BACKGROUND

At the June 7, 2016 Planning Commission meeting, Commissioner Fernandez requested that a discussion item be brought to the Commission related to minor exceptions and variance processes to grant minor deviations to development standards at a staff level. Specifically, the Commission was interested in learning whether other cities have a process under certain circumstances, to allow a project to exceed the ministerial limits of the Municipal Code and be approved at a staff level without going through a deeper level of review.

ANALYSIS

The City of La Habra Heights sets development standards under Article 7 of the Municipal Code which includes three levels of approval each with its own set of development standards and procedural requirements.

1. The base level of development standards is the ministerial limit which is most restrictive and if a project meets these standards it can be approved at a staff level without going through the City’s story pole and public noticing process.

2. The second level of approval is standards modification which allows applicants to exceed the ministerial limits by a certain amount at an administrative (staff) level and a greater amount by the Planning Commission. The standards modification process requires the applicant to comply with the City’s story pole and public noticing process, and meet certain findings in order to be approved.

3. The third level of approval is a variance which allows an applicant to deviate from a development standard due to a unique circumstance on the property, and the project must meet very strict findings in order to be approved.
The majority of projects submitted for review by the Planning Department require a ministerial level or administrative standards modification review. The difference between the two levels of review in terms of time and costs increases greatly when a project requires a standards modification. In terms of time for each level of review a ministerial level review can be completed over the counter or within a few days, whereas a standards modification can take several months to complete. The costs also increase with each level of review. Currently the ministerial level review requires a fee of $77.69, the fee for a standards modification ranges from $622.52 for administrative (staff) review to $6,232.27 for Planning Commission review. All the review fees are deposits with the potential for cost to increase with the number of reviews required and staff time spent working on the project.

The City’s Municipal Code is structured in such a way that if any part of a project exceeds the ministerial limits the applicant would need to apply for a standards modification or variance. There are some cities that have a process in their Municipal Code to allow for approval, at a staff level, for a reduction to setbacks or lot coverage or increase to a maximum height under certain circumstances. This process is sometimes called a minor exception or minor variance depending on the city. The city’s Municipal Code will contain a detailed scope of the reductions or increases that can be requested along with a review procedure. This process allows property owners or applicants to request minor relief from development standards without having to apply for a variance or otherwise complete a different level of review which may include a public hearing and certain finding that must be met in order for the variance or review to be approved.

Pursuant to the Commission’s request, a survey of other cities minor exceptions or variance processes was conducted and a summary is provided below:

<table>
<thead>
<tr>
<th>City</th>
<th>Minor Exceptions or Variance</th>
<th>Approving Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arcadia</td>
<td>Administrative Modifications – allows for modification of certain requirements within the one and two family zoning district.</td>
<td>Planning Division</td>
</tr>
<tr>
<td></td>
<td>Modification Committee – allows for modification of certain requirements in all zones including commercial</td>
<td>Modification Committee</td>
</tr>
<tr>
<td>Covina</td>
<td>Variance for minor deviations – Allows for single-story structure or building classified as a main building to encroach a certain amount into required setbacks if the building does not occupy more than 20 % of the required setback area. Also allows increases to the height of fences and walls by eighteen inches.</td>
<td>Designated Planning Official (Director)</td>
</tr>
<tr>
<td>Diamond Bar</td>
<td>Minor Variance – Allows a 10% decrease to building site area. Allows for a 20% decrease for setbacks, distance between structures, and off-street parking. Also allows a 10% increase to structure height, and 10% increase to fence height.</td>
<td>Community Development Director</td>
</tr>
<tr>
<td>Huntington Beach</td>
<td>Waiver of Development Standards – Allows a 10% deviation from development standards for setbacks, open space, separation between buildings, height of buildings or fence, site coverage and landscaping.</td>
<td>Community Development Director</td>
</tr>
<tr>
<td>City</td>
<td>Minor Exceptions or Variance</td>
<td>Approving Body</td>
</tr>
<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>La Verne</td>
<td>Minor Exception – allows for a 10% reduction to lot areas, lot dimensions, setbacks, parking requirements, landscaping, and height requirements. Also allows for a 2ft. height increase for fences and walls.</td>
<td>Community Development Director</td>
</tr>
<tr>
<td>Monrovia</td>
<td>Minor Exception – Allows for deviations from development standards at different percentages for floor area ratio, setbacks, swimming pools, fences and walls, parking, and driveway widths.</td>
<td>Development Review Committee</td>
</tr>
<tr>
<td>Newport Beach</td>
<td>Modification Permit – Allows for a 10% deviation from the development standard related to height and setbacks, the code allows for deviations from some standards at a limit set by the Zoning Administrator or Planning Commission.</td>
<td>Zoning Administrator</td>
</tr>
<tr>
<td>San Juan Capistrano</td>
<td>Minor Exception – Allows for a 15% decrease for setback, and on-site parking, the code also allows for a 20% height increase for fences and walls.</td>
<td>Planning Director</td>
</tr>
<tr>
<td>San Marino</td>
<td>Minor Exception – Allows for proposals to deviate from yard requirements (setback) by 5%, and for fence and walls up to 8ft. in height.</td>
<td>Planning and Building Director</td>
</tr>
<tr>
<td>South Pasadena</td>
<td>Administrative Modification – Allows for a 10% deviation for dwelling unit size, open space, lot area, parking lot dimensions, projections into setbacks, and setbacks. The code also allows for a 5% increase in maximum lot coverage, and for fences and walls up to 8ft. in height.</td>
<td>Community Development Director</td>
</tr>
</tbody>
</table>

**RECOMMENDATION**

It is recommended that the Planning Commission review and discuss this report, and provide direction to staff on preparing potential Municipal Code amendments or policies for further discussion. Any change to the Municipal Code or creation of a policy would need to be reviewed and approved by the City Council, as the Council sets and amends all city policies.

**ATTACHMENTS – Minor Exception, Variance Code Sections for the cities of:**

- Arcadia
- Covina
- Diamond Bar
- Huntington Beach
- La Verne
- Monrovia
- Newport Beach
- San Juan Capistrano
- San Marino
- South Pasadena
City of
Arcadia
TITLE 2. - ADMINISTRATIVE MODIFICATIONS

9292.2.1. - PURPOSE.

The purpose of the Administrative Modification is to provide a procedure whereby certain modifications may be administratively granted in order to secure an appropriate improvement of a lot, to prevent unreasonable hardship or to promote uniformity of development.

9292.2.2. - CREATION.

There is hereby created a procedure whereby certain modifications to lots containing one single-family dwelling and accessory buildings in Zones R-M, R-O, R-1 and R-2 and certain modifications to dwelling units in all residential zones to accommodate the needs of persons with disabilities may be granted upon the joint approval of the Planning Services.

(Amended by Ord. 1565 adopted 7-6-76; amended by Ord. 1854 adopted 4-21-87; amended by Ord. 1927 adopted 9-4-90; amended by Ord. 2273 adopted 12-7-10)

9292.2.3. - AUTHORITY.

Administrative Modification as may be necessary to secure an appropriate improvement may be granted upon the approval of the Planning Division. The Planning Division shall have the authority to approve, conditionally approve or deny modifications of the following:

1. Rear yard setbacks;
2. Distance between buildings;
3. Special setbacks;
4. Setbacks for mechanical and plumbing equipment;
5. Fence and wall heights along the side and rear property lines except along the street side of a corner lot;
6. Interior side yard setbacks for detached accessory structures (with the exception of guest houses/accessory living quarters) in the R-M, R-O, and R-1 zones;
7. Interior side yard setbacks for single-story additions to an existing dwelling in the R-M, R-O, and R-1 zones, where the portion of said addition(s) which does not comply with the setback requirements consists of a total of thirty (30) linear feet or less and maintain(s) the same or greater setback than the existing building walls; and provided, that a minimum interior side yard setback of three (3) feet in the R-1 and five (5) feet in the R-M and R-0 zones is maintained;
8. The rebuilding of single-family dwellings, provided that the new portion(s) of the project comply with current code requirements.
9. Setbacks, driveway and access standards, entry requirements, or any other residential development standard if found to be a reasonable accommodation for a person with a disability.

(Amended by Ord. 1523 adopted 11-19-74; amended by Ord. 1565 adopted 7-6-76; amended by Ord. 1577 adopted 12-21-76; amended by Ord. 1853 adopted 4-21-87; amended by Ord. 1927 adopted 9-4-90; amended by Ord. 2223 adopted 2-20-07; amended by Ord. 2246 adopted 10-7-08; amended by Ord. 2256 adopted 5-5-09; amended by Ord. 2273 adopted 12-7-10)

9292.2.4. - ADMINISTRATIVE ACT.

All acts performed by City officers under the provisions of this Division shall be construed as administrative acts performed for the purpose of assuring that the intent and purpose of this Chapter shall apply in special cases as provided in this Division and shall not be construed as amendments to the provisions of this Chapter or the Zoning Map of the City.

9292.2.5. - APPLICATION FORMS.

Application forms for administrative modification shall be obtained from the Planning Department.

(Amended by Ord. 1501 adopted 12-18-73)

9292.2.6. - FILING OF APPLICATIONS.

Application for an administrative modification shall be made in writing to the Planning Department on the prescribed application forms. Incomplete application forms shall not be accepted. All filed applications shall be consecutively numbered, shall become part of the permanent official records of the City and shall contain copies of all notices and actions pertaining thereto.

(Amended by Ord. 1501 adopted 12-18-73)

9292.2.7. - INFORMATION REQUIRED.

An application for an administrative modification shall be accompanied by the following:

1. Completed application form which shall contain the signatures of all contiguous property owners indicating their approval of the proposed modification.
2. Reference to the provisions of the Code section from which said property is sought to be excepted.
3. A scaled plot plan and description of the subject property, description of the proposed use of the property with plot plans, floor plans and elevations for all proposed buildings drawn to scale.
4. In those residential areas of the City having architectural review boards, the report of said boards indicating their actions relative to the proposed modification request.
9292.2.8. - FEE.

Before accepting for filing any application for an administrative modification under this Title, the City shall charge and collect a fee which shall be paid in an amount established by resolution of the City Council.

(Amended by Ord. 1570 adopted 8-3-76; amended by Ord. 1654 adopted 10-17-78)

9292.2.9. - INVESTIGATION.

The staff of the Building Division and Planning Department shall make such investigation on each application as necessary for their full and complete consideration of the application.

9292.2.10. - DECISION.

Within ten (10) working days of the receipt in proper form of a request for an administrative modification, the Building Division and Planning Department shall render their joint decision of approval, conditional approval or denial of the request. Notice of said decision shall be made in writing to the applicant.

9292.2.11. - APPEALS.

Appeals from the joint decision of the Planning Department and Building Division shall be made to the Modification Committee. Said appeal shall be made in writing and delivered to the Planning Department within five (5) working days of the joint decision and shall be accompanied by an ownership list for all property owners within one hundred feet (100') of the subject property and an appeal fee in accordance with the applicable fee schedule adopted by resolution of the City Council.

Upon receipt in proper form of an appeal the Planning Department shall fix a time and place for public hearing thereon to be held not less than ten (10) calendar days nor more than forty (40) calendar days thereafter. Public notice of the public hearing shall be given in the same manner as set forth in Section 9292.1.13.

After action on appeal by the Modification Committee, an appeal may be made to the Planning Commission. Said appeal shall be made in writing and delivered to the Planning Department within five (5) working days of the Modification Committee's decision and shall be accompanied by an appeal fee in accordance with the applicable fee schedule adopted by resolution of the City Council.

Upon notification of such an appeal the applicant of the original modification request shall provide and deliver to the Planning Department an eight inch by ten inch (8" x 10") clear film positive and negative of the proposed development.
Upon receipt in proper form of an appeal from the Modification Committee's decision, the secretary of the Planning Commission shall fix a time and place for public hearing thereon to be held not less than ten (10) calendar days nor more than forty (40) calendar days thereafter. Public notice of the public hearing shall be given in the same manner as set forth in Section 9292.1.13.

Appeals from the Planning Commission's decision shall be made to the City Council. Said appeal shall be made in writing and delivered to the City Clerk within five (5) working days of the Planning Commission's decision and shall be accompanied by an appeal fee in accordance with the applicable fee schedule adopted by resolution of the City Council.

At its next regular meeting after the filing of such appeal, the Council shall set a date for a public hearing thereon. The manner of setting the hearing and giving of notice shall be the same prescribed for hearings before the Planning Commission.

(Amended by Ord. 1501 adopted 12-18-73)

9292.2.12. - EFFECTIVE DATE OF MODIFICATION.

No permit or license shall be issued for any use involved in an application for an administrative modification until action on such application shall have become final by reason of the expiration of time to make an appeal as herein provided.

9292.2.15. - REPORTING OF ACTIONS.

The secretary of the Planning Commission shall report the actions taken under the provisions for administrative modifications to the Planning Commission at the Commission's first meeting following said actions.

The Planning Commission may, at its own discretion and without the filing of any fee, appeal any decision reached under the administrative modification procedure within five (5) working days of the report to the Commission of said decision.

(Division 2 amended by Ord. 1472 adopted 2-20-73)
TITLE 1. - MODIFICATION COMMITTEE

9292.1.1. - PURPOSE.

The purpose of the Modification Committee procedure is to secure an appropriate improvement of a lot, to prevent unreasonable hardship or to promote uniformity of development.

9292.1.2. - CREATION.

There is hereby created a Modification Committee composed of the following persons:

1. The Chairman of the Planning Commission or such member of the Planning Commission as the Chairman may from time to time designate.
2. The Planning Director or his designated deputy.
3. The City Manager or his designated deputy.

The Chairman of the Modification Committee shall be the Planning Commission member thereon.

The Planning Director or his designated deputy shall serve as Secretary to the Modification Committee.

(Amended by Ord. 1501 adopted 12-18-73)

9292.1.3. - MEETINGS.

The Modification Committee shall meet at the call of the Chairman.

9292.1.4. - AUTHORITY.

In order to secure an appropriate improvement, prevent unreasonable hardship or to promote uniformity of development, the Modification Committee shall have the authority to approve, conditionally approve or deny modifications of the following:

1. Driveway and parking stall size requirements.
2. Apartment unit size.
4. Distance between buildings.
5. Usable open space regulations.
6. Fence, wall and hedge regulations.
7. Sign regulations.
8. Utility and storage space requirements.
10. Height of noncommercial structures.
11. Number of required parking spaces.
12. When the maximum number of units permitted in the R-2 and R-3 zones has a fractional remainder greater than one-half, the Modification Committee may allow the maximum number of units to be rounded off to the next highest whole number.
13. Front, side or rear yard setbacks, provided that a setback from a street shall be modified only with a written declaration of the Director of Public Works that the modification, if granted, will not adversely affect any foreseeable need for widening the street.
14. Side yard setbacks in the multiple family, commercial and industrial zones provided that a setback from a street shall be modified only with a written declaration from the Director of Public Works that the modification, if granted, will not adversely affect any foreseeable need for widening the street.
15. Interior side yard setbacks in the R-M, R-O and R-1 zones for single-story additions to an existing dwelling or accessory building where said addition(s) totals more than thirty (30) linear feet.
16. Street side yard setbacks for first floor additions to existing dwellings or for accessory buildings.
17. Alterations and/or expansion of nonconforming uses and structures.
18. Tennis and paddle tennis courts—Construction and operations standards.
19. Window openings, balconies, decks and open stairways under Sections 9261.2.5, 9262.2.5, 9263.2.6 and 9265.2.4 of the Arcadia Municipal Code.
20. Accessory Dwelling Units - Unit size.
21. Conversions of existing attic areas within main dwellings in the R-M, R-O and R-1 zones, provided that such requests do not involve any exterior alterations within the required setback area.

(Amended by Ord. 1665 adopted 1-16-79; amended by Ord. 1734 adopted 11-17-81; amended by Ord. 1738 adopted 5-18-82; amended by Ord. 1760 adopted 1-4-83; amended by Ord. 1760 adopted 10-1-85; amended by Crd. 1852 adopted 4-21-87; amended Ord. 1927 adopted 9-4-90; amended by Ord. 2005 adopted 7-5-94; amended by Ord. 2246 adopted 10-7-08; amended by Ord. 2273 adopted 12-7-10)

9292.1.5. - REFERRAL TO PLANNING COMMISSION.

The Modification Committee may, at its discretion, refer any modification application to the Planning Commission for its decision without further fee to the applicant.

9292.1.6. - ADMINISTRATIVE ACT.

All acts performed by City officers under the provisions of this Division shall be construed as administrative acts performed for the purpose of assuring that the intent and purpose of this Chapter shall apply in special cases as provided in this Division and shall not be construed as amendments to the
provisions of this Chapter or the Zoning Map of the City.

9292.1.7. - APPLICATION FORMS.

Application forms for modifications shall be obtained from the Planning Department.

(Amended by Ord. 1501 adopted 12-18-73)

9292.1.8. - FILING OF APPLICATIONS.

Modification applications shall be made in writing to the Planning Department on the prescribed application forms. Incomplete application forms shall not be accepted. All filed applications shall be consecutively numbered, shall become part of the permanent official records of the City and shall contain copies of all notices and actions pertaining thereto.

(Amended by Ord. 1501 adopted 12-18-73)

9292.1.9. - INFORMATION REQUIRED.

A modification application shall be accompanied by the following:

1. Completed application forms.
2. Reference to the provisions of the Code Section from which said property is sought to be excepted.
3. A scaled plot plan and description of the subject property, description of the proposed use of the property with plot plans, floor plans, and elevations for all proposed buildings drawn to scale.
4. In those residential areas of the City having architectural review boards, the report of said boards indicating their actions relative to the proposed modification request.

(Added by Ord. 1665 adopted 1-16-79; amended by Ord. 1738 adopted 5-18-82)

9292.1.10. - FEE.

Before accepting for filing any application for a modification under this Title, the City shall charge and collect a fee which shall be paid in an amount established by resolution of the City Council.

(Amended by Ord. 1570 adopted 8-3-76; amended by Ord. 1654 adopted 10-17-78)

9292.1.11. - INVESTIGATION.

The Planning Department staff shall investigate and report on each modification application providing information necessary for the Committee; full and complete consideration of the application. The members of the Modification Committee may also undertake such investigation of each modification application as they deem necessary for their full and complete consideration of the application.
9292.1.12. - SCHEDULING FOR PUBLIC HEARING.

Upon the receipt in proper form of a modification application, the secretary of the Modification Committee shall fix a time and place for public hearing thereon to be held not less than ten (10) calendar days nor more than forty (40) calendar days thereafter.

(Amended by Ord. 1501 adopted 12-18-73; amended by Ord. 1618 adopted 12-6-77)

9292.1.13. - NOTICES.

Not less than ten (10) calendar days before the date of such public hearing, a notice shall be mailed, postage prepaid, to the applicant and to all property owners within one hundred feet (100’ of the subject property. The notice shall state the nature of the request, the location of the property and the time and place of the hearing.

9292.1.14. - APPEALS.

Appeals from the Modification Committee's decision shall be made to the Planning Commission. Said appeal shall be made in writing and delivered to the Planning Department within five (5) working days of the Modification Committee's decision and shall be accompanied by an appeal fee in accordance with the applicable fee schedule adopted by resolution of the City Council.

Upon notification of such an appeal, the applicant of the original modification request shall provide and deliver to the Planning Department an eight inch by ten inch (8” x 10”) clear film positive and negative of the proposed development.

Upon receipt in proper form of an appeal from the Modification Committee's decision, the secretary of the Planning Commission shall fix a time and place for public hearing thereon to be held not less than ten (10) calendar days nor more than forty (40) calendar days thereafter. Public notice of the public hearing shall be given in the same manner as set forth in Section 9292.1.13.

Appeals from the Planning Commission's decision shall be made to the City Council. Said appeal shall be made in writing and delivered to the City Clerk within five (5) working days of the Planning Commission's decision and shall be accompanied by an appeal fee in accordance with the applicable fee schedule adopted by resolution of the City Council.

At its next regular meeting after the filing of such appeal, the Council shall set a date for a public hearing thereon. The matter of setting the hearing and giving of notice shall be the same as prescribed for hearings before the Planning Commission.
9292.1.15. - EFFECTIVE DATE OF MODIFICATION.

No permit or license shall be issued for any use involved in an application for a modification until action on such application shall have become final by reason of the expiration of time to make an appeal as herein provided.
City of
Covina
A. The council shall, not less than 15 nor more than 60 days after the publication of legal notice of a public hearing on a variance application, hold the public hearing. The appellant shall present at the hearing information and data in support of his appeal.

B. The council shall, within 30 days after the conclusion of the hearing, sustain, reverse or modify the commission decision by resolution, setting forth the findings listed in CMC 17.78.020.

C. Notification of the council action shall be mailed to the appellant at the address shown on the application. (Ord. 1471 § 1, 1980; 1964 Code Appx. A § 12.00.)

17.78.140 Voiding of variances.
A. The council, with or without a recommendation from the commission, may by resolution, upon notice and hearing as specified herein, void any variance for noncompliance with the conditions set forth in granting the variance. Notice of intent to void specifying the reasons therefor and containing the time and place of the hearing shall be given to the holder of the variance not less than 20 days before the specified hearing date. Notice of public hearing shall be given as provided in CMC 17.78.080(B).

B. Notification of the council action shall be mailed to the holder of the variance and shall include a copy of the council resolution specifying the reasons for voiding the variance.

C. Each variance granted under the provisions of this chapter shall become null and void unless:

1. The construction authorized by the variance has been commenced within 180 days, or such other period as may be established, after the granting of the variance and pursued diligently to completion; or

2. The occupancy of the land or buildings authorized by such variance has taken place within 180 days, or such other period as may be established, after the granting of such variance. (Ord. 1356 § 1, 1977; 1964 Code Appx. A § 12.00.)

17.78.150 Prior ordinance status.
Any variance granted pursuant to any zoning ordinance enacted prior to the effective date of the ordinance codified herein shall be construed to be a variance under this title, subject to all conditions imposed in such variance. Such variance may be voided as provided in CMC 17.78.140. (1964 Code Appx. A § 12.00.)

17.78.160 Variance for minor deviations.
A. When in the public interest and agreed to by the applicant, the designated planning official may, without publishing, posting or mailing of notice and without public hearing, consider and render decisions on variances involving slight modifications in the provisions of this title including, but not limited to, the following:

1. Applications for reduction of lot area, minimum floor area requirements, reduction of size of yards, courts, open areas or landscaped areas by not more than 10 percent of the area required by ordinance;

2. Applications for the increase in the height of fences or walls by not more than 18 inches, except when such fence or wall is located in the required front yard or corner cutback areas;

3. Applications to permit the encroachment of structures or buildings, classified as main buildings, into required yards by permitting such structures or buildings to occupy not more than 20 percent of the required yards if such proposed encroachment is not more than one story in height and does not extend closer than 20 feet to the front lot line, 15 feet to the rear lot line and five feet to a side lot line. If, however, the encroachment is an existing main building, such encroachment may be permitted to a distance no less than three feet from a side lot line;
4. Applications for the increase in sign area or height or sign location by not more than 10 percent of the requirements of this code;

5. Applications to modify development standards in RD multiple-family residential zones as provided in CMC 17.28.475.

B. In granting a minor variance, the designated planning official shall find that all of the conditions listed in subsection (A) of this section exist in reference to the subject property. The designated planning official may impose reasonable conditions and requirements as terms of approval. (Ord. 95-1797 § 3, 1995; Ord. 1532 § 1, 1983; 1964 Code Appx. A § 12.00.)

17.78.170 Application fee.
When the application for a minor variance is filed, a uniform nonrefundable fee shall be paid for the purpose of defraying the cost incidental to the proceedings.

Such charges and fees to be rendered shall be those which the city council may from time to time determine, fix, and establish by resolution duly and regularly adopted by it. Such charges may be changed by the city council from time to time by resolution and shall respectively be applicable for the respective periods designated or governed by such respective resolutions. (Ord. 1357 § 1, 1977.)
City of
Diamond Bar
CHAPTER 22.52. - MINOR VARIANCES

Sec. 22.52.010. - Purpose.

The purpose of this chapter is to allow for a minor variance of the development standards identified in this Development Code. The maximum allowable variances are specifically identified in section 22.52.020 (Applicability), below.

(Ord. No. 02(1998), § 2, 11-3-98)

Sec. 22.52.020. - Applicability.

An application for a minor variance may be filed with the department in compliance with chapter 22.44 (Applications, Processing, and Fees), and may be considered by the director, governing only the following development standards:

1. **Building site area.** A decrease, of not more than ten percent, in the required building site area, but not the pad size;

2. **Setback/yard area.** A decrease, of not more than 20 percent, in the required setback/yard area for structures, landscaping, swimming pools/spas and equipment;

3. **Distances between structures.** A decrease, of not more than 20 percent, in the allowed distances between detached accessory structures and main structures;

4. **Off-street parking.** A decrease, of not more than 20 percent, in the number of required off-street parking spaces;

5. **Structure height.** An increase, of not more than ten percent, in the maximum allowed structure height;

6. **Fence or wall height.** An increase, of not more than 30 percent, in the maximum allowed height of a fence or wall, in compliance with chapter 22.20 (Fences, Hedges, and Walls) and subject to city approved structural design standards. Retaining walls may be allowed an increase of up to eight feet, depending on topographic constraints and the director’s determination that the wall is needed to implement the approved grading plan/permit for the subject parcel;

7. **Projections.** An increase, of not more than 20 percent, in the allowed projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback/yard area, in compliance with section 22.16.090 (Setback regulations and exceptions); and

8. **Other standards.** The director shall also be allowed to vary other standards including minor operational/performance standards relating to dust, glare, hours of operation, landscaping, light, noise, parking, etc.
A request which exceeds the limitations outlined in this section shall require the filing of a variance application, in compliance with chapter 22.54.

(Ord. No. 02(1998), § 2, 11-3-98)

Sec. 22.52.030. - Application filing, processing, and review.

(a) **Filing.** An application for a minor variance shall be completed, filed, and processed in compliance with chapter 22.44 (Applications, Processing, and Fees). It is the responsibility of the applicant to establish evidence in support of the findings required by section 22.52.040 (Findings and decision).

(b) **Project review procedures.** Each application shall be analyzed by the department to ensure that the application is consistent with the purpose and intent of this chapter.

(Ord. No. 02(1998), § 2, 11-3-98)

Sec. 22.52.040. - Findings and decision.

The director, without the requirement for a noticed public hearing, shall record the decision in writing with the findings on which the decision is based, in compliance with state law, or may refer the application to the commission. A minor variance application shall not be approved, modified, conditioned, or disapproved by the director, unless all the following findings can be made:

1. **General findings.**
   
a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self-created, hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards;

b. Granting the minor variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the minor variance is sought;

c. Granting the minor variance is consistent with the general plan and any applicable specific plan;

d. The proposed entitlement would not be detrimental to the public interest, health, safety, convenience or welfare of the city; and

e. The proposed entitlement has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).

2. **Findings for off-street parking reductions.** A minor variance to reduce the required amount of off-street parking shall only be approved when the following findings can be made:
a. The intent of the parking regulations, which is to ensure that sufficient parking will be provided to serve the use intended and potential future uses of the subject site, is preserved; and

b. A parking permit is approved in compliance with section 22.30.050 (Reduction of off-street parking requirements for shared uses).

(Ord. No. 02(1998), § 2, 11-3-98; Ord. No. 04(2005), § B, 3-15-05)

Sec. 22.52.050. - Conditions of approval.

In approving a minor variance, the director may impose conditions deemed necessary to ensure that the approval will be in compliance with the findings required by section 22.52.040 (Findings and decision), above.

(Ord. No. 02(1998), § 2, 11-3-98)

Sec. 22.52.060. - Post approval procedures.

Procedures relating to appeals, issuance of a building permit, performance guarantee, and revocation as identified in article V (Development Code Administration), in addition to those identified in chapter 22.66 (Permit Implementation and Time Extensions), shall apply following the approval of a minor variance application.

(Ord. No. 02(1998), § 2, 11-3-98)
City of Huntington Beach
241.22 Waiver of Development Standards

A. Standards Which Can Be Waived. The director may waive development standards for setbacks, open space, separation between buildings, height of buildings or fences, site coverage and landscaping without a conditional use permit or a variance, only if he or she finds that such a waiver improves project design and does not exceed 10% deviation. No other standards shall be subject to this waiver provision.

B. Time Limit. A waiver shall become null and void six months after date of approval.

C. Extensions. A waiver shall not be extended for more than one year unless the applicant demonstrates that no circumstances relevant to the approval of the waiver, including other development in the neighborhood, have changed from the time of approval.

D. Limitations. A waiver may not be granted if the waiver would in any way degrade the environment or result in any changes to classification of land use or density. Also, projects not otherwise subject to discretionary review (i.e., conditional use permit, variance, Coastal Development Permit, or subdivision approval) may not apply for waiver.

E. Decisions and Appeals. The director’s decision may be appealed in accord with Chapter 248. The director’s decision shall be distributed to the City Council, Planning Commission, and Zoning Administrator within 48 hours of such decision. (3528B-2/02, 3712-6/05)
City of
La Verne
Article II. Minor Exceptions

18.108.120 Authority.

The community development director is authorized to grant applications for minor exceptions under the terms and conditions of this section in those cases where such minor exceptions are warranted by practical difficulties, unnecessary hardships, or results that without the minor exceptions may be inconsistent with the general intent of this code. The scope of authority is limited to the granting of the following:

A. The reduction of lot area by not more than ten percent of the applicable lot area requirements and so as not to create an additional lot;

B. The reduction of setbacks, lot dimensions, on-site parking and loading, landscaping, and height requirements by not more than ten percent of the applicable requirements;

C. The increase in the height of a wall or fence by two feet when the increase is necessary to provide for security, privacy, screening of yard or to act as a buffer between land uses where it is found to be necessary to eliminate objectionable noise, light, or glare;

D. Variances for antennas only as provided in Sections 18.104.140 and 18.104.150. (Ord. 943-A § 2, 2000; Ord. 913 § 2, 1997)

18.108.130 Procedure generally.

The procedures for minor exceptions shall be as set forth in this article. (Ord. 913 § 2, 1997)

18.108.140 Application.

Application for a minor exception shall be made on forms provided by the community development director and shall include such plans and information as may reasonably be required by the director. A filing fee, as established by city council resolution, shall be paid at the time of filing such application. (Ord. 913 § 2, 1997)

18.108.150 Notification.

Upon receipt of a complete application for a minor exception, the community development director shall notify the owners of all adjacent property of the requested exception to this code by letter. Adjacent property shall include all lots which directly abut or are directly across any right-of-way from the subject property. (Ord. 913 § 2, 1997)

18.108.160 Action by community development director.

Not sooner than ten days after the owners of the adjacent property are notified, nor later than thirty days after receipt of the application, the community development director shall either grant, deny or grant with conditions, the minor exception. Any conditions shall be such as to assure that the minor exception is within the intent of the general plan and this section. Notice of the decision of the community development director shall be sent to the applicant and all owners of adjacent property. (Ord. 913 § 2, 1997)

18.108.170 Decision final.

No minor exception granted by the community development director shall become effective until ten days after notice of the decision of the community development director has been sent to the applicant and all owners of adjacent property, nor shall any building permit be issued for any development permitted by the minor exception until after the
ten-day period. Within this ten-day period, the applicant or any owner of adjacent property may cause the decision to be set aside automatically by filing a written request with the community development director. In the event a minor exception is set aside, the applicant may file an application for a variance at any time thereafter. An applicant whose request for a minor exception was denied by the community development director may file an application for a variance any time after receiving the decision of the community development director. Whenever an application for a variance is made subsequent to action on the minor exception, the filing fee for the variance shall be reduced by the amount charged for the minor exception permit. (Ord. 913 § 2, 1997)

18.108.180 Expiration.

If the development permitted by a minor exception is not initiated within one year after the date of issuance, the minor exception shall expire and become null and void. The community development director may provide for a shorter time period by condition of approval or may grant extension of the one-year period for good cause and without renotification of adjacent property owners, provided that the request for an extension is made by the applicant prior to the expiration of the minor exception. (Ord. 913 § 2, 1997)
City of
Monrovia
§ 17.52.110 MINOR EXCEPTIONS.

(A) In appropriate cases the Committee shall have the power to grant minor exceptions to the development standards of this title in those cases where such minor exceptions are warranted by practical difficulties, unnecessary hardships or results that may be inconsistent with the general intent of the code. The Committee shall have the power to grant the following deviations from the provisions of this title:

(1) An increase of up to 10% in floor area ratio over the maximum allowed;

(2) A reduction in setbacks as follows:
   (a) Front setback: 15% maximum reduction;
   (b) Side setback: two feet maximum reduction, or for additions in alignment with an existing structure, a minimum three feet from the property line;
   (c) Rear setback: 20% maximum reduction;
   (d) Between buildings: 20% maximum reduction, with the exception of single-family developed lots that may be considered at a 30% maximum reduction;
   (e) In the Residential Foothill Zone for lots with graded pads: a 20% maximum reduction for all setbacks.

(3) Exceptions pertaining to swimming pools;

(4) Allow an addition to a residential structure in a single family zone to exceed the maximum building height for the structure to match the height of the original house if the home is architecturally or historically significant.

(5) Up to 5% reduction of the minimum floor area for dwelling units;

(6) Exceptions pertaining to fences, hedges and walls;

(7) Allowance of the use of common recreation space as a substitute for private recreation space;

(8) Up to a five-degree increase in the angle of the planes limiting building bulk;

(9) Area, width and setback reductions up to 10% of the amount prescribed for service stations;

(10) Up to a 5% reduction in the minimum lot area required per dwelling unit in residential zones, where the majority of lots on the same block in the immediate vicinity have sufficient lot area to accommodate the number of units proposed by the applicant, and the majority of such other lots are in fact developed with such number of units;

(11) Deviations pertaining to parking requirements with the following exceptions:
   (a) Parking reductions for existing single-family and existing multiple-family residential units, except for the elimination of all parking;
   (b) Over a 10% reduction in parking for nonresidential uses;
   (c) Driveway width reductions not exceeding one foot of the amount prescribed for paved vehicular access;
(12) Deviations pertaining to the sign regulations.

(B) Applications for minor exceptions shall be made to the Committee in writing. The application shall contain such information as is requested by the Director.

(C) Notice of the public hearing shall be mailed or delivered at least ten days prior to the hearing to all owners of real property, as shown on the latest equalized assessment roll, within 100 feet of the real property that is the subject of the hearing. In lieu of utilizing the assessment roll, the local agency may utilize records of the County Assessor or Tax Collector which contain more recent information than the assessment roll.

City of
Newport Beach
20.52.050 Modification Permits.

A. Purpose. The purpose of this section is to provide relief from specified development standards of this Zoning Code when so doing is consistent with the purposes of this Code and the General Plan, and does not negatively impact the community at large or the neighborhood of the specified development.

B. Review Authority and Allowable Modifications. The Zoning Administrator or Planning Commission, as appropriate, shall approve, conditionally approve, or deny applications for modification permits applicable only to the following, subject to the findings identified in subsection (E) of this section: (Required: Findings:)

1. Performance Bond or Other Security. Submission of a performance bond or other security measures shall be removed from the site within a reasonable time following the issuance of the permit or the property would be restored to its former condition, or better, as determined by the Zoning Administrator.

2. Compliance with Applicable Provisions. Requirements that the approval of the requested modification permit is contingent upon compliance with applicable provisions of this Zoning Code, and the successful granting of all required permits from other department and/or agencies, provided the permit does not exceed twelve (12) months in duration from the date of the Zoning Administrator's decision to approve the permit.

3. Duration of Modification Permit: The Zoning Administrator may extend the time limit of the limited term permit, upon request of the applicant and for good cause shown, up to a maximum time equal to the original term of the permit, but not exceeding twelve (12) months added to the original term of the permit. The modifications shall continue to be in full compliance with this Zoning Code.

4. Audit, Records and Reports. The other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

5. Records and Reports. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

6. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

7. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

8. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

9. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

10. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

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12. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

13. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

14. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

15. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

16. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

17. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

18. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

19. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

20. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

21. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

22. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

23. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

24. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

25. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

26. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

27. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

28. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

29. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

30. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

31. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

32. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

33. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

34. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.

35. Signs, Regulated Sign, and Scale. Other conditions that would ensure the operation of the limited duration use in an orderly and efficient manner, in compliance with the requirements of this section.
1. Height modifications from exceptions identified in Part 3 of this title (Site Planning and Development Standards). The following modifications are limited to not more than a ten (10) percent deviation from the standard being modified.

   a. Chimneys, rooftop architectural features, and vents in excess of the exception to the allowed height limits identified in Part 3 of this title (Site Planning and Development Standards);
   
   b. Flag poles in excess of the exception to the allowed height limits; and
   
   c. Heights of fences, hedges, or walls (except retaining walls).

2. Setback Modifications. The following modifications are limited to not more than a ten (10) percent deviation from the standard being modified.

   a. Encroachments in front, side, or rear setback areas while still maintaining the minimum clearances required by Section 20.30.110 (Setback Regulations and Exceptions). Exceptions include the following:
      
      i. Modifications shall not be allowed for encroachments into alley setbacks; and
      
      ii. Modifications shall not be allowed for encroachments into bluff setback areas.
   
   b. Structural appurtenances or projections that encroach into front, side, or rear setback areas.

3. Other Modifications. Except as otherwise provided, the following modifications are not limited in the amount of deviation from the standard being modified:

   a. Distances between structures located on the same lot;

   b. Landscaping standards in compliance with Chapter 20.36 (Landscaping Standards);

   c. Maximum allowed roof area for roof-mounted equipment that exceeds the allowed height limits identified in Part 3 (Site Planning and Development Standards);

   d. Size or location of parking spaces, access to parking spaces, and landscaping within parking areas;

   e. Increase in allowed floor area of additions for uses that have nonconforming parking;

   f. Increase in allowed height, number, and area of signs;

   g. Increase in the allowed height of retaining walls; and

   h. Increase in allowed floor area of additions for nonconforming residential structures as identified in Section 20.38.040 (Nonconforming Structures).

C. Application Filing and Fees. An application for a modification permit shall be filed and processed in compliance with Chapter 20.50 (Permit Application Filing and Processing). The application shall include the information and materials specified by the Director, together with the required fee in compliance with the City's fee schedule adopted by resolution. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection (E) of this section (Required Findings).

D. Notice and Hearing Requirements. Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Chapter 20.62 (Public Hearings).

E. Required Findings. The Zoning Administrator may approve or conditionally approve a modification permit if, on the basis of the application, materials, plans, and testimony (orally and/or in writing) submitted, the Zoning
Administrator first finds all of the following:

1. The requested modification will be compatible with existing development in the neighborhood;

2. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use;

3. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code;

4. There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public; and

5. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.

F. Duties of the Zoning Administrator.

1. Review.
   a. The Zoning Administrator shall review each application to ensure that the proposal is consistent with the purpose and intent of this Zoning Code, this section, all applicable regulations and policies, and sound planning practices.
   b. The Zoning Administrator shall refer each application to the Building Department and Public Works Department, and to other City departments as determined to be appropriate by the Zoning Administrator.
   c. Each department shall submit written recommendations to the Zoning Administrator in a timely manner.

2. Rendering of Decision. After the conclusion of the hearing on an application for a modification permit, the Zoning Administrator shall render a written decision within fifteen (15) days, unless both the applicant and the Zoning Administrator consent to a later date.

3. Referral to Commission.
   a. The Zoning Administrator may refer a modification permit application to the Commission for consideration and final action.
   b. The procedure for notice and hearings held by the Commission on referred applications shall be in compliance with the same provisions as identified in this section and as specified in Chapter 20.62 (Public Hearings).

G. Post-Decision Procedures. The procedures and requirements in Chapter 20.54 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Part 6 of this title (Zoning Code Administration) shall apply following the decision on a modification permit application. (Ord. 2015-3 §§ 2, 3, 2015; Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.52.060 Planned Development Permits.

A. Purpose. The purpose of this section is to provide a process for approving a planned development permit
City of
San Juan Capistrano
Sec. 9-2.351. Variances and minor exceptions.

(a) Purpose and intent. The purpose of granting a variance or minor exception is to ensure that no property, because of special circumstances specifically related to its size, shape, topography, location, or surroundings, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone district. No variance or minor exception shall be granted for any property that authorizes a use or activity which is not otherwise expressly authorized by the District regulations (Chapter 3 Zoning Districts and Standards of this title) governing the parcel.

(b) Applicability. This section provides for the consideration of variances and minor exceptions to the regulations of this Land Use Code (Chapters 1 through 5, Title 9). The reviewing authority may grant a variance or minor exception from any property development standard (including setbacks, heights, parking requirements, and other numerical standards) in this Land Use Code, subject to the procedures set forth in this section. Except for the minor exceptions listed below, all requests to deviate from code requirements shall require approval of a variance. In calculating percentages specified in this section, rounding up of fractions shall not be permitted. The following deviations from code requirements may be processed as minor exceptions:

1. Minor exception for up to ten (10) percent of standard. Any deviation of a numerical standard contained in this Land Use Code (Chapters 1 through 5, Title 9) of ten (10) percent or less of the maximum or minimum standard may be granted, except as otherwise provided in this section.

2. Fence height minor exception. Excepting within any front yard setback area, the maximum height of any fence, wall, hedge, or equivalent screening may be increased by a maximum of twenty (20) percent, where topography or a difference in grade between abutting sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, or to provide additional security when warranted, provided that the increased height does not encroach into the vehicle sight distance or otherwise impede visibility of motorists.

3. Setback minor exception. The required side or rear yard setback may be decreased by not more than fifteen (15) percent 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, and where such decrease will not adversely affect adjacent properties.

4. On-site parking minor exception. A maximum of fifteen (15) percent in the reduction of on-site parking spaces may be granted to allow use of parking off-site or through a joint parking agreement, provided that the reduction will not result in an adverse impact on parking availability or traffic congestion.

(c) Reviewing authority.

1. Variance requests shall be reviewed by the Zoning Administrator at a public hearing noticed pursuant to Section 9-2.302(f), except that if a variance application is filed concurrently with another application on the same site for the same development project that requires review by the Planning Commission, then the Planning Commission shall be the reviewing authority for such application in conjunction with the other pending application(s).

2. The Planning Director or designee shall be the reviewing authority for minor exceptions, with notice is given to contiguous property owners prior to the decision date pursuant to Section 9-2.302(h).

(d) Application submittal. Applications for variances and minor exceptions may be filed with the Department of Planning Services, along with the required fee as established by City Council resolution. The Planning Director shall prescribe the form of application and the supporting information required to initiate the application review. Once an application is received by the Department of Planning Services, the application will be reviewed pursuant to the timelines set forth in Section 9-2.301

(e) Findings required for approval. No variance or minor exception shall be approved unless the reviewing authority makes all of the following findings:

1. There are special circumstances applicable to the property, including size, shape, topography, location, or
surroundings, such that the strict application of this Code would deprive such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

(2) Granting of the variance or minor exception will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone district in which such property is situated.

(3) Granting of the variance or minor exception will not result in development which is otherwise inconsistent with the provisions of the Land Use Code or the General Plan.

(4) Granting the variance or minor exception will not be materially detrimental to the public health, safety, or welfare, or injurious to the properties or improvements in the vicinity and land use district in which the property is located.

(f) Conditions of approval. Any variance or minor exception granted may be subject to such conditions as required by the reviewing authority to ensure that the deviation from code requirements and standards thereby authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. In approving a variance application, the approving authority may also impose conditions of approval which it deems necessary to ensure: (i) the compatibility of the land use or development with existing and proposed land uses on surrounding properties and (ii) consistency with the goals and policies of the General Plan.

(g) Appeals. Decisions on variance and minor exception applications may be appealed in accordance with Section 9-2.311, Appeals.

(h) Time period for approval. If construction or use of property authorized by an approved variance or minor exception has not been commenced within one year of approval, then the variance or minor exception shall be rendered null and void, except that if such variance or minor exception has been approved in conjunction with another discretionary approval on the same property for the same development project, then the time period for approval of the variance or minor exception shall be the same as for the other application(s), including any time extension thereof. Where circumstances warrant, the reviewing authority may grant an extension of time for a period not to exceed twelve (12) additional months for a variance or minor exception filed with no concurrent applications. A time extension for a variance application may be approved by the Zoning Administrator subject to the same notification procedures and findings used for the original application. A time extension for a minor exception may be approved by the Planning Director subject to the same notification procedures and findings use for the original application.

(i) Consistency of working drawings with approved plans. A variance or minor exception approval shall pertain only to those plans reviewed and approved by the reviewing authority, and all approved plans shall be considered an integral part of the approval. The Planning Director shall ensure that any final working drawings for grading or construction authorized by a variance or minor exception approval are consistent with approved plans prior to issuance of building permits.

(j) Revocation. A variance or minor exception may be revoked or modified (including the imposition of additional conditions) by the approving body upon finding by said authority that the conditions of approval of the variance have not been met or that the land use is being operated in violation of other provisions of this Land Use Code. A public hearing by the reviewing authority shall be held in accordance with Section 9-2.302(f) prior to action on revocation or modification. The Planning Director may schedule such a hearing upon his or her preliminary finding of noncompliance with any of the preceding requirements. Any decision by the reviewing authority to revoke or modify a variance or minor exception may be appealed pursuant to Section 9-2.311, Appeals. (§ 2 Exh. A, Ord. 938, eff. July 3, 2008)
City of
San Marino
23.09.01: MINOR EXCEPTIONS:

This Article provides for the granting of minor exceptions to the development standards of this Chapter by the Planning and Building Director in those cases where such minor exceptions are warranted by practical difficulties, unnecessary hardships, or results that, without the minor exception, may be inconsistent with the general intent of this Code. (Ord. 096-1093, 7-10-1996)

23.09.02: SCOPE:

A. The Planning and Building Director or the Commission on appeal, shall grant or deny requests for minor exceptions based on the same criteria as govern the Commission in granting or denying variances. The Planning and Building Director shall grant minor exception permits authorizing the following:

1. Construction of fences, walls, gates or pilasters which exceed six feet (6’) in height and do not exceed eight feet (8’) in height.

2. Proposals which depart from the yard requirements not in excess of five percent (5%) from those requirements of subsection 23.02.09A of this Chapter which pertain to minimum yard dimensions.

3. Realignment of existing lot lines, where the number of lots is not thereby increased or decreased. The owners of the lots involved shall cause to be recorded in the office of the County Recorder of Los Angeles County the effect of such lot realignment.

B. The Planning and Building Director may refuse at any time to hear such matter, and instead refer it to a public hearing before the Commission, upon payment of the required filing fee. (Ord. 096-1093, 7-10-1996)

23.09.03: APPLICATION:

An application for a minor exception permit shall be made on forms provided by the City and shall include such plans as may reasonably be required by the Planning and Building Director for a complete understanding of the request, and a filing fee as established by resolution of the Council. (Ord. 096-1093, 7-10-1996)

23.09.04: NOTIFICATION:

Upon receipt of a complete application for a minor exception permit, the Planning and Building Director shall notify the owners of all property adjacent to the proposed use and/or development by
letter. Adjacent property shall include all lots which directly abut, or are directly across any public or private right of way from the subject property. (Ord. 096-1093, 7-10-1996)

23.09.05: ACTION BY THE PLANNING AND BUILDING DIRECTOR:

Not sooner than fifteen (15) days after the owners are notified, not later than thirty (30) days after receipt of the application, except that if a minor permit application is filed in conjunction with another application the longer review time of any of the applications will prevail, the Planning and Building Director shall either grant, deny, grant with conditions or set the minor exception permit for a public hearing. Conditions may be imposed to assure that the minor exception permit is within the intent of this Chapter. Noncompliance with any conditions of a minor exception permit shall constitute a violation of this Code. Notice of the Director's decision shall be sent to all persons who responded to the original notice. (Ord. 096-1093, 7-10-1996)

23.09.06: APPEALS:

A. Appeals Of The Planning And Building Director's Decisions:

1. The applicant or any person who is dissatisfied with the action of the Planning and Building Director on a minor exception permit, may, within the fifteen (15) day period prior to the effective date of such minor exception permit, file an appeal with the Planning Commission.

2. Any person filing an appeal with the City Clerk shall deposit a sum determined by Council resolution to cover the cost of appeal.

3. The Council or Commission may itself appeal a decision of the Planning and Building Director, in which case the fifteen (15) day appeal period provided by subsection 23.07.09A of this Chapter shall be extended for such limited purpose to the next regular meeting of the Commission following such decision of the Planning and Building Director.

4. Upon receiving a notice of appeal (or itself appealing a decision of the Planning and Building Director), the Commission shall either:
   a. Affirm the action of the Planning and Building Director; or
   b. Require a summary of all evidence upon which the Planning and Building Director made his/her decision; after receiving such evidence the Commission shall take such action as, in its opinion, is indicated by such evidence alone; or
   c. Refer the matter back to the Planning and Building Director, with or without instructions for further proceedings; or
   d. Instruct the Commission secretary to set the matter for hearing within forty (40) days before itself. At such hearing it shall hear and decide the case "de novo". Such hearing shall be conducted in the manner and with the notice prescribed for the Planning and Building Director. This alternative subsection A4d of this Section shall be followed in all such appeals unless the Commission shall indicate otherwise, and the Commission secretary shall be authorized to set
such hearings.

B. Appeal Procedure: Each and every reference in this Article to the Planning and Building Director shall be deemed to mean the Commission during the conduct of any appeal hearing.

C. Decision Suspended: Until the appeal has been concluded and the Commission has rendered a decision, the decision of the Planning and Building Director shall be suspended and no rights shall accrue thereunder. After the decision of the Commission on such appeal, the decision of the Commission shall supersede the decision of the Planning and Building Director.

D. Finality Of Decisions Regarding Appeals: The decision of the Commission, upon an appeal from an action of the Planning and Building Director, is final and conclusive as to all things involved in the matter. (Ord. 096-1093, 7-10-1996)
City of
South Pasadena
A. Purpose. The provisions of this Section allow for an Administrative Modification of several specified development standards of this Zoning Code.
   1. Special privileges prohibited.
      a. An Administrative Modification may only be granted when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district, or creates an unnecessary and involuntarily created hardship, or unreasonable regulation which makes it impractical to require compliance with the development standards.
      b. An Administrative Modification shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts, or which is contrary to the public convenience, health, interest, safety, or welfare.
   2. Does not extend to uses. The power to grant Administrative Modifications does not extend to allowable land uses.

B. Applicability. The use of an Administrative Modification shall be limited to the following circumstances. An Administrative Modification shall not allow a use of land not otherwise allowed by the applicable zoning district.
   1. Applicability limited to specified development standards. An application for an Administrative Modification shall be considered by the Director for only the development standards identified in Table 4-2.
   2. One-time use limitation. An Administrative Modification may be granted only once for a specific type of request in a specific location on a structure for a single street address within the City.

3. Use for hillside properties prohibited. An Administrative Modification shall not be granted for any property subject to the hillside development standards of Division 36.340 (Hillside Protection).

<table>
<thead>
<tr>
<th>Types of Administrative Modification Allowed</th>
<th>Maximum Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TABLE 4-2. ALLOWABLE ADMINISTRATIVE MODIFICATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>1. Dwelling unit sizes. A decrease in the minimum square footage requirements for dwelling units.</td>
<td>10 percent</td>
</tr>
<tr>
<td>2. Fence or walls. Fences, gates, pilasters, or walls in the side and rear yards that exceed six feet in height.</td>
<td>Not to exceed eight feet</td>
</tr>
<tr>
<td>3. Nonconforming uses and structures. An adjustment in the development of and/or addition to a nonconforming use or structure; provided that the adjustment is consistent with the limitations established by the 1983 City of South Pasadena initiative.</td>
<td>10 percent</td>
</tr>
<tr>
<td>4. Open space. A decrease in the minimum open space requirements.</td>
<td>10 percent</td>
</tr>
<tr>
<td>5. Parcel (lot) area. A decrease in the minimum required parcel area.</td>
<td>10 percent</td>
</tr>
</tbody>
</table>
area or size.

6. Parcel (lot) coverage. An increase in the maximum allowable parcel coverage. 5 percent

7. Parcel width dimensions. A decrease in the minimum required parcel width dimensions. 10 percent

8. Parking lot dimensions. A decrease in the minimum parking lot and loading dimensions (e.g., aisle, driveway, and space widths). 10 percent

9. Projections. An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback areas, but no closer than 3 feet to any property line. 10 percent

10. Setback areas. A decrease in the required setbacks.

<table>
<thead>
<tr>
<th>Types of Backset</th>
<th>Maximum Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback</td>
<td>10 percent</td>
</tr>
<tr>
<td>Side setbacks</td>
<td>10 percent</td>
</tr>
<tr>
<td>Rear setback</td>
<td>10 percent</td>
</tr>
</tbody>
</table>

**TABLE 4-2. (Continued) ALLOWABLE ADMINISTRATIVE MODIFICATIONS**

<table>
<thead>
<tr>
<th>Types of Administrative Modification Allowed</th>
<th>Maximum Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Structure height. An increase in the maximum allowable structure height; provided that the increase complies with the height limitation established by the 1983 City of South Pasadena initiative.</td>
<td>10 percent</td>
</tr>
</tbody>
</table>

12. Required Variance. A request which exceeds the limitations identified in this Subsection shall require the filing of a Variance application in compliance with Section 36.410.080.

C. Application filing and processing. An application for an Administrative Modification shall be filed in compliance with Division 36.400 (Application Filling and Processing). The application shall be accompanied by the information identified in the Department handout for Administrative Modification applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F. (Findings and decision), below.

D. Review authority. The Director may grant Administrative Modifications, or may defer action and refer the application to the Commission, in compliance with State law (Government Code Section 65901).

E. Notice and hearing not required. A public hearing shall not be required for the Director’s decision on an Administrative Modification.

F. Findings and decision. The Director shall record the decision in writing with the findings on which the decision is based. The Director may approve an Administrative Modification application, with or without conditions, only after first finding that:

1. Approval of the Administrative Modification would not be detrimental to the public health, interest, safety, or general welfare and would not be detrimental or injurious to property or improvements in the vicinity and in the same zoning district;

2. The subject property is physically suitable to accommodate the improvements granted by the
Administrative Modification; and

3. The Administrative Modification is consistent with the General Plan and any applicable specific plan, the limitations established by the 1983 City of South Pasadena initiative, and the general purposes and intent of this Section, including the requirements of the applicable zoning district.

G. Conditions of approval. In approving an Administrative Modification, the Director may impose conditions deemed reasonable and necessary to ensure:

1. Compliance with the purposes of this Section, consistency with the General Plan and any applicable specific plan, and the limitations established by the 1983 City of South Pasadena initiative;
2. That the Administrative Modification does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located;
3. Compliance with the findings required by Subsection F. (Findings and decision), above; and
4. The protection of the best interests of the surrounding property or neighborhood, and to preserve the public health, safety, and general welfare.

H. Notice of decision. Notice of the Director’s decision on an Administrative Modification shall be mailed to the applicant and to the Commission. If the decision is to approve the Administrative Modification, notice of the Director’s decision shall also be mailed to the owners of property within a 300-foot radius of the subject property.

I. Appeal. A decision on an Administrative Modification may be appealed in compliance with Division 36.610 (Appeals).

(Ord. No. 2108 § 1.)