

ARTICLE 5

Land Use and Development Permit Procedures

Chapter 17.500 - Applications, Processing, and Fees	5-4
17.500.005 - Purpose	5-4
17.500.010 - Authority for Land Use and Zoning Decisions	5-4
17.500.015 - Application Preparation and Filing	5-6
17.500.020 - Application Fees.....	5-6
17.500.025 - Initial Application Review	5-7
17.500.030 - Environmental Assessment	5-8
 Chapter 17.510 - Zoning Clearances.....	 5-9
17.510.005 - Purpose	5-9
17.510.010 - Applicability	5-9
17.510.015 - Criteria for Clearance	5-9
 Chapter 17.520 - Temporary Use and Special Event Permits	 5-10
17.520.005 - Purpose	5-10
17.520.010 - Applicability	5-10
17.520.015 - Allowed Temporary Uses and Special Events	5-11
17.520.020 - Review Authority	5-12
17.520.025 - Application Filing and Processing	5-13
17.520.030 - Conditions of Approval	5-13
17.520.035 - Development and Operating Standards	5-14
17.520.040 - Post Approval Procedures	5-14
 Chapter 17.530 - Administrative Use Permits and Conditional Use Permits.....	 5-16
17.530.005 - Purpose	5-16
17.530.010 - Applicability	5-16
17.530.015 - Application Filing, Processing, and Review	5-16
17.530.020 - Findings and Decision	5-17
17.530.025 - Conditions of Approval	5-17
17.530.030 - Post Approval Procedures	5-17
 Chapter 17.540 - Site Plan Review	 5-19
17.540.005 - Purpose	5-19
17.540.010 - Applicability	5-19
17.540.015 - Application Filing, Processing and Review	5-20
17.540.020 - Findings and Decision	5-21
17.540.025 - Conditions of Approval	5-21

17.540.030 - Post Approval Procedures	5-22
Chapter 17.550 - Variances and Administrative Modifications	5-23
17.550.005 - Purpose	5-23
17.550.010 - Applicability	5-23
17.550.015 - Application Filing, Processing, and Review	5-24
17.550.020 - Findings and Decision	5-24
17.550.025 - Conditions of Approval	5-25
17.550.030 - Post Approval Procedures	5-25
Chapter 17.560 - Comprehensive Plans	5-26
17.560.005 - Purpose	5-26
17.560.010 - Applicability	5-26
17.560.015 - Application Filing, Processing, and Review	5-26
17.560.020 - Findings and Decision	5-27
17.560.025 - Comprehensive Plan Modifications, Major and Minor	5-28
17.560.030 - Conditions of Approval	5-29
17.560.035 - Post Approval Procedures	5-29
Chapter 17.570 - Specific Plans	5-30
17.570.005 - Purpose	5-30
17.570.005 - Initiation of Specific Plans	5-30
17.570.005 - Preparation of Content of Specific Plans.....	5-30
17.570.005 - Filing, Processing and Adoption of Specific Plans	5-31
17.570.005 - Implementation and Amendments.....	5-32
Chapter 17.580 - Density Bonus and other Bonus Incentives	5-33
17.580.005 - Purpose	5-33
17.580.010 - Applicability	5-33
17.580.015 - Application Filing, Processing and Review	5-33
17.580.020 - Findings and Decision	5-34
17.580.025 - Conditions of Approval	5-34
17.580.030 - Post Approval Procedures	5-34
Chapter 17.590 - Development Agreements	5-35
17.590.005 - Purpose	5-35
17.590.010 - Applicability	5-35
17.590.015 - Application Filing, Processing and Review	5-35
17.590.020 - Public Hearings	5-36
17.590.025 - Content of Development Agreement.....	5-37
17.590.030 - Execution and Recordation	5-37
17.590.035 - Environmental Review	5-37
17.590.040 - Periodic Review	5-37
17.590.045 - Amendment or Cancellation of Development Agreement	5-38
17.590.050 - Effect of Development Agreement.....	5-38
17.590.055 - Approved Development Agreements	5-38

Chapter 17.595 - Permit Implementation, Time Limits, and Extensions	5-39
17.595.005 - Purpose	5-39
17.595.010 - Conformance to Plans	5-39
17.595.015 - Effective Date of Permits or Entitlements	5-39
17.595.020 - Applications Deemed Approved	5-40
17.595.025 - Performance Guarantees	5-40
17.595.030 - Time Limits and Extensions	5-40
17.595.035 - Changes to an Approved Project	5-41
17.595.040 - Resubmittals	5-41
17.595.045 - Covenants	5-42

Chapter 17.500 - APPLICATIONS, PROCESSING, AND FEES

Sections:

- 17.500.005 - Purpose
- 17.500.010 - Authority for Land Use and Zoning Decisions
- 17.500.015 - Application Preparation and Filing
- 17.500.020 - Application Fees
- 17.500.025 - Initial Application Review
- 17.500.030 - Environmental Assessment

17.500.005 - Purpose

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of applications for the land use permits required by this Title.

17.500.010 - Authority for Land Use and Zoning Decisions

Table 5-1 (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit and other approvals required by this Title. The Director may defer action on permit applications and refer the item(s) to the Commission for the final decision.

**TABLE 5-1
REVIEW AUTHORITY**

Type of Permit or Decision	Procedure is in Section	Role of Review Authority (1)			
		Director	Board of Zoning Adjustment	Planning Commission	City Council

Administrative and Amendments

General Plan Amendments	17.610			Recommend	Decision
Interpretations	17.120	Decision	Appeal	Appeal	Appeal
Time Extensions	17.580	Decision		Appeal	Appeal
Zoning Map Amendments	17.610			Recommend	Decision
Zoning Text Amendments	17.610			Recommend	Decision

Land Use Permits/Development Approvals

Administrative Use Permits	17.530	Decision		Appeal	Appeal
Administrative Site Plan Review	17.540	Decision		Appeal	Appeal
Administrative Modifications	17.550	Decision		Appeal	Appeal
Comprehensive Plans	17.560			Recommend	Decision
Conditional Use Permits	17.530			Decision	Appeal
Development Agreements	17.590			Recommend	Decision
Master Sign Program	17.360	Decision		Appeal	Appeal
Site Plan Review	17.540			Decision	Appeal
Specific Plans	17.570			Recommend	Decision
Special Event Permits	17.520	Decision (2)		Appeal	Appeal
Temporary Use Permits	17.520	Decision		Appeal	Appeal
Variances	17.550			Decision	Appeal
Zoning Clearances	17.510	Decision		Appeal	Appeal

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.630 (Appeals).
- (2) Decisions on Special Events permits may be referred to the Committee on permits and licenses for review and approval per Municipal Code Chapter 11.01. (General Licensing).

17.500.015 - Application Preparation and Filing

The preparation and filing of applications for land use permits, entitlements, amendments (e.g., General Plan, Zoning Map, and Zoning Code), and other matters pertaining to this Title shall comply with the following requirements.

A. Preliminary Project Review.

1. **Purpose.** The purpose of the preliminary project review is to inform the applicant of City requirements as they apply to the proposed development project, review the procedures outlined in this Title, explore possible alternatives or modifications, and identify necessary technical studies and required information relating to future environmental review.
2. **Applicability.** A prospective applicant or agent is required to submit a preliminary project review request with the Division before formal submittal of a project application.
3. **Procedure.** Upon submittal of a preliminary project review request the item shall be scheduled for a Project Review Committee (PRC) meeting in accordance with the PRC meeting schedule established by the Division. The applicant shall be invited to attend the PRC meeting where opportunities for discussion about the project and exchange of information on potential issues between City staff and the applicant takes place. Neither the preliminary project review nor the provision of information and/or pertinent policies shall be construed as a recommendation or an official determination for approval or disapproval of the application or project.

B. Application contents. Applications shall be filed with the Division on the appropriate City application form, together with all necessary fees and/or deposits, exhibits, maps, materials, plans, reports, and other information specified in the application form and any applicable Division handout; and any additional information required by the Director in order to describe clearly and accurately the proposed project, its potential environmental impact, its effect on existing improvements, and to conduct a thorough review of the proposed project.**C. Eligibility for filing.** All zoning approval and other applications required by this Title shall be filed with the Division. Applications may be made by:

1. The owner of the subject property.
2. Any agent or representative, with the written consent of the property owner.

D. Filing date. The filing date of any application shall be the date on which the application is deemed complete by the Division.**17.500.020 - Application Fees****A. Filing fees required.** The Council shall, by resolution, adopt a schedule of fees for permits, entitlements, amendments, and other matters pertaining to this Title, hereafter referred to as the City Council Fee Resolution. The schedule of fees may be obtained from the Division and may be changed or modified only by resolution of the Council. The City's processing fees are cumulative. For example, if an application for a Site Plan Review also requires a Variance, both

fees will be charged. Also, specified projects may be subject to a deposit and an hourly rate, rather than a flat application fee(s), in compliance with the City Council Fee Resolution. Processing shall not commence on an application until all required fees/deposits have been paid. Without the application fee, or a deposit if applicable, the application will not be deemed complete.

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, no refunds shall be issued due to a disapproval of an application.
2. In the case of an application 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.

17.500.025 - Initial Application Review

Each application filed with the Division shall be initially processed as follows:

- A. Completeness review.** The Division shall review an application for completeness and accuracy before it is accepted as being complete and officially filed. The Division will consider an application complete when:
 1. All necessary application forms, documentation, exhibits, materials, maps, plans, reports and other information specified in the application form, any applicable Division hand-out, and any additional information required by the Director have been provided and accepted as adequate.
 2. All necessary fees and deposits have been paid and accepted.
- B. Notification of applicant.** The applicant shall receive written notification within 30 days of submittal that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the written notification, shall be provided.
- C. Expiration of application.** If a pending application is not deemed complete within 6 months after the first filing with the Division, the application shall expire and be deemed withdrawn and any remaining deposit amount shall be refunded, subject to administrative processing fees.
- D. Extension of application.** The Director may grant one 6 month extension upon written request of the applicant. After expiration of the application, and extension, if granted, a new application, including fees, plans, exhibits and other materials will be required to commence processing of a new project application on the same property.
- E. Additional information.** After the 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 Section 17.500.030.

- F. Referral of application.** At the discretion of the Director, or where otherwise required by this Title, State, or Federal law, an application filed in compliance with this Title may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

17.500.030 - Environmental Assessment

After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA), to determine whether the proposed project is exempt from the requirements of CEQA or is not a project as defined by CEQA, whether a negative declaration or a mitigated negative declaration may be issued, or whether an environmental impact report (EIR) shall be required. When these determinations are required, the preparation of EIRs, shall be in compliance with the City's CEQA Guidelines.

Chapter 17.510 - ZONING CLEARANCE

Sections:

- 17.510.005 - Purpose
- 17.510.010 - Applicability
- 17.510.015 - Criteria for Clearance

17.510.005 - Purpose

A Zoning Clearance is a ministerial permit that is used by the Division to verify that a proposed structure or land use activity complies with the list of permitted activities allowed in the applicable zoning district, the development standards applicable to each type of use, and any conditions of approval of permits previously issued for the subject site.

17.510.010 - Applicability

Zoning Clearance shall be required in conjunction with Division review of any building or grading permit, business tax certificate (business license), or other authorization required by the Municipal Code or this Title for any new use or change of use. Where no other authorization is required, Zoning Clearance shall be obtained from the Division before the commencement of any business or land use activity.

17.510.015 - Criteria for Clearance

The Director shall grant Zoning Clearance after determining:

1. The request complies with all of the applicable standards and provisions for the category of use in the zoning district of the subject parcel, in full compliance with this Title; and
2. The request complies with the City's "Comprehensive Standard Conditions of Approval for Site Plan Review and Other Discretionary Planning and Zoning Applications," as adopted by the Planning Commission for new construction of 750 gross square feet or more.

Chapter 17.520 - TEMPORARY USE AND SPECIAL EVENT PERMITS

Sections:

- 17.520.005 - Purpose
- 17.520.010 - Applicability
- 17.520.015 – Allowed Temporary Uses and Special Events
- 17.520.020 – Review Authority
- 17.520.025 – Application Filing and Processing
- 17.520.030 – Conditions of Approval
- 17.520.035 – Development and Operating Standards
- 17.520.040 – Post Approval Procedures

17.520.005 - Purpose

This Chapter provides a process for reviewing proposed temporary uses and special events to ensure that basic health, safety, and community welfare standards are met, while approving suitable temporary uses and special events with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A Temporary Use Permit or Special Event Permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of their temporary nature. These activities are regulated to avoid incompatibility between the proposed activity and surrounding areas.

17.520.010 - Applicability

- A. Permit Requirement.** A Temporary Use or Special Event permit approved by the applicable review authority shall be required for all uses identified in Section 17.520.015 (Allowed Temporary Uses and Special Events), and shall be issued before the commencement of the activity.
- B. Exempt Activities.** The following temporary uses and events are exempt from the requirement for a Temporary Use or Special Event Permit and other city approval. Uses other than the following shall comply with Section 17.520.015 (Allowed Temporary Uses and Special Events).
 - 1. On-site contractor's construction yards, in conjunction with an approved construction project. The activity shall expire upon completion of the construction project, or the expiration of the companion building permit, authorizing the construction project.
 - 2. Events which occur in meeting halls, theaters, or other permanent indoor or outdoor public assembly facilities subject to all applicable regulations of the Culver City Municipal Code.
 - 3. Promotional activities related to the primary product lines of a retail business, and similar activities (e.g. book readings and signings at book stores, opening receptions at art galleries).
 - 4. Emergency public health and safety activities.

17.520.015 – Allowed Temporary Uses and Special Events

The following temporary uses and special events may be allowed, subject to the issuance of a Temporary Use or Special Event Permit by the applicable review authority. Uses other than the following shall comply with the use and development regulations and permit requirements that otherwise apply to the property, except uses that are exempt from the provisions of this Chapter in compliance with Section 17.520.010 (Applicability).

A. Allowed Temporary Uses.

1. **Construction Yards.** Off-site contractor construction yards, in conjunction with an approved construction project. The permit shall expire upon completion of the construction project, or the expiration of the companion building permit, authorizing the construction project.
2. **Residence.** A mobile home as a temporary residence of the property owner when a valid building permit for a new single-family dwelling is in force. The temporary use permit may be approved for up to 1 year, or upon expiration of the building permit, whichever occurs first.
3. **Seasonal Sales Lots.** Seasonal sales activities (for example, Halloween, Christmas) including temporary residence or security trailers, on non-residential properties. The sales activity may be approved for a maximum of 30 days or a length of time determined to be appropriate by the applicable review authority.
4. **Storage.** Enclosed temporary storage, unrelated to a construction project. The use may be approved for a maximum of 1 year. See Section 17.400.115 (Temporary Storage Containers) for specific standards.
5. **Temporary Real Estate Sales Offices.** A temporary real estate sales office may be established within the area of an approved development project, solely for the first sale of homes. A permit for a temporary real estate office may be approved for a maximum of 1 year.
6. **Temporary Structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 18 months from the date of approval, as an accessory use or as the first phase of a development project.
7. **Temporary Work Trailers.** A trailer or mobile home as a temporary work site for employees of a business may be allowed:
 - a. During construction or remodeling of a permanent commercial or manufacturing structure, when a valid building permit is in force; or
 - b. Upon demonstration by the applicant that this temporary work site is a short-term necessity, while a permanent work site is being obtained.

The permit for a temporary trailer may be granted for up to 1 year.

8. **Similar Temporary Uses.** Similar temporary uses which, in the opinion of the Director, are compatible with the zoning district and surrounding land uses.

B. Allowed Special Events.

1. **Outdoor Events.** The following outdoor events may be allowed:
 - a. **Entertainment and Assembly Events.** Outdoor entertainment and assembly events, including carnivals, circuses, concerts, fairs, farmers' markets, festivals, flea markets, food events, fund-raisers, live entertainment, parades, outdoor sporting events, public relations activities, rummage sales, second hand sales, swap meets and other similar events designed to attract large crowds and which are held on private or public property, for up to 12 days per year or as determined appropriate by the applicable Review Committee.
 - b. **Display or Exhibit Events.** Outdoor display or exhibit events, including art, cultural, and educational displays and arts and crafts exhibits on non-residential properties, when not a part of the established primary use of the site, for up to 12 days per year.
 - c. **Outdoor Sales Events.** Special events related to an existing business with temporary outdoor sale of merchandise in any commercial zoning district, in compliance with the following provisions:
 - i. There shall be no more than 4 sales in any calendar year.
 - ii. Each sale shall be limited to 3 consecutive days.
 - iii. The merchandise displayed shall be that customarily sold on the site.
 - iv. The site is utilized for a permanently established business holding a valid business tax certificate as required.
 - d. **Similar Special Events.** Similar temporary events which, in the opinion of the Director, are compatible with the zoning district and surrounding land uses.

17.520.020 – Review Authority

- A. **Director Review.** The Director shall be responsible for the review and approval of all permits for temporary uses, and special events not reviewed by the Committee on Permits and Licenses, identified in Section 17.520.015 (Allowed Temporary Uses and Special Events), and the extension of these permits.
- B. **Committee on Permits and Licenses.** The Committee shall be responsible for the review and approval of all permits for special events, unless reviewed by the Director, identified in Section 17.520.015.B. (Allowed Special Events), and the extension of these permits.

17.520.025 – Application Filing and Processing

An application for a Temporary Use Permit and Special Event permit shall be filed with the Division and processed as follows.

- A. Application contents.** The application shall be made on forms furnished by the Division, and shall be accompanied by the information identified in any applicable City handouts and permit applications.
- B. Time for filing.** A temporary use or special event permit application shall be filed as follows:
 - 1. Temporary Use Permit.** A temporary use permit application shall be filed at least 14 days in advance of the proposed commencement of the use.
 - 2. Special Event Permit.** A special event permit application shall be filed at least 7 days in advance of a proposed minor event, and 14 days in advance of a proposed major event. The Director or Committee shall determine whether a proposed special event is minor or major based on the characteristics of, and activities associated with the event, and the likely impacts on the surrounding community.
 - 3. Additional Permits Required.** Temporary uses and special events may be subject to additional permits and other city approvals, licenses, and inspections required by applicable laws or regulations.

17.520.030 - Conditions of Approval

In approving a temporary use permit or special event permit, the review authority may impose reasonable and necessary specific design, locational, and operational conditions to ensure that:

- A.** The use or event is limited to a duration that is no more than the maximum allowed duration, as determined appropriate by the review authority.
- B.** The site is physically adequate for the type, density, and intensity of use being proposed, including provision of services (e.g. sanitation and water), public access, and the absence of physical constraints.
- C.** The design, location, size, and operating characteristics of the proposed use are compatible with the existing land uses on-site and in the vicinity of the subject property.
- D.** The temporary use or activity will be removed and the site restored as necessary to ensure that no changes to the site will limit the range of possible future land uses otherwise allowed by this Title.
- E.** Adequate temporary parking will be provided in order to accommodate the vehicle traffic generated by the temporary use or special event either on-site or at alternate locations acceptable to the review authority.
- F.** The use or event will comply with all applicable provision of local, State and Federal laws or regulations.

- G.** Any other pertinent factors affecting the operation of the temporary use or special event will be addressed, including the following, to ensure the orderly and efficient operation of the proposed use or event, in compliance with the intent and purpose of this Chapter.
- 1.** Conditions may require the provision of:
 - a.** Sanitary and medical facilities.
 - b.** Security and safety measures.
 - c.** Solid waste collection and disposal.
 - 2.** Conditions may regulate:
 - a.** Nuisance factors including the prevention of glare or direct illumination of adjacent properties, dirt, dust, gasses, heat, noise, odors, smoke, or vibrations.
 - b.** Operating hours and days, including limitation of the duration of the use or event to a shorter time period than that requested.
 - c.** Temporary signs.
 - d.** Temporary structures and facilities, including height, placement, and size, and the location of equipment and open spaces, including buffer areas and other yards.

17.520.035 –Development and Operating Standards.

- A. General Standards.** Standards for floor areas, heights, landscaping areas, off-street parking, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject parcel shall be used as a guide for determining the appropriate development standards for temporary uses and special events. However, the review authority may authorize an adjustment from the specific requirements as deemed necessary and appropriate.
- B. Standards for Specific Temporary Activities.** Specific temporary land use activities shall comply with the development standards identified in Chapter 17.300 (General Property Development and Use Standards), as applicable to the use, in addition to those identified in Subsection A, above and Section 17.520.30 (Conditions of Approval).

17.520.040 - Post Approval Procedures

The approval or denial of a Temporary Use Permit or Special Event Permit may be appealed in compliance with Chapter 17.630 (Appeals). The procedures of Chapter 17.580 (Permit Implementation, Time Limits and Extensions) shall apply after the approval of the permit.

- A. Condition of the Site Following a Temporary Use or Special Event.** Each site occupied by a temporary use or special event shall be cleaned of debris, litter or any other evidence of the

temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Title.

- B. Revocation.** A Temporary Use or Special Event Permit may be revoked or modified, with only a 24 hour notice, in compliance with Section 17.650 (Revocations and Modifications).
- C. Extension of the Permit.**
 - 1. Temporary Uses.** The Director may extend the operational length of a temporary use or special event if the delay is beyond the control of, and was not the result of actions by, the permittee.
- D. Expiration of Permit.** A Temporary Use or Special Event Permit shall be considered to have expired when the approved use has ceased or was suspended.

CHAPTER 17.530 - ADMINISTRATIVE USE PERMITS AND CONDITIONAL USE PERMITS

Sections:

- 17.530.005 - Purpose
- 17.530.010 - Applicability
- 17.530.015 - Application Filing, Processing, and Review
- 17.530.020 - Findings and Decision
- 17.530.025 - Conditions of Approval
- 17.530.030 - Post Approval Procedures

17.530.005 - Purpose

This Chapter provides procedures for reviewing Administrative Use Permit and Conditional Use Permit applications that are intended to allow for specified activities and uses as identified in the various zoning districts, whose effect on the surrounding area cannot be determined before being proposed for a particular location. Applications for Administrative Use Permits and Conditional Use Permits shall be reviewed for compatibility, configuration, design, location, and potential impacts of the proposed use and suitability of the use to the site and surrounding area.

17.530.010 - Applicability

An application for an Administrative Use Permit or Conditional Use Permit shall be required for a specified land use that is listed in Article 2 (Zoning Districts and Allowable Land Uses) as being subject to approval of an Administrative Use Permit or Conditional Use Permit.

17.530.015 - Application Filing, Processing, and Review

- A. Filing.** An application for an Administrative Use Permit or Conditional Use Permit shall be completed, filed, and processed in compliance with Chapter 17.500 (Applications, Processing, and Fees). The application package shall include all information specified in the application, any applicable Division handout, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.530.020 (Findings and Decision), below.
- B. Notice, Hearings, and Administrative Review.** Notice, hearings and administrative review regarding an application for an Administrative Use Permit or Conditional Use Permit shall be provided in compliance with Chapter 17.620 (Public Hearings and Administrative Review), and as follows:

 - 1. Administrative Use Permits.** The Director shall conduct an administrative review of an application for an Administrative Use Permit.
 - 2. Conditional Use Permits.** The Commission shall conduct a public hearing on an application for a Conditional Use Permit.

17.530.020 - Findings and Decision

Following an administrative review or public hearing, the appropriate review authority shall record the decision in writing with the findings on which the decision is based. The Administrative Use Permit or Conditional Use Permit may be approved, with or without conditions, only after first making all of the following findings, and any additional findings required for the approval of specific land uses in Article 4 (Standards for Specific Land Uses):

- A. The proposed use is allowed within the subject zoning district with the approval of an Administrative Use Permit or Conditional Use Permit and complies with all other applicable provisions of this Title and the Municipal Code.
- B. The proposed use is consistent with the General Plan and any applicable Specific Plan.
- C. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity of the subject site.
- D. The subject site is physically suitable for the type and intensity of use being proposed, including access, compatibility with adjoining land uses, shape, size, provision of utilities, and the absence of physical constraints.
- E. The establishment, maintenance or operation of the proposed use will not be detrimental to the public interest, health, safety, or general welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

17.530.025 - Conditions of Approval

In approving an Administrative Use Permit or Conditional Use Permit, the review authority may impose reasonable and necessary specific design, locational, and operational conditions which may include, but are not limited to, the City's "Comprehensive Standard Conditions of Approval for Site Plan Review and Other Discretionary Planning and Zoning Applications," as adopted by the Planning Commission to ensure that the approval will be in compliance with the findings required by Section 17.530.020 (Findings and Decision), above.

17.530.030 - Post Approval Procedures

- A. **General Procedures.** Procedures relating to appeals, revocations and modifications as identified in Article 6 (Zoning Code Administration), in addition to those identified in Chapter 17.580 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of an Administrative Use Permit or Conditional Use Permit application.
- B. **Permit Validity.** An Administrative Use Permit or Conditional Use Permit granted pursuant to the provisions of this Chapter that is valid and in effect, shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application. However, should the activity approved by the use permit be discontinued for a consecutive period of 1 year, the use permit shall be deemed to be expired and shall become null and void. Upon expiration, further continuation of the activity on-site will require approval of a new Administrative Use Permit or Conditional Use Permit application.

CHAPTER 17.540 - SITE PLAN REVIEW

Sections:

- 17.540.005 - Purpose
- 17.540.010 - Applicability
- 17.540.015 – Application Filing, Processing and Review
- 17.540.020 - Findings and Decision
- 17.540.025 – Conditions of Approval
- 17.540.030 - Post Approval Procedures

17.540.005 - Purpose

This Chapter provides procedures and standards for the comprehensive review of proposed development projects to: ensure compliance with the required standards, design guidelines, and ordinances of the City; minimize potential adverse effects on surrounding properties and the environment; and protect the integrity and character of the residential, commercial and public areas of the City. The specific purposes of this Chapter are as follows:

- A. Develop property in a manner that respects the physical and environmental characteristics of each site and will complement surrounding properties and the City in general;
- B. Ensure that each new development is designed to best comply with the purpose and intent of the zoning district in which the property is located, and does not result in an adverse effect on the aesthetic, architectural, health, and safety related qualities of adjoining properties or upon the City in general;
- C. Ensure access to each property and a circulation pattern that is safe and convenient for both pedestrians and vehicles;
- D. Ensure the orderly and harmonious appearance of structures with associated site improvements (e.g. landscaping, parking areas, signs, etc.).
- E. Implement and promote the goals and policies of the General Plan;

17.540.010 - Applicability

- A. **Subject to Review.** Site Plan Review shall be required for:
 - 1. **Residential.** The construction of a new residential project of 3 or more units or the addition to an existing residential project that would result in 3 or more units.
 - 2. **Nonresidential.** Construction of a new building of 5000 gross square feet or more; or the addition of 5000 square feet or more to an existing building within a 1 year period.
 - 3. **Change or intensification.** An intensification of the use or a change to a use that is not similar to the previous use, as determined by the Director.

4. **Move-on.** Moving a building or structure onto a site.

B. Exempt from review. The following projects are exempt from Site Plan Review:

1. Any construction, addition, or alteration to an individual single-family or two-family dwelling or appurtenant structure, or two single-family dwellings on a single parcel;
2. Those activities and structures identified in 17.110.010 (Exemptions from Land Use Permit Requirements).

17.540.015 - Application Filing, Processing, and Review

- A. Filing.** An application for a Site Plan Review shall be completed, filed, and processed in compliance with Chapter 17.500 (Applications, Processing, and Fees). The application package shall include all information specified in the application, any applicable Division handout, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.540.020 (Findings and Decision), below.

- B. Notice, Hearings, and Administrative review.** Notice, hearings and administrative review regarding an application for a Site Plan Review shall be provided in compliance with Chapter 17.620 (Public Hearings and Administrative Review).

- C. Designated review authority.** The Director shall be the designated review authority on each Site Plan Review application, provided that the Director shall refer any application to the Commission for final decision if any of the following criteria apply:

1. The proposed development project is for a residential use that contains 10 or more units.
2. The proposed development project is for a nonresidential use of 15, 000 square feet or more of gross floor area.
3. The proposed development project otherwise requires Commission review of a land use permit, such as a Variance, Conditional Use Permit, subdivision or zone change application. In such cases, the Site Plan Review shall occur concurrently with the review of the other land use permits.

- D. Referral to the Planning Commission.** If the Director determines that there are unusual circumstances or special conditions related to an application, the Director may defer action and refer such application to the Commission for final decision.

- E. Project Review Procedures.** In conducting a Site Plan Review for a particular project, the Director shall consider the location, design, site plan configuration, and the overall effect of the proposed project upon surrounding properties and the City in general. A Site Plan Review shall be conducted by comparing the proposed project to applicable General Plan policies, any applicable specific plan, adopted development standards, design guidelines, and other applicable City ordinances.

17.540.020 - Findings and Decision

Following an administrative review or public hearing, the appropriate review authority shall record the decision in writing with the findings on which the decision is based. The Site Plan Review may be approved, with or without conditions, only after first making all of the following findings, and any additional findings required for the approval of specific land uses in Article 4 (Standards for Specific Land Uses):

- A. The general layout of the project, including orientation and location of buildings, open space, vehicular and pedestrian access and circulation, parking and loading facilities, building setbacks and heights, and other improvements on the site, is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.
- B. The architectural design of the structure(s) and their materials and colors are compatible with the scale and character of surrounding development and other improvements on the site and are consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.
- C. The landscaping, including the location, type, size, color, texture, and coverage of plant materials, provisions for irrigation, and protection of landscape elements has been designed to create visual relief, complement structures, and provide an attractive environment and is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.
- D. The design and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing or future development, will not result in vehicular or pedestrian hazards, and will be in the best interest of the public health, safety, and general welfare.
- E. The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) will be available to serve the subject site.
- F. The proposed project is consistent with the General Plan and any applicable specific plan.

17.540.025 - Conditions of Approval

The Director may approve or recommend approval of a Site Plan Review for a proposed project in compliance with 17.540.020 (Findings and Decision), and may impose conditions upon the project including, but not limited to, the City's "Comprehensive Standard Conditions of Approval for Site Plan Review and Other Discretionary Planning and Zoning Applications," as adopted by the Planning Commission to ensure that the project will meet all of the required findings. Conditions may relate to both on- and off-site improvements that are reasonable and necessary to mitigate project-related impacts, and to carry out the purpose and requirements of the respective zoning district and all applicable development standards and design guidelines.

17.540.030 - Post Approval Procedures

Site Plan Review

17.540

Procedures relating to appeals, notices, revocations and modifications as identified in Article 6 (Zoning Code Administration), in addition to those identified in 17.580 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Site Plan Review.

CHAPTER 17.550 – VARIANCES AND ADMINISTRATIVE MODIFICATIONS

Sections:

- 17.550.005 - Purpose
- 17.550.010 - Applicability
- 17.550.015 - Application Filing, Processing, and Review
- 17.550.020 - Findings and Decision
- 17.550.025 - Conditions of Approval
- 17.550.030 - Post Approval Procedures

17.550.005 - Purpose

The provisions of this Chapter allow for:

- A. Administrative Modification of specific development standards of this Title when the strict application of those standards creates an unnecessary, involuntarily created hardship or unreasonable regulation which makes it impractical to require compliance with the development standards.
- B. Variances from the development standards of this Title only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography or other conditions, the strict application of this Title denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts.

17.550.010 - Applicability

- A. **Administrative Modification.** The Director may grant an Administrative Modification for only the development standards identified in Table 5-2 (Administrative Modifications). An Administrative Modification may be granted only once for a specific type of request per parcel. A request which exceeds the limitations identified in Table 5-2 shall require the filing of an application for a Variance.

**TABLE 5-2
ADMINISTRATIVE MODIFICATIONS**

Types of Administrative Modification Allowed	Maximum Adjustment
1. Dwelling Unit Size. A decrease in the minimum square footage requirements for dwelling units	10%
2. Fence or Walls. Fences, gates, pilasters, or walls in the side or rear yards that exceed 6 ft in height.	Not to exceed 8 ft
3. Distances between structures. A decrease in the minimum distance between a detached accessory structure and the main structure.	10%

4. Open Space. A decrease in the minimum open space requirements.	10%
5. Parking Lot Dimensions. A decrease in the minimum parking lot and loading dimensions (e.g. aisle, driveway, and space widths)	10%
6. Projections. An increase in the allowed projections into setbacks in compliance with section 17.300.020 (Setback regulations and exceptions)	10%
7. Setbacks. A decrease in the minimum required setbacks.	10%
8. Structure Height. An increase in the maximum allowable structure height; provided that the increase complies with the height limitation established by the 1990 City of Culver City initiative.	10%

- B. Variance.** The Commission may grant a Variance from the requirements of this Title; except that a Variance shall not allow a use of land not otherwise allowed in the applicable zoning district by Article 2 (Zoning District and Allowable Land Uses).

17.550.015 - Application Filing, Processing, and Review

- A. Filing.** An application for an Administrative Modification or a Variance shall be completed, filed, and processed in compliance with Chapter 17.500 (Applications, Processing, and Fees). The application package shall include all information specified in the application, any applicable Division handout, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.550.020 (Findings and Decision), below.
- B. Notice and hearings.** Notice and hearings regarding an application for a Variance or an Administrative Modification shall be provided in compliance with Chapter 17.620 (Public Hearings and Administrative Review), and as follows:
- 1. Administrative Modification.** The Director shall conduct an administrative review of an application for an Administrative Modification.
 - 2. Variance.** The Commission shall conduct a public hearing on an application for a Variance.

17.550.020 - Findings and Decision

- A. Administrative Modification Findings.** The Director shall record the decision in writing with the findings on which the decision is based. The Administrative Modification may be approved, with or without conditions, only after making all of the following findings:
- 1.** The strict application of the applicable development standard creates an unnecessary, involuntarily created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

2. Approval of the Administrative Modification would not be detrimental to the public health, interest, safety, or general welfare and would not be detrimental or injurious to property or improvements in the vicinity and in the same zoning district.
3. The project is consistent with the General Plan and complies with all other applicable provision of this Title.

B. Variance Findings. The Commission shall record the decision in writing with the findings on which the decision is based. The Variance may be approved, with or without conditions, only after making all of the following findings:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, and topography), or to the intended use of the property, so that the strict application of this Title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.
2. The strict application of the applicable development standard creates an unnecessary, involuntarily created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.
3. The Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the Variance is sought.
4. The project is consistent with the General Plan and complies with all other applicable provisions of this Title.
5. Approval of the Variance would not be detrimental to the public health, interest, safety, or general welfare and would not be detrimental or injurious to property or improvements in the vicinity and in the same zoning district.

17.550.025 - Conditions of Approval

In approving an Administrative Modification or Variance, the review authority may impose reasonable and necessary specific design, locational, and operational conditions which may include, but are not limited to, the City's "Comprehensive Standard Conditions of Approval for Site Plan Review and Other Discretionary Planning and Zoning Applications," as adopted by the Planning Commission to ensure that the approval will be in compliance with the findings required by Section 17.550.020 (Findings and Decision), above.

17.550.030 - Post Approval Procedures

Procedures relating to appeals, notices, revocations and modifications as identified in Article 6 (Zoning Code Administration), in addition to those identified in Chapter 17.580 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of an Administrative Modification or a Variance application.

CHAPTER 17.560 – COMPREHENSIVE PLANS

Sections:

- 17.560.005 - Purpose
- 17.560.010 - Applicability
- 17.560.015 - Application Filing, Processing, and Review
- 17.560.020 - Findings and Decision
- 17.560.025 - Comprehensive Plan Modifications, Major and Minor
- 17.560.030 - Conditions of Approval
- 17.560.035 - Post Approval Procedures

17.560.005 - Purpose

This Chapter provides procedures for reviewing Comprehensive Plans that allow for flexibility in the application of zoning code standards to proposed development. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and other impacts than the zoning code standards would produce without adjustment.

17.560.010 - Applicability

An application for a Comprehensive Plan shall be filed with the Division when required for development in the PD zone in compliance with Chapter 17.260 (Planned Development Zoning Districts). Comprehensive Plans proposed for development within the OS zone shall comply with Section 17.270.030 (OS Open Space District Requirements) in addition to the requirements of this Chapter.

17.560.015 - Application Filing, Processing, and Review

- A. Filing.** An application for a Comprehensive Plan shall be completed, filed, and processed in compliance with Chapter 17.500 (Applications, Processing, and Fees). The application package shall include all information specified in the application, any applicable Division handout, and any additional information required by this Title or the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by 17.560.020 (Findings and Decision), below; or, the findings required by Section 17.270.030.E for the OS zone.
- B. Comprehensive Plan Requirements.** All Comprehensive Plans shall be prepared and endorsed by a professional team which shall include a licensed landscape architect, a registered civil engineer and a licensed architect, as applicable, and shall include, but not be limited to the following:
 - 1. Site plan showing building(s), various functional use areas, parking and circulation.
 - 2. Description of development standards, which may include, but not be limited to, building heights, setbacks and parking requirements.

3. Preliminary building plans, including floor plans and exterior elevations.
 4. Landscaping plans, including a plant palette.
 5. Lighting and signage plans.
 6. Civil Engineering plans, including site grading, public rights-of-way improvements, drainage, trash/recycling areas, and public utility extensions, as necessary.
 7. Proposed use and occupancy, construction type, building height and area of each building or structure, and proposed distances between buildings or structures, and setbacks to property lines.
 8. Other information or applicable materials as may be deemed necessary by the Director.
- C. Notice and hearings.** Notice and hearings regarding an application for a Comprehensive Plan or a modification to an approved Comprehensive Plan shall be provided in compliance with Chapter 17.620 (Public Hearings and Administrative Review).
- D. Review Authority.** A Comprehensive Plan shall be approved by the adoption of an Ordinance or disapproved by a Resolution of the City Council after consideration of the Planning Commission's recommendation.

17.560.020 - Findings and Decision

The Planning Commission, in conjunction with a public hearing, shall review and make recommendations to the City Council regarding the Comprehensive Plan. The City Council, after a public hearing, may approve, conditionally approve or disapprove a Comprehensive Plan. A Comprehensive Plan may be approved provided the facts submitted and evaluated during the review process support the following findings or the findings required by Section 17.270.030.E for the OS zone.

- A. The proposed Comprehensive Plan can be substantially completed within 4 years.
- B. The proposed development is capable of creating an environment of sustained desirability and stability or adequate assurance will be provided such objective will be attained.
- C. The proposed uses will not be substantially detrimental to present and potential surrounding uses but will have a beneficial effect.
- D. The streets and thoroughfares serving the development are suitable and adequate to carry anticipated traffic and the development will not generate traffic that will overload the adjacent street network.
- E. The proposed development is compatible with the surrounding area.
- F. The types and locations of any proposed commercial development can be economically justified.

- G. The Comprehensive Plan is in conformance with the General Plan, or a concurrent General Plan amendment is in process.
- H. Any exception from the standards and requirements of this Title is warranted by the design and amenities incorporated in the Comprehensive Plan and is desired by the City Council.
- I. Existing and proposed utility services are adequate for the proposed uses.
- J. The Comprehensive Plan has complied with all applicable City requirements.

17.560.025 – Comprehensive Plan Modifications, Major and Minor.

- A. Major changes or alterations to an approved Comprehensive Plan shall be considered by the Planning Commission at a public hearing which shall make recommendations to the City Council. The City Council may then approve, conditionally approve or disapprove the proposed changes or alterations, after a public hearing.
- B. The Director may administratively approve minor changes or alterations to an approved Comprehensive Plan, subject to appeal pursuant to Chapter 17.630; provided, that the Director makes the following findings:
 - 1. The proposed changes are consistent with the intent of the approved Comprehensive Plan;
 - 2. The proposed changes will not adversely impact the environment;
 - 3. The proposed changes will not be detrimental to the surrounding uses;
 - 4. The proposed changes will not significantly increase traffic levels on existing streets and thoroughfares within and surrounding the development; and
 - 5. Any proposed change, which requires exception from standard ordinance requirements, is warranted by the design and amenities incorporated into the approved Comprehensive Plan.
- C. If the Director determines the above findings cannot be made, then the request shall be considered a major change and referred to the Planning Commission for review at a public hearing and for City Council review at a public hearing.
- D. Maintenance, rehabilitation, renovation, and reconstruction of existing structures, that will not alter the site plan, shall not require a Comprehensive Plan or any Comprehensive Plan modification, minor or major.
- E. All determinations required by this subsection are subject to appeal pursuant to section 17.630.

17.560.030 - Conditions of Approval

The City Council may approve a Comprehensive Plan in compliance with 17.540.020 (Findings and Decision), and may impose conditions upon the project including, but not limited to, the City's "Comprehensive Standard Conditions of Approval for Site Plan Review and Other Discretionary Planning and Zoning Applications," as adopted by the Planning Commission to ensure that the project will meet all of the required findings. Conditions may relate to both on- and off-site improvements that are reasonable and necessary to mitigate project-related impacts, and to carry out the purpose and requirements of the Comprehensive Plan and all applicable development standards and design guidelines.

Nothing in this Chapter shall preclude the Planning Commission from recommending, and the City Council from approving a Comprehensive Plan in concept only and requiring subsequent discretionary review of that Comprehensive Plan.

17.560.035 - Post Approval Procedures

Procedures relating to appeals, notices, revocations and modifications as identified in Article 6 (Zoning Code Administration), in addition to those identified in Chapter 17.580 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Comprehensive Plan application.

The City Council may modify any provisions of this section after consideration of the Planning Commission recommendations.

CHAPTER 17.570 - SPECIFIC PLANS

Sections:

- 17.570.005 - Purpose
- 17.570.010 - Initiation of Specific Plans.
- 17.570.015 - Preparation and Content of Specific Plans.
- 17.570.020 - Filing, Processing and Adoption of Specific Plans.
- 17.570.025 - Implementation and Amendments.

17.570.005 – Purpose

This Chapter provides procedures for preparing, processing, reviewing, adopting and amending a Specific Plan. A Specific Plan can be used to systematically implement the General Plan for any part of the City.

17.570.010 – Initiation of Specific Plans.

A Specific Plan may be initiated in the following manner:

- A. **City.** By a Resolution of Intention adopted by the Council; or
- B. **Property Owner.** By an application in compliance with Chapter 17.500 (Applications, Processing and Fees). For Specific Plans proposed by private property owners, the project area may be one parcel under single ownership or a combination of adjoining parcels subject to a unified planning concept with the full written concurrence of all applicable property owners.

17.570.015 - Preparation and Content of Specific Plans.

The initiator shall prepare a draft Specific Plan for review by the City that includes detailed information in the form of text and diagrams, organized in compliance with an outline furnished by the Division and State law (Government Code Section 65451). The following information shall be provided:

- A. **Proposed Land Uses.** The distribution, location, and extent of land uses proposed within the area covered by the Specific Plan, including open space areas.
- B. **Infrastructure.** The proposed distribution, location, extent, and intensity of major components of public and private drainage, energy, sewage, solid waste disposal, circulation, transportation, water, and other essential facilities proposed to be located within the Specific Plan area and needed to support the proposed land uses.
- C. **Land Use and Development Standards.** Standards, criteria, and guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

- D. Implementation Measures.** A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria.
- E. Relationship to General Plan.** A discussion of the relationship of the Specific Plan to the objectives, policies, general land uses, and programs of the General Plan.
- F. Design Standards and Guidelines.** Standards and guidelines for proposed structures and public street features within the boundaries of the Specific Plan area.
- G. Additional Information.** The Specific Plan shall contain any additional information determined to be necessary by the Director based on the characteristics of the area to be covered by the plan, applicable policies of the General Plan, or any other issue(s) determined by the Director to be significant.

17.570.020 – Filing, Processing and Adoption of Specific Plans.

- A. Filing and Initial Processing.** A draft Specific Plan proposed by a property owner shall be filed with the Division and shall be accompanied by the fee required by the City's Fee Resolution. A draft plan proposed by an applicant or prepared by the City shall then be processed in the same manner as required for General Plans by State law (Government Code Sections 65350 et seq.), and as provided by this Section.
- B. Division Evaluation.** After the receipt of a draft Specific Plan, the Division shall conduct an initial review of the draft Specific Plan in compliance with Section 17.500.025 (Initial Application Review) to determine whether it complies with the provisions of this Chapter. If the draft plan is not in compliance, it shall be returned to the applicant with a written explanation of why it does not comply, and with suggested revisions to ensure compliance. When a draft plan is returned by the applicant to the Division and the Division determines it is complete and in compliance with this Chapter, the plan shall be deemed to be accepted for processing.
- C. Environmental Review.** The draft Specific Plan shall be subject to environmental review in compliance with the California Environmental Quality Act (CEQA), and the City's CEQA Guidelines.
- D. Public Hearings.** A proposed Specific Plan shall be subject to public hearings before both Commission and Council before its adoption, as follows:
 - 1. Commission.** The hearing shall receive public notice and be conducted in compliance with Chapter 17.620 (Public Hearings and Administrative Review). After the hearing, the Commission shall forward a written recommendation, with appropriate findings to the Council, in compliance with subsection (E), below; and
 - 2. Council.** Following the hearing at which the Commission makes a recommendation, a public hearing on the Specific Plan shall be scheduled. The hearing shall be noticed and conducted in compliance with Chapter 17.620 (Public Hearings and Administrative Review). After the hearing, the Council may adopt the Specific Plan, may deny the plan, or

may adopt the plan with changes, with appropriate findings, provided that any substantial modifications to the plan that were not considered by the Commission shall be referred to the Commission for its recommendation, in compliance with State law (Government Code Section 65356). Failure of the Commission to report within the time period set by the Council, shall be deemed a recommendation for the approval of the changes.

- E. Conformance with the General Plan.** The Council shall adopt a Specific Plan only if it finds that the proposed plan is consistent with the objectives, policies, general land uses, and programs of the General Plan and other adopted goals and policies of the City. The Specific Plan shall be adopted by ordinance in compliance with State law (Government Code Section 65453) and shall become effective 30 days following the date the decision is rendered by the Council.

17.570.025 – Implementation and Amendments

A. Development within Specific Plan Area. After the adoption of a Specific Plan, subsequent projects to implement the Specific Plan may be approved or adopted within an area covered by a Specific Plan only if first found consistent with the Specific Plan. The Council may impose a Specific Plan fee surcharge on development permits within the Specific Plan area, in compliance with State law (Government Code Section 65456).

B. Amendments.

1. An adopted Specific Plan shall be amended through the same procedure specified by this chapter for the adoption of a Specific Plan.
2. The Specific Plan may be amended as often as deemed necessary by the Council, in compliance with State law (Government Code

- C. Modifications.** Development standards identified in an adopted Specific Plan may be modified, by either the Director, or Commission, only as specified in the Specific Plan.

Chapter 17.580 - DENSITY BONUSES AND OTHER BONUS INCENTIVES

Sections:

- 17.580.005 - Purpose
- 17.580.010 – Applicability
- 17.580.015 – Application Filing, Processing and Review
- 17.580.020 – Findings and Decision
- 17.580.025 – Conditions of Approval
- 17.580.030 – Post Approval Procedures

17.580.005 - Purpose

This Chapter is intended to implement the requirements of State law for density bonuses and other bonus incentives pursuant to Government Code, Section 65915, as amended, and the goals and policies of the Housing Element of the City's General Plan.

17.580.010 – Applicability

In all zoning districts the City Council shall implement the density bonus and other bonus incentive provisions of Government Code, Section 65915, as amended. Notwithstanding the forgoing sentence, where other provisions set forth in this Title provide processes through which the City may implement the density bonus and other bonus incentive provisions of Government Code, Section 65915, as amended, neither those provisions nor any other provision of this Title are intended to require the City to grant modifications in any zone in addition to those which may be required by Government Code, Section 65915.

17.580.015 - Application Filing, Processing, and Review

- A. Filing.** An application for a density bonus or other bonus incentives shall be completed, filed, and processed in compliance with Chapter 17.500 (Applications, Processing, and Fees). The application package shall include all the information specified in the application form, any applicable Division handout, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.580.020 (Findings and Decision), below.
- B. Notice and Hearings.** Notice and hearings regarding an application for a density bonus and other bonus incentives shall be provided in compliance with Chapter 17.620 (Public Hearings and Administrative Review):
- C. Review Authority.** Requests for a density bonus and other bonus incentives shall be reviewed by the Commission who shall make a recommendation, on which the Council shall act upon by resolution.

17.580.020 – Findings and Decision

The Planning Commission, in conjunction with a public hearing, shall review and make recommendations to the City Council regarding the density bonus and other bonus incentives request. The City Council, after a public hearing, may approve, conditionally approve or disapprove a density bonus and other bonus incentives. A density bonus and other bonus incentives may be approved provided the facts submitted and evaluated during the review process support the following findings:

- A. The project would be compatible with the purpose and intent of the General Plan and the provisions of this Title.
- B. The project will not be detrimental to the public interest, health, safety, or general welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.
- C. The number of dwellings can be accommodated by existing and planned infrastructure capacities.
- D. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with Government Code, Section 65915, as amended and the purpose and intent of this Title.
- E. There are sufficient provisions to guarantee that the designated dwelling units would remain affordable in the future.

17.580.025 - Conditions of Approval

The City Council may approve a density bonus and other bonus incentives in compliance with 17.580.020 (Findings and Decision), and may impose conditions upon the project including, but not limited to, the City's "Comprehensive Standard Conditions of Approval for Site Plan Review and Other Discretionary Planning and Zoning Applications," as adopted by the Planning Commission to ensure that the project will meet all of the required findings. Conditions may relate to both on- and off-site improvements that are reasonable and necessary to mitigate project-related impacts, and to carry out the purpose and requirements of this Title and applicable development standards and design guidelines.

17.580.030 - Post Approval Procedures

Procedures relating to appeals, notices, revocations and modifications as identified in Article 6 (Zoning Code Administration), in addition to those identified in Chapter 17.580 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a density bonus and other bonus incentives.

Chapter 17.590 – DEVELOPMENT AGREEMENTS

Sections:

- 17.590.005 - Purpose
- 17.590.010 - Applicability
- 17.590.015 - Application Filing, Processing and Review
- 17.590.020 - Public Hearings
- 17.590.025 - Content of Development Agreement
- 17.590.030 - Execution and Recordation
- 17.590.035 - Environmental Review
- 17.590.040 - Periodic Review
- 17.590.045 - Amendment or Cancellation of Development Agreement
- 17.590.050 - Effect of Development Agreement
- 17.590.055 - Approved Development Agreements

17.590.005 - Purpose

This Chapter provides procedures and requirements for the review and approval of development agreements consistent with the provisions of State law.

17.590.010 – Applicability

A. Initiation. Consideration of a Development Agreement may be initiated by:

1. The Council; or
2. Property owner(s) or other person having a legal or equitable interest in the property proposed to be subject to the agreement.

17.590.015 – Application Filing, Processing and Review

A. Owner's Request. An owner of real property may request and apply through the Division to enter into a Development Agreement provided that:

1. The status of the applicant as property owner or bona fide representative of the owner is established to the satisfaction of the Director;
2. The application is accompanied by all documents, information, and materials required by the Division.

B. Director Review. The Director shall receive, review, process, and prepare recommendations for Commission and Council consideration on all applications for development agreements.

C. Concurrent Processing and Public Hearings. All development-related applications shall be processed and scheduled for public hearing concurrently with the application for a Development Agreement. The Council shall be the review authority for the Development Agreement and all

associated applications.

- D. Fees.** The application for a Development Agreement shall include the processing fee established by the city's Fee Resolution. Additionally, appropriate fees shall be established and collected for periodic reviews conducted by the Director in compliance with Section 17.590.040.A, below.

17.590.020 – Public Hearings.

- A. Commission Hearing.** The Director, upon finding the application for a Development Agreement complete, shall set the date for a public hearing before the Commission in compliance with Chapter 17.620 (Public Hearings and Administrative Review). Following conclusion of a public hearing, the Commission shall adopt a resolution and make a written recommendation to the Council that it approve, conditionally approve, or deny the application.
- B. Council Hearing.** Upon receipt of the Commission's recommendation, the City Clerk shall set a date for a public hearing before the Council in compliance with Chapter 17.620 (Public Hearings and Administrative Review). Following conclusion of the public hearing, the Council shall approve, conditionally approve, or deny the application with appropriate findings in compliance with Subsection E (Required Findings), below.

If the Council proposes to adopt a substantial modification to the Development Agreement not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation, in compliance with State law (Government Code Section 65857). Failure of the Commission to report back to the Council within 40 days after the referral, or within a longer time set by the Council, shall be deemed a recommendation for approval of the proposed modification.

- C. Notice of the Hearings.** Notice of the hearings outlined in Subsections A and B, above, shall be given in the form of a notice of intention to consider approval of a development agreement in compliance with State law (Government Code Section 65867).
- D. Adopting Ordinance.** Should the Council approve or conditionally approve the application, it shall, as a part of the action of approval, direct the preparation of a Development Agreement embodying the conditions and terms of the application as approved or conditionally approved by it, as well as an ordinance authorizing execution of the development agreement by the Council, in compliance with State law (Government Code Section 65867.5).
- E. Required Findings.** The ordinance shall contain the following findings and the facts supporting them. It is the responsibility of the applicant to establish the evidence in support of the required findings:
1. The Development Agreement is in the best interests of the city, promoting the public interest and welfare;
 2. The Development Agreement is consistent with all applicable provisions of the General Plan, any applicable Specific Plan, and this Title;
 3. The Development Agreement is in compliance with the conditions, requirements, restrictions, and terms of Sections 17.590.025.A (Mandatory contents) and 17.590.025.B (Permissive contents), below.

- F. Referendum.** The ordinance is subject to referendum in compliance with State law (Government Code Section 65867.5).

17.590.025 – Contents of Development Agreement.

- A. Mandatory Contents.** A Development Agreement entered into in compliance with this Chapter shall contain the mandatory provisions (e.g., conditions, requirements, restrictions, and terms) specified by State law (Government Code Section 65865.2 [Agreement contents]).
- B. Permissive Contents.** A Development Agreement entered into in compliance with this Chapter may contain the permissive provisions (e.g., conditions, requirements, restrictions, and terms) specified by State law (Government Code Section 65865.2 [Agreement contents]), and any other terms determined to be appropriate and necessary by the Council, including provisions for the payment to the city of monetary consideration.

17.590.030 – Execution and Recordation

- A. Effective Date.** The city shall not execute any development agreement until on or after the date on which the ordinance approving the agreement becomes effective, and until it has been executed by the applicant.
- B. Conditioning Approval.** The provisions of this Chapter shall not be construed to prohibit the Director, Commission or Council from conditioning approval of a discretionary permit or entitlement on the execution of a Development Agreement where the condition is otherwise authorized by law.
- C. Recordation.** A Development Agreement shall be recorded with the County Recorder no later than 10 days after it is executed, in compliance with State law (Government Code Section 65868.5).

17.590.035 – Environmental Review

The approval or conditional approval of a Development Agreement in compliance with this chapter shall be deemed a discretionary act for purposes of the California Environmental Quality Act (CEQA).

17.590.040 – Periodic Review

- A. Periodic Review.** Every Development Agreement approved and executed in compliance with this Chapter shall be subject to periodic review by the Director during the full term of the agreement.

Appropriate fees to cover the city's costs to conduct the periodic reviews shall be collected from the contracting party in compliance with Section 17.590.015 (Application Filing), above.

- B. Purpose of Periodic Review.** The purpose of the periodic review shall be to determine whether the contracting party or the successor-in-interest has complied in good faith with the terms and conditions of the Development Agreement. The burden of proof shall be on the applicant or contracting party or the successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the City.

- D. Result of Periodic Review.** If, as a result of a periodic review in compliance with this section, the Director finds and determines, on the basis of substantial evidence, that the contracting party or the successor-in-interest has not complied in good faith with the terms or conditions of the agreement, the Director shall notify the Commission which may recommend to the Council that the agreement be terminated or modified.

The procedures for the termination or modification hearing shall comply with Section 17.590.020 (Public Hearings), above.

17.590.045 – Amendment or Cancellation of Development Agreement

A Development Agreement may be amended or canceled, in whole or in part, by mutual consent of all parties to the agreement, or their successor-in-interest, in compliance with State law (Government Code Section 65868), or as set forth in the agreement. The requested amendment or cancellation shall be processed in the same manner specified by this Chapter for the adoption of a Development Agreement.

17.590.050 – Effect of Development Agreement

- A. Rules, Regulations and Policies.** Unless otherwise provided by the Development Agreement, the rules, regulations, and official policies governing allowed uses of the land, density, design, improvement and construction standards and specifications, and Building Code provisions applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the time of execution of the agreement.
- B. State Law.** In compliance with State law (Government Code Section 65866), unless specifically provided for in the Development Agreement, the agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property under the Development Agreement. Further, a Development Agreement does not prevent the City from conditionally approving or denying any subsequent development project application on the basis of existing or new rules, regulations, and policies.

17.590.055 – Approved Development Agreements

Development Agreements approved by the Council shall be on file with the City Clerk.

CHAPTER 17.595 - PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

Sections:

- 17.595.005 - Purpose
- 17.595.010 - Conformance to Plans
- 17.595.015 - Effective Date of Permits or Entitlements
- 17.595.020 - Applications Deemed Approved
- 17.595.025 - Performance Guarantees
- 17.595.030 - Time Limits and Extensions
- 17.595.035 - Changes to an Approved Project
- 17.595.040 - Resubmittals
- 17.595.045 - Covenants

17.595.005 - Purpose

This Chapter provides requirements for the implementation or "exercising" of the permits or entitlements specified by this Title, including time limits and procedures for granting extensions of time and changes to an approved project.

17.595.010 - Conformance to Plans

- A. **Compliance.** All work for which project drawings and plans have received approval by the Director, Commission, or Council shall be performed in substantial compliance with the approved drawings and plans, any statements (written or oral) made in support of the application, and any conditions of approval imposed by the review authority and any minor changes approved by the Director.
- B. **Changes.** Any minor changes to or deviations from the approved drawings and plans that do not change the intent of the original approval may be approved by the Director. In the case of a discretionary permit, the original review authority shall review and approve any major changes, in compliance with 17.595.035 (Changes to an Approved Project), below.

17.595.015 - Effective Date of Permits or Entitlements

- A. **Discretionary Decisions by the Director or Commission.** Any Administrative Use Permit, Conditional Use Permit, Administrative Modification, Variance, or Site Plan Review, shall become effective on the 11th working day following the date the decision is rendered by the appropriate review authority, provided that no appeal of the review authority's action has been filed in compliance with Chapter 17.630 (Appeals). A decision shall be considered rendered as follows:
 - 1. **Decisions made following a public hearing.** When a resolution is adopted without changes or with changes that are read into the record.
 - 2. **Decisions made by the Director.** When a Notice of Decision is signed by the Director.

- B. Ministerial Permits.** Zoning Clearances and other ministerial staff decisions shall be effective immediately upon being stamped and signed by Staff.
- C. Decisions by Council.** Any Comprehensive Plan, Development Agreement, Specific Plan, or amendment to the Zoning Map and this Title shall become effective on the 30th day following the date the decision is rendered by the Council. A General Plan amendment shall become effective immediately upon adoption of a resolution by the Council.

17.595.020 - Applications Deemed Approved

A permit application deemed approved shall be subject to all applicable provisions of this Title, which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

17.595.025 - Performance Guarantees

A permit applicant may be required by conditions of approval or by action of the Director to provide adequate security to guarantee the faithful performance of any or all conditions of approval imposed by the review authority. The Director, in concert with the Building Official, shall be responsible for setting the amount of the required security at a level that is reasonable in relation to the conditions being guaranteed.

17.595.030 - Time Limits and Extensions

- A. Time limits.** To ensure continued compliance with the provisions of this Chapter, each approved permit or entitlement shall expire 1 year from the date of approval if the use has not been exercised, unless otherwise specified in the permit or entitlement. A time extension may be granted in compliance with Subsection C., below, if a written request is submitted by the applicant and received by the Division prior to expiration of the approval.

If a permit or entitlement has not been exercised within the established time frame and a time extension is not granted the permit or entitlement shall be deemed void.

- B. Permit implementation - exercising the permit or entitlement.** The zoning approval shall not be deemed “exercised” until the permittee has commenced actual construction (after obtaining any required construction permit); provided that in all cases, construction shall be diligently pursued until completion of the subject structure. If no construction is required, the zoning approval shall be deemed “exercised” when the permittee has actually commenced the allowed use on the subject site in compliance with the conditions of approval.
- C. Project Phasing.** If a project is to be developed in approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phases was exercised, unless otherwise specified in the zoning approval, or the zoning approval shall expire and be deemed void. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the zoning approval shall be exercised before the expiration of the Tentative Map, or the zoning approval shall expire and be deemed void.
- D. Extensions of time.**

1. The applicant shall file a written request for an extension of time with the Division, accompanied by the required filing fee, prior to expiration of the approval.
2. The burden of proof is on the applicant to establish, with substantial evidence that the zoning approval should be extended. Upon determination that the applicant has made a good faith effort to establish the permit, the Director may extend the time to establish an approved permit for up to an additional 12 months, unless the conditions of approval authorize longer extensions. Whenever an extension is requested after approval of a first extension, the Director shall notify the Commission and Council of such request prior to acting upon same.

17.595.035 - Changes to an Approved Project

An approved development or new land use shall be established only as specified by the approved land use permit, and subject to any conditions of approval. An applicant may request, in writing, to amend the approved permit, and shall furnish appropriate supporting materials and an explanation of the reasons for the request.

- A. Minor changes may be approved, modified, or denied by the Director. Major changes shall be approved, modified or denied by the original review authority.
- B. The Director shall determine whether a proposed change is major or minor. The determination that the change is major depends on whether the proposal may result in:
 1. Significant impacts to the surrounding neighborhood.
 2. Significant environmental impacts.
 3. A change to the approved use or a significant change to project design.
 4. A change to the basis on which the environmental determination for the project was made.
 5. A change to the basis upon which the review authority made the findings for approval of the project.

A major change request shall be processed in the same manner as the original permit or entitlement.

17.595.040 - Resubmittals

For a period of 1 year following the approval, disapproval or revocation/modification of a discretionary land use permit or entitlement, no application for the same or substantially similar discretionary permit or entitlement for the same site shall be filed. The Director shall determine whether the new application is for a discretionary land use permit or entitlement which is the same or substantially similar to the previously approved or disapproved permit or entitlement.

17.595.045 - Covenants

When necessary to achieve the land use goals of the City, the City may require a property owner(s) to execute and record a Covenant in favor of the City. The Covenant may be imposed as a condition of

Permit Implementation, Time Limits and Extensions

17.595

approval by the Director, Commission, or Council. The applicable processing fees shall be specified in the City Council Fee Resolution, which may be obtained from the Division.