

Exhibit J: Proposed Amended Article 21

(Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated)

Article 21 Zoning Permits Required; Environmental Review; Fees and Deposits

Sections:

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5-2100 Purpose and Applicability

To ensure that each new or expanded use of a site and each new or expanded structure complies with this ordinance, a zoning permit shall be required prior to issuance of a building permit, grading permit, sign permit, certificate of occupancy, business license, or utility service connection or commencement of a use or activity regulated by this Code. (Ord. 2001-015 § 1)

5-2102 General Application for Zoning Permit

Application for a zoning permit shall be filed with the Zoning Enforcement Official on a form provided and shall include a statement that the applicant is the property owner or authorized agent. The Zoning Enforcement Official may require such information as is reasonably necessary to describe the proposed use, building, or activity, including grading, or other alteration of property. The Zoning Enforcement Official shall adopt administrative procedures for the reasonable processing of zoning permits and other zoning actions. (Ord. 2001-015 § 1)

5-2104 Authority of Zoning Enforcement Official

The Zoning Enforcement Official shall issue approve or conditionally approve a zoning permit upon determining that the use, structure, or activity complies with this Code and that environmental review and documentation, if any, required by the California Environmental Quality Act (CEQA) is complete.

A. Supplemental Notice. For zoning permits under uses listed as “Administrative Review”, that the Zoning Enforcement Officials determines may have a significant impact on adjacent uses or may generate significant public concerns, notices may be mailed to all owners of real property adjacent to the subject site a minimum of ten (10) days prior to the administrative decision.

B. Conditions of Approval. In approving an Administrative Review, the Zoning Enforcement Official may impose reasonable conditions necessary to:

1. Achieve the general purposes of this Chapter and the specific purposes of the zoning district in which the use will be located, or to be consistent with the General Plan;

2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the use in a manner compatible with existing uses on adjoining properties and in the surrounding area.

~~C.A—Referral to Site Development Sub-Commission~~ **Board of Zoning Adjustments.** For any use requiring “Administrative Review” under the base R, C, or I District’s use regulations, the Zoning Enforcement Official may defer action on the issuance of a zoning permit to the ~~Site Development Sub-Commission~~ **Board of Zoning Adjustments.**

~~B. Referral to the Redevelopment Agency. For projects within a designated redevelopment area, the Zoning Enforcement Official shall refer the application to the Redevelopment Agency for review and comment prior to issuance of the zoning permit. The Redevelopment Agency or its designee shall provide written comments on zoning permit applications within ten (10) working days of receipt. No zoning permit shall be issued unless the permitted use, building, or activity is in conformance with any applicable adopted redevelopment plan. (Ord. 2001-015 § 1)~~

5-2106 Uses Not Listed

A. **Uses Defined in Article 3.** Definitions describe one (1) or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Zoning Enforcement Official shall determine whether a specific use shall be deemed to be within one (1) or more use classifications or not within any classification in this Code. The Zoning Enforcement Official may determine that a specific use shall not be deemed to be within a classification if its characteristics are substantially incompatible with those typical of uses named within the classification. The Zoning Enforcement Official’s decision may be appealed to the ~~Planning Commission~~ **Board of Zoning Adjustments**, pursuant to Article 28: Appeals.

- B. Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a zoning code text amendment, as provided in Article 27. (Ord. 2001-015 § 1)

5-2108 Effective Date; Lapse of Permit; Appeals

A zoning permit shall become effective on issuance and shall continue in effect unless and until the activity for which the permit is granted is conducted or maintained in violation of this Code or of conditions placed on the permit or this Code is amended so as to render the zoning permit ineffective. **An Applicants or interested party** may appeal the Zoning Enforcement Official's ~~or Site Development Sub-Commission's~~ denial of a Zoning Permit to the Board of Zoning Adjustments, pursuant to the requirements of Article 28. (Ord. 2001-015 § 1)

5-2110 Development Plans

Any changes to development plans following issuance of a zoning permit, but prior to issuance of a building permit, shall require a new zoning permit if the changes substantially affect compliance with this ordinance. The Zoning Enforcement Official may waive the requirement for a new zoning permit if the changes to approved plans are minor, do not involve substantial alterations or additions to the plans, and are consistent with the intent of the original approval and the purposes of the Zoning Code. (Ord. 2001-015 § 1)

5-2112 Environmental Review

- A. A project regulated by this Code that is not ministerial or categorically exempt from the California Environmental Quality Act (CEQA) and is the subject of an application for a discretionary approval, including, but not limited to, a zoning map amendment, use permit, variance, PD Plan, Neighborhood Conservation Plan, or Landmark Conservation District Plan, shall be subject to environmental review and shall be the subject of an Initial Study and a Negative Declaration or an Environmental Impact Report (EIR).
- B. Duties of Responsible Agencies. Individuals and bodies other than the lead agency shall have the powers and responsibilities assigned to responsible agencies by CEQA and CEQA Guidelines. (Ord. 2001-015 § 1)

5-2114 Fees and Deposits

All persons submitting applications for zoning permits of any type or zoning map amendments, as required by this Code, or filing appeals shall pay all fees and/or deposits as provided by City Council resolution or resolutions establishing applicable fees and charges. Said resolution or resolutions are hereby incorporated by reference as though fully set forth herein. (Ord. 2001-015 § 1)

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