



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
440 HARCOURT AVE (COUNCIL CHAMBER)
Wednesday, February 28, 2024
6:00 PM

NOTICE: *The Planning Commission will hold its public meetings in person, with options for viewing and listening virtually or telephonically, based on availability.*

1. To view this meeting: Please click on the following link to the City of Seaside YouTube Channel: <https://www.youtube.com/c/CityofSeasideCalifornia>
2. To view this meeting: Using the Zoom application on your smart phone, laptop, tablet or desktop and click on this link: <https://us02web.zoom.us/j/81555467580>
WEBINAR ID: 815 5546 7580
3. To listen by phone: Please call (669) 900-9128
Enter the **meeting ID 815 5546 7580** when prompted. There is no participate code – press the pound sign # after the recording prompts you.
4. To make public comment, the following options are available:

Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item # ____" (insert the agenda item number relevant to your comment). Written comments must be received at least two (2) hours prior to the meeting time on the day of the meeting.

During the Meeting via Oral Comments: When the Chair calls for public comment, members of the public participating in person and wishing to address the Commission may approach the podium when the Chair calls for public comment.

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

William Silva	Chair
Keith Dodson	Commissioner
John Owens	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
Danny Huynh	Commissioner

3. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

4. PUBLIC COMMENT

Members of the public wishing to address the Commission on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three (3) minutes. Comments on specific agenda items are heard under that item. For the public record, please state your name.

5. BUSINESS ITEMS

A. ZONING ORDINANCE AMENDMENT ZOA-24-01: AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF SEASIDE MAKING VARIOUS CHANGES TO PROCEDURES AND TIMELINES FOR THE REVIEW AND PROCESSING OF PERMITS AND OTHER ZONING APPLICATIONS AS WELL AS MINOR CHANGES TO DEFINITIONS AND ALLOWED OPERATIONAL CHARACTERISTICS OF SPECIFIED USES. THE PROJECT IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3)

6. REPORTS FROM COMMISSIONERS

7. REPORTS FROM STAFF

This is a time specifically set aside for the Staff Liaison to provide updates on non-agendized requests from the Commission, and to provide brief information on topics under the purview of the Commission.

8. ADJOURNMENT

Next Regularly Scheduled Meeting:
March 13, 2024
6:00 p.m.

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:

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CITY OF SEASIDE STAFF REPORT

Item No.: 5.A.

TO: Planning Commission

BY: Andrew Myrick, Economic Development & Community Planning Manager

DATE: February 28, 2024

SUBJECT: **ZONING ORDINANCE AMENDMENT ZOA-24-01: AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF SEASIDE MAKING VARIOUS CHANGES TO PROCEDURES AND TIMELINES FOR THE REVIEW AND PROCESSING OF PERMITS AND OTHER ZONING APPLICATIONS AS WELL AS MINOR CHANGES TO DEFINITIONS AND ALLOWED OPERATIONAL CHARACTERISTICS OF SPECIFIED USES. THE PROJECT IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3)**

PURPOSE & RECOMMENDATION

The purpose of this Item is for the Planning Commission to review modifications to the Zoning Ordinance proposed by staff. Staff recommends that the Planning Commission review the attached documents and approve the attached Resolution (with modifications if deemed appropriate) recommending that Council adopt the proposed Zoning Ordinance Amendment.

BACKGROUND

Title 17 of the Seaside Municipal Code is the City's Zoning Ordinance. This Ordinance provides regulations relating to the establishment, operation, characteristics, and placement of all development and uses of land located on private property in the City of Seaside. The Ordinance is administered by the City's Planning Division within the City's Economic Development Department. The Ordinance also outlines the processes to be followed in reviewing applications. Applications are primarily two types: ministerial/administrative and discretionary. Ministerial/administrative permits are those approved at the staff level with no public input - essentially if the proposal meets the standards established within the Code, then it is approved; if not, then it can be denied

or referred back for revisions. The majority of permits processed by the City are discretionary in nature, which involve making findings to justify decisions made and involve public notification and an opportunity to provide input. Discretionary applications take significantly more staff resources to process and generally take significantly longer to process than ministerial/administrative permits (partly due to the additional processes required and partly due to the generally more complex nature of discretionary permits).

The proposed Zoning Ordinance Amendment is primarily designed to reduce permitting burdens for both the public and staff, with an emphasis on applications which are for smaller and/or noncontroversial projects, while retaining public notification and opportunity for input. This Staff Report presents the proposed changes topically and focuses on the more significant changes. The specific changes to the Zoning Ordinance may be found in strikeout/underline form in Exhibit A of the attached Resolution. A Section-by-Section summary of the changes, which explores each change individually, is also included as Attachment 2 to this Report.

The changes to the Zoning Ordinance may be broadly summarized as follows:

Changes to Required Permitting

Several items which currently require certain permits under the Zoning Ordinance have had their permitting requirements altered or removed entirely. These include:

- Changing requirements for exterior residential staircases from a Use Permit to Architectural Review. (Section 2)
- Changing reasonable accommodation (ADA) improvements from a Minor Use Permit to an administrative review. (Section 3)
- Eliminate the requirement for all fences to obtain a Building Permit (some fences will still require a Building Permit if required by the Building Code). (Section 7)
- Clarify that a "fence exception" is reviewed through the Variance process. (Section 8)
- Clarify the process and applicability of certain provisions relating to second driveways. (Section 9)
- Provide that murals are subject to Architectural Review and will also be brought to the Art and History Commission to provide a recommendation for the Planning Commission. (Section 10)
- Change the thresholds for permit exemptions and the types of required permits for temporary fundraising events held by nonprofit organizations. (Section 17)

Changes to Sign Review and Processing (Section 10)

The proposed changes will clarify that signs are approved through a Sign Permit, not a Zoning Clearance. Master Sign Programs are currently required for all multi-tenant commercial buildings as well as for signs which do not comply with the standards set forth in the Zoning Ordinance, and all Master Sign Programs currently must be reviewed

by the Planning Commission. The Zoning Ordinance update would provide authority for the Zoning Administrator to approve a Master Sign Program provided that all of the signs were compliant with the Zoning Ordinance. Signs not in compliance with the Zoning Ordinance would still require public notification and a hearing before the Planning Commission. This would streamline processing by eliminating the need for public notification and hearings for proposals that are code-compliant. This Section would also clarify rules for the processing of murals.

Home Occupations (Section 13)

Home Occupations are businesses operated out of a dwelling by the resident of that dwelling. The Zoning Ordinance Amendment would make minor changes to rules for Home Occupations. Shipping businesses from home would be allowed so long as all inventory is kept within the house and the number of vehicle trips is not increased above what is already allowed for a home occupation (8 trips/day). It would also remove the requirement that the Home Occupation Permit be renewed every two years (although an annual business license would still need to be renewed).

Administrative Review/Notice of Intent to Approve (Sections 15, 16, 19, and 20)

Discretionary applications take a significant amount of staff resources to process, and include lengthy wait times. On the staff resources side, it involves the drafting of a Staff Report, a Resolution, a PowerPoint presentation, and other shorter documents.

From a timing standpoint, the waiting period for public hearing notice and the hearing takes a minimum of two weeks and can run as long as four to five weeks. The advantages of such a system are that it allows for public notification and the opportunity for participation in the decision-making process. However, for many projects, the public does not choose to engage.

This Zoning Ordinance Amendment proposes to establish a new process for public notification for certain applications for Architectural Review, Use Permits, Minor Use Permits, and Variances. Once an application is deemed complete and has a recommendation of approval, instead of the current process of automatically scheduling a hearing (which requires notice in a newspaper as well as mailings), the Zoning Administrator would send out a Notice of Intent to Approve to all property owners within 300 feet stating the intent of the Zoning Administrator to approve the application after 10 days (if applicable, staking and flagging would be required 14 days prior to the approval). Any member of the public would then have the right to request a hearing - this request would not need to provide a reasoning, and would not entail any cost. If a hearing is requested, then a hearing will be scheduled at the next opportunity. If no hearing is requested, then the Zoning Administrator would be able to administratively approve the permit. Some projects would not be eligible for this treatment: projects which are not exempt from CEQA, would be ineligible, for example. For Architectural Review, the building's design would need to utilize elements found on other buildings within the neighboring block face. Projects which the Zoning Administrator believes

should be denied would be automatically referred for a hearing. The Zoning Administrator would also have the authority to refer any item which the Zoning Administrator believes is likely to generate a protest. This is similar to the process currently used for the processing of Minor Variances, although that permit type is proposed to be eliminated (see below).

Overall, this process would save both staff time as well as provide permits more quickly to applicants. On the staff side, there would be no need to draft a full Staff Report, Resolution, or Powerpoint - only findings and conditions of approval would be necessary. On the applicant side, there would be a minimum savings of four days (as public notices must be provided to the newspaper 14 days in advance in order to be published ten days in advance). Additional time savings up to 2-3 weeks are possible since the Notice of Intent to Approve could be sent any time and would not need to wait for the next scheduled hearing. It would also not be disrupted by holidays or other canceled meetings. Some projects could take longer if a protest is received (which would necessitate sending out public hearing notices). However, past experience would seem to suggest that this would not be the norm, and staff will endeavor to simply schedule items for a hearing if there are indications it could be controversial.

Staking and Flagging (Section 16)

The current Zoning Ordinance provides that all commercial buildings as well as residential buildings over 18 feet in height which are subject to Architectural Review provide staking and flagging at the site, creating a temporary structure which mimics the dimensions and mass of the proposed structure. This staking and flagging serves the dual purpose of providing additional information to project reviewers as well as providing a form of public notice to those who do not live within 300 feet of the site and do not see the notice in the newspaper. However, in certain cases there may be significant barriers which make such structures challenging, especially with taller structures or those located in the place of existing buildings or in areas with vehicle or pedestrian traffic. The current Ordinance does not provide any alternatives to staking and flagging.

The proposed Ordinance would provide an alternative means of complying with this provision for structures which are over 25 feet in height, then as an alternative the applicant may perform the following:

- Provide mailings of the project to every address within 300 feet of the site. This would be in addition to the standard notice sent to property owners.
- Retain the services of a licensed surveyor, architect, or engineer to have architectural renderings of the project produced.
- Place signs a minimum of 3' by 5' in size on each abutting street frontage. 40% of the sign area must be occupied by an architectural rendering prepared by the applicant and selected by the Zoning Administrator, a description of the project, and the date,

time, and location of any hearings must be included on the sign.

Taken together, staff believes that these measures will provide benefits towards project visualization and public notice similar to that which is accomplished through staking and flagging.

Planned Development Permits and Variances (Sections 18 and 20)

The Zoning Ordinance provides standards for development within the City of Seaside, including setbacks, height restrictions, floor area, lot coverage, landscaping requirements, open space requirements, parking requirements, and many others. In most cases, compliance with these standards is required except in cases where a specific process is outlined (such as parking reductions). However, this can lead to rigidity in design and stifle innovation in the development of new projects. Further, there are cases where there are physical limitations on the development site in which strict compliance would render a project infeasible.

The Zoning Ordinance currently has a permit type (the Planned Development Permit) which allows for consideration of *alternatives* to the Development Regulations of the Ordinance. These alternatives do not represent an exception; rather, they would represent an alternative that would produce a better result than strict compliance with the Zoning Ordinance would produce. An example of this could be reducing the overall landscaping area below the square footage required by the Ordinance, but placing enhanced landscaping (ie berms, mature trees, river rock, etc) within a highly visible area instead. This arguably produces a superior design, although it does not strictly comply with the Ordinance.

Currently, the primary limitation on Planned Development Permits is that they are limited to sites greater than one acre in size. The proposed Amendment would eliminate that requirement, allowing for Planned Development Permits in a wide variety of situations. It is also worth noting that the Planned Development Permit would not be eligible for administrative approval through the Notice of Intent to Approve process outlined above; this is because of the inherently subjective nature of determining whether a change is in fact superior to strict compliance. Planned Development Permits would always require a public hearing.

Like Planned Development Permits, Variances allow a project to deviate from the standards set forth in the Zoning Ordinance. However, whereas a Planned Development Permit represents an *alternative* based on superior design, a Variance represents an *exception* based upon physical constraints on a site which prevent an owner from using their property in a similar way to other users in the vicinity. An example of this would be a new residential unit on a small parcel with a 25-foot width, which creates potential issues with lot coverage, setbacks, and parking requirements.

A Variance must represent a solution to a defined constraint and does not allow for

unrelated changes (in the example above, the inability to meet side yard setbacks would not allow an increase in the height). In most cases, solutions are straightforward and can be described to the neighboring property owners. For this reason, staff is proposing the use of the Notice of Intent to Approve process described above to apply to Variances.

The current Zoning Ordinance also includes an application type for Minor Variances.

Minor Variances essentially allow for small deviations (up to 10%) from certain development standards without the need to find that the development is superior nor a finding of physical constraints. Minor Variances essentially follow an approval process nearly identical to the administrative process outlined above. However, staff believes that deviations from the Ordinance should be justified, either by being superior to strict compliance or due to physical constraints on the property. Thus, staff is recommending the deletion of the Minor Variance permit process, and consolidating those projects into a Variance process with the opportunity for administrative approval if objections from the community are not received.

Permit Action Timelines (Sections 21 and 24)

Currently, a permit that is not signed by the applicant within 15 days of approval is null and void. Staff believes this is a disproportionate response to an administrative matter.

The proposed Amendment would change this to state that the permit must be executed prior to issuance of a Building Permit or establishment of the use.

The current Ordinance also requires that an applicant obtain Building Permits and commence construction activity within 6 months of obtaining the planning permit (unless a longer time is specified in the permit). Failure to do so results in the permit becoming void. The proposed Amendment would allow twelve months to obtain a Building Permit in order to deem the permit exercised.

The proposed Amendment would also provide a stipulation that if a permitted use is established but then discontinued for a period of more than 24 months, the permit shall become null and void. Currently, there is no time limit, which means that all exercised permits remain in force indefinitely unless a revocation process is initiated.

Finally, under the current Ordinance, a permit may be extended subject to approval of the original approval body. This typically requires a public hearing. The proposed Amendment would allow the Zoning Administrator to provide a one-time extension administratively if there have been no changes to the circumstances under which the project was originally approved. The number of possible extensions has been increased to two; second extensions and/or changed circumstances would require approval of the original approving body.

Non-Conforming Uses and Structures (Sections 25, 26, and 31)

Non-conforming uses and structures are uses and structures that were legally established or constructed, but no longer comply with current Ordinances due to changes in the Ordinance. For example, a residential unit could remain in an area now zoned for exclusively commercial uses (non-conforming use), or a building may be built closer to a property line than a setback allows (non-conforming structure). Non-conforming uses and structures are considered distinct and are regulated slightly differently; however in both cases the general principle is that the existing use or structure may continue to operate but the non-conformity may not increase.

The current Ordinance stipulates that a non-conforming use would be considered abandoned and rights terminated if it is left vacant for 180 days or more. In practice, this can create challenges for buildings that are unable to attract a tenant or are undergoing renovation. There is a provision in the existing Ordinance to allow for an extension of time with a Minor Use Permit - however this is a process that can take several months, which requires the matter to be brought up well in advance of the expiration. The proposed Ordinance allows the Zoning Administrator to administratively extend the time period by an additional 18 months if it can be shown that the use has not in fact been abandoned but rather there is simply a temporary gap while a new tenant is located or work is completed.

The other significant change relates to non-conforming structures. The current Ordinance allows for "Ordinary Maintenance and Repair" to be conducted on a non-conforming structure. However, the definition of "Ordinary Maintenance and Repair" (see Section 31) currently defines that term to exclude any work requiring a Building Permit. Unfortunately, many activities that would likely be considered routine maintenance, such as water heater replacement, reroofing, or electrical/plumbing work, require Building Permits and are currently prohibited. The proposed Ordinance would eliminate the Building Permit threshold and would clarify that purely aesthetic modifications can be considered as "Ordinary Repair and Maintenance." This is so owners of property are not effectively prohibited from ensuring that their properties do not become blighted.

California Environmental Quality Act (CEQA)

The proposed Zoning Ordinance Amendment has been reviewed under CEQA. Since the majority of the changes represent changes to permit processing procedures, rather than changes to allowable uses or development regulations, and the remaining changes represent minor changes to a limited number of uses, the Zoning Ordinance Amendment is not subject to CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that there would be no impact on the environment.

ATTACHMENTS

1. ZOA-24-01 PC Resolution
 2. ZOA-24-01 PC Reso Exhibit A
 3. Attachment 2 - ZOA-24-01 Section-by-Section Analysis
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RESOLUTION NO. 24-XX PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE RECOMMENDING ADOPTION OF AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF SEASIDE MAKING VARIOUS CHANGES TO PROCEDURES AND TIMELINES FOR THE REVIEW AND PROCESSING OF PERMITS AND OTHER ZONING APPLICATIONS AS WELL AS MINOR CHANGES TO DEFINITIONS AND ALLOWED OPERATIONAL CHARACTERISTICS OF SPECIFIED USES. THE PROJECT IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3).

WHEREAS, the City of Seaside has adopted a Zoning Ordinance to provide standards and guidelines to the continued orderly growth of the City; and

WHEREAS, the City of Seaside strives to efficiently process land use entitlements that are consistent with the Zoning Ordinance while preserving the ability of the general public to be aware of projects and have an opportunity to provide feedback on these projects; and

WHEREAS, the proposed changes to the Zoning Ordinance, attached hereto as Exhibit "A," would result in more efficient processing of land use entitlements while preserving the ability of the public to be informed and have an opportunity to provide feedback on projects; and

WHEREAS, the proposed changes to the Zoning Ordinance would also make other minor edits which will reduce approval and processing times while maintaining the City's ability to ensure development is beneficial to the community and that uses do not become a nuisance; and

WHEREAS, the proposed Zoning Ordinance Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, Section 17.74.040 of the Seaside Zoning Ordinance provides that the Commission shall make a recommendation to the City Council to approve, approve with modifications, or deny any proposed Zoning Ordinance Amendment.

NOW, THEREFORE, BE IT RESOLVED, THAT THE PLANNING COMMISSION HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. The Planning Commission finds that: a) the facts set forth in the recitals in this Resolution are true and correct and incorporated by reference; b) the recitals constitute findings in this matter and, together with the staff report, other

written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the action taken in this Resolution; c) the provisions in this Resolution and the proposed Amendment are consistent with the General Plan, Seaside Municipal Code and applicable federal and state law; and d) this Resolution will not be detrimental to the public interest, health, safety, convenience, or welfare.

2. The Planning Commission hereby recommends that the City Council adopt an Ordinance repealing and replacing various portions of the Zoning Ordinance to read as described in the attached Exhibit "A" and make the findings contained therein.

PASSED AND ADOPTED at a meeting of the Planning Commission of the City of Seaside, State of California, on the 28th day of February, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Will Silva, Chairperson

ATTEST:

Dominique L. Davis, City Clerk

Attach:

Exhibit "A" – Zoning Ordinance Amendment Text

EXHIBIT A

Title 17 of the Seaside Municipal Code is hereby amended as follows:

SECTION 1. Section 17.12.050 is hereby amended as follows:

17.12.050 Residential Zone Site Planning and Building Standards
Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 2-3, in addition to the applicable standards in Article 3 (for example, landscaping, parking and loading). Alternatives and/or Exceptions may be granted in compliance with Sections 17.62.050 (Planned Development Permit) and 17.62.080 (Variance ~~and Minor Variance~~).

SECTION 2. Footnote (6) of Table 2-3 in Section 17.12.050 is hereby amended as follows:

(6) Exterior stairways that would lead to a second floor or roof deck ~~are permitted with the issuance of a~~ may be allowed subject to the approval of an Architectural Review use permit.

SECTION 3. Section 17.12.060 is hereby added to the Municipal Code to read as follows:

17.12.060 Americans with Disabilities Act (ADA) accommodations.

The Zoning Administrator may approve modifications to the development standards of this Zoning Ordinance for a residential project providing reasonable accommodations for persons with disabilities after first making the following findings. This review shall be ministerial and shall not be subject to public notice or hearing unless appealed in accordance with Chapter 17.76.

1. An individual residing at the property and protected under the Americans with Disabilities Act has a special need that would only be served by the requested modification to development standards for the proposed project;
2. If applicable, the applicant has taken reasonable steps to ensure that the design, location, size, and operating characteristics of the proposed modification are compatible with the existing and planned future land uses in the vicinity; and
3. Alternative accommodations which may provide an equivalent level of benefit, but would not require modifications to the development standards of this Zoning Ordinance, are cost-prohibitive or infeasible for the proposed project.

SECTION 4. Section 17.16.040.A is hereby amended as follows:

A. Purpose. The requirements of this section are intended to provide for pedestrian- and customer-oriented design and encourage modern and contemporary building styles in the CA zone. The primary design objectives of this section are to create a unified CA zone district and attractive streetscapes. The intent of these standards is not to limit innovative design approaches, nor is it to have all dealerships look exactly alike. Manufacturer image programs are acceptable. ~~The Board of Architectural Review may grant eModificationsxceptions~~ to the requirements of this section ~~that are not otherwise subject to Subsection 17.62.080.C.2 (Minor Variance)~~may be considered through the Architectural Review process.

SECTION 5. Section 17.16.050.A is hereby amended as follows:

A. Purpose. The purpose of these regulations is to improve the appearance of the CA zone. Providing limitations regarding specific types of signs promotes compatible signage and avoids visual clutter. These standards will help promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the City as a place to live, work, and shop, provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached. ~~The Board of Architectural Review may grant eE~~xceptions to the requirements of this section ~~that are not otherwise subject to Subsection 17.62.080.C.2 (Minor Variance)~~may be considered through the Master Sign Program ~~process-entitlement required for signs within the CA zone.~~

SECTION 6. Section 17.16.050.C is hereby amended as follows:

C. Sign Permit requirements.

1. Sign Permit. As described in Section 17.40.030 (Sign Permit Requirements), all signs shall require the issuance of a Sign Permit prior to construction, installation, or modification. ~~Temporary promotional banners, flags, and balloons are exempt from sign permit requirements.~~

2. Master Sign Program. ~~The various lot sizes, number of frontages, and buildings located on each property within the CA zone make it impossible to establish a set of sign standards that would effectively apply to all properties and signage needs.~~ A Master Sign Program shall be required for all ~~properties~~Auto Sales/Rentals within the CA zone. A Master Sign Program shall be ~~submitted to the Board of Architectural Review required~~ for all proposed permanent sign(s) and relocation or alterations to existing signs. Review of the proposed Master Sign Program will evaluate existing and proposed signs, site conditions and constraints, building uses, and on-site circulation in order to determine sign allowances. The Zoning Administrator shall have the authority to administratively approve a Master Sign Program in which all allowed signs would comply with the requirements of this Chapter, including requirements for maximum sign area, sign type,

and sign placement. All other Master Sign Programs shall require approval of the Planning Commission. Approval of a Master Sign Program does not eliminate the need to obtain Sign Permits.

3. Temporary promotional banners, flags, and balloons are exempt from ~~the Sign Permit and~~ Master Sign Program requirements.

SECTION 7. Section 17.30.020.D.7 is hereby amended as follows:

~~7.—Building permit. A building permit is required for all new fencing and reconstructed fencing.~~

SECTION 8. Section 17.30.020.F is hereby amended as follows:

F. Fence, wall, and hedge exceptions ~~granted by Zoning Administrator.~~

1. Where a physical hardship exists because of unique or unusual topographic conditions or structure location, ~~and upon the approval of the Zoning Administrator,~~ a fence, wall, and/or hedge that exceeds the maximum standards of this Zoning Code may be allowed subject to approval of a fence exception ~~Variance approved by the Commission, as allowed in Subsection F.2 of this section.~~

2. In addition to those findings specified in Section 17.62.080.E, ~~The~~ approval of a fence, wall, or hedge exception shall require that the Zoning Administrator review authority ~~first~~ make all of the following findings:

a. A general or traffic-related safety hazard to City residents and/or the general public would not be created;

~~b.—A traffic-related safety hazard would not be created;~~

be. The fence or wall will not impair visibility at an intersection or traffic safety visibility area nor obstruct vision from an adjoining driveway;

~~d.—The fence or wall will not obstruct vision from an adjoining driveway;~~

ce. The fence or wall is compatible with the surrounding neighborhood ~~;~~ and

~~f.—Public notice has been given and a public hearing has been conducted in compliance with Chapter 17.78 (Public Hearings).~~

~~3.—The Zoning Administrator may refer an application for an exception to the City's Traffic Advisory Committee for review and recommendation.~~

43. The ~~Zoning Administrator~~review authority may approve, modify, or deny an application for an exception and apply reasonable conditions as necessary to ensure the public health, safety, and welfare.

SECTION 9. Sections 17.34.120 and 17.34.120.A are hereby amended as follows:

17.34.120 Driveways and Site Access

Each driveway providing site access from a street, alley, or other public right-of-way shall be designed, constructed, and properly maintained in compliance with the following. The Zoning Administrator may modify the requirements of this section (~~excluding Section 17.34.120.A~~) through Minor Use Permit approval (Section 17.62.070) in consultation with the City Engineer.

A. Number of driveways. The number and placement of driveways shall be limited as follows; provided, that second driveways or additional curb cuts on a parcel containing a Single Family Dwelling may be approved by the City Council following a recommendation from the Traffic Advisory Committee:

SECTION 10. Section 17.40.030 is hereby amended as follows:

17.40.030 Sign Permit Requirements

A. Sign Permit required.

1. Approval required. A Sign Permit is required for the installation or modification of all permanent wall signs, projecting signs, freestanding/monument signs, and window signs. No sign shall be constructed, installed, or modified, unless a Sign Permit is first obtained in compliance with this section, or the sign is allowed without a Sign Permit by Section 17.40.040 (Exemptions from Sign Permit Requirements). A proposed sign that is professionally rendered and in strict compliance with this chapter shall be approved or denied by the Zoning Administrator through a ~~Zoning Clearance~~Sign Permit; provided, that the Zoning Administrator may choose to refer any Sign Permit application to the ~~Board of Architectural Review~~Planning Commission for consideration of approval. ~~The appropriate review authority shall review each sign permit application and approve only those that comply with the findings required in Subsection D of this section (Findings for approval).~~

a. Conditions of approval. The review authority may require conditions of approval that are deemed reasonable and necessary to achieve the purpose, intent, and objectives of this chapter.

b. Approval criteria. The approval or non-approval of an application for a ~~s~~Sign ~~p~~Permit shall be guided by the criteria identified in this ~~e~~Chapter. If the review authority finds that a proposed sign substantially complies with the standards of this chapter, the review authority shall approve the sign.

c. Appeal. A decision of the Zoning Administrator or ~~Board of Architectural Review~~Planning Commission rendered in compliance with this chapter may be appealed in compliance with Chapter 17.76 (Appeals).

2. Compliance with standards required. No Sign Permit shall be approved for an existing or proposed sign unless the sign is in compliance with all applicable requirements of this ~~C~~chapter.

3. Building Permit required. A Building Permit may also be required for sign construction/installation in accordance with the ~~2008 California~~ Building Code and amendments made thereto as adopted by the Seaside City Council.

4. Temporary signs. Temporary signs shall comply with Subsection 17.40.040.D (Temporary Signs) and Section 17.40.080 (Standards for Specific Sign Types).

B. Master Sign Program required. ~~A Master Sign Program shall be approved by the Board of Architectural Review for any new sign permit on an existing commercial, quasi-public/institutional, and/or multi-family complex on a single project site with two or more tenants, and any new multiple-tenant project which requires a Use Permit, Variance, or is a planned unit development.~~ No Sign Permit shall be issued for an individual sign requiring a Sign Permit for a new sign on an existing or newly developed multiple tenant commercial/residential project on a single project site with two or more tenants unless and until a Master Sign Program for the property in which the sign will be erected has been approved ~~by the Board of Architectural Review.~~ The Zoning Administrator shall have the authority to administratively approve a Master Sign Program in which all allowed signs would comply with the requirements of this Chapter, including requirements for maximum sign area, sign type, and sign placement. All other Master Sign Programs shall require approval of the Planning Commission. As part of Master Sign Program approval, the ~~Board of Architectural Review~~Planning Commission may grant exceptions to the standards of this chapter for the maximum size and number of signs, based on design features including architectural style, proportion to landscaping, site visibility, and building mass. A Master Sign Program shall conform to and complement the architectural design and character of the structure erected or to be erected on the project site. Subsequent signs that are required to comply with an existing approved Master Sign Program shall obtain a Sign Permit ~~be reviewed and approved by the Zoning Administrator through a Zoning Clearance, in compliance with Section 17.62.020.~~

C. Application requirements. An application for a Sign Permit shall be filed and processed in compliance with Chapter 17.60 (Permit Application Filing and Processing). The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings and sketches, and data/materials identified in the Department handout for sign permits, and any applicable fees. It is the responsibility of the applicant to ~~establish~~provide evidence ~~to demonstrate compliance in support of the findings required by Subsection D of this section (Findings for approval).~~

~~D.—Findings for approval. The approval of a Sign Permit shall require that the review authority first make all the following findings, as applicable:~~

~~1.—The proposed signs do not exceed the standards of Sections 17.40.070 (Zoning District Sign Standards) and 17.40.080 (Standards for Specific Sign Types) and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site.~~

~~2.—The placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign.~~

~~3.—A flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over natural boundaries and/or cover architectural features, shall be prohibited.~~

~~4.—The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties.~~

~~5.—The placement and size of the sign will not impair pedestrian or vehicular safety.~~

~~6.—The design, height, location, and size of the signs are visually complementary and compatible with the scale and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street.~~

~~7.—The proposed signs are in substantial conformance with the design criteria in Subsection 17.40.060.F (Design criteria for signs).~~

ED. Expiration and extension of Sign Permit approval.

1. Approval of a Sign Permit shall expire 12 months from the date of approval unless the sign has been installed or a different expiration date is stipulated at the time of approval. Before the expiration of a sign permit, the applicant may apply to the Department for an extension of up to an additional 12 months from the original date of expiration.

2. The expiration date of the Sign Permit shall be automatically extended to concur with the expiration date of the companion Building Permit or other applicable permits for the project.

SECTION 11. Section 17.40.040.A.1 is hereby amended as follows:

1. Modifications to sign copy on conforming signs where all structural components of the sign remain in place and unaltered ~~shall be reviewed and approved by the Zoning~~

~~Administrator through a Zoning Clearance in compliance with Section 17.62.020 (Zoning Clearance); and~~

SECTION 12. Section 17.40.080.D is hereby amended as follows:

D. Murals. A mural placed on the wall of a structure may be allowed in any commercial or industrial zone subject to the following:

1. A mural without text visible from a public right-of-way may be approved in addition to (not counted as part of) the sign area allowed by Section 17.40.070 (Zoning District Sign Standards); a mural with text advertising the use of the business shall comply with the sign area limitations applicable to the site. When calculating sign area for a mural including text, the text and any logos (or similar feature) shall be counted as sign area and calculated in accordance with Section 17.40.060. Purely decorative aspects of the mural shall not be counted as sign area. When doubt exists whether a portion of the mural is commercial or decorative, the Zoning Administrator shall make a determination regarding the nature of that portion of the mural.

2. Murals that illustrate the local setting and history as sources of inspiration are encouraged.

3. Mural Exhibits shall not include depictions of Specified Anatomical Areas or Specified Sexual Activities as defined by Chapter 5.08 of the Municipal Code. Murals shall not include gang affiliation symbols or other content which, in the opinion of the review authority, could be deemed offensive to the general community.

43. All murals are subject to ~~approval by the Board of Architectural Review~~ the Architectural Review process in compliance with Section 17.62.030 (Architectural Review). Prior to consideration, the review authority may obtain recommendations from the Art & History Commission or other City Departments to ensure that the mural is compatible with the community and does not contain any of the items described in Section 17.40.080.D.2.

54. The approval of a mural shall require that the review authority first find that the colors, placement, and size of the mural are visually compatible with the structure's architecture, and that the mural will serve to enhance the aesthetics of the City.

SECTION 13. Section 17.52.120 is hereby amended as follows:

17.52.120 Home Occupations

A. Applicability. Home occupations shall comply with the requirements of this section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards). These standards are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation or to the surrounding neighborhood.

B. Permit requirement. A home occupation shall require City approval of a Home Occupation Permit and a Business License.

C. Limitations on use. The following are examples of business activities that may be approved as home occupations, and uses that are prohibited as home occupations:

1. Uses allowed as home occupations. The following and other uses determined by the Director to be similar may be approved by the Director in compliance with this section:

- a. Art and craft work (ceramics, painting, photography, sculpture, etc.);
- b. Tailors, sewing, etc.; and
- c. Office-only uses, including an office for an architect, attorney, consultant, contractor, counselor, insurance agent, planner, tutor, writer, etc., and electronic commerce.

2. Uses prohibited as home occupations. The following are examples of business activities that are not incidental to or compatible with residential activities and are therefore prohibited as home occupations:

- a. Adult entertainment activities/businesses;
- b. Animal hospitals and boarding facilities;
- c. Automotive and other vehicle repair and service (body or mechanical), painting, storage, or upholstery, or the repair, reconditioning, servicing, or manufacture of any internal combustion or diesel engines, or of any motor vehicle, including automobiles, boats, motorcycles, or trucks;
- d. Use of the project site as a storage facility for a contractor and other storage yards;
- e. Dismantling, junk, or scrap yards;
- f. Fitness/health facilities (except that one-on-one personal trainers may be allowed);
- g. Medical clinics, laboratories, or doctor's offices;
- h. Personal services as defined in Article 7 (Glossary), except that licensed massage therapy and physical therapy may be allowed as home occupations in compliance with this section;
- i. On-site sales, except that mail order businesses may be allowed where ~~there is no any~~ stock-in-trade on the site is stored entirely within the dwelling or an accessory structure and does not impede access to required parking or egress;
- j. Uses which require explosives or highly combustible or toxic materials;

k. Welding and machine shop operations;

l. Wood cutting businesses; or

m. Other uses the Director determines to be similar to those listed above.

D. Operating standards. Home occupations shall comply with all of the following operating standards:

1. Accessory use. The home occupation shall be clearly secondary to the full-time use of the property as a residence.

2. Location of home occupation activities. All home occupation activities shall be confined ~~completely to one room~~ within the primary dwelling, which shall not occupy more than 25 percent of the gross interior floor area of the ground floor. Garages or other enclosed accessory structures may be used for home occupation purposes only if required off-street parking spaces are continually maintained. Horticultural activities for home occupation purposes may be conducted outdoors, but only within the rear one-third of the site.

3. Visibility. The use shall not require any exterior modification to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public right-of-way or from neighboring residential properties.

4. Signs. There shall be no advertising signs, other than one non-illuminated name plate, not exceeding one square foot in area, and only if attached flush to a wall of the structure.

5. Safety. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.

6. Off-site effects. No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.

7. Outdoor display or storage. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.

8. Employees. A home occupation shall have no on-site employees other than full-time residents of the dwelling.

9. Client/customer visits. The home occupation shall be operated so as to not require more than eight vehicle trips per day of clients, customers, visitors, and/or service visits

(including deliveries or pick-up of stock in-trade) to the residence. On-site presence of clients or customers shall be limited to one client or family at a time, and only between the hours of 9:00 a.m. and 8:00 p.m.

10. Motor vehicles. There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles and/or one pickup truck, van, or similar vehicle not exceeding one-and-one-half-ton carrying capacity. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups. The Commission may authorize other types and/or additional vehicles with Use Permit approval.

11. Utility service modifications. No utility service to the dwelling shall be modified solely to accommodate a home occupation, other than as required for normal residential use.

~~12. Home occupation renewal. A Home Occupation Permit shall be valid for a period of two years. To remain valid after the two-year period, the applicant is responsible for applying for an extension to the Home Occupation Permit. Failure to obtain an extension will result in the permit becoming null and void.~~

SECTION 14. Section 17.52.130.B is hereby amended as follows:

B. Existing structures. A pre-existing structure that is converted to a live-work unit may deviate from the development standards included in this section ~~through the minor variance process~~. Deviations shall be the minimum needed and only permitted when full implementation of the development standard is not feasible, as determined by the ~~Planning Director~~ review authority.

SECTION 15. Table 5-1 Section 17.60.020 is hereby amended as follows:

Type of Action	Applicable Zoning Ordinance Section	Role of Review Authority			
		Director or Zoning Administrator	Board of Architectural Review	Planning Commission	City Council

Administrative and Legislative Decisions

General Plan or LCP Amendment	17.764	Recommend		Recommend	Decision
Interpretation	17.04	Decision ⁽²⁾		Appeal	Appeal
Precise Plan or Amendment	17.62.060	Recommend		Recommend	Decision
Specific Plan or Amendment	17.764	Recommend		Recommend	Decision

Zoning Ordinance or Map Amendment	17.764	Recommend		Recommend	Decision
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Planning Permit Decisions

Architectural Review	17.62.030	Recommend ⁽³⁾	Decision	Appeal	Appeal
Certificate of Appropriateness	17.68.050	Recommend		Decision	Appeal
Certificate of Appropriateness – Minor	17.68.050	Decision		Appeal	Appeal
Home Occupation Permit	17.52.120	Decision		Appeal	Appeal
Limited Term Permit	17.62.040	Decision		Appeal	Appeal
Master Sign Program	17.40.030.B	Recommend⁽³⁾		Decision	Appeal
Minor Use Permit	17.62.070	Decision⁽²⁾ Recommend⁽³⁾		Appeal	Appeal
Minor Variance	17.62.080	Decision⁽²⁾	-	Appeal	Appeal
Planned Development Permit	17.62.050	Recommend		Decision	Appeal
Sign Permit	17.40.030.A	Recommend Decision	Decision	Appeal	Appeal
Use Permit	17.62.070	Recommend ⁽³⁾		Decision	Appeal
Variance	17.62.080	Recommend ⁽³⁾		Decision	Appeal
Zoning Clearance	17.62.020	Decision ⁽²⁾		Appeal	Appeal

Subdivision Decisions

Minor Subdivision	Subdivision Ordinance	Recommend		Decision	Appeal
Major Subdivision		Recommend		Recommend	Decision

Notes:

(1) “Recommend” means that the review authority makes a recommendation to a higher decision-making body; “Decision” means that the review authority makes the final decision on the matter; “Appeal” means that the review authority may consider and decide upon an appeal to the decision of a prior decision-maker, in compliance with Chapter 17.76 (Appeals).

(2) The ~~Director~~ Zoning Administrator may defer action and refer the request to the Commission, so that the Commission may instead make the decision.

(3) The Zoning Administrator may administratively approve these applications subject to the requirements of the applicable Section regulating issuance of the specific permit type.

SECTION 16. Section 17.62.030 is hereby amended as follows:

17.62.030 Architectural Review

A. Purpose. Architectural ~~Review~~ is intended to improve the aesthetic appearance of open spaces and structures, especially those visible from public rights-of-way, and to establish design standards and policies promoting and enhancing good design.

B. Applicability. Architectural ~~Review~~ shall be required for the following projects:

1. For nonresidential, multi-family residential, and mixed-use projects: all new construction and additions of 50 percent or greater to existing structures;
2. For single-family residential projects: all new construction, additions to existing structures that result in a height of greater than 18 feet, and all new second-story elements including decks, roofs, exterior staircases, roof decks, projections, etc.;

3. Landscape and irrigation plans for new construction of multi-family residential, commercial, and other nonresidential development;

~~4. Residential subdivisions resulting in two or more dwellings;~~

~~5. Publicly financed projects administered by the City;~~

~~46. Master sSign pPrograms and murals as required by Subsection 17.40.080.D, or signs proposed within the City that are determined by the Zoning Administrator not to be professionally rendered or in strict compliance with Chapter 17.40 (Signs) or an existing master sign program previously approved by the Board of Architectural Review; provided, that each sign complies with the requirements of Chapter 17.40 (Signs); and~~

~~57. Satellite dish antennas greater than one meter in diameter;~~

~~68. Any change(s) to projects that previously received Architectural Review approval from the Board of Architectural Review that cannot be approved by the Zoning Administrator in accordance with Section 17.64.090 (Changes to an Approved Project).~~

~~C. Review authority. Architectural review shall be conducted by the Board of Architectural Review which shall report its findings to the applicable project review authority. A project that requires Commission and/or Council approval shall obtain that approval prior to final design approval by the Board of Architectural Review. The Director may require what the Director determines to be a project of significant size or impact to receive conceptual design review by the Board of Architectural Review prior to~~

final action by the Commission or Council. Project review, notice, and hearing. Each application shall be reviewed by the Zoning Administrator.

1. The Zoning Administrator may administratively approve an Architectural Review if all of the following requirements are met:

a. The Zoning Administrator has made the following findings:

(1) The proposed structure will not adversely impact the character of the neighborhood; and

(2) The proposed structure will be compatible with the scale, bulk, height, and location of existing structures located on the neighboring block face; and

(3) The project is exempt or is not a project under CEQA; and

(4) A Notice of Intent to Approve has been mailed to all real property owners within 300 feet of the property and no protest has been received; and

(5) The applicant has complied with the requirements of Section 17.62.030.D.

2. If the project does not meet the requirements specified in Section 17.62.030.C.1 above, then the application for Architectural Review shall be considered by the Planning Commission. Additionally, the Zoning Administrator may refer any Architectural Review application to the Planning Commission as deemed appropriate.

3. Projects approved by the Zoning Administrator pursuant to Section 17.62.030.C.1 may be appealed to the Planning Commission pursuant to Chapter 17.76. If the Zoning Administrator determines that the project should be denied, the item shall automatically be referred to the Planning Commission with no need for appeal.

D. Staking and flagging required. An applicant for Architectural Review shall do one of the following:

1. At least 14 days prior to the date of consideration for an Architectural Review application, staking and flagging shall be erected by the applicant or the applicant's agent, for all proposed ~~new commercial~~ structure(s) (including new structures and additions), and ~~residential new construction and addition(s) to existing structure(s)~~ over 18 feet in height, to demonstrate the dimensions and heights of the ridge lines at the highest peak of each roof line and perimeter. Staking and flagging installation shall comply with the City's standards on staking and flagging. The Zoning Administrator may require that the applicant provide evidence to verify that the staking and flagging has taken place and accurately represents the proposed development.

2. For situations where staking and flagging for a structure over 25 feet in height is infeasible due to verified logistical or safety concerns, the Zoning Administrator may

allow the applicant to perform the following alternative means of compliance for staking and flagging:

a. In addition to public notices required pursuant to 17.78.020, a copy of the public hearing notice shall be sent to the occupant of every physical address located within 300 feet at least 10 days prior to the hearing; and

b. The applicant shall cause to have prepared by a licensed architect, surveyor, engineer, or other licensed professional deemed qualified by the Zoning Administrator, architectural renderings accurately showing the building as it would be viewed from multiple locations, including nearby streets, adjacent properties, and other views that may be significantly impacted; and

c. At least 14 days prior to the hearing, the applicant shall post in a conspicuous place along each road frontage abutting the property a sign, not less than three feet by five feet in size, providing a description of the project. A minimum of 40% of the area of the sign shall be occupied by an architectural rendering approved by the Zoning Administrator, and the sign shall also include a description of the project, the time, place, and hearing body for any public hearing.

The applicant shall be responsible for any and all costs for staking and flagging or alternative means of compliance.

E. Review considerations. Architectural ~~Review~~ ~~approval~~ shall require that the ~~Board of Architectural Review~~ review authority ~~shall first~~ evaluate the following aspects of each project:

1. Architectural considerations. Architectural considerations, including the character, quality, and scale of the design, architectural relationship with the site and other structures, building materials, colors, fencing, trash enclosure and walkway improvements, exterior lighting and signs, and the screening of exterior appurtenances.

2. Landscape considerations. Landscape considerations, including the color, coverage, location, size, texture, and type of plant materials, provisions for irrigation, maintenance, and the protection of landscaped areas, and similar elements. The ~~Board of Architectural Review~~ review authority shall encourage the planting of native and/or drought-tolerant landscaping in compliance with Section 17.30.040 (Landscaping Standards).

3. Lighting considerations. Proposed outdoor lighting, including the proposed placement of fixtures, type of fixtures, and illumination levels.

F. Conditions of approval. In making its decisions, the ~~Board of Architectural Review~~ review authority may impose the conditions as it deems reasonable and necessary to protect the best interests of the surrounding area, as well as to further the public health, safety, and general welfare of the community.

G. Review and approval of minor changes. The ~~Board of Architectural Review~~ review authority may adopt, ~~by resolution, subject to ratification by the Commission,~~ measures to streamline the review and approval of minor changes not specifically listed in Section 17.64.090 (Changes to an Approved Project).

SECTION 17. Section 17.62.040 is hereby amended as follows:

17.62.040 Limited Term Permit

A. Purpose. This section establishes procedures and standards for the review of Limited Term Permits for short-term activities that may not comply with standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.

B. Review authority. A Limited Term Permit may be reviewed, and approved or disapproved administratively by the Zoning Administrator, in compliance with this section.

C. Applicability. A Limited Term Permit may be granted only for the activities listed in Subsection E of this section.

D. Exempt short-term activities. The following short-term activities are allowed without a Limited Term Permit. A short-term activity that is not within the following categories shall comply with Subsection E or F of this section:

1. Construction yard – On-site. An on-site contractors' construction yard for an approved construction project. The yard shall be removed from the site immediately upon completion of the project, or the expiration of the Building Permit authorizing construction, whichever occurs first.

2. Emergency activity. Emergency public health and safety activities, as determined by the City Manager or Council.

3. Event on site approved for public assembly. An event on the site of, or within, a public or private meeting facility, school, theater, or similar facility designed and approved by the City for public assembly, and occurring during daylight hours and with no amplified outdoor sound.

4. Event or activities on public property. Parades on public streets, events in public parks, golf courses, or on other publicly owned property, and approved by the City's ~~Special Events Committee~~.

5. Fundraising event. A temporary fundraising event within a nonresidential zone or on the site of an established nonresidential use within a residential zone, limited to a maximum of ~~one~~ two events of no more than three consecutive days, per organization, per month per site. ~~A Limited Term Permit may allow an organization to conduct a fundraising event up to six times per year.~~ Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts,

or an organization that is tax exempt in compliance with U.S. Internal Revenue Code Section 501(c).

6. Garage sales. Garage sales, not to exceed four per year and two consecutive days, in compliance with Section 17.52.110 (Garage Sales).

7. Public property or public right-of-way work. Construction and maintenance activities conducted on public property that is authorized by an encroachment permit.

E. Allowed short-term activities. The following short-term limited activities may be allowed with a Limited Term Permit, in compliance with this section. A Limited Term Permit may authorize an activity for the time specified by this section, but in no event for more than 12 months. Other short-term activities that are not within the following categories shall instead comply with the planning permit requirements and standards that otherwise apply to the site:

1. Caretaker unit. See definition under Chapter 17.98 (Definitions).

2. Construction yard – Off-site. An off-site contractors' construction yard for an approved construction project. The yard shall be removed immediately upon completion of the project, or the expiration of the Building Permit authorizing construction, whichever occurs first.

3. Events. Art and craft exhibits, carnivals, circuses, concerts, fairs, farmers markets, festivals, flea markets, food events, open air sales, outdoor entertainment/sporting events, religious revivals, rummage sales, secondhand sales, sidewalk sales, swap meets, and other special events, for up to five consecutive days, or four two-day weekends, within a 12-month period, on private, nonresidentially zoned property.

4. Fundraising event. A temporary fundraising event within a residential zone on a site that is vacant or contains an established residential use, limited to a maximum of one event of no more than three consecutive days, per organization, per month, per site, may be allowed with the issuance of a ~~Longer Term~~-Limited Term Permit ~~per Subsection F of this section~~. A ~~longer term~~-Limited Term Permit may also allow an organization to conduct ~~a~~-fundraising events on sites within a nonresidential zone or on the site of an established residential use within a residential zone for more events during a year than would be exempt pursuant to Section 17.62.040.D.5-up to six times per year. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or an organization that is tax exempt in compliance with U.S. Internal Revenue Code Section 501(c).

5. Location filming. The temporary use of a site for location filming for commercials, movies, videos, etc., for the time specified by the Zoning Administrator, but not to exceed 12 months.

6. Model homes. A model home or model home complex may be authorized in compliance with the following standards, and other requirements deemed necessary by the Zoning Administrator:

- a. The sales office and any off-street parking shall be converted back to residential use and/or removed before final building inspection, or within 14 days from the sale of the last parcel in the subdivision, whichever first occurs.
- b. The model home complex shall be used only to sell units within the subdivision where the complex is located.
- c. Model homes may be open to the public only after final building inspection, and after all subdivision improvements are completed and accepted by the City.

7. Seasonal sales lots. Seasonal product sales (e.g., for Halloween, Thanksgiving, Christmas) including a temporary security trailer, on private property in a nonresidential zone or at an established institutional use within a residential zone, for up to 30 days.

8. Temporary facilities during construction. One or more temporary structures may be used during the construction of an approved development as offices, or for the storage of equipment and/or tools.

a. Conditions of approval. Permit approval shall include conditions regarding the following matters:

- (1) Requirements for adequate site ingress and egress;
- (2) A prohibition on the use of the facility for any work other than that on the same site;
- (3) Requirements for the temporary storage of construction debris (e.g., asphalt, concrete, dirt) at designated on-site locations; provided, that the applicant shall furnish a schedule, acceptable to the Zoning Administrator, for the periodic disposal or recycling of the materials; and
- (4) Requirements designed to minimize potential conflicts between the work on site and adjacent land uses.

b. Permit time limit. The permit may be approved for up to 12 months following the issuance of a companion Building Permit, or upon completion of the project, whichever occurs first:

- (1) The permit may be extended by the Zoning Administrator for an additional 12 months if a written request for extension is submitted at least 14 days before permit expiration, and the applicant provides justification for the request that is determined by the Zoning Administrator to be reasonable (e.g., the delay was caused by reasons beyond the applicant's control).

(2) A permit for temporary construction facilities may be extended by the Zoning Administrator as needed; provided, that all construction facilities and equipment shall be removed from the site prior to the approval of a Certificate of Occupancy.

c. Condition of site following completion. Each temporary structure and related improvements shall be completely removed from the site following the expiration of the Limited Term Permit, or within 30 days of completion of the development project, whichever occurs first.

9. Temporary real estate sales office. A temporary real estate sales office may be approved within an approved subdivision, solely for the first sale of homes within the subdivision. The sales office shall be completely removed from the site prior to issuance of a Certificate of Occupancy.

10. Temporary business office or private school classroom. A trailer or mobile home may be allowed as a temporary work site for employees of a business in advance of the completion of a permanent facility, or as a temporary classroom for a school; provided, that:

a. The permanent use has obtained all necessary zoning approvals/permits~~been granted~~
~~Use Permit approval by the Commission;~~ and a Building Permit is has been obtained for the trailer or mobile home; and~~s well as~~ the permanent structure;

b. The use is appropriate because:

(1) The trailer or mobile home will be in place during construction or remodeling of a permanent commercial, industrial, or classroom structure for a maximum of 1224 months, or upon expiration of the Building Permit for the permanent structure, whichever first occurs; or

(2) The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of 1224 months, while a permanent work site is being obtained; and

c. The trailer or mobile home is removed before final building inspection or the issuance of a Certificate of Occupancy for the permanent structure.

(1) A temporary business office or school classroom may be allowed for up to 24 months, and the ~~Commission~~Zoning Administrator may grant one extension of up to 12 months.

11. Similar temporary activities. A temporary activity that the Zoning Administrator determines is similar to the other activities listed in this subsection, and compatible with the applicable zoning and surrounding land uses.

F. Longer-term limited activities subject to a Use Permit. The ~~Commission-City~~ may authorize a temporary land use that would occur for a longer period than allowed short-term land uses listed under this section by Use Permit approval, in compliance with Section 17.62.070 (Use Permit and Minor Use Permit), in lieu of a Limited Term Permit. The ~~Commission~~-review authority may determine that a proposed temporary land use is similar to and compatible with a listed use and may be allowed, only after first making all of the following findings with the determination:

1. The characteristics of, and activities associated with, the use are similar to one or more of the listed allowed short-term uses under Subsection E of this section and will not involve a greater intensity than the uses listed in the zone;
2. The use will be consistent with the intents and purposes of the applicable zone;
3. The use is consistent with the General Plan and any applicable specific plans;
4. The use is compatible with the other uses allowed in the zone; and
5. The use is not listed as allowable in any other zone.

A determination that a use qualifies as a similar and compatible use, with the findings supporting the determination, shall be made in writing upon Use Permit approval.

G. Development standards. The Zoning Administrator shall establish the following standards based on the type of short-term activity, using the requirements of the applicable zone, and Articles 3 (Site Planning, Design, and Operational Standards) and 4 (Standards for Specific Land Uses) for guidance:

1. Access, floor areas, heights, landscaping, off-street parking, setbacks, signs, utilities, and other structure and property development improvements and features;
2. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Ordinance; and
3. Limitation on the duration of any approved “temporary structure,” to a maximum of 12 months, so that it shall not become a permanent or long-term structure.

H. Application filing and processing. An application for a Limited Term Permit shall be filed and processed in compliance with Chapter 17.60 (Permit Application Filing and Processing). The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings and sketches, and data/materials identified in the Department handout for Limited Term Permits, and any applicable fees. An application for a Limited Term Permit shall be submitted at least four working days prior to the proposed event date in order for staff to review the request.

I. Project review, notice, and hearing.

1. Zoning Administrator review. Each application shall be reviewed by the Zoning Administrator to ensure that the proposal complies with all applicable requirements of this Zoning Ordinance.
2. Public notice and hearing requirements. No public notice or hearing is required prior to a Zoning Administrator decision on a Limited Term Permit. Public notice and, if necessary, a hearing is required prior to a ~~Commission~~ decision on a Use Permit in compliance with Chapter 17.78 (Public Hearings).

J. Findings and decision. The Zoning Administrator shall approve a Limited Term Permit only after first finding that the requested short-term activity complies with all applicable standards in this section.

K. Post-approval procedures. The procedures and requirements in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration), shall apply following a decision on a Limited Term Permit application.

1. Condition of the site following short-term activity. Each site occupied by a short-term activity shall be cleaned of debris, litter, or other evidence of the temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Ordinance. Performance security may be required before initiation of the activity to ensure cleanup after the activity is finished in compliance with Section 17.64.070 (Performance Guarantees).
2. Performance security for temporary structures. Before issuance of a Limited Term Permit, the applicant shall provide performance security in a form and amount acceptable to the Zoning Administrator to guarantee removal of all temporary structures within 30 days following the expiration of the Limited Term Permit in compliance with Section 17.64.070 (Performance Guarantees).

SECTION 18. Section 17.62.050 is hereby amended as follows:

17.62.050 Planned Development Permit

A. Purpose. The Planned Development Permit is intended to provide for flexibility in the application of Zoning Ordinance standards to ~~proposed development under limited and unique circumstances. The purpose is to~~ allow for consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Zoning Ordinance standards would produce without adjustment. ~~The City expects e~~Each Planned Development project ~~must to~~ be of obvious, significantly higher quality than would be achieved through conventional design practices and strict application of Zoning standards. Economic gain or the loss of prospective profits shall not be a basis for consideration of a Planned Development Permit.

B. Applicability. A Planned Development Permit application may be filed and processed only under the following circumstances:

~~1. Minimum site area. A Planned Development Permit may be requested only for a residential, commercial, industrial, or mixed-use development on a site of one acre or larger.~~

~~21.~~ Timing of permit. No Building or Grading Permit shall be issued on a site for which a Planned Development Permit is proposed until the Planned Development Permit has been approved in compliance with this section.

~~32.~~ Scope of approval.

a. Planned Development Permit approval may adjust or modify, where determined by the review authority to be necessary and justifiable, any applicable development standard of this Zoning Ordinance (e.g., building height, setbacks, parking, street layout); provided, that the approval shall not authorize a land use that is not allowed in the applicable zone by Article 2 nor alter any development standard that is specified within the General Plan.

~~b. A project proposing increased residential density may only be approved by the Council in compliance with Chapter 17.33 (Affordable Housing Incentives).~~

C. Project design and development standards. A planned development project shall be designed and constructed in compliance with the following requirements, in addition to all other applicable requirements of this Zoning Code:

1. Infrastructure requirements. A planned development proposal shall not be approved unless adequate sewer and water lines and streets already service the site, or the developer proposes to install the facilities at the developer's expense.

2. Street design. The street system in a planned development shall conform to the existing topography rather than cut through it, to minimize cut-and-fill grading activities. A planned development of five or more acres shall be designed and constructed with direct access to at least one major thoroughfare.

3. Preservation of community assets and landmarks. Historic places, groves, scenic points, trees, waterways, and other community assets and landmarks within the project site shall be preserved to the greatest extent possible.

4. Open space. A residential planned development project of three acres or more shall be designed to either provide a minimum of 10 percent of the total area in one centrally located usable open space area, or dedicate 10 percent of the total area of the site to the City. If the latter alternative is proposed, the City shall reserve the right to accept or reject

a dedication. In either instance, at least one-half of the total open space area shall be directly accessible to the public, and open to use year-round.

5. Screening buffer. A planned unit development project proposed to be of higher density or different character than an existing abutting single-family residential neighborhood shall be designed and constructed to provide an appropriate screening buffer between the proposed development and the abutting residential neighborhood.

D. Application filing and processing.

1. Pre-application conference. An applicant who intends to file an application for Planned Development Permit approval ~~shall~~may first participate in a pre-application conference in compliance with Subsection 17.60.040.A (Application Preparation and Filing – Pre-application conference).

2. Application content. An application shall be prepared and filed in compliance with Chapter 17.60 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings, as required by Subsection G.1 of this section.

E. Review authority. A Planned Development Permit may be granted by the Commission.

F. Project review, notice, and hearing.

1. Application review. Each Planned Development Permit application shall be analyzed by the ~~Director~~Zoning Administrator to ensure that the application is consistent with the purpose and intent of this section. The ~~Director~~Zoning Administrator shall submit a staff report and recommendation to the Commission for their consideration.

2. Public hearing. The Commission shall conduct a public hearing on an application for a Planned Development Permit before the approval or disapproval of the permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.78 (Public Hearings).

G. Commission action. Following a public hearing, the Commission may approve or disapprove a Planned Development Permit, and shall record the decision and the findings upon which the decision is based.

1. Required findings. The Commission may approve a Planned Development Permit only after first finding that:

a. The project is consistent with the General Plan and any applicable specific plan, any applicable density bonus requirements (see Chapter 17.33 – Affordable Housing Incentives), and is allowed within the applicable zone;

- b. The project complies with all applicable provisions of this Zoning Ordinance other than those modified by the Planned Development Permit;
- c. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;
- d. The approved modifications to the development standards of this Zoning Ordinance are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of any identified environmental impacts;
- e. The development authorized by the Planned Development Permit approval will be of significantly higher quality, more energy efficient, more conserving of resources, and/or will produce fewer and less serious environmental impacts than development that could otherwise occur in compliance with the requirements of this Zoning Ordinance without adjustment;
- f. The project can be adequately, conveniently, and reasonably served by public facilities, services, and utilities;
- g. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

2. Conditions of approval. In approving a Planned Development Permit, the Commission may impose any conditions deemed reasonable and necessary to ensure that the project will comply with the findings required by Subsection G.1 of this section.

H. Time limit and expiration. A Planned Development Permit shall expire and become void ~~12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless project construction has commenced within the required time limit, and construction continues thereafter under valid Building Permits, or an extension of time has been granted by the Zoning Administrator. A Planned Development Permit may be extended once, for a maximum of 12 months, unless it is exercised or extended within the timeframes specified in Section 17.64.080.~~

I. Post approval procedures. The procedures and requirements in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration), shall apply following a decision on an application for Planned Development Permit approval.

SECTION 19. Section 17.62.070 is hereby amended as follows:

17.62.070 Use Permit and Minor Use Permit

A. Purpose. The Use Permit and Minor Use Permit are for the discretionary review of uses and activities that may be appropriate in an applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site. Use Permit or Minor Use Permit approval or denial is entirely at the discretion of the City, and approval may be granted only in compliance with this section.

B. Applicability. The requirements of this section apply to uses listed within Article 2 (Zones, Permitted Land Uses, and Zoning Standards) as requiring either a Use Permit or Minor Use Permit. Minor Use Permit approval may be considered only for a project that is exempt from the California Environmental Quality Act (CEQA). A project that is required by Article 2 to have Minor Use Permit approval, but is not exempt from CEQA, shall instead require a Use Permit.

~~C. Review authority. A Use Permit shall be approved or denied by the Commission; a Minor Use Permit shall be approved or denied by the Zoning Administrator; provided, that the Zoning Administrator may choose to refer any Minor Use Permit application to the Commission for hearing and decision in the same manner as a Use Permit.~~

~~CD.~~ Application filing and processing. A Use Permit or Minor Use Permit application shall be prepared, filed and processed in compliance with Chapter 17.60 (Permit Application Filing and Processing). It is the responsibility of the applicant to establish evidence in support of the findings required by Subsection F of this section (Findings and decision).

~~DE.~~ Project review, notice, and hearing. Each application shall be reviewed by the ~~Director~~ Zoning Administrator to ensure that the proposal complies with all applicable requirements of this Zoning Ordinance.

~~1. Use Permit. The Commission shall conduct a public hearing on an application for a Use Permit before a decision on the application. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.78 (Public Hearings).~~

~~2. Minor Use Permit. The Zoning Administrator shall conduct a public hearing on an application for a Minor Use Permit before a decision on the application. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.78 (Public Hearings).~~

~~3. Staking and flagging required. At least 14 days prior to the date of a hearing as described in Subsections E.1 and E.2 of this section, an applicant requesting approval of a Use Permit or Minor Use Permit shall erect staking and flagging, for all proposed new commercial structure(s), and residential new construction and addition(s) to existing structure(s) over 18 feet in height, to demonstrate the dimensions and heights of the ridge lines at the highest peak of each roof line and perimeter. Staking and flagging installation~~

~~shall comply with the Department handout on staking and flagging. The Zoning Administrator may administratively approve a Minor Use Permit or Use Permit if all of the following requirements are met:~~

- ~~a. The Zoning Administrator has determined that all of the findings identified in Section 17.62.070.E may be made; and~~
 - ~~b. The project is exempt or is not a project under CEQA; and~~
 - ~~c. A Notice of Intent to Approve has been mailed to all real property owners within 300 feet of the property and no protest has been received; and~~
 - ~~d. If the Use Permit or Minor Use Permit is accompanied by an application for Architectural Review, the applicant has complied with the requirements of Section 17.62.030.D~~
- ~~2. Projects not meeting the requirements above shall be referred to the Planning Commission. The Zoning Administrator may also choose to refer any application to the Planning Commission.~~
 - ~~3. Projects approved by the Zoning Administrator pursuant to Section 17.62.070.D.1 may be appealed to the Planning Commission pursuant to Chapter 17.76. If the Zoning Administrator determines that the project should be denied, the item shall automatically be referred to the Planning Commission with no need for appeal.~~
 - ~~4. Projects referred to the Planning Commission shall comply with all requirements for noticing typically required for a public hearing.~~

~~FF.~~ Findings and decision. The review authority may approve or deny an application for Use Permit or Minor Use Permit approval. The review authority may approve a Use Permit or Minor Use Permit only after first finding all of the following:

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity;
4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

~~G.—Findings and decision for Americans with Disabilities Act (ADA) accommodations. The review authority may approve or deny an application for Minor Use Permit approval for a modification to development standards of this Zoning Ordinance for a residential project after first making the following findings. The review authority shall record the decision and the findings on which the decision is based.~~

~~1.—An individual protected under the Americans with Disabilities Act has a special need that would only be served by the requested modification to development standards for the proposed project;~~

~~2.—The design, location, size, and operating characteristics of the proposed modification are compatible with the existing and planned future land uses in the vicinity; and~~

~~3.—Alternative accommodations which may provide an equivalent level of benefit, but would not require modifications to the development standards of this Zoning Ordinance, are infeasible for the proposed project.~~

FH. Conditions of approval. In approving a Use Permit or Minor Use Permit, the review authority may impose any reasonable conditions to ensure that the approval will comply with the findings required by Subsection FE of this section. Any Use Permit granted for any medical or adult cannabis dispensary shall include as a condition the obtaining of a development/operating agreement with the City which shall require periodic review of performance and compliance as deemed appropriate by the City.

HI. Post review procedures. The procedures and requirements in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration), shall apply following the decision on an application for a Use Permit or Minor Use Permit.

SECTION 20. Section 17.62.080 is hereby amended as follows:

17.62.080 Variance ~~and Minor Variance~~

A. Purpose. The Variance ~~and Minor Variance~~ provides a process for City consideration of requests to waive or modify certain standards of this Zoning Ordinance when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zone.

B. Applicability. A Variance ~~or Minor Variance~~ may be granted to waive or modify any requirement of this Zoning Ordinance except allowed land uses, residential density, floor

area ratio limitations, specific prohibitions (for example, prohibited signs), or procedural requirements.

~~C.— Review authority.~~

~~1.— Variance. A Variance shall be approved or denied by the Commission.~~

~~2.— Minor Variance. A Minor Variance may be approved or denied by the Zoning Administrator to grant relief from only the following requirements of this Zoning Ordinance, up to a maximum reduction of 10 percent:~~

~~a.— Distance between structures;~~

~~b.— Parcel dimensions (not area);~~

~~c.— Setbacks;~~

~~d.— Structure height; or~~

~~e.— On-site parking, loading, and landscaping.~~

~~The Zoning Administrator may choose to refer any Minor Variance to the Commission for hearing and decision.~~

CD. Application filing and processing. An application for a Variance ~~or Minor Variance~~ shall be prepared, filed, and processed in compliance with Chapter 17.60 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection ~~EF~~ of this section.

DE. Project review, notice and hearing. Each application shall be reviewed by the Director to ensure that the proposal complies with this section, and other applicable requirements of this Zoning Ordinance.

~~1. Variance. The Commission shall conduct a public hearing on an application for a Variance prior to a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.78 (Public Hearings).~~

~~2.— Minor Variance. The Zoning Administrator may approve or deny a Minor Variance without a public hearing, or may choose to refer any Minor Variance application to the Commission for a hearing and decision in the same manner as provided for a Variance by Subsection E.1 of this section.~~

~~a.— Public notice. The notice shall state that the Director will decide whether to approve or deny the Minor Variance application on the date specified in the notice, and that a~~

~~public hearing will be held only if requested in writing by any interested person prior to the specified date for the decision.~~

~~b. — Hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 17.78 (Public Hearings), and the Commission shall conduct the public hearing prior to a decision on the application in compliance with Chapter 17.78. The Zoning Administrator may administratively approve a Variance if all of the following requirements are met:~~

~~a. The Zoning Administrator has determined that all of the findings identified in Section 17.62.080.E may be made; and~~

~~b. The project is exempt or is not a project under CEQA; and~~

~~c. A Notice of Intent to Approve has been mailed to all real property owners within 300 feet of the property and no protest has been received; and~~

~~d. If the Variance is accompanied by an application for Architectural Review, the applicant has complied with the requirements of Section 17.62.030.D.~~

~~2. Projects not meeting the requirements above shall be referred to the Planning Commission. The Zoning Administrator may also choose to refer any application to the Planning Commission.~~

~~3. Projects approved by the Zoning Administrator pursuant to Section 17.62.080.D.1 may be appealed to the Planning Commission pursuant to Chapter 17.76. If the Zoning Administrator determines that the project should be denied, the item shall automatically be referred to the Planning Commission with no need for appeal.~~

~~4. Projects referred to the Planning Commission shall comply with all requirements for noticing typically required for a public hearing~~

~~FE.~~ Findings and decision. The review authority may approve or deny an application for a Variance ~~or Minor Variance~~. The Review Authority shall record the decision and the findings on which the decision is based.

1. Required ~~V~~variance findings. The review authority may approve a Variance only after first making all of the following findings:

a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and within the same zone;

b. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone.

c. The Variance is consistent with the General Plan, and any applicable specific plan.

~~2.—Required Minor Variance findings. The review authority may approve a Minor Variance only after first making all of the following findings:~~

~~a.—The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan.~~

~~b.—The Minor Variance is consistent with the General Plan, and any applicable specific plan.~~

~~c.—The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use or project, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.~~

~~3.—Reasonable accommodation. The Review Authority may grant a Minor Use Permit for the site planning or development standards of this Zoning Ordinance in compliance with Section 17.62.070 (Use Permit and Minor Use Permit), based on the findings of Subsection 17.62.070.G (Findings and decision for Americans with Disabilities Act (ADA) accommodations).~~

~~GE.~~ Conditions of approval. In approving a Variance ~~or Minor Variance~~, the review authority:

1. Shall impose conditions to ensure that the approval does not grant a special privilege inconsistent with the limitations on other properties in the vicinity, and the zone in which the property is located; and

2. May impose any reasonable conditions to ensure that the approval complies with the findings required by Subsection ~~FE~~ of this section.

~~HG.~~ Post review procedures. The procedures and requirements in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration), shall apply following the decision on an application for a Variance ~~or Minor Variance~~.

SECTION 21. Section 17.64.020 is hereby amended as follows:

17.64.020 Effective Date of Permit, Acceptance of Conditions

A. The approval of a planning permit (i.e., Use Permit, Minor Use Permit, Variance, ~~Minor Variance~~, or Planned Development Permit) shall become effective on the seventh day after the date of approval by the review authority; provided, that no appeal has been filed in compliance with Chapter 17.76 (Appeals).

B. ~~Within 15 days of the date of planning permit approval, the applicant shall sign their agreement with all applicable conditions of approval prior to issuance of any Building Permit or establishment of any use authorized by the permit. or the permit shall become void.~~

SECTION 22. Section 17.64.060 is hereby amended as follows:

17.64.060 Permits to Run with the Land

A Use Permit, Minor Use Permit, Variance, ~~Minor Variance~~, or Planned Development Permit that is granted in compliance with Chapter 17.62 (Permit Review and Decisions) shall be deemed to run with the land from the effective date of the permit through any change of ownership of the site, except in the case where a permit expires and becomes void in compliance with Section 17.64.080 (Permit Time Limits, Extensions, and Expiration). All applicable conditions of approval shall continue to apply after a change in property ownership.

SECTION 23. Section 17.64.070.A is hereby amended as follows:

A. As a condition of approval of a Use Permit, Minor Use Permit, Variance, ~~Minor Variance~~, ~~Planned Development Permit~~, or Architectural Review, upon a finding that the City's health, safety and welfare warrant, the review authority may require the execution of a covenant to deposit security, and the deposit of security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval in the event that the permittee fails to perform. The security shall, as required by law or otherwise at the option of the City, be in the form of cash, a certified or cashier's check, a faithful performance bond, or other security acceptable to the City, executed by the applicant and a corporate surety authorized to do business in California. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.

SECTION 24. Section 17.64.080 is hereby amended as follows:

17.64.080 Permit Time Limits, Extensions, and Expiration

A. Time limits.

1. Unless a condition of approval or other provision of this Zoning Ordinance establishes a different time limit, a permit or approval not exercised within ~~twelvesix~~ months of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B of this section.

2. A planning permit shall not be deemed “exercised” until the permittee has either obtained an issued Building Permit from the City, substantially commenced the approved construction activity and has shown continued progress in construction, or, if no Building Permit is required, has actually commenced the allowed use on the site in compliance with the conditions of approval.

3. After it has been exercised, a planning permit shall remain valid and run with the land in compliance with Section 17.64.060, as long as a Building Permit is active for the project, the applicant has complied with all applicable conditions of approval, ~~and after~~ a final building inspection or certificate of occupancy has been granted, and the use is not discontinued. If a use authorized by planning permit is discontinued for a period of greater than 24 months, then the permit shall become null and void, and reestablishment of the use shall comply with the then-current provisions of the Zoning Ordinance, including the need to obtain a new planning permit, if applicable.

4. If a project is to be developed in approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phase was exercised, unless otherwise specified in the permit, or the unexercised phases of the permit shall expire and become void, except where an extension of time is approved in compliance with Subsection B of this section. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the permit shall be exercised before the expiration of the Tentative Map, or the permit shall expire and become void.

B. Extensions of time. Upon written request by the applicant, the original permit review authority may extend the time for an approved planning permit to be exercised.

1. Filing and review of request.

a. Time for filing. The applicant shall file a written request for an extension of time with the Department at least 30 days before the expiration date, together with the filing fee required by the City’s Fee Schedule.

b. Evidence to be provided. The Zoning Administrator shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant have prevented exercising the permit.

c. Public hearing. If the original approval required a public hearing, the original review authority shall hold a public hearing on a proposed extension of time, after providing notice of the public hearing in compliance with Chapter 17.78 (Public Hearings).

d. Notwithstanding the other provisions of this Chapter, the Zoning Administrator may administratively approve an extension of time for a period of up to one year without the need for public notice, a public hearing, or consideration by the original approving authority if the Zoning Administrator finds that there have been no significant changes to the General Plan, Zoning Ordinance, Specific Plan, or other applicable rules, regulations,

or laws which could have had an impact on the original approval had they been in place at the time of approval, and there have been no changed to the conditions or circumstances of the site or project so that there would have been grounds for disapproval of the original project.

2. Action on extension request. A permit may be extended for a maximum of ~~one~~two additional 12-month periods beyond the expiration of the original approval; provided, that the review authority (e.g., Zoning Administrator or Commission) first finds that there have been no changes in the conditions or circumstances of the site or project so that there would have been grounds for disapproval of the original project. The review authority may grant an extension of less than the maximum time allowed by this section.

3. Conditions of approval. The granting of a time extension in compliance with this section may include the review authority requiring additional conditions of approval as provided by the section of this chapter applicable to the specific permit type (e.g., Use Permit, Planned Development Permit).

C. Effect of expiration. After the expiration of a planning permit in compliance with Subsection A.1 of this section, no further work shall be done on the site until a new planning permit and any required Building Permit or other City permits are first obtained.

SECTION 25. Section 17.72.030.B.1 is hereby amended as follows:

B. Nonconforming structure. A nonconforming structure may continue to be used as follows:

1. Changes to, or expansion of a nonconforming structure. A nonconforming structure may be changed or expanded as follows:

a. Nonresidential or multi-family structures. A nonconforming nonresidential or multi-family structure shall not be enlarged, extended, increased, reconstructed (except as provided in Section 17.72.030.B.2), or relocated.

b. Single-family dwelling. A single-family dwelling that is nonconforming with respect to setback requirements, height limits, and/or other development standards may undergo interior modifications in compliance with Building Code requirements without limitation by this chapter. Exterior modifications that go beyond the existing building footprint or height may be allowed as follows:

(1) The Zoning Administrator may approve a Zoning Clearance for a proposed exterior addition that complies with the setback requirements and height limits of the applicable zone, but that extends beyond the existing building footprint or height.

(2) Any area of an addition that encroaches into a required setback no further than an existing nonconforming portion of the structure may be allowed with Minor Use Permit approval in accordance with Section 17.62.070; provided, that the ~~area of the~~ addition

~~does not exceed 18 feet in height, within the required setback is less than or equal to 25 percent of the total floor area of the existing structure,~~ complies with the Building Code, and the review authority first determines that the addition will not adversely affect any neighboring property or the character of the surrounding neighborhood.

(3) Any area of an addition that encroaches into a required setback no further than an existing nonconforming portion of the structure that is greater than ~~25 percent of the total floor area of the existing structure~~ 18 feet in height may be allowed with Minor Use Permit and Board of Architectural Review approval in accordance with Sections 17.62.070 and 17.62.030, respectively, in compliance with the Building Code, and the review authority ~~yies~~ determine that the addition will not adversely affect any neighboring property or the character of the surrounding neighborhood.

SECTION 26. Section 17.72.040 is hereby amended as follows:

17.72.040 Loss of Nonconforming Status

A. Termination by discontinuance. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of 180 days or longer, all rights to legal nonconforming status shall terminate.

1. The ~~Director~~ Zoning Administrator shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, failure to maintain a current business (operations) tax license on the site, and/or no business records to document continued operation.

2. ~~The Zoning Administrator may grant a Minor Use Permit in compliance with Section 17.62.070 to allow an extension of the 180-day period for a period not to exceed an additional 180 days if the Zoning Administrator first finds that circumstances beyond the control of the applicant prevented the timely reestablishment of the use.~~ The Zoning Administrator shall have the ability to extend the 180-day time period for an additional duration not exceeding 18 months if the applicant can demonstrate that the discontinuance was not due to abandonment and that the discontinuance was either due to factors beyond the applicant's control (such as inability to find a tenant despite a diligent search) or was a deliberate and temporary suspension of the use by the owner for a specific purpose (such as conducting repairs or maintenance of the building).

3. Once legal nonconforming status is terminated, any further use of the site or structure shall comply with the requirements of the applicable zoning district and all other applicable requirements of this Zoning Ordinance.

B. Termination by destruction. Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed; except as provided by Section 17.72.030. B for residential dwellings, and except as follows:

1. If the cost of repairing or replacing the damaged portion of the structure is 60 percent or less of the assessed value of the structure immediately before damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within 12 months of the date of damage and is diligently pursued to completion.

2. Minor Use Permit approval shall be required if the cost of repairing or replacing the damaged portion of the structure is more than 60 percent of the assessed value of the structure immediately before the damage. Minor Use Permit approval shall require a finding, in addition to those contained in Section 17.62.070, that the benefit to the public health, safety, or welfare exceeds the detriment inherent in the restoration and continuance of a nonconformity.

SECTION 27. Section 17.74.010 is hereby amended as follows:

17.74.010 Purpose

This chapter provides procedures for the amendment of the General Plan, [a Specific Plan](#), the official Zoning Map, and this Zoning Ordinance whenever the Council determines that public necessity, convenience, and general welfare require the amendment.

SECTION 28. Section 17.76.030.A.1 is hereby amended as follows:

1. An appeal in compliance with this chapter may be filed by any aggrieved person; except that in the case of a decision on [an Architectural Review](#), Use Permit, Minor Use Permit, Variance, ~~Minor Variance~~, or Planned Development Permit which followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.

SECTION 29. The portion of Section 17.98.020.D headed as “Discretionary Land Use Approval” is hereby amended as follows:

Discretionary Land Use Approval. A decision of the City to approve the request of an applicant for a General Plan amendment, Zoning Map amendment, Tentative Map, Vesting Tentative Map, Final Map, Final Map modification or amendment, boundary line adjustment, Certificate of Compliance, Conditional Certificate of Compliance, development agreement, Minor Use Permit, Use Permit, permit extension of time or modification, Variance, ~~or Minor Variance~~, time extension, Architectural Review, ~~administrative permit pertaining to a land use approval~~ or any accompanying California Environmental Quality Act (CEQA) determination pertaining to any type of approval referred to in this definition.

SECTION 30. The portion of Section 17.98.020.M headed as “Medical Services – Clinic, Urgent Care” is hereby amended as follows:

Medical Services – Clinic, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- medical offices with ~~four~~five or more licensed practitioners and/or medical specialties
- urgent care facilities
- out-patient care facilities
- other allied health services

SECTION 31. The portion of Section 17.98.020.O headed as “Ordinary Maintenance and Repair” is hereby amended as follows:

Ordinary Maintenance and Repair. Work for which ~~a Building Permit is not required,~~ the purpose and effect ~~of which~~ is to correct deterioration of or damage to a structure or any part thereof and/or to restore the structure to its condition before the deterioration or damage. Ordinary Maintenance and Repair may also include non-structural modifications for aesthetic purposes such as changes in color or roofing materials, provided that the modifications are allowed under current rules and regulations.

SECTION 32. The portion of Section 17.98.020.P headed as “Planning Permit” is hereby amended as follows:

Planning Permit. Authority granted by the City to use a specified site for a particular purpose. “Planning Permit” includes, but is not necessarily limited to, Use Permit, Minor Use Permit, Limited Term Permit, Variance, ~~Minor Variance,~~ Architectural Review, and Zoning Clearance, as established by Article 5 (Planning Permit Procedures) of this Zoning Ordinance.

Attachment 2

Each Section in the proposed Resolution is discussed in detail below.

SECTION 1

This amends the Zoning Ordinance Section on Residential Development Regulations. It is primarily a consistency change, updating the Section to reflect changes to Planned Unit Development Permits (see Section 18) and the elimination of the Minor Variance process (see Section 20).

SECTION 2

Currently exterior staircases on a residential structure require a Use Permit. This differs from most second story elements, such as second story additions and decks. Requiring a Use Permit for the staircase usually means that the applicant must apply for two separate permits. Staff believes that an exterior staircase can be considered through the Architectural Review process to avoid the need for multiple permits.

SECTION 3

As a condition of approval of the City's Housing Element, the California Department of Housing and Community Development is requiring that the City adopt a ministerial process for the construction of residential projects to provide reasonable accommodations for persons with disabilities. Currently those accommodations require a Minor Use Permit. This new Section would clarify that reasonable accommodation projects may be approved by the Zoning Administrator. The findings noted are similar to the findings which presently exist (see Section 19 for the prior language).

SECTION 4

This Section provides that modifications to the design standards for the Automotive Regional Commercial (CA) Zoning District may be considered through the Architectural Review process, rather than the Minor Variance process, which has been eliminated (see Section 20)

SECTION 5

This Section provides that signs in the Automotive Regional Commercial (CA) Zoning District will be considered through the standard Master Sign Program process (see Section 10). Although there are proposed changes to the Master Sign Program process (see Section 10), exceptions to sign standards would still require Planning Commission review.

SECTION 6

This Section makes various amendments to requirements for Sign Permits and Master Sign Programs within the Automotive Regional Commercial (CA) Zoning District. It specifies that all signs require a Sign Permit, and removes the requirement for a Master Sign Program for uses other than Auto Sales/Rentals. It also makes a change in the Master Sign Program process to allow for administrative approvals of Master Sign Programs when signs comply with Code requirements. This change mirrors a change described in more detail in Section 10.

SECTION 7

The current Code states that all fences, regardless of height or location, require a Building Permit. The Building Code is designed to ensure that structures meet requirements for structural integrity and safety. The Building Code includes references for when fences and walls require a Building Permit. For example, fences under seven feet in height do not require a Building Permit, while those that are taller do. The City Council has adopted the International Building Code in Title 15 of the Municipal Code. Since Title 15, by reference, states that certain fences are exempt from the need for a Building Permit, this portion of Code conflicts with Title 15. Staff believes that the best way to reconcile this is to remove the requirement for a Building Permit for fences except where required under the Building Code.

SECTION 8

Currently deviations from fencing requirements may be allowed upon approval of a “fence exception.” There is no defined process for a fence exception in the Code – additionally, it is not clear who the review authority is for a fence exception, as Subsection F.1 states both the Zoning Administrator and the Commission have approval responsibility. Staff recommends simplifying this review by having consideration of a fence exception be reviewed through the Variance process. Any fence exemption would need to meet the findings for a Variance in addition to the findings included in the Section.

SECTION 9

The Zoning Code specifies that second driveways may be considered subject to either a review of the Traffic Advisory Committee (followed by Council review) or through the Minor Use Permit process. These two processes are incompatible with each other. Staff proposes to remove the option for a Minor Use Permit and have second driveway applications be considered through the Traffic Advisory Committee with final review by Council (as is the current practice). The Section would also be amended to specify that process only applies to Single-Family Dwellings, as it is extremely common for parking lots associated with other uses to have more than one driveway entrance.

SECTION 10

Section 10 makes several changes to processing procedures for Sign Permits and Master Sign Programs:

Sign Permits would largely remain as-is, except it is clarified that they will be reviewed and approved through the Sign Permit process, as opposed to a Zoning Clearance.

Master Sign Programs are currently always reviewed by the Planning Commission. The proposed amendment would allow for the administrative approval of Master Sign Programs which comply with the provisions of the Zoning Ordinance. Staff believes this is appropriate because the Zoning Ordinance includes extensive direction regarding the allowed size, placement, and number of signs. These provisions can be applied in order to achieve the desired design for signs, and would significantly reduce application processing time by several weeks. Master Sign Programs which would not be in total compliance with the Zoning Ordinance would still be required to obtain Planning Commission approval.

As Sign Permits are administrative in nature, it is unnecessary to have separate findings, as compliance with the Zoning Ordinance is required for approval. The Section on findings has therefore been deleted.

SECTION 11

This Section specifies that changes to sign copy of an existing sign where there are no structural changes do not require a Sign Permit. Examples of this would be changing a placard on an existing cabinet sign, or replacing a hanging sign by reattaching an identically-sized sign to the existing supports. Since the sign is existing and no Building Permit will be required, staff does not believe it is necessary for the applicant to obtain a Sign Permit based solely on the change in content.

SECTION 12

This Section clarifies the method of calculating sign area when a mural is involved. It also clarifies that the process to be used is the Architectural Review process (currently the Planning Commission is the review authority but no process is defined) and also prohibits certain content in murals. It also clarifies that the Art and History Commission will provide recommendations regarding the murals as per Municipal Code Section 2.16.040.L.

SECTION 13

This Section makes some minor changes to Home Occupations. It allows for mail-order businesses to operate out of homes provided that all merchandise is stored within a building and the total number of vehicle trips (including clients, customers, visitor, and or

service visits) remains below the currently allowable number of 8 trips per day. It also eliminates the requirement that Home Occupation Permits be renewed every two years.

SECTION 14

This Section updates a Section on Live-Work Units to remove references to the Minor Variance process (see Section 20).

SECTION 15

This Section makes changes to Table 5-1 to reflect changes made elsewhere in the document and fix incorrect references. The details and rationale behind these changes may be found elsewhere in this document.

SECTION 16

This Section makes extensive changes to the procedures for Architectural Review, as follows:

- 1) The applicability of Architectural Review has been modified to remove the need for Architectural Review for the following:
 - a. Residential subdivisions (the maps are already subject to review as a Minor or Major Subdivision, and any buildings constructed would also be subject to Architectural Review, making this Section superfluous);
 - b. Removal of publically financed projects (these projects are already reviewed and approved by the City Council); and
 - c. The requirement that signs that are not “professionally rendered” or do not comply with the Zoning Ordinance has been removed, as the first criteria is subjective and exceptions to the Zoning Ordinance for signs already requires that the Commission review a Master Sign Program (see Section 10).
- 2) The option has been added in for administrative review of some Architectural Review applications. In order for an application to be considered administratively, it must be exempt from CEQA. Further, the project must employ an architectural design, bulk, height, and scale consistent with existing structures on the neighboring block face. If these criteria are met, the applicant would be required to place staking and flagging (or an alternative – see below) for at least 14 days prior to the approval. Additionally, within 10 days of the proposed date of approval, the City will mail a Notice of Intent to Approve to all real property owners within 300 feet of the property. Any member of the public shall have the option of requesting a public hearing on the project. If a hearing is requested, staff will immediately schedule the project for a hearing. If no protest is received, the Zoning Administrator would then approve the project.
- 3) The staking and flagging section has been modified in two ways. First, it clarifies that the applicability of staking and flagging applies only to new structures or additions over 18 feet in height (currently all commercial buildings arguably

require Architectural Review). Second, it allows for an alternative to staking and flagging in certain circumstances (ie structures over 25 feet in height and facing verified logistical or safety concerns). If the alternative is selected, then public hearing notices must be sent to every physical address within 300 feet, the applicant must have a licensed professional create architectural renderings of the project, and a sign (minimum 3 x 5 feet) that includes an architectural rendering and the public hearing information must be placed along each adjacent street frontage at least 14 days prior to the hearing.

SECTION 17

The main change to this Section, which regulates temporary uses, would be to reduce permitting requirements on non-profits (such as churches) performing fundraising events on their property. There are other minor changes which would reduce some constraints regarding temporary offices or classrooms that may be in place during construction of a permanent facility.

SECTION 18

Planned Development Permits are intended to provide flexibility in Zoning regulations in order to provide for more innovative design. Essentially, these types of permits may allow for modifications to almost any Zoning regulation provided that the modification would result in a better project than strict application of the Zoning standards. This differs from a Variance, with represents an *exception* to the standards based on physical constraints, rather than an *alternative* based on superior project design.

Currently a Planned Development Permit may only be obtained for projects of greater than one acre in size. This Section would remove that restriction, allowing for consideration of projects of any size. Since the determination of whether an alternative is in fact “superior” to strict compliance has a high degree of subjectivity, there is no proposed administrative approval option for this permit type (ie all applications will be referred to the Planning Commission).

SECTION 19

This Section governs the review and approval of Use Permits and Minor Use Permits. The most significant changes are to modify the process to allow for an administrative option as discussed previously in Section 16 (Architectural Review) as well as an elimination of the requirement for a Minor Use Permit for reasonable accommodation applications (as was discussed previously in Section 3).

SECTION 20

This Section presently covers Variances and Minor Variances. Unlike Use Permits and Minor Use Permits, which are currently differentiated based on processes, Variances and Minor Variances serve different purposes. Variances are applications to obtain

exceptions to Zoning Ordinance Development Regulations based on physical constraints on a property that prevents an owner from enjoying privileges enjoyed by other property owners in the vicinity and in the same zone. Minor Variances represent small (up to 10%) deviations from certain development regulations without the need for physical constraints.

Staff has proposed eliminating the Minor Variance application type, proposing instead to utilize the Planned Development Permit to allow for alternatives based on superior design. Variances would remain as-is to allow for exceptions based on physical constraints. The Section also would allow for Variances to be approved administratively using the same procedures for Architectural Review (Section 16) and Use Permits/Minor Use Permits (Section 19).

SECTION 21

The Zoning Ordinance currently requires that an applicant sign an approved permit within 15 days of approval. Staff believes that negating a permit due to delays in signing is not in the public interest. This change would stipulate that the signature must be obtained prior to Building Permit issuance or establishment of the use.

SECTION 22

This Section only removes a reference to Minor Variance applications, since those are proposed to be removed as a part of this change.

SECTION 23

This Section proposes the removal of a reference to a Minor Variance and adds a reference to a Planned Development Permit.

SECTION 24

This Section makes several modifications to regulations related to time limits. These modifications include:

- 1) Currently, applicants who obtain a permit are required to start construction within 6 months of obtaining a permit. This requires that the full Building Permit plan set must be drafted, reviewed, approved, and construction started in a very short time frame. The proposed changes would increase the time to 12 months and also deem the permit exercised upon issuance of a Building Permit.
- 2) Currently, an exercised permit remains in force until revoked. Revocation is a time-consuming process that involves public notification and public hearings. This can result in permits lingering for years or even decades after a use ceases, allowing for uses to reestablish even though they may no longer be appropriate for the area. The changes to this Section would stipulate that if a use is discontinued for 24 months or more, then the permit will expire automatically.

- 3) Currently time extensions must be granted by the body that originally approved a permit. Since the Planning Commission reviews most applications, this means that extensions to existing permits require that staff schedule and notice a hearing before the Commission. The changes to this Section would allow the Zoning Administrator to approve extensions administratively if there have been no material changes to circumstances related to the original approval of the permit.

SECTION 25

A nonconforming use or structure is a use or structure that was legally established but, due to changes in statutes, no longer conforms. Nonconforming uses are treated somewhat differently than nonconforming structures, and in some situations both a use and structure may be nonconforming.

This Section would remove an unclear limitation for some modifications to buildings that would extend an existing legal nonconforming setback. A Minor Use Permit would still be required in all cases, while Architectural Review would be required for structures greater than 18 feet in height (instead of adding more than 25% to the floor area).

SECTION 26

Currently, any use that is discontinued for a period of more than 180 days (excluding those in possession of a previously approved permit – See Section 24) is automatically considered abandoned and any future use of the site must conform to then-current regulations. In practice, staff has found that it is not uncommon for businesses to be inactive for a period greater than that due to difficulties in securing tenants. In some cases, buildings are specialized to a certain use (such as auto repair) and are not easily converted to other conforming uses without significant cost. This Section would allow the Zoning Administrator to extend the time from 180 days to 24 months before a nonconforming use is considered abandoned, provided that the Zoning Administrator can make certain findings.

SECTION 27

This change would clarify that the process for amending a Specific Plan would be identical to the process for amending the General Plan or the Zoning Ordinance.

SECTION 28

This change would treat Architectural Reviews the same as other permits with regards to which persons are allowed to file an appeal. It also removes references to Minor Variances (see Section 20).

SECTION 29

This change would alter the definition of Discretionary Land Use Approval to remove the term Minor Variance (see Section 20) and administrative permits (which are by definition not discretionary). This change is primarily a consistency change, as the term Discretionary Land Use Approval does not appear elsewhere in the Zoning Ordinance.

SECTION 30

Currently, a medical office with “four or more” licensed practitioners is considered under the use “Medical Services – Clinic, Urgent Care.” However, the “Medical Services – Doctor Office” allows for “up to four” licensed practitioners. This makes it unclear under which use a practice with four practitioners would fall. This change would make it clear that an Urgent Care office includes five or more practitioners, while a Doctors Office would continue to include up to four.

SECTION 31

Owners and tenants of nonconforming structures (see discussion in Section 25) are allowed to perform “Ordinary Maintenance and Repair.” However, the definition of Ordinary Maintenance and Repair currently states that anything that requires a Building Permit does not qualify as Ordinary Maintenance and Repair. However, there are many items that would normally be considered repair and maintenance, such as water heater replacement, plumbing/electrical work, reroofing, etc that require a Building Permit. This puts owners and businesses in the uncomfortable position of either performing the work without obtaining Building Permits or allowing the property to deteriorate. Staff recommends adjusting the definition of Ordinary Maintenance and Repair so as not to prohibit maintenance work simply because it requires a Building Permit. The Section would also provide that aesthetic updates may be performed on the property, in order to encourage property owners to continue to invest in and utilize their properties, which would minimize blight.

SECTION 32

This change would simply remove Minor Variance from the list of Planning Permits and acknowledge that not all Planning Permits are explicitly mentioned within this definition.