Public Outreach

January 31st: Release of Revised Draft NZO

February 4th – 9th: NZO Open Houses
  - More Open Houses to be scheduled, if needed

February 25th – April 18th: PC Workshops

May 7th: Joint Planning Commission / City Council Workshop

Mid-year → end of 2019: NZO Adoption Packet Prep & Hearings
Agenda

Staff Overview, Questions, and Comments by Topic:

- Review Authorities
- Design Review Board
- Public Notification, Required Findings, and Appeals
- Nonconforming Uses, Structures, Lots, and Change of Use
- Permit Types
Review Authorities
# Review Authorities

<table>
<thead>
<tr>
<th>Administrative and Legislative Action</th>
<th>Director</th>
<th>Administrative Hearing Officer&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Zoning Administrator</th>
<th>Planning Commission</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Code Amendment</td>
<td></td>
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<td></td>
<td>Recommend</td>
<td>Decision</td>
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<tr>
<td>General Plan Amendment</td>
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<td>Recommend</td>
<td>Decision</td>
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<tr>
<td>Reasonable Accommodation</td>
<td></td>
<td>See Chapter 17.63, Reasonable Accommodations for Persons with Disabilities</td>
<td></td>
<td>Recommend</td>
<td>Decision</td>
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<tr>
<td>Specific Plans and Amendment</td>
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<td>Recommend</td>
<td>Decision</td>
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<tr>
<td>Subdivision</td>
<td></td>
<td>See Title 16, Subdivisions</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Zoning Code Interpretation</td>
<td>Decision</td>
<td></td>
<td></td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
</tbody>
</table>

<sup>1</sup> Potential new appeal path to Administrative Hearing Officer with no further appeals to Planning Commission or City Council.
# Review Authorities

<table>
<thead>
<tr>
<th>Planning Permit or Action</th>
<th>Director</th>
<th>Administrative Hearing Officer&lt;sup&gt;1&lt;/sup&gt;</th>
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</tr>
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<tbody>
<tr>
<td>Coastal Development Permit</td>
<td>Decision</td>
<td>Appeal&lt;sup&gt;1&lt;/sup&gt;</td>
<td></td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Coastal Development Permit (within Appeals Jurisdiction)</td>
<td>Decision&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Decision</td>
<td></td>
<td>Appeal&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Appeal</td>
</tr>
<tr>
<td>Design Review</td>
<td>See Chapter 17.58, Design Review</td>
<td></td>
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<tr>
<td>Development Plan</td>
<td>See Chapter 17.59, Development Plans</td>
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<tr>
<td>Emergency Permit</td>
<td>Decision</td>
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<tr>
<td>Land Use Permit</td>
<td>Decision</td>
<td>Appeal&lt;sup&gt;1&lt;/sup&gt;</td>
<td></td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Major Conditional Use Permit</td>
<td>Decision</td>
<td></td>
<td></td>
<td>Decision</td>
<td>Appeal</td>
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<tr>
<td>Minor Conditional Use Permit</td>
<td></td>
<td>Decision</td>
<td></td>
<td></td>
<td>Appeal</td>
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<tr>
<td>Modification</td>
<td></td>
<td>Decision</td>
<td></td>
<td></td>
<td>Appeal</td>
</tr>
<tr>
<td>Minor Change or Amendment</td>
<td>Decision</td>
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<tr>
<td>Substantial Conformity Determination</td>
<td>Decision</td>
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<tr>
<td>Temporary Use Permit</td>
<td>Decision</td>
<td>Appeal&lt;sup&gt;1&lt;/sup&gt;</td>
<td></td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Variance</td>
<td></td>
<td>Decision</td>
<td></td>
<td></td>
<td>Appeal</td>
</tr>
<tr>
<td>Zoning Clearances</td>
<td>Decision</td>
<td></td>
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</tbody>
</table>

1. Potential new appeal path to Administrative Hearing Officer with no further appeals to Planning Commission or City Council.
2. Coastal Development Permit with waived hearing moves Review Authority to Director and appeal body to the Planning Commission.
Review Authorities

Please consider the following:

1. NZO proposes to retain or reinstate many existing Discretionary Actions on projects.  
   Is this appropriate?
2. The Administrative Hearing Officer is currently discussed in the GMC and handles Administrative Citations.
3. Zoning Administrator to be added in Title 2 of GMC.
4. Are there any other Review Authority issues that need to be discussed?
Design Review Board
Design Review Board

Chapter 17.58, page V-30

- Responsible for conducting discretionary Design Review
- Ensure appropriateness of design and neighborhood compatibility
- Implements architectural and design guidelines
Design Review Board

Levels of Design Review

- Conceptual Review
- Preliminary Review
- Final Review

Required Findings
Design Review approval requires making all eleven findings.

- Neighborhood compatibility (i.e., size, bulk, scale, materials, layout, color, privacy, views, solar access, screened outdoor equipment);
- Minimized grading and adequate landscaping;
- Avoidance of protected resources; and
- Exterior lighting is appropriate and dark-sky compliant.
Design Review Board

**Action** vs. **Recommendation**

DRB conducts Design Review and make decisions on:

- Certain small projects, including:
  - Decks;
  - Fences, walls, and gateposts;
  - Additions to SFDs and duplexes; and
  - Patios or porches.

- New construction, grading or development, including signage;
- Changes in landscaping previously subject to DRB review;
- Any project where DRB review required by CC, PC, or the Director;
- Exterior changes to main structure resulting from an ADU; and
- Development otherwise considered “piecemeal,” if processed separately.
Design Review Board

Action vs. **Recommendation**

- DRB conducts Design Review and makes a recommendation on development requiring Discretionary Review by the ZA, PC, or CC

- Draft DRB findings would be formally made by the higher Review Authority

- When DRB acts as recommending body, they take no formal action that can be appealed; *Note*: this is NEW
NZO PERMIT PROCESS
(Ministerial Zoning Permit w/DRB review)

LEGEND
- Non-appealable Action
- Appealable Action
- Process Begins/Ends
- Project Stops: No Appeals
- Non-appealable Processing

Zoning Permit Application Submittal
  → Initial Review
  → Feedback Letter
  - Revisions Required
  - No Additional Info needed
  → Decision on Project
  - No Appeal of Denial
  - No Appeal of Approval
  - Decision Appealed
  → Issue Zoning Permit only after all Conditions met
  - Possible Return to DRB for Final Review
  → DRB Final Review w/CEQA
  → DRB Application Submittal
  → Conceptual Review
  - Revisions Required
  - No Additional Info needed
  → Applicant unwilling to make revisions
  → Preliminary Review
  - No Additional Revision needed
  - Revisions Required
  → Applicant unwilling to make revisions
  → Project Denied
  → No Appeal of Denial
  → Decision Appealed
  → CC de novo Hearing
  → No Appeal of Approval
  → Project Approved
  → Project Denied
Design Review Board

Please consider the following:

1. Are there additional or fewer types of projects that should be exempt from Design Review?
2. When is the appropriate point for an Appeal of a DRB action?
3. Is the distinction for DRB as both decision-maker and recommending body clear?
4. Does DRB crafting draft findings help the review process?
5. This process recognizes DRB action as a “Discretionary” action that requires CEQA.
6. Are there other DRB issues that need to be discussed?
Public Notification, Required Findings, and Appeals
Public Notification

§17.52.050, page V-9

MAILED NOTICE

ON-SITE POSTING

NEWSPAPER PUBLICATION

CITY WEBSITE AND EMAILED NOTICE
Required Findings

§17.52.070, page V-12

Action to Approve = All findings made affirmatively
Action to Deny = At least one finding made negatively

Four Common Findings

- Adequate infrastructure and services
- Compliant with applicable development standards
- Lot legality
- Compliant with CEQA

Additional Findings

- Specific to permit type
- Specific to type of use/development
# Appeals

§17.52.120, pages V-17 to V-19

## Filing an Appeal

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Design Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with a specific zoning requirement or development standard set forth within the NZO, the General Plan, or other applicable law.</td>
<td>A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with a specific design requirement set forth within the NZO or the General Plan.</td>
</tr>
</tbody>
</table>
Noticing, Findings, Appeals

Please consider the following:

1. Are there additional forms of public noticing to consider?
2. Are the required findings for approval/denial sufficient?
3. Should the City use the existing Administrative Hearing Officer to hear Appeals on stand-alone Ministerial Permits?
4. Are there any Director-level decisions on a permit that should be final and not subject to local Appeal?
5. Are there other issues within these three areas that need to be discussed?
Nonconforming Uses, Structures, and Lots, and Changes of Use
Nonconforming Uses, Structures

Chapter 17.36, page IV-66

The NZO includes the following:

• Nonconforming uses may continue to operate and potentially become conforming uses;

• Termination of a use as outlined in Ordinance No. 15-01;

• Specific regulations for both nonconforming uses and nonconforming structures; and

• Rights to continued repair and maintenance
Nonconforming Lots

§17.24.060 page IV-5 and §17.36.060, page IV-71

The NZO includes the following:

• Allows nonconforming lots may still be developed; and
• Protections for lots that became nonconforming because of a conveyance through eminent domain.
Changes of Uses

§17.55.020(A), page V-24

In the NZO, a “Change of Use” occurs when:

• The new use is within a different occupancy group under the California Building Code;
• The new use requires additional parking; or
• The new use requires new structures

A Land Use Permit is required for a Change of Use

• Allows DIFs to be collected
Nonconforming, Use Changes

Please consider the following:

1. Are the NZO requirements and allowances for nonconforming use, structures, and lots adequate?
2. For change of use, the City could do one of the following:
   • Keep the existing proposed Change of Use requirements,
   • Remove them altogether, or
   • Further refine when a Change of Use permit is required and what type of Zoning Permit must be approved/issued
3. Are there other issues within these areas that need to be discussed?
Permit Types
# New Permit Types in the NZO

<table>
<thead>
<tr>
<th>New Permit Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Clearance (ZC)</strong></td>
<td>A type of Zoning Permit required prior to development subject to Chapter 17.54 [Zoning Clearance], to ensure compliance with the provisions herein and all applicable standards and policies of the General Plan, which is neither noticed nor appealable.</td>
</tr>
<tr>
<td><strong>Temporary Use Permit (TUP)</strong></td>
<td>A type of Zoning Permit required prior to the use of real or private property in a manner that is subject to Chapter 17.56 [Temporary Use Permits] and intended to be conducted for a short period of time, or intermittently for short periods of time for a duration of not more than one year, not have unreasonable effects or negative impacts on adjacent properties, not interfere with traffic, circulation, or safety, and has adequate trash and dust controls.</td>
</tr>
</tbody>
</table>
## Retained Permits in the NZO

### Retained Permit Types

<table>
<thead>
<tr>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Sign Plan (OSP)</td>
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<tr>
<td>Time Extension (TEX)</td>
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<tr>
<td>Amendment (AMD)</td>
</tr>
<tr>
<td>Substantial Conformity Determination (SCD)</td>
</tr>
<tr>
<td>Land Use Permit (LUP)</td>
</tr>
<tr>
<td>Conditional Use Permit (CUP)</td>
</tr>
<tr>
<td>Development Plan (DP)</td>
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<tr>
<td>Variance (VAR)</td>
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<tr>
<td>Coastal Development Permit (CDP)</td>
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<tr>
<td>Coastal Development Permit/Public Hearing (CDH)</td>
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<tr>
<td>Modification (MOD)</td>
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<tr>
<td>Emergency Permit (EMP)</td>
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<td>Specific Plans (SP)</td>
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</tbody>
</table>
# Removed Permit in the NZO

## Removed Permit Types

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<thead>
<tr>
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<tbody>
<tr>
<td>Lot Line Adjustments (LLA)</td>
</tr>
<tr>
<td>Parcel Maps (TPM)</td>
</tr>
<tr>
<td>Sign Certificate of Conformance (SCC)</td>
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<tr>
<td>Oil Drilling and Production Plans</td>
</tr>
<tr>
<td>Reclamation of Surface Mining Permits</td>
</tr>
</tbody>
</table>
Permits

Please consider the following:

1. Should the NZO add, add back in, or remove any other types of permits?
2. Should the NZO consider changes to the permit triggers?
   • More strict provisions, or
   • More lenient allowances?
3. Are there other issues within these areas that need to be discussed?
Next Steps
Workshop Schedule

Workshop 3: Tuesday, March 12, 2019, 6:00 pm
Topic: Permit Procedures Part II

Workshop 4: Thursday, March 21, 2019, 6:00 pm
Topic: Open Space, Height, Floor Area, Fences and Hedges, Outdoor Storage, and ESHA

Workshop 5: Monday, April 8, 2019, 6:00 pm
Topic: RV Parking, Parking Reductions, Signs, and Lighting

Workshop 6: Thursday, April 11, 2019, 6:00 pm
Topic: Housing, Community Assembly, Mobile Vendors, Accessory Uses, and Energy

Workshop 7: Thursday, April 18, 2019, 6:00 pm
Topic: Remaining Issues and General Feedback