Legal description of the subject property.

7. Description of the current use of the property.

8. A description of the requested accommodation, including the specific regulations, policies, procedures and/or standards that are requested to be waived or modified.

9. A statement setting forth the basis for the request, including verifiable documentation of disability status.

10. Copies of memoranda, correspondence, pictures, plans, or background information reasonably necessary to reach a decision regarding the need for the accommodation.

11. Any additional information deemed necessary by the Director to facilitate proper consideration of the request.

B. **Application Fee.** There is no application fee for processing a request for reasonable accommodation.

§11.6.13.004 Approval of Reasonable Accommodation.

A. **Reviewing Authority.** The Director shall be the reviewing authority for a request for reasonable accommodation except as provided in Section 11.6.13.005(C).

B. **Findings.** The Director shall grant a request for reasonable accommodation where all of the following findings can be made:

1. The accommodation requested is intended to be used by an individual with a disability who resides or will reside on the property;

2. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a residential use;

3. The requested accommodation will not impose an undue financial or administrative burden on the City; and

4. The requested accommodation will not require a fundamental alteration in the nature of the land use and zoning of the City or unreasonably impact adjoining residential property.

C. **Conditions.** The Director may impose conditions upon the approval of the reasonable accommodation request deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Section B above. Conditions of approval may include, but are not limited to, those that provide for any or all of the following:

1. Inspection of the affected premises prior to and/or after any physical alteration.

2. Removal of the alteration if the need for which the accommodation was granted no longer exists.

3. That upon transfer of ownership of the property the affected premises be returned to its physical condition, if reasonable to do so, unless the transferee of ownership applies for and is granted a new reasonable accommodation.

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§11.6.13.005 Notice of Determination.

A. The Director shall issue a written decision that incorporates the findings set forth in Subsection 11.6.13.007(B), states whether the request is approved, approved with conditions of approval as permitted by Section 11.6.13.004(C), or denied, and describes the applicable appeal process.

B. The written decision of the Director shall be mailed to:

1. The applicant at the address listed in the application; and

2. The abutting owners of the subject property.

C. The written decision by the Director shall be final unless it is timely appealed as set forth in Section 11.6.13.006.

§11.6.13.006 Appeals.

A. An appeal shall be made in writing, and shall be processed pursuant to the procedures established in Section 11.2.03.003.

B. The appeal shall be heard by the City Manager.

C. A determination on the appeal shall address and be based upon the same findings required in accordance with Subsection 11.6.13.004.B.

§11.6.13.007 Effect of Reasonable Accommodation.

A reasonable accommodation is granted to an individual, shall not run with the land, and shall be removed, if reasonable to do so, when the grantee of the reasonable accommodation no longer requires the accommodation unless the decision-making authority finds that the modification is physically integrated on the property and cannot feasibly be removed or altered.

§11.6.13.008 Confidentiality.

Any information pertaining to an applicant's disability shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection unless otherwise required by law or court order.

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Chapter 11.6.14 Permit Implementation

§11.6.14.001 Purpose.

This Chapter provides requirements for the implementation or "exercising" of the permit approvals required by this Zoning Code, including determination of conformance, requests for changes to an approved project, procedures for extensions of time, expiration of permits where not used, and bonds and insurance.

§11.6.14.002 Substantial Conformance with Original Approval.

A. **Purpose.** This Section provides direction for the Director to determine whether previously approved plot plans, use permits, development review permits, special permits, and similar previously approved ministerial and discretionary projects are in substantial conformance with the original approval. This Section is not intended to authorize a deviation from any applicable development standard specified in this Zoning Code.

B. **Substantial Conformance Required.** A project authorized through a zoning approval granted in compliance with this Zoning Code shall be established, operated, and/or constructed only as approved by the decision-making authority and determined by the Director to be in substantial conformance with the original approval, prior to the issuance of any permits or approval of plans. A substantial conformance determination shall not extend the approval period nor be considered a time extension. Except as required in Subsection (C) below, no written determination is required provided that plans submitted to the City for approval exhibit substantial conformance with the original approval.

C. **Determination.** A previously approved project is considered in substantial conformance with the original approval as submitted and approved by the decision-making authority if the Director determines all the following:

1. There is no appreciable modification to any buildings, structures, fences, walls, signs, roadways, parking areas, landscaping, lighting, and other facilities or features as shown on all plans as submitted and approved by the decision-making authority, except as otherwise stated in the conditions of approval; and

2. It complies with all conditions of approval.

3. A substantial conformance determination shall not extend the original expiration date of the entitlement.

§11.6.14.003 Changes to an Approved Project.

A. Any requested change from the conditions and plans as approved by the decision-making authority shall be submitted by the applicant in writing to the Director prior to the issuance of any building, grading, or other permits. If the Director determines that any requested deviation is in substantial conformance with the original approval, the Director shall indicate so in writing.

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B. If the Director determines that a proposed project or development is not in substantial conformance with the original approval, the Director shall notify the property owner of the following options:

1. Construct the project as approved; or

2. Apply for a new zoning permit for approval by the original decision-making authority.

§11.6.14.004 Time Extension and Expiration Where Not Used.

Unless otherwise specified, a permit or approval granted pursuant to this Title shall automatically expire if the use or action authorized by such approval is not commenced on or before the time limit specified in such permit and thereafter diligently advanced, or if no time is specified, within two (2) years after the date such approval was granted; except that in all cases the Director may extend such time for a period of not to exceed one (1) year, provided an application requesting such extension is filed a minimum of ninety (90) prior to such expiration date, or as allowed by state law, and the application requesting such extension shall include information prescribed by the Director to enable the Director to the make the determinations prescribed in this Subsection. The renewal period, if approved, shall specify the new expiration date.

A. Permits shall be considered inaugurated if the following are met:

1. A permit related to construction granted pursuant to this Title shall be considered inaugurated if applicable grading and building permits have been issued, internal infrastructure installed, foundations poured, and above-ground construction initiated and ongoing.

2. A permit related to use shall be considered inaugurated if applicable zoning and related approvals are effective; and all required building permits have been issued; and a City business license obtained.

3. A Tentative Tract Map or Tentative Parcel Map shall become null and void if a final map has not been timely filed prior to the expiration date in accordance with provisions of the Subdivision Map Act.

§11.6.14.005 Assurance of Faithful Performance of Imposed Conditions.

A. When one or more conditions are attached to any grant, modification or appeal of a zone change, permit, variance, or nonconforming use or structure review, the Planning Commission or Council may require the owners of the property to which such zone change, permit, variance, or nonconforming use or structure review applies, to deposit with the City Council in an amount equal to or greater than the sum of the work to be performed for the purpose of guaranteeing the faithful performance of said conditions. Alternative methods in lieu of a cash deposit shall require Director approval.

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B. When one or more conditions are attached to any grant, modification or appeal of a zone change, permit, variance, or nonconforming use or structure review, the Planning Commission or Council may require the owners of the property to which such zone change, permit, variance, or nonconforming use or structure review applies, to deposit with the City Council in an amount equal to or greater than the sum of the work to be performed for the purpose of guaranteeing the faithful performance of said conditions. Alternative methods in lieu of a cash deposit shall require Director approval.

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