

## **DIVISION IV: ADMINISTRATION AND PROCEDURES**

<b>Chapter 17.92</b>	<b>Planning Authorities .....</b>	<b>IV-2</b>
<b>Chapter 17.96</b>	<b>Common Procedures .....</b>	<b>IV-6</b>
<b>Chapter 17.100</b>	<b>Planning Permits and Approvals .....</b>	<b>IV-19</b>
<b>Chapter 17.104</b>	<b>Amendments to the General Plan .....</b>	<b>IV-46</b>
<b>Chapter 17.108</b>	<b>Amendments to the Zoning Map and Text .....</b>	<b>IV-49</b>
<b>Chapter 17.112</b>	<b>Planned Development .....</b>	<b>IV-52</b>
<b>Chapter 17.116</b>	<b>Precise Plans .....</b>	<b>IV-54</b>
<b>Chapter 17.120</b>	<b>Specific Plans.....</b>	<b>IV-57</b>
<b>Chapter 17.124</b>	<b>Reserved .....</b>	<b>IV-62</b>
<b>Chapter 17.128</b>	<b>Enforcement .....</b>	<b>IV-63</b>
<b>Chapter 17.132</b>	<b>Reserved .....</b>	<b>IV-67</b>

## Chapter 17.92 Planning Authorities

Sections:

17.92.010	Purpose.....	IV-2
17.92.020	Review Authorities (Updated) .....	IV-2

### 17.92.010 Purpose

This Chapter identifies the bodies, officials, and administrators (i.e., Review Authorities) with designated responsibilities under various Chapters of the Zoning Code. Subsequent Chapters provide detailed information on procedures, application and permits. When carrying out their assigned duties and responsibilities, all bodies, officials, and administrators shall interpret and apply the provisions of this Code as minimum requirements adopted to implement the policies, and achieve the objectives, of the General Plan.

### 17.92.020 Review Authorities (Updated)

- A. **City Council.** The City Council is established in accordance with the Woodland Municipal Code Chapter 2.04, City Council. The powers and duties of the City Council under this Zoning Code include, but are not limited to, the following:
1. Consider and adopt, reject, or modify amendments to the General Plan map and text pursuant to provisions of Chapter 17.104, Amendments to the General Plan, and of the California Government Code, following a public hearing and recommended action by the Planning Commission.
  2. Consider and adopt, reject, or modify amendments to the Zoning Map and text of this Code pursuant to the provisions of Chapter 17.108, Amendments to the Zoning Map and Text, and the California Government Code, following a public hearing and a recommendation from the Planning Commission.
  3. Hear and decide applications for Development Agreements, pursuant to Section 17.100.180, Development Agreements.
  4. Hear and decide on proposals to revoke permits, pursuant to Chapter 17.96.150, Revocation of Permits.
  5. Make environmental determinations on any approvals for which it has authority to grant that are subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to state law.
  6. Hear and decide appeals from decisions of the Planning Commission pursuant to Section 17.96.160, Appeals.
  7. Establish by resolution, a Planning Application Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Code.

- B. **Planning Commission.** The powers and duties of the Planning Commission are established in the Woodland Municipal Code Section 2.28.020, Planning Commission. The Planning Commission shall be the approval authority for planning permits identified in Table 17.100.020-1: Planning/Processes Permits and Review Authority. All discretionary decisions of the Planning Commission may be appealed to the City Council, in compliance Section 17.96.160, Appeals. The Planning Commission shall make recommendations on all legislative entitlement requests to the City Council. The powers and duties of the Planning Commission under this Code include, but are not limited to the following:
1. Conduct hearings and make recommendations to the City Council on proposed amendments to the General Plan map and text, pursuant to Chapter 17.104, Amendments to General Plan.
  2. Conduct hearings and make recommendations to the City Council on proposed amendments to the Zoning Map and text of this Code, pursuant to Chapter 17.108, Amendments to Zoning Map and Text, and the California Government Code.
  3. Conduct hearings and make recommendations to the City Council on proposed Development Agreements, pursuant to Section 17.100.180, Development Agreements.
  4. Approve, conditionally approve, modify, or deny Conditional Use Permits and Variances, pursuant to Section 17.100.100, Conditional Use Permit and Section 17.100.120, Variance.
  5. Hear and decide on modifications to approved Conditional Use Permits and Variances, pursuant to Section 17.96.140, Modifications to An Approved Permit.
  6. Hear and decide on proposals to revoke permits, pursuant to Section 17.96.150, Revocation of Permits.
  7. Hear and decide appeals from decisions of the Director or Zoning Administrator on decisions, determinations, or interpretations made in the enforcement of this Code and any other decisions that are subject to appeal, pursuant to Section 17.96.160, Appeals.
  8. Make environmental determinations on any approvals it grants that are subject to environmental review under CEQA pursuant to state Law.
  9. Review of the annual capital improvement program budget for conformity with the General Plan in compliance with California Government Code § 65401.
  10. Conduct development review on any approvals it grants that are subject to development review pursuant to Section 17.100.040, The Development Review Process.
  11. Undertake a comprehensive historic resources inventory and maintain a historic register.
  12. Establish various criteria, guidelines, and standards to carry out the intent of the Woodland Municipal Code Chapter 15.24, Historical Landmarks, Districts and Resources.

13. Recommend to the City Council the designation of historical landmarks and historical districts.
14. Participate in administrating regulations pertaining to historical landmarks and historical districts.
15. Recommend to the City Council ways to fund and to otherwise make financially feasible the protection of historical landmarks and historical districts in the City.
16. Recommend to the City Council the means to implement the historic preservation element of the General Plan and the Woodland Municipal Code Chapter 15.24, Historical Landmarks, Districts and Resources by developing information and programs to increase awareness of, preservation of, and use of historical landmarks and historical districts in the City.
17. Other duties and powers as assigned or directed by the City Council.

C. **Community Development Director.** The powers and duties of the Community Development Director (the “Director”) under this Code include, but are not limited to, the following:

1. Prepare the annual report related to the implementation of the General Plan in compliance with California Government Code § 65400.
2. Maintain and administer the Zoning Code, including processing of applications, abatements, and other enforcement actions.
3. Interpret the Zoning Code to members of the public and other City Departments.
4. Prepare and effect rules and procedures necessary or convenient for the conduct of the Director’s business (e.g., scheduling, rules of procedure, and recordkeeping).
5. Issue administrative regulations for the submission and review of applications subject to the requirements of this Code and California Government Code § 65950, time periods for effective approval or disapproval of a project.
6. Review applications for permits and licenses for conformance with this Code and issue a Zoning Clearance when the proposed use, activity, or building is allowed by right and conforms to all applicable development and use standards pursuant to Section 17.100.030, Zoning Clearance.
7. Review applications for administrative/ministerial permits and approvals to ensure compliance with all applicable development and use standards established in this Code.
8. Review applications for discretionary permits and approvals to determine whether the application is subject to review under the CEQA and notify the applicant if any additional information is necessary to conduct the review.
9. Make recommendations to the Planning Commission and City Council on all applications, amendments, appeals, and other matters upon which the Planning Commission and City Council have the authority and duty to act under this Code.
10. Conduct development review pursuant to Section 17.100.040, The Development Review Process.

## **Division IV: Administration and Procedures**

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11. Approve, modify, or deny requests for Reasonable Accommodation for land use projects, pursuant to Section 17.100.160, Reasonable Accommodation for Persons with Disabilities.
12. Serve as Staff to the Planning Commission.
13. Investigate and report to the Planning Commission on permit violations when the City has initiated revocation procedures.
14. Delegate administrative and discretionary functions to members of the Planning Division as deemed necessary.
15. Provide required notice of public hearings.
16. Serve as or designate a member of the Planning Division staff to serve as Zoning Administrator pursuant to Section 17.100.090, Zoning Administrator Permit.
17. Review and make determinations regarding nonconforming uses.
18. Decide requests for Minor Modifications to approved permits, pursuant to Section 17.96.140, Modification to An Approved Permit.
19. Make determinations on lot line adjustments and Certificates of Compliance.
20. Refer items to the Planning Commission where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action.
21. Other duties and powers as assigned by the City Council or established by legislation.

D. **Zoning Administrator.** The Zoning Administrator is a City staff member appointed by the Director with the following powers and duties.

1. Approve, modify, or deny applications for Zoning Administrator Permits and Variances, pursuant to Section 17.100.090, Zoning Administrator Permit and Section 17.100.120, Variance, including holding administrative public hearings.
2. Decide requests for modifications to an approved permit, pursuant to Section 17.96.140, Modifications to An Approved Permit.
3. Approve, modify, or deny requests for extensions for land use projects, pursuant to Section 17.96.130, Expiration and Extension.
4. Refer items to the Planning Commission where in the Zoning Administrator's opinion, the public interest would be better served by a Planning Commission public hearing or action.
5. Provide required notice and conduct public hearings.
6. Other duties and powers as assigned by the Director.

## Chapter 17.96 Common Procedures

Sections:

17.96.010	Purpose.....	IV-6
17.96.020	Application Forms and Fees.....	IV-6
17.96.030	Pre-Application Review .....	IV-8
17.96.040	Determination of Similar Use .....	IV-8
17.96.050	Review of Planning Applications.....	IV-9
17.96.060	Environmental Review .....	IV-10
17.96.070	Neighborhood Meeting .....	IV-10
17.96.080	Public Notice .....	IV-11
17.96.090	Conduct of Public Hearing.....	IV-12
17.96.100	Findings and Decision .....	IV-13
17.96.110	Scope of Approvals.....	IV-14
17.96.120	Authority to Apply Conditions of Approval .....	IV-14
17.96.130	Expiration and Extension.....	IV-14
17.96.140	Modifications to An Approved Permit .....	IV-15
17.96.150	Revocation of Permits .....	IV-16
17.96.160	Appeals .....	IV-16
17.96.170	Certificates of Occupancy.....	IV-17

### 17.96.010 Purpose

This Chapter establishes procedures that are common to the processing of all permits and approvals provided for in this Code, unless superseded by specific requirement of this Code or state law.

### 17.96.020 Application Forms and Fees

#### A. Applicant.

1. A development application may be submitted by the owner of the property or the owner’s authorized agent. If an application is submitted by someone other than the owner or the owner’s agent, written proof, satisfactory to the Director, of the right to act as the owner’s agent or to use and possess the property as applied for, shall accompany the application.

## Division IV: Administration and Procedures

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2. Written proof of authorization (Letter of Agency) must be signed, dated, and notarized by the property owner and expressly state what the agent is authorized to do on behalf of the owner.

### B. **Planning Application Forms and Materials.**

1. **Planning Application Forms.** The Director shall prepare and have on file with the Department the planning application forms and checklists that specify the information required to be submitted with all planning applications.
2. **Supporting Materials and Information.** The Director may require the submission of supporting materials and information as part of a planning application submittal, including, but not limited to, statements, photographs, plans, drawings, renderings, models, material samples, special studies, and other items necessary to describe existing conditions and the proposed project, to determine the level of environmental review pursuant to CEQA, and clearance as required pursuant to the Yolo Habitat Conservation/Natural Community Conservation Plan.
3. **Availability of Application Materials.** All application materials submitted to the City shall become the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine a planning application and materials submitted in support of, or in opposition to, an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

### C. **Multiple Applications.**

1. **Concurrent Filing.** Unless otherwise approved by the Director, an applicant for a project which requires more than one planning permit (e.g., a Conditional Use Permit and Development Review) and/or legislative entitlement (e.g., a General Plan amendment or an amendment to the Zoning Map or Code text) shall file all related applications concurrently together with all application fees.
2. **Concurrent Processing.** Multiple planning permits and or legislative entitlements for the same project shall be processed concurrently and shall be approved by the highest Review Authority for any of the permits or legislative entitlements, with the lower Review Authority making a recommendation.

### D. **Application Fees.**

1. **Fee Schedule.** The City Council shall establish by resolution a Planning Application Permit Fee Schedule that establishes fees for planning permits, informational materials, penalties, copying, and other customary services. The City shall also establish the ability for payment of fees through an advanced funding deposit cost recovery method for those projects that may be more complex, involve outside consultant work, or require additional staff or City attorney time. The initial deposit and minimum balance will be based upon anticipated work and/or estimated consultant costs.

2. **Fee Payment.** No application or covenant shall be accepted as complete and processed without payment in full of the required application fees or deposits.
3. **Multiple Applications.** The City's processing fees are cumulative. For example, if an application for a Conditional Use Permit also includes a Development Review, both fees shall be charged. Cost savings may be incurred due to similar documents being prepared for a single project, such as CEQA review, should applications be filed simultaneously.
4. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the Woodland Municipal Code, per funding agreement, or as determined by the Director with good cause. Once an application has been accepted and a review initiated, a partial refund may be considered, and is dependent upon the amount of staff time or work on the application.

### 17.96.030 Pre-Application Review

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Preapplication review is an optional review process to be conducted prior to submittal of a planning application that is intended to provide information on relevant policies, zoning regulations, and procedures.

- A. **Exemption from Permit Streamlining Act.** Pre-application review shall not be considered completeness review and is not subject to the requirements of the California Permit Streamlining Act § 65920.
- B. **Review Procedures.** A prospective applicant may submit a pre-application submittal, including a preliminary project description, preliminary plans, and designs to the department. The department shall conduct pre-application review and inform the applicant of applicable City requirements, provide a preliminary list of issues for consideration, and may suggest possible alternatives or modifications to the project prior to formal application submittal. The Director may consult with or request review by other City departments or agencies that may have interest in the application. The initial review is a courtesy review; however, the Director may charge for additional iterations or reviews.
- C. **Recommendations are Advisory.** Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as being either a recommendation for approval or denial of the application or project by City staff. Any recommendations that result from pre-application review are considered advisory only and shall not be binding on either the applicant or the City.

### 17.96.040 Determination of Similar Use

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Each zone establishes a list of primary uses and accessory uses which are permitted, permitted with a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit), or permitted with a Conditional Use Permit (see Section 17.100.100, Conditional Use Permit). Occasionally, uses may be proposed which are not specifically listed in the Use Tables of Division II, Zone Regulations. This Section provides procedures that shall be observed when an unlisted use is proposed in a zone. A use determined to be similar shall apply to the zone uniformly regardless of location.

- A. **Director.** The Director may administratively determine that the proposed uses are similar to those of the appropriate use category where the uses are clearly similar in character to those uses listed and consistent with the purposes of the zone and General Plan. The Director's determination of similar use may be appealed to the Planning Commission pursuant to the provisions of Section 17.96.160, Appeals.
- B. **Planning Commission.** The Planning Commission's determination of similar use may be appealed to the City Council pursuant to the provisions of Section 17.96.160, Appeals.

### **17.96.050 Review of Planning Applications**

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- A. **Initial Completeness Review.** The Director shall determine whether an application is complete within 30 days of the date the application is filed and required fee received. The requirements below shall apply unless otherwise required by law.
- B. **Incomplete Application.**
  - 1. If an application is deemed incomplete, the Director shall provide a written notification to the applicant with a listing of information necessary to complete the application. The listing shall be exhaustive and based upon a City check list.
  - 2. Upon submittal of additional requested materials, the Director shall make a new determination and notify the applicant in writing as to whether the application is complete within 30 days of the date the additional materials are received by the City.
  - 3. The applicant shall provide the requested information within 180 days of the letter of notification stating that an application is determined to be incomplete. The Director may, upon written request, and for good cause, grant one extension of up to 90 calendar days for review of applications imposed by this Code.
- C. **Zoning Code Violations.** An application shall not be found complete if conditions exist on the site in violation of this Code or any permit or other approval granted in compliance with this Code, unless the proposed project includes the correction of the violations or the violation is a legal nonconformity as described in Chapter 17.80, Nonconforming Provisions.
- D. **Submittal of Additional Information.** The applicant shall provide the additional information within the time limit specified by the Director.
- E. **Appeal of Application Completeness Determination.** Determinations of incompleteness are subject to the provisions of Section 17.96.160, Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal.
- F. **Expiration of Application.** If an applicant fails to correct the specified deficiencies and/or submit the information identified on the written notification of an application that is determined to be incomplete within the specified time limit, the application shall expire and be deemed withdrawn. After the expiration of an application, review shall require the submittal of a new, complete application, along with all required fees. Partial refund of fees may be allowed based on the extent of the work conducted as described in Subsection 17.96.020.D.4, Refund of Fees.

- G. **Complete Application.** In compliance with the California Permit Streamlining Act § 65920, when a planning application is deemed complete, the Director shall make a record of that date and proceed with processing the application.
1. Once an application has been accepted as complete, the City may request that the applicant clarify, amplify, correct, or otherwise supplement the information required for the application.
  2. This shall not limit the City's ability to request and obtain information which may be needed in order to comply with the California Public Resources Code pertaining to the CEQA.
- H. **Referral of Application.** At the discretion of the Director, or where otherwise required by this Title, state or federal law, any application filed in compliance with this Code may be referred to any City department, public agency, or interest group that may be affected by, or have an interest in, the proposed land use project for review and comment on the application.

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### 17.96.060 Environmental Review

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All projects must be reviewed for compliance with the CEQA. Environmental review will be conducted pursuant to the California Code of Regulations, Title 14, Division 6, Guidelines for the Implementation of the California Environmental Quality Act. If Title 14 of the California Code of Regulations is amended, the amendments will govern City procedures.

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### 17.96.070 Neighborhood Meeting

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- A. **Purpose.** The purpose of the neighborhood meeting is to acquaint the neighborhood with the proposed project application and to receive public comments and is particularly helpful when there may be potential controversy.
- B. **Timing.** The Director may require the applicant to hold a neighborhood meeting after submittal of an application if it is determined during the course of project review that there may be issues or considerations that would be best discussed with the neighborhood.
- C. **Notice.** Notice of the meeting shall be mailed by first class mail, a minimum of 10 days prior to the meeting date, to every owner whose name and address appears on the last equalized County Assessment Roll for any property within 300 feet of the exterior boundaries of the subject property. The Director may increase the notice radius requirement depending on the nature and type of project proposal.
- D. **Posting.** Depending on the nature and type of the project, the Director may require the applicant to post notice of the neighborhood meeting on the site. The notice shall be at least 11 inches wide by 17 inches high in size, in a form acceptable to the City.
- E. **Meeting Location, Date and Time.** The meeting shall be held at a location acceptable to the Director. The meeting shall not be held on a Friday or Sunday or on any holiday, or other days of celebration as determined by the Director. The meeting time shall be at a generally acceptable time when the majority of neighbors are able to attend, typically in the evening after 6:00 PM.

**17.96.080 Public Notice**

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Unless otherwise specified, whenever public notice is required, the City shall provide notice in compliance with state law.

- A. **Mailed Notice.** At least 10 days before the date of a scheduled public hearing the Director (or the City Clerk for City Council meetings) shall provide notice by First Class mail delivery to the following:
  - 1. The applicant, the owner, and any occupant of the subject property;
  - 2. All property owners of record within a minimum 300-foot radius of the subject property as shown on the latest available assessment role, or a larger radius if deemed necessary by the Director in order to provide adequate public notification;
  - 3. All neighborhood groups and community organizations that have previously filed a written request for public hearing notices for projects in the area where the site is located; and
  - 4. Any person or group who has filed a written request for notice regarding the specific application.
  
- B. **Alternative Method for Large Mailings.** If the number of owners to whom public hearing notice would be mailed or delivered is greater than 1,000, instead of a mailed notice, the Director (or City Clerk for City Council hearings) may provide public notice by placing a display advertisement of at least one-eighth of a page in at least one newspaper of general circulation in the City, at least 10 days prior to the hearing.
  
- C. **Posted Notice.**
  - 1. At the discretion of the Director, or as otherwise may be required in this Code or state law, a notice shall be posted in a format approved by the Department. The applicant shall post a public notice on the subject property in compliance with the following requirements:
    - a. The public notice shall be posted at least 10 days prior to the public hearing or action;
    - b. At least one notice per street frontage shall be posted or affixed to the property in question in a visible location;
    - c. The City shall prepare the notice;
    - d. The applicant shall submit a signed letter stating that they posted or caused the notice to be posted along with photographic verification;
    - e. The notice shall contain the information as required in Subsection 17.96.080.F, Failure to Notify Individual Properties; and
    - f. The notice shall be a minimum of 11 inches wide by 17 inches high and laminated (or another size as may be required for a specific permit or by the Director).

- D. **Newspaper Public Notice.** At least 10 days before the date of the public hearing the Director (or the City Clerk for City Council meetings) shall publish a notice in at least one newspaper of general circulation in the City.
- E. **Contents of Public Notice.** Public hearing notices shall include the following information:
1. Project location, when the application is proposed on real property;
  2. A general description of the proposed project or action;
  3. The date, time, location, and purpose of the public hearing, or the date of when action will occur if a public hearing is not required;
  4. The Review Authority;
  5. The name(s) of the project applicant and the property owner;
  6. The location and availability of the project application and materials for review by the public;
  7. A statement that any interested person or authorized agent may appear at the hearing and be heard;
  8. A statement describing how to submit written comments; and
  9. For City Council hearings, the Planning Commission's recommendation.
- F. **Failure to Notify Individual Properties.** The validity of the proceedings will not be affected by the failure of any property owner, resident, or community organization to receive a mailed notice.
- G. **Optional Notice Methods.** The Director may require additional noticing of public hearings. Projects that may be considered for optional public noticing methods include those that may result in major policy changes, affect large neighborhoods or districts, or that may have strong public interest.
1. **Internet Postings.** Social media platforms available on the Internet may be used to augment traditional forms of public noticing.
  2. **Supplemental Large Sign Notice.** A supplemental large sign may be used to notice neighbors in the affected area and the community early in the review process. If determined appropriate by the Director, the applicant shall install the sign as directed.
    - a. The sign must be at least four feet by eight feet in size.
    - b. The location for the sign shall be determined by the Director.
    - c. All signs shall be kept adequately maintained and remain in place until the final determination on the application has been made, or the application is withdrawn.

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### 17.96.090 Conduct of Public Hearing

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Whenever the provisions of this Code require a public hearing, the hearing must be conducted in compliance with the requirements of state law, and as follows.

## Division IV: Administration and Procedures

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- A. **Generally.** Public hearings must be conducted pursuant to procedures adopted by the hearing body. Hearings are not required to be conducted according to technical rules relating to evidence and witnesses.
- B. **Scheduling.** Public hearings before the City Council must be scheduled by the City Clerk. All other hearings shall be scheduled by the Director.
- C. **Presentation.** An applicant or an applicant's representative may make a presentation on a proposed project.
- D. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral and/or written testimony, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.
- E. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- F. **Continuance of Public Hearing.** The hearing body may by motion continue the public hearing to a fixed date, time, and place, or may continue the item to an undetermined date.
- G. **Investigations.** The hearing body may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by City staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the Review Authority.
- H. **Decision.** The public hearing shall be closed before a decision is made by the hearing body.

### 17.96.100 Findings and Decision

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When deciding to approve, approve with conditions, modify, revoke, or deny any discretionary permit under this Code, the Review Authority shall issue a Notice of Action and make findings of fact as required in this Code.

- A. **Notice of Action.** After a final decision is made by the Review Authority, to approve, modify, or deny an application, the Director shall issue a Notice of Action or Resolution. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The Notice shall be documented in writing and sent to the applicant within 10 days at the mailing or email address stated in the application and to any other person or entity requesting the notification in writing. The notification shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision.
- B. **Findings.** Findings, when required by state law or this Code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action on the permit.

### 17.96.110 Scope of Approvals

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

### 17.96.120 Authority to Apply Conditions of Approval

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In considering an application for a permit or other discretionary approval authorized by this Code, final Review Authorities may require changes to applications and impose conditions of approval in order to effect the policies of the General Plan and the purpose of this Code. Conditions of approval, which may include dedication of land, installation of specific improvements, size, design and placement of buildings or structures, landscaping, and limitations on use and hours of operation, shall be reasonably related to the type of impacts caused by the use of the property for which the permit or other discretionary approval is requested.

### 17.96.130 Expiration and Extension

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- A. **Expiration.** A final decision on an application for any approval subject to appeal will become effective after the expiration of the appeal period as stipulated in Section 17.96.160, Appeals following the date of action, unless an appeal is filed in compliance with Section 17.96.160, Appeals. Permits and project approvals will lapse and become void one year after the approval date unless the entitlement/permit is exercised or a greater time period is granted by the Review Authority, or unless any of the following occurs:
  - 1. **Extension for a Permit with no Tentative Map.** A time extension of one year beyond the initial approval period may be requested by applying to the Director at least 30 days prior to the expiration date of the permit. In no case shall the expiration date

extend more than four years from the date of final approval. After that time, a new application shall be required. In order to grant the extension the Director shall find that:

- a. The permit holder has clearly documented that they have made a good faith effort to commence work upon the use;
- b. It is in the best interests of the City to extend the permit; and
- c. There are no substantial changes to the project, no substantial changes to the circumstances under which the project is undertaken, and no new information of substantial importance that would require any further environmental review pursuant to the CEQA.

2. ***Extension for a Permit Granted in Conjunction with a Tentative Map.*** The time limits for any permit granted in conjunction with an approved Tentative Map shall be automatically extended to be the same as the term of the map.

- B. **Exercise of a Use Permit.** A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site in accordance with applicable conditions of approval.
- C. **Exercise of a Building Permit.** A Building Permit is exercised when a valid City grading or Building Permit is secured and physical construction lawfully commenced, in accordance with applicable conditions of approval and all required habitat or biological requirements have been met. See Section 17.100.130, Building Permit.
- D. **Expiration of Grading or Building Permit.** If, upon expiration of the permit or approval, construction is not diligently pursued to completion, the permits and approvals will expire. A time extension based on circumstances beyond the applicant's control may be considered. Should a Grading Permit or Building Permit expire, a new entitlement shall be required. See Section 17.100.130, Building Permit.

### **17.96.140 Modifications to An Approved Permit**

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No modifications in the use or structure for which a permit or other approval has been issued is permitted unless the permit is revised in compliance with this Chapter.

- A. **Minor Revisions.** The Director may approve minor revisions to approved plans, permits, and conditions of approval if the requested changes will not substantially expand the approved floor area, and/or intensify any potentially detrimental effects of the project and the resulting revisions are substantially consistent with the original findings and intent of the approved design, use or permit.
- B. **Major Revisions.** A request for revisions to approved plans, conditions of approval of a discretionary permit, and/or revisions to an approved site plan or building plan that would intensify a use or potential negative impact of the project, must be treated as a new application, and shall be decided on by the same Review Authority as the original approved permit.

### 17.96.150 Revocation of Permits

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

- A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council, Planning Commission, Director, or Zoning Administrator.
- B. **Public Hearing Notice, Hearings, and Action.** A public hearing notice of a revocation proceeding shall be noticed in accordance with Section 17.96.080, Public Notice. After conducting a public hearing, the Planning Commission, or City Council where they were the original approval authority, must act on the proposed revocation.
- C. **Required Findings.** The Planning Commission or City Council may revoke or modify the permit if it makes any of the following findings:
  - a. The approval was obtained by means of fraud or misrepresentation of a material fact;
  - b. The use, building, or structure has been substantially altered or expanded beyond what is set forth in the permit or substantially changed in character;
  - c. The use has ceased to exist or has been suspended for one year;
  - d. There is or has been a violation of or failure to observe the terms or conditions of approval, or the use has been conducted in violation of the provisions of this Chapter, or any applicable local or state law or regulation; or
  - e. The use has been conducted in a manner detrimental to the public safety, health, and welfare, and/or is a nuisance.
2. **Notice of Action Regarding Revocation.** Following a decision by the Review Authority to revoke or modify a permit, the Director must issue a Notice of Action within 10 days. The Notice of Action must describe the Planning Commission's or City Council's action and findings. The Director must mail notice to the permit holder and to any person or entity who requested the revocation proceeding.

### 17.96.160 Appeals

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- A. **Applicability.** This Section allows for appeal of discretionary actions by the Planning Commission, Zoning Administrator, or Director in the administration or enforcement of the provisions of the Zoning Code.
- B. **Decisions of the Director.** The Planning Commission is the appeal body for decisions of the Director.
- C. **Decisions of the Zoning Administrator.** The Planning Commission is the appeal body for decisions of the Zoning Administrator.
- D. **Decisions of the Planning Commission.** The City Council is the appeal body for decisions of the Planning Commission.

## Division IV: Administration and Procedures

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- E. **Rights of Appeal.** Appeals may be filed by an applicant, the owner of the subject property, or any other person aggrieved by a decision that is subject to appeal under the provisions of this Chapter.
- F. **Time Limits.** Unless otherwise specified in state or federal law, all appeals shall be filed in writing within 10 calendar days of the date when the action was taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.
- G. **Standards of Review.** When reviewing any decision on appeal, the appeal body shall consider the appeal de novo and must use the same standards for decision-making required for the original decision. The appeal body may adopt the same decision and findings as were originally approved; it also may request or require changes to the application as a condition of approval.
- H. **Procedures.** The appeal filing must identify the decision being appealed and must clearly and concisely state the reasons for the appeal. The appeal must be accompanied by the required fee. The Director may waive fees for appeals filed by members of the City Council and the Planning Commission, the City Manager.
- I. **Proceedings Stayed by Appeal.** The timely filing of an appeal stays all proceedings in the matter appealed, including the issuance of City Building Permits (see Section 17.100.130, Building Permit) and business licenses.
- J. **Transmission of Record.**
  - 1. **Decisions of the Director and of the Zoning Administrator.** The Director must schedule the appeal for consideration by the Planning Commission within 45 days of the date the appeal is filed. The Director must make available the appeal, the Notice of Decision, and all other documents that constitute the record to the Planning Commission. The Director must also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
  - 2. **Decisions of the Planning Commission.** The City Clerk must schedule the appeal for consideration by the City Council within 45 days of the date the appeal is filed. The City Clerk must make available the appeal, the Notice of Decision, and all other documents that constitute the record to the City Council. The Director must also prepare a staff report with a Continuation of Appeal section that responds to the issues raised by the appeal and may include a recommendation for action.
  - 3. **Public Hearing Notice and Hearing.** A public hearing notice must be provided pursuant to Section 17.96.080, Public Notice, and a public hearing must be conducted pursuant to Section 17.96.090, Conduct of Public Hearing. Notice of the hearing must also be given to the applicant, the party filing the appeal, and any other interested party who has filed with the City a written request for such notice.
  - 4. **Action.** An action to grant an appeal requires a majority vote of the members of the appeal. A tie vote will have the effect of denying the appeal.

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### 17.96.170 Certificates of Occupancy

- A. **Purpose.** This Section establishes procedures for issuing a Certificate of Occupancy to verify that buildings and the proposed use of land complies with all applicable building and health laws and ordinances and with the requirements of this Code.
- B. **Certificate of Occupancy Required.** No structure erected, moved, altered, or enlarged after the effective date of this Code shall be occupied or used, and no site shall be occupied or used until a Certificate of Occupancy has been issued by the Building Official.
- C. **Application.** Application for a Certificate of Occupancy shall be filed with the Building Official prior to the erection, moving, alteration or enlargement of any structure and prior to the commencement of a new use or a change in use of any structure or site.
- D. **Issuance.** The Building Official shall issue a Certificate of Occupancy upon receipt of written notice that the structure or site is ready for occupancy or use and after inspection; provided, that the structure or site and the intended use conform with all applicable building and health laws and ordinances and with the requirements of this Code.

## Chapter 17.100 Planning Permits and Approvals

Sections:

17.100.010	Purpose.....	IV-19
17.100.020	Planning Permits and Approvals .....	IV-19
17.100.030	Zoning Clearance.....	IV-21
17.100.040	The Development Review Process .....	IV-22
17.100.050	Development Review Tier 1 .....	IV-25
17.100.060	Development Review Tier 2 .....	IV-26
17.100.070	Development Review Tier 3 .....	IV-26
17.100.080	Temporary Use Permit.....	IV-27
17.100.090	Zoning Administrator Permit .....	IV-28
17.100.100	Conditional Use Permit.....	IV-30
17.100.110	Minor Modification .....	IV-31
17.100.120	Variance .....	IV-33
17.100.130	Building Permit .....	IV-34
17.100.140	Sign Permit – Permanent Signs .....	IV-35
17.100.150	Sign Permit – Master Sign Program .....	IV-36
17.100.160	Reasonable Accommodation for Persons with Disabilities .....	IV-38
17.100.170	Pre-zoning for Annexation .....	IV-39
17.100.180	Development Agreements .....	IV-40

### 17.100.010 Purpose

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This Chapter establishes the procedures for the preparation, filing, and processing of applications for planning permits and other entitlements regulated by this Code.

### 17.100.020 Planning Permits and Approvals

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The Director shall coordinate the review for all planning permit applications for new uses and development. Table 17.100.020-1: Planning Processes/Permits and Review Authority, identifies the types of planning permits authorized by this Code, and the Review Authority responsible for reviewing and making decisions on each type of planning application. For an appeal, public noticing is required if public noticing was required for the initial review. If public noticing was not required for the initial review, public review may be required for the appeal at the discretion of the Director.

Table 17.100.020-1: Planning Processes/Permits and Review Authority					
Permit Type	Advisory Body	Review Authority	Hearing	Public Notice	Appeal Authority
<b>Administrative (Ministerial) Actions</b>					
Determination of Public Convenience or Necessity (PCN) (See Section 17.84.060, Alcoholic Beverage Sales)	Staff	Director <sup>1</sup>	No	No	Planning Commission
Zoning Clearance	Staff	Director	No	No	Planning Commission
Interpretations/Zoning inquiry/ Determinations	Staff	Director	No	No	Planning Commission
Pre-Application Review	Staff	n/a	No	No	n/a
Temporary Use Permit	Staff	Director	If CEQA required or referral	If CEQA required or referral	Planning Commission
Development Review Tier 1: Minor	Staff	Director	No	No	Planning Commission
Development Review Tier 2: Major	Staff	Director	No	No	Planning Commission
Sign Permit, Permanent Sign	Staff	Director	No	No	Planning Commission
Modification to an Approved Discretionary or Administrative Permit, Minor	Staff	Director	No	No	Planning Commission
Minor Modification	Staff	Director	No	No	Planning Commission
<b>Discretionary Actions</b>					
Appeals	Director	Planning Commission	Yes	Yes	Planning Commission
Conditional Use Permit	Director	Planning Commission	Yes	Yes	Planning Commission
Development Review Tier 3	Director	Zoning Administrator or Planning Commission	If requested	Yes	Zoning Administrator or Planning Commission
Zoning Administrator Permit	Staff	Zoning Administrator	If requested	Yes	Zoning Administrator

**Division IV: Administration and Procedures**

<b>Table 17.100.020-1: Planning Processes/Permits and Review Authority</b>					
<b>Permit Type</b>	<b>Advisory Body</b>	<b>Review Authority</b>	<b>Hearing</b>	<b>Public Notice</b>	<b>Appeal Authority</b>
Modification to an Approved Discretionary Permit, Major	Director	Review Authority of original permit	Same as original permit	Same as original permit	Review Authority of original permit
Variance	Director	Zoning Administrator	Yes	Yes	Zoning Administrator
Revocation of Permit	Director	Review Authority of Original Permit	Yes	Yes	Review Authority of Original Permit
General Plan Text and Map Amendments	Planning Commission	City Council	Yes	Yes	City Council
Zoning Text and Map Amendments	Planning Commission	City Council	Yes	Yes	City Council
Planned Development	Planning Commission	City Council	Yes	Yes	City Council
Development Agreements	Planning Commission	City Council	Yes	Yes	City Council
Reasonable Accommodation for Persons with Disabilities	Staff	Director	No	No	Director
Master Sign Program	Staff	Director	No	No	Director
Public Art (See Section 17.64.040, Public Art)	Director	Review Authority of original permit	Same as original permit	No	Review Authority of original permit
Demolition Permit Subject to Woodland Municipal Code Chapter 15.24, Historical Landmarks, Districts and Resources	Director	Planning Commission	Yes	Yes	Planning Commission

End Note:

<sup>1</sup> Unless a CUP is required, in which case refer to Conditional Use Permit in this table.

**17.100.030 Zoning Clearance**

- A. **Purpose.** This Section establishes procedures for conducting a zoning or use clearance to verify that each new, modified or expanded use, activity, building, or structure complies with any applicable policies or standards of the General Plan, all of the applicable provisions of this Code, and any operative plans or conditions of approval the City has granted previously.
- B. **Applicability.** A Zoning Clearance is required for buildings or structures erected, constructed, altered, repaired, or moved, the use of vacant land, changes in the character of the use of land or a building or structure, or for substantial expansions in the use. Zoning Clearance is

conducted as part of the Building Permit (see Section 17.100.130, Building Permit) or other City application review and is required to confirm that the establishment of a new use is permitted as a matter of right and that no other entitlements are required prior to securing a tax certificate; issuance of a Grading Permit, Building Permit, or Sign Permit; and commencing operations. Zoning Clearance is required for the following actions:

1. All buildings or structures that require a Building Permit;
  2. Signs;
  3. Business licenses;
  4. All planning entitlement and permit approvals to ensure compliance with applicable conditions of approval; and
  5. All other City applications that may be subject to the provisions of this Code, including, but not limited to, tree removal, encroachment, and grading and improvement plans.
- C. **Zoning Clearance Application.** No separate application form is necessary for Zoning Clearance.
- D. **Review Authority.** The Director shall be the designated approving authority for Zoning Clearance.
- E. **Clearance Determination Requirements.** The Director may request that the Zoning Clearance determination request be accompanied by a written narrative, operational statement, plans, and other related materials necessary to show that the proposed use, development, or alteration of the site complies with all applicable provisions of this Code. The Director may require attachments of other written or graphic information, including a site plan.
- F. **Determination.** Zoning Clearance shall be granted if the Director determines that the proposed use, building, or structure is allowed as a matter of right by this Code and conforms to all the applicable development and use standards of this Code, Development Review, Use Permit, or other discretionary land use approval and that all conditions of such permits and approvals have been satisfied. An approved Zoning Clearance may include attachments or other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans, building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Title.

### **17.100.040 The Development Review Process**

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- A. **Purpose.** The Development Review procedure is established to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines and is in compliance with applicable provisions of the Zoning Code. The specific purposes of development review are to:
1. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
  2. Ensure that new and modified uses and development will be compatible with the existing and potential development in the area;

## Division IV: Administration and Procedures

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3. Ensure the preservation of natural landforms and existing vegetation;
  4. Protect historic resources and ensure compatibility with historic districts or adjacent resources; and
  5. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.
- B. **Applicability.** Development Review is required for all projects that require a permit for new construction, reconstruction, rehabilitation, alteration, or other improvements to the exterior of a structure, site, or landscaping or parking area except for:
1. Projects where there is no exterior building or site modifications, including openings, or where replacement of exterior materials are with the same materials;
  2. Additions, construction, reconstruction, alterations, improvements, and landscaping that are consistent with previously approved entitlement and development review approval; and/or
  3. Single family and duplex landscaping unless part of a residential subdivision approval. (See also the Woodland Municipal Code Section 12.48.130, Tree preservation of established trees, heritage oak trees, specimen trees and landmark trees as part of development projects or on vacant/undeveloped commercial and residential property.)
- C. **Assignment of Development Review Responsibilities.**
1. The Director is the Review Authority for Development Review Tiers 1 (see Section 17.100.050, Development Review Tier 1: Minor) and 2 (see Section 17.100.060, Development Review Tier 2: Major).
  2. The Director may refer Tier 2 applications directly to the Planning Commission when it is determined the public interest would be better served by the Planning Commission conducting the development review.
  3. Either the Zoning Administrator or Planning Commission shall have development review authority for those Tier 3 Development Review applications that are combined with projects requiring discretionary entitlement approval by the Zoning Administrator (such as Zoning Administrator Permit or Minor Exception) or Planning Commission (such as Conditional Use Permit, Variance, Planned Development, or projects where Development Review is referred to the Planning Commission for review).
- D. **Procedures.**
1. **Application.** A qualified applicant shall submit an application for Development Review on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees.
  2. **Design Standards.** All projects shall be consistent with the applicable design standards and guidelines, which are intended to promote high-quality design, well-crafted and maintained buildings and landscaping, the use of high-quality building materials, and

attention to the design and execution of building details and amenities in both public and private projects.

E. **Development Review Considerations.** Development review shall be based on application of the requirements of this Code applied to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including, but not limited to:

1. Building proportions, massing, and architectural details;
2. Site design, orientation, location, and architectural design of buildings relative to the public way, existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
3. Size, location, design, development, and arrangement of on-site parking and other paved areas;
4. Pedestrian, bike, and transit connections and facilities;
5. Exterior materials and, except in the case of the review of a single family residence, color as they relate to each other, to the overall appearance of the project, and to surrounding development;
6. Height, materials, design, fences, walls, and screen plantings;
7. Location and type of landscaping including selection and size of plant materials, and design of hardscape;
8. Size, location, design, color, lighting, and materials of all signs; and
9. Sustainable design, heat resilience, and consistency with the City's Climate Action Plan goals and policies.

F. **Findings.** The Review Authority must make the following findings in order to approve Development Review for a project subject to administrative or discretionary approval:

1. The project is in conformance with the General Plan and Zoning Code;
2. The project is in conformance with applicable design and development standards;
3. If discretionary, the project is categorically exempt under or consistent with CEQA or other applicable Environmental Documents have been certified as complete and adequate;
4. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be in place;
5. The project is consistent with or enhances the surrounding neighborhood, existing site improvements, quality, and safety;
6. The project design is appropriate to the function of the project and the project's operating characteristics minimize potential negative impacts and land use conflicts; and
7. The project will not be detrimental to the public health, safety, and general welfare.

### 17.100.050 Development Review Tier 1

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- A. **Purpose.** Development Review Tier 1 provides a staff-level administrative review process. Development Review Tier 1 is intended to promote attractive, compatible architectural design, protect views, and preserve natural landforms and existing vegetation as identified below.
- B. **Applicability.**
1. Development Review Tier 1 applies to the following uses and improvements; similar uses and improvements; and uses and improvements indicated throughout this Title as requiring Development Review Tier 1:
    - a. New single-unit or duplex residential project.
    - b. Small additions, gates installed in driveways, expanded, or updated landscape areas, remodels, and accessory structures less than 1,200 gross square feet in Mixed-Use, Commercial, or Employment zones.
    - c. Accessory Dwelling Units over 800 square feet gross floor area up to 1,000 square feet, subject to Section 17.84.030.E.3, ADU Permit Review.
    - d. Accessory structures (not dwelling units) larger than 120 square feet but less than 800 square feet gross floor area or over 12 feet in height in Residential zones.
    - e. Façade improvements or site alterations that are not visible from the right-of-way or that are up to 500 square feet in gross floor area. This includes exterior materials and, except in the case of development review of a single-family residence, color as they relate to each other, to the overall appearance of the project, and to surrounding development.
    - f. Exceptions to fence standards as provided in Subsection 17.64.030.D, Fence, Wall and Hedge Height and Placement.
    - g. Modifications to existing landscaping or parking lots for existing commercial, multi-family, mixed-use, or employment projects that do not disturb existing trees.
    - h. Other development improvements presenting similar impacts as determined by the Director.
    - i. Non-structural modifications (e.g., paint, in-kind window replacement, awnings) to buildings within the National Register Historic Downtown District or to designated historical resources outside of the Historic District.
  2. The Director may waive the requirement for projects subject to Development Review Tier 1 when the project does not involve exterior building or site modifications, and/or when it can be determined that the modifications would be consistent with the previously approved entitlement for the site or use.

### 17.100.060 Development Review Tier 2

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- A. **Purpose.** Development Review Tier 2 provides a staff level administrative review process for projects that are permitted but are more complex or larger in scope and scale than Tier 1 projects, that are visible from public view, or that may significantly change the design of the original structure or landscaping.
- B. **Applicability.**
1. Development Review Tier 2 applies to projects that possess locational, structural, historic, traffic, or operating characteristics requiring special consideration in order to ensure compatibility with neighboring properties. This includes the following projects; similar projects; and projects indicated throughout this Title as requiring Development Review Tier 2:
    - a. New non-residential buildings;
    - b. Exterior modifications or site alterations for non-residential buildings and structures, visible from the right-of-way and/or over 500 square feet in gross floor area;
    - c. New residential projects over two units, including Small Lot Subdivisions;
    - d. The exterior remodel of multi-family residential buildings or structures;
    - e. New landscaping, or significantly revised (greater than 60 percent) existing commercial, industrial, or multi-family landscaping, including the potential removal of existing trees;
    - f. Accessory structures (not dwelling units) over 800 gross square feet in floor area or over 12 feet in height in Residential zones and accessory structures over 1,200 gross square feet in floor area in Mixed-Use, Commercial, or Employment zones; and
    - g. Projects previously reviewed under an entitlement process that requires staff level review of the site and architectural design.
  2. The Director may refer a Tier 2 Development Review application to the Planning Commission to act as the approval body (no public notice as required by Section 17.96.080, Public Notice) when in their opinion the public interest would be better served by having the Planning Commission conduct the Development Review.

### 17.100.070 Development Review Tier 3

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- A. **Purpose.** Development Review Tier 3 provides a discretionary review process for those projects that are complex in nature, or that may have a concurrent discretionary entitlement review or impact a potentially significant historic resource. Development Review Tier 3 is also intended to promote attractive, compatible architectural design, protect views, and preserve natural landforms, historic resources, and existing vegetation.
- B. **Applicability.** Development Review Tier 3 applies to those projects that are complex in nature and that may have a concurrent discretionary entitlement review or which impact a potentially

## **Division IV: Administration and Procedures**

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significant historic resource as well as projects that possess locational, structural, traffic, or operating characteristics requiring special consideration in order to ensure compatibility with neighboring properties. This includes the following projects; similar projects; and projects indicated throughout this Title as requiring Development Review Tier 3:

1. Projects referred from the Director which will be reviewed administratively by the Review Authority and not as a discretionary entitlement review;
  2. Projects where conditions of approval require the Zoning Administrator or Planning Commission to be the Review Authority;
  3. Concurrent processing of projects that require a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit), Conditional Use Permit (see Section 17.100.100, Conditional Use Permit), Variance (see Section 17.100.120, Variance), or any other discretionary approval;
  4. Accessory Dwelling Units between 1,000 and 1,200 square feet, subject to Section 17.84.030.E.6, ADUs and Discretionary Approval.
  5. New buildings, demolitions, or structural modifications to buildings in the National Register Historic District, or modification, alteration, or demolition of a designated historic resource outside of a Historic District.
- C. **Conditions of Approval.** The Approval Authority may approve, approve with conditions, or deny an application for a Development Review Tier 3 Permit.

### **17.100.080 Temporary Use Permit**

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- A. **Purpose.** A Temporary Use Permit (TUP) provides a process for the review and approval of certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur, nor prevent development of future uses.
- B. **Applicability.**
1. A Temporary Use Permit is required for any temporary uses that are not otherwise permitted in the base zone regulations.
  2. A Temporary Use Permit is required for temporary uses as described in Section 17.84.370, Temporary Uses.
  3. If the Director determines that a temporary use is likely to result in significant environmental impacts the Temporary Use Permit shall be processed as a Zoning Administrator Permit application pursuant to Section 17.100.090, Zoning Administrator Permit or a Conditional Use Permit application, pursuant to Section 17.100.100, Conditional Use Permit.
- C. **Review Authority.** The Director shall approve, conditionally approve, or deny applications for Temporary Use Permits. The Director may refer a Temporary Use Permit to the Planning Commission if the Director finds that the temporary use may have substantial potential effects that warrant additional public notification and review.

- D. **Temporary Use Permit Application Requirements.** A qualified applicant shall submit an application for a Temporary Use Permit on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees. An application must be submitted at least 30 days before the temporary use is intended to begin.
- E. **Duration of Temporary Use Permit.**
1. Time limits for temporary uses are prescribed in Section 17.84.370, Temporary Uses.
  2. Unless otherwise stipulated in this Code, the Director shall determine the duration of the temporary use.
- F. **Findings.** The Director may approve an application for a Temporary Use Permit upon making the following findings.
1. The proposed temporary use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City;
  2. The proposed temporary use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use; and
  3. The proposed temporary use will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas or a parking management plan.
- G. **Operating Requirements.** The Director may approve, approve with operating requirements, or deny an application for a Temporary Use Permit.

### **17.100.090 Zoning Administrator Permit**

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- A. **Purpose.** A Zoning Administrator Permit (ZAP) provides a process for the review of uses that generally meet the purposes of the applicable district but which require special consideration in their design or operation to ensure compatibility with surrounding uses. The Zoning Administrator Permit review is a discretionary action that may require CEQA review and/or other mitigation, habitat mitigation, and the application of critical conditions of approval. The purpose of a Zoning Administrator Permit is also to:
1. Consider the relationship of the use or project to the neighborhood and community as a whole;
  2. Determine if the project's use and location is compatible with the types of uses that are normally permitted in the surrounding area;
  3. Consider the compatibility of the proposed use with the site's characteristics;
  4. Evaluate the adequacy of services and facilities for the proposed use;
  5. Provide an opportunity for public review and comment on the proposed use when appropriate;

## Division IV: Administration and Procedures

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6. Allow for consideration of requested exceptions from required design standards;
  7. Ensure state CEQA, biological, cultural, and other critical reviews are conducted as needed; and
  8. Identify and apply conditions and requirements necessary to comply with the basic purposes of this Code, the General Plan, and any applicable plans or regulations.
- B. **Applicability.** A Zoning Administrator Permit applies to the uses and activities identified in Division II, Zone Regulations.
- C. **Zoning Administrator Permit Application Requirements.** A qualified applicant shall submit an application for a Zoning Administrator Permit on a form prescribed by the Director as prescribed in Section 17.96.020 (Application Forms and Fees).
- D. **Public Notice and Hearings.**
1. A public notice shall be mailed in compliance with Section 17.96.080, Public Notice, and/or the Director may require the site to be posted with a notice consistent with the requirements provided in Section 17.96.080.C, Posted Notice.  
  
If no significant comments or concerns are received the item will be acted on by the Zoning Administrator. If public comment, concerns, or issues are received, a public hearing shall be scheduled, the Director shall prepare a staff report, and the Zoning Administrator shall hold a public hearing with appropriate public notice, prior to final action on the application.
- E. **Conditions of Approval.** The Zoning Administrator may apply reasonable conditions of approval to assure compliance with applicable regulations and standards.
- F. **Approval Applies to Land.** Any Zoning Administrator Permit approval shall run with the land and shall continue to be valid for the time period specified, whether or not there is a change of ownership of the site or structure to which it applies. Zoning Administrator Permit approval cannot be transferred to another site.
- G. **Referral to Planning Commission.** The Zoning Administrator may refer a Zoning Administrator Permit application to the Planning Commission. Such referral shall be at the discretion of the Zoning Administrator and shall be dependent upon policy implications, unique or unusual circumstances, adjacency to sensitive uses, the magnitude of the project, the need for certification of an environmental document, or other factors determined by the Zoning Administrator to warrant Planning Commission review.
- H. **Findings.** The Zoning Administrator may approve or conditionally approve a Zoning Administrator Permit if the following findings can be made:
1. The proposed use is consistent with the General Plan;
  2. The proposed use is consistent with the purposes of the Zoning Code, and the purposes of the applicable zone;
  3. The site is physically suitable for the type, density, intensity of the use being proposed, including access, utilities, and the absence of physical constraints;

4. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity including transportation and service facilities;
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located; and
6. The proposed project has been reviewed in compliance with CEQA.

### **17.100.100 Conditional Use Permit**

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- A. **Purpose.** A Conditional Use Permit (CUP) provides a public review process for discretionary review of proposed uses and activities that require special consideration by the Planning Commission to ensure that their effects are compatible with locational, use, structural, traffic, and/or the characteristics of neighboring properties and the community. This discretionary review process is intended to ensure land use compatibility and mitigate potential impacts or conflicts that could otherwise result from the proposed use. A Conditional Use Permit also serves the following purposes:
1. To consider the relationship of the use or project to the neighborhood and community as a whole;
  2. To determine if the project's use and location is compatible with the types of uses that are normally permitted in the surrounding area;
  3. To consider the compatibility of the proposed use with the site's characteristics;
  4. To evaluate the adequacy of services and facilities for the proposed use;
  5. To provide an opportunity for public review and comment on the proposed use; and
  6. To identify conditions and requirements necessary to comply with the basic purposes of this Code, the General Plan, and any applicable plans or regulations.
- B. **Applicability.** A Conditional Use Permit applies to the uses and activities identified in Division II, Zone Regulations.
- C. **Conditional Use Permit Application Requirements.** A qualified applicant shall submit an application for a Conditional Use Permit on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees.
- D. **Public Notice and Hearing.** A public hearing notice shall be mailed in compliance with Section 17.96.080, Public Notices. The applicant shall be responsible for posting the site consistent with a format provided by the City and shall provide verification of such posting. A public hearing will be scheduled prior to final action on the application.
- E. **Conditions of Approval.** The Planning Commission may apply reasonable conditions of approval to assure compliance with applicable regulations and standards.

## Division IV: Administration and Procedures

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- F. **Approval applies to land.** Any Conditional Use Permit approval shall run with the land and be valid, whether or not there is a change of ownership of the site or structure to which it applies. Conditional Use Permit approval cannot be transferred to another site.
- G. **Modification.** A requested modification to an approved Conditional Use Permit may be considered by the Director or final Review Authority consistent with Section 17.96.140, Modifications to An Approved Permit.
- H. **Findings.** The Planning Commission may approve or conditionally approve a Conditional Use Permit if the following findings can be made:
  - 1. The proposed use is consistent with the General Plan;
  - 2. The proposed use is consistent with the purposes of the Zoning Code, and the purposes of the applicable zone;
  - 3. The site is physically suitable for the type, density, intensity of the use being proposed, including access, utilities, and the absence of physical constraints;
  - 4. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity including transportation and service facilities;
  - 5. Granting the Conditional Use Permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located; and
  - 6. The proposed project has been reviewed in compliance with CEQA.

### 17.100.110 Minor Modification

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- A. **Purpose.** The purpose for a Minor Modification is to establish a means of granting relief from the requirements of this Code when doing so would be consistent with the purposes of the Code. It allows the Director, or appropriate Review Authority if combined with other permit requests, to grant minor modifications to the development standards provided in Table 17.100.110-1: Types of Minor Modifications.
- B. **Applicability.** A Minor Modification applies only to the modifications identified in Table 17.100.110-1: Types of Minor Modifications from the requirements of this Code.

Table 17.100.110-1: Types of Minor Modifications	
Types of Minor Modifications	Maximum Modification
An increase in lot coverage.	10%
Lot area, width, or depth.	10% (applicable on an individual lot, or to an overall subdivision)
A reduction of a designated setback.	15%
An increase in allowable building height.	15%
Reduction in required open space on a lot.	10%
An increase of the allowed maximum height of a fence or wall located within a designated setback area.	10%
Where a majority of lots are developed with single-family residences with nonconforming setbacks, new buildings or structures may conform to the pattern established by the majority of the existing buildings or structures in the same block. This is most likely to occur in older historic neighborhoods.	Determined on a case-by-case basis
To encourage the development of housing units for disabled persons with limited mobility, the Director may allow deviation from the prescribed standards of this Title and where necessary to install features that facilitate access and mobility for disabled persons.	Determined on a case-by-case basis
Deviation from Building and Site Design Standards for those situations where a project is requesting exception from objective standards.	Determined on a case-by-case basis.

- C. **Calculation of Modification.** As an example, assume that the standard will be modified by 10 percent. If a site is 5,000 square feet in total area, and 20 percent open space of a lot area is required, a total of 1,000 square feet of open space must be provided. A 10 percent modification of the base standards would equate to a reduction of 100 square feet of open space (e.g., 1,000 x 10 percent = 100). As a result, only 900 square feet of open space would be required.
- D. **Minor Modification Application Requirements.** A qualified applicant shall submit an application for a Minor Modification on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees.
- E. **Precedents.** Each Minor Modification application shall be reviewed on an individual case-by-case basis. The approval of a Minor Modification in one situation is not relevant to the City's consideration of the approval of a Minor Modification in a new situation.
- F. **Procedure.** The Director or Review Authority shall make the final determination on the Minor Modification application. The Director may choose to refer any application to the Planning Commission for hearing and decision.

- G. **Findings.** The Director shall approve, with or without conditions, a Minor Modification application only after the following findings are made:
1. The deviation is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances; or
  2. The Minor Modification is the minimum departure from the requirements of this Code necessary to grant relief to the applicant, and would not be detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located; and
  3. Granting the requested deviation will not detract from the overall appearance of the neighborhood or immediate vicinity and will not impair the provision of adequate light, air, circulation, or visual openness; and
  4. The deviation, as proposed and conditioned, will achieve the general purposes of this Title or the specific purposes of the zone in which the project is located.

### **17.100.120 Variance**

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- A. **Purpose.** A Variance provides a mechanism for the Zoning Administrator to provide relief from the strict application of this Code where this will deprive the owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.
- B. **Applicability.** A Variance may be granted to vary or modify dimensional and performance standards. A Variance may not be granted to allow new uses or a modification to the density or intensity requirements of this Code, or activities that this Code does not authorize for a specific lot or site.
- C. **Referral.** The Zoning Administrator may refer applications directly to the Planning Commission when in their opinion, the public interest would be better served.
- D. **Variance Application Requirements.** A qualified applicant shall submit an application for a Variance on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees. In addition to other application requirements, the application for a Variance shall include data or other evidence showing that the requested Variance conforms to the required findings set forth in Subsection 17.100.120.G, Findings.
- E. **Precedents.** Each Variance application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance is not relevant to the City's consideration of the approval of a new Variance.
- F. **Public Notice and Hearing.** Noticing for a Variance shall be provided in compliance with Section 17.96.080, Public Notice. The Zoning Administrator shall conduct a public hearing on an application for a Variance. Public hearings shall be conducted in compliance with Section 17.96.090, Conduct of Public Hearings.
- G. **Findings.** The Zoning Administrator shall approve, with or without conditions, a Variance application only after the following findings are made:
1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, such that the strict application of this Code

- deprives the property of privileges enjoyed by other property in the vicinity and under the identical zone;
2. The special circumstances applicable to the property identified in Subsection 17.100.120.G.1, was not created by any act of the property owner (i.e., a Variance shall not be granted for a self-imposed hardship);
  3. Granting the Variance would not authorize a use or activity which is not otherwise expressly authorized by the zone governing the property for which the application is made;
  4. Granting the Variance will not be materially detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent property;
  5. The Variance is consistent with the General Plan and any applicable Specific Plan or the potentially adverse effects of the Variance in relation to the General Plan are exceeded by the individual hardship which would be relieved by granting the Variance; and
  6. The Variance is the minimum departure from the requirements of this Code necessary to grant relief to the applicant and would not be detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located.

### **17.100.130 Building Permit**

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- A. **Purpose.** Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, or alteration of any structure or any addition to any structure, including the grading of land and the demolition of a structure, a Building Permit shall be issued by the Department.
- B. **Conformance with Associated Planning Entitlements.** Prior to issuance of a Building Permit, site plans, elevations, construction documents, and other information provided with a Building Permit application shall be determined to substantially conform to the project plans which were approved with a Development Permit, Conditional Use Permit (see Section 17.100.100, Conditional Use Permit), Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit), or other entitlement for the project by the Director. Substantial inconsistencies between the Building Permit application information and approved plans, as determined by the Director, may be subject to revocation of planning permits (see Section 17.96.150, Revocation of Permit) or rejection of the Building Permit application.
- C. **Timing.**
  1. No application for a Building Permit shall be accepted within 30 days of approval of the second reading of an ordinance approving a change of zone, planned land use designation, or Code regulations that would be affected by the proposed changes.
  2. Building Permits shall not be considered concurrently with entitlements unless the project has been scheduled for public hearing final action and written authorization is provided by the Director. In such instances, the applicant shall affirm in writing that the concurrent review is being done at the applicant's risk, and if the entitlement is

rejected for the project, the Building Permit review shall be halted and shall not resume until all necessary entitlements are granted and new, corresponding building plans are submitted.

- D. **Demolition.** Before any structure is demolished, the City's Historic Preservation Officer shall review the request for potential historic significance.

### **17.100.140 Sign Permit – Permanent Signs**

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- A. **Purpose.** This Section establishes the permitting requirements for permanent sign structures described in Chapter 17.72, Signs to ensure that all permanent signs are in compliance with applicable Code standards.

B. **Sign Permit Requirement.**

1. It shall be unlawful for any person to erect, place, display, alter, repair, or relocate a permanent sign or sign structure without first obtaining approval for a Sign Permit from the Director.
2. Section 17.72.030, Sign Permits describes the types of signs and modifications to signs for which a Sign Permit is not required.

C. **Review and Approval.**

1. **Review and Determination.**

- a. A qualified applicant shall submit an application for a Sign Permit on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees.
- b. The Director shall review the Sign Permit application and supporting documentation for compliance with the standards of Chapter 17.72, Signs. The Director shall determine whether the Sign Permit may be issued or if additional information is required from the applicant to complete the permit application. If the Sign Permit application is denied, the reason shall be stated in writing.
- c. Where required in Chapter 17.72, Signs, an Encroachment Permit must be submitted for review and approval by the State Department of Transportation or the City Public Works Director (City Engineer) and must be obtained prior to issuance of a Sign Permit.

2. **Method of Review.** After receipt of a complete Sign Permit application, the Zoning Administrator shall render a decision to approve, approve with modifications, or deny the Sign Permit. This review will ensure that any sign proposal is in conformance with the requirements of Chapter 17.72, Signs, and is consistent with the City's objectives. The Director may grant slight deviations from the designated sign area or location or distance between signs, not to exceed 10 percent, when it is determined no other reasonable method of providing signage is functional.

3. **Substitution.** Any time after a Sign Permit is issued, a new owner, tenant, or lessee of record may be substituted for the original applicant if a record of the new interest is

made with the City and the new interest assumes all obligations they would have had consistent with the original permit.

4. **Expiration.** A Sign Permit shall expire and become null and void if the work authorized in compliance with the permit is not commenced within 180 days from the date of issuance of the Sign Permit, or if work is suspended or abandoned for a period of 90 days or more at any time after the work has commenced. If a Sign Permit has not been obtained within 180 days after the Sign Permit has been approved and issued, the application shall be considered withdrawn.
5. **Inspections.**
  - a. All signs for which a Sign Permit is required are subject to inspection to establish compliance with the provisions of Chapter 17.72, Signs, as well as the following additional inspections, unless waived in writing by the Building Official:
    - i. Footing inspections on all freestanding signs, including the addition of additional sign area to existing signs;
    - ii. Electrical inspections for all sign structure(s) prior to placement; and,
    - iii. Final inspection to establish compliance with provisions of this Code and other applicable City Codes.
  - b. **Violations.** Any work commenced without a Sign Permit, or any work beyond the authorized scope of a Sign Permit constitutes a violation of this Chapter and is grounds for the Director to issue a correction notice and/or to stop all work on the sign until appropriate permits are obtained (see Section 17.72.080, Enforcement).

### **17.100.150 Sign Permit – Master Sign Program**

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- A. **Purpose.** A Master Sign Program provides mixed-use, non-residential, and multi-family residential uses with flexibility to develop innovative, creative, and effective signage and to improve the aesthetics of the City.
- B. **Applicability.** A Master Sign Program applies to proposed or existing mixed-use, non-residential, and multi-family residential uses as follows:
  1. A Master Sign Program is required for:
    - a. Projects with five or more non-residential tenants;
    - b. Multi-unit developments of 50 or more units;
    - c. Whenever five or more signs are proposed for a building or site;
    - d. To erect a freeway-oriented sign (refer to Table 17.72.050.D-3: Standards for Freeway-Oriented Signs);
    - e. Projects in which flexibility in sign design is sought so that high quality signs may be provided which contribute to the attractiveness and economic viability

## **Division IV: Administration and Procedures**

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of their surroundings, but which may not meet the standards otherwise required for the subject location or zone; and

- f. Any project proposed as a Planned Development (see Chapter 17.112, Planned Development (PD)).

### **C. Review.**

1. A qualified applicant shall submit an application for a Master Sign Program on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees.
2. At a minimum, all Master Sign Programs shall include the type, number, size, location/placement, and general design parameters of all permanent building mounted and freestanding signs. Modifications to any previously approved Master Sign Program shall be made in the same manner as the original approval.
3. All Master Sign Program submittals shall be reviewed for compliance with the requirements of Chapter 17.72, Signs, and the Zoning Administrator shall either approve, conditionally approve, or deny the proposed Master Sign Program. Following approval by the Zoning Administrator, a copy of the approved Master Sign Program will be made available to the applicant.
4. Individual signs authorized by an approved Master Sign Program require the issuance of separate Sign Permits as described in Section 17.100.140, Sign Permit – Permanent Signs provided:
  - a. The signs comply with all applicable conditions of the approved Master Sign Program;
  - b. Sign Permit applications are submitted within a time period specified as part of the conditions of the content or review of the Master Sign Program, where applicable; and
  - c. Sign Permit applications are submitted prior to any subsequent amendment to this Chapter which is more restrictive than provisions existing when the Master Sign Program was approved.
5. The Planning Commission shall review all Master Sign Programs which include a request for an increase in allowable sign height and area beyond the limits established in Section 17.72.050, Standards for Permanent Signs, for freestanding and building mounted signs for multi-tenant buildings and shopping centers.

### **D. Supplemental Provisions.**

1. Modifications to an approved Master Sign Program shall be reviewed by the Zoning Administrator.
2. No sign identified in this Section may be placed upon real property without the consent of the real property owner(s), who shall either sign and submit the application for a Master Sign Program or designate in writing an authorized representative.
3. A Master Sign Program may be implemented in phases.

### **17.100.160 Reasonable Accommodation for Persons with Disabilities**

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- A. **Purpose.** This Section provides a formal procedure for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) to request Reasonable Accommodation in the application of the City's land use regulations and to establish relevant criteria to be used when considering such requests.
- B. **Applicability.**
1. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
  2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has record of such impairment. This Section is intended to apply to those persons who are defined as disabled under the Acts.
  3. A request for Reasonable Accommodation may include a modification or exception to the rules, standards, and practices for the site, development, and use of housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. This Section allows for minor structural modifications and/or regulatory exceptions. Nothing in this Section shall be interpreted to require the City to waive or reduce development or building fees associated with the granting of a Reasonable Accommodation request. Requests for Reasonable Accommodation shall be made in the manner prescribed within this Section.
- C. **Review Authority and Procedure.**
1. Requests for Reasonable Accommodation shall be reviewed by the Director if no discretionary approval is sought other than the request for Reasonable Accommodation. The Director shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for Reasonable Accommodation in accordance with Subsection 17.100.160.E, Criteria for Findings and Decision.
  2. Requests for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority responsible for reviewing the discretionary land use application. The written determination on whether to grant or deny the request for Reasonable Accommodation shall be made by the Review Authority in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable modification shall be made in accordance with Subsection 17.100.160.E, Criteria for Findings and Decision.

## Division IV: Administration and Procedures

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- D. **Application Requirements.** A qualified applicant shall submit an application for a Reasonable Accommodation on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees. No noticing or public hearings are required for a Reasonable Accommodation request.
- E. **Criteria for Findings and Decision.** The Director must consider all of the following factors in order to approve or deny a request for Reasonable Accommodation;
1. Whether the housing, which is the subject of the request, will be used by a person with a disability as defined under the Acts;
  2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to a person with a disability as defined under the Acts;
  3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; and
  4. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including, but not limited to, land use and zoning.
- F. **Conditions of Approval.** In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required by Subsection 17.100.160.E, Criteria for Findings and Decision. Conditions shall also state that the accommodation granted shall terminate if the recipient of the accommodation requested no longer resides on the property as stated in Subsection 17.100.160.G.2.
- G. **Appeals, Expiration, Extensions, and Revisions.**
1. **Appeals.** A decision on Reasonable Accommodation request may be appealed as provided for in Section 17.96.160, Appeals.
  2. **Expiration, Extensions, and Revisions.** A Reasonable Accommodation approval may only be expired, extended, or revised as provided for in Chapter 17.96, Common Procedures. A Reasonable Accommodation approval shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

### 17.100.170 Pre-zoning for Annexation

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- A. **Purpose.** The purpose of pre-zoning property is to determine the zoning that will apply to property upon subsequent annexation to the City.
- B. **Applicability.** The pre-zoning process applies to unincorporated property adjoining the City within the urban limit line that is subject to a pending annexation.
- C. **Initiation.** Pre-zoning shall be initiated by a resolution of intention by the Planning Commission or the City Council.

- D. **Procedure.** Pre-zoning applications shall be processed following the procedures established in Chapter 17.108, Amendments to the Zoning Map and Text. Pre-zoning shall become effective at the same time as an annexation becomes effective.
- E. **Zoning of annexed areas.** Upon the annexation of property to the City which has not been pre-zoned, the Planning Commission shall initiate proceedings to zone the annexed property to a zoning classification in conformity with the General Plan following the procedures established in Chapter 17.108, Amendments to the Zoning Map and Text.

### **17.100.180 Development Agreements**

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- A. **Purpose.** This Chapter establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects, as provided for in state law. Such agreements provide a greater degree of certainty than the normal permit approval process by granting assurance that an applicant may proceed with development in accord with policies, rules, and regulations in effect at the time of approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.
- B. **Applicability.**
  - 1. The City incorporates by reference the provisions of California Government Code § 65864 to § 65869.5. In the event of any conflict between the statutory provisions and this Chapter, the statutes shall control.
  - 2. A Development Agreement may be considered for a proposed development that will require a developer to make a substantial investment at the early stages of the project for planning and engineering for the entire project and for public facilities and services.
- C. **Initiation.** An application for a Development Agreement may be initiated by any qualified applicant identified in Section 17.96.020, Application Forms and Fees, or by a motion of the City Council or Planning Commission.
- D. **Review Authority.**
  - 1. The Director shall negotiate the specific components and provisions of the Development Agreement on behalf of the City. The Director may request input from other affected Departments, as needed.
  - 2. The City Council has the exclusive authority to approve a Development Agreement. After receiving recommendations from the Planning Commission, the City Council may adopt, reject, or modify a Development Agreement based on consideration of the requirements of this Chapter.
- E. **Procedure.**
  - 1. **Application Requirements.** Applications for Development Agreements shall be filed with the Director in accordance with the following procedures. In addition to any other

application requirements, the application for a Development Agreement shall include data or other evidence in support of the applicable findings required by Subsection 17.100.180.H, Required Findings.

2. **Concurrent Processing.** An application for a Development Agreement will be made and considered simultaneously with the review of other applications, including, but not limited to rezoning, Planned Development (see Chapter 17.112, Planned Development (PD)), and a Conditional Use Permit (see Section 17.100.100, Conditional Use Permit). A Development Agreement is not a substitute for, nor an alternative to, any other required permit or approval, and the qualified applicant must comply with all other required procedures for development approval.

3. **Contents of Development Agreements.**

- a. *Required Contents.* A Development Agreement shall specify its duration, the permitted uses of the subject property, the general location and density or intensity of uses, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes, and provisions concerning its transferability (assignment).
- b. *Additional Contents.* Development Agreements may also include the following:
  - i. *Improvements and Fees.* Requirements for construction and maintenance of onsite and offsite improvements or payment of fees in lieu of such dedications or improvements.
  - ii. *Conditions.* Conditions, terms, restrictions, and requirements for subsequent discretionary actions, except that the applicant's responsibility to obtain all required land use approvals is retained.
  - iii. *Environmental Mitigation.* Conditions and restrictions imposed by the City with respect to the project, including those conditions, restrictions and mitigation measures proposed in any associated environmental document.
  - iv. *Phasing.* Provisions that the project must be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase be completed within a specified time.
  - v. *Financing.* If the Development Agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.
  - vi. *Indemnity.* An indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any way related to the actions of the applicant in connection with the application or the development process, including all legal fees and costs.
  - vii. *Performance Obligation.* Provisions to guarantee performance of obligations stated in the agreement.

- viii. *Other Items.* Other components and provisions as negotiated by the City and the applicant.

F. **Planning Commission Hearing and Recommendation.**

1. **Notice.** Public notice of hearings by the Planning Commission for a Development Agreement shall be given as specified in Section 17.96.080, Public Notice. Notice of the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.
2. **Hearing.** The Planning Commission shall conduct a public hearing and make recommendations to the City Council in conformance with the provisions of Section 17.96.090, Conduct of Public Hearing.
3. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed Development Agreement. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.

G. **City Council Review and Recommendation.**

1. **Notice.** Public notice of hearings by the City Council for a Development Agreement shall be given as specified in Section 17.96.080, Public Notice. Notice of the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.
2. **Hearing.** After receiving the report with the Planning Commission recommendation, the City Council shall hold a public hearing in accordance with Section 17.96.090, Conduct of Public Hearing. The public hearing notice for the hearing shall include a summary of the Planning Commission recommendation.
3. **Decision.** At the conclusion of the hearing, the City Council may approve, modify, or deny the Development Agreement. Approval of a Development Agreement shall be by ordinance. The ordinance shall refer to and incorporate by reference the text of the Development Agreement. If the Council proposes any substantial modification to the Development Agreement, the proposed modification shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days after the referral shall be deemed a recommendation to approve and the amendment to the Development Agreement and shall be returned to the City Council for approval.

- H. **Required Findings.** The Planning Commission when making its recommendation on a Development Agreement, and the City Council, must make the finding to approve a Development Agreement that the proposed Development Agreement and its provisions are consistent with the General Plan and any applicable Specific Plan. This requirement may be satisfied by a finding that the provisions of the Development Agreement are consistent with proposed General Plan or Specific Plan provisions to be adopted concurrently with the approval of the proposed Development Agreement.

## Division IV: Administration and Procedures

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- I. **Execution and Recordation.** Within 10 days after the ordinance approving the Development Agreement takes effect, the Mayor or their designee shall execute the Development Agreement on behalf of the City, and the City shall record the Development Agreement with the County Recorder.
- J. **Periodic Review.** The applicant shall be required to demonstrate compliance with the provisions of the Development Agreement at least once a year, at which time the Director shall review each approved Development Agreement.
  1. **Finding of Compliance.** If the Director, based on substantial evidence, determines that the applicant is in compliance with the provisions of the Development Agreement, then no action is required.
  2. **Finding of Non-compliance.** If the Director finds the applicant has not complied with the provisions of the Development Agreement, the Director may issue a finding of noncompliance. The Director shall specify in writing to the applicant the respects in which the applicant has failed to comply and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or modification pursuant to this Chapter.
  3. **Appeal of Determination.** Within 10 days after issuance of a finding of noncompliance, any interested person may file a written appeal of the finding with the City Council as described in Section 17.96.160, Appeals. The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of noncompliance by the Director and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal, shall conclude the review for the applicable period and such determination shall be final.
- K. **Amendment or Cancellation.**
  1. **Mutual Agreement.** Any Development Agreement may be canceled or amended by mutual consent of the parties following compliance with the procedures specified in this Section.
    - a. *Director Approval.* Any amendment to a Development Agreement which is not specific to the duration of the agreement, permitted uses of the property, density or intensity of use, timing of development, height or size of proposed buildings, provisions for reservation or dedication of land, or to any conditions, terms, restrictions and requirements relating to subsequent discretionary actions related to design or improvements or construction standards and specifications, may be made by the Director without noticed public hearing. A Development Agreement may also specify procedures for additional administrative approval of minor amendments by mutual consent of the applicant and Director.
    - b. *City Council Approval.* The procedure for proposing and adopting an amendment to, or the cancellation in whole or in part, of a Development

Agreement, shall be the same as the procedure for originally entering into a Development Agreement.

2. **After Finding of Non-Compliance.** If a finding of noncompliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the Director may refer the Development Agreement to the City Council for termination or modification. The City shall first give written notice to the party executing the agreement of its intention to initiate such proceedings. Such notice shall be given not less than 30 days in advance of public notice of the City Council hearing to consider an amendment or cancellation. After the public hearing, the City Council may terminate the Development Agreement, modify the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.
3. **Recordation.** If the parties to the agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk shall record notice of such action with the County Recorder.
4. **Rights of the Parties After Cancellation or Termination.** In the event that a Development Agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the Development Agreement shall terminate. If a Development Agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return any and all benefits, including reservations or dedications of land, and payments of fees, received by the City.

L. **Effect of Approved Agreement.**

1. **Existing Rules and Regulations.** Unless otherwise specified in the Development Agreement, the City's rules, regulations, and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations, and official policies in force on the effective date of the Development Agreement.
2. **Future Rules and Regulations.** A Development Agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies applicable to the property as set forth in the Development Agreement. A Development Agreement shall not prevent the City from denying or conditionally approving any subsequent land use project or authorization for the project on the basis of such rules, regulations, and policies. A Development Agreement shall not exempt the applicant from obtaining future discretionary land use approvals, unless otherwise specified in the Development Agreement.
3. **State and Federal Rules and Regulations.** In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a Development Agreement has been entered into prevents or precludes compliance with one or more provisions of the Development Agreement, then the Development

## Division IV: Administration and Procedures

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Agreement may be modified or suspended pursuant to the procedures specified in the Development Agreement, in order to comply with federal or state regulations.

- M. **Enforcement.** The procedures for enforcement, revision, cancellation, or termination of a Development Agreement specified in this Section and in California Government Code § 65865.4 or any successor statute, are non-exclusive. A Development Agreement may be enforced, revised, cancelled, or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.
- N. **Judicial Review.**
1. Any judicial review of the initial approval by the City of a Development Agreement shall be by writ of mandate pursuant to the Code of Civil Procedure Code § 1085. Any judicial review of any City action taken pursuant to this Chapter, other than the initial approval of a Development Agreement, shall be by writ of mandate pursuant to the Code of Civil Procedure Code § 1094.5. The use of the phrase "substantial evidence" in this Chapter with respect to the quantum of proof necessary in conjunction with a finding of noncompliance is not intended to limit nor impose a standard of review upon any court pursuant to a proceeding initiated for that purpose.
  2. Any action or proceeding to attack, review, set aside, void, or annul any decision of the City taken pursuant to this Chapter shall not be maintained by any person unless the action or proceeding is commenced within 90 days after the date of decision.

## Chapter 17.104 Amendments to the General Plan

Sections:

17.104.010	Purpose and Applicability.....	IV-46
17.104.020	Initiation of Amendments .....	IV-46
17.104.030	Review Procedures and Public Notice .....	IV-46
17.104.040	Planning Commission Hearing and Recommendation .....	IV-47
17.104.050	City Council Hearing and Action .....	IV-47

### 17.104.010 Purpose and Applicability

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- A. **Purpose.** This Chapter establishes procedures for making changes to the General Plan as provided for in state law when there are compelling reasons to do so. These circumstances include, but are not limited to, changes in state or federal law and changes in circumstances or opportunities that were unanticipated at the time of Plan adoption or the last amendment.
- B. **Applicability.** This Section applies to all proposals to change the text or of the General Plan, the land use map(s), and the diagrams that illustrate the application of its provisions.

### 17.104.020 Initiation of Amendments

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- A. **Initiation.** An amendment to the General Plan may be initiated by any qualified applicant identified in Section 17.96.020, Application Forms and Fees, or by a motion of the City Council or Planning Commission.
- B. **Application.** A qualified applicant shall submit an application for a General Plan amendment on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees. The Planning Commission or City Council may direct that specific information be provided at the time the initial application is submitted.
- C. **Coordination with Other Applications.** Amendments to the General Plan and General Plan Land Use Map may be processed concurrently with other discretionary permits.

### 17.104.030 Review Procedures and Public Notice

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- A. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission on any application for a General Plan amendment. The report shall include, but is not limited to, a discussion of how the proposed amendment complies with the purposes of this Chapter, a determination as to whether the proposed amendment will require amendment to other plans that the City Council has adopted, and an environmental document prepared in compliance with the CEQA.
- B. **Neighborhood Meeting.** The Director, at their discretion, may require that the applicant conduct a neighborhood meeting prior to an application being submitted or during the review

of an application as put forth in Section 17.96.070, Neighborhood Meeting. The meeting may be required when in the opinion of the Director, the project for which the General Plan Amendment is requested may have an impact on a neighborhood, the project is unique, or the project is of such scale or scope that it is likely to generate community interest.

#### **17.104.040 Planning Commission Hearing and Recommendation**

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- A. **Planning Commission Hearing.** The Planning Commission shall conduct at least one public hearing on any proposed amendment and make recommendations to the City Council in conformance with the provisions of Section 17.96.090, Conduct of Public Hearing.
- B. **Public Notice.** At least 10 days before the date of the public hearing, the Director shall provide notice as specified in Section 17.96.080, Public Notice. Notice of the hearing also shall be mailed or delivered to any local agencies expected to provide essential facilities or services to the property that is the subject of the proposed amendment.
- C. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed General Plan amendment to the City Council. The recommendation shall include the reasons for the recommendation, findings related to the supporting the recommendation, and the relationship of the proposed amendment to applicable plans. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.

#### **17.104.050 City Council Hearing and Action**

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- A. **City Council Hearing.** After receiving the report from the Planning Commission, the City Council shall hold a noticed public hearing in conformance with Chapter 17.96.090, Conduct of Public Hearing.
- B. **Public Notice.** At least 10 days before the date of the public hearing, the Director shall provide notice as specified in Section 17.96.080, Public Notice. The notice shall include a summary of the Planning Commission's recommendation. Notice of the hearing also shall be mailed or delivered to any local agencies expected to provide essential facilities or services to the property that is the subject of the proposed amendment.
- C. **City Council Action.** At the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment application. If the Council proposes any substantial modification, such as introducing a new zone district or planned land use designation, not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days after the referral shall be deemed a recommendation to approve and the amendment shall be returned to Council for adoption.
- D. **Frequency of Amendments.** Pursuant to California Government Code § 65358, no mandatory element of the General Plan may be amended more frequently than four times

during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.

E. **Required Findings.** The City Council shall not approve an amendment to the General Plan unless the proposed amendment meets the following:

1. The proposed amendment is consistent with the goals, objectives, and policies of the General Plan;
2. That the proposed amendment will promote growth of the City in an orderly manner and will promote and protect the public health, safety, or welfare of the community;
3. That the anticipated land uses on the subject site will be compatible with existing and future surrounding uses;
4. That the City's inventory of residential lands for qualified housing sites has not been reduced; and
5. That the proposed amendment is consistent with any development related application that is processed and approved concurrently with the amendment application.

## Chapter 17.108                      Amendments to the Zoning Map and Text

Sections:

17.108.010	Purpose and Applicability.....	IV-49
17.108.020	Application Requirements.....	IV-49
17.108.030	Review Procedures and Public Notice .....	IV-50
17.108.040	Planning Commission Hearing and Recommendation .....	IV-50
17.108.050	City Council Hearing and Action .....	IV-50
17.108.060	Required Findings.....	IV-51

### 17.108.010 Purpose and Applicability

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- A.     **Purpose.** This Chapter establishes the procedures to consider amendments to the Zoning Code text and to the City’s official Zoning Map, which may be referred to as a “rezone” or “rezoning”, whenever such amendment is in furtherance of public necessity, convenience, and general welfare, reflects changed conditions, and provides greater consistency with the goals and policies of the General Plan.
- B.     Zoning Code and Zoning Map amendments (zoning amendments) shall not be used in lieu of other planning permit processes to achieve a similar result.
- C.     **Applicability.** The procedures in this Chapter apply to all proposals to change the text of this Zoning Code or to revise a zone classification or zone boundary line, or add a new zone, shown on the Zoning Map.

### 17.108.020 Application Requirements

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- A.     **Initiation.** An amendment to the Zoning Code text or Zoning Map may be initiated by the any qualified applicant identified in Section 17.96.020, Application Forms and Fees, the Director, Planning Commission, or City Council.
- B.     **Application.** A qualified applicant shall submit an application for a zoning amendment on a form prescribed by the Planning Division accompanied by the required fee as prescribed in Section 17.96.020, Application Forms and Fees. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- C.     **Coordination with Other Applications.** Proposed zoning amendments may be processed concurrently with other related entitlement application requests.

### 17.108.030 Review Procedures and Public Notice

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- A. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission on any application for a zoning amendment. The report shall include, but not be limited to, a discussion of how the proposed amendment satisfies the criteria and findings in Section 17.108.060, Required Findings, for approving a zoning amendment and an environmental document prepared in compliance with CEQA.
- B. **Neighborhood Meeting.** At the discretion of the Director, the applicant may be required to conduct a neighborhood meeting prior to an application being submitted or during the review of an application as set forth in Section 17.96.070, Neighborhood Meeting. The meeting may be required when in the opinion of the Director, the zoning amendment may have an impact on a neighborhood, the project is unique, or the project is of such scale or scope that it is likely to generate community interest.

### 17.108.040 Planning Commission Hearing and Recommendation

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- A. **Planning Commission Hearing.** The Planning Commission shall conduct at least one public hearing on any proposed zoning amendment and make recommendations to the City Council in conformance with the provisions of Section 17.96.090, Conduct of Public Hearing.
- B. **Public Notice.** At least 10 days before the date of public hearing, the Director shall provide notice as specified in Section 17.96.080, Public Notice. Notice of the hearing also shall be mailed or delivered to any local agencies expected to provide essential facilities or services to the property that is the subject of the proposed amendment.
- C. **Recommendation to City Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed zoning amendment to the City Council. The recommendation shall include the reasons for the recommendation, findings related to the criteria for zoning amendments in Section 17.108.060, Required Findings, and the relationship of the proposed Code or amendment to other adopted documents and plans. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.

### 17.108.050 City Council Hearing and Action

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- A. **City Council Hearing.** After receiving the report with the Planning Commission's recommendation, the City Council shall hold a public hearing in accordance with Section 17.96.090, Conduct of Public Hearings.
- B. **Public Notice.** At least 10 days before the date of public hearing, the Director shall provide notice as specified in Section 17.96.080, Public Notice. The public hearing notice for the hearing shall include a summary of the Planning Commission recommendation. Notice of the hearing also shall be mailed or delivered to any local agencies expected to provide essential facilities or services to the property that is the subject of the proposed amendment.
- C. **City Council Action.** After conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment. If the Council proposes a substantial modification not

previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days after the referral, or such longer period as may be designated by the legislative body, shall be deemed a recommendation to approve and the amendment shall be returned to the City Council for adoption.

**17.108.060 Required Findings**

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The Planning Commission shall not recommend and the City Council shall not approve a zoning amendment unless the proposed amendment meets the following findings:

- A. The proposed amendment is consistent with the goals, objectives, and policies of the General Plan;
- B. That the proposed amendment will promote growth of the City in an orderly manner and will promote and protect the public health, safety, or welfare of the community;
- C. That the anticipated land uses on the subject site will be compatible with existing and future surrounding uses;
- D. That the City's inventory of residential lands for qualified housing sites has not been reduced; and
- E. That the proposed amendment is consistent with any development related application that is processed and approved concurrently with the amendment application.

## Chapter 17.112      **Planned Development (PD) (Updated)**

Sections:

17.112.010	Purpose.....	IV-52
17.112.020	Procedure .....	IV-52
17.112.030	Findings.....	IV-52

### **17.112.010 Purpose**

Planned Developments (PD) afford maximum flexibility and diversity in site planning and building design and layout while protecting the integrity and character of the residential, commercial, and industrial areas of the City. The design, configuration and impact of the proposed Planned Development project shall be compared to the General Plan, the purpose and standards of the applicable zone and any other applicable standards and design guidelines. The Planned Development zone provides for comprehensive analysis of project-related impacts while allowing for non-traditional or unique site plan design.

### **17.112.020 Procedure**

Applications for a Planned Development shall be processed following the procedures established in Chapter 17.108, Amendments to the Zoning Map and Text.

### **17.112.030 Findings**

In addition to the findings for approval of a zone change established in Section 17.108.060, Required Findings, each Planned Development application shall be analyzed to ensure that it is consistent with the purpose and intent of this Chapter. The City Council may impose specific development conditions relating to both on- and off-site improvements that are necessary to mitigate project-related adverse impacts and to carry out the purpose and requirements of the Planned Development. The City Council may approve a Planned Development if all of the following findings are made:

- A. The site is physically suitable for the type and intensity of the land use being proposed;
- B. The proposed project would be harmonious and compatible with existing and future developments within the zone and surrounding area;
- C. In the case of a proposed residential project, the development will constitute a residential environment of sustained desirability and stability and will result in an intensity of land utilization no higher than, and standards of open space no less than, permitted for a similar development within the zone district;
- D. The approval of the Planned Development for the proposed project complies with CEQA;
- E. The proposed project is consistent with the General Plan;

#### **Division IV: Administration and Procedures**

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- F. The location, size, design, and operating characteristics of the proposed project are not detrimental to the public interest, health, safety, convenience, or welfare of the community; and
- G. The proposed project, subject to the proposed integrated Planned Development design, will be superior to development otherwise allowed in the underlying zone and, therefore, justifies the exceptions to the requirements of this Chapter.

## Chapter 17.116      Precise Plans

Sections:

17.116.010	Purpose.....	IV-54
17.116.020	Initiation of Precise Plan.....	IV-54
17.116.030	Review Procedures and Public Notice .....	IV-55
17.116.040	Planning Commission Hearing and Recommendation .....	IV-55
17.116.050	City Council Hearing and Action .....	IV-55
17.116.060	Required Findings.....	IV-56

### 17.116.010 Purpose

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- A.     **Purpose.** A Precise Plan allows for a coordinated comprehensive framework of development objectives, standards, and design guidelines to fit unique opportunities and challenges, but does not typically include a financing or capital improvement program. A Precise Plan;
1.     Provides unique and creative planning opportunities that may encompass a single or multiple properties;
  2.     Provides a tool for coordinating future public and private improvements on specific properties where special conditions of size, shape, land ownership, or existing or desired development require particular attention;
  3.     Facilitates the development of an exceptional project design that cannot be built under an existing zone or due to constraints of existing development standards;
  4.     Furtheres the implementation of specific goals and policies of the City as provided in the General Plan;
  5.     Looks beyond the limits of a particular property to solve circulation, drainage, utility, and/or other neighborhood compatibility concerns; and
  6.     Develops a long-term plan to guide future development that specifies allowed uses, intensity of use, relationship to neighboring properties, parking and circulation, open space, special design standards, public improvements, and procedures for development review that may differ from underlying zoning.

### 17.116.020 Initiation of Precise Plan

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- A.     **Initiation.** A Precise Plan may be initiated for any reason beneficial to the City by motion of the Planning Commission or the City Council, or by any qualified applicant identified in Section 17.96.020, Application Forms and Fees, or by application of property owner(s) of parcel(s) to be affected by the Precise Plan.

## Division IV: Administration and Procedures

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- B. **Application.** A qualified applicant shall submit an application for a Precise Plan on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees. The Planning Commission or City Council may direct that specific information be provided at the time initial application is submitted.

### 17.116.030 Review Procedures and Public Notice

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- A. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission on any application for a Precise Plan. The report shall include, but not be limited to, a discussion of how the proposed amendment satisfies the criteria and findings in Section 17.108.060, Required Findings, for approving a Precise Plan and an environmental document prepared in compliance with CEQA.
- B. **Neighborhood Meeting.** At the discretion of the Director, the applicant may be required to conduct a neighborhood meeting prior to an application being submitted or during the review of an application as put forth in Section 17.96.070, Neighborhood Meeting. The meeting may be required when in the opinion of the Director, the Precise Plan may have an impact on a neighborhood, the project is unique, or the project is of such scale or scope that it is likely to generate community interest.

### 17.116.040 Planning Commission Hearing and Recommendation

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- A. **Planning Commission Hearing.** The Planning Commission shall conduct at least one public on any proposed Precise Plan and make recommendations to the City Council in conformance with the provisions of Section 17.96.090, Conduct of Public Hearing.
- B. **Public Notice.** At least 10 days before the date of public hearing, the Director shall provide notice as specified in Section 17.96.080, Public Notice. Notice of the hearing also shall be mailed or delivered to any local agencies expected to provide essential facilities or services to the property that is the subject of the proposed amendment.
- C. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed Precise Plan to the City Council. The recommendation shall include the reasons for the recommendation, the relationship of the Precise Plan to the General Plan, findings related to the criteria for Precise Plans in Section 17.108.060, Required Findings, and the relationship of the proposed Code or amendment to other adopted documents and plans. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.

### 17.116.050 City Council Hearing and Action

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- A. **City Council Hearing.** After receiving the report with the Planning Commission's recommendation, the City Council shall hold a public hearing in accordance with Section 17.96.090, Conduct of Public Hearings.
- B. **Public Notice.** At least 10 days before the date of public hearing, the Director shall provide notice as specified in Section 17.96.080, Public Notice. The public hearing notice for the hearing shall include a summary of the Planning Commission recommendation. Notice of the

hearing also shall be mailed or delivered to any local agencies expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

- C. **City Council Action.** After conclusion of the hearing, the City Council may approve, modify, or deny the proposed Precise Plan by resolution in accordance with the requirements of this Code. If the Council proposes a substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days after the referral, or such longer period as may be designated by the legislative body, shall be deemed a recommendation to approve and the Precise Plan shall be returned to the City Council for adoption.

### **17.116.060 Required Findings.**

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A Precise Plan shall not be adopted unless the following findings are made:

- A. The proposed Precise Plan is consistent with the goals, policies, and objectives of the General Plan.
- B. The proposed Precise Plan meets the applicable requirements set forth in this Code.

## Chapter 17.120 Specific Plans

Sections:

17.120.010	Specific Plan Provisions .....	IV-57
17.120.020	Mandatory Contents of the Specific Plan.....	IV-58
17.120.030	Request for Specific Plan Process .....	IV-58
17.120.040	Specific Plan Preparation Process.....	IV-59

### 17.120.010 Specific Plan Provisions

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- A. **Authority for Specific Plans.** Pursuant to California Government Code § 65450 et seq., the City Council is authorized to prepare, adopt and implement Specific Plans for areas within the incorporated City boundary and/or the Woodland General Plan urban limit line.
- B. **Purpose of Specific Plans.** The Specific Plan process provides an opportunity for unique and imaginative planning standards and regulations not provided through the application of standard zones. The Specific Plan should encourage the creative and imaginative planning of integrated, mixed-use developments which provide for a balance of residential, commercial, industrial, open space, and support land uses. A Specific Plan prepared in accordance with the requirements in this Chapter is intended to serve as a policy and regulatory document, with policy direction and project development concepts consistent with the General Plan, and the development standards and zoning included to address the unique situations within the Specific Plan area to provide regulatory controls. Once approved, a Specific Plan will include the zoning standards for the properties within the Specific Plan boundaries. Thus, a Specific Plan must contain sufficient detail to allow implement provisions and to describe to developers how properties within the Plan area may be developed.
- C. **Intent.**
  - 1. Pursuant to state law, after the City Council has adopted a General Plan, the Director may, or if so directed by the City Council shall, prepare Specific Plans for the systematic implementation of the General Plan for all or part of the area covered by the General Plan. Specific plans shall be utilized to implement the policy and intent of the General Plan and shall not be used to circumvent the General Plan process in which general development policy is determined. The preparation and processing of Specific Plans shall be a collaborative effort. As such, the City, applicant, and other agencies shall work collaboratively to create a plan that conforms to the General Plan goals and policies.
  - 2. This Section is intended to apply to areas designated “Specific Plan Areas” in the General Plan. As an integral part of the Specific Plan process described in this Chapter, applicants shall comply with all infrastructure master plans adopted or being considered by the City pursuant to the General Plan, including, but not limited to, water, sewer, storm drainage, traffic, and parks.

3. In the event there is a discrepancy between standards adopted within a Specific Plan and comparable regulations of the City Zoning Code, the standards and regulations made part of the Specific Plan shall prevail.
- D. **Fees.** All costs associated with review and processing of Specific Plans shall be the responsibility of the applicant. Upon the submittal of a formal Specific Plan application, the applicant shall be required to deposit and maintain an amount determined by staff to be sufficient to cover the estimated cost to process the application, including staff time, environmental review, consultant's and attorney's fees and other costs. All deposits shall be made pursuant to a written agreement in a form approved by the Director for advance of funds.

### **17.120.020 Mandatory Contents of the Specific Plan**

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A Specific Plan shall be established by ordinance, and each Specific Plan shall include at a minimum the requirements for a Specific Plan established in California Government Code § 65451. In addition, the Specific Plan shall include the information provided on the application form and checklist for a Specific Plan submittal. It is expressly intended that information for projects which are long-term in nature or for which detailed planning may occur at a later date may provide some information at a conceptual level. If required elements are not provided, or are provided at a conceptual level, the Specific Plan shall include a schedule or program for providing these items and may be conditioned to require the provision of these items prior to the approval of development projects within the Specific Plan.

### **17.120.030 Request for Specific Plan Process**

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- A. **Initiation Procedures.** A Specific Plan shall be initiated by the City Council by the adoption of a resolution of intention. Specific Plans may be initiated for any lands located within the urban limit line of the General Plan; however, the City will not process a Specific Plan located in an area impacted by flooding until such time that a flood solution design has been approved and funding has been allocated.
- B. **Request for Specific Plan Process.** A request for preparation of a Specific Plan may be made by a qualified applicant or by the City.
1. **City.** In the case of a City initiated and prepared Specific Plan, the City shall prepare a staff report to the City Council addressing the submittal requirements included in the "Request to Prepare a Specific Plan" for other applicants.
  2. **Applicants.** A qualified applicant identified in Section 17.96.020, Application Forms and Fees, wishing to use a Specific Plan to implement General Plan policy shall petition the City requesting permission to prepare a Specific Plan for their project. The applicant shall file a "Request to Prepare a Specific Plan" with the Director and shall pay the appropriate fees. The applicant is not required to own or otherwise control the majority of the property requested to be included within the Specific Plan area.

## **Division IV: Administration and Procedures**

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- C. **Pre-initiation Conference.** Upon receipt of the petition, the Director shall schedule a pre-initiation meeting with the applicant within 30 days to review the Specific Plan process. Upon review of the petition, the Director has the discretion to propose enlargements or modifications to the proposed Specific Plan boundaries and scope of the project in order to facilitate comprehensive planning.
- D. **Preparation of Staff Report Recommending Disposition of Petition.** The Director shall prepare a staff report, including a recommendation to accept or deny the petition.
- E. **Consideration by Planning Commission.** The petition and staff report shall be scheduled as an item on the agenda of a Planning Commission meeting. No noticing or public hearings are required for a petition for a Specific Plan. The Planning Commission shall make a recommendation to the City Council on whether the petition should be accepted or denied. Their recommendation should state whether they think the proposed boundaries of the Specific Plan area are appropriate and consistent with policies of the General Plan. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.
- F. **Consideration by City Council.** The petition and staff report shall be scheduled as an item on the agenda of a regularly scheduled City Council meeting. Upon scheduling the petition at a meeting of the City Council, the Director shall conduct an initial notification of the meeting. This notification shall be sent to all property owners within the Specific Plan area, as well as those within 300 feet of the Specific Plan boundaries. The City Council may act to deny the petition or accept the petition directing that the applicant and the City prepare a Specific Plan for the area as proposed by the applicant, or as recommended in the staff report prepared by the Director, or as the City Council may otherwise determine. If the City Council accepts the petition, the Council shall adopt a resolution initiating the Specific Plan process, may direct the formation of a Technical Advisory Committee (TAC), and may consider formation of a Citizens Advisory Committee.

### **17.120.040 Specific Plan Preparation Process**

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- A. **Application.** A qualified applicant shall submit an application for a Specific Plan on a form prescribed by the Director as prescribed in Section 17.96.020, Application Forms and Fees. The Planning Commission or City Council may direct that specific information be provided at the time initial application is submitted. The application for a Specific Plan shall include accompanying diagrams and other pertinent information regarding proposed amendments to appropriate plans or proposals to amend zoning regulations. These diagrams and other information may consist of conceptual land use diagrams and objectives describing the proposed intent of urbanization. At a minimum, the Specific Plan should contain text and diagrams as specified in California Government Code § 65451. Project applicants should seek guidance from the Director prior to submitting an application for a Specific Plan.
- B. **Environmental Review.** The City shall review the Specific Plan application and may identify information and technical studies necessary to complete an environmental review in compliance with CEQA.

- C. **Citizen's Advisory Committee.** The City Council may appoint a Citizen's Advisory Committee (CAC) to assist in the preparation and/or review of any Specific Plan proposal.
- D. **Technical Advisory Committee.** As directed by the City Council, the City may convene a Technical Advisory Committee (TAC) comprised of representatives of key City departments and other agencies to review and advise on technical matters of consequence to the Specific Plan. The TAC shall meet with the applicant as necessary to discuss key project issues and shall review technical matters as appropriate. The TAC shall provide the applicant with information regarding City policy, standards, and guidelines in response to the proposed Specific Plan. The City has the authority to determine the adequacy of documents pursuant to Subsection 17.120.040.E, Preparation.
- E. **Preparation.** Prior to the preparation of the plan or other technical studies, the applicant shall meet with appropriate City staff and/or the TAC to review assumptions, methodology, data and information resources, time frame and scope of work. These items shall be prepared to the satisfaction of the Director. The Specific Plan and accompanying technical documents and studies may be prepared by the applicant or applicant's representative. The Specific Plan, and related technical documents are subject to the review and approval of the City. The Director has the authority to require revisions to technical information deemed necessary. In the event that consensus between the applicant and the City is not reached, the Director may require that alternatives to the plan be prepared and submitted for review. These alternatives may be required in order to meet the policies of the General Plan.
- F. **Staff Review of Draft Documents.** In order to initiate the City's formal application review process, the applicant shall indicate in writing the submittal of a formal "request to initiate staff review" along with all appropriate draft documents, such as draft technical studies and the draft Specific Plan. During its review, City staff may find the documents incomplete and may request additional information. The project shall not proceed further until all additional information is deemed adequate and complete.
- G. **Public Review and Comment.** Following publication of the CEQA environmental document, the environmental document shall be circulated for public review and comment as provided by state law and the City's procedures for preparation and processing of environmental documents.
- H. **Planning Commission Consideration of Specific Plan.**
  - 1. The Planning Commission shall conduct at least one public hearing on a proposed Specific Plan and make recommendations to the City Council in conformance with the provisions of Section 17.96.090, Conduct of Public Hearing.
  - 2. **Public Notice.** At least 10 days before the date of public hearing, the Director shall provide notice as specified in Section 17.96.080, Public Notice. Notice of the hearing also shall be mailed or delivered to any local agencies expected to provide essential facilities or services to the property that is the subject of the Specific Plan.
  - 3. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed Specific Plan to the City Council on whether to adopt, reject or modify the proposed Specific Plan or amendments. The recommendation shall include the reasons for the recommendation and findings

related to the supporting the recommendation. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.

**I. City Council Consideration of Specific Plan.**

1. **City Council Hearing.** After receiving the report from the Planning Commission, the City Council shall hold a noticed public hearing in conformance with Section 17.96.090, Conduct of Public Hearing.
2. **Public Notice.** At least 10 days before the date of public hearing, the Director shall provide notice as specified in Section 17.96.080, Public Notice. The notice shall include a summary of the Planning Commission's recommendation. Notice of the hearing also shall be mailed or delivered to any local agencies expected to provide essential facilities or services to the property that is the subject of the Specific Plan.
3. **City Council Action.** The City Council shall review the Planning Commission's recommendation. At the conclusion of the hearing, the City Council shall act by resolution to adopt, reject, or modify the Specific Plan or proposed amendment.
4. If the City Council, prior to approval of the Specific Plan, desires changes or modifies a major or significant portion of a proposed Specific Plan recommended by the Planning Commission, then the substantial changes and/or modifications must first be referred back to the Planning Commission for consideration, unless the Planning Commission considered similar changes and/or modifications as part of its deliberation.

- J. Fees for Processing Specific Plans.** The City Council may establish as a part of the resolution adopting a Specific Plan a fee or fees to be applied to a Specific Plan area in order to reimburse the City and/or the applicant for the costs of preparation, processing, and administration of the Specific Plan. Actual costs of said preparation and processing of the plan shall be assessed based on relative benefits to the affected property owners.

**Chapter 17.124      Reserved**

## Chapter 17.128 Enforcement (Updated)

Sections:

17.128.010	Purpose.....	IV-63
17.128.020	Enforcement.....	IV-63
17.128.030	Violation .....	IV-63
17.128.040	Penalties .....	IV-64
17.128.050	Remedies .....	IV-64
17.128.060	Abatement.....	IV-64
17.128.070	Recording a Notice of Violation .....	IV-65

### 17.128.010 Purpose

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This Chapter establishes the responsibilities of various departments, officials, and public employees of the City to enforce the requirements of this Zoning Code and establishes uniform procedures the City will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Code.

### 17.128.020 Enforcement

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All departments, officials, and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code, and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this Code, and any such permit or license issued in conflict with the provisions of this Code shall be null and void. It shall be the duty of the Building Inspector of the City to enforce the provisions of this Code pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to or of any building or structure and it shall be the duty of the Director and the Zoning Administrator to enforce all other provisions of this Code.

### 17.128.030 Violation

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- A. In the event any person, firm, or corporation should erect, construct, move, or alter any building or structure in violation of the provisions of this title, or any use of any property conducted, operated, or maintained contrary to the provisions of this title shall be declared to be unlawful and a public nuisance. The City Attorney shall immediately commence action or proceedings for the abatement, removal, and enjoyment thereof in a manner provided by law.
- B. Any permit granted under the Zoning Code may be revoked in accordance with the provisions in Section 17.96.150, Revocation of Permits, if any of the conditions or terms of such permit

are violated or if any law or ordinance is violated, except that no lawful residential use can lapse regardless of the length of time of the vacancy.

#### **17.128.040 Penalties**

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Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating or failing to comply with a mandatory requirement of this Title shall be guilty of a misdemeanor but may be cited or charged, at the election of the enforcing officer or City Attorney, as an infraction. Upon conviction, such person shall be punished as set forth in the Woodland Municipal Code Section 1.08.070, General penalty—Continuing violations—Aiding or abetting. A person, firm, or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of this Title is committed, continued, or permitted by such person, firm, or corporation, and shall be punished accordingly.

#### **17.128.050 Remedies**

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The remedies provided in this Chapter shall be cumulative and not exclusive. Upon a finding of nuisance pursuant to this Chapter, and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists, the Director, Planning Commission or City Council may impose any remedy available at law or in equity, which shall include, but is not limited to, any individual or combination of the following:

- A. Ordering the cessation of the use in whole or in part;
- B. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing nonconforming uses;
- C. Requiring continued compliance with any conditions so imposed;
- D. Requiring the user to guarantee that such conditions shall in all respects be complied with; or
- E. Imposing additional conditions or ordering the cessation of the use in whole or in part upon a failure of the user to comply with any conditions so imposed.

#### **17.128.060 Abatement**

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Notices of violation shall be provided and recorded and nuisances abated, according to the following procedures.

- A. **Initiation.** Proceedings under this Section to terminate, modify or condition (i.e., “abate” or if the context requires, “abatement”) any use, structure or building may be initiated by resolution of the Planning Commission or the City Council on its own accord or following recommendation by the Director. In either case, the resolution shall identify the use, building, or structure being considered, identify the property involved, set forth the reason or reasons for the proposed abatement, and fix a time and place for a public hearing on the proposed abatement. In the case of proceedings initiated by the Council, the resolution shall refer the matter for a public hearing before the Commission. A resolution initiating abatement proceedings may be adopted without a public hearing.

## Division IV: Administration and Procedures

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- B. **Notice.** Upon initiation of abatement proceedings, the Director shall give notice of a public hearing before the Commission pursuant to the provisions in Chapter 17.96, Common Procedures. In addition, within the prescribed time period, the Director shall also mail the notice of the hearing to the person or persons whose use, structure or building is the subject of the abatement proceedings, any person who requested initiation of abatement proceedings, and to any other person who has filed a written request with the Director for such notice.
- C. **Public Hearing.** The Planning Commission shall conduct a noticed public hearing and shall provide for testimony by City staff and the owner of the use, structure, or property that is the subject of the proceeding. Any other interested person shall also be given an opportunity to provide testimony.
- D. **Action.** The Planning Commission shall consider the staff report and the evidence, testimony, and facts presented at the hearing before taking action. If the Commission finds that the use, building, or structure constitutes a nuisance, it may impose any remedy as provided for in this Chapter.
- E. **Decision and Notice.** After the Commission takes abatement action to modify a permit, the Director shall issue a Notice of Action describing the Commission's action, with its findings. The Director shall mail the notice to the permit holder and to any person who has requested such notification by filing a written request with the Director and shall file a copy of the Notice of Decision with the City Clerk. The Clerk shall present said copy to the Council at its next regular meeting.
- F. **Effective date; Appeal to Council.** A decision to abate a nuisance shall become effective immediately after the date of decision unless appealed to the Council within 15 days. If the Council finds, after a noticed public hearing, that the use, structure, or building constitutes a nuisance, it may impose any remedy provided for in this Chapter. If the Council finds that the use, structure, or building is not a nuisance, it shall reverse the decision of the Commission.
- G. **City Attorney Action.** The City Attorney shall, upon order of the City Council, or on his or her own motion, immediately commence action or proceedings for the abatement and removal and enjoinder of said public nuisance in the manner prescribed by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building contrary to the provisions of this Code.

### 17.128.070 Recording a Notice of Violation

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- A. If compliance is not had with an order of the Director or the Building Official to correct violations of this Code within the time specified, the City Manager may file in the Office of the Yolo County Recorder, a certified statement describing the property and certifying that:
  - 1. The property and/or structure is in violation of this Code; and
  - 2. The owner has been notified of the violation. The notice shall specifically describe the violations and a proof of service shall also be recorded with the Notice and Order.

- B. Whenever the corrections ordered have been completed, the Director shall file a new certified statement with the County Recorder certifying that all required corrections have been made so that the property and/or structure is no longer in violation of this Code.

**Chapter 17.132      Reserved**

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