

TABLE 3-16 - ALLOWED USES AND PERMIT REQUIREMENTS FOR WGSP ZONING DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY ZONE				Specific Use Standards
	WGSP	WGSP	WGSP	WGSP	
	-1A-	-1B-	-1C-	-2-	

OFFICE, PROFESSIONAL & BUSINESS SUPPORT USES

Automated teller machines (ATM)	—	—	P	—	17.50.060
Banks and financial services	—	—	P (3)	—	
with walk-up services	—	—	P (3)	—	17.50.060
Business support services	—	—	P (3)	—	
Offices - Administrative business professional	P	C (4)	P (3)	C	
Offices - Accessory	P	—	P (3)	—	
Offices - Governmental	P	P (4)	P (3)	C	
Research and development - Offices	P	C	P (3)	C	17.50.240

RETAIL SALES

Alcohol sales - Beer and wine	—	—	C	—	17.50.040
Alcohol sales - Full alcohol sales	—	—	C	—	17.50.040
Food sales	—	—	P (3) (5)	—	
Personal property sales	P	P	P	P	17.50.190
Restaurants	—	—	P (3)	—	17.50.260
with live entertainment	—	—	P (3)	—	
Restaurants, fast food	—	—	P (3)	—	17.50.260
Restaurants, formula fast food	—	—	P (3)	—	17.50.260
<u>Restaurants with limited live entertainment</u>	—	—	<u>P (3)</u>	—	
<u>Restaurants with take-out window</u>	—	—	<u>C</u>	—	<u>17.50.260</u>
Temporary uses	TUP	TUP	TUP	TUP	
Vehicle services - Sales and leasing	—	—	C (3) (6)	—	17.50.360

Notes:

- (1) See Section 17.80.020 for definitions of the listed land uses.
- (2) The maximum area (either interior or exterior) in which support services are offered or located shall not exceed 150 sq. ft.
- (3) Conditional Use Permit approval is required for a nonresidential project or nonresidential portion of a mixed-use project that exceeds 25,000 sq. ft. of gross floor area; except for a project with an approved master development plan, tenant improvements, and a project that is on the approved capital improvement budget.
- (4) Use shall not be located more than 120 feet from the Green Street property line.
- (5) Food sales are limited to the block bounded by Colorado Boulevard, St. John, Green Street, and Terrace Drive.
- (6) Vehicle services - sales and leasing is allowed with Conditional Use Permit approval only in the portion of this subdistrict north of Colorado Boulevard. Vehicle services - vehicle/equipment repair is permitted only when accessory to vehicle/equipment sales and leasing.
- (7) Lodging uses are not allowed south of Colorado Boulevard and east of Terrace Drive.

TABLE 3-17 - WEST GATEWAY SPECIFIC PLAN DEVELOPMENT STANDARDS

Development feature	Requirement by Zoning District			
	WGSP-1A	WGSP-1B	WGSP-1C	WGSP-2

1. RESIDENTIAL PROJECT DEVELOPMENT STANDARDS

Applicability to residential projects	<i>Determines whether a residential project shall comply with the Residential Project Development Standards and Standards for All Projects in this Table, or instead are subject to the standards of a specified zoning district.</i>			
Applicable standards	This Table	RM – 16-1 (17.22.060)	<u>17.50.330</u> <u>17.50.350</u>	RS-6 (17.22.040)
Residential density	<i>Maximum number of dwelling units allowed on a single site. See Section 17.50.040.A 17.36.060.A for allocation of density. See Chapter 17.42 for density bonus provisions.</i>			
Maximum density	48 units/acre	14 units/acre	48 units/acre	6 units/acre
Minimum lot area per unit for a multi-family project	910 sq.ft.	3,000 sq.ft.	910 sq.ft.	N.A.
With density bonus	<u>See 17.42</u> <u>See 17.43</u>	<u>See 17.42</u> <u>See 17.43</u>	<u>See 17.42</u> <u>See 17.43</u>	<u>See 17.42</u> <u>See 17.43</u>

2. NONRESIDENTIAL PROJECT DEVELOPMENT STANDARDS

Height limit	<i>Determines whether a nonresidential project shall comply with the Standards for All Projects in this Table, or instead are subject to the standards of a specified zoning district. In the event of any conflict between the applicability requirements of this Subsection and the Standards for All Projects in Subsection 3., the standards in Subsection 3. control.</i>			
Applicable standards	CO (17.24.040)	Determined by CUP	CL (17.24.040)	Determined by CUP

(The remainder of this table remains unchanged)

TABLE 4-1 - ALLOWED PROJECTIONS INTO SETBACKS

Projecting Feature	Allowed Projection into Setback
Additions to multi-family buildings with 3 or more units built before February 14, 1989	May project into a required side yard which is nonconforming as long as addition maintains existing setback and is no closer than 4 feet to a property line.
Balconies (1)	Maximum depth of 10 feet into the front yard.
Bay window Bay window (1)	24 inches into a required front, rear or corner side yard setback for a linear distance not to exceed 10 ft for any one bay, nor a total of 15 ft for all bays into each setback. No greater than 3 feet deep and 10 feet long and no higher than one story may project into the front yard. A bay window must be a minimum of 3 feet above finished grade. The maximum frequency of such bays is one bay per 15 feet of lot width measured at the front property line.
Eave/roof overhang	36 inches
Fireplace or chimney (2)	24 in. for a maximum length of 10 ft along the wall from which it projects.
Fireplace or chimney (1)	3 feet into a required yard.
First story addition to main structure (2)	May project into a required side setback that is nonconforming as to side setback requirements; provided, that: 1. The addition maintains the existing setback of the structure to which it relates 2. The existing distance between the main structure and the side property line is a minimum of four ft; and 3. The addition does not project into a required side setback encroachment plane.
Freestanding trellis (2)	May be located in a front or corner side yard setback; provided, that the trellis: 1. Does not occupy more than 5% of the required setback area; 2. Is nine ft or less in height; 3. Is at least 50% open on top and all sides; 4. Complies with Municipal Code Chapter 12.12 relating to the obstruction of views at intersections; and 5. Is not located over a driveway.
Uncovered steps, or landings, not more than 36 in. in height (3); <u>may project into a side yard as long as not more than 35 in. in height and there is no guard railing.</u>	36 inches in width, for a maximum length of 10 ft.
Unenclosed front porch (3)	May project into a required front setback as follows: 1. The maximum projection into the front setback shall be 10 ft, but shall be no closer than 15 ft to the front property line; 2. The width of the porch shall not exceed the width of the main structure; 3. The porch shall not exceed one story and a maximum plate height of 12 feet; and 4. The porch shall not be enclosed.

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Unenclosed front porch (1)	May project into a required front setback as follows: 1. The maximum projection into the front setback shall be 10 ft; 2. The porch shall not exceed one story 3. The porch shall not be enclosed.
<u>Concrete walkway or deck (2)</u>	<u>May project into a rear or side yard as long as not more than 6 inches in height.</u>

Notes:

- (1) Applies to projects subject to the City of Gardens standards of 17.22.060.
- (2) Applies only to projects subject to the RS or RM-12 development standards.
- (3) This limitation only affects the ~~front~~ front, ~~and~~ corner side, and rear yard setbacks.

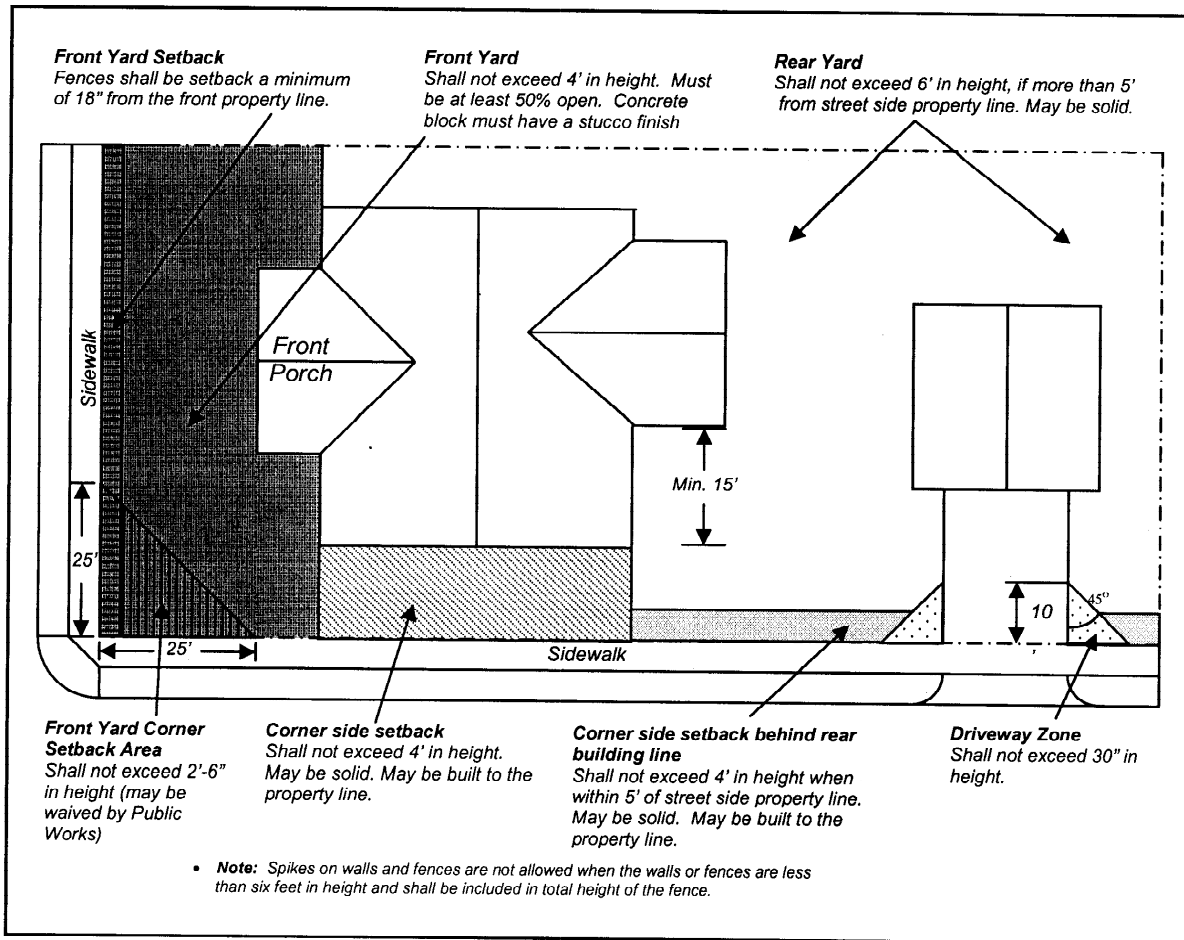


Figure 4-11 – Fence Height Limits in the RS and RM-12 Zoning Districts

B. Signs allowed in the CO zoning district.

TABLE 4-19 - CO ZONING DISTRICT SIGN STANDARDS

Sign Class	Allowed Sign Types	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
1. Business identification: Primary building frontage	Wall or monument	One per property frontage ⁽¹⁾	1 sq. ft. per foot of building frontage	Below edge of roof: 5 ft. monument		Yes	
2. Business identification: Secondary building frontage	Wall or monument	One per property frontage ⁽¹⁾	1 sq. ft. per foot of building frontage	Below edge of roof: 5 ft. monument		Yes	
3. Building or project identification: multi-tenant sites	Wall or monument	One per property frontage ⁽¹⁾	1 sq. ft. per foot of building frontage	20 ft. or bottom of second story windows: 5 ft. for monument		Yes	
4. Tenant directory: multi-tenant buildings	Wall	One per property frontage ⁽¹⁾	1 sq. ft. per foot of building frontage. 8 sq. ft. max per sign			Yes	
5. Single-family and Multi-family uses shall use the sign standards for RS and RM Districts of Subsection A., above.							

⁽¹⁾ A sign on an awning valance shall be exempt from the maximum number requirements if the sign meets the requirements of 17.48.110.A.

C. Signs allowed in the CD zoning district.

TABLE 4-20 - CD ZONING DISTRICT SIGN STANDARDS

Sign Class	Allowed Sign Types	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
1. Business identification:	Wall, projecting, window and awning	Wall, projecting, and awning signs, in any combination of 2 signs max. per ground floor occupancy ⁽⁴⁾ One sign per basement occupancy ⁽¹⁾⁽³⁾ . Second story, window, or awning signs-only ⁽³⁾ only ⁽²⁾⁽³⁾	1.5 sq. ft. of sign per foot of building frontage total for any combination of wall and/or projecting signs. 20 sq. ft. max for projecting signs. Window signs, 25% max of each window area.	25 ft. or bottom of lowest second story window whichever is lower.	17.48.110.A, B and G	Yes	See 17.48.100 for sign standards by sign type
2. Business identification:	Monument	One sign for each 200 feet of property frontage.	0.5 sq. ft. of sign area per foot property frontage, 40 sq. ft. max	8 ft.	17.48.110.C	Yes	See 17.48.110 for sign standards by sign type
3. Business Building identification:	Wall	One per wall plane. 4 signs max	1 sq. ft. of sign area per foot of property frontage at sign location. 100 sq. ft. max per sign.	Below edge of roof		Yes	Limited to buildings greater than 75 feet in height. Not allowed in CD-1
4. Business directory: multi-tenant buildings	Wall	One per frontage	8 sq. ft.			Yes	See 17.48.110.L
5. Single-family and Multi-family uses shall use the sign standards for RS and RM Districts of Subsection A, above.							

(1) The aggregate total of business identification signs is two. Business identification signs include wall, projecting, and awning signs. All other signs (i.e., building identification, window, directory, and temporary signs) are not included in this restriction.

(2) Wall signs shall be allowed for second-story occupancies with exterior entrances.

(3) A sign on an awning valance shall be exempt from the maximum number requirements if the sign meets the requirements of 17.48.110.A.

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D. Signs allowed in the CL, CG, IG zoning district.

TABLE 4-21 - CL, CG, AND IG ZONING DISTRICT SIGN STANDARDS

Sign Class	Allowed Sign Types	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
1. Business identification:	Wall, projecting, window and awning	Wall, projecting, and awning signs, in any combination of 2 signs max. per ground floor occupancy per frontage ⁽¹⁾ . Second story window, or awning signs only ⁽²⁾ only. ⁽²⁾⁽³⁾	1.5 sq. ft. of sign area per foot of building frontage total for any combination of wall and/or projecting signs. 20 sq. ft. max for projecting signs. Window signs, 25% max of each window area.	25 ft. or bottom of lowest second story window, whichever is lower.	17.48.110	Yes	See 17.48.100 for sign standards by sign type
2. Business identification:	Freestanding (pylon and monument)	One sign for each 250 feet of property frontage.	1.0 sq. ft. of sign area per linear foot of property frontage, 150 sq. ft. max per sign.	If lot width is less than 100 ft. max sign height = 8 ft. 101 ft. to 200 ft. = 15 ft. max height Over 200 ft.=20 ft. max height.	17.48.110	Yes	See 17.48.110 for sign standards by sign type
3. Business Building identification:	Wall	One per wall plane 4 signs max.	1.5 sq. ft. of sign area per foot of building frontage at sign location.	Below edge of roof.		Yes	Limited to buildings greater than 75 feet in height.
4. Business directory: multi-tenant buildings	Wall	One per property frontage	8 sq. ft.	6 ft.		Yes	
5. Single-family and Multi-family uses shall use the sign standards for RS and RM Districts of Subsection A, above.							

⁽¹⁾ The aggregate total of business identification signs is two. Business identification signs include wall, projecting, and awning signs. All other signs (i.e., building identification, window, directory, and temporary signs) are not included in this restriction.

⁽²⁾ Wall signs shall be allowed for second-story occupancies with exterior entrances.

⁽³⁾ A sign on an awning valance shall be exempt from the maximum number requirements if the sign meets the requirements of 17.48.110.A.

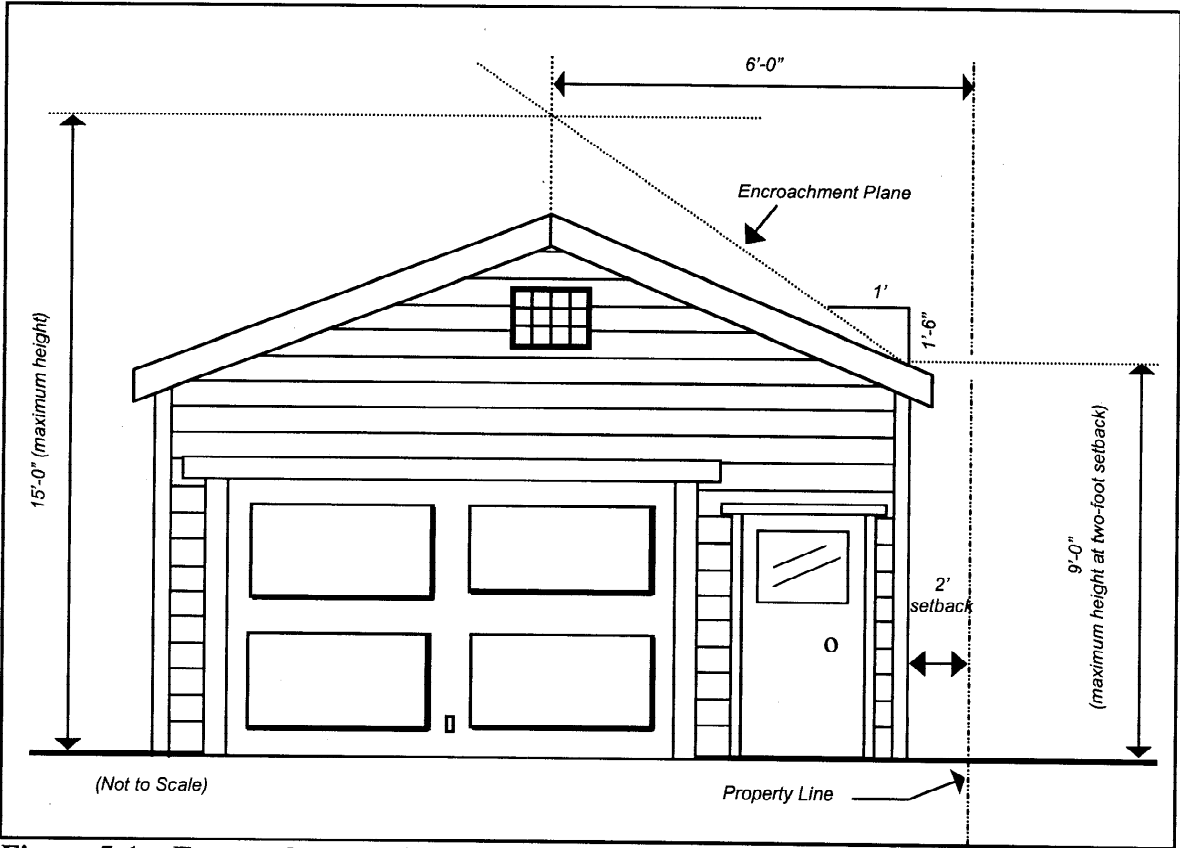


Figure 5-1 – Encroachment Plane and Setbacks for Accessory Structures

TABLE 6-1 - REVIEW AUTHORITY

Type of Decision	Role of Review Authority (1)				
	See Section	Director/Zoning Administrator/Hearing Officer	DC (2)	BZA/Planning Commission (2)	City Council

Administrative and Amendments

General Plan amendments	17.74			Recommend	Decision
Interpretations	17.02	Decision (3)		(BZA) Appeal	CFR
Master Plans	17.61.050			Recommend	Decision
Planned Developments	17.61.110			Recommend	Decision
Specific Plans	17.68			Recommend	Decision
Zoning Code amendments	17.74			Recommend	Decision
Zoning Map amendments	17.74			Recommend	Decision

Land Use Permits and other Development Approvals

Adjustment Permits	17.61.070			Recommend	Decision
Certificate of Appropriateness	17.62.090	Decision (4)			Appeal/CFR
<u>Central District – Floor Area Increase</u>	<u>17.30.050</u>			<u>Decision</u>	<u>Appeal/CFR</u>
<u>Central District – Height Averaging</u>	<u>17.30.050</u>		<u>Decision</u>		<u>Appeal/CFR</u>
Code Compliance Certificates	17.61.020	Issued by Director			
Conditional Use Permits	17.61.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (6) (5)
Creative Sign Permits	17.48.070	Decision	Appeal		Appeal/CFR
Design Review – City Sponsored Projects	17.61.030	Recommend	Recommend		Decision
<u>Density Bonus – Concessions and other Incentives</u>	<u>17.43.050</u>	<u>(HO) Decision</u>		<u>(BZA) Appeal</u>	<u>Appeal/CFR (5)</u>
<u>Density Bonus – Waiver of Development Standards</u>	<u>17.43.060</u>	<u>(HO) Decision</u>		<u>(BZA) Appeal</u>	<u>Appeal/CFR (5)</u>
Design Review – Non-City Sponsored Projects (See Tables 6-2 & 6-3)	17.61.030	Decision	Decision/ Appeal		Appeal/CFR

Type of Decision	Role of Review Authority (1)				
	See Section	Director/Zoning Administrator/Hearing Officer	DC (2)	BZA/Planning Commission (2)	City Council

Land Use Permits and other Development Approvals (Continued)

Development Agreements	17.66			Recommend	Decision
Expressive Use Permits	17.61.060	(HO) Decision (3)			Appeal/CFR
Long-term Film Permits	17.61.090	(HO) Decision		(BZA) Appeal	Appeal/CFR
Hillside Development Permit	17.29.010	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (6) (5)
Lot Line Adjustments	Title 16	Advisory Agency (HO) Decisions		(BZA) Appeal	Appeal
Master Sign Plans	17.48.060	Decision	Appeal		Appeal/CFR
Minor Conditional Use Permits	17.61.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (6) (5)
Minor Variances	17.61.080	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (6) (5)
Modifications for Persons with Disabilities	17.61.080	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (6) (5)
Sign Exceptions	17.48.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (6) (5)
Tentative Tract and Parcel Maps (Including Vesting Maps)	Title 16	Advisory Agency (HO) Decision		(BZA) Appeal	Appeal/CFR
Temporary Use Permits	17.61.040	(ZA) Decision (3)		(BZA) Appeal	CFR
Variances	17.61.080	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (6) (5)

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.72 (Appeals); and "CFR" means Call for Review, in compliance with Chapter 17.72 (Appeals).
- (2) "DC" means the Design Commission and "BZA" means Board of Zoning Appeals.
- (3) The Hearing Officer may defer action on permit applications and refer the items to the Board of Zoning Appeals (BZA) for the final decision.
- (4) The Director's decision to issue a Certificate of Appropriateness may first be appealed to the Historic Preservation Commission (HPC) and then to the Council.
- ~~(5) The City's Film Liaison is the applicable review authority for short term Film Permits and Film Conditional Use Permits, in compliance with Section 17.61.090.~~
- ~~(6) May be only appealed to the City Council if the decision includes certification of an EIR or approval of a Negative Declaration or Mitigated Negative Declaration.~~
- (5) Any CEQA document or decision may be appealed to the Council.

**TABLE 6-3 - THRESHOLDS FOR DESIGN REVIEW
OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS**

Project Type	Review Authority
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1. New Construction	
A. Major Corridors.	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
B. Areas with Specific Plans.	
East Colorado, East Pasadena, Fair Oaks-Orange Grove, North Lake Specific Plan (outside Lake-Washington sub-area), and So. Fair Oaks.	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
West Gateway & North Lake Specific Plan (Lake-Washington sub-area only).	
Structures up to and including 25,000 sq. ft.*	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
C. City of Gardens Standards and Senior Housing in PS District.	
Nine or fewer dwelling units.	Director
Ten or more dwelling units.	Design Commission
Ten or more dwelling units (All projects in a designated landmark or historic district outside of the Central District).	Historic Preservation Commission
D. Elsewhere – Citywide.	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission

2. Existing Structures: Major Rehabilitation and Substantial Alterations	
A. Major Corridors.	
Structures up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.*	Design Commission

*Sq. ft. means total amount of gross floor area expressed in square feet.

(The remainder of this table remains unchanged.)

**TABLE 6-5
REVIEW AUTHORITIES - POWERS AND DUTIES**

Review Authority	Powers and Duties
Director	<p>Approve/disapprove <u>applications for Certificates of Appropriateness</u> for minor projects affecting designated historic resources and approve/delay major projects (except demolition) and minor projects affecting historic resources eligible for designation; approve/disapprove applications for relief from the replacement Building Permit requirement of insignificant buildings. <u>Conduct preliminary reviews of applications for designation of a historic monument, landmark, landmark tree, or historic sign.</u> <u>Determine if a property is contributing or non-contributing to a designated historic or landmark district or to a district eligible for designation.</u></p>
Historic Preservation Commission	<p><u>Review applications for designations of monuments, landmarks, historic signs, and landmark trees and either forward a recommendation to the Council to approve the applications or deny the applications.</u> Recommend to Council designations of landmarks and historic monuments. Recommend to the Planning Commission and Council designations of landmark districts. <u>Review applications for designations of landmark districts and either forward a recommendation of approval to the Commission and Council or deny the applications.</u> Outside of the CD zoning district, approve/disapprove applications for <u>Certificates of Appropriateness alteration, demolition, relocation, and new construction</u> for major projects affecting designated historic resources and demolition <u>projects</u> affecting historic resources eligible for designation. Forward recommendations to the Design Commission/Council on proposals for major projects involving alteration, demolition, and relocation of <u>affecting</u> designated, City-owned historic resources. Review appeals of decisions of the Director. Approve/disapprove applications for relief from the replacement Building Permit requirement for designated and eligible historic resources, outside the CD zoning district. <u>Act as decision-making body on applications for an economic hardship variance outside the CD zoning district. Approve requests to exceed allowable height for accessory structures in compliance with Section 17.52.250.</u> Review appeals of penalties for demolition without required approvals.</p>
Design Commission	<p>In the CD zoning district, approve/disapprove <u>Design Review</u> applications for major projects affecting designated historic resources and approve/disapprove relief from the replacement Building Permit requirement for designated and eligible historic resources. <u>Act as decision-making body on applications for an economic hardship variance in the CD zoning district.</u> Recommend Forward recommendations <u>to Council on proposals for alteration, demolition, and relocation</u> major projects that affect City-owned historic resources <u>in the CD zoning District.</u></p>
Planning Commission	<p>Recommend to Council approval/disapproval of landmark district zoning map overlays.</p>
Council	<p>Approve/disapprove designations of landmarks, historic monuments, <u>historic signs, landmark trees,</u> and landmark districts. Call for review/appeals of decision of the Director, and Historic Preservation Commission, <u>and Design Commission.</u></p>

CHAPTER 17.72 - APPEALS

Sections:

- 17.72.010 - Purpose of Chapter
- 17.72.020 - Review Authority
- 17.72.030 - Eligibility
- 17.72.040 - Scope of Appeals
- 17.72.050 - Appeal Application Filing
- 17.72.060 - Calls for Review
- 17.72.070 - Processing and Action on Appeals or Calls for Review

17.72.010 - Purpose of Chapter

This Chapter establishes procedures for the initiation of appeals and Calls for Review of a decision rendered by the Director, Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Board of Zoning Appeals, Design Commission, Historic Preservation Commission, Advisory Agency (as defined in Section 16.08.020), and Commission.

17.72.020 - Review Authority

- A. **Board of Zoning Appeals.** The Board of Zoning Appeals shall serve as the review authority for decisions of the Director, Zoning Administrator, Hearing Officer, Film Liaison, Advisory Agency, and Environmental Administrator.
- B. **Historic Preservation Commission.** The Historic Preservation Commission shall serve as the review authority for decisions of the Director that are appealable in compliance with Chapter 17.62 (Historic Preservation).
- C. **Design Commission.** The Design Commission shall serve as the review authority for decisions of the Director regarding design review matters and decisions in compliance with Chapter 17.62.
- D. **Council.** The Council shall serve as the review authority for decisions of the Design Commission, Commission, Historic Preservation Commission, and the Board of Zoning Appeals.

17.72.030 - Eligibility

An appeal may be filed by any person affected by a determination, decision, or action rendered by the Director, Zoning Administrator, Hearing Officer, Board of Zoning Appeals, Environmental Administrator, Design Commission, Historic Preservation Commission, Advisory Agency or Commission.

17.72.040 - Scope of Appeals

Determinations, decisions, and actions that may be appealed and the authority to act upon an appeals shall be as follows.

EXHIBIT – 27

- A. Determinations.** The following determinations of the Director, Zoning Administrator, Hearing Officer, Film Liaison, and Environmental Administrator may be appealed to the Board of Zoning Appeals:
1. Interpretations of the meaning and determinations on the applicability of the provisions of this Zoning Code that are believed to be in error;
 2. A determination that a permit application or information submitted with the application is incomplete, in compliance with State law (Government Code Section 65943); and
 3. An enforcement action in compliance with Chapter 17.78 (Enforcement).
- B. Permit/entitlement and hearing decisions.** Decisions and actions by the Director, Zoning Administrator, Hearing Officer, Film Liaison, Advisory Agency, and Environmental Administrator may be appealed to the Board of Zoning Appeals.
- C. Director decisions.** Decisions by the Director, in compliance with Chapter 17.62 (Historic Preservation), may be appealed to the Historic Preservation Commission (or to the Design Commission as specified in Section 17.62.030). Decisions by the Director, in compliance with Section 17.61.030, may be appealed to the Design Commission.
- D. Commission, Design Commission and Historic Preservation Commission decisions.** Decisions by the Commission, Design Commission and the Historic Preservation Commission may be appealed to the Council.
- E. Appeal of CEQA decisions.**
1. **Appeal of CEQA decisions to the Council.** When any CEQA document or decision is certified or approved (certification of EIR, approval of Negative Declaration or Mitigated Negative Declaration) by the Board of Zoning Appeals or the Commission, it may be appealed to the Council.
 - ~~2. **Categorically exempt projects not appealable.** Projects that are categorically exempt under CEQA would not be appealable to the Council and the Board of Zoning Appeals shall be final decisionmaker.~~
 - 23. Appeal shall include the entire decision.** Recognizing that it is difficult to separate the decision on the environmental document from the project itself, the appeal to the Council shall include the entire decision. For example, if, after CEQA document certification or approval, the Board of Zoning Appeals approves a land use permit, the appeal shall include both the CEQA document certification or approval and the accompanying land use permit. Such an appeal shall be reviewed in a *de novo* hearing.
- F. Subdivision Map Act decisions.** All decisions made by the Advisory Agency pursuant to the Subdivision Map Act, and appealed to the Board of Zoning Appeals, have a final right of appeal to the City Council.

17.72.050 - Appeal Application Filing and Processing

A. Timing and form of appeal.

- 1. Application submittal.** An appeal application shall be submitted:
 - a. Before the effective date established by Section 17.64.020 (Effective Dates) of the decision being appealed;
 - b. While City offices are open and before the end of the final day of the appeal period (or the following workday if the appeal period ends on a day when the City Hall is closed); and
 - c. In person only. No mailed appeal applications will be accepted.
 - 2. Filed in writing.** An appeal shall be filed in writing with the Secretary or Clerk of the applicable review authority.
 - 3. The appeal application shall:**
 - a. Specifically state the pertinent facts of the case and the reason(s) for the appeal;
 - b. Be accompanied by the information identified in the Department handout for appeal applications; and
 - c. Be accompanied by the filing fee established by the Council's Fee Resolution.
 - ~~**4. Consideration of submitted application, plans, and materials.**~~
 - ~~a. At the hearing, the review authority shall consider the same application, plans, and materials submitted by the applicant for the original decision.~~
 - ~~b. If the applicant submits new plans and materials that differ substantially, as determined by the Zoning Administrator, from the materials submitted for the original decision, the hearing shall be terminated and the applicant shall file a new application.~~
 - ~~c. Changes to the original submittal to address objections of the review authority need not be the subject of a new application.~~
 - ~~d. Revised materials shall be submitted at least 14 days before the public hearing on the appeal application. However, the Zoning Administrator may choose to accept minor revised materials after that time, upon determining that there is sufficient time to review the materials before the hearing date. In addition, the review authority may continue an appeal application until the next available meeting date in order to adequately evaluate the revised materials.~~
- B. Effect of appeal.** The filing of an appeal shall stay the effective date of a decision until the review authority can make a decision on the appeal request.
- C. Withdrawal of appeal.** If an appeal is withdrawn after filing, the remaining days of the appeal period (e.g., 10 days) shall start from the date on which the appeal is withdrawn.

EXHIBIT – 27

D. Joining an appeal.

1. Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal.
2. Any person who wishes to join an appeal shall follow the same procedures as the appellant.
3. A person(s) shall not be allowed to join an appeal after the end of the specified appeal period.

~~E. Action on appeals.~~

- ~~1. **Notice and public hearing.** An appeal hearing shall be a public hearing if the original decision required a public hearing. Notice of the public hearing shall be the same as the original decision, in compliance with Chapter 17.76 (Public Hearings).~~
- ~~2. **Scope of review and decision.** When reviewing an appeal, the review authority may:~~
 - ~~a. Consider any issues associated with the decision being appealed, in addition to the specific grounds for the appeal;~~
 - ~~b. Reverse, modify, or affirm, in whole or in part, the determination, decision, or action that is the subject of the appeal; and~~
 - ~~e. Adopt additional conditions of approval, that were not considered or imposed by the original applicable review authority, deemed reasonable and necessary.~~
- ~~3. **Failure to act.** If the review authority fails to act upon an appeal, the decision from which the appeal was taken shall be deemed affirmed. A failure to act shall be considered a decision and may be called for review.~~
- ~~4. **Effective date.** A decision regarding an appeal shall become effective in compliance with Section 17.64.020 (Effective Dates).~~
- ~~5. **New evidence.** If new or different evidence is presented during the appeal hearing, the applicable review authority (e.g., Board of Zoning Appeals, Design Commission, Historic Preservation Commission, or Council) may refer the matter back to the Director, Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Design Commission, or Historic Preservation Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.~~
- ~~6. **Findings.** When reviewing an appeal, the review authority shall adopt findings in support of the intended action on the appeal. The nature of the findings shall be in compliance with the findings adopted by the original review authority (e.g., Adjustment Permits — Section 17.61.070, Conditional Use Permits — Section 17.61.050, and Variances — Section 17.61.080, etc.).~~

17.72.060 - Calls for Review

A. **Authority and final decision.** The authority and final decision for a Call for Review is as follows:

1. **Design Commissions review.**

a. **Review.** The Design Commission may choose to Call for Review a decision by the Director regarding the Director's action on a Design Review in compliance with Section 17.61.030 and decisions authorized under Section 17.62.030 B.

b. **Decision final.** The decision of the Design Commission shall be final unless Called for Review by the Council or an appeal is filed in compliance with this Section.

2. **Board of Zoning Appeals' review.**

a. **Review.** The Commission may choose to Call for Review a decision rendered by the Director, (except decisions in compliance with Chapter 17.61.030 or Section 17.62.090) Zoning Administrator, Hearing Officer, Film Liaison, or Environmental Administrator to the Board of Zoning Appeals.

b. **Decision final.** The decision of the Board of Zoning Appeals shall be final unless Called for Review by the Council or an appeal is filed (~~only available when contesting an action on a Negative Declaration (ND) or an EIR, but not for a determination of categorical exemption~~) in compliance with this Section.

3. **Council's review.**

a. **Review.** The Council may choose to review a decision rendered by the Director, Zoning Administrator, Environmental Administrator, Hearing Officer, Board of Zoning Appeals, or Design Commission, and the Historic Preservation Commission. When such decisions are called for review, they shall be reviewed by the Review Authority as contained in 17.72.020.

b. **Decision final.** The decision of the Council on the appeal shall be final and shall become effective upon adoption by the Council.

4. **Filing of an appeal pending a Call for Review.**

a. **Right to file an appeal.** An eligible person affected by a determination, decision, or action, as specified in Section 17.72.030 (Eligibility) may file a timely appeal in compliance with this Chapter even though a Call for Review has been filed in compliance with this Section.

b. **Effect of filing an appeal.** The filing of the appeal shall serve to protect the rights of the appellant(s) in the event the Call for Review is subsequently withdrawn or fails.

5. **Withdrawal or failure of a Call for Review.** If a request for a Call for Review is withdrawn after filing, or fails, the remaining days of the Call for Review period shall start from the date on which the Call for Review is withdrawn or fails.

EXHIBIT – 27

B. Procedures.

1. Initiation.

- a. A member of a review authority with Call for Review authority may initiate a Call for Review by filing a written request with the Secretary or Clerk of the body with Call for Review authority.
- b. A member of the Design Commission may initiate a Call for Review at a regular meeting of the Design Commission without filing a written request before the meeting.

2. Agenda. The Secretary or Clerk shall place the request on the next available regular meeting agenda.

3. Date to file. A Call for Review of a permit shall be filed before its effective date in compliance with Section 17.64.020 (Effective Dates).

4. Effect of Call for Review.

- a. A request for a Call for Review by a member of a review authority shall stay the effective date of a decision until the review authority can make a decision on the Call for Review request.
- b. The timely filing of a Call for Review does not extend the time in which an appeal of a decision shall be filed; the normal appeal period shall continue to run in compliance with Subsection 17.72.050 A. (Timing and form of appeal) above.
- c. If the review authority decides to Call for Review the subject decision, then the previous decision shall be vacated.
- d. If the review authority decides not to Call for Review the subject decision, then the decision shall become final unless the appeal period has not expired.

~~5. Notice and public hearing. A Call for Review shall be a public hearing if the original decision required a public hearing. Notice of the public hearing shall be the same as the original decision, in compliance with Chapter 17.76 (Public Hearings).~~

~~6. Required votes.~~ 5. Required votes. The number of affirmative votes required to Call for Review a decision shall be as identified in Title 2 of the Municipal Code.

17.72.070 - Processing and Action on Appeals or Calls for Review

A. Notice and public hearing. An appeal or a call for review hearing shall be a public hearing if the original decision required a public hearing. Notice of the public hearing shall be the same as the original decision, in compliance with Chapter 17.76 (Public Hearings).

B. Action on appeals or calls for review.

1. Scope of review and decision. When reviewing an appeal or a call for review, the review authority may:

- a. Consider any issues associated with the decision being appealed or called for review, in addition to the specific grounds for the appeal or call for review;
- b. Reverse, modify, or affirm, in whole or in part, the determination, decision, or action that is the subject of the appeal or call for review; and
- c. Adopt additional conditions of approval that were not considered or imposed by the original applicable review authority, deemed reasonable and necessary.

2. Consideration of submitted application, plans, and materials.

- a. At the hearing, the review authority shall consider the same application, plans, and materials submitted by the applicant for the original decision.
 - b. If the applicant submits new plans and materials that differ substantially, as determined by the Zoning Administrator, from the materials submitted for the original decision, the hearing shall be terminated and the applicant shall file a new application.
 - c. Changes to the original submittal to address objections of the review authority need not be the subject of a new application.
 - d. Revised materials shall be submitted at least 14 days before the public hearing on the appeal application. However, the Zoning Administrator may choose to accept minor revised materials after that time, upon determining that there is sufficient time to review the materials before the hearing date. In addition, the review authority may continue an application until the next available meeting date in order to adequately evaluate the revised materials.
- 3. New evidence.** If new or different evidence is presented during the hearing, the applicable review authority (e.g., Board of Zoning Appeals, Design Commission, Historic Preservation Commission, or Council) may refer the matter back to the Director, Zoning Administrator, Hearing Officer, Environmental Administrator, Design Commission, or Historic Preservation Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.
- 4. Findings.** When reviewing an appeal or a call for review, the review authority shall adopt findings in support of the intended action on the application. The nature of the findings shall be in compliance with the findings adopted by the original review authority (e.g., Adjustment Permits – Section 17.61.070, Conditional Use Permits – Section 17.61.050, and Variances – Section 17.61.080, etc.).
- 5. Failure to act.** If the review authority fails to act upon an appeal or a call for review, the decision from which the appeal or call for review was taken shall be deemed affirmed. A failure to act shall be considered a decision and may be called for review or appealed.
- 6. Effect of appeal or call for review.** A decision on an appeal or a call for review vacates (i.e., voids) the previous decision from which the decision was taken, except as otherwise identified in Paragraph 5 (Failure to act), above.

EXHIBIT – 27

- 7. Effective date.** A decision regarding an appeal or a call for review shall become effective in compliance with Section 17.64.020 (Effective Dates).

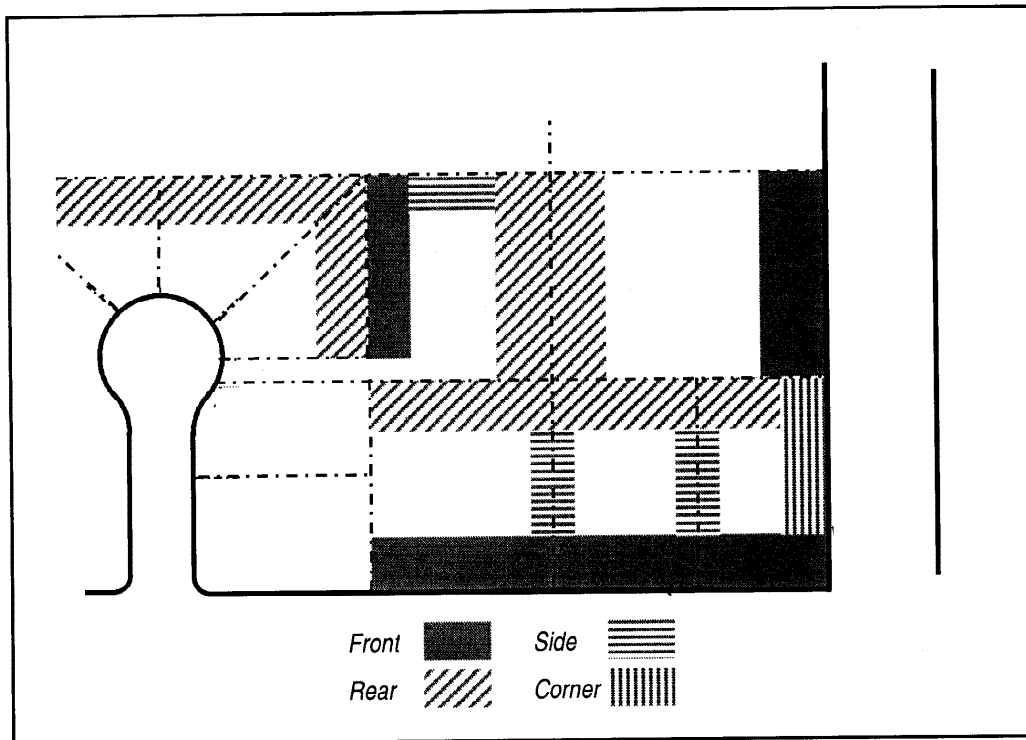


Figure 8-7 - Yard Types