

URGENCY ORDINANCE NO. 650

**URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF ATASCADERO, CALIFORNIA ADOPTING INTERIM GUIDELINES
FOR THE IMPLEMENTATION OF GOVERNMENT CODE
SECTIONS 65852.21 AND 66411.7**

WHEREAS, Sections 65852.21 and 66411.7 were amended or added to the Government Code and go into effect January 1, 2022; and

WHEREAS, the amended or added code sections require cities to ministerially approve urban lot splits and the construction of secondary units within the Urbanized Area of the City, as designated by the US Census Bureau, subject to certain limitations; and

WHEREAS, Government Code Sections 66411.7(a) limits eligibility of urban lot splits by size and proportionality; and

WHEREAS, Government Code Sections 65852.21(a)(2) and 66411.7(a)(3)(C) limits such urban lot splits and construction to sites that are not located on or within certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, habitats for protected species, and historic properties; and

WHEREAS, Government Code Sections 65852.21(a)(3) through (a)(5), limits eligibility of such construction of secondary units that proposes to demolish or alter housing subject to affordability restrictions, housing subject to rent or price controls, housing that has been occupied by a tenant in the last three years, housing that has been withdrawn from rent or lease within the past 15 years, and housing that requires demolition of existing structural walls unless authorized by local ordinance or has not been tenant-occupied within the past 3 years; and

WHEREAS, Government Code Sections 66411.7(a)(3)(D) also limits eligibility of an urban lot split that proposes to demolish or alter housing subject to affordability restrictions, housing subject to rent or price controls, housing that has been occupied by a tenant in the last three years, housing that has been withdrawn from rent or lease within the past 15 years, and housing that requires demolition of existing structural walls unless authorized by local ordinance or has not been tenant-occupied within the past 3 years; and

WHEREAS, Government Code Sections 65852.21(a)(6) and 66411.7(a)(3)(E) allows a city to deny an urban lot split for properties within an historic district or listed on the State's Historic Resource Inventory or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance; and

WHEREAS, Government Code Sections 65852.21(b) and 66411.7(c) allows a city to establish objective zoning standards, objective subdivision standards, and objective design review standards, if it does not conflict with state law; and

WHEREAS, such objective zoning standards, objective subdivision standards, and objective design review standards may not have the effect of “precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet”; and

WHEREAS, Government Code Sections 65852.21 and 66411.7 allow a city to deny a proposed housing development or urban lot split if the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

WHEREAS, the City of Atascadero has parcels served by on-site wastewater treatment systems that are within the Urbanized Area; and

WHEREAS, an overconcentration of on-site wastewater systems can produce an high nitrogen levels in the soil that can adversely impact groundwater supplies; and

WHEREAS, the City of Atascadero has multiple parcels in the Wildland Urban Interface (WUI) zone within the Urbanized Area; and

WHEREAS, the City of Atascadero contains multiple neighborhoods, including those within the WUI zone, that do not have an secondary egress route available in case of fire or natural disaster within the Urbanized Area; and

WHEREAS, applications involving parcels within the WUI zone will be reviewed carefully to ensure compliance with eligibility requirements and in light of the public health, safety, and welfare; and

WHEREAS, the City of Atascadero has multiple parcels within the Urbanized Area with slopes in excess of 30%; and

WHEREAS, grading for construction or access on heavily sloped lots creates adverse impacts to the physical environment by denuding natural vegetation and destabilizing soils; and

WHEREAS, the City of Atascadero has numerous creeks, wetlands, sensitive habitat, and archeological resource areas through the City; and

WHEREAS, regular ordinance adoption procedures require a first and second reading, and the passage of 30 days before the ordinance may take effect; and

WHEREAS, if the City proceeds with such regular ordinance procedures, the ordinance will not be effective before the January 1, 2022 effective date, and there will be a period where no policies, procedures, or objective standards will be available to guide and promote the orderly develop of such urban lot splits and second residential units, and action to alleviate the housing crisis will be impeded; and

WHEREAS, the City Council has the power under Government Code sections 36934 and 36937 to adopt an ordinance that takes effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, and is passed by a four-fifths vote of the City Council; and

WHEREAS, this urgency ordinance is necessary to address the danger to public health, safety, and general welfare articulated by the state related to the housing crisis, avoid delay, and immediately provide guidelines to implement the Senate Bill 9 legislation that adopts Government Code Sections 65852.21 and 66411; and

WHEREAS, the City Council desires to adopt this ordinance as an urgency ordinance, effective immediately, pursuant to Government Code sections 36934 and 36937.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY ATASCADERO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals. All recitals set forth above are true and correct.

SECTION 2. Urban Lot Split and Urban Dwelling Unit Interim Guidelines and Urban Lot Split Procedures. The City is adopting the following uncodified ordinance to implement SB9 as set forth in Exhibits A and B.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Urgency Ordinance.

SECTION 4. Urgency Declaration; Effective Date. The City Council finds and declares that the adoption and implementation of this ordinance is necessary to address the danger to public health, safety, and general welfare articulated by the state related to the housing crisis, avoid delay, and immediately provide guidelines to implement the Senate Bill 9 legislation that adopts Government Code Sections 65852.21 and 66411. The City Council therefore finds and determines that this ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

SECTION 5. Publication. The City Clerk shall certify to the adoption of this Urgency Ordinance no later than fifteen (15) days following the passage of this Urgency Ordinance, the Urgency Ordinance, along with the names of the City Council members voting for and against the Urgency Ordinance, shall be published in a newspaper of general circulation in the City of Atascadero.

SECTION 6. CEQA Review. The City Council exercises its independent judgment and finds that this ordinance is not subject to California Environmental Quality Act (CEQA) pursuant the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Sections: 15060(c)(2), because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; and 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of this ordinance serves to implement

ministerial approvals as required by state law and pursuant to Government Code sections 65852.21(j) and 66411.7(n), it is not a project and is exempt from CEQA.

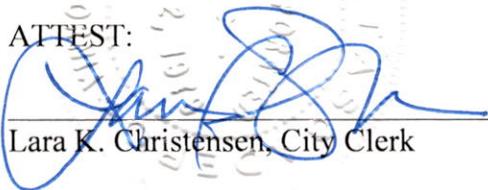
PASSED AND ADOPTED by the City Council of the City of Atascadero, California, held on the 14 day of December, 2021, by a vote of at least four-fifths of the City Council.

CITY OF ATASCADERO



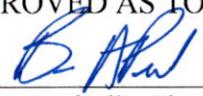
Heather Moreno, Mayor

ATTEST:



Lara K. Christensen, City Clerk

APPROVED AS TO FORM:



Brian A. Pierik, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss
CITY OF ATASCADERO)

I, LARA K. CHRISTENSEN, City Clerk of the City of Atascadero, DO HEREBY CERTIFY that Urgency Ordinance No. 650 was adopted at a regular meeting of the City Council held on the 14th day of December 2021 by the following roll call vote, to wit:

AYES: Council Members Bourbeau, Dariz, Funk, Newsom and Mayor Moreno

NOES: None

ABSENT: None



LARA K. CHRISTENSEN, CITY CLERK



I hereby certify that the foregoing is the original of Ordinance No. 650 duly passed and adopted by the Atascadero City Council at their regular meeting held on December 14, 2021 and a copy of the Ordinance was published on December 23, 2021 in the Atascadero News newspaper.



LARA K. CHRISTENSEN, CITY CLERK



EXHIBIT A

DEVELOPMENT OF URBAN LOT SPLITS AND URBAN DWELLING UNITS

1. Purpose and intent.

It is the purpose and intent of this ordinance to implement the provisions of Government Code sections 65852.21 and 66411.7, which mandates the City to establish a ministerial process for approval of urban lot splits and urban dwelling units and authorizes the City to establish certain requirements and standards for such approvals, while protecting the public health, safety, and welfare of the community, such as through orderly planning and aesthetic standards.

2. Definitions.

“Urban dwelling unit” means a dwelling unit established or proposed to be developed in accordance with the standards, procedures, and requirements set forth under Government Code section 65852.21 and this chapter, either as a primary or secondary unit on a parcel.

“Urban lot split” means a subdivision or proposed subdivision of land established in accordance with the standards, procedures, and requirements set forth under Government Code section 66411.7, this chapter, and the procedures set forth in Chapter 11-14 of this code.

“Primary Frontage” means the frontage of a property abutting a street.

“Secondary Frontage” means a second side of the property that abuts a street and is parallel to the primary frontage.

“Corner street frontage” means a second side of the property that abuts a street and is perpendicular to the primary frontage.

“Individual Property Owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. This does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified non-profit corporation (as defined by Revenue and Taxation Code Section 214.15).

3. Urban Dwelling Units.

(a) Ministerial Review Process. An application for development of an urban dwelling unit will be reviewed ministerially, without discretionary review or a hearing if it meets all the requirements set forth in this section and after payment of all applicable fees.

(b) Location Requirements. An application for development of an urban dwelling unit must meet all the following location requirements:

(1) The subject parcel must be located in an area zoned for residential single-family use and be within or partially within the urbanized area, as designated by the US Census Bureau.

(2) The subject parcel must not be located in an area designated in Government Code sections 65913.4(a)(6)(B) through (K). This includes, but is not limited to, certain

EXHIBIT A

farmland, wetlands, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, on a site with a historic resource, and within or adjacent to habitats for protected species.

(3) The subject parcel must not be located within a historic district or property, as set forth in Government Code section 65852.21(a)(6).

(c) Limitation on Demolition and Alterations. A proposed urban dwelling unit must not involve demolition or alteration of:

(4) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(5) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(6) Housing that has been occupied by a tenant in the last three years.

(7) More than 25% of the existing exterior structural walls, unless the housing has not been occupied by tenants within the last three years.

(d) Limitation on Parcels Withdrawn from Rental Market. A proposed urban dwelling unit must not involve property withdrawn from rental market under GC §7060 and following, within 15 years before the date that the development proponent submits an application.

(e) Development Standards. A proposed urban dwelling unit must comply with the following development standards:

(1) No more than two dwelling units on any lot may be developed. Primary dwellings, Urban Dwelling Units, Accessory dwelling units (ADUs) and junior ADUs constitute units towards the maximum number of units.

(2) Maximum Size limitations shall be as follows:

(i) The maximum size of a proposed urban dwelling unit must not exceed 800 square feet in floor area, including attached accessory storage rooms or enclosed porches.

(ii) A dwelling unit, primary or secondary, that was established on the lot prior to the submittal of a complete application for a development pursuant to this chapter may not be altered or expanded to a size greater than 800 square-feet, inclusive of any attached garage, storage space, or enclosed porch.

(3) The minimum setback from the side and rear property line shall be four feet. No setback is required for an existing, permitted structure or a structure constructed in the same location and to the same dimensions as an existing, permitted structure.

(4) The minimum setback for the primary street frontage shall be 25-feet. The minimum setback for the secondary street frontage shall be 12.5-feet. The minimum setback for the corner street frontage shall be 10-feet.

EXHIBIT A

- (5) The minimum setback from an access way (flag or easement) shall be 10-feet.
- (6) Any proposed urban dwelling unit must be connected to the City's public sewer system.
- (7) There must be at least one off-street parking space per proposed urban dwelling unit unless specifically exempted by state law.
- (8) Private open space shall be provided for each residential unit at a ratio of three hundred (300) square feet for units that provide 2 or less bedrooms. Each bedroom in excess of two (2) shall require an increase of private open space by fifty (50) square feet. The required front yard setback area shall not be used to satisfy the open space requirement; however, side and rear setback areas may be utilized. The minimum width of the private open space area shall not be less than ten (10) feet.
- (9) Unconditioned Spaces. Structures such as garages and workshops attached to urban dwelling units shall be accessory to the residential unit and shall be limited to two hundred and eighty (280) square feet. Attached structures shall be included in the maximum floor area of the unit.
- (10) Two (2) story units built in accordance with urban dwelling unit standards shall have a second floor that is limited to seventy-five percent (75%) of the gross area of the first floor inclusive of any attached garage.
- (11) Porches shall be provided for each new unit. Porches shall be a minimum of six (6) feet deep and 8-feet wide.
- (12) Lot coverage shall not exceed forty percent (40%) of the net lot area.
- (13) Each unit shall include the following:
 - a) Three hundred (300) cubic feet of shelved storage area. (Bedroom and entry/coat closets shall not count toward this requirement);
 - b) Dedicated space for laundry facilities with hookups.
- (14) All utilities shall be installed underground.
- (15) Where the street frontage of a lot (or the combined street frontage of the two lots created through an urban lot split) is 80 feet or less, all units on the lot (or all units on both lots created through an urban lot split) shall share the same drive approach and driveway.
 - (f) The subject property shall be owned solely by one or more individual property owners.
 - (g) Denial Based Upon Adverse Impacts. The City will deny a proposed urban dwelling unit if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

EXHIBIT A

(h) **Short Term Rental Limitation.** Urban dwelling units developed under this section may not be rented for a term less than 30 days. Prior to construction permit completion, a covenant shall be recorded on each lot with a new urban dwelling unit stating the terms of long term occupancy.

- (i) Election of development standards. If necessary, objective zoning, subdivision, or design standards will be set aside in the following order until the site can contain two, 800 square foot units. Such standards will be set aside in the following order until the site can contain two, 800 square foot units:
 - a. Lot Coverage
 - b. Second Floor Area limitations
 - c. Porch requirement
 - d. Private open space
 - e. Setbacks to the degree allowed by State law
- (i) A deed notification shall be recorded on all properties exercising development per the provisions of this chapter as necessary to describe these limitations.

4. Urban Lot Splits.

(a) **Ministerial Review Process.** An urban lot split parcel map application will be reviewed ministerially, without discretionary review or a hearing, if it meets all the requirements set forth in this section and in accordance with the procedures set forth in Chapter 11-14 of this code.

(b) **Location Requirements.** An urban lot split parcel map application must meet all the following location requirements:

(1) The subject parcel must be located in an area zoned for single-family use and be within or partially within the urbanized area, as designated by the US Census Bureau.

(2) The subject parcel must not be located in an area designated in Government Code sections 65913.4(a)(6)(B) through (K). This includes certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, and habitats for protected species.

(3) The subject parcel must not be located within a historic district or property, as set forth in Government Code section 65852.21(a)(6).

(c) **Limitation on Demolition and Alterations.** A proposed urban lot split must not involve demolition or alteration of:

(1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

EXHIBIT A

(3) Housing that has been occupied by a tenant in the last three years.

(d) Limitation on Parcels Withdrawn from Rental Market. A proposed urban lot split must not involve property withdrawn from rental market under GC §7060 and following, within 15 years before the date that the development proponent submits an application.

(e) Development Standards. A proposed urban lot split must comply with the following development standards:

(1) No more than two dwelling units may be developed on either resulting lot. Accessory dwelling units (ADUs) and junior ADUs shall be included in the maximum number of units. An urban dwelling development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The maximum size of a proposed urban dwelling unit shall not exceed 800 square feet in floor area including any attached, enclosed storage rooms, enclosed porches, or enclosed garage areas.

(3) The minimum setback from the side and rear property line is four feet. No setback is required for an existing, permitted structure or a structure constructed in the same location and to the same dimensions as an existing, permitted structure.

(4) Any proposed urban dwelling unit must be connected to the City's public sewer system.

(5) There must be at least one off-street parking space per proposed urban dwelling unit unless specifically exempted by state law.

(6) All parcels proposing an urban lot split must comply with the following design standards:

(i) Lot lines shall be at the top of slope banks.

(ii) Side lot lines shall be perpendicular to the street on straight streets, or radial to the street on curved streets.

(iii) Lots with a ratio of depth to width greater than 3:1 shall not be permitted.

(iv) All new lots shall have a minimum primary frontage width of 40-feet, unless approved as a flag lot subdivision.

(v) Where the street frontage of a lot (or the combined street frontage of the two lots created through an urban lot split) is 80 feet or less, all units on the lot (or all units on both lots created through an urban lot split) shall share the same drive approach and driveway.

(vi) Flag lot subdivisions may be approved subject to the following:

(A) The original lot shall have frontage on a dedicated street with a minimum width of at least 65 feet;

(B) The accessway to the rear shall be at least twenty (20) feet wide (developed to City standards), except where the accessway is more than one hundred fifty (150) feet long, it shall be at least twenty-four (24) feet wide with twenty (20) feet of pavement.

(C) The lot farthest from the street shall own the accessway in fee. Other lots using the accessway shall have an access and utility easement over it and a maintenance agreement shall be recorded with the final parcel map.

EXHIBIT A

(D) A reflectorized house number master sign shall be located at the intersection of the street and accessway and individual reflectorized address signs shall be placed on the right-hand side of the driveway to each individual lot.

(8) All parcels with average slopes of 30% or greater must identify an accessible building envelope of 20% or less for the resulting vacant parcel.

(9) All utilities shall be separate for units residing on separate parcels. Multiple units on the same parcel may share utility connections unless prohibited by city code for residential uses.

(10) One street tree per 30-feet of primary frontage shall be installed.

(g) Denial Based Upon Adverse Impacts. The City will deny a proposed urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(h) Short Term Rental Limitation. A unit located on an urban lot split approved under this section may not be rented for a term less than 30 days. In conjunction with lot recordation, a covenant shall be recorded on each lot with a new urban dwelling unit stating the terms of long term occupancy.

(i) Compliance with the Subdivision Map Act. Urban lot splits must conform to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as expressly provided in this section.

(j) Dedication and Off-Site Improvements. A dedication of rights-of-way or the construction of offsite improvements for the parcels being created cannot be required as a condition of issuing a parcel map. All required frontage improvements shall be completed prior to or concurrently with a building permit for an urban dwelling unit on either resulting lot.

(k) Fire Department & Utility Easements. An easement must be provided over the front parcel to the rear parcel for access to the public right of way, providing public services and facilities, maintenance of utilities, and (if required) fire department access.

(l) Owner Occupancy. The applicant for an urban lot split must be an existing owner and occupant of the subject lot and must sign an affidavit stating that the applicant will occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split. This does not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(m) Residential Use Requirement. All uses allowed on a site subdivided as an urban lot split must be limited to residential uses. This does not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of

EXHIBIT A

subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(n) Non-Conforming Zoning Conditions. Nonconforming zoning conditions are not required to be made conforming before approving an application.

(o) Prior Urban Lot Split. The parcel being subdivided may not have not been established through prior exercise of an urban lot split. In addition, neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel may have used the urban lot split process as provided for in this section.

(p) Size Requirements. The urban lot split meets all of the following size requirements:

(1) Both newly created parcels must be no smaller than 1,200 square feet;

(2) Both newly created parcels must be of approximately equal lot area, which for purposes of this paragraph means that one parcel may not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(q) A deed notification shall be recorded on all properties exercising development per the provisions of this chapter as necessary to describe these limitations.

5. Appeals.

For the purposes of this chapter, decisions of the Community Development Director or Building Official to appeal or deny an application may be appealed in compliance with section 9-1.111 of the Atascadero Municipal Code.

6. Conflict.

If any section within this chapter conflicts with Government Code sections 65852.21 or 66411.7, then the Government Code sections will apply.

EXHIBIT B

Chapter 14 URBAN LOT SPLIT PROCEDURES

11-14.001 Purpose and intent.

It is the purpose and intent of this chapter to implement the provisions of Government Code section 66411.7, which mandates the City to establish a ministerial process for approval of urban lot splits.

11-14.002 Definitions.

“Urban lot split” means a subdivision or proposed subdivision of land established in accordance with the standards, procedures, and requirements set forth under Government Code section 66411.7, this chapter, and the procedures set forth in Chapter 9-18 of this code.

11-14.003 Urban Lot Split Procedures.

(a) Ministerial Review Process. An urban lot split parcel map application will be reviewed ministerially, without discretionary review or a hearing, if it meets all the requirements set forth in this section and with the development requirements set forth in Chapter 9-18.

(b) Preparation of Urban Lot Split Parcel Maps. An urban lot split parcel map must be prepared by or under the direction of a registered civil engineer or licensed land surveyor, must show the location of streets and property lines bounding the property, must conform to all of the provisions of Section 66445 of the Subdivision Map Act, and must be based upon a field survey made in conformity with the Land Surveyors Act and in accordance with Government Code section 66448.

(c) Application. An application for the urban lot split must be filed in accordance with the forms and policies set forth by the Community Development Director. All applications must include a tentative parcel map and the applicable review fees as established by resolution. The Department of Community Development will not accept an application or map for processing unless the Department finds that the urban lot split parcel map is consistent with the zoning provisions of this code and that all approvals and permits required by the city zoning provisions for the project have been given or issued.

(d) Staff Review. The Community Development Director will circulate the application for an urban lot split, together with the tentative map, to affected city departments for review and comment. Staff will transmit to the applicant for review and consideration comments from the city departments.

(e) Approval Authority. The Community Development Director is the approving authority on all urban lot split applications for tentative or parcel map approvals.

(f) Approval. If the application for the urban lot split meets all the requirements in this section and with the development requirements for the urban lot split as set forth in Chapter 9-18, the Community Development Director may approve the urban lot split ministerially and without a public hearing. The action of the director upon an urban lot split application is final and conclusive, in the absence of an appeal.

EXHIBIT B

(g) Appeal. Decisions of the Community Development Director may be appealed to the Planning Commission in compliance with section 11-1.10 of this code.