

§113.0103 Definitions

Abutting property through Stabilization no change.

Steep hillsides means all lands that have a slope with a natural gradient of 25 percent (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet, or a natural gradient of 200 percent (1 foot of horizontal distance for every 2 feet of vertical distance) or greater and a minimum elevation differential of 10 feet. Natural slopes that were damaged or disturbed due to illegal grading for on-site or surrounding development, or invasive plant species, shall be considered natural under this definition.

Story to Yard no change.

§121.0312 Restoration and Mitigation as a Remedy

- (a) In addition to other enforcement remedies provided for in Municipal Code Chapter 1, the City Manager may order the reasonable restoration of a *structure, premises*, and any adjacent and affected site to its lawful condition or may require reasonable mitigation. These requirements may be attached as conditions to applicable permits or enforcement actions and orders as appropriate.
- (b) The City Manager shall order the restoration of grading undertaken without a permit within the Community Plan Open Space Overlay Zone, unless technically infeasible. The restoration shall be conducted in accordance with Section 142.0150. No further permits for the subject property shall be processed until the restoration has been completed and specified performance criteria have been met as required by the City.
- (c) ~~(b)~~ Any restoration or mitigation imposed by the City Manager or Building Official shall be at the sole cost of the responsible person.
- (d) ~~(c)~~ Mitigation may be appropriate where the City Manager determines that restoration of the *premises* or adjacent site to its pre-existing condition is not feasible or that irreparable damage has been done to the *premises, an environmentally sensitive land, or a historical structure resources*.
- (e) ~~(d)~~ Mitigation may include the purchase or exchange of like-kind real property or *structures* of a similar or greater quality and value , or other appropriate measures.

~~(f)~~(e) The City Manager or Building Official may require a combination of restoration and mitigation of the *structure* or *premises* if warranted by the circumstances.

~~(g)~~(f) The City Manager or Building Official may promulgate additional administrative guidelines and regulations to implement and clarify the authority to require restoration and mitigation.

§126.0502 When a Site Development Permit Is Required

(a)-(b) No change.

(c) A Site Development Permit decided in accordance with Process Three is required for the following types of development.

(1)-(7) No change.

(8) Grading where a Grading Permit is required pursuant to Section 129.0602 or construction of *structures*, unless exempt from a Building Permit pursuant to Section 129.0202, in any area located within the Community Plan Open Space Overlay Zone.

(d)-(e) No change.

§126.0504 Findings for Site Development Permit Approval

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b) through (l) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Site Development Permits

(1) The proposed *development* will not adversely affect the applicable *land use plan*;

(2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and

(3) The proposed *development* will comply with the applicable regulations of the Land Development Code.

(b) Supplemental Findings--Environmentally Sensitive Lands

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

(1)-(6) No change.

(7) The proposed development is in conformance with the Open Space Element of the General Plan and the Open Space and Sensitive Land Element of the community plan.

(c)-(l) No change.

§129.0112 Responsibilities of Permittee or Authorized Agent Regarding Inspections

(a)-(d) No change.

(e) One set of the approved plans, permits and specifications shall be kept on the site of the *structure* or work at all times during which work authorized by those plans is in progress, and shall be made available to City officials upon request.

§129.0214 Requirements for Approved Plans

(a) No change.

~~(b) One set of the approved plans and specifications shall be returned to the *applicant* and that set shall be kept on the site of the *structure* or work at all times during which the work authorized by those plans is in progress.~~

~~(b)~~ (b) Except as required by Section 19850 and 19851 of the Health and Safety Code, the building official shall retain one set of approved plans, specification and computations for a period of not less than 90 calendar days from the date of completion of the work authorized by those plans, after which time the building official may, at his or her discretion, either dispose of the copies or retain them as a part of the permanent files of the Development Services Department.

§132.1501 Purpose of the Community Plan Open Space Overlay Zone

The purpose of the Community Plan Open Space Overlay Zone is to protect areas designated as open space in adopted community plans. The intent of these regulations is to ensure that *development* proposals are reviewed for consistency with the use and *development* criteria included in adopted community plans.

§132.1502 Where the Community Plan Open Space Overlay Zone Applies

- (a) This overlay zone applies to all open space identified in an adopted community plan and located within the boundaries designated on Map No. [insert new map number], filed in the office of the City Clerk as Document No. [insert new document number]. These areas are shown generally on Diagram 132-15A.
- (b) Table 132-15A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

**Table 132-15A
Community Plan Open Space Zone Overlay Zone Applicability**

<u>Type of Development Proposal</u>	<u>Supplemental Development Regulations</u>	<u>Required Permit Type/ Decision Process</u>
<u>Any <i>development</i> on property wholly or partially within this overlay zone</u>	<u>See the <i>environmentally sensitive lands</i> regulations in Section 143.0110</u>	<u>See Section 143.0110</u>

§132.1503 Application of the Community Plan Open Space Overlay Zone to Steep Hillides

The Community Plan Open Space Overlay Zone shall be applied to property containing *steep hillides* that is also within the boundaries of Map 132-15A. If it is determined that land located adjacent to the slopes, either above or below, must be included in the Community Plan Open Space Overlay Zone in order to promote the purpose of protecting and enhancing designated open space, such rim or bottom land may be included in the Community Plan Open Space Overlay Zone provided that such area is within 300 feet of the nearest point of the slope to which the Community Plan Open Space Overlay Zone applies.

§142.0103 When a Permit Is Required for Grading

- (a)-(b) No change.

- (c) A Site Development Permit is required for any grading (including clearing or grubbing) within the Community Plan Open Space Overlay Zone.

§142.0150 Site Restoration

Restoration of grading undertaken without a permit within the Community Plan Open Space Overlay Zone is required and shall occur prior to any further development on the site. Restoration requires:

- (a) Submittal to and acceptance by the Permit Issuing Authority of a restoration plan which may include necessary monitoring by the City or a City designated party, both at the cost of the violator;
- (b) Obtaining a grading permit and receiving inspection approval from the Permit Issuing Authority; and
- (c) Compliance with any other reasonable requirements of the Permit.

§143.0110 When Environmentally Sensitive Lands Regulations Apply

This division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

- (a)-(b) No change.
- (c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:
 - (1)-(7) No change.
 - (8) Site Reconnaissance and Testing for proposed projects, provided that:
 - (A) Any direct or indirect effects on *sensitive biological resources* are addressed in accordance with the *Biology Guidelines of the Land Development Manual*.
 - (B) Any subsurface explorations for *historical resources* are conducted in conformance with the *Historical Resources Guidelines of the Land Development Manual*.
 - (C) An engineering/grading bond has been submitted for *revegetation of disturbed areas, including areas where*

impacts to sensitive biological resources are below the City threshold as identified in the Biology Guidelines of the Land Development Manual.

§143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

(a)-(h) No change.

- (i) Linear trail and public maintenance access projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b) and the development area regulations for steep hillsides in Section 143.0142(a) and for sensitive biological resources in Section 143.0141(d).

§143.0126 Emergency Authorization to Impact Environmentally Sensitive Lands

Whenever *development* activity within *environmentally sensitive lands* is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of impact necessary to protect the public health or safety, subject to the following:

- (a) If the emergency work involves only temporary impacts to *environmentally sensitive lands*, a Neighborhood Development Permit or Site Development Permit is not required provided the *environmentally sensitive lands* are restored to their natural state, in accordance with a restoration plan that conforms with the Biology Guidelines and is approved by the City Manager. The restoration plan shall be submitted to the City Manager within 60 days of completion of the emergency work.

(b)-(c) No change.