

Chapter 17.138

DEVELOPMENT AGREEMENT PROCEDURE

Sections:

17.138.030 Planning Commission action.

17.138.040 Council action.

17.138.090 Periodic review, and revocation.

17.138.030 Planning Commission action.

An application for a development agreement shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an notices thereof within three hundred (300) feet of the property involved in the application; a substantially-enlarged notice shall also be posted on the premises of the subject property. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) ten days prior to the date set for the hearing. If, however, the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement these procedures. The Commission shall determine whether the proposal conforms to the criterion set forth in Section 17.138.050, and may recommend approval or disapproval of the application, or recommend its approval subject to changes in the development agreement or conditions of approval, giving consideration to the factors set forth in Section 17.138.060. Should a decision not be rendered within sixty (60) days after the filing, the application shall be deemed approved except when, pursuant to the California Environmental Quality Act, an environmental document is required prior to decision, in which case should a decision not be rendered within sixty (60) days after final action on the environmental document, the application shall be deemed approved. In any case, however, the date by which a decision must be rendered may be extended by agreement between the Director of City Planning or the City Planning Commission and the applicant. The Commission shall, within ten days of its decision, forward its recommendations to the City Council. (Prior planning code § 9352)

17.138.040 Council action.

After a recommendation has been rendered by the Commission, the City Council shall set the date for consideration of the matter. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the date set for consideration thereof; and said Secretary shall give notice of the hearing by mail or delivery to the applicant, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than seventeen (17) ten days prior to the date set for the hearing. The Council shall review the recommendation of the Commission and shall determine whether the proposal conforms to the criterion set forth in Section 17.138.050, and may approve or disapprove the proposed development agreement, or approve it subject to changes therein or conditions of approval, giving consideration to the factors set forth in Section 17.138.060. If the Council approves the development agreement or approves it subject to changes or conditions, it shall do so by ordinance and the agreement shall be effective upon the effective date of the ordinance. In any case, the decision of the Council shall be final. (Prior planning code § 9353)

17.138.090 Periodic review and revocation.

A. Periodic Review. Each development agreement shall be reviewed at least once every twelve (12) months, and the review period shall be specified in the agreement. Application for periodic review shall be made on a form prescribed by the City Planning Department and shall be filed with such department. The application shall be accompanied by the fee prescribed in the city master fee schedule, in ~~Chapter 17.150~~. Failure to file for such review within the time limits specified in the agreement shall render the agreement null and void. The applicant or successor in interest shall be required to demonstrate good faith compliance with the terms of the agreement. If the Director of City Planning finds that such compliance has been deficient, he or she shall forward this finding and his or her recommendation to the City Council, for consideration in accordance with the enforcement procedure in Chapter 17.152, subsection B of this section.

~~B. Revocation. At any time the Council may, at a public hearing, consider whether there are grounds for revocation of any development agreement. Notice of the hearing shall be given by posting notices thereof within three hundred (300) feet of the property involved. Notice of the hearing shall also be given by mail or delivery to the holder of the development agreement, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than ten days prior to the date set for the hearing. At the hearing, the applicant or successor in interest shall be required to demonstrate good faith compliance with the terms of the agreement. If as a result of such review, the Council finds and determines, on the basis of substantial evidence, that the applicant or successor thereto has not complied in good faith with the terms or conditions of the agreement, the Council may revoke or modify the agreement in whole or in part. (Ord. 12237 § 4 (part), 2000; prior planning code § 9358)~~

Chapter 17.140

PLANNED UNIT DEVELOPMENT PROCEDURE

Sections:

17.140.030 Preliminary Planning Commission action.

17.140.070 Appeal to Council.

~~**17.140.120 Revocation.**~~

17.140.030 Preliminary Planning Commission action.

An application for a planned unit development permit shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting ~~an notices thereof within three hundred (300) feet of the property involved in the application; a substantially-enlarged notice shall also be posted on the premises of the subject property.~~ Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) ten days prior to the date set for the hearing. If, however, the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement these procedures. The Commission shall determine whether the proposal conforms to the permit criteria set forth in Section 17.140.080 and to the planned unit development regulations in Chapter 17.122, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria and regulations. In so doing, the Commission may, in its discretion, authorize submission of the final development plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule. ~~Should a decision not be rendered within sixty (60) days after filing, the application and preliminary development plan shall be deemed approved except when, pursuant to the California Environmental Quality Act, an environmental document is required prior to decision, in which case should a decision not be rendered within sixty (60) days after final action on the environmental document, the application shall be deemed approved. In any case, however, the date by which a decision must be rendered may be extended by agreement between the Director of City Planning or the City Planning Commission and the applicant.~~ The determination of the Commission shall become final ten calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.140.070. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. (Prior planning code § 9402)

17.140.070 Appeal to Council.

Within ten calendar days after the date of a decision by the City Planning Commission on an application for approval of a preliminary or final development plan, or for modification or amendment of any such plan, ~~or on revocation of any such plan in accordance with Section 17.140.120,~~ an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available

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meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) ~~ten~~ days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the proposal conforms to the applicable criteria and standards, and may approve or disapprove the proposed development or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria and standards. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided. (Prior planning code § 9406)

~~17.140.120 — Revocation.~~

~~———— In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the stage development schedule, the City Planning Commission may, after holding a public hearing, revoke a planned unit development permit. Notice of the hearing shall be given by posting notices thereof within three hundred (300) feet of the property involved. Notice of the hearing shall also be given by mail or delivery to the permit holder, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than ten days prior to the date set for the hearing. The determination of the Commission shall become final ten calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.140.070. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. (Ord. 12237 § 4 (part), 2000; prior planning code § 9411)~~

Chapter 17.142

SITE DEVELOPMENT AND DESIGN REVIEW PROCEDURE

Sections:

~~17.142.010 — Title, purpose, and applicability.~~

~~17.142.020 — Application.~~

~~17.142.030 — Procedure for consideration.~~

~~17.142.040 — Site development and design review criteria.~~

~~17.142.050 — Appeal to Planning Commission.~~

~~17.142.060 — Appeal to Council.~~

~~17.142.070 — Adherence to approved plans.~~

~~17.142.080 — Revocation.~~

~~17.142.090 — Site development and design review related to conditional use permit or subdivision.~~

~~17.142.010 — Title, purpose, and applicability.~~

~~———— The provisions of this chapter, shall be known as the site development and design review procedure. The purpose of these provisions is to prescribe the procedure for the review of proposals located in areas or on sites, or involving uses, which require special siting, vegetative management, view preservation, and design treatment as well as the consideration of other relationships to the physical surroundings. This procedure shall apply to all proposals for which site development and design review is required by the zoning regulations. (Prior planning code § 9450)~~

~~17.142.020 — Application.~~

~~———— A. — Pre Application Conference for Certain Projects. Prior to application for site development and design review of any proposal which involves new residential living units in the S-11 zone, the applicant or his or her representative shall have a conference with a representative of the City Planning Department. This conference should take place before or at an early stage in the site development and design process. At the conference, the city representative shall provide information about applicable siting, vegetative management, view preservation, and site development and design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate, the city representative may also informally discuss possible siting and design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.~~

~~———— B. — Application for Site Development and Design Review. Application for site development and design review shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by such information as may be required to allow applicable criteria to be applied to the proposal, and by the fee prescribed in the fee schedule in Chapter 17.150. Such information may include, but is not limited to, site and building plans, relationships to view planes, elevations, grading and retaining wall plans, conformance to vegetative management prescriptions, and relationships to adjacent properties. (Prior planning code § 9451)~~

~~17.142.030 — Procedure for consideration.~~

~~———— A. — Applications Involving One or Two Dwelling Units on a Single Parcel. An application for site development and design review involving one or two dwelling units on a single parcel shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission rather than acting on it himself or herself. If development of an Environmental Impact Report is required the Director shall refer the application to the City Planning Commission for decision. At his or her discretion, an administrative hearing may be held. Notice shall be given by posting notices thereof within three hundred (300) feet of the property involved in the~~

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~~application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. If a public hearing is to be held, a written notice shall be given by registered mail to an officer of each homeowner's association that has registered on a mailing list maintained by the Director. Such registration shall be effective for one calendar year. It is the responsibility of each association to maintain a current name and address for such notification. All such notices shall be given not less than ten days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director or the Commission, as the case may be.~~

~~—— The Director or the Commission may seek the advice of outside design professionals. The Director or the Commission, as the case may be, shall determine whether the proposal conforms to the applicable site development and design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria. A determination by the Director shall become final ten days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.142.050. In those cases which are referred to the Commission by the Director, the decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with Section 17.142.060. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.~~

~~—— B. —— Applications Involving More Than Two Dwelling Units on a Single Parcel. An application for site development and design review involving more than two dwelling units on a single parcel shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting notices thereof within three hundred (300) feet of the property involved in the application; a substantially enlarged notice shall also be posted on the premises of the subject property. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. In addition, written notice shall be given by registered mail to an officer of each homeowner's association that has registered on a mailing list maintained by the Director. Such registration shall be effective for one calendar year. It is the responsibility of each association to maintain a current name and address for such notification. All such notices shall be given not less than ten days prior to the date set for the hearing. The Commission may seek the advice of outside design professionals. The Commission shall determine whether the proposal conforms to the applicable site development and design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. A determination by the Commission shall become final ten calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.142.060. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.~~

~~—— C. —— Applications Which Also Involve Conditional Use Permits or Variances.~~

~~—— 1. —— Major Conditional Use Permits or Variances. Applications submitted pursuant to subsection A or B of this section which also involve a major conditional use permit or a major variance shall be considered by the City Planning Commission which shall hold a public hearing on the matter. Notice of the hearing shall be given as set forth in subsection B of this section.~~

~~—— 2. —— Minor Conditional Use Permits or Variances. For applications which also involve a minor conditional use permit or a minor variance, an appropriate notification shall also be given in a newspaper of general circulation.~~

~~—— D. —— Period of Consideration. Should a decision not be rendered pursuant to subsection A, B, or C of this section within sixty (60) days after filing, the application shall be deemed approved except when, pursuant to the California Environmental Quality Act, an environmental document is required prior to decision, in which case should a decision not be rendered within sixty (60) days after final action on the environmental document, the application shall be deemed approved. In any case, however, the date by~~

which a decision must be rendered may be extended by agreement between the Director of City Planning or the City Planning Commission and the applicant.

~~———— E. ——— Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in subsections A, B, and C of this section. (Ord. 12237 § 4 (part), 2000; prior planning code § 9453)~~

17.142.040 — Site development and design review criteria.

~~———— Site development and design review approval pursuant to Section 17.92.030 may be granted only upon determination that the proposal conforms to the general design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the additional criteria set forth in Section 17.92.050. (Prior planning code § 9454)~~

17.142.050 — Appeal to Planning Commission.

~~———— Within ten calendar days after the date of a decision by the Director of City Planning on an application for site development and design review, an appeal from said decision may be taken to the City Planning Commission by the applicant or any other interested party. In the case of appeals involving one or two unit Residential Facilities and no Nonresidential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the last day of appeal falls on a weekend or holiday when city offices are closed, the next date offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the time for consideration thereof; which in the case of applications limited to one or two unit Residential Facilities, shall be the date of the Committee's next regularly scheduled meeting following the thirtieth day after the appeal is filed. Not less than ten days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the proposal conforms to the applicable site development and design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The Commission or, if applicable, the Committee or the applicant may seek the advice of outside design professionals. If the proposal is being considered under the procedure specified in Section 17.142.030B or (C)(1), the decision of the Commission or, if applicable, the Committee shall become final ten calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.142.060. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. If it is being considered under the procedure specified in Section 17.142.030A and does not also require a major conditional use permit or a major variance, the decision of the Commission or, if applicable, the Committee shall be final immediately. (Ord. 12376 § 3 (part), 2001; prior planning code § 9455)~~

17.142.060 — Appeal to Council.

~~———— Within ten calendar days after the date of a decision by the City Planning Commission on an application for site development and design review under the procedure specified in Section 17.142.030B or (C)(1), or on revocation of any site development and design review approval in accordance with Section 17.142.080, an appeal from said decision may be taken to the City Council by the applicant or any other interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. No such appeal~~

~~is allowable under the procedure specified in Section 17.142.030A unless the proposal also requires a major conditional use permit or a major variance. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than ten days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the proposal conforms to the applicable site development and design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria.~~

~~———— The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided. (Prior planning code § 9456)~~

17.142.070 — Adherence to approved plans.

~~———— A site development and design review approval shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the approval shall terminate one year from the effective date of its granting unless actual construction, alteration, painting, demolition, or removal, as the case may be, has begun under necessary permits within such period. However, such period of time may be extended by the original reviewing officer or body upon application filed at any time before said period has expired. (Prior planning code § 9457)~~

17.142.080 — Revocation.

~~———— In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed conditions of approval, the City Planning Commission may, after holding a public hearing, revoke any site development and design review approval. Notice of the hearing shall be given by posting notices thereof within three hundred (300) feet of the property involved. Notice of the hearing shall also be given by mail or delivery to the holder of the site development and design review approval, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than ten days prior to the date set for the hearing. The determination of the Commission shall become final ten calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.142.060. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. (Ord. 12237 § 4 (part), 2000; prior planning code § 9459)~~

17.142.090 — Site development and design review related to conditional use permit or subdivision.

~~———— Whenever site development and design review approval is required for a proposal also requiring a conditional use permit, the application for site development and design review shall be included in the application for said permit and shall be processed and considered as part of same; provided that decisions~~

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~~on the site development and design review aspects of a proposal also requiring a minor conditional use permit shall still be appealable within ten calendar days after the date of decision to the City Planning Commission or City Council to the extent such appeal would otherwise be allowed under Sections 17.142.050 and 17.142.060. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. However, in any case, the provisions of Section 17.142.020A shall still apply; and the reviewing officer or body shall, in considering the site development and design review aspects of the proposal, determine whether it conforms to all the applicable site development and design review criteria. Whenever site development and design review approval is required for a proposal also requiring subdivision approval, a final decision on the application for site development and design review approval must be reached before a tentative map or tentative parcel map required by the Oakland Municipal Code can be submitted. (Prior planning code § 9460)~~

Chapter 17.144

REZONING AND LAW CHANGE PROCEDURE

Sections:

17.144.060 Planning Commission action on private party application.

17.144.080 Planning Commission action on Commission or Landmarks Board proposal.

17.144.090 Council action.

17.144.060 Planning Commission action on private party application.

In the case of private party initiation, the City Planning Commission shall hold a public hearing on the application within sixty (60) days after the date of application. Notice of the hearing shall be given by posting an notices thereof within three hundred (300) feet of the property involved in the application; a substantially-enlarged notice shall also be posted on the premises of the subject property. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) ten-days prior to the date for the hearing. If, however, the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement these procedures. Within sixty (60) days following Commission action on any environmental document which may be required pursuant to the California Environmental Quality Act in connection with the proposal, the Commission shall make a decision on the application; provided that the Commission may, with the consent of the applicant, defer action until necessary studies or plans shall have been completed for the area. The Commission shall consider whether the existing zone or regulations are inadequate or otherwise contrary to the public interest, and may approve, modify, or disapprove the application. In case of approval or modified approval, the Commission shall within five days of its decision, forward its recommendation to the City Council for appropriate action. In case of denial of a private party application, the decision of the Commission shall become final ten calendar days after the date of the decision unless appealed to the City Council in accordance with Section 17.144.070. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. (Prior planning code § 9505)

17.144.080 Planning Commission action on Commission or Landmarks Board proposal.

In the case of initiation by the City Planning Commission or the Landmarks Preservation Advisory Board, the Commission shall, within a reasonable period of time, hold a public hearing on the proposal. Notice of the hearing shall be given in the same manner as set forth in Section 17.144.060. In addition, notice of the hearing shall be mailed or delivered not less than seventeen (17) ten-days prior to the date set for the hearing to the owners of all real property included in the proposal as shown on the last available equalized assessment roll; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. If, however, the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement these procedures. When the proposal involves changing the text of the zoning regulations, notice of the hearing shall be given in the official newspaper of the city at least ten days prior to the date set for the hearing. Within sixty (60) days following Commission action on any environmental document which may be required pursuant to the California Environmental Quality Act in connection with the proposal, the Commission shall make a decision on the proposal; provided that the Commission may defer action until completion of such studies or plans as may be necessary to determine the advisability of the proposal. The Commission shall consider whether the existing zone or regulations are inadequate or otherwise contrary to the public interest, and may approve, modify, or

disapprove the proposal. The Commission shall, in every case, make a recommendation to the City Council for appropriate action.
(Prior planning code § 9507)

17.144.090 Council action.

Upon receipt of an appeal by a private party, or upon receipt of a recommendation from the City Planning Commission, the City Council shall set the date for consideration of the matter. After setting the hearing date, the Council, prior to hearing the appeal or recommendation, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available scheduled meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. In the case of receipt of a recommendation from the City Planning Commission, the City Clerk shall notify the Secretary of the City Planning Commission of the date set for consideration thereof; and said Secretary shall give notice of the hearing by mail or delivery to all parties who have commented on the matter and to other interested parties as deemed appropriate. All such notices shall be given not less than seventeen (17) ~~ten~~ days prior to the date set for the hearing.

In the case of an appeal by a private party, the City Clerk shall notify the Secretary of the City Planning Commission of the receipt of the appeal and of the date set for consideration thereof; and said Secretary shall, not less than ten days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. Upon an appeal by a private party, or upon the receipt of a recommendation from the City Planning Commission, the Council may approve, modify, or reverse the decision or may approve, modify, or disapprove the Commission's recommendations, as the case may be. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided.

(Prior planning code § 9508)

Chapter 17.146

SPECIAL RESIDENTIAL DESIGN REVIEW PROCEDURE

Sections:

17.146.010 — Title, purpose, and applicability.

17.146.020 — Application.

17.146.030 — Procedure for consideration.

17.146.040 — Special residential design review standards and criteria.

17.146.050 — Adherence to approved plans.

17.146.060 — Revocation.

17.146.010 — Title, purpose, and applicability.

~~———— The provisions of this chapter shall be known as the special residential design review procedure. The purpose of these provisions is to prescribe the procedure for the review of proposals that involve or result in one or two dwelling units on a lot, or for additions and alterations to existing residential facilities, and that are not otherwise subject to any kind of review for the design of the proposal. This procedure shall apply to all proposals for which special residential design review is required by the zoning regulations.~~

~~(Prior planning code § 9550)~~

17.146.020 — Application.

~~———— A. ——— Two-Track Optional Process for New Construction Projects. Except as indicated below, applicants may choose to have their applications for the construction or establishment of Residential Facilities with one or two dwelling units processed pursuant to the new construction checklist procedure or to the new construction discretionary procedure. Applications for the construction of a new Secondary Unit must be processed pursuant to the new construction checklist procedure. Applications for the following types of projects, however, must be processed pursuant to the new construction discretionary procedure:~~

~~———— 1. ——— The construction or establishment of more than one One Family Dwelling Residential Facility in separate structures on a single lot;~~

~~———— 2. ——— The construction or establishment of a One Family Dwelling Residential Facility on a lot with an existing One Family Dwelling Residential Facility;~~

~~———— 3. ——— The establishment of one or two One Family Dwelling Residential Facilities, or one Two Family Dwelling Residential Facilities, moved onto a lot; or~~

~~———— 4. ——— Development, within any one year period, of facilities which are of significantly the same design by the same owner or with the same designer on each of five or more lots that are contiguous or across the street from each other.~~

~~———— B. ——— Two-track Process for Addition and Alteration Projects. Except as indicated below, all applications involving additions, alterations, or other improvements to an existing One Family Dwelling, One Family Dwelling with Secondary Unit, or Two Family Dwelling Residential Facility, including those that would create an additional dwelling unit, other than a new Secondary Unit, shall be processed pursuant to the additions and alterations discretionary procedure.~~

~~———— Applicants with proposals that meet the following criteria may, however, choose to have their applications processed under either the additions and alterations discretionary procedure or the additions and alterations checklist procedure:~~

~~———— 1. ——— The proposal involves an increase or decrease in wall area, floor area, or footprint of no more than twenty (20) percent; and~~

~~———— 2. ——— The proposed exterior treatment matches the existing building.~~

~~———— Applicants with proposals that involve the extensive reconstruction of existing Residential Facilities may, with the permission of the City Planning Department, have their applications processed~~

~~pursuant to the new construction checklist procedure. Applications with proposals that involve the construction of a new Secondary Unit shall have their applications processed pursuant to the new construction checklist procedure.~~

~~C. Pre Application Conference. Prior to application for special residential design review, the applicant or his or her representative shall have a conference with a representative of the City Planning Department. The conference shall take place before the design process has begun. At the conference, the city representative shall provide information about the various special residential design review procedures and the criteria and standards associated with them. Also at the conference, if the proposal so warrants, the applicant and the City Planning Department representative shall based on project site slope information and photographs, as required, of surrounding structures that shall be submitted by the applicant attempt to jointly make determinations related to neighborhood context. In cases of disagreement, however, the decision of the Director of City Planning shall govern. Applications shall not be deemed filed until after the pre-application conference is held.~~

~~D. Application for Special Residential Design Review. Application for special residential design review shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall set forth under which procedure (new construction, or additions and alterations; checklist, or discretionary) the application is to be processed. The application shall be accompanied by such information as may be required to allow applicable standards or criteria to be applied to the proposal, and by the fee prescribed in the fee schedule in Chapter 17.150. Such information may include, but is not limited to, site and building plans, elevations, and all information submitted at the pre-application conference. Subject to the provisions of Section subsection C of this section, an application shall be deemed complete for purposes of review, unless the applicant is notified otherwise by mail within five working days of the application's submission to the City Planning Department. (Ord. 12501 § 81, 2003; prior planning code § 9551)~~

17.146.030 Procedure for consideration.

~~A. Decision by the Director of City Planning. An application for special residential design review shall be considered by the Director of City Planning. The Director shall determine whether the proposal conforms to applicable special residential design review standards or criteria. The Director may approve or disapprove the proposal and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said standards or criteria. The Director's decision shall be in writing, contain findings, and shall be final immediately. The applicant of a disapproved application filed pursuant to the new construction checklist procedure may resubmit the proposal under the new construction discretionary procedure or may make adjustments to the design and resubmit the modified proposal under either the new construction checklist procedure or the discretionary procedure. A new application fee shall be required.~~

~~B. Period of Consideration. Should a decision not be rendered pursuant to subsection A of this section within fifteen (15) working days after filing a complete application, the application shall be deemed approved except:~~

~~1. When, pursuant to the California Environmental Quality Act, an environmental document is required prior to decision, in which case should a decision not be rendered within fifteen (15) working days after final action on the environmental document, the application shall be deemed approved; or~~

~~2. When, for projects in the S 20 zone, the Director refers the application to the Landmarks Preservation Advisory Board for its recommendations, the fifteen (15) working day period shall be changed to sixty (60) days.~~

~~In any case, however, the date by which a decision must be rendered may be extended by agreement between the Director of City Planning and the applicant. (Ord. 12513 Attach A. (part), 2003; Prior planning code § 9553)~~

17.146.040—Special residential design review standards and criteria.

~~Special residential design review may be granted only upon determination that the proposal conforms to the “Special Residential Design Review Checklist Standards and Discretionary Criteria” as adopted by the City Planning Commission. (Ord. 12376 § 3 (part), 2001; prior planning code § 9554)~~

17.146.050—Adherence to approved plans:

~~Special residential design review approval shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the approval shall terminate one year from the effective date of its granting unless actual construction or installation has begun under necessary permits within such period. However, such period of time may be extended by the Director of City Planning in writing, upon application filed at any time before said period has expired. (Prior planning code § 9557)~~

17.146.060—Revocation:

~~In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed conditions of approval, the City Planning Commission may, after holding a public hearing, revoke any special residential design review approval. Notice of the hearing shall be given by posting notices thereof within seventy-five (75) feet of the property involved. Notice of the hearing shall also be given by mail or delivery to the holder of the special residential design review approval and to other interested parties as deemed appropriate. All such notices shall be given not less than ten days prior to the date set for the hearing. The determination of the Commission shall become final ten calendar days after the date of decision. (Prior planning code § 9559)~~

Chapter 17.147

MEDIATED RESIDENTIAL DESIGN REVIEW PROCEDURE

Sections:

~~17.147.010 — Title, purpose and applicability.~~

~~17.147.020 — Definitions.~~

~~17.147.030 — Application.~~

~~17.147.040 — Procedure for consideration.~~

~~17.147.050 — Appeal to Planning Commission's Residential Appeals Committee.~~

~~17.147.060 — Adherence to approved plans.~~

~~17.147.070 — Revocation.~~

~~17.147.010 — Title, purpose and applicability.~~

~~———— The provisions of this chapter shall be known as the mediated residential design review procedure. The purpose of these provisions is to prescribe the procedure for the review of new construction, additions of five hundred (500) square feet or more, and upper story or attic addition projects that: involve or result in one or two dwelling units on a lot, have a cumulative floor area of less than three thousand five hundred (3,500) square feet for all Residential Facilities on the lot; are not subject to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, the site development and design review procedure in Chapter 17.142, or the variance procedure in Chapter 17.148; and are located in areas where the proposal may adversely affect properties in close proximity, especially with respect to the proposal's massing or bulk and any view, privacy and solar access impacts of the proposal on neighboring properties. It is also the purpose of these provisions to establish a procedure where the project applicant and owners of neighboring properties have the opportunity to resolve, through mediation, any issues concerning the project design and to encourage the applicant and neighboring owners to have early discussion on proposed projects so that these issues can be resolved prior to the submittal of an application. It is also the purpose of these provisions to encourage low cost and timely mediation, such as that often provided by nonprofit mediation organizations, when available. This procedure shall apply to all proposals for which mediated residential design review is required by the zoning regulations. (Ord. 12376-§ 3 (part), 2001)~~

~~17.147.020 — Definitions.~~

~~———— As used in this chapter:~~

~~———— “Applicant” means the person who submitted the application for mediated residential design review. The applicant shall be either the owner of the project site or the owner's authorized agent.~~

~~———— “Mediation” means a process in which a neutral person or persons facilitates communication between the disputants to assist them in reaching a mutually acceptable agreement.~~

~~———— “Mediator” means a neutral person who conducts a mediation. A “mediator” includes any person designated by a “mediator” either to assist in the mediation or to communicate with the participants in preparation for a mediation. A “mediator” need not be an attorney or other person with formal legal training.~~

~~———— “Project site” means the lot or lots on which the proposal is to be constructed or established.~~

~~———— “Property adjacent to the project site” means any lot which abuts the lot or lots containing the project site (see illustration I-29).~~

~~———— “Property directly across any street abutting the project site” means all lots with street lines that would be intersected by any line perpendicular to any street line of the lot or lots containing the project site (see illustration I-29).~~

~~———— “Request for mediation” means a written request for mediation as further described in Section 17.147.040 of this chapter. Requests for mediation may be submitted only by the applicant and persons~~

owning property adjacent to the project site or property directly across any street abutting the project site. (Ord. 12376 § 3 (part), 2001)

17.147.030 — Application.

~~_____ A. — Preliminary Review of Proposal by City Planning Department for Conformity with Zoning Requirements. Prior to application for any proposal which requires mediated residential design review, the owner or his or her authorized agent shall submit the plans to the City Planning Department for preliminary review. The purpose of this review is to verify that the plans conform to applicable provisions of the zoning regulations, including but not limited to height limits, required yards and parking requirements, and that the proposal does not require a conditional use permit, variance, design review or other discretionary City Planning Department approval. The plan submittal shall include all of the information listed in subsection C of this section and the fee for preliminary review prescribed in the fee schedule in Chapter 17.150. The City Planning Department shall complete the preliminary review within five working days of receipt of a complete plan submittal and provide:~~

~~_____ 1. — A written determination of whether the proposal conforms with applicable zoning requirements; and~~

~~_____ 2. — A list of the names and addresses of all persons shown on the latest available equalized assessment roll as owning property adjacent to the project site or property directly across any street abutting the project site.~~

~~_____ B. — Notice of Proposed Development to be Posted at Project Site and Review of Proposal by Owners of Property Adjacent to or Directly Across Any Street Abutting the Project Site. Following a determination by the City Planning Department that the plans conform with all applicable zoning requirements, the owner or owner's authorized agent shall:~~

~~_____ 1. — Post a "Notice of Proposed Development" at a location on the project site that is clearly visible from an adjacent street; the form for the notice shall be provided by the City Planning Department; the notice form shall be completed by the owner or owner's authorized agent and shall include the following information:~~

~~_____ a. — Name, address and telephone number of the owner or owner's authorized agent;~~

~~_____ b. — Address, if any, and Assessor's Parcel Number(s) of the project site;~~

~~_____ c. — Project description; and~~

~~_____ d. — A statement that anyone desiring further information on the project may contact the owner or owner's authorized agent at the address and telephone number shown on the notice;~~

~~_____ 2. — Provide a copy of the plans to all persons owning property adjacent to the project site or directly across any street abutting the project site as shown on the list provided by the City Planning Department pursuant to subsection A of this section; and~~

~~_____ 3. — Obtain owners' signatures on the plans acknowledging that they have been shown the plans and indicating whether they have any objections to the proposal as shown on the plans or, if such signatures are not obtained, prepare the certification set forth in subsection C.1. below of this section.~~

~~_____ Labels for obtaining owners' signatures to be affixed to the plans shall be provided by the City Planning Department.~~

~~_____ C. — Application for Mediated Residential Design Review. Application for mediated residential design review shall be made by the owner of the project site, or the owner's authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by such information as may be required to allow applicable criteria to be applied to the proposal, and by the fee prescribed in the fee schedule in Chapter 17.150. Such information may include, but is not limited to, site and building plans, relationships to view planes, elevations, grading and retaining wall plans.~~

~~_____ The application shall include:~~

~~_____ 1. — Copies of the plans with signatures of persons owning property adjacent to the project site or property directly across any street abutting the~~

~~_____ project site as shown on the list provided by the City Planning Department pursuant to subsection A of this section. For each owner who refused to sign or could not be contacted, the person submitting the application must provide written certification on a form provided by the City Planning Department that an attempt has been made to obtain that owner's signature through either holding a meeting with the owner at which the owner refused to sign or mailing the plans to the owner with at least ten days to respond; and~~

~~_____ 2. _____ A copy of the completed "Notice of Proposed Development" described in subsection B of this section that was posted on the project site and a photograph of the posted notice. (Ord. 12376 § 3 (part), 2001)~~

~~17.147.040 Procedure for consideration.~~

~~_____ A. _____ Notice of Application Submittal and Opportunity to Request Mediation. Upon the filing of a complete application for mediated residential design review, notice shall be posted at the project site and by mail or delivery to the applicant and to all persons owning property within three hundred (300) feet of the property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning property in the city within three hundred (300) feet of the property involved. The notice shall advise:~~

~~_____ 1. _____ Of the receipt of the application;~~

~~_____ 2. _____ The time and place where the plans may be reviewed prior to the decision on the application by the Director of City Planning;~~

~~_____ 3. _____ That any person may submit comments on the application and any person owning property adjacent to the project site or directly across any street abutting the project site as described in Section 17.147.020 may submit a request for mediation; that the applicant may also submit a request for mediation; that any comments or request for mediation must be in writing and received by the City Planning Department within ten days of the date of the notice; and that if the last day for submitting comments or request for mediation falls on a weekend or holiday when city offices are closed, the next day offices are open for business shall be the last day for such submittals;~~

~~_____ 4. _____ That one half of the costs of any mediation shall be paid by the applicant and the other half shall be paid in equal proportion by those persons owning property adjacent to the project site or directly across any street abutting the project site as described in Section 17.147.020 and who are participating in the mediation; and~~

~~_____ 5. _____ That anyone who does not submit a request for mediation will lose the right to appeal the decision on the application by the Director of City Planning.~~

~~_____ B. _____ Response to Requests for Mediation. The City Planning Department shall within three working days provide written notice to the applicant of the filing of any valid request for mediation in response to the notice described in subsection A of this section. If mediation is requested by the applicant, the City Planning Department shall within three working days provide written notice of such request to all persons owning property adjacent to the project site or directly across any street abutting the project site as described in Section 17.147.020. Each recipient of such written notice shall, within five working days of the date of the notice, inform the City Planning Department in writing of whether that recipient agrees to mediation. Failure of a recipient to respond within five working days shall constitute a refusal of mediation.~~

~~_____ If mediation is held, the parties shall have thirty (30) days to agree on a mediator and complete the mediation process, including submittal of the mediator's report described below. The thirty (30) day time period shall commence upon conclusion of the five working day response period to any submittal of a request for mediation set forth above in this subsection B and may be extended beyond thirty (30) days by agreement of all mediation participants. Attendance at the mediation shall be limited to the mediator; the applicant; all persons owning property adjacent to the project site or directly across any street abutting the project site as described in Section 17.147.020 and who requested or agreed to mediation; and any agents and design professionals authorized by the participants to assist them during the mediation. Any written comments received by the City Planning Department by the end of the ten day period set forth in subsection A of this section shall be provided to the mediator. Any issue related to the project design may~~

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~~be presented during mediation. One half of the mediation costs shall be paid by the applicant and the other half shall be paid in equal proportion by those persons owning property adjacent to the project site or directly across any street abutting the project site as described in Section 17.147.020 and who are participating in the mediation.~~

~~———— The mediator shall submit a report on the mediation to the City Planning Department. Unless all parties to the mediation waive their rights to confidentiality as set forth in Sections 1115 through 1128 of the California State Evidence Code, the report shall state only whether or not an agreement was reached. If all parties to the mediation waive such rights to confidentiality, the report shall:~~

- ~~———— 1. ——— Detail all items on which agreement was reached;~~
- ~~———— 2. ——— On items on which agreement could not be reached, state the different sides' starting and ending positions and any proposals presented concerning these items; and~~
- ~~———— 3. ——— Include any other comments which the parties to the mediation agree to disclose.~~

~~———— If the parties to any mediation are unable to achieve full agreement through mediation, nothing in this chapter precludes the parties from submitting any further comments on the mediated residential design review application, provided that all communications, negotiations or settlement discussions by and between participants in the course of a mediation or mediation consultation shall remain confidential, unless such confidentiality has been waived as described in this subsection.~~

~~———— C. ——— Decision by the Director of City Planning. An application for mediated residential design review shall be considered by the Director of City Planning. In all cases, the Director shall determine whether the proposal conforms to the "Special Residential Design Review Checklist Standards and Discretionary Criteria" as adopted by the City Planning Commission.~~

~~———— If mediation occurred, but no agreement was reached or if the mediation report was limited only to a statement that agreement was reached without describing the terms of the agreement, the Director shall approve the proposal upon determination that the proposal conforms to the "Special Residential Design Review Checklist Standards and Discretionary Criteria," as adopted by the City Planning Commission and upon determination that no conditional use permits, variances, design review or other discretionary City Planning Department approvals are required.~~

~~———— If mediation occurred and resolved any issues brought forward concerning building mass or bulk or concerning view, privacy or solar access impacts on neighboring properties, whose owners, or such owners' authorized agents, attended the mediation, any approval of the proposal by the Director of City Planning shall incorporate any agreements concerning such issues, but only as identified and described in the mediation report, except agreements that would be illegal or require a conditional use permit, a variance, design review or other discretionary City Planning approvals.~~

~~———— If mediation occurred but did not resolve or only partially resolved any issues brought forward concerning building mass or bulk or concerning view, privacy or solar access impacts on the neighboring properties whose owners, or the owners' authorized agents, attended the mediation, the Director of City Planning shall also determine with respect to these unresolved issues, but only as identified and described in the mediation report, whether the proposal conforms with the "Residential Design Review Guidelines for Building Mass and Bulk and for View, Privacy and Solar Access Impacts on Neighboring Properties" as adopted by the City Planning Commission.~~

~~———— In all cases, the Director of City Planning may approve or disapprove the proposal and may require such changes therein, including changes to building height and/or minimum yard size, or impose such reasonable conditions of approval necessary to ensure conformity with said Special Residential Design Review Checklist Standards and Discretionary Criteria and, where applicable as set forth above in this section, said Residential Design Review Guidelines for Building Mass and Bulk and for View, Privacy and Solar Impacts on Neighboring Properties.~~

~~———— If mediation occurred, the Director's decision may, at the Director's discretion, also incorporate as conditions of approval any agreements resulting from mediation as set forth in the mediation report, except agreements that would be illegal or require a conditional use permit, a variance, design review or other discretionary City Planning approvals.~~

~~_____ The Director's decision shall be in writing, shall be provided to all persons who attended any mediation and shall be final immediately, unless subject to appeal as set forth in Section 17.147.050.~~

~~_____ D. _____ Period of Consideration. Should a decision not be rendered pursuant to subsection C of this section within thirty (30) days after filing a complete application, and if no mediation was requested, the application shall be deemed approved. The thirty (30) day time period shall become seventy-five (75) days if mediation occurred. The date by which a decision must be rendered may be extended by agreement between the Director of City Planning and the applicant.~~

~~_____ E. _____ Submitting Requests for Mediation Prior to "Notice of Application Submittal and Opportunity to Request Mediation." Nothing in this section shall preclude any person eligible to request mediation as set forth in subsection A of this section from making such request prior to the providing of the "Notice of Application Submittal and Opportunity to Request Mediation" by the city, provided that such request is made in writing following either:~~

~~_____ 1. _____ Receipt by such person of a copy of the plans for the proposal according to the procedure set forth in Section 17.147.030(B)(2); or~~

~~_____ 2. _____ Posting of the Notice of Proposed Development set forth in Section 17.147.030(B)(1). (Ord. 12376 § 3 (part), 2001)~~

17.147.050 Appeal to Planning Commission's Residential Appeals Committee.

~~_____ A. _____ Applicability. The Director of City Planning's decision on an application for mediated design review may be appealed only under the following circumstances:~~

~~_____ 1. _____ By any person eligible to participate in mediation as set forth in Section 17.147.040A.3 other than the applicant, but only if the application was approved and if the applicant refused a request for mediation; or~~

~~_____ 2. _____ By anyone who attended any mediation, if the project design agreed to in the mediation did not conform with the Zoning Regulations and the design was changed in the Director of City Planning's decision to achieve such conformity.~~

~~_____ B. _____ Appeal Procedure. Within ten days after the date of a decision by the Director of City Planning on an application for mediated residential design review, an appeal from said decision may be submitted to the City Planning Commission's Residential Appeals Committee in any of the circumstances set forth in subsection A of this section. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department along with the appropriate fee established in the Master Fee Schedule.~~

~~_____ If mediation occurred, the appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. If mediation did not occur, the only basis for appeal shall be that the proposal did not conform with the Residential Design Review Guidelines for Building Mass and Bulk and for View, Privacy and Solar Access Impacts on Neighboring Properties and the appeal shall state specifically wherein the proposal did not conform with said Guidelines.~~

~~_____ Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof; which shall be the date of the Committee's next regularly scheduled meeting following the thirtieth day after the appeal is filed. Not less than ten days prior to the date of the Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Committee shall determine whether the proposal conforms to the applicable decision-making criteria and may grant or deny the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The decision of the Committee shall be final. (Ord. 12376 § 3 (part), 2001)~~

17.147.060—Adherence to approved plans.

~~———— A mediated residential design review approval shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the approval shall terminate one year from the effective date of its granting unless actual construction has begun under necessary permits within such period. However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired. (Ord. 12376 § 3 (part), 2001)~~

17.147.070—Revocation.

~~———— In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, the City Planning Commission may, after holding a public hearing, revoke any mediated residential design review approval. Notice of the hearing shall be given by posting notices thereof within three hundred (300) feet of the property involved. Notice of the hearing shall also be given by mail or delivery to the holder of the mediated design review approval, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than ten days prior to the date set for the hearing. The determination of the Commission shall become final ten calendar days after the date of decision. (Ord. 12376 § 3 (part), 2001)~~

Chapter 17.148

VARIANCE PROCEDURE

Sections:

- 17.148.020 **Definition of major and minor variances.**
- 17.148.040 **Procedure for consideration.**
- 17.148.050 **Findings required.**
- 17.148.060 **Appeal to Planning Commission--Minor variances.**
- 17.148.070 **Appeal to Council--Major variances.**
- 17.148.080 **Adherence to approved plans.**
- ~~17.148.090 **Revocation.**~~
- 17.148.100 **Variance related to conditional use permit, regular design review, planned unit development, or subdivision.**

17.148.020 Definition of major and minor variances.

A. Major Variance. A "major variance" is a variance which involves any of the following provisions:

1. Allowable activity types or facility types;
2. Maximum number of living units;
3. Minimum lot area, except in the situation mentioned in Section 17.106.010B;
4. Maximum floor-area ratio;
5. Maximum size of Commercial or Manufacturing establishments;
6. Restriction on over-concentration of Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities as set forth in Section 17.102.212B;
7. Any variance application that requires development of an ~~and~~ Environmental Impact Report;
8. Any variance application referred by the Director of City Planning to the City Planning Commission for decision pursuant ~~pursuit~~ to Section 17.148.040(B)(1).

B. Minor Variance. A "minor variance" is a variance which does not involve any of the provisions listed in subsection A of this section.

(Ord. 12237 § 4 (part), 2000; Ord. 12138 § 4 (part), 1999; prior planning code § 9601)

17.148.040 Procedure for consideration.

- A. Major Variances.
1. ~~In All Zones. Except the S-11 Zone.~~ An application for a major variance shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notices on thereof ~~within three hundred (300) feet of the premises of the subject property involved in the application.~~ Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) ~~ten~~ days prior to the date set for the hearing. The Commission shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes ~~charges~~ in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to promote the purposes of the zoning regulations. The determination of the Commission shall become final ten calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. In the event the last date of appeal falls on a weekend or

holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.

~~2. In the S-11 Zone. The procedure for consideration of major variances in the S-11 zone shall be as set forth in the site development and design review procedure in Chapter 17.142.~~

23. Alcoholic Beverage Sales Commercial Activities. In addition to following the provisions of subsection (A)(1) of this section, the City Planning Commission shall also determine whether the proposal conforms to the criteria for findings of "Public Convenience and Necessity" set forth in Section 17.102.210(B)(3).

B. Minor Variances.

1. In All Zones. ~~Except the S-11 Zone.~~ An application for a minor variance shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission rather than acting on it himself or herself. At his or her discretion, an administrative hearing may be held. Notice shall be given by posting an enlarged notices thereof on within three hundred (300) feet of the premises of the subject property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) ten-days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director. The Director shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny the application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in his or her judgment necessary to promote the purposes of the zoning regulations. The determination of the Director of City Planning shall become final ten calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.148.060. In those cases which are referred to the Commission by the Director, the decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.

~~2. In the S-11 Zone. The procedure for consideration of minor variances in the S-11 zone shall be as set forth in the site development and design review procedure in Chapter 17.142.~~

~~C. Period of Consideration. Should a decision not be rendered pursuant to subsection A or B of this section within sixty (60) days after filing, the application shall be deemed approved except when, pursuant to the California Environmental Quality Act, an environmental document is required prior to decision, in which case should a decision not be rendered within sixty (60) days after final action on the environmental document, the application shall be deemed approved. In any case, however, the date by which a decision must be rendered may be extended by agreement between the Director of City Planning or the City Planning Commission and the applicant.~~

~~C.D. Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in subsections A and B of this section (Ord. 12376 § 3 (part), 2001; Ord. 12237 § 4 (part), 2000; Ord. 11831 § 6, 1995; prior planning code § 9603)~~

17.148.050 Findings required.

A. With the exception of variances for adult entertainment activities, a variance may be granted only upon determination that all of the following conditions are present:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

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2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation;

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;

5. ~~For proposals involving one or two dwelling units on a lot:~~ That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section ~~17.136.050, 17.136.070.~~

~~6. For proposals involving one or two dwelling units on a lot and not requiring design review or site development and design review: That all elements of the proposal conform to the "Special Residential Design Review Checklist Standards and Discretionary Criteria" as adopted by the City Planning Commission.~~

67. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

B. A variance for adult entertainment activities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstance or conditions of design;

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property;

3. That the variance will not adversely affect the use of churches, temples or synagogues; public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly residential care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses;

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations. (Ord. 12376 § 3 (part), 2001: prior planning code § 9604)

17.148.060 Appeal to Planning Commission--Minor variances.

Within ten calendar days after the date of a decision by the Director of City Planning on an application for a minor variance, an appeal from said decision may be taken to the City Planning Commission by the applicant or any other interested party. In the case of appeals involving one- or two-unit Residential Facilities, ~~and no Nonresidential Facilities,~~ the appeal shall be considered by the Commission's Residential Appeals Committee. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof; ~~which in the case of applications limited to one or two unit Residential Facilities, shall be the date of the Committee's next regularly scheduled meeting following the thirtieth day after the appeal is filed.~~ Not less than seventeen (17) ~~ten~~ days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations. The decision of the Commission or, if applicable, the Committee shall be final. (Ord. 12376 § 3 (part), 2001; Ord. 12237 § 4 (part), 2000; prior planning code § 9605)

17.148.070 Appeal to Council--Major variances.

A. With the exceptions of appeals for adult entertainment activities, appeals to the City Council shall be governed by the following:

Within ten calendar days after the date of a decision by the City Planning Commission on an application for a major variance, ~~or on revocation of any variance in accordance with Section 17.148.090,~~ an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) ~~ten~~ days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and may grant or deny an application for a

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variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations.

The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided.

B. Appeals to the City Council relating to adult entertainment activities shall be governed by the following:

Within ten calendar days after the date of a decision by the City Planning Commission on an application for a major variance ~~or on revocation of any variance in accordance with Section 17.148.090~~, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of the appeal, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) ~~ten~~ days prior thereto, given written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and shall grant an application for variance if it determines that all the said criteria are present or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided. In any event, however, the City Council must decide the appeal within sixty (60) days of the appeal being filed. (Prior planning code § 9606)

17.148.080 Adherence to approved plans.

A variance shall be subject to the plans and other specified conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate ~~two one~~ years from the effective date of its granting unless, within such period, all necessary permits for actual construction or alteration have been issued, or actual commencement of the authorized activities have ~~incommenced~~ commenced in the case of a variance not involving construction or alteration, has begun under valid permits within such period. However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired. Expiration of any necessary building permit for the project may invalidate the variance approval if said extension period has also expired. (Prior planning code § 9607)

~~17.148.090 Revocation.~~

~~In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, or in the event that one year has elapsed since the granting of a variance and no building permit or sign permit has been issued pursuant thereto, or in the event that the authorized activities, in cases not requiring a building or sign permit, have not commenced within said period, the City Planning Commission may, after holding a public hearing, revoke any variance. Notice of the hearing shall be given by posting notices thereof within seventy five~~

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~~(75) feet of the property involved. Notice of the hearing shall also be given by mail or delivery to the holder of the variance, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than ten days prior to the date set for the hearing. The determination of the Commission shall become final ten calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. (Prior planning code § 9608)~~

17.148.100 Variance related to conditional use permit, regular design review, planned unit development, or subdivision.

Whenever a variance is required for a proposal also requiring a conditional use permit, regular design review, or a planned unit development permit, application for the variance shall be included in the application for said conditional use permit, regular design review, or planned unit development permit, and shall be processed and considered as part of same. Whenever a variance is proposed within a proposed subdivision, the application for the variance may be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, and may be processed and considered therewith. In either case, however, the reviewing officer or body shall, in considering such a variance, determine whether the conditions required in Section 17.148.050 are present. (Prior planning code § 9609)

Chapter 17.152

ENFORCEMENT

Sections:

- 17.152.070 Filing and commencement of revocation complaints.**
- 17.152.100 Notice.**
- 17.152.150 Appeal to Planning Commission.**
- 17.152.170 Appeal to the City Council.**
- 17.152.200 Liens, penalties and expenses of abatement.**

17.152.070 Filing and commencement of revocation complaints.

A. Any member of the public, city official, including any City Councilmember, City Planning Commissioner or city employee, may file a complaint with the City Planning Department and request that revocation proceedings be commenced under this Chapter to revoke or amend any land-use related zoning approval granted, or land-use permit held or issued, including subdivisions. However, this Chapter shall not apply to Deemed Approved Alcoholic Beverage Sales Regulations (Chapter 17.156) and Deemed Approved Hotel and Rooming House Regulations (Chapter 17.157) as those Chapters have specific revocation procedures. pursuant to the following sections of the Zoning Regulations:

- ~~1. 17.112.010 through 17.112.060;~~
- ~~2. 17.134.010 through 17.134.120;~~
- ~~3. 17.136.010 through 17.136.130;~~
- ~~4. 17.140.010 through 17.140.120;~~
- ~~5. 17.142.010 through 17.142.090;~~
- ~~6. 17.146.010 through 17.146.060; and,~~
- ~~7. 17.148.010 through 17.148.110.~~

B. All revocation complaints shall identify the property that is the subject of the complaint and shall state facts and circumstances which justify commencement of revocation proceedings. (Ord. 12233 § 3 (part), 2000)

17.152.100 Notice.

Not less than seventeen (17) ten days prior to the revocation hearing, the City Planner shall give written notice to the complainant, property owner, and permit holder, if the latter is different from the property owner, of the date, time and place of the revocation hearing. The time and place of the revocation hearing shall be set, if at all possible, between seven p.m. and ten p.m. during the week. Notice also shall be given to other interested individuals, entities and neighborhood organizations that have requested notification, and to similar individuals and groups, as the City Planner deems necessary. The revocation administrative record shall be mailed with the notice to the property owner and permit holder. Notices also shall be appropriately posted on the property that is the subject of the revocation proceedings, ~~and within three hundred (300) feet of the property.~~ All posted and mailed notices to individuals and entities other than the owner and permit holder shall indicate the availability of the revocation administrative record. Notice by mail is deemed given on the date it is properly addressed and placed in the U.S. mail system. At the discretion of the Hearing Officer, and upon a good cause request by the city, the revocation administrative record may be amended. (Ord. 12233 § 3 (part), 2000)

17.152.150 Appeal to Planning Commission.

If the Hearing Officer's decision is properly appealed to the City Planning Commission, the City Planning Director, upon receipt of a valid appeal, shall forward a complete Hearing Officer hearing record, including a transcript of the Hearing Officer proceedings and the Hearing Officer's written decision, to the City Planning Commission. The Hearing Officer's record of proceedings shall be

forwarded to the City Planning Commission prior to the date the Commission hears the appeal. The appeal hearing before the Commission shall not be a de novo hearing.

Any appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Hearing Officer or wherein his/her decision is not supported by the evidence in the record. Upon receipt of such appeal, the Secretary to the Commission shall set the date for consideration thereof and, not less than seventeen (17) ~~ten~~-days prior thereto, give written notice to: the appellant, any adverse individuals and/or entities, or the attorney, spokesperson, or representative of such individual or entity, other interested groups and neighborhood associations that have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date, time and place of the hearing on the appeal, and, as soon as the same become technologically feasible, post the date, time and place of the hearing on the city's web site. Notice of the appeal shall be posted on the property, ~~and within three hundred (300) feet thereof.~~ (Ord. 12233 § 3 (part), 2000)

17.152.170 Appeal to the City Council.

Upon receipt of the appeal, the City Council shall set the date for consideration thereof. After setting the hearing date, the City Clerk shall notify the Secretary of the Planning Commission of the receipt of the appeal and of the date, time and place set for consideration thereof; and said Secretary shall, not less than seventeen (17) ~~ten~~-days prior thereto, give written notice to: the appellant, any adverse individual or entity, or to the attorney, spokesperson, or representative of such individual or entity; other interested groups and neighborhood associations who have requested notification; and similar groups and individuals as the Secretary deems appropriate, of the date, time and place of the hearing on the appeal, and as soon as the same becomes technologically feasible, post the date, time and place of the hearing on the city's web site. The City Council shall affirm, modify or reverse the Commission's decision. The decision of the City Council shall be final. (Ord. 12233 § 3 (part), 2000)

17.152.200 Liens, penalties and expenses of abatement.

A. If the Hearing Officer, City Planning Commission or City Council, as part of a final decision, imposes any fine and/or monetary penalty, such fine and/or monetary penalty, in addition to being a personal obligation of the property owner and permit holder, shall constitute a special assessment against that real property that is the subject of the final decision by the Hearing Officer, City Planning Commission or City Council;

B. In addition, any and all reasonable expenses necessarily incurred by the City Planning Department, City Building Official and/or any other City department, in abating any condition determined to be a public nuisance by a final decision of the Hearing Officer, City Planning Commission or City Council, also shall be a personal obligation of the permit holder and property owner and constitute a special assessment against the property that is the subject of the final decision.

C. Said reasonable expenses, fines and monetary expenses, among other ways, may be collected by the city pursuant to the provisions of subsection D of this section.

D. For purposes of this section, the personal obligation requirement shall apply to individuals and entities. The Building Official shall give the permit holder and owner of such premises a written notice showing the amount of the penalty, fine and expense and requesting payment thereof. If the amount of such penalty, time and expense are not paid to the Building Official within five days after the date of such notice, the Building Official shall forward a report of the penalty, fine and expense to the City Planning Commission for a confirmation hearing.

The property owner and permit holder shall be given at least seventeen (17) ~~ten~~-days' notice of the confirmation hearing before the City Planning Commission. Said notice shall be in writing. The amount of the penalty, fine and expense shall be confirmed by the City Planning Commission, unless the Commission finds, based upon evidence in the record, that the Building Official erred in imposing or computing the amount of the penalty, fine or expense. If such error is found, the Commission may modify the amount of the penalty, fine or expense as warranted.

Chapter 17.154

ZONING MAPS

Sections:

17.152.200 Liens, penalties and expenses of abatement.

17.154.020 Maps and designated landmarks.

D. Designated Landmarks and Landmark Sites. Subject to the provisions of Sections 17.154.040 and 17.154.050, the boundaries and other features of designated landmarks and landmark sites are established and fixed as indicated in such ordinances as are hereafter adopted pursuant to Section 17.136.070 ~~102.030~~ and the rezoning and law change procedure in Chapter 17.144. All such ordinances are incorporated as part of this section. (Prior planning code § 10002)

Chapter 17.156

DEEMED APPROVED ALCOHOLIC BEVERAGE SALE REGULATIONS

Article IV. Deemed Approved Status Procedure

Sections:

17.156.100 Title, purpose, and applicability.

17.156.160 Appeal to Planning Commission.

17.156.170 Appeal on the revocation of a Deemed Approved Status to the City Council.

17.156.180 Notification of public hearing.

17.156.100 Title, purpose, and applicability.

The provisions of this article shall be known as the Deemed Approved Status procedure. The purpose of these provisions is to: (A) provide notice of Deemed Approved Status upon Alcoholic Beverage Sales Commercial Activities that were Legal Nonconforming Activities immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale regulations; (B) prescribe the procedure for the imposition of conditions of approval upon these activities; and (C) prescribe the procedure for appealing conditions of approval or the revocation of a Deemed Approved Status. (Ord. 11624 § 2, 1993; prior planning code § 15300)

17.156.160 Appeal to Planning Commission.

Within ten calendar days after imposition of conditions of approval on a Deemed Approved Activity or the revocation of Deemed Approved Status, an appeal may be taken to the City Planning Commission by the Deemed Approved Activity owner or any other interested party. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the city. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Officer or wherein its decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required to facilitate review. Upon receipt of the appeal and the required appeal fee in accordance with Section 17.156.190, the Secretary to the Planning Commission shall set the date for consideration thereof. The Administrative Hearing Officer shall, not less than seventeen (17) ~~ten~~ days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; the adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as appropriate, of the date and place of the hearing on the appeal.

In considering the appeal, the Planning Commission shall determine whether the established use conforms to the applicable Deemed Approved performance standards and/or conditions of approval, and may continue or revoke a Deemed Approved Status; or require such changes in the existing use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said performance standards.

The Planning Commission shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Commission is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Commission thereafter until decided. The decision of the Planning Commission on the appeal to the conditions of approval imposed by the Administrative Hearing Officer shall be final. (Ord. 11624 § 2, 1993; prior planning code § 15360)

17.156.170 Appeal on the revocation of a Deemed Approved Status to the City Council.

Within ten calendar days after the date of a decision by the City Planning Commission to revoke a Deemed Approved Status, an appeal from said decision may be taken to the City Council by any interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Planning Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of the appeal and an appeal fee in accordance with Section 17.156.190, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than ten days prior thereto, give written notice to: the owner of the Deemed Approved Activity; the property owner; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the time, date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the Deemed Approved Activity conforms to the applicable Deemed Approved performance standards, and may approve or disapprove the revocation or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said standards.

The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided. (Ord. 11624 § 2, 1993; prior planning code § 15370)

17.156.180 Notification of public hearing.

The Officer shall notify the owner of each Deemed Approved Activity, and also the property owner if not the same, of the time and place of the public hearing. Such notice shall be sent via certified return receipt mail, and shall include notification that the Deemed Approved Status of the Deemed Approved Activity will be considered before the Officer. The public hearing shall be noticed by posting notices on within three hundred (300) feet of the premises of the subject property; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the subject property; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) ten-days prior to the date set for the hearing, if such is to be held. Fees for notification shall be in accordance with Section 17.156.190 and paid for by the Deemed Approved Activity in question.

A. Notice on Site. A city-provided notice of eight and one half by eleven (11) inches in dimension shall also be posted on the premises of the subject activity, placed in the window of the activity (if a window facing the street is not present, then the placard will be required to be posted onto the exterior of the building). All notices shall advertise the time, date, purpose and location of the public hearing for each particular site. All notices shall be given not less than seventeen (17) ten-days prior to the date set for the hearing.

B. Notice by Mail. Notice by mail is deemed given on the date the notice is placed into the U.S. Mail system. (Ord. 12154 § 4, 1999; Ord. 11624 § 2, 1993; prior planning code § 15380)

Chapter 17.157

DEEMED APPROVED HOTEL AND ROOMING HOUSE REGULATIONS

Article IV. Deemed Approved Status Procedure

Sections:

17.157.070 Purpose and applicability.

17.157.130 Appeal to City Planning Commission.

17.157.140 Appeal on the revocation of a Deemed Approved Status to the City Council.

17.157.150 Notification of public hearing before Administrative Hearing Officer.

17.157.070 Purpose and applicability.

The purpose of the provisions of this article is to: (A) provide notice of Deemed Approved Status upon Hotels and Rooming Houses that were Legal Nonconforming Activities immediately prior to the effective date of the Deemed Approved Hotel regulations; (B) prescribe the procedure for the imposition of conditions of approval upon those activities; and (C) prescribe the procedure for appealing conditions of approval or the revocation of a Deemed Approved Status. (Ord. 12137 § 2 (part), 1999)

17.157.130 Appeal to City Planning Commission.

Within ten calendar days after imposition of conditions of approval on a Deemed Approved Hotel Activity or the revocation of Deemed Approved Status, an appeal may be taken to the City Planning Commission by the Deemed Approved Activity owner or any other interested party. In the event the last date of appeal falls on a weekend or a holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the city. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Officer or wherein its decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required to facilitate review. Upon receipt of the appeal and the required appeal fee in accordance with Section 17.157.160 the Secretary of the City Planning Commission shall set a date for consideration thereof. The Secretary of the City Planning Commission shall, not less than ~~ten~~ seventeen (17) days prior thereto, give written notice to: the owner of the Deemed Approved Hotel Activity; the property owner; the appellant in those cases where the appellant is not the owner; the adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as appropriate, of the date and place of the hearing on the appeal.

In considering the appeal, the City Planning Commission shall determine whether the Deemed Approved Hotel Activity conforms to the applicable Deemed Approved performance standards and/or conditions of approval, and may continue or revoke a Deemed Approved Status; or require such changes in the existing use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said performance standards.

The City Planning Commission shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Commission is unable to decide on the appeal at that meeting, it shall appear for a vote on each regular meeting of the Commission thereafter until decided. The decision of the City Planning Commission on the appeal to the conditions of approval imposed by the Administrative Hearing Officer shall be final. (Ord. 12137 § 2 (part), 1999)

17.157.140 Appeal on the revocation of a Deemed Approved Status to the City Council.

Within ten calendar days after the date of a decision by the City Planning Commission to revoke a Deemed Approved Status, an appeal from said decision may be taken to the city Council by any interested party. In the event the last date of appeal falls on a weekend or a holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of the appeal and an appeal fee in accordance with Section 17.157.160, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and the date set for consideration thereof; and said Secretary shall, not less than ten days prior thereto, give written notice to: the owner of the Deemed Approved Hotel Activity; the property owner; the appellant in those cases where the appellant is not the owner; the adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as appropriate, of the date and place of the hearing on the appeal.

In considering the appeal, the Council shall determine whether the Deemed Approved Hotel Activity conforms to the applicable Deemed Approved performance standards and/or conditions of approval, and may approve or disapprove the revocation of the Deemed Approved Status; or require such changes to the existing use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said performance standards.

The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing on the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided. (Ord. 12137 § 2 (part), 1999)

17.157.150 Notification of public hearing before Administrative Hearing Officer.

The Officer shall notify the owner of each Deemed Approved Activity, and also the property owner if not the same, of the time and place of the public hearing. Such notice shall be sent via certified return receipt mail, and shall include notification that the Deemed Approved Status of the Deemed Approved Hotel Activity will be considered by the Officer. The public hearing shall be noticed by posting notices on within three hundred (300) feet of the premises of the subject property; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the subject property; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. Such notices shall be given not less than seventeen (17) ten-days prior to the date set for the hearing, if such is to be held. Fees for notification shall be in accordance with Section 17.157.160 and paid for by the Deemed Approved Hotel Activity in question.

A. Notice on Site. A city-provided notice of a ~~minimum eight and one-half by eleven inches in dimension~~ shall also be posted on the premises of the subject activity, placed in the window of the activity (if a window facing the street is not present, then the notice placard will be required to be posted onto the exterior of the building). All notices shall advertise the time, date, purpose and location of the public hearing for each particular site. All notices shall be given not less than seventeen (17) ten-days prior to the date set for the hearing.

B. Notice by Mail. Notice by mail is deemed given on the date the notice is placed into the U.S. Mail system. (Ord. 12137 § 2 (part), 1999)

Chapter 17.158

ENVIRONMENTAL REVIEW REGULATIONS

Part 2. California Environmental Quality Act (“CEQA”) Procedures

Article 2.1. General Provisions

Sections:

- 17.158.180 Ministerial actions.**
- 17.158.190 Discretionary actions.**

Article 2.2. Exemption Process

Sections:

- 17.158.270 Considerations in making exemption determinations.**

17.158.180 Ministerial actions.

Ministerial actions typically processed by the city include, but are not limited to:

- A. Issuance of building, plumbing, mechanical, and electrical permits;
- B. Issuance of sign and banner permits;
- C. Issuance of sewer permits;
- D. Issuance of sidewalk, driveway, curb, and gutter permits;
- E. Issuance of ministerial demolition permits, as defined in Chapter 15.36 of the Oakland

Municipal Code;

- F. Issuance of reroofing permits;
- G. Issuance of pest control permits;
- H. Approval of individual utility service connections or disconnections;
- I. Approval of final subdivision maps;
- J. Approval of parcel map waivers, including lot line adjustments and lot combinations;

~~KJ. Checklist special-Small project design review, as defined in Chapter 17.136 of the Oakland Planning Code;~~

- L. Design review exemptions, as defined in Chapter 17.136 of the Oakland Planning Code;

~~MK. Issuance of business licenses and payment of business taxes;~~

~~NL. Granting of permits by the Police and Fire Departments. (Ord. 11766 § 2 (part), 1994: prior planning code § 1140)~~

17.158.190 Discretionary actions.

Discretionary actions typically processed by the city include, but are not limited to:

- A. Certain approvals granted under the zoning regulations, including but not limited to:
 - 1. Conditional use permits;
 - 2. Regular Design review;
 - ~~3. Discretionary special design review;~~
 - 4. Development agreements;
 - 5. Planned unit developments;
 - 6. Rezoning;
 - ~~7. Site development and design review;~~
 - 8. Variances;
- B. Certain approvals granted under the subdivision regulations, including but not limited to:
 - ~~1. Parcel map waivers;~~
 - 2. Private access easements;
 - 3. Tentative parcel maps;
 - 4. Tentative tract maps;

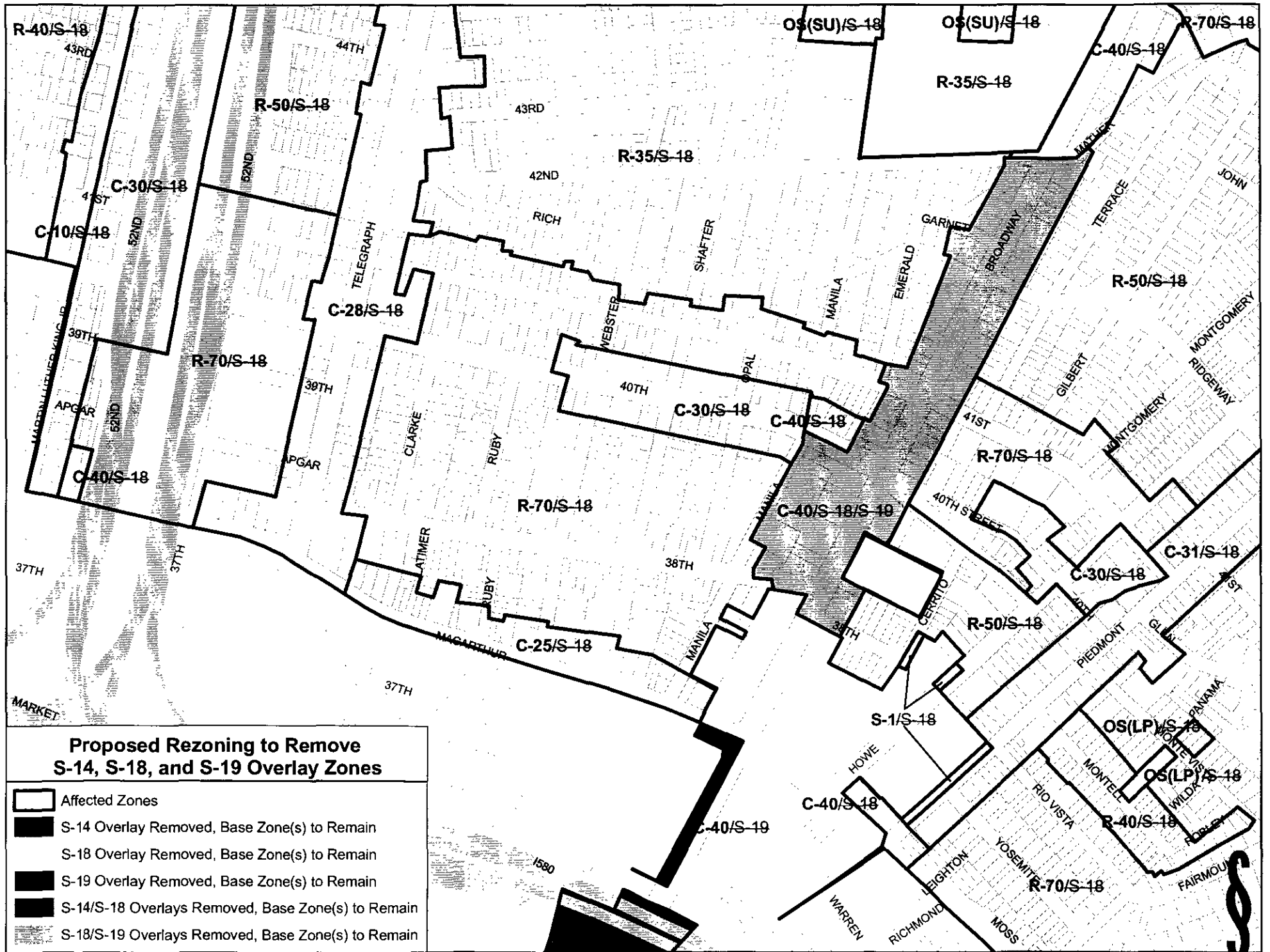
EXHIBIT A

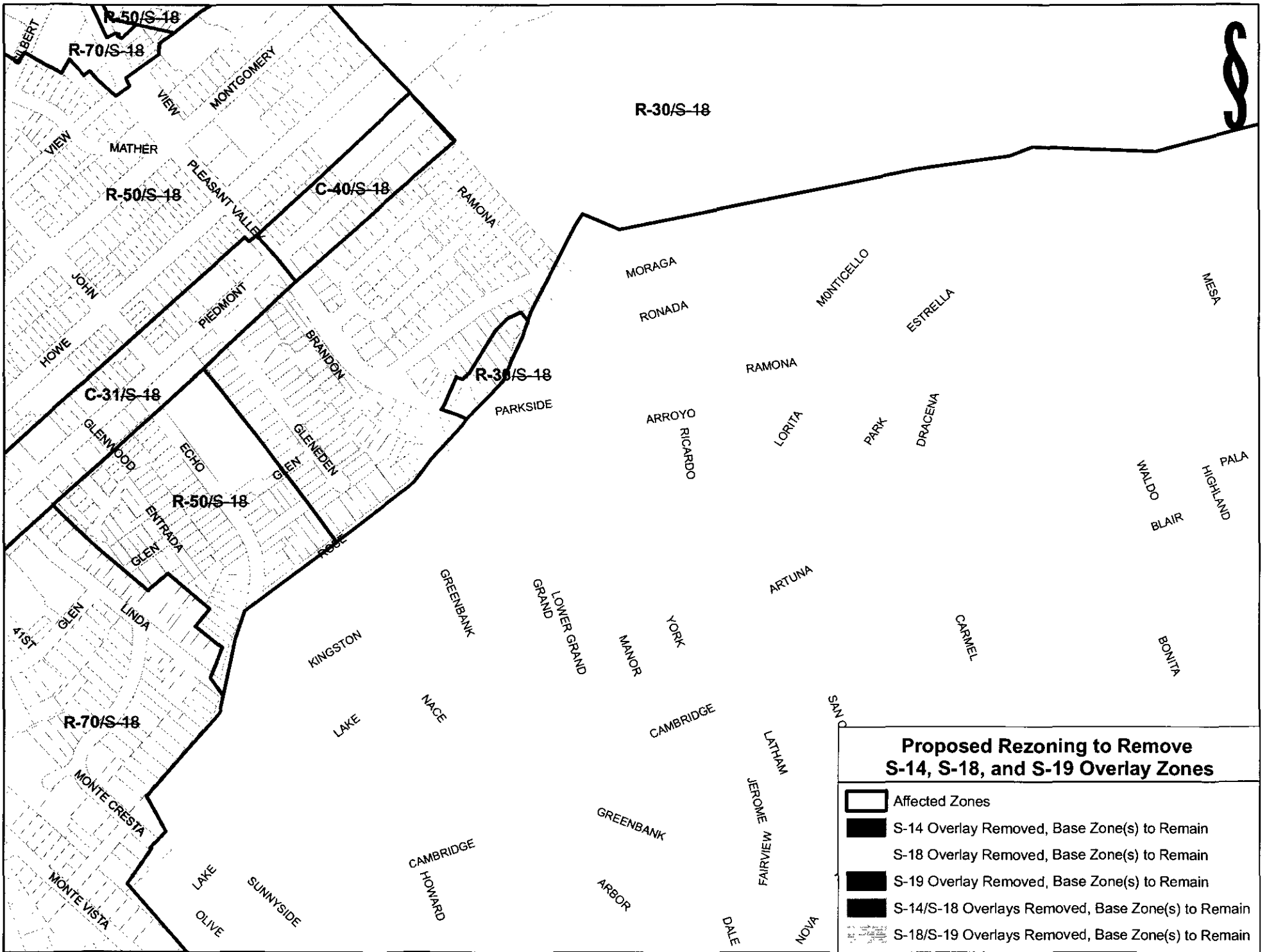
- C. Certain permits issued under other city codes, regulations, and ordinances, including but not limited to:
1. Discretionary demolition permits, as defined in Chapter 15.36 of the Oakland Municipal Code;
 2. Encroachment permits;
 3. Excavation permits;
 4. Grading permits;
 5. House moving permits;
 6. Obstruction permits;
 7. Permits for private construction of public improvements (“P-job” permits);
 8. Special activity permits issued by the City ~~Administrator~~ Manager;
 9. Tree removal permits;
- D. Amendments to the zoning regulations, subdivision regulations, other codes and regulations governing the issuance of discretionary permits, or the Oakland ~~Comprehensive~~ General Plan;
- E. Projects sponsored or assisted by the city or the Redevelopment Agency. (Ord. 11766 § 2 (part), 1994: prior planning code § 1150)

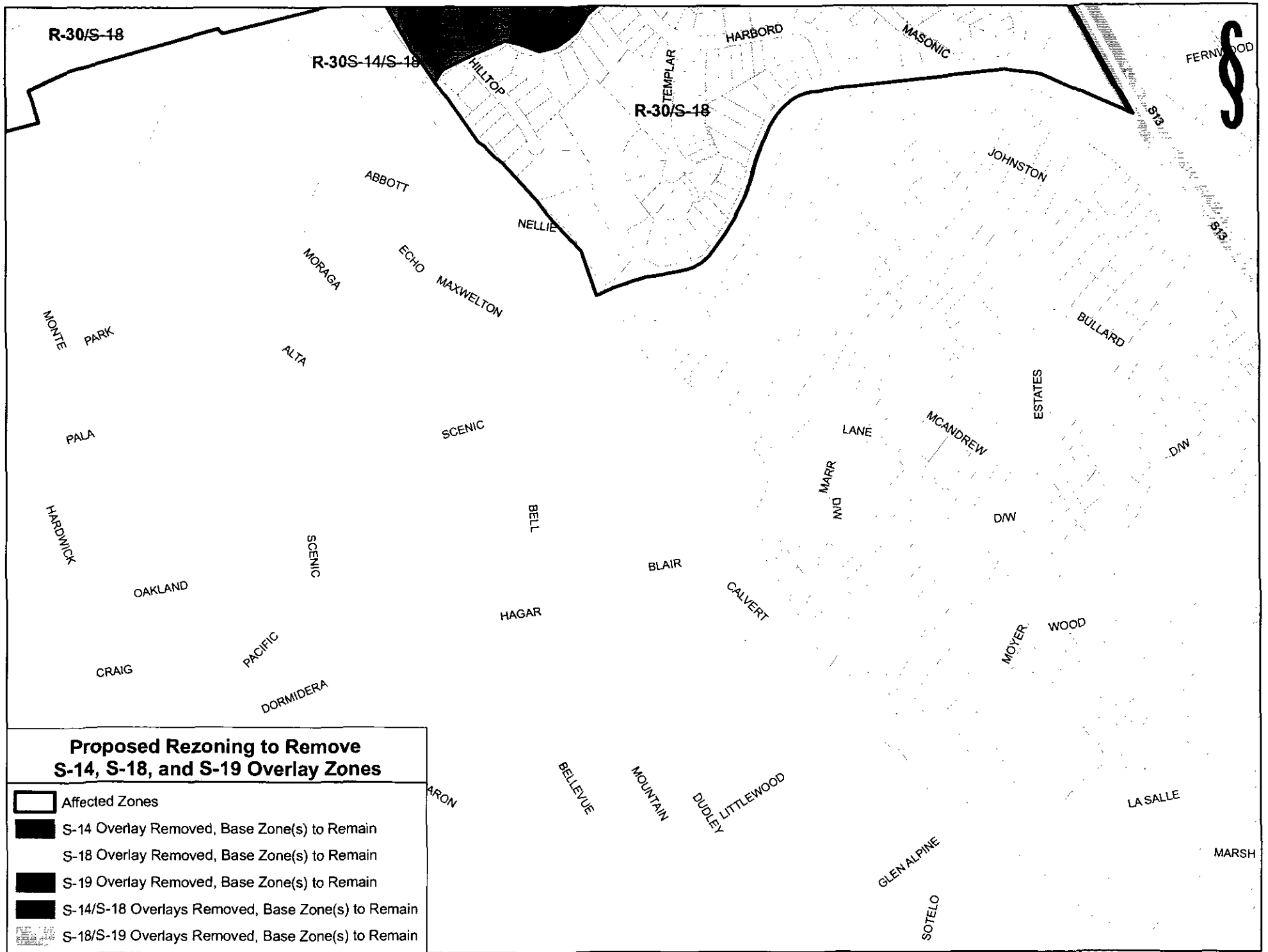
17.158.270 Considerations in making exemption determinations.

B. Applicability of Single and Multiple Exemptions. A project may be subject to more than one exemption from CEQA, in which case all applicable exemptions may be cited. If it is determined that a particular exemption does not apply to a project because of the qualifiers pertaining to that exemption, the project may still be exempt under another exemption. For example, a project involving grading and the construction of a new single-family home on a site with a fifteen (15) percent slope would not be exempt under Categorical Exemption Class 4, “Minor Alterations to Land,” because of the qualifier that the slope be less than ten percent, but could still be exempt under Categorical Exemption Class 3, “New Construction or Conversion of Small Structures,” because that class has no qualifier pertaining to slope. However, the “rule of reason” must be applied when considering possible multiple exemptions. For example, it would not be reasonable to exempt a five hundred (500) unit subdivision on a flat site under Class 4 because the project involved grading on a slope of less than ten percent. (Ord. 11766 § 2 (part), 1994: prior planning code § 1240)

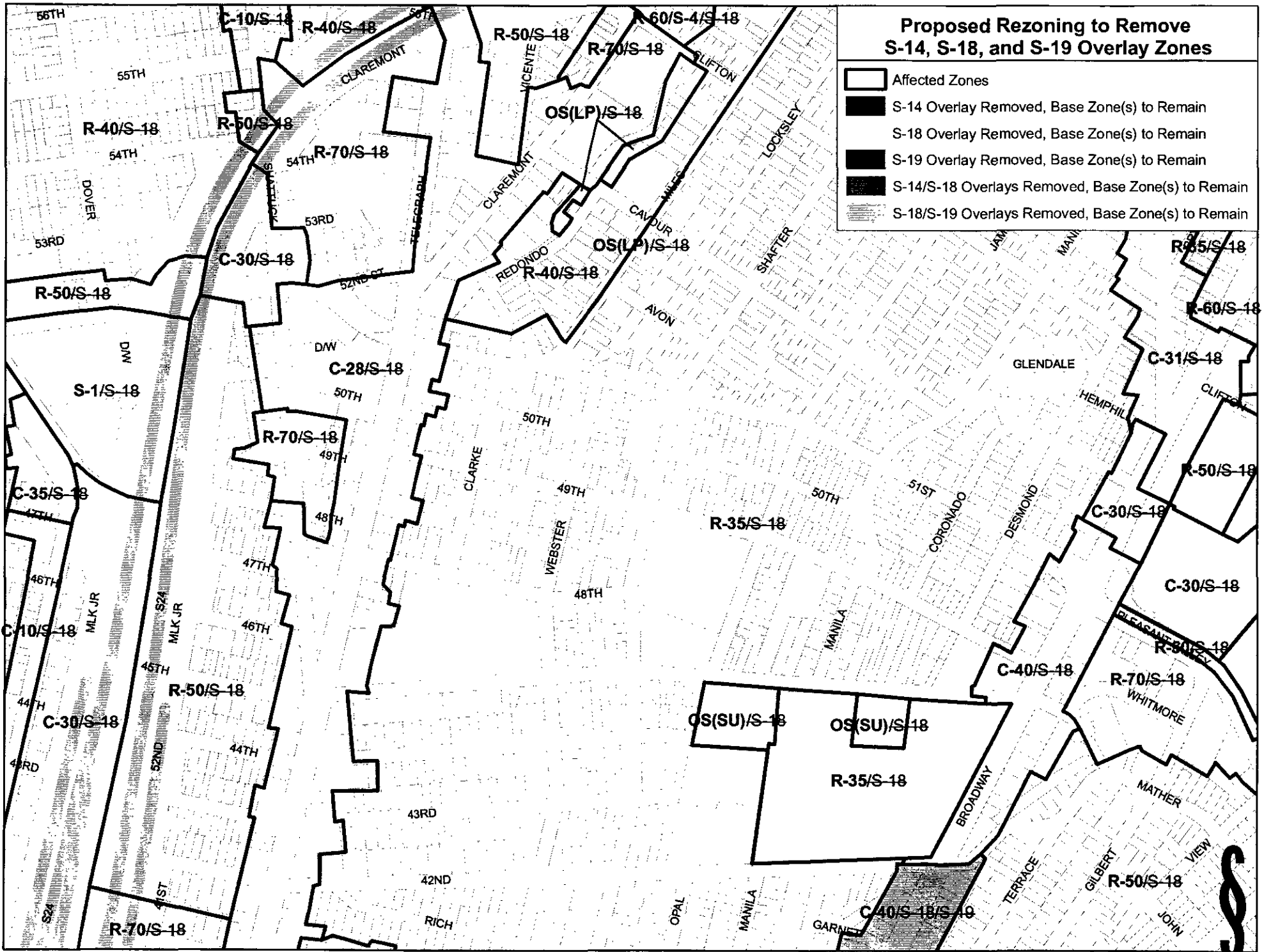
***Zoning Maps showing the Elimination of the
S-14, S-18, and S-19 Combining Zones***











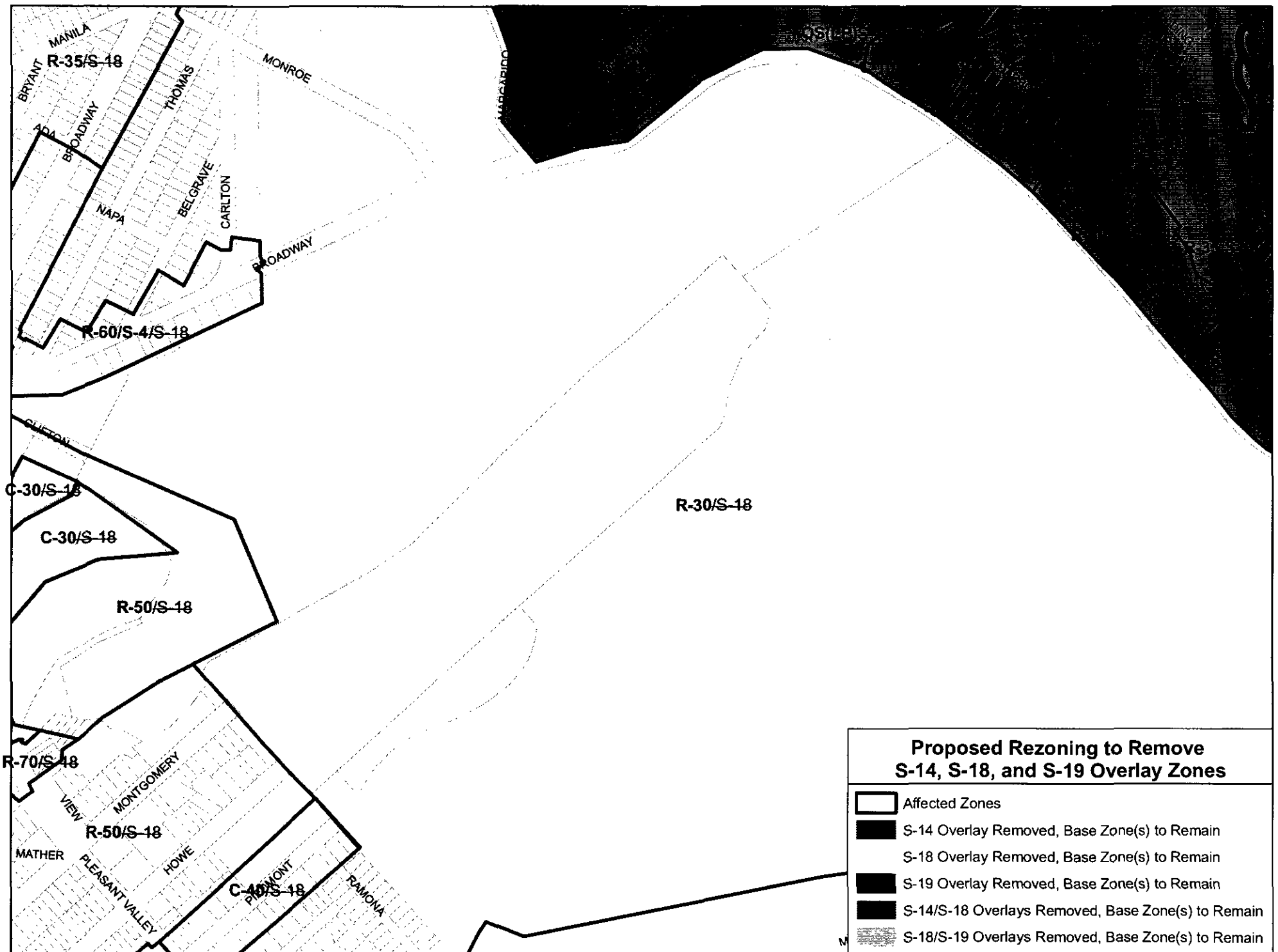






Proposed Rezoning to Remove S-14, S-18, and S-19 Overlay Zones







-  Affected Zones
-  S-14 Overlay Removed, Base Zone(s) to Remain
-  S-18 Overlay Removed, Base Zone(s) to Remain
-  S-19 Overlay Removed, Base Zone(s) to Remain
-  S-14/S-18 Overlays Removed, Base Zone(s) to Remain
-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain

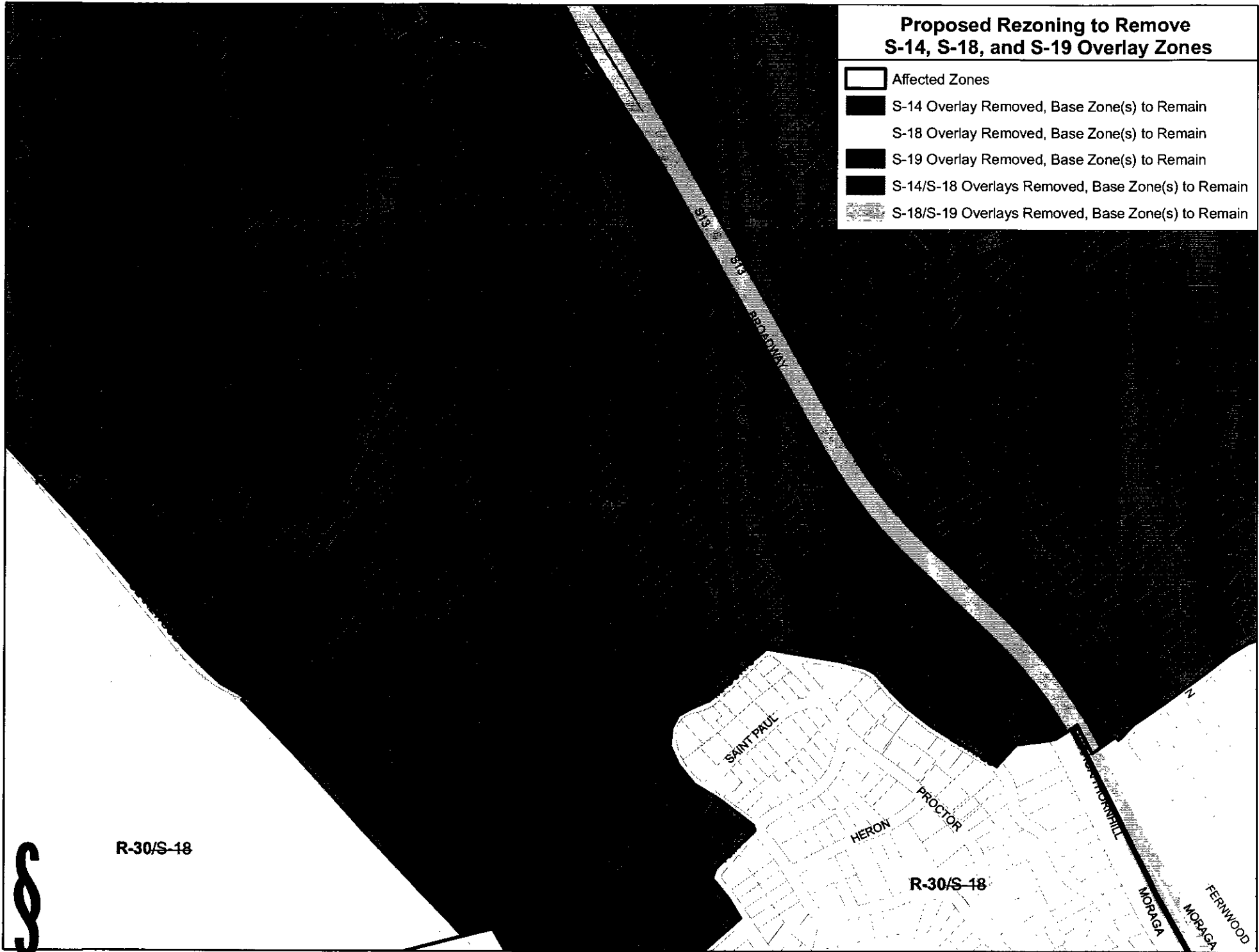


**Proposed Rezoning to Remove
S-14, S-18, and S-19 Overlay Zones**

	Affected Zones
	S-14 Overlay Removed, Base Zone(s) to Remain
	S-18 Overlay Removed, Base Zone(s) to Remain
	S-19 Overlay Removed, Base Zone(s) to Remain
	S-14/S-18 Overlays Removed, Base Zone(s) to Remain
	S-18/S-19 Overlays Removed, Base Zone(s) to Remain

Proposed Rezoning to Remove S-14, S-18, and S-19 Overlay Zones

-  Affected Zones
-  S-14 Overlay Removed, Base Zone(s) to Remain
-  S-18 Overlay Removed, Base Zone(s) to Remain
-  S-19 Overlay Removed, Base Zone(s) to Remain
-  S-14/S-18 Overlays Removed, Base Zone(s) to Remain
-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain



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R-30/S-18







R-30/S-18

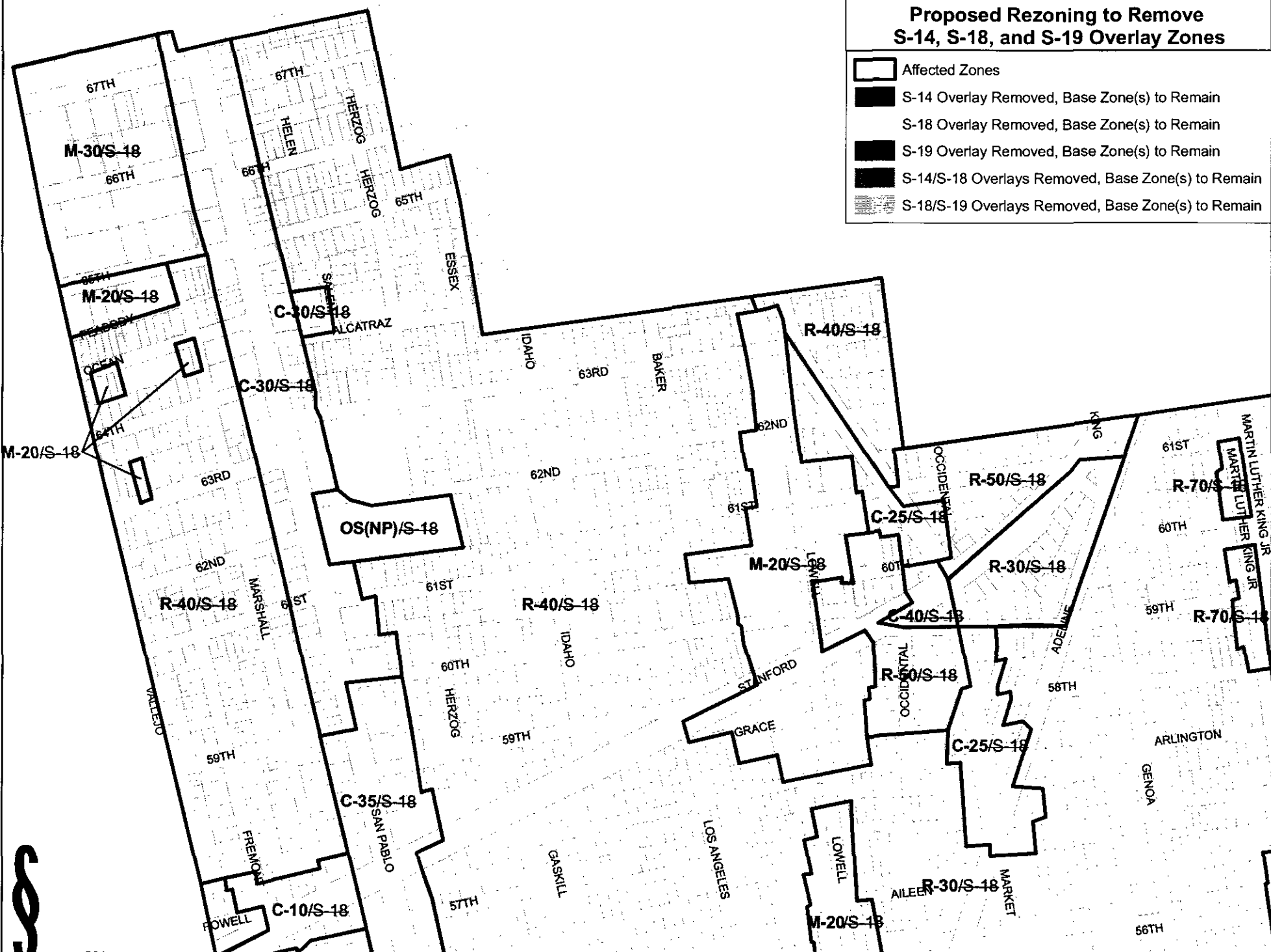


Proposed Rezoning to Remove S-14, S-18, and S-19 Overlay Zones







Affected Zones	
	S-14 Overlay Removed, Base Zone(s) to Remain
	S-18 Overlay Removed, Base Zone(s) to Remain
	S-19 Overlay Removed, Base Zone(s) to Remain
	S-14/S-18 Overlays Removed, Base Zone(s) to Remain
	S-18/S-19 Overlays Removed, Base Zone(s) to Remain

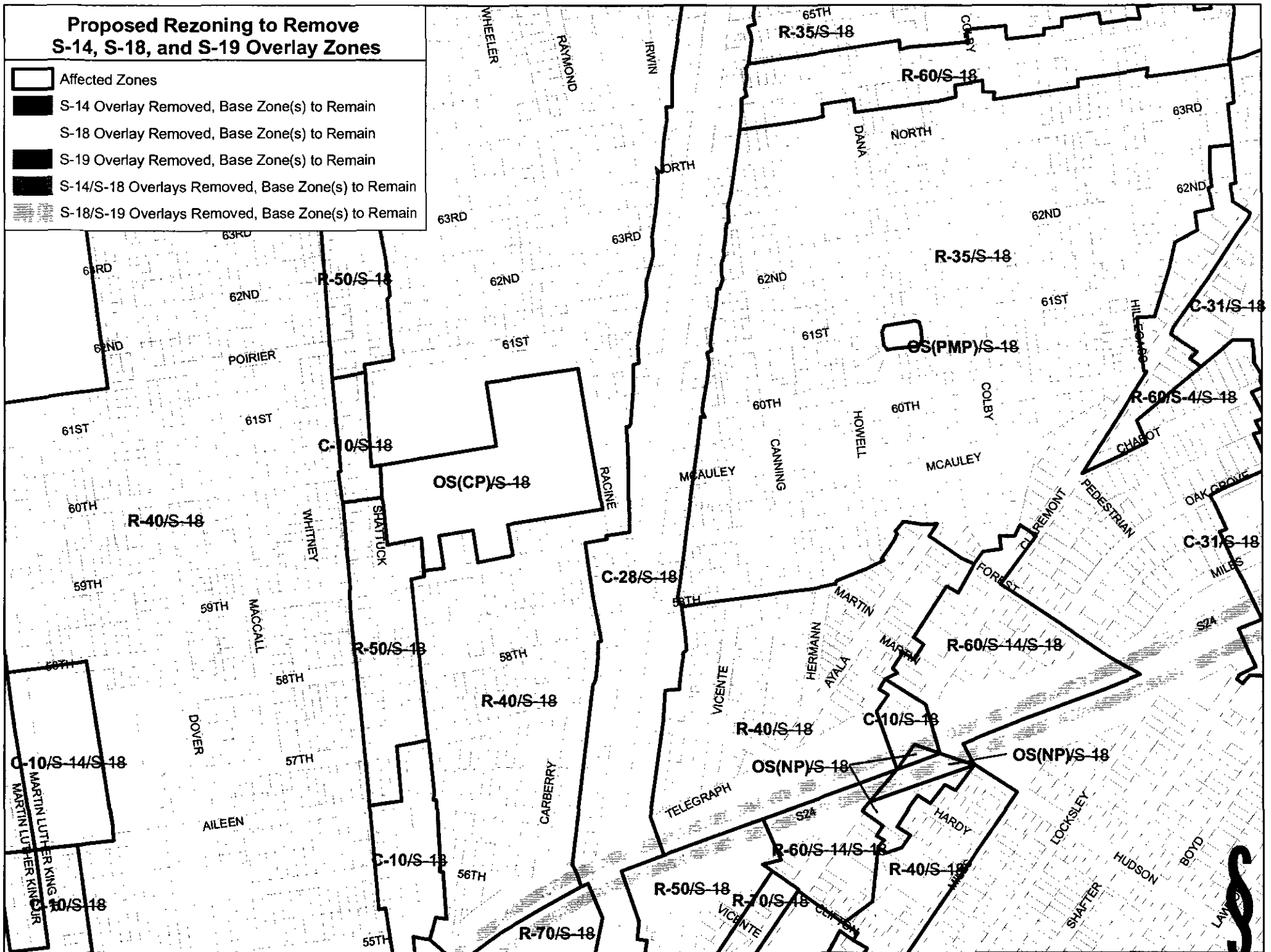
Proposed Rezoning to Remove S-14, S-18, and S-19 Overlay Zones

-  Affected Zones
-  S-14 Overlay Removed, Base Zone(s) to Remain
-  S-18 Overlay Removed, Base Zone(s) to Remain
-  S-19 Overlay Removed, Base Zone(s) to Remain
-  S-14/S-18 Overlays Removed, Base Zone(s) to Remain
-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain









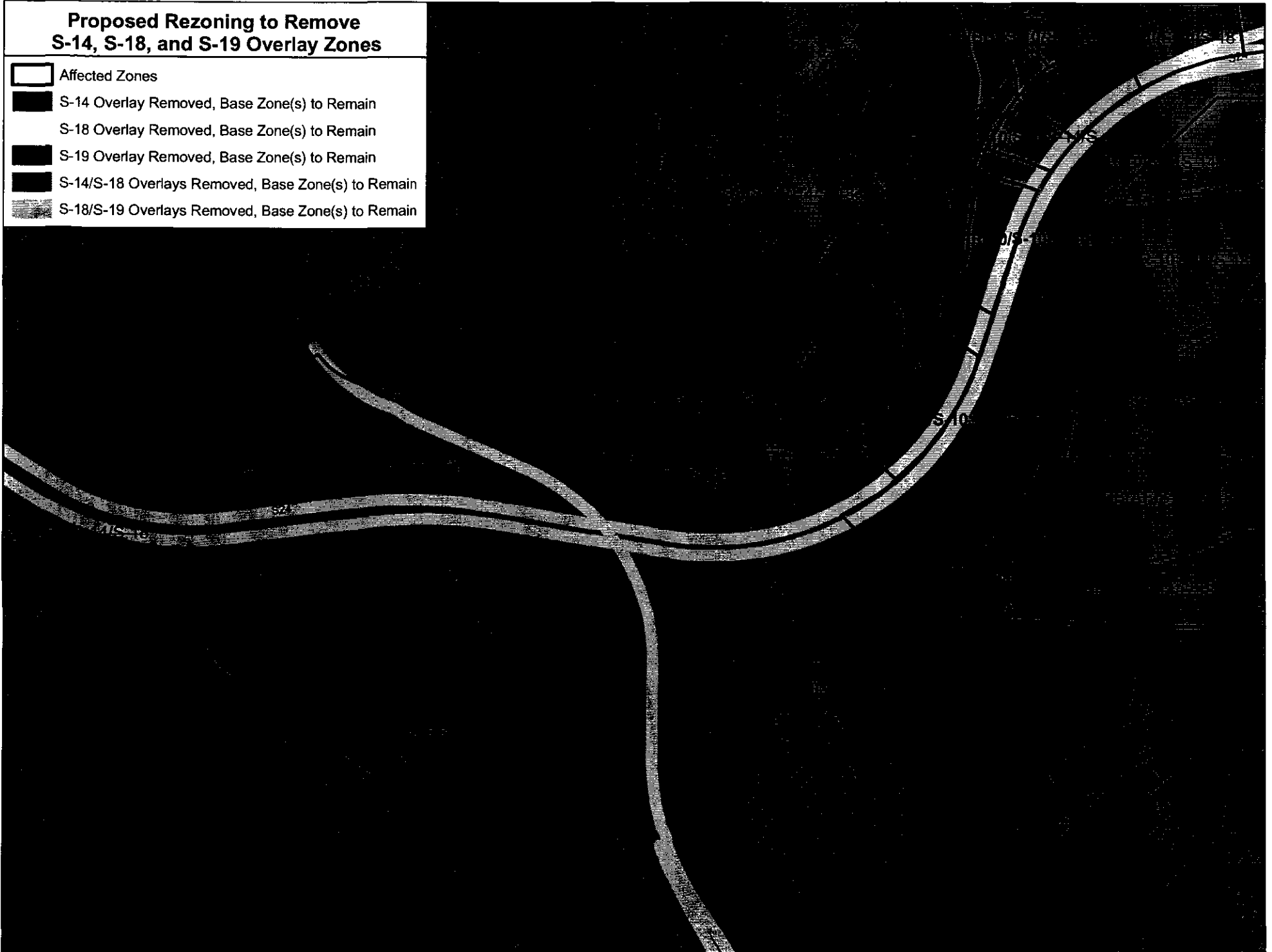
Proposed Rezoning to Remove S-14, S-18, and S-19 Overlay Zones

-  Affected Zones
-  S-14 Overlay Removed, Base Zone(s) to Remain
-  S-18 Overlay Removed, Base Zone(s) to Remain
-  S-19 Overlay Removed, Base Zone(s) to Remain
-  S-14/S-18 Overlays Removed, Base Zone(s) to Remain
-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain









Proposed Rezoning to Remove S-14, S-18, and S-19 Overlay Zones

-  Affected Zones
-  S-14 Overlay Removed, Base Zone(s) to Remain
-  S-18 Overlay Removed, Base Zone(s) to Remain
-  S-19 Overlay Removed, Base Zone(s) to Remain
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-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain



Proposed Rezoning to Remove S-14, S-18, and S-19 Overlay Zones

-  Affected Zones
-  S-14 Overlay Removed, Base Zone(s) to Remain
-  S-18 Overlay Removed, Base Zone(s) to Remain
-  S-19 Overlay Removed, Base Zone(s) to Remain
-  S-14/S-18 Overlays Removed, Base Zone(s) to Remain
-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain

OS(RCA)/S-10/S-11/S-14

R-10/S-10/S-11/S-18

R-10/S-10/S-14/S-18

R-10/S-10/S-11/S-14

R-30/S-10/S-11/S-18

GRIZZLY PEAK

BALSAM

WOODLAND
PINE NEEDLE

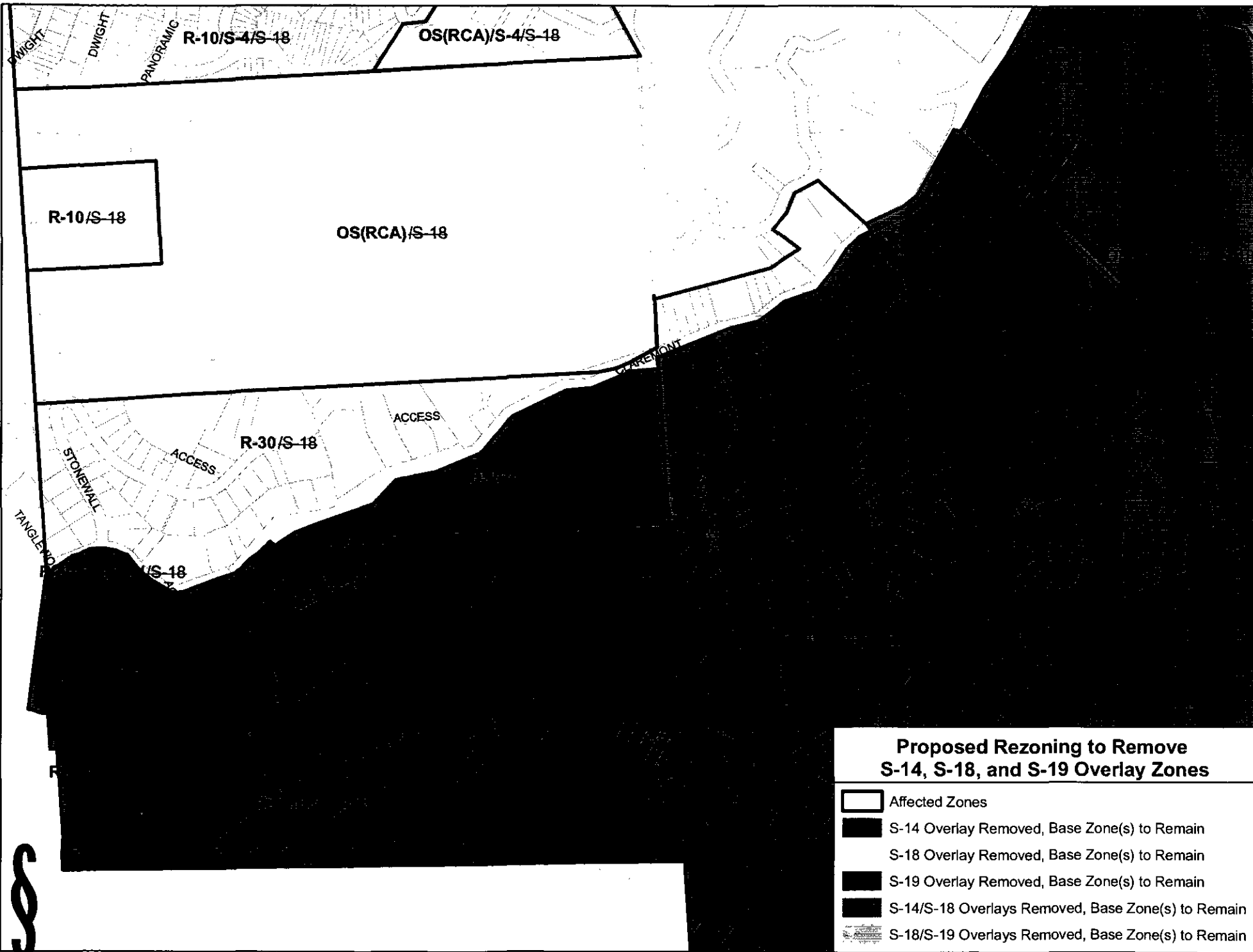
THE TURN

PINEHAVEN

OBSERVATION
ELVERTON







THORNDALE

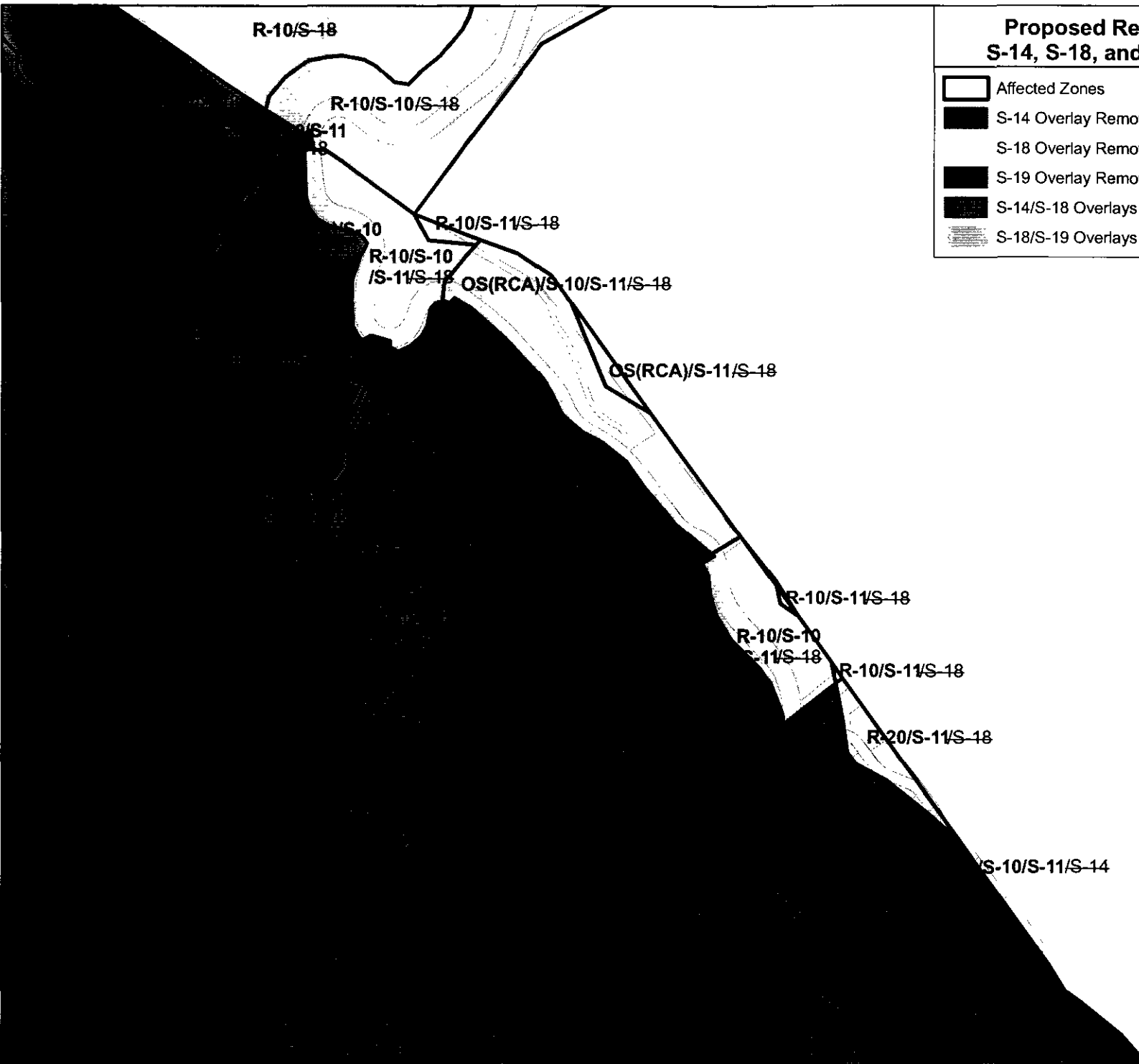




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**Proposed Rezoning to Remove
S-14, S-18, and S-19 Overlay Zones**

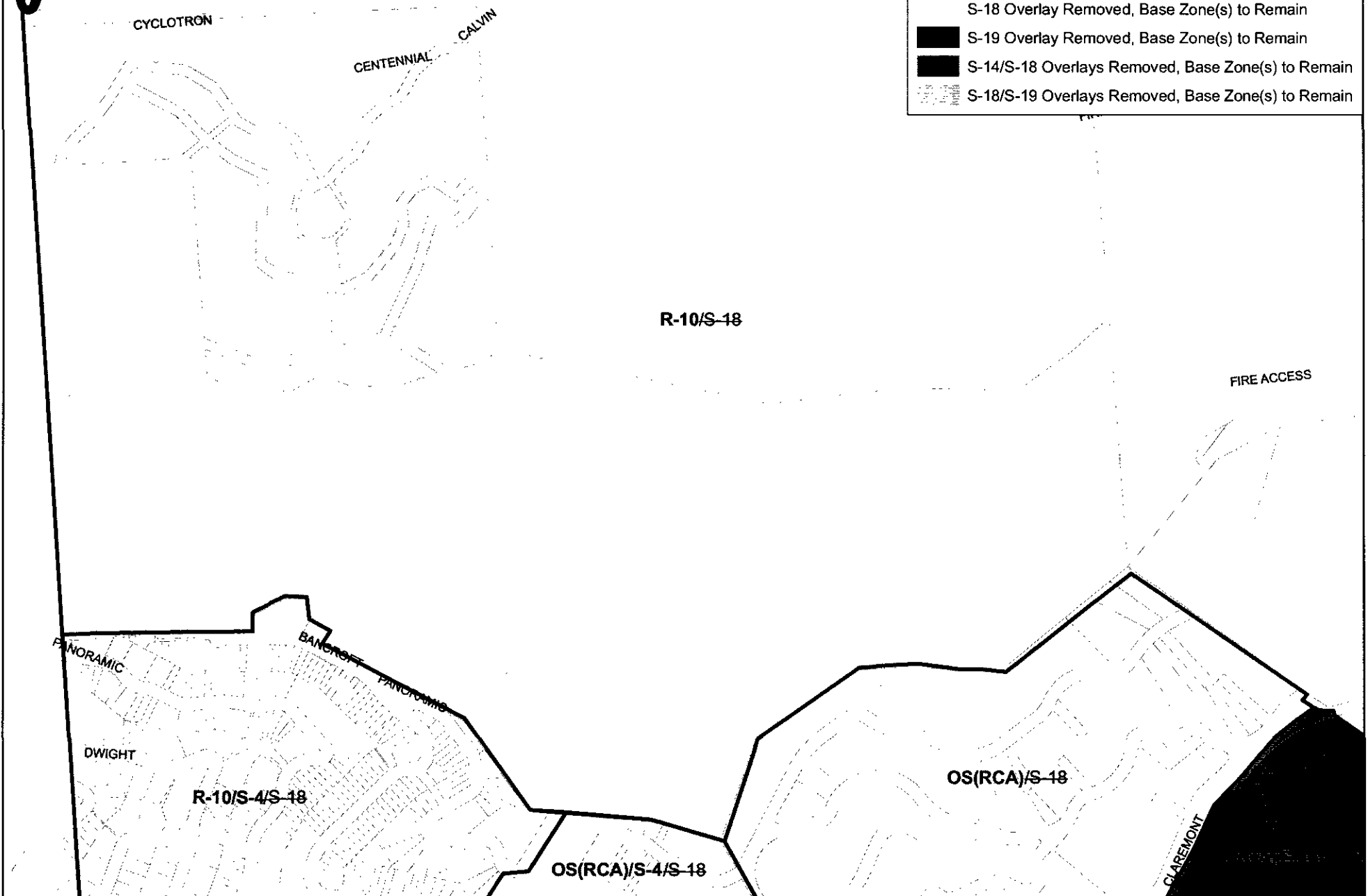
-  Affected Zones
-  S-14 Overlay Removed, Base Zone(s) to Remain
-  S-18 Overlay Removed, Base Zone(s) to Remain
-  S-19 Overlay Removed, Base Zone(s) to Remain
-  S-14/S-18 Overlays Removed, Base Zone(s) to Remain
-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain









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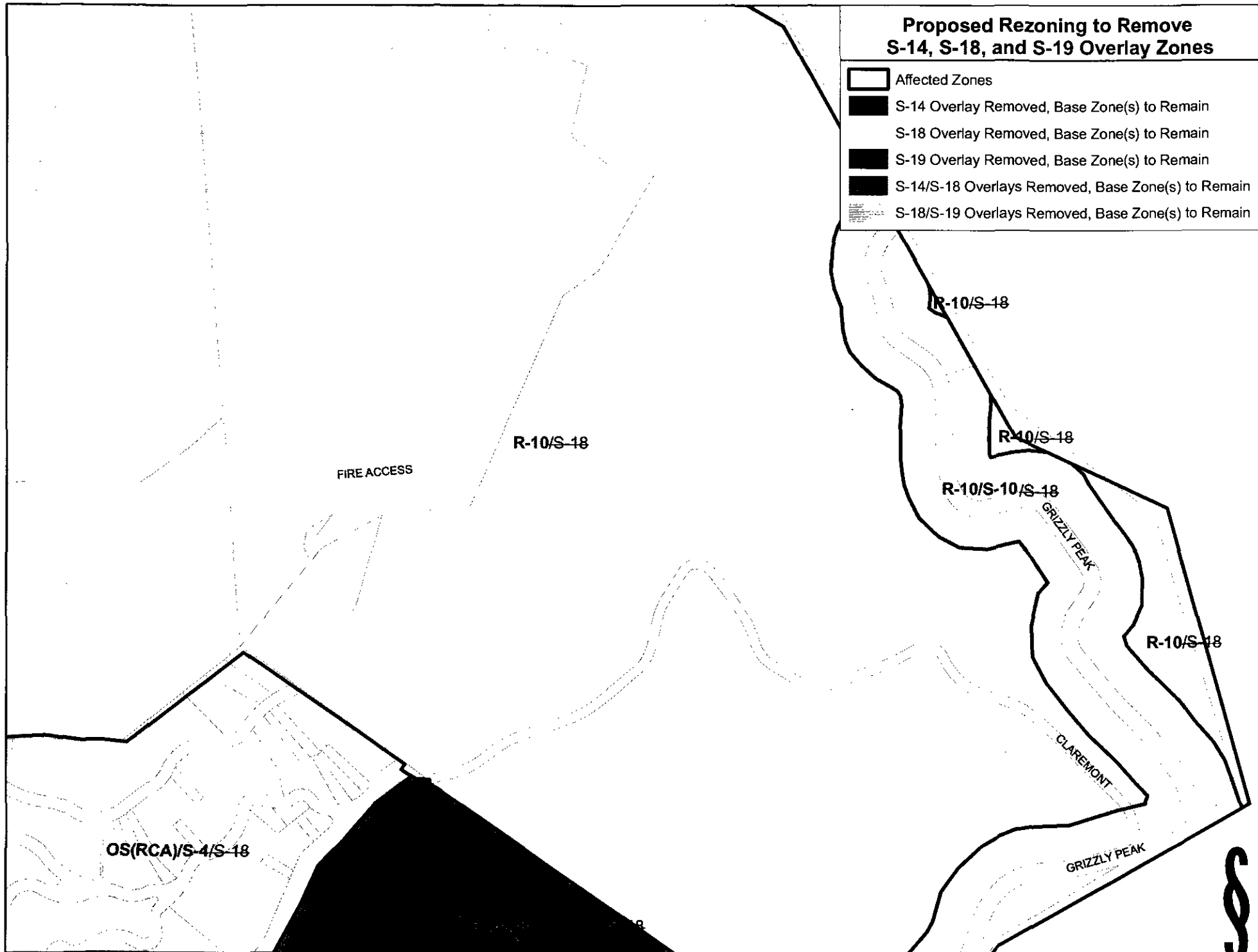
Proposed Rezoning to Remove S-14, S-18, and S-19 Overlay Zones

- ☐ Affected Zones
- S-14 Overlay Removed, Base Zone(s) to Remain
- S-18 Overlay Removed, Base Zone(s) to Remain
- S-19 Overlay Removed, Base Zone(s) to Remain
- S-14/S-18 Overlays Removed, Base Zone(s) to Remain
- S-18/S-19 Overlays Removed, Base Zone(s) to Remain









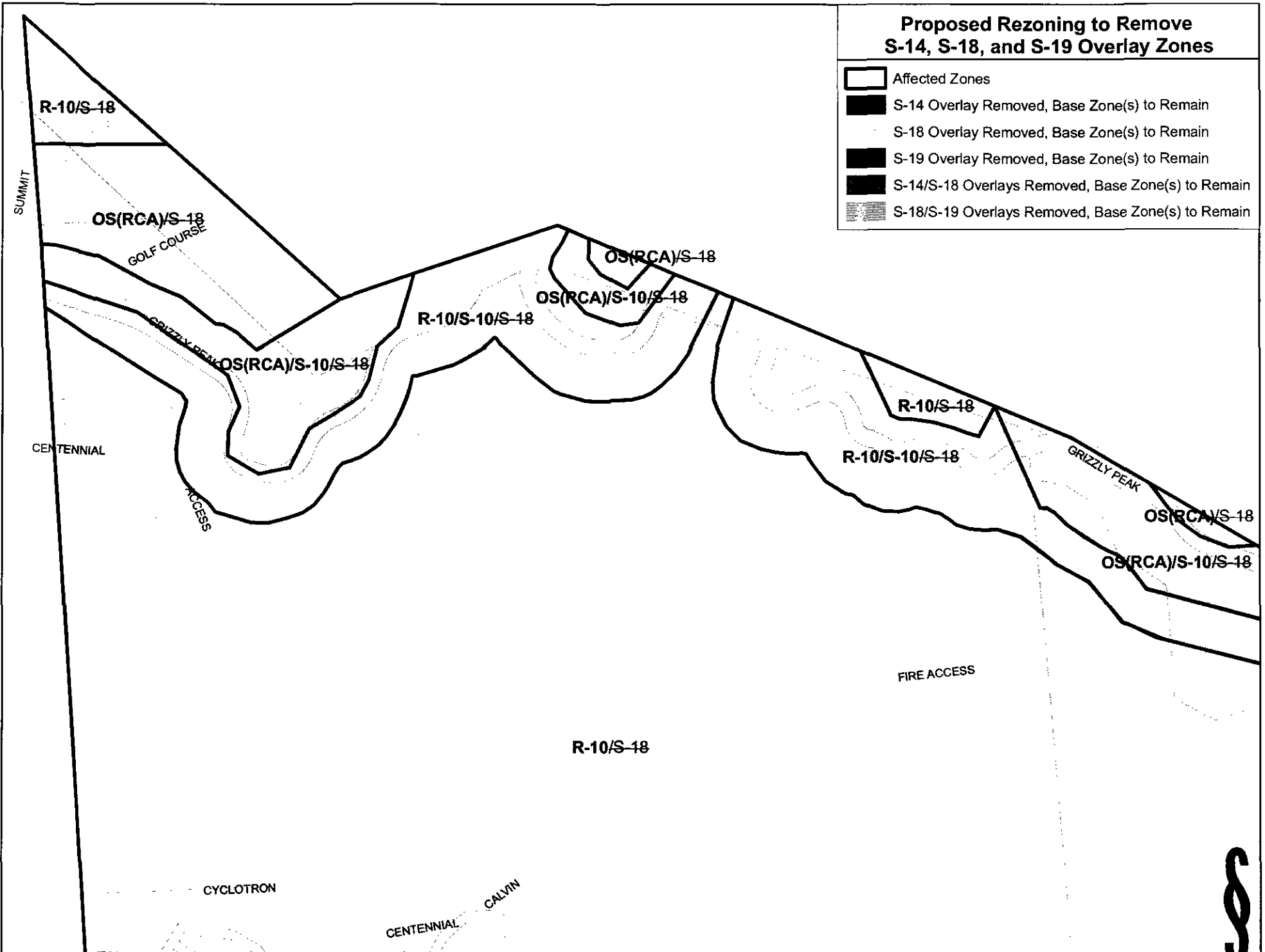
**Proposed Rezoning to Remove
S-14, S-18, and S-19 Overlay Zones**

-  Affected Zones
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-  S-18 Overlay Removed, Base Zone(s) to Remain
-  S-19 Overlay Removed, Base Zone(s) to Remain
-  S-14/S-18 Overlays Removed, Base Zone(s) to Remain
-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain









**Proposed Rezoning to Remove
S-14, S-18, and S-19 Overlay Zones**

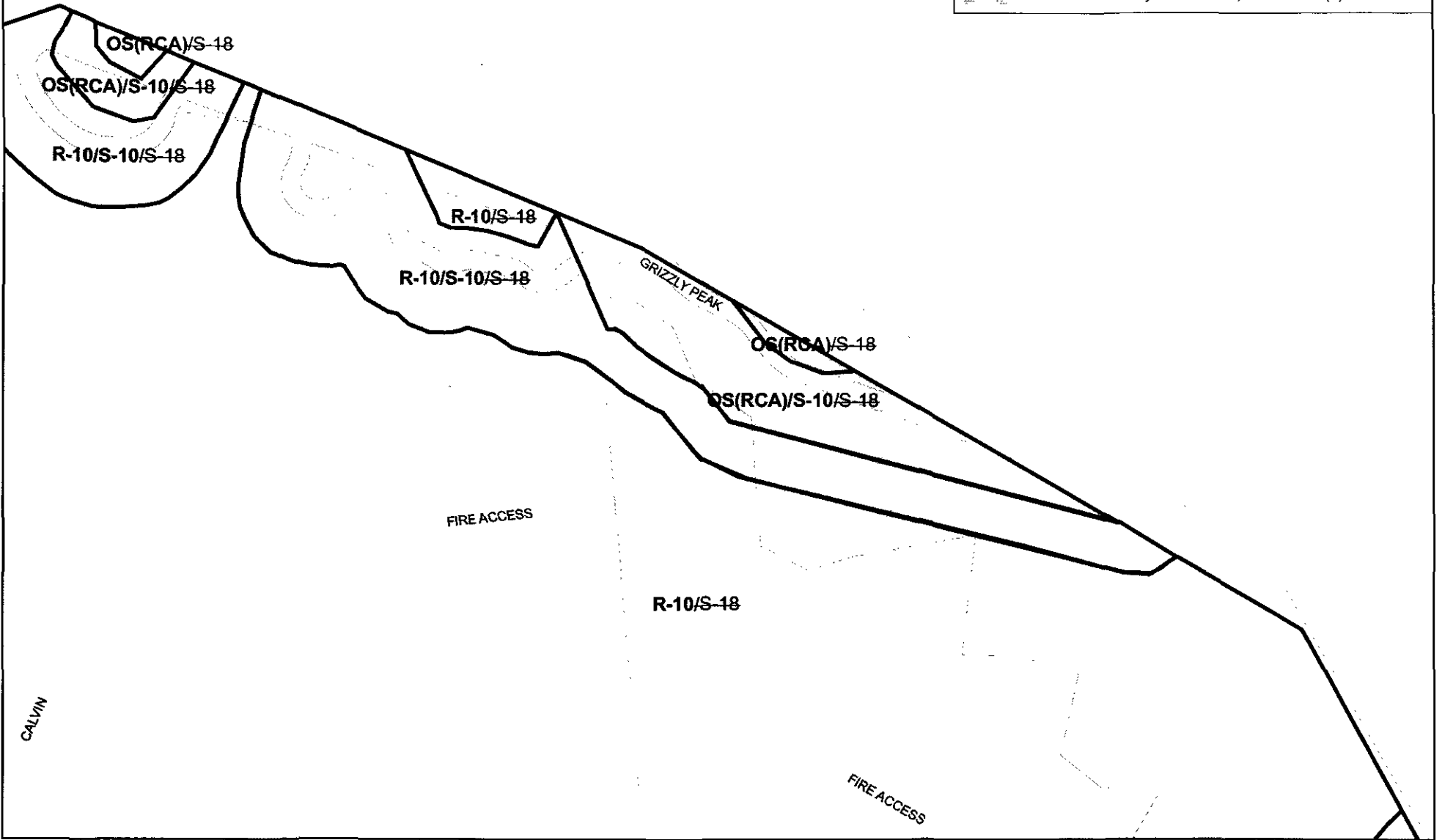
-  Affected Zones
-  S-14 Overlay Removed, Base Zone(s) to Remain
-  S-18 Overlay Removed, Base Zone(s) to Remain
-  S-19 Overlay Removed, Base Zone(s) to Remain
-  S-14/S-18 Overlays Removed, Base Zone(s) to Remain
-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain









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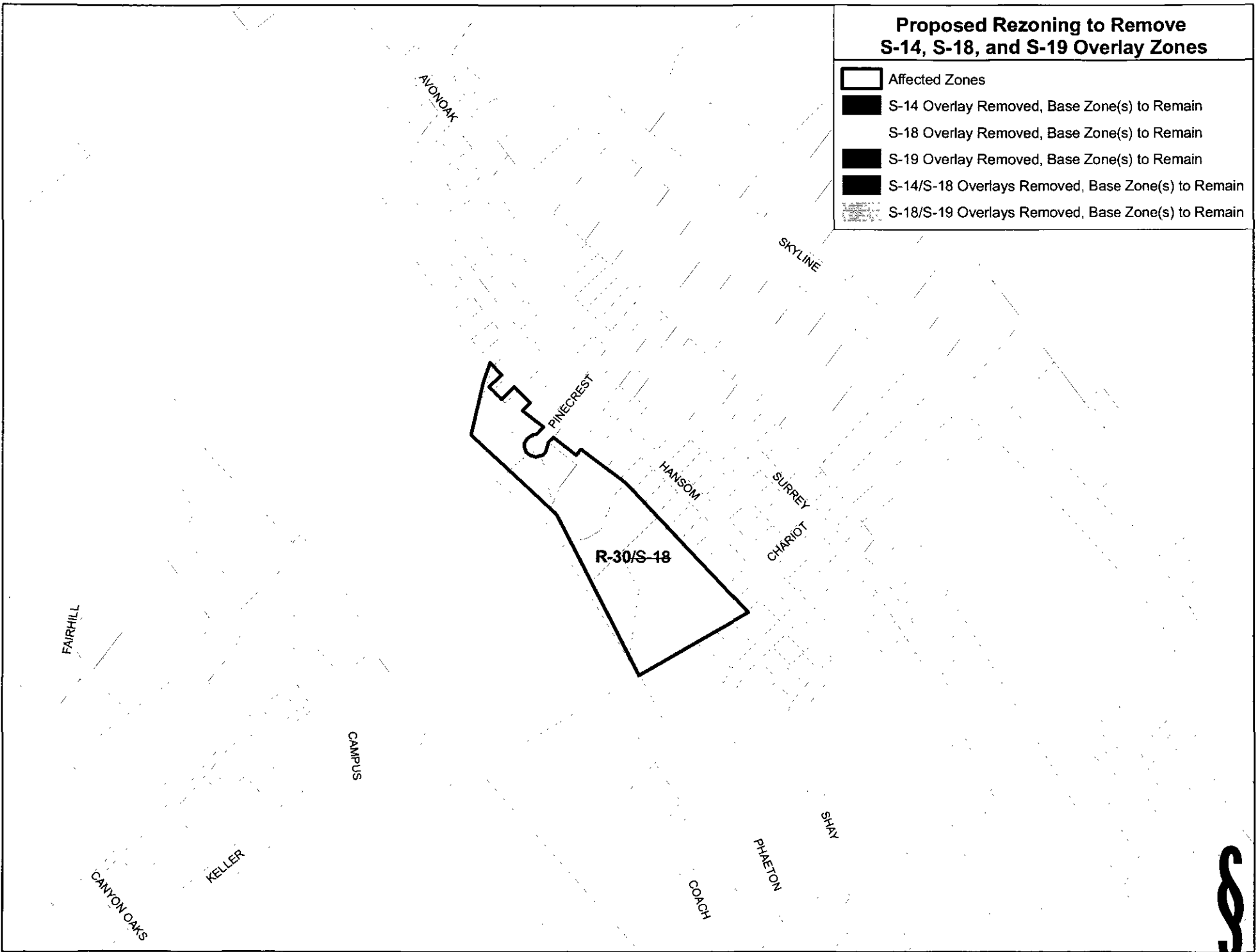
Proposed Rezoning to Remove S-14, S-18, and S-19 Overlay Zones

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-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain



**Proposed Rezoning to Remove
S-14, S-18, and S-19 Overlay Zones**

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-  S-18/S-19 Overlays Removed, Base Zone(s) to Remain



*Revisions to the Planning and Zoning fees in the
City Master Fee Schedule*

COMMUNITY AND ECONOMIC DEVELOPMENT (CEDA)		
FEE DESCRIPTION	FY 06-07	Notes
<u>PLANNING AND ZONING</u>		
<i>Major Conditional Use Permit</i>		
<u>Report Fee: Major Conditional Use Permit</u>	1,565.00	<i>New Major Project fee</i>
<u>Site Area 15,000 Sq. Ft. or Less</u>	1,565.00	<i>Existing fees deleted and</i>
<u>Site Area Over 15,000 Sq. Ft.</u>	2,631.00	<i>Replaced with fee above</i>
<u>Notification Fee: Major Conditional Use Permit</u>	577.00	<i>Existing Not. fee</i>
<i>Major Variance</i>		
<u>Report Fee: Major Variance</u>	1,565.00	<i>New Major Project fee</i>
<u>Site Area 15,000 Sq. Ft. or Less</u>	1,565.00	<i>Existing fees deleted and</i>
<u>Site Area over 15,000 Sq. Ft.</u>	2,631.00	<i>Replaced with fee above</i>
<u>Notification Fee: Major Variance</u>	577.00	<i>Existing Not. fee</i>
<i>Minor Conditional Use Permit</i>		
<u>Report Fee: Minor Conditional Use Permit</u>	864.00	<i>New Minor Project fee</i>
<u>Except 1-2 Units Not Involving Building Envelope</u>	864.00	<i>Existing fees deleted and</i>
<u>1-2 Units Not Involving Building Envelope</u>	308.00	<i>Replaced with fee above</i>
<u>Notification Fee: Minor Conditional Use Permit</u>	577.00 562.00	<i>New Standard Not. fee</i>
<i>Minor Variance</i>		
<u>Report Fee: Minor Variance</u>	864.00	<i>New Minor Project fee</i>
<u>Except 1-2 Units Not Involving Building Envelope</u>	864.00	<i>Existing fees deleted and</i>
<u>1-2 Units Not Involving Building Envelope</u>	308.00	<i>Replaced with fee above</i>
<u>Notification Fee: Minor Variance</u>	577.00 562.00	<i>New Standard Not. fee</i>
<i>Regular Design Review</i>		
<u>Report Fee: Regular Design Review - Minor Project</u>	864.00	<i>New Minor Project fee</i>
<u>Report Fee: Regular Design Review - Major Project</u>	1,565.00	<i>New Major Project fee</i>
<u>Work Value \$150,000 or Less</u>	864.00	<i>Existing fees deleted and</i>
<u>Work Value Over \$150,000</u>	2,281.00	<i>Replaced with fees above</i>
<u>Not. Fee: Design Review (Except for Landmarks) No Hearing</u>	562.00	<i>Eliminated Not. fee</i>
<u>Notification Fee: Regular Design Review (Except for Landmarks) with Public Hearing</u>	577.00	<i>Existing Not. fee</i>
<i>Minor Small Project Design Review</i>		
<u>Report Fee: Small Project Design Review - Track One</u>	308.00 450.00	<i>Eliminated fee New Report fee</i>
<u>Report Fee: Small Project Design Review - Track Two</u>	308.00 655.00	<i>New Report fee</i>
<u>Report Fee: Small Project Design Review - Track Three</u>	308.00 750.00	<i>New Report fee</i>
<u>Notification Fee: Small Project Design Review (if notice required)</u>	308.00 385.00	<i>New Not. fee</i>
<u>Design Review Exemption</u>	156.00	<i>Existing fee</i>
<u>CEQA Exemption Determination</u>	156.00	<i>Existing fee</i>

COMMUNITY AND ECONOMIC DEVELOPMENT (CEDA)		
FEE DESCRIPTION	FY 06-07	Notes
PLANNING AND ZONING		
<i>Special Residential Design Review</i>		
New Construction	<u>655.00</u>	Eliminate fee type Eliminated fee
Additions and Alterations	<u>450.00</u>	Eliminated fee
<i>R-36 Zone Design Review</i>		
Basic Fee - Work Value Over \$150,000	<u>865.00</u>	Eliminate fee type Eliminated fee
Notification Fee	<u>577.00</u>	Eliminated fee
Basic Fee - Work Value Under \$150,000	<u>450.00</u>	Eliminated fee
<i>S-11 Site Development and Design Review</i>		
Review of Improvements to Existing Dwelling	864.00	Eliminate fee type Eliminated fee
Addition Does Not Involve Building Envelope	422.00	Eliminated fee
New Single Family Dwelling on a Single Lot	2,193.00	Eliminated fee
Two New Single Family Dwellings on a Single Lot	4,096.00	Eliminated fee
Three New Single Family Dwellings on a Single Lot	4,582.00	Eliminated fee
Each Additional New Single Family Dwelling Over Three	250.00	Eliminated fee
Review of Subdivision, Parcel Map or Community Driveway Proposal Devised to Serve	4,096.00	Eliminated fee
Review of Subdivision, Parcel Map or Community Driveway Proposal Devised to Serve	4,628.00	Eliminated fee
Review of Subdivision, Parcel Map or Community Driveway Proposal Devised to Serve	250.00	Eliminated fee
<i>S-11 Site Development and Design Review - Special Fees</i>		
Special Fees		
North Oakland Hill Area Specific Plan Recovery Fee Per New Dwelling	215.00	Existing fee - to remain
S-11 Notice Publication Fee	<u>67.00</u>	Eliminated fee
S-11 Special Mail Handling Fee	<u>14.00</u>	Eliminated fee
Notification Fee: S-11 Site Development and Design		
Notification Fee: S-11 Site Development and Design No Public Hearing	<u>577.00</u>	Eliminated fee
	<u>577.00</u>	Eliminated fee
<i>S-14 Expedited Design and Bulk Review</i>		
New Construction	2,215.00	Eliminate fee type Eliminated fee
Notification Fee: S-14 Design and Bulk Review (Additions and Alterations)	562.00	Eliminated fee
Additions and Alterations	450.00	Eliminated fee
Notification Fee: S-14 Design and Bulk Review (Additions and Alterations)	562.00	Eliminated fee
Notification Fee: S-14 Administrative Review of Retaining Walls	234.00	Eliminated fee

COMMUNITY AND ECONOMIC DEVELOPMENT (CEDA)		
FEE DESCRIPTION	FY 06-07	Notes
<u>PLANNING AND ZONING</u>		
<i>Development Agreement</i>		
<u>Report Fee:</u> Development Agreement	7,857.00	Existing Report fee
Notification Fee: Development Agreement	<u>577.00</u> 738.00	New Not. fee
<i>Development Agreement: Annual Review</i>		
	2,378.00	Existing Report fee
<i>Appeals</i>		
Administrative Appeal	514.00	Existing Report fee
To City Planning Commission (CPC)	234.00	Existing Report fee
To City Council	234.00	Existing Report fee
Billboard Amortization	364.00	Existing Report fee
Notification Fee: Appeals to Planning Commission	385.00	Existing Not. fee
Notification Fee: Appeals to City Council	385.00	Existing Not. fee
<i>Requests</i>		
For Extension of Time	248.00	Existing report fee
For Discretionary Waiver	114.00	Existing report fee
For Reduction of Off-Street Parking Requirements	114.00	Eliminated fee
For CPC Reconsideration of Conditions of Existing Approval	248.00	Existing report fee
<u>For General Plan Determination</u>	<u>320.00</u>	New Report fee
<i>Business Tax Certificate</i>		
	23.00	Existing fee
<i>General Plan Amendment</i>		
<u>Report Fee:</u> General Plan Amendment	2,309.00	Existing report fee
Notification Fee: Request for General Plan Amendment	<u>738.00</u> 577.00	New Not. fee
<i>Rezoning</i>		
<u>Report Fee:</u> Rezoning	2,382.00	Existing report fee
Notification Fee: Rezoning	738.00	Existing Not. fee
<i>Private Access Easement</i>		
<u>Report Fee:</u> Private Access Easement	2,711.00	Existing report fee
Notification Fee: Private Access Easement	<u>577.00</u> 461.00	New Not. fee

COMMUNITY AND ECONOMIC DEVELOPMENT (CEDA)		
FEE DESCRIPTION	FY 06-07	Notes
<u>PLANNING AND ZONING</u>		
<i>Illegal Activity or Facility</i>	Double <u>Report</u> Fees	<i>Existing fee</i>
<i>Application Notification Fee</i>		
Major Conditional Use Permit	577.00	<i>Existing Not. fee</i>
Major Variance	577.00	<i>Existing Not. fee</i>
Rezoning	738.00	<i>Existing Not. fee</i>
Development Agreement	577.00 738.00	<i>New Standard Not. fee</i>
Tentative Map	577.00	<i>Existing Not. fee</i>
Request for General Plan Amendment	738.00 577.00	<i>New Not. fee</i>
<u>Request for General Plan Determination</u>	577.00 562.00	<i>New Standard Not. fee</i>
Private Access Easement	577.00 461.00	<i>New Standard Not. fee</i>
Minor Variance	577.00 492.00	<i>New Standard Not. fee</i>
Minor Conditional Use Permit	577.00 492.00	<i>New Standard Not. fee</i>
Appeals to City Council	385.00	<i>Existing Not. fee</i>
Request for Environmental Review	385.00	<i>Existing Not. fee</i>
Parcel Map	577.00 562.00	<i>New Standard Not. fee</i>
Planned Unit Development: Preliminary Planning Commission Action	577.00	<i>Existing Not. fee</i>
Planned Unit Development: Final Planning Commission Action	577.00	<i>Existing Not. fee</i>
S-11 Site Development and Design Review: No Public Hearing	577.00	<i>Eliminated fee</i>
S-11 Site Development and Design	577.00	<i>Eliminated fee</i>
Appeals to Planning Commission	385.00	<i>Existing Not. fee</i>
Design Review (Except for Landmarks) No Public Hearing	562.00	<i>Eliminated fee</i>
Regular Design Review (Except for Landmarks) with Public Hearing	577.00	<i>Existing Not. fee</i>
<u>Small Project Design Review (if notice is required)</u>	385.00	<i>New Not. fee</i>
Challenge to Negative Declaration	385.00	<i>Existing Not. fee</i>
Appeal of Director's Determination that EIR is Required	385.00	<i>Existing Not. fee</i>
S-14 Design and Bulk Review (New Construction)	562.00	<i>Eliminated fee</i>
S-14 Design and Bulk Review (Additions and Alterations)	562.00	<i>Eliminated fee</i>
S-14 Administrative Review of Retaining Walls	234.00	<i>Eliminated fee</i>