

CHAPTER 30.44 – ADMINISTRATIVE EXCEPTIONS

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30.44.010 – Purpose

The purpose of the administrative exception procedure is to provide a simplified means of considering applications for minor deviations from the standards of the Code. This procedure will help to shorten the public hearing agendas of the Hearing Officer and reduce the delay and cost to the City, the general public and the applicant in processing applications.

30.44.020 – Applicability

The provisions of this Chapter shall apply to the following minor deviations from standards of the Code:

- A. Projection of incidental architectural embellishments or structural appurtenances into required setback areas by not more than twenty-four (24) inches and no less than three (3) feet to a property line, and provided, that such does not violate fire, housing or building codes.
- B. Extension into a setback area to permit the continuation of an existing building line for minor additions or building modifications.
- C. Increase in the allowable height of a building up to a maximum of five (5) additional feet in a C1, C2, C3, CR, CPD, DSP, IND, IMU, IMU-R, or SFMU zones; and up to a maximum of three (3) additional feet in an R1, R-3050, R-2250, R-1650 or R-1250 zone for the purpose of permitting cupolas, spires, turrets or other design features consistent with the architectural style of the building. In the C1, C2, C3, CR, CPD, DSP, IND, IMU, IMU-R, or SFMU zones an increase in height of up to twelve (12) feet is allowed for trellises or shade structures for rooftop parking areas as long as these structures do not cumulatively cover more than 50 percent of the rooftop parking area.
- D. Addition of floor space for a building in the R1, R1R, ROS, R-3050, R-2250, R-1650, R-1250, C1, C2, C3, CR, CPD, DSP, IND, IMU, IMU-R, or SFMU zones up to a maximum of one hundred (100) square feet without providing the required number of parking spaces required within Chapter 30.32 of this Title.
- E. A maximum ten (10) percent deviation from one or more numeric standards in this Title. This deviation shall not apply to floor area ratio standards or number of required parking spaces.
- F. A maximum three (3) space or five (5) percent reduction, whichever is greater, in the number of total parking spaces required in conjunction with a change of a commercial or industrial use in an existing

building. In the redevelopment project areas only, this may also be applied to a floor area addition to a commercial or industrial use.

- G. Rooftop equipment, except solar energy equipment, only for location of the equipment on the portion of a building that has a flat roof and where the building has no attic space and no crawl space in the ROS, R1R and R1 zones.
- H. Alterations to an existing parking garage, surface parking lot, or parking structure to increase the number of parking spaces, where that facility is non-conforming with regard to the number of parking spaces serving an on-site use, and where said alteration may create, continue or exacerbate a non-conformity regarding parking design standards, when the benefits of the increased number of parking spaces outweighs the impacts of the non-conformity regarding parking design standards, in the opinion of the reviewing authority.
- I. Off-site parking spaces which are proposed to fulfill the parking requirement for a land use pursuant to Chapter 30.51 that are non-conforming as regards standards of access, configuration, lighting, layout, location, size or landscaping, as required by Chapter 30.32, when any such non-conformities have been reduced to the greatest extent reasonable, to the satisfaction of the Director of Community Development.
- J. Nonconforming driveways less than eight (8) feet in width on properties with an existing single family residential use where an addition to the building, or expanded or new garage is proposed may maintain a width less than eight (8) feet, as long as the nonconformity regarding driveway width is not increased, and the driveway can reasonably provide access to the garage, to the satisfaction of the Director of Community Development.
- K. Alterations to existing gas stations that are unable to meet all the standards A, B, C, E, F, G, H, I, K, L, M, N, O, P and Q as required by Section 30.34.020.
- L. Alterations to existing car washes that are unable to meet all the standards as required by Section 30.34.030.
- M. Alterations to existing tire stores that are unable to meet standards D, F and H as required by Section 30.34.140.
- N. Alterations to existing vehicle repair garages and body shops and paint booths that are unable to meet standard D, as required by Section 30.34.150.

30.44.030 – Authority

Except where another individual or commission is empowered with authority to grant an administrative exception, the Director of Community Development may consider and render decisions on administrative exceptions for the categories identified in section 30.44.020. In granting any administrative exception, the Director of Community Development may impose conditions to safeguard and protect the public health, safety and promote the general welfare, to insure that the development so authorized is in accordance with approved plans and is consistent with the objectives of the ordinance.

30.44.040 – Findings of Fact

An administrative exception shall be granted only if the Director of Community Development first finds in writing that:

- A. The granting of the exception will result in design improvements, or there are space restrictions on the site which preclude full compliance with Code requirements without hardship;
- B. The granting of the exception, with any conditions imposed, will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located; and
- C. The granting of the exception will not be contrary to the objectives of the applicable regulations.

Decisions related to development in the ROS and R1R zones shall consider the hillside development review policy contained in sub-section 30.11.040.A.

30.44.050 – Burden of Proof

The burden of proof to establish that findings of fact can be made as required by Section 30.44.040 is on the applicant.

30.44.060 – Authorization for Initiation, Application Filing and Filing Fees

For application filing and filing fees, see Chapter 30.40.

30.44.070 – Decision of the Director of Community Development

The Director of Community Development shall consider the proposal and make findings of fact and determinations in writing. A copy of the determination shall be mailed to the applicant within sixty (60) days from the date the application is deemed complete. With approval of the applicant, the Director of Community Development may extend the time within which the determination shall be made, not to exceed an additional one hundred twenty (120) days.

30.44.080 – Appeal Procedure

For appeals procedure, see Chapter 30.62.

30.44.090 – Duration of Administrative Exception

For duration of administrative exceptions, see Chapter 30.41.