

ADMINISTRATION



The purpose of the administrative provisions are to provide procedures and permit options for the implementation of this chapter.

Article 70. Types of Review/Permits

Sec. 8-5.7001. Permitted Uses - Level of Review for Multiple-Family, Commercial and Industrial Uses.

This section specifies the level of review for proposed multiple family, commercial and industrial uses of land or structures that are listed as "permitted" uses within the district the proposed use is located. The process provides for increasing levels of review based on the size or intensity of a project.

A. Level of review.

To determine the applicable review process, a proposed project shall be compared to the following matrix. When Planning Commission (Sec. 8-5.7001 C.) or City Council (Sec. 8-5.7001. D.) site plan review is required by this article and a use permit is also required then the development review process shall be used in lieu of the use permit process.

LEVEL OF REVIEW MATRIX

| Land Use ⁽¹⁾ | Review Criteria | Development Plan Review | | |
|---|-------------------------------|-------------------------|---------------------|--------------|
| | | Ministerial | Planning Commission | City Council |
| Multiple-Family Office | # of Units | 1 - 25 | 26 - 100 | 101 + |
| | Gross floor area (sf.) | 1 - 35,000 | 35,001 - 100,000 | 100,001 + |
| Retail & Service Indoor | Square footage | 1 - 25,000 | 25,001 - 100,000 | 100,001+ |
| | " | 1 - 35,000 | 35,001 - 125,000 | 125,001+ |
| Outdoor Industrial Warehouse & Outdoor Storage | Square footage | 1 - 35,000 | 35,001 - 100,000 | 100,001 + |
| | " | 1 - 50,000 | 50,001 - 150,000 | 150,001+ |
| Conversion of an Existing Facility to a Different Category of Use | Square footage of usable area | 1 - 35,000 | 35,001 - 100,000 | 100,001 + |
| Conversion of Commercial or Industrial Sites to Same Category of Use | Tenant Improvements | All projects | | |
| Central City Specific Plan | | All projects | | |

(1) Expansion of facilities have the same level of review as a new project (considering expansion area only) provided it has been 2 years or more between original completion and beginning of the next expansion. Otherwise the total square footage is figured as cumulatively.

B. Ministerial development plan review.

1. Those projects determined to be ministerial shall be reviewed and decided upon by the Planning Director. No public hearing is required for this level of review.
2. Following receipt of a complete application and review of the application, the Planning Director shall do one of the following:
 - a. Approve the application if it is determined that the proposal will comply with all applicable requirements of this chapter and other City standards. The term to begin and complete construction for an approved development plan shall be the same as the building permit.
 - b. Deny the application if it is determined that the proposal will not comply

with all applicable standards of this Chapter and all other City standards.

c. Request further information as needed in order to make the determination or approve or deny the application.

3. Appeals.

The decision of the Planning Director may be appealed to the Planning Commission (Sec. 8-5.7104 (A)).

C. Planning Commission development plan review.

This provides a review process for medium to large expansions or new projects that for which the anticipated uses are permitted by the district in which the proposal is located. Because of the scale of the proposal the Planning Commission's review is needed to assure that the project will be compatible with existing or expected neighboring improvements and that adequate public facilities are available to serve the project.

1. Process.

Following acceptance of a complete development plan application, the proposal shall be distributed by the Planning Department to other City departments and other relevant public agencies for review and comment. Following review by City staff and recommendation by the Planning Department, the Planning Commission shall conduct a public hearing on the proposal. Procedures contained in Article 71 of this chapter are applicable to the Planning Commission development plan review.

2. Notice and hearing.

Notice of a public hearing shall be given pursuant to California Government Code Sections 65090 through 65095.

3. Determination.

Following the close of the public hearing the Planning Commission shall approve, approve with conditions or deny the application within 30 days of the close of the hearing.

4. Findings for approval.

Approval or approval with conditions shall be granted when the following findings can be made, based on information in the record:

a. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping and other features required by this chapter.

b. The streets serving the site are adequate to carry the quantity of traffic

generated by the proposed use.

c. The site design, design of the buildings and the scale of the project will compliment neighboring facilities.

5. Appeals.

The decision of the Planning Commission may be appealed to the City Council (Sec. 8-5.7104 (B)).

D. City Council development plan review.

The City Council development plan review process shall be the same as established for the Planning Commission site plan review except that the Planning Commission, following a public hearing, shall make an advisory recommendation to the City Council. Following the Commission's recommendation, the Council shall conduct a public hearing. The site plan shall be decided based on the same findings as required of the Planning Commission. Procedures contained in Article 71 of this chapter are applicable to City Council development plan review.

Sec. 8-5.7002. Zoning Clearances.

When required by the district in which the use of land or a structure is located, a zoning clearance is required prior to commencing with either construction or use. The Planning Director is responsible for reviewing and determining whether the proposal meets all required standards for any of the uses for which a zoning clearances are required by this chapter. Projects that meet all City requirements shall be approved. No public hearing is required for issuance of a zoning clearance.

A. Action by the Director.

Following receipt of a complete application and review of the application, the Planning Director shall do one of the following:

1. Approve the application if it is determined that the proposal will comply with all applicable requirements of this chapter and other City standards. If conditions warrant, the Planning Director may apply a reasonable term to the permit.
2. Deny the application if it is determined that the proposal will not comply with all applicable standards of this Chapter and all other City standards.
3. Request further information as needed in order to make the determination to approve or deny the application.

B. Appeals.

The decision of the Planning Director may be appealed to the Planning Commission (Sec. 8-5.7104 (A)).

Sec. 8-5.7003. Use Permits.

Uses requiring a use permit are those for which their effect on surrounding uses and the environment typically cannot be determined in advance of being proposed for a particular location. This process provides for the review of the location, configuration, design and impacts of the proposed use.

A. Process.

Following acceptance of a complete use permit application, the proposal shall be distributed by the Planning Department to other City departments and other relevant public agencies for review and comment. Following review by City staff and recommendation by the Planning Department, the Planning Commission shall conduct a public hearing on the proposal.

B. Notice and hearing.

Notice of a public hearing shall be given pursuant to California Government Code Sections 65090 through 65095.

C. Determination.

Following the close of the public hearing the Planning Commission shall approve, approve with conditions or deny the use permit application within 30 days of the close of the hearing.

D. Findings for approval.

Approval or approval with conditions shall only be granted when the following findings can be made, based on information in the record:

1. The proposal is consistent with the General Plan.
2. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping and other features required by this chapter.
3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
4. The site design and the size and design of the buildings will complement neighboring facilities.
5. The establishment or operation of the use or building applied for will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the

City.

E. Appeals.

The decision of the Planning Commission may be appealed to the City Council (Sec. 8-5.7104 (B)).

Sec. 8-5.7004. Variances.

Variances are utilized to provide relief from the strict application of the provisions of this chapter where special circumstances pertaining to physical characteristics of the site are such that the strict application of the standards in this chapter deprives a property of the privileges enjoyed by other properties in the vicinity and under the same zone district. Variances cannot be used to modify the types of permitted uses in a district.

A. Application.

Applications for variances shall be accompanied by a statement with supporting and other evidence showing that, due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives the property owner of privileges that are enjoyed by other properties in the vicinity with the same zoning classification.

B. Process.

Following acceptance of a complete variance application, the proposal shall be distributed by the Planning Department to other City departments and other relevant public agencies for review and comment. Following review by City staff and recommendation by the Planning Department, the Planning Commission shall conduct a public hearing on the proposal.

C. Notice and hearing.

Notice of a public hearing shall be given pursuant to California Government Code Sections 65090 through 65095.

D. Determination.

Following the close of the public hearing the Planning Commission shall approve, approve with conditions or deny the variance request within 30 days of the close of the hearing.

E. Findings for approval.

Approval or approval with conditions shall only be granted when the following findings can be made based on information in the record:

1. There are special circumstances applicable to the size, shape, topography, location or surroundings of the property, and because of these circumstances, the strict application of the provisions of this chapter would deprive the property of privileges enjoyed by other properties in the vicinity and in the same zone district.
2. Approval of the variance will not be a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
3. The variance does not authorize a use not otherwise permitted by the zone district in which the property is located.
4. Approval of the variance will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of such use or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.

F. Appeals.

The decision of the Planning Commission may be appealed to the City Council (Sec. 8-5.7104 (B)).

Sec. 8-5.7005. Application Withdrawal.

The Planning Director shall have the authority to accept the withdrawal of any application submitted for consideration pursuant to the provisions of this chapter. The refund of any portion of the application fees shall be based on staff time spent during the review process prior to the date of the requested withdrawal.