

Article 6 **Permit Processing Procedures**

CHAPTER 25.60 **GENERAL PROVISIONS**

§ 25.60.010. Purpose and Applicability.

This article establishes the overall structure for the application, review, and action on City-required permit applications and identifies and describes those discretionary permits and other approvals required by this Zoning Code in Table 6-1: (Review Authority). The provisions of this article shall apply to all properties in the City.

(Ord. 2000 § 2, (2021))

§ 25.60.020. ~~Ministerial and Administrative~~ Permits and Actions.

A. Administrative Permits and Actions. Except when combined with legislative actions or other non-administrative actions defined in this article, the Director, also defined in this Zoning Code as the designee of the Director, is the designated Review Authority for the following quasi-judicial permits and actions. The Director, at the Director's sole discretion, may elevate the level of review to a higher Review Authority.

1. Administrative Use Permit. An administrative permit providing for the review of certain wireless communications facilities, as identified in Section 25.48.300 (Wireless Communications Facilities).
2. Design Review — Minor. An administrative review process providing for review of projects specified in Section 25.68.020.D (Design Review — Minor) for compliance with the provisions of this Zoning Code and with any site plan or architectural design guidelines adopted by the City and as provided in Chapter 25.68 (Design Review).
3. Hillside Area Construction Permits. An administrative permit providing for the review of certain development projects in the designated Hillside Area, as identified in Chapter 25.70 (Hillside Area Construction Permits).
4. Home Occupation Permits. An administrative permit authorizing the operation of a specified home-based occupation in a particular location in compliance with the provisions specified in Chapter 25.72 (Home Occupation Permits).
5. Minor Modifications. An administrative action, granted in compliance with Chapter 25.74 (Minor Modifications), to allow specified exceptions to specified development standards of this Zoning Code for the purpose of creating flexibility in implementing those standards to accommodate unique design approaches and to recognize unique physical conditions present on individual parcels.
6. Minor Use Permits. An administrative permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Code and in compliance with procedures specified in Chapter 25.66 (Conditional Use Permits and Minor Use Permits).

7. Reasonable Accommodations. An administrative permit authorizing limited modifications to properties to accommodate a person with specified disabilities and physical limitations in compliance with specific criteria and performance standards and in compliance with procedures specified in Chapter 25.76 (Reasonable Accommodations).

8. Sign Permits. An administrative permit authorizing a variety of signs, including individual signs for promotional advertising, in compliance with specific provisions and conditions of this Zoning Code and Chapter 25.42 (Signs). Temporary signs may also be approved in conjunction with a temporary use permit issued in compliance with Chapter 25.82 (Temporary Use Permits).

8.9. Master Sign Programs. A process through which permissible on-site signage is reviewed by the Director to provide for a coordinated, complementary program of signage within a single development project or property. See Chapter 25.42 (Signs).

9.10. Temporary Use Permits. An administrative permit authorizing specific limited-term uses in compliance with specified conditions and performance criteria specified in Chapter 25.82 (Temporary Use Permits).

10.11. Zoning Ordinance Interpretations. An administrative interpretation of certain provisions of this Zoning Code to resolve ambiguity in the regulations and to ensure their consistent application in compliance with Chapter 25.04 (Interpretation of the Zoning Code).

B. Quasi-Judicial Permits and Actions. Except when combined with legislative actions, the Commission is the designated Review Authority for the following quasi-judicial permits and actions. Additionally, the Director may refer review of administrative permits and actions to the Commission. A public hearing is required for the following quasi-judicial actions in compliance with Chapter 25.100 (Public Hearings and Notice).

1. Comprehensive Sign Programs. A process through which permissible on-site signage is reviewed by the Director to provide for a coordinated, complementary program of signage within a single development project consisting of multiple tenant spaces. See Chapter 25.42 (Signs).

2.1. Conditional Use Permits. A permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Code and the procedures specified in Chapter 25.66 (Conditional Use Permits and Minor Use Permits).

3.2. Density Bonus for Affordable Housing. An action authorizing a residential density bonus in compliance with Chapter 25.33 (Affordable Housing and Density Bonus).

4.3. Design Review – Major. A discretionary review process providing for review of projects specified in Section 25.68.020.C (Design Review – Major) for compliance with the provisions of this Zoning Code and with any site plan or architectural design guidelines adopted by the City and as provided in Chapter 25.68 (Design Review).

5.4. Special Permits. A discretionary review process to allow for minor deviations from applicable development standards and design criteria in all zoning districts in response to the prevailing character of a neighborhood or district, as determined by the Director,

provided the findings contained in Chapter 25.78 (Special Permit) can be made.

6.5. Variances. An action granting exception to the development standards of this Zoning Code in cases where strict compliance would result in a unique hardship, in compliance with Chapter 25.84 (Variances).

C. Legislative Actions. The designated Review Authority for all legislative actions is the Council, with recommendations from the Commission. A public hearing is required for the following legislative actions in compliance with Chapter 25.100 (Public Hearings and Notice).

1. General Plan Text/Map Amendments. An action authorizing either a text amendment to the General Plan or a map amendment changing the General Plan land use designation of a particular property in compliance with Chapter 25.96 (Amendments to the Zoning Code, Zoning Map, and General Plan).
2. Specific Plans and Amendments. A regulatory document prepared in compliance with California Government Code Section 65450 et seq., for the systematic implementation of the General Plan for a particular area, as specified in Chapter 25.80 (Specific Plans).
3. Zoning Code Text/Zoning Map Amendments. An action authorizing either a text amendment to this Zoning Code or a map amendment changing the zoning designation of a particular property in compliance with Chapter 25.96 (Amendments to the Zoning Code, Zoning Map, and General Plan).

Table 6-1: Review Authority

Type of Action	Applicable Code Section	Role of Review Authority ⁽¹⁾		
		Director	Commission	Council
Legislative Actions				
General Plan Amendments	25.96	Review	Recommend ⁽²⁾	Decision
Specific Plans and Specific Plan Amendments	25.80	Review	Recommend ⁽²⁾	Decision
Zoning Map Amendments	25.96	Review	Recommend ⁽²⁾	Decision
Zoning Code Amendments	25.96	Review	Recommend ⁽²⁾	Decision
Planning Permits and Approvals; Administrative and Ministerial Actions				
Administrative Use Permit	25.48.300	Decision	Appeal	Appeal
Conditional Use Permits	25.66	Review	Decision	Appeal
Condominium <u>and Condominium Conversion</u> Permits	26.32.020	Review	Decision	Appeal
Design Review – Major	25.68	Review	Decision	Appeal
Design Review – Minor	25.68	Decision	Call for Review	Appeal
Fence Exceptions	25.74	Review	Decision	Appeal

Table 6-1: Review Authority

Type of Action	Applicable Code Section	Role of Review Authority ⁽¹⁾		
		Director	Commission	Council
Hillside Area Construction Permits	25.70	Decision	Call for Review	Appeal
Home Occupation Permits	25.72	Decision	Appeal	Appeal
Interpretations of Zoning Ordinance	25.04	Decision	Appeal	Appeal
Minor Modifications – 2 or fewer	25.74	Decision	Call for Review	Appeal
Minor Modifications – 3 or more and/or requested with another discretionary permit	25.74	Review	Decision	Appeal
Minor Use Permit	25.66	Decision	Call for Review	Appeal
Reasonable Accommodations	25.76	Decision	Appeal	Appeal
Sign Permits	25.42.050	Decision	—	—
Sign Program – Master	25.42.060	Decision	<u>Appeal</u> <u>Decision</u>	Appeal
Special Permits	25.78	Review	Decision	Appeal
Temporary Use Permits	25.82	Decision	Appeal	Appeal
Variances	25.84	Review	Decision	Appeal

Notes:

(1) ~~"Issue" means that the Director is the final Review Authority and appeals are limited to appeals of a permit denial.~~

"Review" means that the Director provides information regarding consistency with Zoning Ordinance requirements and the General Plan, but no recommendation is provided.

"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 appeals to the decision of a prior decision-making body, in compliance with Chapter 25.98 (Appeals and Calls for Review).

"Call for Review" means that an interested party, upon receiving notice of planned Director action, requests that the item be scheduled for Planning Commission consideration.

(2) See Section 25.96.040.BA.4 (Recommendation for Denial ~~by~~ Commission) regarding Planning Commission denial.

§ 25.60.030. Additional Permits May Be Required.

A land use on property that complies with the permit requirement or exemption provisions of this Zoning Code shall also comply with the permit requirements of other Municipal Code provisions and any permit requirements of other agencies before construction or use of the property is commenced. All necessary permits shall be obtained before starting work or establishing a new use. Nothing in this Zoning Code shall eliminate the need to obtain any permits required by any other Municipal Code provisions or any applicable county, regional, State, or Federal regulations. (Ord. 2000 § 2, (2021))

§ 25.60.040. Unlawful to Use Property Until Authorization Granted.

It is unlawful for any person to use any land or building for any purpose requiring the granting of any required permit or authorization unless such permit or authorization has been issued. (Ord. 2000 § 2, (2021))

CHAPTER 25.62
APPLICATION PROCESSING PROCEDURES

§ 25.62.010. Purpose.

- A. Procedures. This chapter provides procedures and requirements for the preparation, filing, initial processing, and review of applications for the land use entitlements required by this Zoning Code.
- B. Failure to Follow Requirements. Failure to follow the procedural requirements shall not invalidate City actions taken in the absence of a clear showing of intent not to comply with this Zoning Code.

(Ord. 2000 § 2, (2021))

§ 25.62.020. Multiple Permit Applications.

- A. Concurrent Filing. An applicant for a development project that requires the filing of more than one application pursuant to this Zoning Code shall file all related applications concurrently, together with all application fees required by Section 25.62.040 (Application Fees), unless these requirements are waived by the Director.
- B. Concurrent Processing. Multiple applications for the same project shall be processed concurrently and shall be reviewed—and approved or denied—by the highest Review Authority designated by this Zoning Code for any of the applications. For example, a project for which applications for zoning map amendment and a conditional use permit are filed shall have both applications decided by the Council, instead of the Commission being the final decision-making authority for the conditional use permit as otherwise required by Table 6-1 (Review Authority). In the example cited, the Commission would still hear all the applications (the zoning map amendment and the conditional use permit) and forward recommendations to the Council.

(Ord. 2000 § 2, (2021))

§ 25.62.030. Application Preparation and Filing.

- A. Application Contents. Applications for amendments, entitlements, and other matters pertaining to this Zoning Code shall be filed with the Community Development Department in the following manner:
 1. The application shall be made on forms furnished by the Department.
 2. The necessary fees shall be paid in compliance with the City's fee resolution.
 3. The application shall be accompanied by the information identified in the Department handout for the particular application. The requested information may include exhibits, maps, materials, plans, reports, and other information required by the Department that describe clearly and accurately the proposed work, its potential environmental impact, and its effect on the terrain, existing improvements, and the surrounding neighborhood.
- B. Status of Application. Acceptance of the application does not constitute an indication of approval by the City nor of the application being deemed complete. If an applicant fails to

provide all of the information required in the application or any additional information required in support of the application, the application will not be deemed complete.

- C. Eligible Applicants. Applications shall be made by the owners of a property or their agents with the written consent of the owner.
- D. Pre-Application Conference.
 - 1. A prospective applicant ~~may is encouraged to~~ request a pre-application conference with the Director or designee before completing and filing a permit application required by this Zoning Code.
 - 2. The purpose of a pre-application conference is generally to:
 - a. Inform the applicant of City requirements as they apply to the proposed project;
 - b. Discuss the City's review process, possible project alternatives, or modifications; and
 - c. Identify information and materials the City will require with the application, including any necessary technical studies and information anticipated for the environmental review of the project.
 - 3. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by the City's representative.
 - 4. Failure of the City's representative to identify all required studies or all applicable requirements at the time of pre-application review shall not constitute a waiver of those studies or requirements.
 - 5. An applicant is encouraged to perform an early-stage outreach with residents and property owners near proposed projects to address and, if possible, resolve any concerns that interested persons may have regarding potential impacts of proposed project on surrounding neighborhoods and properties.
 - 6. A pre-application conference does not establish the date for determining a preliminary application to be complete for the purposes of implementing the provisions of Government Code Section 65589.5(o).

(Ord. 2000 § 2, (2021))

§ 25.62.040. Application Fees and Cost Recovery.

- A. Filing Fees Required.
 - 1. The Council shall, by resolution, establish a schedule of fees for amendments, entitlements, and other matters pertaining to this Zoning Code to ensure that the City is reimbursed for its costs of providing services to applicants for development projects and to the extent advisable, provide uniformity with respect to such provisions. The schedule of fees may be changed or modified only by resolution of the Council.

2. The City's processing fees shall be cumulative. For example, if an application for design review also involves a variance, both fees shall be charged.
3. Processing shall not commence on an application until required fees have been paid. Without the application fee, the application shall not be deemed complete or accepted for processing.
4. Fees shall include fees and deposits collected by the City to administer provisions of this Zoning Code. The City shall determine through Council adoption of a fee schedule the instances in which a fee covering all costs or a deposit from which City costs are deducted shall be collected.
5. Each applicant for or operator of a development project, as well as the owner of the subject property, if different, shall be liable for payment of all fees associated with the development project.
6. Costs shall include, but not be limited to, field investigations, preparation of necessary reports; preparation of site maps; preparation of environmental reviews; producing, posting and mailing notices or legal publications; legal review; review of applications; defense of administrative and/or judicial challenges to the project approval(s).

B. Refunds and Withdrawals.

1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, refunds due to a disapproval are not allowed.
2. In the case of a withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to date and determination of the status of the application at the time of withdrawal. The Council may establish a refund schedule in the City's fee resolution.

(Ord. 2019 § 3, (2023); Ord. 2000 § 2, (2021))

§ 25.62.050. Eligible Applicants.

- A. An application may only be filed by the owner of the subject property or a lessee or authorized agent of the property owner with the written consent of the property owner. With the Director's approval, a lessee with the exclusive right to use the property for a specified use may file an application related to that use.
- B. The application shall be signed by the owner of record or may be signed by the lessee or by authorized agent of the property owner if written authorization from the owner of record is filed concurrently with the application.

(Ord. 2000 § 2, (2021))

§ 25.62.060. Initial Application Review.

- A. Review for Completeness.
 1. Criteria for Review. The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application

contents and related additional written instructions provided to the applicant in any pre-application conference and/or during the initial application review period. The provisions of California Government ~~at~~ Code Section 65589.5(o) shall apply until thesueh time such section is no longer law.

2. Notification of Applicant. As required by California Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed, in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided. This requirement shall not apply to any legislative actions.
3. Submittal of Additional Information.
 - a. When the Director determines that an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur.
 - b. The additional specified information shall be submitted in writing or electronically, as required by the Director.
 - c. The Director's review of any information resubmitted by the applicant shall be accomplished in compliance with subsection A.1, above, along with another 30-day period of review for completeness for each resubmittal necessary.
4. Environmental Information. Upon review of an initial application or after an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.
5. Expiration of Application. If an applicant fails to provide the additional information specified in the Director's letter within 180 days following the date of the letter, the application shall expire and be deemed withdrawn without any further action by the City, unless an extension is approved by the Director for good cause shown. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.

B. Referral of Application. At the discretion of the Director, or where otherwise required by this Zoning Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

C. Multi-Unit Residential and Mixed-Use Developments. Where a multi-unit residential development or mixed-use development in which at least two-thirds of the square footage consists of residential use, and where such developments qualify for streamlined processing pursuant to California Government Code Section 65400 et seq., the provisions of California Government Code Sections 65400 et seq. shall apply.

D. Wireless Communications Facilities. The provisions of subsections A and B above shall not apply to wireless communications facilities. The review for completeness and the processing of such applications shall comply with applicable Federal Communication Commission (F.C.C.) regulations.

§ 25.62.070. Environmental Review.

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

(Ord. 2000 § 2, (2021))

§ 25.62.080. Project Evaluation and Staff Reports.

- A. Application Evaluation. The Director or designee shall review all completed applications to determine whether they comply and are consistent with the provisions of this Zoning Code, other applicable provisions of the Municipal Code, the General Plan, any applicable Specific Plan, and CEQA.
- B. Staff Report Preparation. For those application approvals requiring a public hearing, a staff report shall be prepared describing the conclusions about the proposed land use and development as to its compliance and consistency with the provisions of the Zoning Code, other applicable provisions of the Municipal Code, and the actions, goals, objectives, and policies of the General Plan.

(Ord. 2000 § 2, (2021))

CHAPTER 25.66
CONDITIONAL USE PERMITS AND MINOR USE PERMITS

§ 25.66.010. Purpose and Applicability.

- A. The City recognizes that certain uses, due to the nature of use, intensity, or size, require special review to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. To ensure compatibility with zoning regulations and surrounding properties, conditional uses require special consideration. The conditional use permit and minor use permit are provided for this purpose.
- B. Approval of a conditional use permit or minor use permit is required to authorize proposed land uses specified by Article 2 (Zoning Districts, Allowable Uses, and Development Standards) as being allowable in the applicable zoning district when subject to the approval of a conditional use permit or minor use permit.

(Ord. 2000 § 2, (2021))

§ 25.66.020. Application Requirements.

An application for a conditional use permit or minor use permit shall be filed and processed in compliance with Section 25.68.050 (Application Filing). The application shall include the information and materials specified in the most up-to-date Department handout for conditional use permit and minor use permit applications, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 25.66.060 (Required Findings for Conditional Use Permits and Minor Use Permits), below.

(Ord. 2000 § 2, (2021))

§ 25.66.030. Action by Director for Minor Use Permits.

- ~~A. The Director shall review and process an application in accordance with the standards set forth in this Article 6.~~
- ~~B. Once the application and all supporting information and documentation have been received and the application deemed complete, notice of the application shall be given according to the provision of Section 25.88.050.B (Notice). Notice shall be given to all property owners within 300 feet of the subject property. The notice shall also state that, unless a written request for a public hearing is received by the Community Development Department within 10 days after the date of the notice, the Director shall take action on the application and may either grant or deny the minor use permit and may impose conditions as applicable. The Director shall issue a written determination that shall state the findings for the decision.~~
- ~~C. If a written request for a public hearing is received, the Director shall schedule the application for a public hearing before the Planning Commission at the next available Commission hearing in accordance with Chapter 25.100 (Public Hearings and Notice). The person filing the written request may be charged a fee to cover hearing costs.~~
- A. Review. Upon making the determination that a Minor Use Permit application is complete, the Director or designee shall review the application for consistency with any applicable design guidelines and requirements and prepare written findings indicating how the application does or does not comply with applicable design guidelines and requirements. Prior to preparing the

findings and any conditions of approval, the Director may give the applicant the opportunity to revise plans to achieve compliance.

- B. Public Notice. Once the application and all supporting information and documentation have been received and the application deemed complete, notice of the application shall be given according to the provision of Chapter 25.100.020(B) (Public Hearing and Notice). The notice shall state that, unless a written request for a public hearing is received by the Community Development Department within 10 days after the date of the notice, the Director shall take action on the application.
- C. Call for Review. If a written request for a public hearing is received pursuant to subsection B above, the Director shall schedule the application for a public hearing before the Planning Commission within 45 days of the filing of the call for review in accordance with Chapter 25.100 (Public Hearings and Notice). The person filing the written request may be charged a fee to cover hearing costs.
- D. Director or Commission Action. The Director or the Planning Commission may deny, deny without prejudice, approve, or approve with conditions any application under this section.

(Ord. 2000 § 2, (2021))

§ 25.66.040. Review Procedures for Conditional Use Permits.

- A. Investigation by Director. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this chapter. A staff report shall be prepared pursuant to Section 25.62.080 (Project Evaluation and Staff Reports).
- B. Notice and Hearings.
 - 1. A public hearing before the Planning Commission shall be required for all conditional use permits.
 - 2. A public hearing shall be scheduled once the Director has determined the application complete.
 - 3. Noticing of the public hearing shall be given in compliance with Chapter 25.100 (Public Hearings and Notice).

(Ord. 2000 § 2, (2021))

§ 25.66.050. Conditions of Approval.

In approving a ~~e~~Conditional ~~u~~Use ~~p~~Permit or ~~m~~Minor ~~u~~Use ~~p~~Permit, the Review Authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with this chapter, State law, and with the findings required by Section 25.66.060 (Required Findings for ~~C~~onditional ~~U~~Use ~~P~~ermits and ~~M~~inor ~~U~~Use ~~P~~ermits). Such requirements and conditions may address, but not be limited to, location, construction, maintenance, operation, site planning, traffic control, and time limits for the permit. The Review Authority may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

(Ord. 2000 § 2, (2021))

§ 25.66.060. Required Findings for Conditional Use Permits and Minor Use Permits.

Before a ~~e~~Conditional ~~Use~~ Permit and ~~m~~Minor ~~Use~~ Permit may be granted, the Review Authority shall make the following findings:

- A. The proposed use is consistent with the General Plan and any applicable ~~S~~pecific ~~P~~lan.
- B. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.
- C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity.
- D. The site is physically suitable in terms of:
 - 1. Its design, location, shape, size, and operating characteristics of the proposed use to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;
 - 2. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access;

3. Public protection services (e.g., fire protection, police protection, etc.); and
4. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).

E. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

(Ord. 2000 § 2, (2021))

§ 25.66.070. Permit to Run with the Land.

- A. A ~~e~~Conditional ~~u~~Use ~~p~~Permit or ~~m~~Minor ~~u~~Use ~~p~~Permit approved in compliance with the provisions of this chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this chapter.
- B. In addition to securing a business license, any new applicant seeking to operate a previously approved use in substantial compliance with an existing ~~e~~Conditional ~~u~~Use ~~p~~Permit or ~~m~~Minor ~~u~~Use ~~p~~Permit shall submit a project description (e.g., narrative and/or a site and floor plan) to the Director ensuring that the new operation would be in compliance with the previous use and that the new applicant agrees to operate in full compliance with the previously issued conditions of approval. A fee may be imposed for the review of the project description and conditions of approval in compliance with the City's fee resolution.

(Ord. 2000 § 2, (2021))

CHAPTER 25.68 DESIGN REVIEW

§ 25.68.010. Purpose.

The purpose of this chapter is to provide processes for the appropriate review of development projects to ensure that all approved site and structural development:

- A. Is compatible with the physical and environmental characteristics of the site and surrounding properties, with the intent to minimize conflicts;
- B. Provides for safe and convenient access and circulation for pedestrians and vehicles;
- C. Exemplifies the best professional high-quality design practices;
- D. Allows for and encourages individual identity for specific uses and structures;
- E. Encourages the maintenance of a distinct neighborhood and/or community identity;
- F. Minimizes or eliminates negative or undesirable visual impacts;
- G. Provides for the adequate dedication of land for public purposes and the provision of public infrastructure associated with the subject development; and
- H. Implements General Plan policies, applicable design guidelines, and any other applicable City planning-related documents.

(Ord. 2000 § 2, (2021))

§ 25.68.020. Applicability and Types of Design Review.

- A. Design Review Required. No one shall construct any structure, or relocate, rebuild, or significantly enlarge or modify any existing structure or site until design review has been completed and approved in compliance with this chapter and a building permit has been issued.
- B. Two Levels of Design Review. Two levels of design review are hereby established, and the thresholds set forth below shall apply to design review.
- C. Design Review – Major. Major design review is a discretionary Planning Commission review process that includes public notice with a public hearing conducted as is required for all Commission actions. The following shall be subject to major design review.
 - 1. ~~Single Unit and Two Unit Dwellings~~ Single-unit, and two-unit, and multi-unit dwellings in any zone consisting of any of the following:
 - a. Construction of a new dwelling single-unit or two-unit dwelling unit, excluding ADUs.
 - b. Addition to or construction of a second story or higher.
 - c. Substantial construction as defined in the Zoning Code~~this title~~.
 - e.d. Changes to more than 50 percent of the front façade, including doors and windows, to multi-unit dwelling(s).
 - d.e. A single-unit or two-unit dwelling addition or modification having a plate height

greater than nine feet six inches (9'-6") above existing finished floor. This subsection shall not apply to construction which includes lowering the existing finished floor height.

2. An increase to the existing plate line exceeding nine feet above existing finished floor. This subsection shall not apply to construction which includes lowering the existing finished floor height.
- 3.2. Construction of a new garage attached to a single-unit dwelling. Alteration or reconstruction of an existing attached garage to be continued use as a garage shall not be subject to design review.
4. Any roof top mounted mechanical equipment, except solar panels or other energy efficient installations which are pre-empted from such review by State or Federal law.
5. Multi-Unit Dwellings. Multi-unit dwellings in any zone consisting of any of the following:
6. Construction of a new multi-unit dwelling.
7. Addition to or construction of a second story or higher.
8. Substantial construction as defined in this title.
9. Changes to more than 50 percent of the front façade, including doors and windows.

- 10.3. Any commercial, industrial, mixed use, educational, or institutional development in any zone consisting of any of the following:
 - a. Construction of a new building.
 - b. Addition to or construction of a second story or higher.
 - c. Substantial construction as defined in this title.
 - d. Change to more than 50 percent of the front façade, including doors and windows.
 - e. Change to more than 50 percent of any façade facing a public or private street or parking lot, including doors and windows.

11.4. ~~BAC Zoning District and Parcels with Frontage along California Drive and Highland Avenue between Burlingame Avenue and Howard Avenue. In addition to the requirements of subsections C.1, 2, and 3 of this section, major design review shall be required in the~~ Burlingame Avenue Commercial (BAC) zoning district and parcels with frontage along California Drive and Highland Avenue between Burlingame Avenue and Howard Avenue for any development that involves any change to the front façade or any façade facing a public or private street or parking lot, including doors and windows, unless it qualifies for ~~M~~inor ~~D~~esign ~~R~~eview under subsection D.

D. Design Review – Minor. Minor ~~D~~esign ~~R~~eview is a Director-level review process that includes public notice as set forth in Section 25.68.070 (~~Minor Design Review Process~~). The following shall be subject to Minor Design Review:

12. ~~T~~Minor design review shall apply to the BAC zoning district and parcels with frontage along California

13.1. Drive and Highland Avenue between Burlingame Avenue and Howard Avenue. In these applicable areas, any façade improvement that meets any of the following criteria shall be subject to ~~m~~Minor ~~d~~Design ~~r~~Review:

- a. Changes in material on the front façade that are determined by the Director to be equal to or higher quality than the existing material to be replaced.
- b.** Any other minor changes that are determined by the Director to comply with the Design Guidelines of the Burlingame Downtown Specific Plan.

14.2.Any roof-top mounted mechanical equipment, except solar panels or other energy efficient installations which are pre-empted from such review by State or Federal law.

(Ord. 2000 § 2, (2021))

§ 25.68.030. Exceptions.

The following shall be exceptions to the requirement for design review.

- A. Single-Unit and Two-Unit Dwellings. Additions of second stories or higher to single-unit and two-unit dwellings shall be exempt from design review if they meet all of the following criteria and are not subject to design review under Section 25.68.020.C.1.c, d and e (Design Review – Major):
 1. Project consisting of an addition or uncovered deck that totals ~~21~~00 square feet or less;
 2. The roof pitch of the addition is compatible with or matches the existing roof pitch; and
 3. The height of the roof ridge of the addition complies with building height requirements and is not higher than the highest roof ridge of the existing dwelling.
- B. Commercial, Industrial, and Mixed-Use Zoning Districts.
 1. Any façade with 25 feet or less of a parking lot or public or private street frontage.
 2. New or replacement awnings when the façade or building is not subject to design review.

§ 25.68.040. Design Review Consultant Lists.

~~C. With the approval of the Planning Commission, the Director shall establish a list of design professionals available to advise the Director and Commission on applications in residential districts made under this chapter. The persons included on the list shall be persons in the business of residential design who have practiced their design profession involving residential designs in the City and who are willing to contract with the City to provide advisory services under this chapter.~~

~~D. For applications involving commercial, industrial, mixed use, educational, and institutional development applications, with the approval of the Commission, the Director shall establish a list of design professionals who shall be persons in the business of commercial design and who are willing to contract with the City to provide advisory services under this chapter.~~

§ 25.68.050. Application Filing.

An application for design review shall be filed and processed in compliance with Section 25.68.050 (Application Filing). The application shall include the information and materials

specified in the most up-to-date Division handout for design review applications, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 25.70.0430 (Findings), below. The schematic design plans submitted with the application shall demonstrate the architectural details of the proposal, and in the case of an addition, of the existing structure and the addition.

(Ord. 2000 § 2, (2021))

§ 25.68.060. Major Design Review Application Review and Processing.

- A. Study Session. ~~Upon completion of an application, the An application and design plans may shall be referred to the Planning Commission by the Director for a study session prior to final action.~~ The study ~~sessionmeeting~~ shall be noticed in accordance with the provisions for Planning Commission notice in this title. ~~If, at the study meeting, the Commission determines that only minor changes are needed, or that the requested changes can be adequately addressed by the project design professional, the Commission may order that the application be exempt from subsection B below. If the Commission makes such an order, the application will proceed directly to hearing under subsection C, D, or E below, as applicable. Criteria for review by the Commission shall be established by the Director, based on design guidelines contained in the adopted specific plan for the area or other applicable design guidelines.~~
- B. ~~Design Review Appointee. The Commission may refer the application for further design review by a design review consultant on the established list. The plans submitted shall be referred by the Director on a random basis to an appointed professional described above in Section 25.68.040 (Design Review Consultant List) for review and comment. The appointee shall conduct an analysis using as the criteria the design guidelines contained in the adopted specific plan for the area or other applicable design guidelines. In the course of review, the appointee may request additional information from the applicant. Upon completion, the appointee shall prepare a report identifying how the plans do or do not conform with applicable design guidelines. The report shall be forwarded to the Commission for action and consideration pursuant to subsections C, D, and E below. No mailed notice of the appointee's review shall be required.~~
- C.B. Single-Unit and Two-Unit Dwellings. A ~~m~~**Major** ~~d~~**Design** ~~r~~**Review** application for any single-unit or two-unit dwelling in any zoning district shall be reviewed by the Commission for the following considerations:
 1. Consistency with any applicable design guidelines;
 2. Compatibility of the architectural style with that of the existing character of the neighborhood;
 3. Respect for the parking and garage patterns in the neighborhood;
 4. Architectural style and consistency and mass and bulk of structures, including accessory structures;

5. Interface of the proposed structure with the structures on adjacent properties;
6. Landscaping and its proportion to mass and bulk of structural components;
7. In the case of an addition, compatibility with the architectural style and character of the existing structure as remodeled; and
8. For two-unit dwellings, compliance with the objective design standards adopted by ordinance or resolution.

D.C. Multi-Unit Dwellings. A major design review application for multi-unit dwellings in any zoning district shall be reviewed by the Commission for the following considerations:

1. Consistency with any applicable design standards and guidelines;
2. Respect for the mass and fine scale of adjacent buildings even when using differing architectural styles;
3. Maintaining the City's tradition of architectural diversity;
4. Privacy of residents both on the property and on adjacent properties with regard to window placement and location of outdoor private and common open space areas;
5. Incorporating materials that are of high quality and weather well;
6. Accommodating convenient and safe pedestrian access to primary entrances from the streets immediately serving the development;
7. Landscaping and its proportion to mass and bulk of structural components; and
8. Compliance with the objective design standards adopted by ordinance or resolution.

E.D. Commercial, Industrial, and Mixed-Use Zoning Districts. A ~~m~~**Major** ~~d~~**Design** ~~r~~**Review** application for a property in commercial, industrial, and mixed-use zoning districts shall be reviewed by the Commission for the following considerations:

1. For mixed-use developments having two-thirds or more of the total gross floor area dedicated to residential use, compliance with the objective design standards adopted by ordinance or resolution;
2. Support of the pattern of diverse architectural styles in the area in which the project is located;
3. Respect and promotion of pedestrian activity in commercial and mixed-use zoning districts by placement of buildings to maximize commercial use of the street frontage and by locating off-street parking areas so that they do not dominate street frontages;
4. For commercial and industrial developments on visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development;
5. Compatibility of the architecture with the mass, bulk, scale, and existing materials of surrounding development and appropriate transitions to adjacent lower-intensity development and uses;

6. Architectural design consistency by using a single architectural style on the site that is consistent among primary elements of the structure and restores or retains existing or significant original architectural features; and
7. Provision of site features such as fencing, landscaping, and pedestrian circulation that complement on-site development and enhance the aesthetic character of the zoning district in which the development is located.

F.E. Burden of Proof. The applicant shall bear the burden of demonstrating to the satisfaction of the Commission that the applicant's design and project comply with the design criteria set forth in subsection B, C, or D, or E above, as applicable.

G.F. Commission Action. The Commission may deny, deny without prejudice, approve, or approve with conditions any application under this section.

H.G. Required Findings. Any decision to approve a ~~Major~~ Design ~~Review~~ application pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. The project is consistent with the General Plan and is in compliance with all applicable provisions of this title, all applicable design guidelines, all other City ordinances and regulations, and most specifically, the standards established in subparagraphs B, C, or D, and E above, as applicable.
2. The project will be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development; and
3. The project is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

(Ord. 2000 § 2, (2021))

§ 25.68.070. Minor Design Review Application Review and Processing.

- A. Review. Upon making the determination that a Minor Design Review application is complete, the Director or designee shall review the application for consistency with any applicable design guidelines and requirements and prepare written findings indicating how the application does or does not comply with applicable design guidelines and requirements. Prior to preparing the findings and any conditions of approval, the Director may give the applicant the opportunity to revise plans to achieve compliance.
- B. Public Notice ~~of Action~~. ~~Upon completion of the findings and determination that the application complies with applicable design guidelines, notice shall be given to all property owners within 300 feet of the subject property. The notice shall also state that, unless a written request for a public hearing is received by the Community Development Department within 10 days after the date of the notice, the Director shall take action on the application and shall grant the minor design review and may impose conditions as applicable. The Director shall issue a written determination that shall state the findings for the decision. Once the application and all supporting information and documentation have been received and the application deemed complete, notice of the application shall be given according to the provision of Chapter 25.100.020(B) (Public Hearing and Notice). The notice shall state that, unless a written request for a public hearing is received by the Community Development Department~~

within 10 days after the date of the notice, the Director shall take action on the application.

- C. Call for Review ~~of the Director's Action~~. If a written request for a public hearing is received ~~pursuant to subsection B above~~, the Director shall schedule the application for a public hearing before the Planning Commission ~~within 45 days of the filing of the call for review at the next available Commission hearing~~ in accordance with Chapter 25.100 (Public Hearings and Notice). The person filing the written request may be charged a fee to cover hearing costs.
- D. Director or Commission Action. The Director or the Planning Commission ~~on a Call for Review~~—may deny, deny without prejudice, approve, or approve with conditions any application under this section.
- E. Required Findings. Any decision to approve a ~~minor~~ ~~Design~~ ~~Review~~ application pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:
 1. The changes to the exterior of the structure~~façade~~ are minor in nature, and the change in materials are equivalent to or higher quality than the material being replaced;
 2. The blend of mass, scale and dominant characteristics of the exterior changes~~façade~~ ~~change~~ are consistent with the existing structure's design and with the existing structures~~façades~~ on the block; and
 3. The changes to the exterior of the structure~~façade~~ are found to be compatible with the applicable design guidelines and requirements~~and character chapter of the Burlingame Downtown Specific Plan and the Commercial Design Guidebook~~.

(Ord. 2000 § 2, (2021))

§ 25.68.080. Post-Decision Procedures.

The procedures and requirements in Chapter 25.88 (Permit Implementation, Extensions, Modifications, and Revocations), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on a major design review and minor design review application.

(Ord. 2000 § 2, (2021))

CHAPTER 25.70
HILLSIDE AREA CONSTRUCTION PERMITS

§ 25.70.010. Purpose and Applicability.

The purpose of this chapter is to provide processes for the review of certain hillside development proposals to ensure compliance with the provisions of Section 25.20.040 (Hillside Overlay Zone(H)) and Chapter 25.68 (Design Review), review all construction that changes the building envelope of a structure in the hillside area that could affect existing distant views from inside structures on nearby properties.

- A. The provisions of this chapter shall apply to all areas in the City located within the Hillside Overlay (H) Zone, as shown on the Zoning Map.
- B. The requirements of Chapter 25.68 (Design Review) shall apply to Hillside Area Construction Permits for such projects that trigger design review pursuant to Section 25.68.020 (Applicability and Types of Design Review). (Ord. 2000 § 2, (2021))

§ 25.70.020. Applicability.

- A. The provisions of this chapter shall apply to all areas in the City located within the Hillside Overlay (H) Zone, as shown on the Zoning Map.
- B. The requirements of Chapter 25.68 (Design Review) shall apply to Hillside Area Construction Permits for such projects that trigger design review pursuant to Section 25.68.020 (Applicability and Types of Design Review). (Ord. 2000 § 2, (2021)).
- C. A Hillside Area Construction Permit shall be required for all new dwelling units; new accessory structures; or additions to any existing dwelling unit or accessory structure including changes in roof elevations except for the following exclusions:
 - 1. Fences that meet code requirements;
 - 2. Interior remodels;
 - 3. Accessory Dwelling Units;
 - 4. Structures that are 120 square feet or less that do not require a building permit; and
 - 5. Filling in of interior courtyard spaces that do not result in expansions to the exterior perimeter of the building or result in an increase to the overall building height.

§ 25.70.0320. Application Filing.A. Design Review and Hillside Area Construction Permit. New construction that triggers design review pursuant to Section 25.68.020 (Applicability and Types of Design Review) shall file an application for both design review and a Hillside Area Construction Permit following the application filing requirements of Section 25.68.050 (Application Filing).

- A. Hillside Area Construction Permit Only. New construction that does not trigger design review shall require the filing of an application for a A Hillside Area Construction Permit. Such application shall be filed and processed in compliance with Section 25.68.050 (Application Filing). The application shall include the information and materials specified in the most up-to-date Department handout for Hillside Area Construction Permit applications, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the

findings required by Section 25.70.0430 (Required Findings for Hillside Area Construction Permits), below.

~~B. Story Poles. Prior to filing an application for a Hillside Area Construction Permit, an applicant is encouraged to install story poles to help visualize the proposed addition or new structure and assess potential view impacts on neighboring properties. In review of the application, the Commission may require that story poles be installed. Story poles shall be installed as specified in the most up to date Department handout for Story Pole Installation Requirements. (Ord. 2000 § 2, (2021))~~

§ 25.70.030. Application Review and Processing.

~~A. Design Review and Hillside Area Construction Permit. New construction that requires design review shall follow the application review and processing procedures pursuant to Section 25.68.060 (Major Design Review Application Review and Processing).~~

~~B. Hillside Area Construction Permit Only.~~

~~1. Once the application and all supporting information and documentation have been received and the application deemed complete, notice of the application shall be given according to the provision of Section 25.100.060 (Decision and Notice). Notice shall be given to all property owners within 100 feet of the subject property. The notice shall also state that, unless a written request for a public hearing is received by the Community Development Department within 10 days after the date of the notice, the Director shall take action on the application and may either grant or deny the Hillside Area Construction Permit and may impose conditions as applicable. The Director shall issue a written determination that shall state the findings for the decision.~~

~~2. If a written request for a public hearing is received, the Director shall schedule the application for a public hearing before the Planning Commission at the next available Commission hearing in accordance with Chapter 25.100 (Public Hearings and Notice). The person filing the written request may be charged a fee to cover hearing costs.~~

A. Review. Upon making the determination that a Hillside Area Construction Permit application is complete, the Director or designee shall review the application for consistency with any applicable design guidelines and requirements and prepare written findings indicating how the application does or does not comply with applicable design guidelines and requirements. Prior to preparing the findings and any conditions of approval, the Director may give the applicant the opportunity to revise plans to achieve compliance.

B. Public Notice. Once the application and all supporting information and documentation have been received and the application deemed complete, notice of the application shall be given according to the provision of Chapter 25.100.020(B) (Public Hearing and Notice). The notice shall state that, unless a written request for a public hearing is received by the Community Development Department within 10 days after the date of the notice, the Director shall take action on the application.

C. Call for Review. If a written request for a public hearing is received pursuant to subsection B above, the Director shall schedule the application for a public hearing before the Planning Commission within 45 days of the filing of the call for review in accordance with Chapter 25.100 (Public Hearings and Notice). The person filing the written request may be charged a fee to cover hearing costs.

D. Director or Commission Action. The Director or the Planning Commission may deny, deny without prejudice, approve, or approve with conditions any application under this section.

E. Story Poles. In review of the application, story poles may be required to help visualize the proposed addition or new structure and assess potential view impacts on neighboring properties. Story poles shall be installed as specified in the most up-to-date Department handout for Story Pole Installation Requirements.

(Ord. 2000 § 2, (2021))

§ 25.70.040. Findings.

A. Design Review and Hillside Area Construction Permit. In addition to the required findings for design review pursuant to Sections 25.68.060.C. (Major Design Review Application Review and Processing) and 25.68.070.E (Minor Design Review Application Review and Processing), the following additional findings shall be made for any permit in the Hillside Overlay Zone:

1. The project is consistent with the purpose of the Hillside Overlay Zone found in Section 25.20.040.A.
2. The project complies with the development standards found in Section 25.20.040.B through I.
3. The placement of the proposed construction does not have a substantial impact on adjacent properties or on the character of the immediate neighborhood.

B. Hillside Area Construction Permit Only. The following findings shall be made for any permit in the Hillside Overlay Zone:

1. The project is consistent with the purpose of the Hillside Overlay Zone found in Section 25.20.040.A.
2. The project complies with the development standards found in Sections 25.20.040.B through I.

(Ord. 2000 § 2, (2021))

CHAPTER 25.72 HOME OCCUPATION PERMITS

§ 25.72.010. Purpose and Applicability.

- A. Purpose. It is the purpose of this chapter to:
 - 1. Allow for the conduct of home occupations that are deemed incidental to, and compatible with, surrounding residential uses;
 - 2. Recognize that a residential property owner or resident has a limited right to conduct a small business from a legal residence, and that a neighbor, under normal circumstances, would not be aware of its existence;
 - 3. Maintain the residential character of residential neighborhoods; and
 - 4. Prevent the use of home occupations from transforming a residential neighborhood into a commercial area.
- B. Applicability. No person shall commence or carry on any home occupation within the City without first having procured a permit from the Director. The Director shall issue a permit when the applicant shows that the home occupation meets all requirements of this chapter. Every home occupation shall fully comply with all City, County, and State codes, ordinances, rules, and regulations.
- C. Permit Not Transferable. No ~~h~~Home ~~e~~Occupation ~~p~~Permit shall be transferred or assigned, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the home occupation for which the permit was issued.

(Ord. 2000 § 2, (2021))

§ 25.72.020. Business License Required.

Every home occupation permittee shall obtain and maintain a valid business license.
(Ord. 2000 § 2, (2021))

§ 25.72.030. Excluded Operations.

The following occupations and those considered to be of similar character by the Director shall be specifically prohibited as home occupations:

- A. Contractor's office where employees report or assemble as a part of the job for other than administrative or bookkeeping purposes; office only is permitted.
- B. Barbershop or beauty salon.
- C. Carpentry, cabinet making, and welding/metal work.
- D. Massage studio.
- E. Automobile repairing or painting.
- F. Medical clinic.

- G. Hospital.
- H. Kennel or other boarding of pets.
- I. Medical or dental offices.
- J. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

(Ord. 2000 § 2, (2021))

§ 25.72.040. Application Filing, Processing, and Review.

Applications for ~~hHome eOccupation pPermits~~ shall be filed, in writing, with the Director by the person who intends commencing or carrying on a home occupation. The application shall be upon forms furnished by and in the same manner prescribed by the Director. Where the applicant is not the owner of the lot on which the home occupation is proposed to be conducted, the application shall be accompanied by the written consent of the owner or his/her agent.

(Ord. 2000 § 2, (2021))

§ 25.72.050. Findings and Decision.

- A. Within 10 working days after the filing of an application for a ~~hHome eOccupation pPermit~~, the Director shall either issue or deny the permit and shall serve notice ~~to the applicant of such action upon the applicant by mailing a copy of such notice to the applicant at the address appearing on the application.~~ The Director's decision shall be final unless an appeal is filed pursuant to Chapter 25.98 (Appeals and Calls for Review).
- B. The Director (or the Commission on a referral or appeal) may approve a ~~hHome eOccupation pPermit~~ application, with or without conditions, only if it first makes all of the following findings. Failure of the Review Authority to make all of the following findings shall result in denial of the ~~hHome eOccupation pPermit~~ application.
 - 1. The proposed home occupation will be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject residential ~~zoning~~ district;
 - 2. The proposed home occupation shall meet all of the requirements of this section and will be located and conducted in full compliance with all of the standards specified in Chapter 25.72 (Home Occupation Permits) and all conditions imposed on the home occupation permit;
 - 3. The proposed home occupation will not be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; and
 - 4. The proposed home occupation will not interfere with the use or enjoyment of neighboring existing or future residential development and will not create traffic or pedestrian hazards.

(Ord. 2000 § 2, (2021))

§ 25.72.060. Compliance with Standards and Conditions.

- A. Compliance Required. Home occupations shall comply with the applicable locational, developmental, and operational standards identified in this section as well as any conditions imposed by the Director on the home occupation permit.
- B. Required Standards. Each home occupation shall comply with all of the following standards.
 - 1. Located Indoors. Except for such outdoor uses as teaching swimming or tennis, activities shall be confined within the primary dwelling unit or a permitted accessory structure and shall not occupy required parking, open space, or yard.
 - 2. Merchandise. Any merchandise produced on the premises or directly related to and incidental to the service offered shall not be sold directly from the premises, either at wholesale or retail, except by mail or other similar parcel shipping method.
 - 3. Storage. Equipment or materials associated with the business shall be displayed, stored, and maintained indoors and not in any required parking areas.
 - 4. Building Appearance. The exterior appearance of the building shall not be altered to accommodate the business, and the occupation shall be conducted in a manner which does not cause the premises to differ from its residential character in colors, materials, construction or lighting, or by the emission of sounds, noises, smoke, odors, vibrations, liquid or solid waste, television or radio interference, or create other nuisance.
 - 5. Residency. All persons engaged in the conduct of a home occupation must be a resident, except that one nonresident is permitted.
 - 6. Parking. On-site parking shall meet the standards required for the residential use.
 - 7. Mechanical and Electrical Equipment. Only mechanical or electrical equipment incidental to a dwelling shall be maintained or installed.
 - 8. Customer Visits. Customer visits shall be limited to daily visits typically associated with a residential use of property. In the case of instruction, such as music lessons, coaching, or tutoring, no more than three-six students shall be permitted at any one time unless the Director determines that additional students would not affect the use and enjoyment of surrounding properties.

(Ord. 2000 § 2, (2021))

§ 25.72.070. Cottage Food Operation Requirements.

- A. General. A use qualifies as a cottage food operation by meeting all the following requirements:
 - 1. The use is consistent with the definitions set forth in ~~Section 113758 of the~~ California Health and Safety Code Section 113758, as it may be amended from time to time;
 - 2. The owner of the cottage food operation has registered with the County of San Mateo Environmental Health Services Division;

3. The owner of the cottage food operation has obtained a permit from the Director by meeting all requirements set forth in this section;
4. The owner of the cottage food operation complies with subsection B, below; and
5. The use complies with all other sections of this code, except where otherwise indicated.

B. Cottage Food Operation Standards. A cottage food operation shall:

1. Maintain a valid and current registration from the County of San Mateo for as long as operations continue;
2. Produce and sell only foods on the approved food products list as promulgated by the State Public Health Officer pursuant to California Health and Safety Code Section 114365.5;
3. Submit to inspections by local enforcement agency representatives after receipt of a consumer complaint giving rise to a suspicion that unsafe food has been produced by the cottage food operation, or that the cottage food operation has violated this section; and
4. Operate in compliance with all applicable Federal, State, and local laws, including, but not limited to, California Health and Safety Code Sections 113758, 113789, 114021, 114023, 114088, 114365, 114390, 114405, and 114409, as they may be amended from time to time.

(Ord. 2000 § 2, (2021))

§ 25.72.080. Permit Expiration.

Home ~~e~~Occupation ~~p~~Permits shall immediately expire upon discontinuance of the home occupation. (Ord. 2000 § 2, (2021))

§ 25.72.090. Inspections.

The Director shall have the right at any time during normal City Hall business hours, upon request, to enter and inspect the premises subject to a ~~h~~Home ~~e~~Occupation ~~p~~Permit in order to verify compliance with permit conditions of approval.

(Ord. 2000 § 2, (2021))

§ 25.72.100. Acknowledgement by Applicant.

A ~~h~~Home ~~e~~Occupation ~~p~~Permit shall not be valid until signed by the applicant, with the signature acknowledging the applicant's full understanding and agreement with all of the conditions, and agreement to waive any right to later challenge any conditions imposed as unfair, unnecessary, or unreasonable.

(Ord. 2000 § 2, (2021))

§ 25.72.110. Changes in Home Occupation.

A change in the type of home occupation activity (e.g., a change from one allowed activity to another allowed activity) conducted by the original resident/permittee shall also require a new ~~h~~Home ~~e~~Occupation ~~p~~Permit and business license before conducting an allowed home occupation. (Ord. 2000 § 2, (2021))

CHAPTER 25.74 MINOR MODIFICATIONS

§ 25.74.010. Purpose and Applicability.

The purpose of the ~~minor~~ modification process is to provide a procedure that allows for minor deviations from the development standards applicable to a property in order to promote integrated design approach and quality; respond to conditions on adjacent properties and within a neighborhood or district; and/or respond to unique conditions on a property due to topography, parcel configuration, the presence of protected trees, and natural features warranting protection. (Ord. 2000 § 2, (2021))

§ 25.74.020. Minor Modification Applicability.

A ~~minor~~ modification application may be submitted only for the following deviations from development standards. If more than two minor deviations are requested for a subject property, the Director shall refer the application to the Planning Commission for review, with a fully noticed public hearing required.

A. R-1 and R-2 Zoning Districts.

1. A maximum increase in residential lot coverage up to 41 percent.
2. A maximum decrease in a required side or rear setback by up to 20 percent.
3. A maximum of 20 percent increase in height limit in fence and hedge requirements, except in the required front setback area, where no increase shall be permitted.
4. A maximum of 10 percent reduction in any dimension of aisles, driveways, or parking spaces.
5. Encroachment of a structure up to one foot into the required side yard setback of seven feet six inches on corner lots if the encroachment does not exceed 10 percent of the frontage and does not affect sight lines for motor vehicles, pedestrians, or cyclists, as determined by the City Engineer.
6. Encroachment by the primary structure into the required 15-foot rear setback of a one-story single-unit ~~dwelling home~~ for up to 25 percent of the structure, provided no portion of the structure extends closer than 12 feet to the rear property line.
7. Detached garages of 650 square feet or less ~~that have no bathrooms, unless otherwise permitted by this Code, and which comply with Section 25.31.020.C (Accessory Structures in R-1 and R-2 Districts).~~
- 7.8. ~~A detached garage or other accessory structure, other than an accessory dwelling unit, exempt from setback restrictions, when located within the rear 40 percent of the lot;~~
9. Extending an existing first floor wall which encroaches into the side setback no closer than three feet to the property line.

B. Commercial, Mixed-Use, and Downtown Zoning Districts. ~~In the C-1, BFC, CMU, BRMU, RRMU, NBMU, and Downtown zoning districts, the following shall qualify, except as noted:~~

1. ~~A maximum 10 percent reduction in any dimension of aisles, driveways, or parking~~

~~spaces within parking lot, provided no more than 10 percent of the parking spaces in a project may be affected by the dimensional adjustment.~~

2.1. Increase in compact parking stalls up to 30 percent for commercial uses.

C. Industrial Zoning District. In the Industrial Innovation zoning district:

- ~~1. A maximum of 10 percent reduction in any dimension of interior parking lot aisles or parking spaces, provided no more than 20 percent of the parking spaces in a project may be affected by the dimensional adjustment~~
- ~~2. Increase in compact parking stalls up to 30 percent for a commercial or industrial building.~~

(Ord. 2000 § 2, (2021))

§ 25.74.030. Application Review and Processing.

A. Application Review. The Director shall review the application for compliance with the provisions of this title and act to approve, approve with conditions, or deny a ~~m~~Minor ~~m~~Modification application.

B. Public Notice for Minor Modification. Notice of the intent to approve a ~~minor modification~~ application, or approve with conditions, shall be mailed by the Director to the applicant and all owners of property within 100 feet of the exterior boundaries of the subject property. The notice shall state that any interested party may file an appeal to the Planning Commission of the Director's intended decision within the 10 day period stated in the notice. In the event the Director acts to deny the application, no public notice shall be required. However, the Director shall notify the applicant of the right to appeal the denial to the Planning Commission.

C. If an appeal is received, the Director shall schedule the appeal for a public hearing before the Planning Commission at the next available Commission hearing in accordance with Chapter 25.100 (Public Hearings and Notice). The person filing the appeal may be charged a fee to cover hearing costs.

A. Review. Upon making the determination that a Minor Modification application is complete, the Director or designee shall review the application for consistency with any applicable design guidelines and requirements and prepare written findings indicating how the application does or does not comply with applicable design guidelines and requirements. Prior to preparing the findings and any conditions of approval, the Director may give the applicant the opportunity to revise plans to achieve compliance.

B. Public Notice. Once the application and all supporting information and documentation have been received and the application deemed complete, notice of the application shall be given according to the provision of Chapter 25.100.020(B) (Public Hearing and Notice). The notice shall state that, unless a written request for a public hearing is received by the Community Development Department within 10 days after the date of the notice, the Director shall take action on the application.

C. Call for Review. If a written request for a public hearing is received pursuant to subsection B above, the Director shall schedule the application for a public hearing before the Planning Commission within 45 days of the filing of the call for review in accordance with Chapter 25.100 (Public Hearings and Notice). The person filing the written request may be charged a

fee to cover hearing costs.

D. Director or Commission Action. The Director or the Planning Commission may deny, deny without prejudice, approve, or approve with conditions any application under this section.

(Ord. 2000 § 2, (2021))

§ 25.74.040. Findings.

In acting to approve or approve with conditions a ~~mM~~inor ~~mM~~odification application, the Director or appeal body shall be required to make the following findings, supported by written evidence.

The following findings shall be made for any ~~The Mm~~inor ~~Mm~~odification:

- A. Is consistent with the General Plan.
- B. Will not adversely affect neighboring properties.
- C. Will not be detrimental to the health, safety, or general welfare of the persons residing or working on the site or in the vicinity.
- D. Is justified by specified environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood. (Ord. 2000 § 2, (2021))

CHAPTER 25.78 SPECIAL PERMIT

§ 25.78.010. Purpose and Applicability.

- A. Purpose. The ~~s~~Special ~~p~~Permit is established for the purpose of allowing the structures and development approaches specified in this chapter that are not permitted as a matter of right but which may be considered compatible and appropriate if such uses or features are designed or arranged on a site or in a structure in a particular manner and in accordance with conditions imposed by the Planning Commission.
- B. Applicability. In its review of a ~~s~~Special ~~p~~Permit application, the Commission may impose such requirements and conditions with respect to location, construction, architectural features, architectural consistency within the structure, site planning, and time limits for the special permit as it deems necessary for the protection of adjacent properties, the streetscape, the neighborhood, and the public interest. Such deviations may apply to, but not be limited to, building height, variety of roofline on a structure, daylight plane angle, façade articulation, and exterior finish materials.

(Ord. 2000 § 2, (2021))

§ 25.78.020. Structures and Development Approaches in the R-1 Zoning District Requiring a Special Permit.

- A. Applicability. The following are structures and development approaches allowed in the R-1 zoning district with a ~~s~~Special ~~p~~Permit:
 1. Attached garages for single-unit dwellings, ~~except for. A special permit shall not be required for~~ replacement of an existing attached garage ~~or~~and for existing attached garages that are extended no more than 10 feet in length. In all cases the attached garage shall comply with the minimum required front setback requirements in Section 25.10.0450 (Special Front Setback Requirements).
 2. Construction exceeding the limits of the declining height envelope.
 3. Building height exceeding 30 feet, but not to exceed 36 feet.
 4. ~~A detached garage or other accessory structure, other than an accessory dwelling unit, exempt from setback restrictions when located within the rear 40 percent of the lot.~~
 - 5.4. A detached garage or other accessory structure, other than an accessory dwelling unit, that is in the rear of the lot and that is more than 28 feet in width or depth.
 - 6.5. Plate height exceeding maximum indicated in Table 25.10-2 (Residential Zoning Districts Development Standards).
 - 7.6. Any second-floor deck or balcony up to a maximum of 75 square feet and/or to exceed the minimum required side setback for a second-floor deck or balcony. Second-floor decks and balconies shall not be designed as viewing platforms and shall be designed to consider~~ing~~ surrounding context, including window location of adjacent properties.

B. Required Findings. Any decision to approve a ~~s~~Special ~~p~~Permit application in the R-1 zoning district pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. The blend of mass, scale, and dominant structural characteristics of the new construction or addition are consistent with the existing structure's design and with the well-defined character of the street and neighborhood;
2. The variety of roof line, façade, exterior finish materials, and elevations of the proposed new structure or addition are consistent with the existing structure, street, and neighborhood;
3. The proposed project is consistent with the residential design guidelines adopted by the City; and
4. Removal of any trees located within the footprint of any new structure or addition is necessary and is consistent with the City's reforestation requirements, and that the mitigation for the removal that is proposed is consistent with established City policies and practices.

(Ord. 2000 § 2, (2021))

§ 25.78.030. Structures and Development Approaches in the R-2 Zoning District Requiring a Special Permit.

A. Applicability. The following are structures and development approaches allowed in the R-2 zoning district with a ~~s~~Special ~~p~~Permit:

1. Building height exceeding 30 feet, but not to exceed 36 feet.
2. Construction exceeding the limits of the declining height envelope.

B. Required Findings. Any decision to approve a ~~s~~Special ~~p~~Permit application in the R-2 zoning district pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. The blend of mass, scale, and dominant structural characteristics of the new construction or addition are consistent with the existing structure's design and with the well-defined character of the street and neighborhood;
2. The variety of roof line, façade, exterior finish materials, and elevations of the proposed new structure or addition are consistent with the existing structure, street, and neighborhood;
3. The proposed project is consistent with the residential design guidelines adopted by the City; and
4. Removal of any trees located within the footprint of any new structure or addition is necessary and is consistent with the City's reforestation requirements, and that the mitigation for the removal that is proposed is consistent with established City policies and practices.

(Ord. 2000 § 2, (2021))

§ 25.78.040. Structures and Development Approaches in the R-3 and R-4 Zoning Districts Requiring a Special Permit.

- A. Applicability. The following are structures and development approaches allowed in the R-3 and R-4 zoning districts with a ~~s~~pecial ~~p~~ermit:
 - 1. Any proposal utilizing Tier 2 development standards to exceed the maximum building height. Additional building height provided in Tier 2 may only be allowed with the applicant's provision of community benefits approved by the Review Authority.
 - 2. Buildings exceeding maximum height limits in the R-3 ~~z~~oning ~~d~~istrict within the Anita Road Overlay (Section 25.20.010) and within the Rollins Road Residential Overlay (Section 25.20.070), and in the R-4 ~~z~~oning ~~d~~istrict within the R-4 Incentive Overlay (Section 25.20.060).
 - 3. If a circular drive is provided, a reduction of the required front setback landscaping to 45 percent of the lot area within the required front setback.
- B. Required Findings. Any decision to approve a ~~s~~pecial ~~p~~ermit application in the R-3 and R-4 zoning districts pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:
 - 1. The proposed modification to standards respects and preserves the character of the neighborhood in which the project is located;
 - 2. The proposed modification to standards results in a project that is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring properties;
 - 3. The additional development capacity is consistent with General Plan goals and policies; and
 - 4. The project conditions of approval, a development agreement, or some other form of binding agreement will be in place to ensure provision of the required community benefits (if applicable).

§ 25.78.050. Structures and Development Approaches in the BAC, HMU, MMU, BMU, DAC, CAC, CAR, CMU and BRMU Zoning Districts Requiring a Special Permit.

- A. Applicability. The following are structures and development approaches allowed in the BAC, HMU, MMU, BMU, DAC, CAC, CAR, CMU and BRMU zoning districts with a ~~s~~pecial ~~p~~ermit:
 - 1. Buildings exceeding maximum height limits, with the exception of the HMU zoning district.
 - 2. Architectural features in excess of the maximum building height which do not extend more than 10 feet above the maximum height and do not occupy more than 10 percent of the roof area. The architectural features shall be reviewed as a part of the design review process outlined in Chapter 25.68 (Design Review).

B. Required Findings. Any decision to approve a ~~s~~Special ~~p~~Permit application pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. Building Height.
 - a. The proposed modification to standards respects and preserves the character of the neighborhood in which the project is located;
 - b. The proposed modification to standards results in a project that is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring properties; and
 - c. The additional development capacity is consistent with General Plan goals and policies.
2. Architectural Features.
 - a. The architectural features enhance the overall design of the development; and
 - b. The architectural features are designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring properties.

(Ord. 2000 § 2, (2021))

§ 25.78.060. Structures and Development Approaches in the BFC, I-I, RRMU, and NBMU Zoning Districts Requiring a Special Permit.

A. Applicability. The following are structures and development approaches allowed in the BFC, I-I, RRMU, and NBMU zoning districts with a ~~s~~Special ~~p~~Permit:

1. Any proposal in the RRMU and NBMU zoning districts utilizing Tier 2 or Tier 3 development standards to exceed the maximum building height. Additional building height provided in Tier 2 or Tier 3 may only be allowed with the applicant's provision of community benefits approved by the Review Authority.
2. Buildings exceeding maximum height limits in the BFC and I-I zoning districts.

B. Required Findings. Any decision to approve a ~~s~~Special ~~p~~Permit application pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. The proposed modification to standards respects and preserves the character of the neighborhood in which the project is located;
2. The proposed modification to standards results in a project that is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring properties; and
3. The additional development capacity is consistent with General Plan goals and policies.

(Ord. 2000 § 2, (2021))

§ 25.78.070. Community Benefits in the BFC, I-I, RRMU, and NBMU Zoning Districts Requiring a Special Permit.

- A. Applicability. In the BFC, I-I, RRMU, and NBMU zoning districts, a ~~s~~Special ~~p~~Permit application is required for any proposal utilizing Tier 2 or Tier 3 development standards as provided in the respective chapter. Additional development capacity provided in Tiers 2 and 3 may only be allowed with the applicant's provision of community benefits approved by the Review Authority. The value of the benefit shall be proportional to the value of the additional development capacity provided in Tiers 2 and 3, as determined by the Review Authority.
- B. Required Findings. Any decision to approve a ~~s~~Special ~~p~~Permit application for additional development capacity as provided in Tiers 2 and 3 shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:
 - 1. The value of the community benefits provided is proportional to the value derived from the additional development capacity provided in Tiers 2 and 3;
 - 2. The additional development capacity will not pose adverse impacts on the public health, safety, and general welfare, nor on neighboring properties in particular;
 - 3. The additional development capacity is consistent with General Plan goals and policies; and
 - 4. The project conditions of approval, a development agreement, or some other form of binding agreement will be in place to ensure provision of the required community benefits.

(Ord. 2000 § 2, (2021))

§ 25.78.080. Review Procedures for Special Permits.

- A. Investigation by Director. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this chapter. A staff report shall be prepared pursuant to Section 25.62.080 (Project Evaluation and Staff Reports).
- B. Notice and Hearings. A public hearing before the Planning Commission shall be required for all ~~s~~Special ~~p~~Permits in compliance with Chapter 25.100 (Public Hearings and Notice).

(Ord. 2000 § 2, (2021))

§ 25.78.090. Conditions of Approval.

In approving a ~~s~~Special ~~p~~Permit, the Commission, or City Council on appeal, may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with this chapter, State law, and with the findings required by this chapter. The Commission may require tangible guarantees or evidence that those conditions are being, or will be, complied with.

(Ord. 2000 § 2, (2021))

CHAPTER 25.80 SPECIFIC PLANS

§ 25.80.010. Purpose and Applicability.

- A. Purpose. This chapter provides a method for preparing, processing, reviewing, and adopting Specific Plans in compliance with California Government Code Section 65450 et seq., or as that section may be amended or replaced from time to time. In addition, this chapter provides a method for amending Specific Plans to ensure their continued effectiveness and responsiveness to market demands over time. A Specific Plan is intended to provide for flexibility in the establishment of land use regulations by allowing for innovative use of land resources and development; a variety of building, development, and housing types; land use mixes; site design; development concepts; and effective and safe pedestrian and vehicular circulation.
- B. Applicability. A Specific Plan may be prepared for any property or group of properties in the City for the purpose of implementing the General Plan. As a matter of City policy, the Council may establish a minimum project area requirement for the preparation of a Specific Plan.

(Ord. 2000 § 2, (2021))

§ 25.80.020. Initiation of Specific Plans.

A Specific Plan or its amendment may be initiated in the following manner:

- A. City Council. By the majority consensus of the City Council; or
- B. Property Owner(s). By an application being filed by the owner(s) of one or more parcels, or the owner's authorized agent, that would be the subject of the Specific Plan. If the property for which a Specific Plan or Specific Plan amendment is proposed is held in multiple ownerships, all the owners or their authorized agents shall join in filing the application. If initiated by a property owner(s), a pre-application conference as specified in subsection C, below is required.
- C. Pre-Application Conference ~~Required~~. A pre-application conference with the Director may be required before the filing of a specific plan application. The City may establish fees for the pre-application conference.
 - 1. The purpose of the pre-application conference is to allow the property owner(s) or property owner's agent to obtain information before entering into commitments requiring that the applicant incur substantial expense in the preparation of plans, surveys, and other data.
 - 2. The preliminary consultations shall include, but are not limited to, the following:
 - a. Proposed land uses to be developed within the project area;
 - b. Development concepts to be employed;
 - c. Schematic plans, illustrative material, and narrative sufficient to describe the general relationships between land uses, and the intended design character and

scale of principal features; and

- d. A preliminary time schedule for development, including quantitative data (e.g., population, building units, land use acreage, and other data) sufficient to illustrate phasing of development and potential impact on public service requirements.
3. Pre-application review shall not constitute any representation on the part of the City that a Specific Plan will be prepared or approved for the property or that any other application pending or otherwise will be approved.

(Ord. 2000 § 2, (2021))

§ 25.80.030. Specific Plan Contents.

A Specific Plan shall contain all information required by Government Code Section 65450 et seq., as well as any additional information that may be stated on the City's application for a Specific Plan.

(Ord. 2000 § 2, (2021))

§ 25.80.040. Application Filing and Processing.

- A. Filing. An application for a Specific Plan or an amendment shall be filed and processed in compliance with Chapter 25.62 (Application Processing Procedures). The application shall include the information and materials specified by the most up-to-date Department handout for Specific Plan applications, together with any required fee.
- B. Investigation by Director. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this chapter. A staff report shall be prepared pursuant to Section 25.62.080 (Project Evaluation and Staff Reports).
- C. Notice and Hearings.
 1. A public hearing before the Planning Commission shall be required for all Specific Plans. Noticing of the public hearing shall be given in compliance with Chapter 25.100 (Public Hearings and Notice).
 2. At the conclusion of the public hearing, the Commission shall indicate by resolution whether the Specific Plan or Specific Plan amendment is recommended to the Council for approval, approval in modified form, or denial.
 3. The Council, after receipt of the report and recommendations of the Commission, shall hold a public hearing in compliance with Chapter 25.100 (Public Hearings and Notice) to consider the Specific Plan or the Specific Plan amendment. The Council may approve, approve with modifications, or deny a proposed Specific Plan or Specific Plan amendment. Approval of the Specific Plan or Specific Plan amendment shall be by ordinance.

(Ord. 2000 § 2, (2021))

§ 25.80.050. Findings and Decision.

The Commission may recommend approval and the Council may approve a Specific Plan or Specific Plan amendment only if it first makes all of the following findings:

- A. The proposed Specific Plan or Specific Plan amendment is consistent with the General Plan, including its goals, policies, and implementation programs.
- B. The proposed Specific Plan or Specific Plan amendment is a desirable planning tool to implement the provisions of the General Plan.
- C. The proposed Specific Plan or Specific Plan amendment will not adversely affect the public health, safety and general welfare or result in an illogical land use pattern.
- D. In the case of a Specific Plan amendment, that the amendment will not create internal inconsistencies within the Specific Plan and is consistent with the purpose and intent of the Specific Plan it is amending.

(Ord. 2000 § 2, (2021))

CHAPTER 25.82 TEMPORARY USE PERMITS

§ 25.82.010. Purpose and Applicability.

- A. Purpose. The purpose of this chapter is to allow for short-term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this chapter.
- B. Temporary Use Defined. For purposes of this chapter, a temporary land use activity is defined as a land use that is interim, non-permanent, and/or seasonal in nature, and lasting from one to 30 days, and generally not more than 30 consecutive days in duration. Temporary uses shall consist of the following categories.
 1. Exempt Temporary Uses. Exempt temporary uses, as identified in Section 25.82.020 (Exempt Temporary Uses), that do not require issuance of a temporary use permit.
 2. Allowed Temporary Uses. Non-exempt temporary uses, including special events, as identified in Section 25.82.030 (Allowed Temporary Uses), that require a temporary use permit.

(Ord. 2000 § 2, (2021))

§ 25.82.020. Exempt Temporary Uses.

The following minor and limited duration temporary uses are exempt from the requirement for a temporary use permit. Uses that do not fall within the categories defined below shall comply with Section 25.82.030 (Allowed Temporary Uses).

- A. Construction Sites – On-site.
 1. On-site contractors' construction/storage uses in conjunction with an approved construction project on the same parcel.
 2. Security personnel may be present during non-construction hours.
 3. The construction and/or storage use shall be removed immediately upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever occurs first.
- B. Emergency Facilities. Emergency public health and safety needs/land use activities, as determined by the Director.
- C. Garage and Yard Sales. Garage and yard sales (i.e., personal property sales) conducted as required by Chapter 6.22 (Merchandise Sales from Residences).
- D. Publicly Owned Property. Events that are to be conducted on publicly owned property by the government entity owning the subject property.

(Ord. 2000 § 2, (2021))

§ 25.82.030. Allowed Temporary Uses.

The following temporary uses shall be allowed subject to the issuance of a temporary use permit.

- A. Contractor Construction Sites – Off-site. The temporary use of a site for an off-site contractor construction, staging, or storage area(s). The permit may be effective for ~~the duration of the construction activity or as specified in the conditions of approval, up to 180 days and extended in 180-day increments, with Director approval, or the expiration of the companion building permit authorizing the construction project, whichever occurs first.~~
- B. Farmers' Markets. Farmers' markets may occur under the terms established by a temporary use permit specific to that operation.
- C. Special Events.
 - 1. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, festivals, flea markets, food markets/events, outdoor entertainment/sporting events, rummage sales (not garage or yard sales), and swap meets limited to 14 consecutive days or fewer, or six two-day weekends, within a 12-month period. When an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended.
 - 2. Outdoor display and sale events conducted by a retail business, including auto dealerships, holding a valid business license issued in compliance with Municipal Code Title 6 (Business Licenses and Regulations) may be allowed a maximum of six outdoor sale events in a calendar year (excluding City-sponsored activities). Any single outdoor sale event shall be no longer than seven consecutive days in duration. When an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended.
 - 3. Outdoor meetings and group activities/assemblies for seven consecutive days or fewer within a calendar year.
 - 4. Seasonal sales (e.g., Halloween pumpkin sales and Christmas tree sales lots), provided that the activity shall be associated with a recognized holiday and shall be held for no more than 45 consecutive days during the time period of the associated holiday.
 - 5. Athletic events, parades, and public assemblies occurring on or within the public rights-of-way or other publicly owned property.
 - 6. Car washes, limited to one event each month for each site, not exceeding two days in length, and prohibited on any property developed with a residential use. Sponsorship shall be limited to charitable, educational, fraternal, religious, schools, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
- C. Temporary Residential Real Estate Sales Offices. One temporary real estate office, provided that:
 - 1. The office shall be used only for the sale of residential property located on the property on which the office is located.

2. The temporary real estate office shall be removed at the end of one year following the date of issuance of the last occupancy permit for the property on which the office is located.
3. If any housing units on the property have not been sold at the end of the original one-year period, the Director may approve extensions for the continuation of the real estate office on a month-to-month basis.

D. Temporary Structures. A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum period of 12 months, as an accessory use or as the first phase of a development project, on sites located within the commercial, industrial, mixed-use, and research and development zones of the City.

E. Temporary Work Trailers.

1. A trailer or mobile home may be used as a temporary work site for employees of a business during construction or remodeling of a permanent commercial, industrial, mixed-use, or research and development structure when a valid building permit is in force, or upon demonstration by the applicant, to the satisfaction of the Director, that the temporary work site is a short-term necessity while a permanent work site is being obtained.
2. A permit for temporary work trailer(s) may be approved for up to 12 months.

F. Other Similar Temporary Uses. Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

(Ord. 2000 § 2, (2021))

§ 25.82.040. Application Filing.

An application for a ~~t~~Temporary ~~u~~Use ~~p~~Permit shall be filed no less than two weeks prior to the date on which the temporary use is planned to commence. The Director may waive this time period requirement based on circumstances which prevent a timely filing.

(Ord. 2000 § 2, (2021))

§ 25.82.050. Action by the Director.

The Director may approve a ~~t~~Temporary ~~u~~Use ~~p~~Permit for a temporary use that would be operated in compliance with Section 25.82.070 (Conditions of Approval), or the Director may deny the application or defer action and refer the application to the Planning Commission Council for review and final decision. (Ord. 2000 § 2, (2021))

§ 25.82.060. Findings and Decision.

- A. Director's Review. The Director shall review the application and shall record the decision in writing with the findings on which the decision is based.
- B. Required Findings. The Director (or the Planning Commission Council on a referral or appeal) may approve a ~~t~~Temporary ~~u~~Use ~~p~~Permit application, with or without conditions, only after first making all of the following findings:

1. The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;
2. The operation of the requested temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics;
3. The proposed parcel is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;
4. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;
5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director; and
6. The applicant agrees in writing to comply with any and all of the conditions imposed in the approval of the temporary use permit.

(Ord. 2000 § 2, (2021))

§ 25.82.070. Conditions of Approval.

- A. May Impose Conditions. In approving a temporary use permit application, the Director (or the Planning Commission Council on a referral or appeal) may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 25.82.060 (Findings and Decision).
- B. Appropriate Conditions. The conditions may address any pertinent factors affecting the operation of the temporary event or use, and may include, but are not limited to, the following:
 1. Fixed period of time;
 2. Operating hours and days;
 3. Temporary pedestrian and vehicular circulation;
 4. Regulation of nuisance factors;
 5. Regulation of temporary structures;
 6. Litter, sanitary, and medical facilities;
 7. Waste collection, recycling, and/or disposal;
 8. Police/security and safety measures;
 9. Signs;

10. Performance bond or other security;
11. Limitations on alcoholic beverage sales; and
12. Compliance with other Municipal Code applicable provisions.

(Ord. 2000 § 2, (2021))

§ 25.82.080. Condition of Site Following Temporary Use.

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use and shall continue to be used in compliance with this title.

(Ord. 2000 § 2, (2021))

CHAPTER 25.88

**PERMIT IMPLEMENTATION, EXTENSIONS, ~~AMENDMENTS~~MODIFICATIONS,
AND REVOCATIONS**

§ 25.88.010. Purpose.

This chapter provides requirements for the implementation, or "exercising," of the permits or approvals required by this title, including time limits and procedures for approving extensions of time, modifying approved permits, and revoking permits.

(Ord. 2000 § 2, (2021))

§ 25.88.020. Effective Dates of Permits.

A. Discretionary Permits~~Approvals, Permits, and Variances~~.

1. Design Review - Minor approval, Hillside Area Construction Permit, Home Occupation Permit, Minor Modification approval, Minor Use Permit, Reasonable Accommodation approval, or ~~T~~emporary ~~U~~se ~~P~~ermit shall become effective immediately upon expiration of any appeal or call for review period. If an appeal or call for review is filed, such permit or approval shall become effective immediately upon the final appeal or call for review decision.
2. A Conditional Use Permit, Design Review - Major approval, Special Permit, or Variance shall become effective 10 days following the actual date the decision was rendered by the applicable Review Authority, unless an appeal is filed in compliance with Chapter 25.98 (Appeals) prior to the effective date. If an appeal is filed, such permit or approval shall become effective immediately upon rendering of the final appeal decision.
3. Denial of a request for approval, permit, or variance becomes effective the date of determination.

B. Agreements, Plans, and Zoning~~Amendments~~.

1. Council actions to adopt or amend a ~~D~~evelopment ~~A~~greement, a Specific Plan, ~~the~~ Zoning Code~~this title~~, or the Zoning Map following receipt of a recommendation from the Commission shall become effective on the 30th day following the date the ordinance is actually adopted by the Council.
2. Council actions to adopt or amend the General Plan shall become effective upon the adoption of the resolution by the Council.

(Ord. 2000 § 2, (2021); Ord. 2035, 12/16/2024)

§ 25.88.030. Time to Implement—Time Extensions.

A. Time Period. To ensure continued compliance with the provisions of this title, a building permit ~~or approval~~ shall be issued within 24 months following the effective date of the permit or approval, ~~unless, by conditions of the permit or approval, a different (either greater [up to a maximum of 36 months] or lesser) time is prescribed~~, or the permit or approval shall be deemed void, unless an extension is approved in compliance with Section 25.88.030.C (Time Extensions).

- B. Reasonable Limits. Any time limit set by the applicable Review Authority shall be reasonable, based upon the size and the nature of the proposed project.
- C. Time Extensions.
 - 1. The Director shall have the authority to extend the period specified in subsection A, above, for up to 12 months.
 - 2. The applicant's written request for an extension of time shall be on file with the Department at least 30 days before expiration of the permit or approval, together with any filing fee.
 - 3. No public hearing shall be required. However, the Director may require a public hearing in compliance with Chapter 25.100 (Public Hearings and Notice) if deemed appropriate by the Director.
 - 4. In the event the Director denies the request for extension, the applicant may, within 10~~5~~ days of the decision, appeal the decision in compliance with Chapter 25.98 (Appeals and Calls for Review).
 - 5. Findings Required. An extension of the permit or approval may be granted only if the Director first makes all of the following findings:
 - a. There have been no changes in circumstances or law that would preclude the Director from making the findings upon which the original approval was based; and
 - b. Appropriate evidence has been provided by the applicant to document that the extension is required due to a hardship that was not the result of personal action(s) undertaken by the applicant.
- D. Further Extensions Deemed New Application. An application for an extension of the permit or approval in excess of 36 months following the original date of approval (original 24 months plus up to an additional 12 months) shall be treated as a new application, unless approved through a Development Agreement or similar mechanism.
- E. Effect of Expiration. Where the permit or approval has expired and/or has been deemed void:
 - 1. No further action is required by the City;
 - 2. No further reliance may be placed on the previously approved permit or approval;
 - 3. The applicant shall have no rights previously granted under the permit or approval;
 - 4. The applicant shall file a new application(s) and obtain all required approvals before construction can commence or an allowable use may be implemented; and
 - 5. The new application(s) shall be subject to the regulations in effect at time of submittal.(Ord. 2000 § 2, (2021))

§ 25.88.040. ModificationsAmendments to Approvals.

A. Conformance Required.

1. A development or new land use allowed by a permit or approval authorized by this chapter shall be in substantial compliance with the approved drawings and plans and any conditions of approval imposed by the Review Authority, except where changes to the project are approved in compliance with this section.
2. An applicant shall request any desired changes to a permit or approval to the Director in writing and shall also furnish appropriate supporting materials and an explanation of the reason(s) for the request.
3. Requested changes may involve changes to one or more conditions imposed by the Review Authority or actual changes to the operation, use, or physical characteristics of the project (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the applicant or approved by the Review Authority.
Changes shall not be implemented until first approved by the applicable Review Authority in compliance with this section and may be requested either before or after construction or establishment and operation of the approved use.

B. Notice of Hearing. If the matter originally required a noticed public hearing, the original Review Authority shall hold a public hearing, except for the minor changes outlined below in subsection C. Notice shall be given in compliance with Chapter 25.100 (Public Hearings and Notice).

C. Minor Changes by Director. The Director, following criteria established by the Planning Commission from time to time, may authorize minor changes to an approved site plan, architecture, or the nature of the approved use only if the changes:

1. Are consistent with all applicable provisions of this title and the spirit and intent of the original approval; and
2. Do not involve a feature of the project that was:
 - a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;
 - b. A basis for conditions of approval for the project; or
 - c. A specific consideration by the Review Authority in granting the permit or approval.
3. Do not involve any expansion or intensification of the use or structure.

(Ord. 2000 § 2, (2021))

A. Permit Amendments. A permit required by this Zoning Code and approved by the Review Authority identified in Chapter 25.60 and Table 6-1: (Review Authority) may be modified or amended after approval and issuance in compliance with this section.

1. An applicant shall request any desired changes to a permit or approval to the Director in writing and shall also furnish appropriate supporting materials and an explanation of the reason(s) for request.
2. Requested changes to one or more conditions imposed by the Review Authority or changes to the operation, use, or physical characteristics of the project (e.g., hours of operation,

expansion of a use, design etc.) as originally approved by the Review Authority may be requested.

3. Changes shall not be implemented until first approved by the applicable Review Authority in compliance with this section and may be requested either before or after construction or establishment and operation of the approved use.

B. Review Authority of Permit Amendments.

1. Director Review. Except when combined with legislative actions or other non-administrative actions, the Director, or designee, is the designated Review Authority for amendments to permits identified in Section 25.60.020.A - (Administrative Permits and Actions). The Director, at the Director's sole discretion, may elevate the level of review to a higher Review Authority.
2. Planning Commission Review. Except when combined with legislative actions, the Planning Commission is the designated Review Authority for amendments to permits identified in Section 25.60.020.B – (Quasi-Judicial Permits and Actions), even if the City Council was the approval body for the original permit because it was combined with a legislative action, or had an accompanying environmental document or other entitlement requiring City Council approval, or was appealed to City Council.
 - i. The Director may authorize minor amendments to permits originally approved by the Planning Commission only if the changes:
 1. Are consistent with the applicable provisions of this title and the spirit and intent of the original approval; and
 2. Do not involve a feature of the project that was a basis for findings in the environmental document or a specific consideration of the Planning Commission in granting the permit or approval; and
 3. Do not involve any expansion or intensification of the use or structure.
 - ii. The Director may authorize minor amendments to the exterior design of a project originally approved by the Planning Commission that meet the following parameters:
 1. Roof.
 - a. Changes to the roof pitch are less than one foot in height.
 - b. Changes to the roofing material that are consistent with the overall design of the project and of equal or greater quality to the original approval.
 2. Windows.
 - a. Changes in window size, shape, grid pattern, trim, material, location, and amount that are consistent with the overall design of the project and of equal or greater quality to the original approval.
 3. Exterior Materials.
 - a. Changes to exterior materials, trim, and doors that are consistent with the overall design of the project and of equal or greater quality to the original

approval.

4. Skylights. The addition or modification to skylights.
3. City Council Review. The designated Review Authority for all legislative actions is the City Council, as identified in Section 25.60.020.C – (Legislative Actions).
- C. Public Hearing and Notice. A Public Hearing is required for Permit Amendments being acted on by the Planning Commission or City Council in accordance with Chapter 25.100 – (Public Hearings). Permit Amendments shall be noticed in accordance with the requirements established in Chapter 25.100 – (Public Hearings and Notice) for the permit type being amended.
- D. Findings. The Permit Amendment is subject to and shall make the findings required for the permit type being amended as defined in this Zoning Code.

§ 25.88.050. Revocations and Suspensions.

- A. Grounds.** Any permit or approval previously granted or issued under this title may be revoked or suspended on any one or more of the following grounds:
 1. That the approval was obtained by fraud or misrepresentation;
 2. That the use for which such approval was granted is not being exercised;
 3. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
 4. That the conditional use permit or variance is being, or has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or other regulation; and
 5. That the use for which approval was granted was so exercised as to be detrimental to the public health, safety, or welfare or so as to constitute a nuisance.
- B. Notice.** Written notice to revoke or modify a permit or approval shall be served on the permittee and property owner, as shown on the last equalized assessment roll, either personally or by form providing proof of delivery, and shall state:
 1. The reasons for the proposed revocation, suspension, or modification; and
 2. That the proposed action will be taken by the Director unless a hearing before the Planning Commission is requested within 15 days after the date of the notice. If no response is received, the Director shall forthwith revoke, suspend or modify the variance or permit as set forth in the notice.
- C. Hearing.** If a hearing is requested, at least 10 days' notice shall be given to the requested party. At any such hearing, the permittee or property owner shall be given the opportunity to be heard, and he or she may call witnesses and present evidence in his or her behalf. Upon conclusion of such hearing, the Planning Commission shall determine whether or not the permit or approval shall be suspended or revoked. Such determination may be appealed to the Council.

(Ord. 2000 § 2, (2021))

§ 25.88.060. Findings to Revoke or Suspend.

In acting to revoke or suspend a permit or approval, the Review Authority shall make the following findings:

- A. Circumstances under which the permit or approval was granted have been changed by the applicant to a degree that one or more of the findings required to grant the original permit or approval can no longer be made;
- B. Permit issuance was based on misrepresentation by the applicant, either through the omission of a material statement in the application, or in public hearing testimony;
- C. One or more conditions of approval have been violated, or have not been complied with or fulfilled;
- D. Failure or refusal to allow inspections for compliance; or
- E. Improvements authorized by the permit or approval are in violation of any code, law, ordinance, regulation, or statute, or the use or structure is being operated or maintained in a manner which constitutes a nuisance.

(Ord. 2000 § 2, (2021))