

## Chapter 18.15: Zoning Exceptions

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### **18.15.010 Purpose**

In order to provide flexibility necessary to achieve the objectives of the Zoning Code, certain development standards are subject to relief by administrative review and the granting of a zoning exception.

### **18.15.020 Scope of Zoning Exception**

A zoning exception is a minor modification of the standards and restrictions of Title 18, where such modification will be compatible with adjoining property and consistent with the General Plan.

### **18.15.030 Standards for Which Exceptions May Be Considered**

An exception may be considered for the following standards. Additional exceptions may be allowed if, in the opinion of the director, they are of a similar nature or magnitude to those listed below:

- A. **Accessory Structure Front Yard Setbacks.** Provided that the minimum front yard setback will be maintained and where adjacent residences will not be adversely affected, the director may allow an accessory structure to be located closer to the street than the existing or proposed residence on the site.
- B. **Buffer Yards, Alternative.** The minimum width of a buffer yard required by Schedule 18.40.020-A: Buffer Yards, may be reduced by up to twenty-five percent (25%) provided that the reduction will not increase the potential for land use impacts between adjoining properties given the circumstances of a particular site.
- C. **Building Separation.** The Director may authorize a reduction in minimum building separation of up to twenty percent (20%) between buildings if the reduction will maintain compliance with the California Building Code.

- D. **Exceptions to Height Limits.** Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, monuments, theater scenery lofts, and similar structures and mechanical appurtenances covering no more than twenty percent (20%) of the top-floor roof area of the structure to which they are attached may exceed height limits by no more than ten feet (10') with no discretionary review. The director may approve greater height upon making the findings required by Section 18.15.040 (Required Findings) of this chapter.
- E. **Fence Height.** In any district, the maximum height of any fence, wall, hedge, or equivalent screening may be increased by a maximum of two feet (2') where the topography of sloping sites or a difference in grade between adjoining sites warrants such increase in height to maintain a level of privacy or to maintain effectiveness of screening as generally provided by such fence, wall, hedge, or screening in similar circumstances.
- F. **Front-Yard Setback (Increase).** In the "RS" and "RE" districts, the Director may increase the maximum front-yard setback where it is determined that the increase will not unreasonably affect abutting sites.
- G. **Front-Yard Setback (Decrease).** In any district, the director may decrease the minimum setback by ten percent (10%) where the decrease will not unreasonably affect abutting sites provided that no exception shall be granted for a garage that is designed to have vehicles back directly out into the street. In addition, the director is authorized to grant a five percent (5%) reduction in any setback requirements where construction has commenced and a mistake was made in the surveying or plans preparation.
- H. **Garage Setback/Sloped Lots.** Where the elevation of a lot at a point twenty feet(20') behind the entire frontage of a lot (as measured from the back of curb) is seven feet (7') above or below the level of the curb, a private garage (attached or detached) for a single-family residence may have a minimum front yard setback of ten feet (10') from the front property line of the lot provided that a third open parking space is provided on the site.
- I. **Lot Size.** In any "RE" or "RS" zone, the Director may authorize a maximum ten percent (10%) reduction in parcel area on parcels created by parcel map if two or more existing parcels within two hundred feet (200') of the proposed parcel map are less than the minimum parcel size.
- J. **Multi-story Limitations; Transitional Building Height; Skyplane.** The Director may reduce the higher or second-story setbacks required by Section 18.31.030, and/or reduce the building-height limitations established by Sections 18.32.040 and 18.33.040, and/or skyplane requirements by up to twenty percent (20%) upon determining that any of the following are in evidence:
1. Existing rear or side yard setbacks in the abutting "RE" or "RS" district are sufficient to ensure that the intent of the multistory, transitional height or skyplane limitations are met.
  2. The difference in existing or proposed finished grade between building sites is such that privacy, height, or bulk impacts to any residential district would not be present if

requirements are reduced.

3. The size or configuration of the developing property is such that it is infeasible to meet the limitations of these sections.

**K. Reserved.**

**L. Parking—Space and Aisle-Dimension Reductions.** Because of circumstances unique to a property, such as size, shape, topography, location of easements, or desirable trees, the Director may authorize up to a ten percent (10%) reduction in open parking-space or aisle-width dimension for commercial and multiple-family residential uses with four or more units. Such exception may be allowed only when it is proven that the reduction will not result in a traffic hazard or impact the necessary parking for the use.

**M. Parking—Reduction in Covered Spaces.** For single-family residences in existing neighborhoods, one covered parking space may be permitted by zoning exception when at least one additional off-street parking space is provided on the building site, the subject property is an existing, legally created lot the director determines that the predominate off-street parking arrangement in the immediate vicinity is a single covered space, and that granting the exception would not contribute to an existing on-street parking problem.

**N. Recreational Vehicle Storage/Parking.**

1. **Recreational Vehicle Storage.** In the "RE" and "RS" districts, the director may approve a zoning exception to allow not more than one recreational vehicle, as defined in Schedule 18.31.030-C, Note (8), to be parked within the front or street side-yard setback area subject to the following findings and requirements:

*a. The Director finds that the applicant has submitted an affidavit and related materials that affirm the following:*

- i. There is no physical space available to access and/or store the vehicle within an interior side or rear yard. These site conditions include, but are not limited to, such things as:
  - (A) Existing building setbacks and eaves and other building projections (does not include the location of buildings with a size of one-hundred-twenty square feet or less);
  - (B) Location of mature tree(s);
  - (C) Location of HVAC or similar equipment;
  - (D) Existence of substantial slopes.

- ii. Notices of the zoning exception application shall be sent to all owner(s) of real property sharing a common street frontage within three hundred feet (300') of the applicant's property. Should two (2) or more owners of real property within the notification area object in writing to the approval of the zoning exception or appeal the approval by the Director, the zoning exception shall not be granted.
- iii. The parking of such vehicles is not prohibited by any conditions, covenants, and restrictions (CC&Rs) applied to the property. The applicant shall provide either: (1) a copy of the CC&Rs applicable to the property or (2) if no CC&Rs have been recorded, a title report for the subject property sufficiently current to determine whether the property is subject to CC&Rs.
- iv. The vehicle is operable and is owned by and registered to the occupant of the premises upon which it is parked.

*b. Vehicle Parking Conditions.*

- i. Vehicles shall be parked generally perpendicular to the front property line.
- ii. Storage shall be allowed only on areas surfaced with all-weather materials, such as concrete, asphalt, brick, stone, gravel, or similar material, and shall not obstruct the ingress or egress to and from existing garage doors. Storage shall not occur within a lawn or other landscaped area.
- iii. The vehicle shall not be parked closer than two feet (2') to a side property line.
- iv. No part of the vehicle may extend more than three feet (3') into the public or private right-of-way or be closer than two feet (2') to a public sidewalk.
- v. Vehicles shall not be occupied for living purposes.
- vi. The vehicles shall be maintained in a clean and inoffensive manner. Offensive includes, but is not limited to, unrepaired collision damage; broken glass; flat tires; discharge of effluent; discarding of litter or other materials; or a general unsightly exterior appearance as exhibited by peeling paint, rust, or attachment of siding materials not original to the recreational vehicle. Covering of the vehicle by tarp or similar material is not allowed. The use of custom covers made specifically for the type and size of vehicle are permitted.
- vii. The zoning exception shall not be transferable to a subsequent owner of the property.

- viii. Registration shall remain current throughout the term of the zoning exception.  
Note: Vehicles registered with the Department of Motor Vehicles as "Non-Op" are not considered to be registered vehicles for the purpose of this section.
  - ix. Zoning exceptions shall be valid for a period not to exceed three years. Upon application, the director may grant one or more renewals not to exceed a time period of three years for each renewal. Noticing, property owner objection/appeal, and other provisions and requirements pertaining to the original approval shall apply to renewal requests.
2. ***Parking for Affordable or Disabled Housing Projects.*** The requirement to provide parking for recreational vehicles for multiple-family units may be waived; provided that the project qualifies as an affordable housing project as defined by the State Government Code and provided that the necessary area for providing the required spaces is set aside and maintained in landscape to allow conversion to parking should the use convert from affordable or disabled housing to standard multiple-family use.
- O. **Reversing the Frontage of a Corner Lot.** The front yard and street side yard setbacks on a corner lot that were established at the time of issuance of a building permit for the original structure may be reversed for the purpose of establishing yard requirements provided that: 1) the reversal will not result in the placement of structures that are inconsistent with the general nature of the neighborhood and 2) vehicular and pedestrian safety will not be jeopardized.
- P. **Roof-Mounted Heating and Air Conditioning Equipment.** The Director may approve installation of roof-mounted residential heating and air-conditioning equipment provided that the equipment cannot be seen from any existing or future public street, park, school, open space, or other public area for a distance of at least six hundred feet (600'). In making such a determination, the Director shall consider such factors as the method of screening proposed, topography of the site and surrounding sites, and allowable height of existing and future buildings within six-hundred feet (600') of the proposed equipment.
- Q. **Accessory Dwelling Units. *Size Increase***— The Director may authorize up to a twenty percent (20%) increase in the allowable size of an accessory dwelling unit provided that the Director determines that the exception is necessary to provide for the reasonable accommodation for one or more disabled persons who will reside in the accessory dwelling unit. ***Lot Size Reduction***—The Director may authorize an accessory dwelling unit to be constructed on a lot less than six thousand (6,000) square feet in size, provided that the Director determines that the floor area will not exceed five hundred (500) square feet and that the occupancy of the accessory dwelling unit is intended solely to house one or more family members as defined by this code. The accessory dwelling unit shall not be rented, and this stipulation shall be included in the deed restriction required by subsection 18.43.140.D.
- R. **Shade Trees in Parking Lot.** The Director may authorize a maximum twenty-five percent

(25%) reduction in the number of shade trees required in a parking lot provided that the total number of trees required is provided in alternate locations on the site adjacent to the parking area.

- S. **Side Yard and Rear Yard Setbacks.** In any district, the Director may decrease the minimum setback by not more than twenty percent (20%) where the proposed setback area or yard is in character with the surrounding neighborhood and is not required as an essential open-space or recreational amenity to the use of the site, where such decrease will not unreasonably affect abutting sites. In the "GO" district, one side yard other than a street side yard may be decreased to that established for an adjacent existing building provided that one side yard has a minimum setback of ten feet (10') (fifteen feet (15') if adjacent to an "R" District).
- T. **Sign Height, Increased.** The Director may authorize an increase in pole sign height not to exceed thirty-five feet (35') when necessary for sign visibility due to topography; surrounding buildings; existing trees to be preserved, except City street trees; or similar circumstances. The Director shall consider, in addition to visibility or sight obstructions, vehicle speed, visibility/readability from freeway off-ramp locations, or other factors which may negate the benefit otherwise gained by increased sign height.
- U. **Surfacing.** The requirement for paving driveways over one-hundred-fifty feet (150') in length may be waived provided that: 1) the first thirty feet (30') from the paved street or back of the sidewalk shall be paved, 2) the driveway-surfacing requirements of the Fire Marshal shall be met, and 3) the driveway is not located within seventy-five feet (75') of an existing or future residence.
- V. **Unique Parking Demand Uses.** The Director may authorize up to a ten percent (10%) reduction in the off-street parking requirement upon an adequate showing that parking demand for a use is less than that required by Chapter 18.41, (Off-Street Parking and Loading) of this title.

### 18.15.040 Required Findings

The Director shall make the following findings when approving any zoning exception:

- A. That application for the adjustment is necessary due to special circumstances or conditions pertaining to the property or to the use thereon.
- B. That the proposed adjustment is necessary in order that the owner may not be unreasonably deprived of the proper use or enjoyment of the owner's property.
- C. That the proposed adjustment would not be detrimental to the neighborhood in which the property is located.
- D. That the proposed adjustment is consistent with the General Plan and the zoning and

development standards of this chapter that pertain to the subject property.

### **18.15.050 Conditions of Approval**

In the granting of zoning exceptions, the Director may impose such conditions as are deemed necessary to implement the General Plan; to ensure compatibility with surrounding uses; to preserve public health, safety, and welfare; and to enable the Director to make the findings required by this section.

### **18.15.060 Application**

An application for a zoning exception shall be filed with the Director in a form prescribed by the Director. The application shall state in writing the nature of the exception desired and explain why the findings necessary to grant the exception are satisfied. The applicant shall also submit plans delineating the requested exception. The application shall be accompanied by a fee as established by resolution of the City Council.

### **18.15.070 Determinations/Actions by Director**

Determinations by the Director shall be in accordance with Section 18.11.050, Determinations/Actions by Director.

### **18.15.080 Effective Date; Lapse of Approval**

The effective date of a zoning exception and conditions leading to a lapse of approval are governed by the provisions of Chapter 18.11, (Common Procedures) of this title.

### **18.15.090 Appeal Procedure**

The applicant or any person may appeal the determination of the Director to the Board of Administrative Review (Board) within ten (10) calendar days after such determination has been mailed. Such appeal may be made by filing a written notice of appeal, in letter form, to the Director, together with an appeal fee established by resolution of the City Council. If no appeal is taken within ten (10) days after the findings and decision of the Director have been mailed, the decision of the Director shall be final.

In the event an appeal is filed, the matter shall be set for hearing before the Board (if the application was approved by the Director) or the Planning Commission (if the application was approved by the Board) at its next regular meeting occurring not later than nineteen (19) calendar days after the appeal is filed; and notice of the nature, the time, and the place of said hearing shall be given by the Director to the applicant, the appellant, and the owners of abutting property by first-class mail at least five (5) calendar days prior to the hearing.

**18.15.100 Hearing Before Board of Administrative Review or Planning Commission**

The appropriate body shall hear the appeal at the time and place set forth in said notice and may continue said hearing from time to time for the purpose of considering further evidence. Not more than fourteen (14) calendar days following the close of the hearing, a decision shall be rendered. The findings and decision may be appealed as set forth Section 18.11.090 (Appeals) of this title.

**18.15.110 Revocation**

Revocation of a zoning exception shall be in accordance with procedures established in Section 18.11.110 of this title.