

CITY OF HERMOSA BEACH

ZONING AND SUBDIVISION ORDINANCE UPDATE

Administrative Provisions

Revised Draft
for Staff Review

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Contents

Introduction	1
Administrative Provisions	5
Chapter 17.04 Planning Authorities.....	5
17.04.010 Purpose	5
17.04.020 City Council	5
17.04.030 Planning Commission	5
17.04.040 Community Development Director	6
17.04.050 Review Authorities for Decisions and Appeals	7
Chapter 17.05 Common Procedures	9
17.05.010 Purpose	9
17.05.020 Application Forms and Fees.....	9
17.05.030 Review of Applications.....	10
17.05.040 Environmental Review	11
17.05.050 Public Notice	11
17.05.060 Conduct of Public Hearings.....	12
17.05.070 Findings and Decision	13
17.05.080 Scope of Approval	14
17.05.090 Effective Dates; Expiration and Extension	14
17.05.100 Revisions to an Approved Permit	15
17.05.110 Revocation of Permits.....	16
17.05.120 Appeals and Calls for Review	17
17.05.130 Interpretations and Determinations.....	19
Chapter 17.06 Zoning Clearance.....	20
17.06.010 Purpose	20
17.06.020 Applicability.....	20
17.06.030 Review Authority	20
17.06.040 Procedures	20

Chapter 17.08 Precise Development Plans.....	22
17.08.010 Purpose	22
17.08.020 Applicability.....	22
17.08.030 Review Authority	22
17.08.040 Procedures	22
17.08.050 Scope of Precise Development Plan Review.....	23
17.08.060 Required Findings	23
17.08.070 Conditions of Approval	24
17.08.080 Appeals; Expiration, Extensions, and Revisions; Revocation.....	24
Chapter 17.09 Use Permits	25
17.09.010 Purpose	25
17.09.020 Applicability.....	25
17.09.030 Review Authority	25
17.09.040 Procedures	25
17.09.050 Required Findings	26
17.09.060 Conditions of Approval	26
17.09.070 Appeals; Expiration, Extensions, and Revisions; Revocation.....	26
Chapter 17.10 Temporary Use Permits	28
17.10.010 Purpose	28
17.10.020 Review Authority	28
17.10.030 Application	28
17.10.040 Required Findings	28
17.10.050 Conditions of Approval	28
Chapter 17.11 Modifications	30
17.11.010 Purpose	30
17.11.020 Applicability.....	30
17.11.030 Review Authority	30
17.11.040 Procedures	30
17.11.050 Required Findings	31

17.11.060 Conditions of Approval	31
17.11.070 Appeals; Expiration, Extensions, and Revisions; Revocation.....	31
Chapter 17.12 Reasonable Accommodation	32
17.12.010 Purpose	32
17.12.020 Applicability.....	32
17.12.030 Review Authority	32
17.12.040 Procedures	32
17.12.050 Required Findings	33
17.12.060 Conditions of Approval	33
17.12.070 Appeals, Expiration, Extensions, and Revisions	34
Chapter 17.13 Variances.....	35
17.13.010 Purpose	35
17.13.020 Applicability.....	35
17.13.030 Review Authority	35
17.13.040 Procedures	35
17.13.050 Required Findings	35
17.13.060 Conditions of Approval	36
17.13.070 Appeals; Expiration, Extensions, and Revisions; Revocation.....	36
Chapter 17.14 Development Agreements.....	37
17.14.010 Purpose	37
17.14.020 Processing Proposed Development Agreements	37
17.14.030 Periodic Review of Development Agreements	37
17.14.040 Action to Determine Validity	37
Chapter 17.15 Amendments.....	38
17.15.010 Purpose	38
17.15.020 Applicability.....	38
17.15.030 Review Authority	38
17.15.040 Initiation of Amendment	38
17.15.050 Procedures	38

17.15.060 Planning Commission Hearing and Recommendation	38
17.15.070 City Council Hearing and Action	39
Chapter 17.16 Enforcement	40
17.16.010 Purpose	40
17.16.020 Duty of Enforcement.....	40
17.16.030 Conformity of Permits and Licenses	40
17.16.040 Inspection and Right of Entry.....	40
17.16.050 Revocation	40
17.16.060 Enforcement	40

Introduction

Zoning updates are significant undertakings for any community. Proceeding with discrete, digestible groups of specific sections make the project more approachable. To this end, this paper presents draft regulations for a major section of the Zoning Ordinance-provisions for the administration of the Zoning Ordinance and processing of permits.

Provisions for administration of the Zoning Ordinance are intended to convey clearly who is responsible for making decisions on zoning applications and what the process is to secure approvals. It is important that this section be understandable to both users and staff. It is organized so that the powers and duties of the relevant planning agency authority are first presented, followed by a chapter on common procedures. Procedures for specific approval processes are then listed from ministerial approvals, such as obtaining zoning clearance, to more technical and substantive approvals, including use permits and variances.

Planning Authorities

This chapter identifies the composition, appointment, and responsibility of each of the review authorities that have a role in implementing the Zoning Ordinance, including the City Council, Planning Commission, and Community Development Director. It includes a summary table of review authorities for decisions and appeals and a general statement that the Director may refer any item for which the Director makes a determination to the Planning Commission where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action.

Common Procedures

The purpose of this chapter is to establish uniform procedures that are common to the application and processing of a variety of different permits and approvals such as Precise Development Plans, Use Permits, Variances, and Amendments. Similar to Chapter 17.98, Procedure, Hearings, Notices, and Fees, of the current Ordinance, this chapter includes everything from application review to time limits and extensions through to post-decision provisions (e.g. expiration, extension, and modification of approvals).

Zoning Clearance

This chapter establishes a procedure for ensuring that all permits or licenses issued by the City conform to the provisions of the Zoning Ordinance. It is intended to replace the City's current Administrative Permit and be the process the City uses for reviewing applications for business licenses, building permits, and other entitlements to ensure that the proposed use or structure is either permitted by right and conforms to all applicable zoning standards or conforms to the

requirements and conditions of any discretionary approval that the City has granted under the Zoning Ordinance. This ministerial review process has broad applicability and is proposed to replace the need to establish a separate permit type for every type of project which undergoes ministerial review when they meet all ordinance requirements such as accessory dwelling units, home occupations, and family day care.

Precise Development Plans

This chapter includes a description of the purpose and processes for Precise Development Plans. The applicability of Precise Development Plans is proposed to be revised so that all types of residential development are exempt from Precise Development Plan review, consistent with State law trends regarding development review of housing projects and Housing Element policies related to reducing barriers to housing development. Consistent with current requirements, all nonresidential development except remodels or additions of less than 1,500 square feet require Precise Development Plan approval.

The draft provisions also include refinements to the existing review procedures for Precise Development Plans to clarify the scope of review for Precise Development Plans, focusing on the physical elements of the project. This serves to distinguish the Precise Development Plan scope of review from that of a Use Permit. This chapter is organized so that action by the appropriate authority is listed first, followed by the application and public hearing provisions. The chapter includes cross-references to specific provisions in Common Procedures, that describe specific requirements for appeals, expiration, extension, modification, and other procedures common to Precise Development Plans and other approvals.

Use Permits

This chapter includes a description of the purpose and processes for Conditional Use Permits which require Planning Commission review and a new type of use permit, Minor Use Permits, which require review by the Director.

Minor Use Permits are a new type of use permit recommended to provide a streamlined process for projects that warrant public notice and discretionary review but are generally “limited in scope and impacts”; thus not always warranting a hearing by the Planning Commission. All applications for Minor Use Permits require public notice; a public hearing on a Minor Use Permit would occur only where the Director refers the Minor Use Permit application to the Planning Commission for decision, or where the Directors decision on a Minor Use Permit is appealed. Such a procedure creates more certainty in the process for both the community and developers while still providing opportunities for public input. Conditional Use Permits are generally reserved for uses that pose potential land use compatibility issues and warrant Planning Commission review and approval.

This chapter is organized so that action by the appropriate authority is listed first, followed by the application and public hearing provisions. The chapter includes cross-references to specific provisions in Common Procedures that describe specific requirements for appeals, expiration, extension, modification, and other procedures common to use permits as well as other approvals.

Temporary Use Permits

Regulations governing temporary uses on private property were included in the Standards for Specific Uses section of the Preliminary Draft Use Regulations. Those rules identified certain temporary uses that require a Temporary Use Permit. This chapter details the permit procedures for those temporary uses.

Modifications

Similar to the current provisions for Administrative Variances, this chapter is intended to provide an alternate means of granting limited relief from code requirements when so doing would be consistent with objectives of the Zoning Ordinance and the General Plan and it is not possible or practical to approve a Variance.

Modifications may be granted as specifically identified in any section of the Zoning Ordinance. Additionally, a Modification of up to 10% of any dimensional standard may be granted. If a request for a Modification is associated with a project that requires Planning Commission approval, the Planning Commission is the review authority. If no other portion of the project requires Planning Commission review, the Director is the review authority and public notice is provided to property owners within 100 feet of the project.

Reasonable Accommodation

This chapter includes procedures to ensure compliance with State and Federal laws that require accommodation of certain protected uses, consistent with Section 17.42.120, Housing Accessibility - Reasonable Accommodation for Disability, of the current Ordinance.

Variances

This chapter incorporates provisions for Variances that are applicable to situations where the variation exceeds the thresholds to be considered a Modification, or are not otherwise entitled to Modification under those rules or other regulations. Where procedures are the same as for use permits and other approvals, the chapter refers to relevant requirements in Common Procedures.

Development Agreements

This chapter carries forward the provisions of Chapter 17.64, Development Agreements, which establishes City procedures for consideration of development agreements when requested by an applicant.

Amendments

This chapter contains provisions for amending the Zoning Ordinance text and the Zoning Map, consistent with State law.

Enforcement

This chapter revises procedures in Chapter 17.74, Penalty, for enforcement of Zoning Ordinance regulations. The revised chapter references Title 1 of the Municipal Code which addresses violations, penalties, and citations. Provisions that are covered by other rules and regulations including the Penal Code and Titles 1 and 8 of the Municipal Code are removed.

Administrative Provisions

Chapter 17.04 Planning Authorities

17.04.010 Purpose

This Chapter lays out the basic roles, responsibilities, and functions of all planning authorities under this Title, including the City Council, Planning Commission, and Community Development Director.

17.04.020 City Council

The powers and responsibilities of the City Council include, but are not limited to the following:

- A. Consider and adopt, reject or modify proposed amendments to the Zoning Ordinance and Zoning Map and environmental documents related to any of the foregoing, pursuant to
- B. Consider and adopt, reject, or modify Development Agreements, following a public hearing and recommended action by the Planning Commission, pursuant to Chapter TBD, Development Agreements.
- C. Hear and decide appeals from decisions of the Planning Commission pursuant to Section TBD, Appeals and Calls for Review.
- D. Establish, by resolution, a Municipal Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Title.

17.04.030 Planning Commission

The powers and responsibilities of the Planning Commission include, but are not limited to the following:

- A. Annually review progress towards implementation of the General Plan and make recommendations to the City Council based on any new legislation, development trends, or changing economic, social, and environmental conditions.
- B. Approve, modify, or deny Precise Development Plans, Conditional Use Permits and Variances, pursuant to Chapter TBD, Precise Development Plans; Chapter TBD, Use Permits; and Chapter TBD, Variances.
- C. Make recommendations to the City Council on development agreements, pursuant to Chapter TBD, Development Agreements.

- D. Make recommendations to City Council on proposed amendments to the Zoning Ordinance and Zoning Map and environmental documents related to any of the foregoing, pursuant to Chapter TBD, Amendments.
- E. Hear and decide appeals from decisions of the Community Development Director, pursuant to Section TBD, Appeals and Calls for Review.
- F. Hear and decide proposals to revoke permits, pursuant to Section TBD, Revocation of Permits.
- G. Make environmental determinations on any approvals that are subject to environmental review under the California Environmental Quality Act, pursuant to State law.
- H. Such other powers and responsibilities as assigned or directed by the City Council.

17.04.040 Community Development Director

The powers and responsibilities of the Community Development Director (“the Director”), or their designee, include, but are not limited to the following:

- A. Maintain and administer the Zoning Ordinance, including the processing of applications, abatements, and other enforcement actions.
- B. Interpret the Zoning Ordinance as needed for members of the public and other City Departments.
- C. Prepare rules and procedures necessary for conducting the Director’s business. They may include the administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure, and recordkeeping). These rules and procedures must be approved by City Council resolution, following review and recommendation by the Planning Commission.
- D. Review applications for permits and licenses for conformance with this Title and issue a Zoning Clearance when the proposed use, activity or building is allowed by right and conforms to all applicable development and use standards.
- E. Approve, modify, or deny Minor Use Permits, pursuant to Chapter TBD, Use Permits.
- F. Approve, modify, or deny Temporary Use Permits, pursuant to Chapter TBD, Temporary Use Permits.
- G. Approve, modify, or deny a Modification, pursuant to Chapter TBD, Modifications.
- H. Approve, modify, or deny requests for Reasonable Accommodation for land use projects, pursuant to Chapter TBD, Reasonable Accommodation.
- I. Decide requests for Minor Revisions to Approved Permits, pursuant to Section TBD, Revisions to an Approved Permit.

- J. Refer items to the Planning Commission where, in the Director's determination, the public interest would be better served by a Planning Commission public hearing and action.
- K. Determine whether a project is subject to review under the California Environmental Quality Act and notify the applicant if any additional information is necessary to conduct the review.
- L. Make recommendations to the Planning Commission and City Council on all applications, appeals, and other matters upon which they have the authority and the responsibility to act under this Title.
- M. Investigate and report to the Planning Commission on permit violations when the City has initiated revocation procedures, pursuant to Section TBD, Revocation of Permits.
- N. Delegate administrative functions to members of the Community Development staff.
- O. Other duties and powers as may be assigned by the City Council or established by legislation.

17.04.050 Review Authorities for Decisions and Appeals

Table TBD, Summary of Review Authorities for Decisions and Appeals, summarizes the powers and duties that each review authority has under this Title. Where a project requires more than one type of application, all permit requests shall be reviewed and decided on by the highest review authority established for any of the applications.

The Community Development Director may refer any item for which the Director makes a determination to the Planning Commission where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action.

TABLE TBD: SUMMARY OF REVIEW AUTHORITIES FOR DECISIONS AND APPEALS

<i>Decision Type</i>	<i>Reference</i>	<i>Advisory Body</i>	<i>Review Authority</i>	<i>Appeal Body</i>
Interpretations	TBD	N/A	Director	Planning Commission
Permit Time Extensions	TBD	N/A	Review Authority of Original Permit	Appeal Body for Original Permit
Minor Revision to Approved Permits	TBD	N/A	Director	Planning Commission
Major Revision to Approved Permits	TBD	N/A	Review Authority of Original Permit	Appeal Body for Original Permit
Permit Revocation	TBD	Director	Planning Commission	City Council
Zoning Clearance	TBD	N/A	Director	Planning Commission
Precise Development Plan	TBD	Director	Planning Commission	City Council
Minor Use Permit	TBD	N/A	Director	Planning Commission
Conditional Use Permit	TBD	Director	Planning Commission	City Council
Temporary Use Permit	TBD	N/A	Director	Planning Commission
Modification	TBD	N/A	Director	Planning Commission
Variance	TBD	Director	Planning Commission	City Council
Reasonable Accommodation	TBD	N/A	Director	Planning Commission
Development Agreement	TBD	Planning Commission	City Council	N/A
Amendments	TBD	Planning Commission	City Council	N/A
Planned Development	TBD	Planning Commission	City Council	N/A

Chapter 17.05 Common Procedures

17.05.010 Purpose

This Chapter establishes uniform procedures for the preparation, filing, and processing of all land use permits and approvals provided for in this Title, unless superseded by a specific requirement of this Title or State law.

17.05.020 Application Forms and Fees

- A. **Applicant.** The owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof of the right to use and possess the property as applied for, satisfactory to the Community Development Director, shall accompany the application.
- B. **Application Materials.**
 - 1. **Application Forms.** The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Title.
 - 2. **Supporting Materials.** The Director may require the submission of supporting materials as part of the application, including but not limited to: statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).
 - 3. **Availability of Materials.** All submitted material becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request, and during normal business hours, any person may examine application materials in support of or in opposition at the Community Development office. Unless prohibited by law or superseded by specific permit confidentiality requirements, copies of such materials shall be made available at a reasonable cost.
- C. **Multiple Applications.**
 - 1. **Concurrent Filing.** An applicant for a project which requires more than one permit (e.g., Conditional Use Permit, Variance, and Precise Development Plan, etc.), shall file all related applications concurrently, together with all application fees. The concurrent filing requirements may be waived by the Director.
 - 2. **Concurrent Processing.** Multiple permits for the same project shall be processed concurrently and shall be reviewed and decided on by the highest review authority designated for any of the applications.

D. **Application Fees.**

1. **Fee Schedule.** The Council shall approve by resolution a Municipal Fee Schedule that establishes fees for permits, informational materials, penalties, copying, and other such items.
2. **Fee Payment.** No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid.
3. **Fee Waiver.** No fee shall be required when the applicant is the City, or if it is waived under any other provision of the Hermosa Beach Municipal Code.
4. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the Hermosa Beach Municipal Code or by policy of the Council.

17.05.030 Review of Applications

A. **Initial Completeness Review.** The Director shall determine whether an application is complete within 30 days of the date the application is filed and required fee received.

1. **Incomplete Application.** If an application is deemed incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information, and any additional fees that are necessary to complete the application and specify a time limit for submittal of the requested information. The time limit to submit additional information shall be at least 30 days.
 - a. **Zoning Ordinance Violations.** An application shall not be found complete if conditions exist on the site in violation of this Title or any permit or other approval granted in compliance with this Title, unless the proposed project includes the correction of the violations or, in the sole discretion of the Director, the application is deemed complete notwithstanding the violation.
 - b. **Appeal of Determination.** Determinations of incompleteness are subject to the provisions of Section TBD, Appeals and Calls for Review, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and the City Council does not extend the 60-day period.
 - c. **Expiration of Application.** If an applicant fails to correct the specified deficiencies within the specific time limit pursuant to Section TBD, A.1, the application shall expire and be deemed withdrawn, unless an extension is granted by the Director. After the expiration of an application, review shall require the submittal of a new, complete application, along with all required fees.

2. **Complete Application.** When an application is deemed complete, the Director shall make a record of that date. If an application requires a public hearing, the Director shall schedule it and notify the applicant of the date and time, pursuant to Section TBD, Public Notice.
- B. **Referral of Application.** At the discretion of the Director, or where otherwise required by this Title, State or Federal law, any application filed in compliance with this Title may be referred to any City department, public agency, or interest group that may be affected by or have an interest in the proposed land use project.
- C. **Extensions.** The Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Title.

17.05.040 Environmental Review

All projects shall be reviewed for compliance or exemption with the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code is amended, such amendments will govern City procedures.

17.05.050 Public Notice

Unless otherwise specified, whenever the provisions of this Title require public notice, the City shall provide notice in compliance with State law as follows.

- A. **Mailed Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, the Director (or the City Clerk for City Council hearings) shall provide notice by First Class mail delivery to the following:
 1. The applicant, the owner, and any occupant of the subject property;
 2. All property owners of record within a minimum 300-foot radius of the subject property as shown on the latest available assessment role or a larger radius if deemed necessary by the Director to provide adequate public notification;
 3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located;
 4. Any person or group who has filed a written request for notice regarding the specific application; and
 5. The school district and any other local agency expected to provide essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be affected.
- B. **Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of a mailed notice, notice may be

provided by providing notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least 10 days prior to the hearing or the date of action when no public hearing is required.

- C. **Newspaper Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, notice shall publish a notice in at least one newspaper of general circulation in the City.
- D. **Contents of Notice.** The notice shall include the following information:
 - 1. The location of the real property, if any, that is the subject of the application;
 - 2. A general description of the proposed project or action;
 - 3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
 - 4. The identity of the hearing body or officer;
 - 5. The names of the applicant and the owner of the property that is the subject of the application;
 - 6. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public;
 - 7. A statement that any interested person or authorized agent may appear and be heard;
 - 8. A statement describing how to submit written comments; and
 - 9. For City Council hearings, the Planning Commission recommendation.
- E. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or community organization to receive a mailed notice.

17.05.060 Conduct of Public Hearings

Whenever the provisions of this Title require a public hearing, the hearing shall be conducted in compliance with the requirements of State law as follows.

- A. **Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body. Hearings are not required to be conducted according to technical rules relating to evidence and witnesses.
- B. **Scheduling.** Hearings before the City Council shall be scheduled by the City Clerk. All other hearings shall be scheduled by the Director of Community Development.

- C. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization.
- D. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- E. **Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing.
- F. **Investigations.** The body conducting the hearing may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by City staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the body in making its decision.
- G. **Decision.** The public hearing shall be closed before a vote is taken.

17.05.070 Findings and Decision

When deciding to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Title, the review authority shall issue a Notice of Action and make findings of fact as required by this Title.

- A. **Date of Action.** The review authority shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within 30 days of the date the City has determined an application to be complete.
- B. **Notice of Action.** After the Director or Planning Commission takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Title, the Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decisions. The Director shall file the Notice with the City Clerk and mail the Notice to the applicant and to any other person or entity that has filed a written request for such notification with the Community Development Department within five days of the decision being made.
 - 1. **Council Report of Planning Commission Action.** Pursuant to Section 2.52.040, City Council Review of Decisions of the Planning Commission, of the Hermosa Beach Municipal Code, all Planning Commission actions shall be placed as a report item on the City Council's agenda at the next regular City Council meeting following the Commission's action.

- C. **Findings.** Findings, when required by State law or this Title, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action on the permit.

17.05.080 Scope of Approval

- A. **Scope.** The scope of approvals includes only those uses and activities proposed in the application, excluding other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.
- B. **Conditions.** The site plan, floor plans, building elevations, and/or any additional information or representation, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties, or ensures compliance with submitted plans and conditions in all respects.
- C. **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, to either violate any provision of this Title or require additional permits, then the approval shall be deemed null and void.
- D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner, or successor property owners to comply with such conditions.

17.05.090 Effective Dates; Expiration and Extension

- A. **Effective Dates.** A decision shall be effective on the date of action except as provided below. No building permit or business license shall be issued until after the effective date.
 - 1. **Planning Commission Decisions.** All Planning Commission actions shall become effective after the following, whichever is later:
 - a. The next regular City Council meeting following the Planning Commission's action unless the City Council initiates review pursuant to Section 2.52.040, City Council Review of Decisions of the Planning Commission, of the Hermosa Beach Municipal Code.
 - b. After the expiration of the 10-day appeal period following the date of action, unless an appeal is filed pursuant to Section TBD, Appeals and Calls for Review.

2. **Director Decisions Subject to Appeal.** A Director's decision on an application for any approval subject to appeal shall become effective after the expiration of the 10-day appeal period following the date of action, unless an appeal is filed pursuant to Section TBD, Appeals and Calls for Review.
 3. **Amendments to the Zoning Ordinance or Zoning Map.** Amendments to the Zoning Ordinance or Zoning Map shall take effect 30 days after the second reading of the ordinance.
- B. **Expiration.** The review authority, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Title shall automatically expire when no project or use has been exercised or extended within two years after the date of the approval, except as provided below.
1. **Extension for Permit Where a Coastal Development Permit is Required.** The time limits for any permit for development that also requires a Coastal Development Permit shall be automatically extended to be the same as the term of such Coastal Development Permit.
 2. **Extension for Permit Granted in Conjunction with Tentative Map.** The time limits for any permit granted in conjunction with an approved tentative tract map shall be automatically extended to be the same as the term of such tentative tract map.
 3. **Other Extensions.** The approving body may approve a one-year extension of any permit or approval granted under this Title upon receipt of a written application with the required fee at least 30 days prior to the expiration date.
- C. **Exercise of Permit.**
1. **Exercise of Planning Approval or Permit.** A permit for the use of a building or property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site.
 2. **Exercise of Building Permit.** A permit for the construction of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

17.05.100 Revisions to an Approved Permit

No revision in the use or structure for which a permit or other approval has been issued is permitted unless the permit is revised as provided for in this Title.

- A. **Minor Revisions.** The Community Development Director may approve minor revisions to approved plans and permits that are consistent with the original findings and conditions

approved by the Review Authority, do not substantially expand the approved floor area, and would not intensify any potentially detrimental effects of the project.

- B. **Major Revisions.** A request for revisions to conditions of approval of a discretionary permit, a revision to an approved site plan or building plan that would affect a condition of approval, or a revision that would intensify a potential impact of the project shall be treated as a new application and shall be decided on by the same Review Authority as the approved permit.

17.05.110 Revocation of Permits

Any permit granted under this Title may be revoked or revised for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated.

- A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council, Planning Commission, or Director.
- B. **Public Notice, Hearings, and Action.** After conducting a duly-noticed public hearing, the Planning Commission shall act on the proposed revocation, pursuant to Chapter TBD, Common Procedures.
- C. **Required Findings.** The Planning Commission may revoke or modify the permit if it makes any of the following findings:
 - 1. That the approval was obtained by fraud or material misrepresentation that vitiates one of the required findings of the permit;
 - 2. That the use or activity for which such approval was granted has permanently ceased to exist as evidenced by demolition, alteration, subsequent use of the space, or similar conditions;
 - 3. That the use or activity for which such approval was granted has been suspended or dormant for longer than 12 consecutive months, excluding time during which the property owner can demonstrate:
 - a. The City had pending before it an application for a permit or land use entitlement directly related to, or for the purpose of, conducting said use; or
 - b. A valid building permit directly related to said use or activity was in effect and was being diligently pursued; or
 - c. The property owner has been actively negotiating to sell the property, as evidenced by a purchase and sale agreement, proof of escrow, or other similar binding agreements, or the property is subject to a binding lease with a tenant who is diligently pursuing a business to re-establish the use on the site.

4. That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
 5. That the use for which the approval was granted was or is so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance;
 6. That the circumstances under which the permit was granted have been changed by the owner or operator to such a degree that one or more of the findings contained in the permit is no longer valid and the public health, safety, and welfare merit revocation of the permit; or
 7. That the conditions of approval are found to be inadequate to mitigate the impacts of the use allowed by the permit, and the public health, safety and welfare merit modification of the permit.
 8. For a restaurant with on-sale alcoholic beverages, the business is not operating as a restaurant because the primary function of the operation is the sale or offering for sale of alcoholic beverages and not the sale or offering for sale of food. A food to alcohol sales ratio provides a quantitative tool to help evaluate whether the business is operating as a restaurant whose primary function is the sale or offering for sale of food, as opposed to a business whose primary purpose is the sale of alcoholic beverages. For purposes of determining whether this finding can be made, an on-sale restaurant that maintains a minimum of 50 percent of the total gross sales, computed monthly, from the sale of prepared food is presumed to be a restaurant. An on-sale restaurant that does not meet these percentages has the burden of demonstrating that it operates as a restaurant, as that term is defined in Section TBD, Commercial Uses. Refusal to provide the information requested under this subsection within 60 days shall be deemed prima facie evidence that the business is not operating as a restaurant.
- D. **Notice of Action.** Following Planning Commission action to revoke or modify a permit, the Director shall issue a Notice of Action within five days. The Notice shall describe the Commission's action with its findings. The Director shall mail notice to the permit holder and to any person or entity who requested the revocation proceeding.

17.05.120 Appeals and Calls for Review

- A. **City Council Calls for Review.** The City Council may initiate review of all actions of the Planning Commission pursuant to Section 2.52.040, City Council Review of Decisions of the Planning Commission, of the Hermosa Beach Municipal Code.
- B. **Appeals.**

1. **Applicability.** Any action by the Director or Planning Commission in the administration or enforcement of the provisions of this Title may be appealed in accordance with this Section.
 - a. *Appeals of Director Decisions.* Decisions of the Director may be appealed to the Planning Commission by filing a written appeal with the Community Development Department.
 - b. *Appeals of Planning Commission Decisions.* Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk.
2. **Rights of Appeal.** Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Ordinance.
3. **Time Limits.** Unless otherwise specified in State or federal law, all appeals shall be filed in writing 10 calendar days of the date which the action was taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.
4. **Procedures.**
 - a. *Filing.* The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal. The appeal shall be accompanied by the required fee.
 - b. *Proceedings Stayed by Appeal.* The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.
 - c. *Transmission of Record.* The Director, or in the case of appeals to the City Council, City Clerk, shall schedule the appeal for consideration by the authorized hearing body within 45 days of the date the appeal is filed. The Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the hearing body. The Director shall also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
5. **Standards of Review.** When reviewing any decision on appeal, the appeal body shall use the same standards for decision-making required for the original decision. The appeal body may adopt the same decision and findings as were originally approved; it also may request or require changes to the application as a condition of approval.

6. **Public Notice and Hearing.** Public notice shall be provided and the hearing conducted by the applicable appeal body pursuant to Chapter TBD, Common Procedures. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the City Clerk a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission. The Planning Commission may be represented at the hearing.
7. **Action.** An action to grant an appeal shall require a majority vote of the hearing body members. A tie vote shall have the effect of rejecting the appeal.

17.05.130 Interpretations and Determinations

Requests for interpretations of this Title and verifications relating to prior approvals or permits may be made to the Director. Requests shall be in writing. The decision of the Community Development Director on such requests may be appealed under Section TBD, Appeals and Calls for Review.

Chapter 17.06 Zoning Clearance

17.06.010 Purpose

This Chapter establishes a procedure to verify that each new or expanded use, activity, or structure complies with all of the applicable requirements of this Title, as well as the conditions of any previous discretionary approval granted by the City.

17.06.020 Applicability

A Zoning Clearance is required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Title.

- A. **Exceptions.** No Zoning Clearance shall be required for the continuation of previously approved or permitted uses and structures or for uses and structures that are not subject to any building or zoning regulations.

17.06.030 Review Authority

The Community Development Director shall act as the review authority for Zoning Clearance applications based on consideration of the requirements of this Chapter.

17.06.040 Procedures

- A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section TBD, Application Forms and Fees. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Title and the requirements and conditions of any applicable Precise Development Plan, Use Permit, or other discretionary land use approval granted by the City.
- B. **Determination.** If the Director determines that the proposed use or building is allowed as a matter of right by this Title and conforms to all the applicable development and use standards, the Director shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Title. Prior to issuing any building permit, subdivision approval, or lot line adjustment, the Director shall review the application to determine whether the use, building, or change in lot configuration complies with all provisions of this Title or any applicable Precise

Development Plan, Use Permit, or other discretionary land use approval and that all conditions of such permits and approvals have been satisfied.

Chapter 17.07 Precise Development Plans

17.07.010 Purpose

This Chapter establishes the Precise Development Plan procedure to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. The specific purposes of the Precise Development Plan process are to:

- A. Promote excellence in design, layout, and other physical features of development to achieve a reasonable level of quality, compatibility, in harmony with the community's social, economic and environmental objectives;
- B. Ensure that new and altered development will be compatible with the existing and potential development of the surrounding area; and
- C. Supplement other City regulations and standards in order to ensure control of physical features of development that are not otherwise addressed.

17.07.020 Applicability

Precise Development Plan is required for all projects that require a permit for new construction, reconstruction, rehabilitation, alteration, or other improvements to the exterior of a structure, site, or a parking area except for:

- A. Residential development.
- B. Remodels or additions of less than 1,500 square feet.

17.07.030 Review Authority

The Planning Commission shall act as the review authority for Precise Development Plan applications based on consideration of the requirements of this Chapter.

17.07.040 Procedures

- A. **Application.** Applications for Precise Development Plan shall be filed with the Community Development Department on the prescribed application forms in accordance with the procedures in Section TBD, Application Forms and Fees.
- B. **Concurrent Processing.** When a development project requires a Use Permit, Variance, or any other discretionary approval, the Precise Development Plan application shall be submitted as a part of the application for the underlying permit, Use Permit, or Variance.
- C. **Public Notice.** An application for a Precise Development Plan shall require a public notice prior to the Planning Commission decision, pursuant to Section TBD, Public Notice.

- D. **Public Hearing.** An application for a Precise Development Plan shall require a public hearing before the Planning Commission, pursuant to Section TBD, Conduct of Public Hearings.

17.07.050 Scope of Precise Development Plan Review

- A. **Precise Development Plan Review Considerations.** Precise Development Plan review shall be based on consideration of the requirements of this Chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:
1. Building proportions, massing, and architectural details;
 2. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
 3. Size, location, design, development, and arrangement of on-site parking and other paved areas;
 4. Height, materials, and design of fences, walls, and screen plantings;
 5. Location and type of landscaping including selection and size of plant materials, and design of hardscape; and
 6. Size, location, design, color, lighting, and materials of all signs.

17.07.060 Required Findings

The review authority must make all of the following findings to approve or conditionally approve a Precise Development Plan application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The design, layout, and other physical features of the project complies with all other applicable provisions of this Title and all other titles of the Hermosa Beach Municipal Code;
- B. The design, layout, and other physical features of the project is consistent with the General Plan, and any applicable specific plan or design guidelines;
- C. The design, layout, and other physical features of the project complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Title; and
- D. The design, layout, and other physical features of the project are compatible with the desired form and character of the area, as established in the General Plan.

17.07.070 Conditions of Approval

In approving a Precise Development Plan, the review authority may impose reasonable conditions or restrictions and/or require reasonable guarantees and evidence that such conditions are being, or will be, complied with, to achieve the following outcomes:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located;
- C. Achieve the findings for a Precise Development Plan listed in Section TBD, Required Findings; or;
- D. Mitigate any potentially significant impacts identified because of environmental review conducted in compliance with the California Environmental Quality Act.

17.07.080 Appeals; Expiration, Extensions, and Revisions; Revocation

- A. **Appeals.** Precise Development Plan decisions are subject to the appeal provisions of Section TBD, Appeals and Calls for Review.
- B. **Expiration, Extensions and Revisions.** Precise Development Plan approval is effective and may only be extended or revised as provided for in Chapter TBD, Common Procedures.
- C. **Revocation.** Precise Development Plan approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.08 Use Permits

17.08.010 Purpose

The Use Permit review and approval process is intended to apply to uses that are consistent with the with the goals, objectives, and policies of the General Plan and purposes of the zone where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will be compatible with the surrounding area and uses.

17.08.020 Applicability

Approval of a Use Permit is required for uses or developments specifically identified in Part II, Zone Regulations, and/or any other section of this Title which requires a Use Permit.

17.08.030 Review Authority

- A. **Conditional Use Permits.** The Planning Commission shall act as the review authority for Conditional Use Permits based on consideration of the requirements of this Chapter.
- B. **Minor Use Permits.** The Community Development Director shall act as the review authority for Minor Use Permits based on consideration of the requirements of this Chapter. The Director may refer any application for a Minor Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for decision. In that case, the application shall be processed as a Conditional Use Permit.

17.08.040 Procedures

- A. **Application.** Applications for Use Permits shall be filed with the Community Development Department on the prescribed application forms. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Section TBD, Required Findings.
- B. **Public Notice and Hearing.**
 - 1. **Conditional Use Permits.** All applications for Conditional Use Permits require public notice and hearing before the Planning Commission pursuant to Chapter TBD, Common Procedures.
 - 2. **Minor Use Permits.** All applications for Minor Use Permits require public notice pursuant to Section TBD, Public Notice. A public hearing on a Minor Use Permit shall occur only where the Director refers the Minor Use Permit application to the Planning Commission for decision, or where the Directors decision on a Minor Use Permit is appealed pursuant to Section TBD, Appeals and Calls for Review.

17.08.050 Required Findings

The review authority must make all of the following findings to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Title and all other titles of the Hermosa Beach Municipal Code;
 - A. The proposed use is consistent with the General Plan and any applicable specific plan;
 - B. The proposed use will not be averse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
 - C. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and
 - D. The site is physically suitable for the type of the use being proposed, including access, utilities, and the absence of physical constraints.

17.08.060 Conditions of Approval

In approving a Use Permit, the review authority may impose reasonable conditions or restrictions and/or require reasonable guarantees and evidence that such conditions are being, or will be, complied with, to achieve the following outcomes:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located;
- C. Achieve the findings for a Use Permit listed in Section TBD, Required Findings; or
- D. Mitigate any potentially significant impacts identified because of environmental review conducted in compliance with the California Environmental Quality Act.

17.08.070 Appeals; Expiration, Extensions, and Revisions; Revocation

- A. **Appeals.** Use Permit decisions are subject to the appeal provisions of Section TBD, Appeals and Calls for Review.
- B. **Expiration, Extensions and Revisions.** Use Permit approval is effective and may only be extended or revised as provided for in Chapter TBD, Common Procedures.

- C. **Revocation.** Use Permit approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.09 Temporary Use Permits

17.09.010 Purpose

This Chapter establishes a process for review and approval of uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

17.09.020 Review Authority

The Community Development Director shall act as the review authority for Temporary Use Permits based on consideration of the requirements of this Chapter and Section TBD, Temporary Uses.

17.09.030 Application

An application for a Temporary Use Permit shall be submitted at least 30 days before the use is intended to begin, pursuant to Section TBD, Application Forms and Fees.

17.09.040 Required Findings

The Community Development Director must make both of the following findings to approve or conditionally approve a Temporary Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and
- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

17.09.050 Conditions of Approval

The Community Development Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section TBD, Required Findings, including the items below.

- A. Provision of a certificate of insurance acceptable to the City's risk manager.

- B. Submission of a performance bond or other surety devices, if necessary, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition, to the satisfaction of the Community Development Director.
- C. Prior to the event, the applicant shall provide a statement to the City stating that the organizers of the event agree to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of the Temporary Use Permit, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
- D. Each site occupied by a temporary use 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 Title.
- E. Other conditions determined by the Community Development Director to ensure the operation of the proposed temporary use in a compatible, efficient, harmonious, nuisance-free, orderly, and safe, manner, including, but not limited to the following:
 - 1. Regulation of ingress, egress, and traffic circulation.
 - 2. Regulation of fire protection and access for fire vehicles.
 - 3. Regulation of lighting and signage.
 - 4. Regulation of hours of operation, staffing, or other aspects of the use.
 - 5. Provisions for sanitary facilities and waste collection and disposal.
 - 6. Safety and security measures.
 - 7. 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 Title.

Chapter 17.10 Modifications

17.10.010 Purpose

The purpose of this Chapter is to establish a means of granting relief from locational, developmental, and operational standards where doing so would be consistent with this Title and the General Plan, and where it is not possible or practical to approve a Variance.

17.10.020 Applicability

Modifications may be granted as specifically identified in any other section of this Title and as follows:

- A. **Dimensional Requirements.** Relief from dimensional requirements of property development standards specified in this Title, not to exceed 10 percent of the requirement. Examples of dimensional requirements include, but are not limited to, items such as minimum or maximum lengths, widths, heights, areas, and percentages.
- B. **Exclusions.** Modifications shall not be granted for building height or residential density.

17.10.030 Review Authority

The Community Development Director shall act as the review authority for Modification applications based on consideration of the requirements of this Chapter except in the case of concurrent processing pursuant to Subsection A below.

- A. **Concurrent Processing.** If a request for a Modification is being submitted in conjunction with an application for another approval, permit, or entitlement that requires Planning Commission action, it shall be heard and acted upon at the same time and in the same manner as that application.

17.10.040 Procedures

- A. **Application.** An application for a Modification shall be filed to the Community Development Department in accordance with Section TBD, Application Forms and Fees.
- B. **Public Notice.** Where the Director is the review authority, notice shall be provided by First Class mail delivery to the following at least 10 days before the date of action:
 - 1. The applicant, the owner, and any occupant of the subject property; and
 - 2. All property owners of record within a minimum 100-foot radius of the subject property as shown on the latest available assessment role or a larger radius if deemed necessary by the Director to provide adequate public notification.

- C. **Public Hearing.** Where the Director is the review authority, a public hearing on a Modification shall occur only where the Director refers the Modification application to the Planning Commission for decision, or where the Directors decision on a Modification is appealed pursuant to Section TBD, Appeals and Calls for Review.

17.10.050 Required Findings

The review authority must make all of the following findings in order to approve a Modification application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed modification will be at least as effective in achieving the objectives of the base standard;
- B. There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the public; and
- C. The granting of the requested modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Title.

17.10.060 Conditions of Approval

In approving a Modification, the review authority may impose reasonable conditions or restrictions and/or require reasonable guarantees and evidence that such conditions are being, or will be, complied with, to achieve the findings for a Modification listed in Section TBD, Required Findings.

17.10.070 Appeals; Expiration, Extensions, and Revisions; Revocation

- A. **Appeals.** Modification decisions are subject to the appeal provisions of Section TBD, Appeals and Calls for Review.
- B. **Expiration, Extensions and Revisions.** Modification approval is effective and may only be extended or revised as provided for in Chapter TBD, Common Procedures.
- C. **Revocation.** Modification approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.11 Reasonable Accommodation

17.11.010 Purpose

This Chapter establishes the procedures to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (“the Acts”) in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

17.11.020 Applicability

- A. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.
- B. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

17.11.030 Review Authority

The Community Development Director shall act as the review authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the review authority for the discretionary land use application.

17.11.040 Procedures

- A. **Application.** Requests for Reasonable Accommodation shall be submitted on an application form provided by the Community Development Director, or in the form of a letter, to the Director and shall contain the following information:
 - 1. The applicant’s name, address and telephone number.
 - 2. Address of the property for which the request is being made.
 - 3. The current actual use of the property.
 - 4. The basis for the claim that the individual is considered disabled under the Acts.

5. The municipal code provision, zoning ordinance provision, or other regulation or policy from which reasonable accommodation is being requested.
 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
 7. Additional information necessary for City staff to facilitate proper consideration of the request, consistent with the Acts.
- B. **Public Noticing and Public Hearing Not Required.** No public noticing or public hearing are required for a Reasonable Accommodation request.
- C. **Decision.** The Community Development Director shall make a written determination within 30 days of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with Section TBD, Required Findings.

17.11.050 Required Findings

The Community Development Director must make all of the following findings in order to approve or conditionally approve request for Reasonable Accommodation that will be consistent with the Acts.

- A. The housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. The request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. The conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
- D. The denial of the Reasonable Accommodation request would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

17.11.060 Conditions of Approval

In granting a request for Reasonable Accommodation, the Community Development Director may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

17.11.070 Appeals, Expiration, Extensions, and Revisions

- A. **Appeals.** Reasonable Accommodation decisions may be appealed as provided for in Section TBD, Appeals and Calls for Review. The review authority shall hear and determine any appeal within 30 days of the submittal date of the appeal.
- B. **Expiration, Extensions, and Revisions.** Reasonable Accommodations may only be expired, extended or revised as provided for in Chapter TBD, Common Procedures. A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property unless the Director finds that the accommodation is physically integrated on the property and cannot feasibly be removed or altered.
- C. **Revocation.** Reasonable Accommodation approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.12 Variances

17.12.010 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this Title where it would deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

17.12.020 Applicability

Variances may be granted to vary or modify dimensional and performance standards but may not be granted to allow uses or activities that this Title does not authorize for a specific lot or site.

17.12.030 Review Authority

The Planning Commission shall act as the review authority for Variance applications based on consideration of the requirements of this Chapter.

17.12.040 Procedures

- A. **Application.** Applications for a Variance shall be filed with the Community Development Department on the prescribed application forms in accordance with the procedures in Section TBD, Application Forms and Fees. In addition to any other application requirements, the application for a Variance shall include evidence showing that the requested Variance conforms to the required findings set forth in Section TBD, Required Findings.
- B. **Public Notice.** An application for a Variance shall require a public notice prior to the Planning Commission decision, pursuant to Section TBD, Public Notice.
- C. **Public Hearing.** An application for a Variance shall require a public hearing before the Planning Commission, pursuant to Section TBD, Conduct of Public Hearings.

17.12.050 Required Findings

After conducting a public hearing, the Planning Commission must make all of the following findings in order to approve or conditionally approve a Variance application. The Commission shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zone, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone;

- B. The granting of the Variance is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
- C. The granting of the Variance will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and
- D. The granting of the Variance will be consistent with the general purposes and objectives of this Title, any applicable specific plans, and the General Plan.

17.12.060 Conditions of Approval

In approving a Variance, the review authority may impose reasonable conditions or restrictions and/or require reasonable guarantees and evidence that such conditions are being, or will be, complied with, to achieve the following outcomes:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Title or the specific purposes of the zone in which the project is located;
- C. Achieve the findings for a Variance granted; or
- D. Mitigate any potentially significant impacts identified because of review conducted in compliance with the California Environmental Quality Act (CEQA).

17.12.070 Appeals; Expiration, Extensions, and Revisions; Revocation

- A. **Appeals.** Variance decisions are subject to the appeal provisions of Section TBD, Appeals and Calls for Review.
- B. **Expiration, Extensions and Revisions.** Variance approval is effective and may only be extended or revised as provided for in Chapter TBD, Common Procedures.
- C. **Revocation.** Variance approval may be revoked pursuant to Section TBD, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.13 Development Agreements

17.13.010 Purpose

This Chapter establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects, as authorized in Government Code Sections 65864-65869.5, that will assure the City that a proposed project will proceed to its completion in compliance with the plans submitted by the applicant and to guarantee the applicant that the project can proceed to its completion in accordance with the rules and regulations in effect at the time of project approval.

17.13.020 Processing Proposed Development Agreements

A Development Agreement which may be proposed by the City or any person having a legal or equitable interest in real property shall be processed in the manner of a zone change as provided in Article 15 and shall conform to the requirements of Article 2.5 (commencing with Section 65864) Division 1, of the Government Code entitled "Development Agreements."

17.13.030 Periodic Review of Development Agreements

Any approved Development Agreement shall be reviewed by the Planning Commission (whose decision may be appealed to the City Council in writing within 10 days after the Planning Commission decision on review) at least every 12 months after the approval of the agreement for the life of the project. The review shall be preceded by reasonable notice to the other party of the time of review and of any evidence that the agreement is not being complied with.

17.13.040 Action to Determine Validity

An action to determine the validity of a development agreement entered into by the City, or any amendment or modification to it, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Chapter 17.14 Amendments

17.14.010 Purpose

This Chapter establishes procedures by which changes may be made to the text of this Zoning Ordinance and to the Zoning Map, whenever the public necessity, convenience, general welfare, or good practice justify such amendment, consistent with the General Plan.

17.14.020 Applicability

The procedures in this Chapter shall apply to all proposals to change the text of this Zoning Ordinance or to revise a zone or boundary line shown on the Zoning Map.

17.14.030 Review Authority

The Planning Commission shall act as the advisory body for all amendments to the Zoning Ordinance and Zoning Map and provide recommendations to the City Council. The City Council shall act as the review authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all amendments to the Zoning Ordinance and Zoning Map.

17.14.040 Initiation of Amendment

An amendment to the Zoning Ordinance or Zoning Map may be initiated by any applicant identified in Section TBD, Application Forms and Fees, the Community Development Director, or by a motion of the City Council or Planning Commission.

17.14.050 Procedures

- A. **Application.** An applicant shall submit an application accompanied by the required fee, pursuant to Chapter TBD, Common Procedures. The Community Development Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- B. **Public Hearing and Notice.** All amendments to the Zoning Ordinance and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public hearing on any proposed amendment prior to submitting a recommendation report to the City Council. At least 10 days before the date of any public hearing, the City shall provide notice as provided for in Section TBD, Public Notice.

17.14.060 Planning Commission Hearing and Recommendation

- A. **Planning Commission Hearing.** Before submitting a recommendation report to the City Council, the Planning Commission shall conduct at least one public hearing in accordance with Section TBD, Conduct of Public Hearings.

- B. **Recommendation to City Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the City Council. Such recommendation shall include the reasons for the recommendation, findings related to General Plan consistency, and a discussion of the relationship of the proposed amendment to other adopted documents. The recommendation shall be transmitted to the City Council with a copy of the approved minutes from the Planning Commission hearing.
1. **Approval.** If the Planning Commission has recommended approval of the proposed amendment, the City Council is required to take final action pursuant to Section TBD, City Council Hearing and Action.
 2. **Denial.** If the Planning Commission has recommended against the proposed amendment, the City Council is not required to take any further action unless an appeal is filed in accordance with Section TBD, Appeals and Calls for Review.

17.14.070 City Council Hearing and Action

- A. **City Council Hearing.** After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing in accordance with Section TBD, Conduct of Public Hearings. The notice for the hearing shall include a summary of the Planning Commission recommendation.
- B. **City Council Action.** After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment. If the Council proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 45 days after the referral shall be deemed a recommendation for approval and the amendment shall be returned to Council for adoption.

Chapter 17.15 Enforcement

17.15.010 Purpose

The purpose of these provisions is to assure that all provisions of this Title are properly administered and complied with.

17.15.020 Duty of Enforcement

- A. The Director shall have the primary responsibility in the enforcement of this Title.
- B. It is the duty of the Building Official and of all other officials of the City concerned with any of the matters regulated by this Title, to enforce this Title.

17.15.030 Conformity of Permits and Licenses

Every department and every employee of the City authorized to issue permits or licenses affecting the use or occupancy of land or of a building or structure shall comply with the provisions of this Title. Where any action of referral or any appeal is required by this Title, no permit or license involved shall be issued unless and until such action has been taken and the time within which any further appeal could have been taken has expired. Any permit or license issued for a building, structure, use or occupancy contrary to the provisions of this Title shall be void and of no effect.

17.15.040 Inspection and Right of Entry

Whenever the City shall have cause to suspect a violation of any provision of the zoning regulations or whenever necessary to the investigation of an application for revocation of any zoning approval under any of the procedures described in the zoning regulations, the officials responsible for enforcement or administration of the zoning regulations or their duly authorized representatives may enter on any site or into any structure for the purpose of investigation, provided they do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant thereof, nor shall the owner or occupant, after reasonable notice and opportunity to comply, refuse to permit such entry.

17.15.050 Revocation

Any permit granted under this Title may be revoked in accordance with the provisions in Section TBD, Revocation of Permits, if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith.

17.15.060 Enforcement

The City may enforce this Title in any manner permitted by law. The violation of this Title shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at

the discretion of the City, create a cause of action for injunctive relief. In addition, violators may be punished pursuant to Title 1, General Provisions, of the Municipal Code. These remedies are deemed to be cumulative and in addition to all other remedies under this Title and state and federal law.