



Variance Information

Community Development Department
Planning Division
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General Information

A Variance provides a process to waive or modify certain standards of the Zoning Code when, because of special circumstances applicable to the property, including location, shape, size, surrounding, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district. A Variance may be granted to waive or modify any requirement of the Zoning Code except: allowed uses; residential density; specific prohibitions (for example, prohibited signs), or procedural requirements.

Justification and Findings

Chapter 20.52 of the Zoning Code authorizes the Planning Commission to approve, conditional approve, or disapprove applications for a Variance. To approve or conditionally approve a Variance, the hearing body must make the following findings provide by Section 20.52.090 F:

1. There are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;
2. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification;
3. Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;
4. Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;
5. Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood; and
6. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.

Application Requirements

1. A completed Planning Permit Application for a Variance
2. One (1) copy of a Preliminary Title Report not more than six (6) months old from the date the application will be submitted that identifies the legal description of property.
3. Project Description and Justification

A written statement describing the proposed project in detail. This document will serve as the formal statement to the approving authority on what the project is and why it should be approved. Please include any relevant information which supports the application and the required findings pursuant to Section 20.52.090 F, which are noted above.

4. Public Noticing Requirements.

Please refer to the Planning Division's handout on [Public Noticing Requirements](#) for more information on the application materials required for a public hearing.

5. Plans

Variance applications shall be submitted with eight (8) standard sets and one (1) reduced set of plans. Twelve (12) additional sets (size to be determined) of final drawings (after staff review) will be required prior to the Planning Commission Meeting.

All plans shall be full dimensioned and adhere to the following:

- Drawn to scale no less than 1/8' = 1'
- Standard size plans are to measure 24"x36" (with details itemized on 8 1/2"x 11" sheets, if necessary) and folded no larger than 8 1/2"x14" when submitted
- Reduced size plans are to be measured between 8 1/2"x11" to 11"x17" (with details itemized on 8 1/2"x 11" sheets, if necessary) and folded no larger than 8 1/2"x 11" when submitted

The Planning Department may require additional material(s) or plan(s) and may modify or waive individual items if deemed appropriate to support the review of the application. Please consult with a planner to determine which items are applicable. The types of plans required may include the following:

Plot Plan/Site Plan

The plot plan shall show these items abutting the property a minimum of 20 feet from the boundaries of the site:

- Vicinity map, north arrow, and scale of the plan
- Existing and proposed property lines
- Required and proposed front, side, and rear-yard setback lines – measured and dimensioned from property lines
- Location, name, dimension, and description of all existing and proposed right-of-way lines, dedications, and easements
- Locations of existing and proposed structures, additions, utilities, driveways, walkways, and open volume areas
- Any structure(s) to be relocated, removed, or demolished
- Location, height, and material of existing and proposed walls and fences
- Location of all trash enclosures and how they will be accessed
- Location, dimension, description, and number of parking spaces/areas
- Location, height, size, and materials of existing and proposed signs
- Existing and proposed grade elevations and any significant natural features
- An Information block containing the name and telephone number of the contact person and calculations in tabular form showing compliance with applicable property development regulations (i.e., density, floor area limits, height, parking, etc.)

Floor Plans

- Overall building and individual room dimensions, including square footage calculations
- All proposed interior walls and partitions
- Room identification
- Window and door locations
- For eating and drinking establishment, provide a furniture layout, including the proposed number of tables and chairs, and the net public area calculated and outlined or shaded.

Elevation Plans

- Exterior wall openings, materials, and finishes
- Roof pitches
- All roof mounted equipment and screening
- Heights above grade of all floors, eaves, and ridges

Landscape and Irrigation Plans

Landscape and irrigation plans shall be fully dimensioned and prepared by a California licensed landscape architect, licensed landscape contractor, certified nurserymen, project architect, or other qualified professional as determined by the Planning Department. The plans shall include the following information:

- Location of the planning area(s);
- Number and types of plants to be used, specifying the common names, botanical names, size at installation, and spacing;
- Sprinkler layouts, moisture sensing devices, and controller types.
- Please refer to Chapter 20.36 (Landscape Standards) for additional information

Optional Materials

- Materials board (specifications and samples of type, color and texture of proposed construction materials)
- Color photographs of the subject and adjacent properties

Dock and/or Bulkhead Projects

All dock and/or bulkhead projects shall be fully dimensioned and show the following information on the subject property:

- Bulkhead, pierhead and project lines
- Property lines extending into the bay
- Existing slip and/or bulkhead layout
- Proposed slip and/or bulkhead layout
- Table describing number of existing and proposed slips/side-ties and corresponding size of vessel associated with each slip /side-tie
- Location of piles
- Table describing number and size (diameter) or existing and proposed piles
- Location of ADA compliant gangway if applicable

6. Filing Fee

A filing fee is required at the time of filing to partially defray the cost of processing and other expenses. The Planning Department will advise you of said fee.

7. Electronic Copy

All of the above submittal items are required to be submitted in an electronic format (i.e., CD, Dropbox or Email) as determined by the Planning Department prior to application submittal.