

ARTICLE 6

Zoning Code Administration

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Chapter 17.600 - ADMINISTRATIVE RESPONSIBILITY

Sections:

- 17.600.005 - Purpose
- 17.600.010 - City Council
- 17.600.015 - Planning Commission
- 17.600.020 - Board of Zoning Adjustment
- 17.600.025 - Community Development Director

17.600.005 - Purpose

This Chapter defines the authority and responsibilities of City staff and official bodies in the administration of this Title.

17.600.010 - City Council

The Council shall perform the duties and functions prescribed in this Title, which include the following:

- A. Review Authority on Specified Planning Matters.** Final decisions on Development Agreements, General Plan Amendments, Specific Plans, Zoning Map/Code Amendments, and other applicable environmental documents, policy, or ordinance matters related to the City's planning process; and
- B. Appeals.** The review of any appeal filed from a decision by the Commission.

The functions listed above shall be performed in compliance with 17.500.010 (Authority for Land Use and Zoning Decisions), Table 5-1 (Review Authority) and the California Environmental Quality Act (CEQA)

17.600.015 - Planning Commission

- A. Appointment.** The Commission shall be appointed and serve in compliance with Chapter 3.03 (Commissions and Agencies) of the Municipal Code.
- B. Duties and Authority.** The Commission shall perform the duties and functions prescribed by Chapter 3.03 (Commissions and Agencies) of the Municipal Code and this Title, including the following:
 - 1. The review and final decision on development projects and related environmental documents; and
 - 2. The recommendation, to the Council for final decisions, on Development Agreements, General Plan Amendments, Specific Plans, Zoning Map/Code Amendments, and other applicable environmental documents, policy, or ordinance matters related to the City's planning process.

3. The functions listed above shall be performed in compliance with 17.500.010 (Authority for Land Use and Zoning Decisions), Table 5-1 (Review Authority) and the California Environmental Quality Act (CEQA).

17.600.020 - Board of Zoning Adjustment

- A. **Appointment.** The Board shall be comprised of two appointed members of the Commission and serve in compliance with Chapter 3.03 (Commissions and Agencies) of the Municipal Code.
- B. **Duties and Authority.** The Board shall perform the duties and functions prescribed by Chapter 3.03 (Commissions and Agencies) of the Municipal Code and this Title, including the review and final decision on any interpretations of this Title by the Director.

17.600.025 - Community Development Director

- A. **Duties and Authority.** The Director:
 1. Shall have the responsibility to perform all of the functions designated by State law;
 2. Shall perform the duties and functions prescribed in this Title, including the review of any administrative development project in compliance with 17.500.010 (Authority for Land Use and Zoning Decisions), Table 5-1 (Review Authority and the California Environmental Quality Act (CEQA));
 3. Shall perform other responsibilities assigned by the Council and Commission; and
- B. **Delegation and Supervision.** The Director may delegate the responsibilities of the Director to assigned City staff under the supervision of the Director. When the Director designates a City staff person, the staff person shall perform the duties assigned by the Director in addition to those listed in Subsection A, above, as appropriate to the personnel title of the designee.

CHAPTER 17.610 - NONCONFORMING USES, STRUCTURES, AND PARCELS

Sections:

- 17.610.005 - Purpose
- 17.610.010 - Nonconforming Uses
- 17.610.015 - Loss of Nonconforming Status
- 17.610.020 - Nonconforming Structures
- 17.610.025 - Exemptions and Exceptions
- 17.610.030 - Maintenance and Repair
- 17.610.035 - Nonconforming Parcels
- 17.610.040 - Unlawful Uses and Structures
- 17.610.045 - Nuisance Abatement

17.610.005 - Purpose

This Chapter establishes regulations for legal nonconforming land uses, structures, and parcels. These are land uses, structures, and parcels within the City that were lawfully established, constructed, or subdivided before the adoption or amendment of this Title, but which would be prohibited, regulated, or restricted differently under the current terms of this title or future amendments thereto.

It is the intent of this Chapter to encourage the continuing improvement of the City by limiting the extent to which nonconforming structures and uses may continue to be used, expanded, or replaced, while allowing for improvements in their appearance.

17.610.010 - Nonconforming Uses

- A. Continuation of Use.** Any non-conforming use may be maintained and continued provided that there is no increase or enlargement of the area, space, or volume occupied by or devoted to the non-conforming use. Alterations which do not increase or enlarge a nonconforming use may be approved.
- B. Abandonment or Discontinuance of Use.** A nonconforming use which has been abandoned or has been discontinued for a period of one year shall not be reestablished and any subsequent reuse or any new use established shall conform to the current provisions of this Title.
- C. Change of Use.** A nonconforming use that is changed to, or replaced by a conforming use shall result in termination and subsequent abandonment of the nonconforming use.
- D. Nonconforming Oil Use.** Land which has been used for the drilling, production, or processing of oil, gas, or other hydrocarbons, may continue in the use regardless of the applicable zoning district. The provisions of this Subsection shall not apply to gasoline service stations or other

like uses, or to any oil well, oil well structures, or equipment that has been abandoned or the use has been discontinued for a period of at least one year

E. Conditional Uses.

1. **Conformity of uses requiring Administrative Use Permits and Conditional Use Permits.** Any use existing at the time of adoption of this Title, in a zoning district that allows the use subject to the granting of an Administrative Use Permit or Conditional Use Permit, shall be deemed a legal nonconforming use and may only continue to the same extent that it previously existed.
2. **Previous Administrative Use Permits or Conditional Use Permits in effect.** A use that was established with an Administrative Use Permit or a Conditional Use Permit but is no longer a use allowed by this Title within the applicable zoning district may continue in compliance with the provisions and terms of the original permit. If the Administrative Use Permit or Conditional Use Permit specified a termination date, then the use shall terminate in compliance with the original permit.

17.610.015 - Loss of Nonconforming Status

A. Termination by Discontinuance of Use.

1. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of at least one year, the rights to a legal nonconforming status shall terminate.
2. The one-year period shall not apply if the Director determines that legitimate and continual efforts to reuse or release the subject property have been made during the one-year period.
3. The determination of abandonment shall be supported by evidence satisfactory to the Director (such as the actual removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, the turning-off of the previously connected utilities, or where there are no business receipts/records available to provide evidence that the use is in continued operation).
4. Without further action by the City, further use of the site or structure shall comply with all of the current regulations of the applicable zoning district and all other applicable provisions of this Title.

17.610.020 - Nonconforming Structures

A. Alterations or Additions. The construction, enlargement, expansion, extension, or reconstruction of a nonconforming structure shall be subject to the following:

1. **Increase in area.** The work shall be allowed if it results in an increase or enlargement of the area, space, or volume of the structure only if the structure is nonconforming with respect to setbacks, height, distance between structures, architectural projections, staircase

and landing area encroachments, and the requirements of the Uniform Building Code are met. New additions, replacement structures or alterations shall not increase existing nonconformities (e.g., the construction may comply with the existing nonconforming setbacks but shall not propose any further encroachment in the required setbacks).

2. Improvements to nonconforming multi-family and nonresidential primary structure(s)

- a. Major improvement defined.** A major improvement is an improvement that will add 10% or more, with a minimum of 750 square feet, to the existing gross floor area of the multi-family or nonresidential structure(s) on the site, as determined by the Building Official.
- b. Minor improvement defined.** If the City determines that the estimated value of the work for which the permit is requested is equal to 10 percent or more of the replacement value of the multi-family or nonresidential structure(s) on the site, but at least \$50,000.00 (to be adjusted annually each July 1st to reflect the increase in the Consumer Price Index for all Urban Consumers, Los Angeles/Riverside/Orange County Area as established by the U.S. Department of Labor for the period from March of the preceding year through March of the current year), it shall be considered a minor improvement. In application of this Section, "work value" and "replacement value" shall be determined as follows:
 - i. Work value.** Each permit shall indicate the value of the work to be performed. If the Building Official believes the work value estimate indicated on the permit is too low, the Building Official shall estimate the value of the proposed work for the purpose of this calculation.
 - ii. Replacement value.** The replacement value of an existing structure shall be determined using tables of reconstruction costs published by the International Conference of Building Officials. The type of construction is determined, and a cost per square foot is derived from the table. This cost is multiplied by the number of gross square feet in the structure to obtain the estimated reconstruction cost of the structure.
 - iii. Commercial revitalization area.** If the proposed minor improvements include exterior building facade improvements to an existing structure located within an area designated by the Council as a Commercial Revitalization Area, the portion of the work value devoted to exterior building facade improvements shall not be included in determining the 10 percent or \$50,000.00 enforcement threshold for minor improvements.
- c. Incidental improvements defined.** An improvement that does not qualify as a major or minor improvement shall be considered an incidental improvement.
- d. Requirements.** Whenever a permit for a major improvement or minor improvement to an existing nonconforming structure is requested, the Director shall not approve the application unless the requirements of Table 6-1 are met:

**TABLE 6-1
REQUIREMENTS FOR MAJOR AND MINOR IMPROVEMENTS**

Requirement	Major Improvement	Minor Improvement
1. The appropriate number of parking spaces shall be provided for the type of uses proposed for the site, in compliance with 17.320 (Off-Street Parking).	■	
2. Any sign on the subject site shall be in compliance with 17.330 (Signs).	■	■
3. All roof equipment screening shall be provided in compliance with 17.300.035 (Screening).	■	■
4. All trash enclosures shall be provided subject to the approval of the Sanitation Manager and the Director.	■	■
5. Parking lot landscaping, paving, screening, and striping shall meet all City requirements; provided, compliance with the requirements does not decrease the number of available parking spaces in compliance with 17.320 (Off-Street Parking).	■	■
6. Fences, walls, and hedges shall comply with 17.300.030 (Fences, Hedges, and Walls).	■	■
7. The project shall conform to the City's "Comprehensive Standard Conditions of Approval for Site Plan Review and Other Discretionary Planning and Zoning Applications," as adopted by the Planning Commission.	■	■
8. Notwithstanding requirement 5, above, the addition of floor area to an existing structure shall not be allowed unless there is additional parking to serve the newly-added floor area, in compliance with 17.320 (Off-Street Parking).		■

B. Nonconforming Due to Parking. A structure that is nonconforming due to the lack of compliance with off-street parking standards may undergo changes in compliance with this Section, subject to the following provisions:

- 1. Residential additions.** Additional parking spaces shall not be required for additions to single family homes, duplexes or triplexes that result in no more than four bedrooms per unit. However, additions resulting in five or more bedrooms per unit shall provide the minimum parking required.

2. **Multi-family residential structures.** Additional parking spaces shall not be required provided the change does not result in an increase in the number of dwelling units, nor the elimination of the only portion of the parcel that can be used for the required/existing vehicle parking or access;
3. **Nonresidential structures and uses.** Structures with parking space deficiencies shall be allowed to expand or accommodate a change of use provided that:
 - a. The expansion or new use has the same or lesser parking requirement as the existing or previous use or structure;
 - b. The expansion or new use has a greater parking requirement than the existing or previous use or structure and a sufficient number of additional parking spaces have been provided to accommodate the net increase of required spaces in the following manner:
 - i. The net new parking spaces shall equal the number of spaces directly required by the change in use only;
 - ii. The number of additional parking spaces shall equal the number of spaces directly required by the expansion area only;
 - iii. Where there are two or more nonconforming structures on a site, but not all structures are proposed for additions, changes, or intensifications, parking nonconformities for the structures not proposed for additions, changes, or intensifications may remain as they are.

17.610.025 – Exemptions and Exceptions

Nonconforming structures damaged or destroyed due to an involuntary catastrophic event (e.g. fire, earthquake, or other calamity) may be reconstructed or replaced provided:

- A. **Development Standards.** The new structure(s) shall comply with the development standards (such as building envelope and footprint standards) in effect when the damaged or destroyed structure(s) was originally constructed; provided however, that the new structure(s) shall contain no more dwelling units and/or floor area than the damaged structure(s).
- B. **Building and Fire Code Compliance.** All new construction shall comply with the current Building and Fire Code requirements; however, the Building Official may require compliance for areas other than the new construction when deemed necessary.
- C. **Time Limits.** A building permit for reconstruction must be obtained no later than 18 months after the date of destruction, and construction must be pursued diligently to completion.
- D. **Current Requirements.** If the preceding requirements are not met, the replacement structure shall comply with all current requirements of this Title in effect on the date of application for the required building permit.

- E. **Extensions.** If the applicant submits a written request before expiration of the 18 months, containing reasonable justification for an extension, the Director may extend the deadline for issuance of the building permit for up to an additional 18 months.

17.610.030 - Maintenance and Repair

- A. **Maintenance and Repair.** A nonconforming structure may be continued, improved, and maintained, subject to the restrictions contained in this Chapter.
- B. **Seismic Retrofitting/Building Code Compliance.** Repairs or alterations required by law shall be allowed. Reconstruction required to reinforce unreinforced masonry structures or to comply with Building Code requirements shall be allowed without cost limitations. The seismic retrofitting and Code compliance shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (such as Title 24 and the California Code of Regulations).

17.610.035 - Nonconforming Parcels

A nonconforming parcel of record that does not comply with the access, area, or width requirements of this Title for the zoning district in which it is located, shall be considered a legal building site if it meets at least one of the criteria specified by this Section.

- A. **Applicability.** It shall be the responsibility of the applicant to produce sufficient evidence to establish the applicability of one or more of the following:
1. **Approved subdivision.** The parcel was created through a subdivision approved by the City;
 2. **Variance or lot line adjustment.** The parcel was approved through the Variance procedure, in compliance with Chapter 17.550 (Variances and Administrative Modifications) or resulted from a lot line adjustment; or
 3. **Partial government acquisition.** The parcel was created in compliance with the provisions of this Title, but was made nonconforming when a portion of the parcel was acquired by a governmental entity.
- B. **Further Division or Reduction of Parcel - Prohibited.** Where structures have been erected on a nonconforming parcel, the area where structures are located shall not be later divided so as to reduce the building site area and/or frontage below the requirements of the applicable zoning district or other applicable provisions of this Title, or that makes the use of the parcel more nonconforming.

17.610.040 - Unlawful Uses and Structures

Any use or structure which did not comply with the applicable provisions of this Title or prior planning and zoning regulations when established are violations of this Title and are subject to the provisions of Chapter 17.650 (Enforcement). This Chapter does not grant any right to continue occupancy of property containing an illegal or unpermitted use or structure. The activity shall not be allowed to continue unless/until permits and entitlements required by this Title and the Municipal Code are first obtained.

17.610.045 - Public Nuisance Abatement

In the event that a nonconforming use or structure is found to constitute a public nuisance, appropriate action shall be taken by the Director in compliance with Chapter 9.04 (Nuisances) of the Municipal Code.

Chapter 17.620 - GENERAL PLAN, ZONING MAP AND ZONING CODE AMENDMENTS

Sections:

- 17.620.005 – Purpose
- 17.620.010 – Initiation of Amendments
- 17.620.015 – Application Filing, Processing and Review
- 17.620.020 - Commission Action on Amendments
- 17.620.025 - Council Action on Amendments
- 17.620.030 - Findings
- 17.620.035 - Prezoning

17.620.005 - Purpose

This Chapter provides procedures for the amendment of the General Plan, the Zoning Map, and this Title. A General Plan Amendment may include revisions to strategies, goals, land use designations, policies, or text. Zoning Map amendments have the effect of rezoning property from one zoning district to another. Amendments to this Title may modify any procedure, provision, requirement, or standard applicable to the development or use of property within the City.

17.620.010 – Initiation of Amendments

An amendment may be initiated as follows:

- A. **Council.** A resolution of intention initiated by the Council;
- B. **Commission.** A resolution of intention by the Commission; or
- C. **Property Owner.** An application from a property owner.

17.620.015 - Application Filing, Processing, and Review

- A. **Filing.** An application for an amendment shall be completed, filed, and processed in compliance with Chapter 17.500 (Applications, Processing, and Fees). The application package shall include all information specified in the application, any applicable Division handout, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.620.030 (Findings), below.
- B. **Notice and Hearings.** Notice and hearings regarding an application for an amendment shall be provided in compliance with Chapter 17.620 (Public Hearings and Administrative Review)

17.620.020 - Commission Action on Amendments

The Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment based on the findings contained in 17.620.030 (Findings), below.

17.620.025 - Council Action on Amendments

Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or disapprove the proposed amendment based on the findings contained in 17.620.030 (Findings), below.

If the Council proposes to adopt a substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification may first be referred back to the Commission for its recommendation.

17.620.030 - Findings

An amendment to the General Plan, the Zoning Map, or this Title may be approved only if all of the following findings can be made in a positive manner, as applicable to the type of amendment. It is the responsibility of the applicant to establish evidence in support of the required findings.

A. Mandatory Findings Required for all Amendments:

1. The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan and will not create any inconsistencies with this Title, in the case of a Zoning Code amendment;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City; and
3. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

B. Additional Finding for Zoning Map Amendments: The site(s) is physically suitable (including access, provision of utilities, compatibility with adjoining land uses and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development.

17.620.035 - Prezoning

A. Purpose. An unincorporated property within the City's sphere of influence may be prezoned for the purpose of determining the zoning that will apply to the property in the event of subsequent annexation to the City. The initiation and the procedures for the prezoning shall be the same procedures that govern the rezoning of property within the City.

Upon the effective date of annexation of property that has been prezoned in compliance with this Section, the zoning designation shall become the official zoning designation for the property and shall be so designated on the City's Official Zoning Map. All property not prezoned by the

Council prior to annexation shall be designated in the R1 (Single-Family Residential) zoning district upon annexation (See 17.200.015.F, Zoning Upon Annexation).

- B. Commission Action on Prezoning.** The Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed prezoning based on the findings contained in Subsection D., below.
- C. Council Action on Prezoning.** Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or disapprove the proposed prezoning based on the findings contained in Subsection D., below.

If the Council proposes to adopt a substantial modification to the prezoning not previously considered by the Commission during its hearings, the proposed modification may first be referred back to the Commission for its recommendation.

- D. Findings for Prezoning.** A prezoning may only be approved if all of the following findings can be made:
1. The proposed prezoning is consistent with the goals, policies, and strategies of the General Plan;
 2. The proposed prezoning would not be detrimental to the public interest, health, safety, convenience or welfare of the City; and
 3. The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses and absence of physical constraints) for the requested/anticipated land use development(s).

Chapter 17.630 - PUBLIC HEARINGS AND ADMINISTRATIVE REVIEW

Sections:

- 17.630.005 - Purpose
- 17.630.010 - Notice of Public Hearings and Administrative Review
- 17.630.015 - Notice of Decision –Director
- 17.630.020 - Notice of Decision – Commission
- 17.630.025 - Finality of Decision by Director or Commission
- 17.630.030 - Recommendation by Commission
- 17.630.035 - Notice of Decision – Council
- 17.630.040 - Mailing of the Notice of Decision

17.630.005 - Purpose

This Chapter provides procedures for public hearings before the Commission and Council and for administrative review by the Director. When a public hearing is required by this Title, public notice shall be given and the hearing shall be conducted as provided by this Chapter.

17.630.010 - Notice of Public Hearings and Administrative Review

Table 6-2 below identifies the noticing requirements for public hearings or public reviews before the Commission or Council.

TABLE 6-2
MANDATORY PUBLIC HEARINGS OR PUBLIC REVIEWS
BEFORE THE COMMISSION OR COUNCIL

Type of Discretionary Review	Type of Notice Required		
	Mailed Notice	Published Notice	Posted Notice
A. Deadline	21 days before the date of the public hearing or review	14 days before the date of the public hearing or review	Within 30 days after application deemed complete
B. Type of Discretionary Review Applications:			
1. Comprehensive Plan	■	■	■
2. Conditional Use Permit (CUP) except No. 3, below	■		
3. CUP for sale of alcoholic beverages	■		■
4. General Plan Amendment:			
a. Land use map change	■		■
b. Text amendment		■	
5. Site Plan Review	■		■
6. Specific Plan	■		■
7. Subdivision (CCMC Ch. 15.10)	■		■
8. Variance	■		■
9. Zoning Code/Map Changes			
a. Map change	■	■	■
b. Text amendment		■	

A. Mailed Notice. Written notices for public hearings identified in Table 6-2 scheduled for the Commission or Council shall be given in the following manner:

1. Notices shall be mailed, postage prepaid to the following:

 a. The applicant, occupants and owner(s), or their agent, of the property being considered;

7. The Director has the discretion on a case-by-case basis to require the applicant to expand the mailing list beyond the minimum mailing area identified in Subparagraph A.1.b., above, based on criteria including traffic impact, parking demand, building shade and shadow, noise corridor, cul-de-sac street, view impact, and other potential impact(s) and physical boundaries that could help delineate the impact area.
 8. In the event a public hearing or review is opened but continued to a date certain by the Commission or Council, further notice is not required but may be given at the Director's discretion.
 9. The failure of any person or addressee to receive a written mailed notice shall not invalidate the public hearing or review proceedings, provided that the Commission, or the Council, may continue the public hearing or review if deemed necessary, in compliance with Paragraph A.8., above.
- B. Published Notice.** Published notices of public hearings or reviews identified in Table 6-2 before the Commission and the Council shall be given in the following manner:
1. **14-day notice.** A notice shall be published at least once in a local newspaper of general circulation in the City not less than 14 days before the date of the public hearing or review. The Director has the discretion to publish the notice in other newspapers; and
 2. **Content of notice.** The content of the notice of a public hearing shall be provided in compliance with Subparagraphs A.6.a.-g., above.
- C. Posted Notice.** In addition to the mailed notice and published notice identified in Subsections A. and B., above, posted notices for a public hearing or review before the Commission or Council for the applications identified Table 6-2 concerning specific real property, shall be provided at the applicant's expense in compliance with the following provisions:
1. The sign shall be posted within 30 days after the subject application is deemed complete by the Division. More than one sign may be required by the Director for a large project or a project site with more than one street frontage.
 2. The sign shall be located in a conspicuous place on the property abutting a public street not less than one foot nor more than 10 feet inside the property line. In the event the sign is not visible at this location, the sign may be attached to a structure, freestanding fence, or wall that has a minimal setback.
 3. The sign shall be in compliance with the following requirements:
 - a. The size of the sign shall be twelve square feet in sign area, generally measuring three feet by four feet;
 - b. The sign shall not exceed eight feet in height from the ground level, however, if the property is surrounded by fences, walls, or hedges at or near the property lines, additional height shall be provided as necessary to ensure visibility of the sign from the public right-of-way;

- c. The sign shall not be illuminated;
 - d. The sign shall include factual information about the title of the pending development, project case number, brief description of the request, name and telephone number of project proponent, location of property, and the Division telephone number. In addition, the date, location, and time of the scheduled public hearing or review shall be shown on the sign as soon as that information is confirmed by the City, but no later than 21 days before the scheduled public hearing or review;
 - e. The size, style, and color of the sign's lettering shall meet the specifications approved by the Director;
 - f. A Building Permit shall not be required for the posting of a sign, installed in compliance with this Section.
- 4. The sign shall remain in place until the expiration of the appeal period following a decision by the review authority. If the application requires the Council's final approval or if an appeal is filed, the sign shall remain in place with the new hearing date noted until the final decision by the Council. The sign shall be removed within 10 days of either the end of the appeal period or the final decision by the Council, whichever applies.
 - 5. The applicant shall submit to the Director an affidavit verifying that the sign was posted on the site in a timely manner in compliance with this Section.
 - 6. Failure to post the sign, to include required information, or to comply with applicable placement or graphic standards and requirements may result in a delay in the required public hearing or review.

D. Notice of Administrative Use Permits, Administrative Site Plan Review and Administrative Modification applications.

Table 6-3 below identifies the noticing requirements for administrative actions by the Director.

TABLE 6-3
MAILED NOTIFICATION REQUIREMENTS FOR ADMINISTRATIVE
DISCRETIONARY REVIEW APPLICATIONS

Type of Administrative Review	See Chapter	Notice Requirement	
		Mailed Notice	Mailing Deadline
A. Administrative Use Permits :	17.530	All property owners and occupants within a 300-foot radius	15 days before the anticipated date of decision by Director
B. Administrative Modifications.	17.550	All adjacent property owners and occupants	15 days before the anticipated date of decision by Director
C. Administrative Site Plan Reviews.	17.540	All adjacent property owners and occupants	15 days before the anticipated date of decision by Director

1. In addition to all persons notified in compliance with Table 6-3 above, a notice of decision on the Administrative Site Plan Review, Administrative Modification and Administrative Use Permit applications shall be mailed to the applicant and other parties directly involved with the application, in compliance with 17.630.040 (Mailing of the Notice of Decision), below.
- E. Additional Notice.** In addition to the types of notice required by Subsections A. through D., above, the Director may provide additional notice with content or using a distribution method as the Director determines is necessary or desirable (e.g., on the Internet).
- F. Effect of Notification Requirements.** Nothing in the public notification requirements identified in this Section is intended to supersede the procedures established in this Chapter for other discretionary reviews.

17.630.015 - Notice of Decision – Director

The Director may record the decision, refer the matter to the Commission for determination, or defer action and record the decision at a later date. The decision shall contain applicable findings, any conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and general welfare of the City.

17.630.020 - Notice of Decision – Commission

The Commission may announce and record the decision at the conclusion of a scheduled hearing or defer action, take specified items under advisement, and announce and record the decision at a later date. The decision shall contain applicable findings, any conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and general welfare of the City.

17.630.025 - Finality of Decision by Director or Commission

The decision of the Director or Commission is final unless appealed in compliance Chapter 17.640 (Appeals).

17.630.030 - Recommendation by Commission

At the conclusion of a public hearing on a Comprehensive Plan, Development Agreement, Specific Plan, rezoning, or a proposed amendment to the General Plan or Zoning Map/Code, the Commission shall forward a recommendation, including all required findings, to the Council for final action.

17.630.035 - Notice of Decision – Council

For an application requiring Council approval, the Council shall announce and record its decision at the conclusion of the public hearing. The decision shall contain the findings of the Council, any conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate impacts and protect the public health, safety, and general welfare of the City.

17.630.040 - Mailing of the Notice of Decision

Within 10 working days after the final decision or recommendation is rendered by the appropriate review authority, a notice of the decision, recommendation, any applicable conditions of approval, and any reporting/monitoring requirements shall be mailed to the applicant at the address shown on the application. A copy of the notice shall also be sent to the property owner, if different from the applicant and to all other persons who have filed a written request for notice.

Chapter 17.640 - APPEALS

Sections:

- 17.640.005 - Purpose
- 17.640.010 - Commission Review
- 17.640.015 - Council Review
- 17.640.020 - Appeal by both the Council and Commission
- 17.640.025 - Appeals of Decisions
- 17.640.030 - Filing and Processing of Appeals
- 17.640.035 - Notice for Appeal Hearings
- 17.640.040 - Notice of Decision – Commission
- 17.640.045 - Appeal Pending

17.640.005 - Purpose

This Chapter provides procedures for the following:

- A. The Council's review of a decision rendered by the Commission;
- B. The Commission's review of a decision rendered by the Director;
- C. The simultaneous request for an appeal by both the Council and Commission; and
- D. The filing of an appeal, by other than the Council or Commission, of a decision rendered by the Director or Commission.

17.640.010 - Commission Review

A member of the Commission may request the opportunity to discuss any decision previously rendered by the Director; however, a majority vote of the Commission is required to initiate an appeal of the decision. Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing.

17.640.015 - Council Review

A member of the Council may request the opportunity to discuss any decision previously rendered by the Director or Commission; however, a majority vote of the Council is required to initiate an appeal of the decision. Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing. The decision of the Council on the appeal shall be final and shall become effective upon adoption of the resolution by the Council.

17.640.020 - Appeal by both the Council and Commission

If members of both the Commission and Council file an appeal from the same decision, the matter shall be scheduled for Council determination. The Council shall determine whether the appeal shall be considered, and if so, by which review authority. Once the Council determines that the appeal should be heard, the appeal shall be scheduled for hearing by the review authority designated by the Council.

17.640.025 - Appeals of Decisions

An appeal filed by other than the Council or Commission shall be heard by the following review authorities:

- A. Director Appeals.** A decision rendered by the Director may be appealed to the Commission; and
- B. Commission Appeals.** A decision rendered by the Commission may be appealed to the Council.

17.640.030 - Filing and Processing of Appeals

- A. Timing and form of appeal.** Appeals shall be submitted in writing and filed with the Division or City Clerk, as applicable, within 15 days after the decision date identified in the notice of decision. Appeals addressed to the Commission shall be filed with the Division, while appeals addressed to the Council shall be filed with the City Clerk. The appeal shall specifically state the pertinent facts of the case and the basis for the appeal as required by Paragraph C. below. Appeals shall be accompanied by the filing fee established by the City Council Fee Resolution.

The number of days shall be construed as calendar days. Time limits will extend to the following City Hall working day where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed.

- B. Report and scheduling of hearing.** When an appeal has been filed, the Director shall prepare a report on the matter and schedule the matter for consideration by the appropriate review authority.
- C. Required Statement and Evidence.**
 - 1. Applications for appeals shall include a general statement specifying the basis for the appeal and the specific aspect of the decision being appealed.
 - 2. Appeals shall be based upon an error in fact, dispute of findings or inadequacy of conditions to mitigate potential impacts
 - 3. Appeals shall be accompanied by supporting evidence substantiating the basis for the appeal.

- D. Action.** If the matter originally required a noticed public hearing, the Division or City Clerk, as applicable, shall notice the hearing in compliance with Section 17.634.040 (Notice for Appeal Hearings). At the hearing, the review authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.
1. By resolution, the review authority may affirm, affirm in part, or reverse the action, determination or decision that is the subject of the appeal.
 2. When reviewing an appeal, the review authority may amend or adopt additional conditions of approval that may address other issues or concerns than the subject of the appeal.
 3. When reviewing an appeal, the review authority may disapprove the land use entitlement approved by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.
 4. If new or different evidence is presented on appeal, the Commission or Council, may, but shall not be required to, refer the matter back to the Director or Commission for further consideration.

17.640.035 - Notice for Appeal Hearings

- A. Appeal of Commission's decision.** Where an appeal of a Commission decision made following a public hearing noticed in compliance with 17.620.010 (Notice for Public Hearings and Administrative Review), above, is filed with the City Clerk and a hearing on the merits of the appeal is placed in the Council agenda, notice shall be given in compliance with 17.620.010 (Notice for Public Hearings and Administrative Review), above, unless the Council determines otherwise.
- B. Appeal of Director's decision.** The Director may require mailed notices on a case-by-case basis in compliance with 17.620.010 (Notice for Public Hearings and Administrative Review), above, for the appeal of an administrative discretionary review decision to the Commission or Council. At minimum, notice of the appeal shall be mailed to all persons who previously received notice of the Director's decision at least 21 days before the scheduled public hearing or review.

17.640.040 - Notice of Final Decision – Commission

Within 10 working days after the final decision is rendered by the Commission, a notice of the decision and any applicable conditions of approval shall be mailed to the appellant at the address shown on the application. A copy of the notice shall also be sent in compliance with 17.620.045 (Mailing of the Notice of Decision).

17.640.045 - Appeal Pending

While an appeal is pending, the establishment of any affected use or structure shall be held in abeyance and all permits and licenses issued for the use or structure shall be stayed.

Chapter 17.650 - ENFORCEMENT

Sections:

- 17.650.005 - Purpose
- 17.650.010 - Violations
- 17.650.015 - Remedies Not Exclusive
- 17.650.020 - Inspection
- 17.650.025 - Recovery of Costs
- 17.650.030 - Additional Permit Processing Fees

17.650.005 - Purpose

This Chapter provides procedures which are intended to ensure compliance with the requirements of this Title and the conditions of land use permit approval.

17.650.010 - Violations

- A. Public nuisance.** Any use, structure, or property which is altered, enlarged, erected, established, maintained, moved or operated contrary to the provisions of this Title or any condition of approval, is hereby declared to be unlawful and a public nuisance and may be abated by the City through civil proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.
- B. Stop Work Order.** Construction in violation of this Title or any condition imposed through this Title shall be subject to the issuance of a "Stop Work Order." A violation of a Stop Work Order shall constitute a misdemeanor.
- C. Penalty.** Any violation of or failure to comply with the provisions of this Title shall be deemed to be a misdemeanor, and punishable as such, notwithstanding the fact that at the discretion of the City Attorney, the violation of any section of this Title may be prosecuted as an infraction. Each day a violation of any provision of this Title continues shall be a new and separate violation.

17.650.015 - Remedies Not Exclusive

All remedies contained in this Title for the handling of violations or enforcement of the provisions of this Title are not mutually exclusive of any other applicable provisions of City, County, State, or Federal law and do not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations.

17.650.020 - Inspection

Every owner and applicant seeking an approval or any other action through this Title shall allow authorized City officials, or their designees, reasonable access to any premises or property which is the subject of the approval or other action. Once approval or other action has been granted in compliance with this Title, the owner or applicant shall allow authorized City officials, or their designees, access to

the premises where there is reasonable cause to believe the premises or property is not in compliance with the approval or other action.

17.650.025 - Recovery of Costs

The procedures for the recovery of administrative costs and expenses incurred by the City for the enforcement of this Title or any condition imposed through this Title, in cases where no permits are required to correct a violation, shall be followed as set forth in Sections 9.04.600, et seq. of the Culver City Municipal Code.

17.650.030 - Additional Permit Processing Fees

Any person who establishes a land use, or alters, constructs, enlarges, erects, maintains, or moves a structure without first obtaining a permit required by this Title, or any condition imposed through this Title, shall pay the additional permit processing fees established by the City Council Fee Resolution for the correction of the violation before being granted a permit for a use or structure on the site.

Chapter 17.660 - REVOCATIONS AND MODIFICATIONS

Sections:

- 17.660.005 - Purpose
- 17.660.010 - Hearings and Notice
- 17.660.015 - Review Authority Action
- 17.660.020 - Action Following Revocation

17.660.005 - Purpose

This Chapter provides procedures for securing revocation or modification of previously approved applications, permits, and entitlements.

17.660.010 - Hearings and Notice

The appropriate regulatory authority shall hold a public hearing to determine if an application, permit, or entitlement granted in compliance with the provisions of this Title should be revoked or modified. Written notice shall be mailed (except for Temporary Use Permits) at least 21 days before the public hearing to the project applicant and/or property owner, as identified in the records of the Los Angeles County Assessor, unless a more current source of this information is known.

17.660.015 - Review Authority Action

- A. Permit revocation or modification.** A land use permit or entitlement may be revoked or modified by the review authority (e.g., Director, Commission, or Council) that originally approved the permit or entitlement if any one of the following findings can be made:
1. Circumstances under which the permit or entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner and the public health, safety, and general welfare require the revocation;
 2. The permit or entitlement was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement(s) in the application or in the applicant's testimony presented during the public hearing for the permit or entitlement;
 3. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;
 4. The use or structure for which the permit was granted has ceased to exist or has been suspended for at least one year, as defined in Section 17.610.030. (Loss of Nonconforming Status);
 5. The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute; or

6. The improvement/use allowed by the permit has become detrimental to the public health, safety, or general welfare, or the manner of operation constitutes or is creating a nuisance.

B. Administrative Modification or Variance revocation/modification. An Administrative Modification or Variance may be revoked or modified by the review authority that originally approved the permit or entitlement if any one of the following findings can be made, in addition to those outlined in Paragraphs A.1-6., above:

1. Circumstances under which the permit or entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner and the grantee has not substantially exercised the rights granted by the Administrative Modification or Variance; or
2. One or more of the conditions of the Administrative Modification or Variance have not been met or have been violated, and the grantee has not substantially exercised the rights granted by the Administrative Modification or Variance.

17.660.020 - Action Following Revocation

When a revocation or modification hearing is initiated by the City, the permit or entitlement shall be suspended automatically and the property owner shall be notified immediately. When necessary, in order to protect public health, safety, or general welfare, an authorized City official may order all or any portion of the operations formerly authorized by the permit or entitlement, to cease during the time of suspension.