

ARTICLE 13.  
**ADMINISTRATION**

## SEC. 13B.5.1. ALTERNATIVE COMPLIANCE

### A. Applicability

#### 1. General

This Section applies to the following situations where this Code expressly allows Alternative Compliance:

- a. The proposed development does not comply with a design, development, or performance standard required by this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, and proposes an alternative standard or condition consistent with Paragraph b. below.
- b. The applicant proposed deviations from regulations which do not substantially alter the execution or intent of the regulations that apply to a proposed development.

#### 2. Specific Plan Excluded

This Section does not apply to specific plans.

### B. Initiation

An application for an Alternative Compliance is filed with the Department.

### C. Notice

#### 1. Notice of Public Hearing

- a. There is no public hearing required for the initial decision on an Alternative Compliance, and therefore no notice of a public hearing is required.

#### 2. Notice of Public Hearing on Appeal

- a. The following notice is required for the public hearing on an appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	<ul style="list-style-type: none"> <li>• The applicant;</li> <li>• Property owner(s) of the subject property;</li> <li>• Owners and occupants of properties within 300 feet of the exterior boundaries of the property involved;</li> <li>• The Certified Neighborhood Council representing the area in which the property is located; and</li> <li>• Interested parties who have requested in writing to be notified</li> </ul>

### Sec. 13B.5.1. Alternative Compliance

#### 1 Initiation



#### 2 Submittal



#### 3 Decision



APPEAL AVAILABLE

## D. Decision

### 1. General Procedures

See Sec. 13A.2.5. (Decisions).

### 2. Decision Maker

The Director is the initial decision maker.

### 3. Decision

The Director shall render an initial decision within 75 days after the date the application is deemed complete.

### 4. Conditions

The Director shall impose conditions binding on the applicant to secure substantial compliance with the goals and purposes of the design, development, or performance standards from which alternative compliance is requested.

### 5. Transmittal

The Director shall transmit a copy of the decision by mail to the applicant, owners of all properties abutting, across the street or alley from, or having a common corner with the subject property, and persons who have filed a written request for notice with the Department of City Planning.

## E. Standards for Review and Required Findings

In approving an Alternative Compliance, the Director or Area Planning Commission (on appeal) shall find that:

1. The proposed alternative is consistent with the purpose and intent of the applicable standards;
2. The proposed alternative is equivalent to or exceeds the effectiveness of meeting the intent of the applicable standards;
3. The proposed alternative will result in a project that is compatible with and does not adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
4. The project substantially conforms to the purpose, intent, and provisions of the General Plan and the applicable community plan.

## F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

## G. Appeals

### 1. General Procedures

See Sec. 13A.2.8. (Appeals).

### 2. Decision Maker

The Area Planning Commission is the appellate decision maker.

### 3. Filing

- a. An appeal may be filed to the Area Planning Commission by an applicant or any other person aggrieved by the Director's decision.
- b. After an appeal is filed, the Director shall transmit the appeal and the file to the applicable Area Planning Commission, together with a report responding to the points raised in the appeal.

### 4. Appellate Decision

- c. The Area Planning Commission shall conduct a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.
- d. The Area Planning Commission shall make its decision within 75 days after the expiration of the appeal period.

## H. Modification of Entitlement

No modification is available.