
Draft Strikeout/Underline Language for Consistency Corrections

2. Consistency Corrections

Issue 2a:

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit.

- (a) No change.
- (b) No change.
- (c) No change.
- (d) No change.
- (e) No change.
- (f) No change.
- (g) No change.
- (h) No change.
- (i) Any improvement to a *single dwelling unit* that constitutes part of a "single-family residential building" as defined in California Administrative Code, Title 14, section 13250(a) and that does not require a coastal development permit pursuant to California Administrative Code, Title 14, section 13250(b)

Issue 2b:

§127.0103 Review Process for Previously Conforming Premises and Uses

The required review process for different types of proposed *development* or activity, based on the *previously conforming category*, such as existing *structural envelope*, *density*, and uses are shown in Tables 127-01A through 127-01C. If the proposed *development* or activity includes more than one *previously conforming category*, all corresponding regulations, as ~~and~~ described in text in Sections 127.0104 through 127.0108 shall apply.

- (a) *Previously Conforming Structural Envelope*

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**Table 127-01A
Review Process for Previously Conforming Structural Envelope**

<u>Type of Development Proposal</u>	<u>Applicable Sections</u>	<u>Required Development Permit/Decision Process</u>
<u>Maintenance, repair or alteration (less than or equal to 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104</u>	<u>CP/Process 1</u>
<u>Maintenance, repair or alteration (greater than 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104</u>	<u>CP/Process 1</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for residential structures or for nonresidential structures when the cost of reconstruction is less than 50 percent of market value.</u>	<u>127.0105(a), (b) and (e)</u>	<u>CP/Process 1</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for nonresidential structures when the cost of reconstruction is greater than 50 percent of market value.</u>	<u>127.0105(c) and (d)</u>	<u>NDP/Process 2</u>
<u>Expansion/enlargement, where new construction conforms with all current development regulations.</u>	<u>127.0106(a) and (b).</u>	<u>CP/Process 1</u>
<u>Expansion/enlargement where new construction requests a reduction of up to 20% from required setbacks.</u>	<u>127.0106(c).</u>	<u>NDP/Process 2</u>

Legend to Table 127-01A:

CP ≡ Construction Permit
NDP ≡ Neighborhood Development Permit

(b) Previously Conforming Density

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**Table 127-01B
Review Process for Previously Conforming Density**

<u>Type of Development Proposal</u>	<u>Applicable Sections</u>	<u>Required Development Permit/Decision Process</u>
<u>Maintenance, repair or alteration (less than or equal to 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104.</u>	<u>CP/Process 1</u>
<u>Maintenance, repair or alteration (greater than 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104.</u>	<u>NDP/Process 2</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for residential structures or for nonresidential structures when the cost of reconstruction is less than 50 percent of market value.</u>	<u>127.0105(a), (b) and (e)</u>	<u>CP/Process 1</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for nonresidential structures when the cost of reconstruction is greater than 50 percent of market value.</u>	<u>127.0105(c) and (d)</u>	<u>NDP/Process 2</u>
<u>Expansion/enlargement, where new construction conforms with all current development regulations.</u>	<u>127.0106(a) and (b).</u>	<u>NDP/Process 2</u>
<u>Expansion/enlargement where new construction requests a reduction of up to 20% from required setbacks.</u>	<u>127.0106(c).</u>	<u>NDP/Process 2</u>

Legend to Table 127-01B:

CP ≡ Construction Permit
NDP ≡ Neighborhood Development Permit

(c) Previously Conforming Use

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**Table 127-01C
Review Process for Previously Conforming Use**

<u>Type of Development Proposal</u>	<u>Applicable Sections</u>	<u>Required Development Permit/Decision Process</u>
<u>Maintenance, repair or alteration (less than or equal to 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104</u>	<u>CP/Process 1</u>
<u>Maintenance, repair or alteration (greater than 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104.</u>	<u>NDP/Process 2</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy).</u>	<u>127.0105</u>	<u>CP/Process 1⁽¹⁾</u>
		<u>NDP/Process 2⁽²⁾</u>
<u>Expansion/enlargement, where new construction conforms with all current development regulations.</u>	<u>127.0106(a) and (b)</u>	<u>NDP/Process 2⁽³⁾</u>
<u>Expansion/enlargement where new construction requests a reduction of up to 20% from required setbacks.</u>	<u>127.0106(c)</u>	<u>NDP/Process 2⁽³⁾</u>
<u>Change to another previously conforming use within the same use category.</u>	<u>127.0107</u>	<u>CP/Process 1</u>
<u>Operating a previously conforming use, including resumption of previously conforming use (up to 2 years after discontinuance).</u>	<u>127.0108(a) and (c)</u>	<u>CP/Process 1</u>
<u>Resumption of a previously conforming use (after 2 years discontinuance).</u>	<u>127.0108(b) and (c)</u>	<u>NUP/Process 2</u>
<u>Increase in floor area to a particular previously conforming use (less than or equal to 20% of gross floor area of the existing structure).</u>	<u>127.0109</u>	<u>NUP/Process 2⁽³⁾</u>

Legend to Table 127-01C:

CP ≡ Construction Permit
NDP ≡ Neighborhood Development Permit
NUP ≡ Neighborhood Use Permit

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Footnotes to Table 127-~~201A~~C:

- (1) Applies to reconstruction of *previously conforming structures*, with *previously conforming density* or *previously conforming residential uses* with no limitation on cost. Applies to partial reconstruction of *structures* with *previously conforming nonresidential uses* (less than or equal to 50 percent of *market value* of entire *structure* or improvement).
- (2) Applies to reconstruction of *previously conforming nonresidential uses* when the cost of reconstruction is greater than 50 percent of *market value*.
- (3) *Findings* of fact for this permit shall include the presumption that expansion of the following *previously conforming uses* would be detrimental to the public health, safety, and welfare: industrial uses in residential zones, auto repair or dismantling uses in residential zones, and any use in a zone that would require a Conditional Use Permit in accordance with Section 126.0303.

**Table 127-01A
Review Process for Previously Conforming Premises and Uses**

Development/Activity Proposed	REQUIRED REVIEW PROCESS					
	Existing Structural Envelope		Existing Density		Existing Use	
	€	PC	€	PC	€	PC
Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> . See Section 127.0104.	†	†	†	†	†	†
Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> . See Section 127.0104.	†	†	†	2	†	2
Reconstruction (following fire, natural disaster, act of the public enemy). See Section 127.0105.	n/a	†	†	†	†	1 ⁽¹⁾ 2 ⁽²⁾
Expansion/enlargement, where new construction conforms with all current development regulations. See Sections 127.0106(a) and (b).	†	†	†	2	†	2 ⁽³⁾

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Expansion/enlargement where new construction requests a reduction of up to 20% from required <i>setbacks</i> . See Section 127.0106(c).	3	2	3	2	3	2 ⁽³⁾
Change to another <i>previously conforming</i> use within the same use category. See Section 127.0107.	n/a	n/a	n/a	n/a	n/a	1
Operating a <i>previously conforming</i> use, including resumption of <i>previously conforming</i> use (up to 2 years after discontinuance). See Sections 127.0108(a) and (c).	n/a	n/a	n/a	n/a	n/a	1
Resumption of a <i>previously conforming</i> use (after 2 years discontinuance). See Sections 127.0108(b) and (c).	n/a	n/a	n/a	n/a	n/a	2
Increase in <i>floor</i> area to a particular <i>previously conforming</i> use (less than or equal to 20% of <i>gross floor area</i> of the existing <i>structure</i>). See Section 127.0109.	n/a	n/a	n/a	n/a	n/a	2 ⁽³⁾

Legend to Table 127-01A:

C ——— = Conforming at the Time of Proposed *Development*
 PC ——— = *Previously Conforming*
 1 ——— = Process One Approval Required
 2 ——— = Process Two Approval Required
 n/a ——— = Not Applicable

Issue 2c:

§127.0107 Change in Use of a Previously Conforming Use

- (a) No change.
- (b) Within the Coastal Overlay Zone, if a change in use from a previously conforming use to another use within the same use category of the Use Regulation Tables of Chapter 13, Article 1 involves any intensification of use, the previously conforming rights are not retained for the new use. For the purposes of Section 127.0107, intensification of use means a change in the use of a lot or premises which, based on the provisions of the applicable zone, requires more off-street parking than the most recent legal use on the property.
- (c) No change.

Issue 2d:

§129.0119 Bond Required for Construction Permit for Grading or Public Improvements

- (a) Persons performing work under Public Right-of-Way or Grading Permits issued

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in accordance with this article shall furnish a bond in accordance with the following provisions:

- (1) - (5) No change.
- (6) The amount of the bond covering a specific project shall be approved by the City Manager based on the amount of the estimate of the cost of work and the following schedule:
 - (A)-(B) No change.
 - (C) *Grading*: 100 percent of the estimated cost up to \$5,000 and \$5,000 plus 50 percent of the estimated cost above \$5,000 and up to \$50,000 and plus 25% percent of the estimated cost above \$50,000;
 - (D)-(E) No change.
- (b)-(f) No change.

Issue 2e:

§131.0443 Setback Requirements in Residential Zones

- (a) through (d) No change.
- (e) *Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones
 - (1) No change.
 - (2) *Side Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones
 - (A) The minimum side *setback* is 5 feet or 10 percent of the *premises* width, whichever is greater.
 - (B) Exception: The minimum side *setback* is 4 feet for a *premises* that is 40 to 50 feet in width.
 - (C) For lots with less than 40 feet in width, each side *setback* may be reduced to 10 percent of the *lot* width but shall not be reduced to less than 3 feet.
 - (3) through (4) No change.

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(f) through (i) No change.

Issue 2f:

§141.0412 Homeless Facilities

(a) This section regulates the following homeless facilities.

(1) No change.

(2) Emergency shelters: Any facility that provides sleeping accommodations ~~and~~ with restroom facilities to homeless persons on a day-to-day basis, for periods of thirty days or less.

(A) Emergency shelters which are accessory uses to religious institutions or religious organizations operating for 30 days or less in any 365-day period are exempt from this section.

(3) No change.

(b) through (d) No change.