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## **CHAPTER 17.600: ADMINISTRATIVE RESPONSIBILITY**

### **§ 17.600.005 PURPOSE.**

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

(Ord. No. 2005-007 § 1 (part))

### **§ 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).

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 CCMC.

B. Duties and Authority. The Commission shall perform the duties and functions prescribed by Chapter 3.03 (Commissions and Agencies) of the CCMC 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).

(Ord. No. 2005-007 § 1 (part))

#### **§ 17.600.020 BOARD OF ZONING ADJUSTMENT.**

A. Appointment. The Board shall be comprised of 2 appointed members of the Commission, who shall serve in compliance with Chapter 3.03 (Commissions and Agencies) of the CCMC.

B. Duties and Authority. The Board shall perform the duties and functions prescribed by Chapter 3.03 (Commissions and Agencies) of the CCMC and this Title, including the review and final decision on any interpretations of this Title by the Director.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 17.600.025.A. (Duties and Authority) above, as appropriate to the personnel title of the designee.

(Ord. No. 2005-007 § 1 (part))

## **CHAPTER 17.610: NONCONFORMING USES, STRUCTURES, AND PARCELS**

### **§ 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.

(Ord. No. 2005-007 § 1 (part))

### **§ 17.610.010 NONCONFORMING USES.**

#### **A. Continuation of Use.**

1. Any nonconforming use, including a nonconforming use due to nonconforming density, 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 nonconforming use. Alterations that do not increase or enlarge a nonconforming use may be approved.

2. Increase or enlargement of the area, space, or volume occupied by or devoted to the nonconforming use, which is not allowed pursuant to this section shall mean, but not be limited to, increase in height; square footage additions; additions to existing rooms; construction of new rooms; replacement construction of units or portions of units; and construction of additional units.

B. Abandonment or Discontinuance of Use. A nonconforming use, which has been abandoned or 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. Termination of Nonconforming Oil Uses. Notwithstanding Subsection A., all nonconforming oil uses, regardless of the applicable zoning district or whether an oil use was previously lawfully established or permitted, shall terminate and be discontinued by November 24, 2026. Further, and notwithstanding the provisions of Chapter 11.12 (including Section 11.12.005.A., Oil Drilling Permit), no new or expanded oil and gas activity, such as drilling of new wells, redrilling or deepening of existing wells, or the erection or installation of any derrick, structure, facilities or equipment related to oil and gas production, excepting those existing oil and gas activities and operations described in Subsection D.4. or as required to facilitate termination of the nonconforming oil uses, shall be allowed within the oil use premises after November 24, 2021. The provisions of this Subsection shall not apply to (i) common carrier oil pipelines intended for regionally-coordinated transport of hydrocarbons; (ii) injection wells that are permitted and demonstrated to be active and necessary by CalGEM; (iii) service stations or other like uses; or (iv) any previously closed oil or injection well that has been verified to have been plugged in accordance with all applicable local, state and federal laws, rules and regulations, including the California statutes and regulations and all other requirements overseen by CalGEM, and for which the well pad has been restored and revegetated to as near a natural state as practicable.

1. Definitions. For purpose of this Subsection D., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

a. CalGEM. The California Geologic Energy Management Division, the principal regulatory authority for the closure of oil and gas production sites.

b. Operator. A person, firm, corporation, partnership, association, limited liability company, or other business entity that owns or holds the right to use the oil use premises to extract oil, gas, and other hydrocarbon substances, or use the oil use premises for injection. In the event there are two or more persons or entities who qualify as an operator at any given time, then this term shall apply to all persons or entities with regard to their respective operations.

c. Oil Use Premises. The surface of any parcel of land that has been used for the drilling, production, storage or transport of oil, gas or other hydrocarbons, or for injection or water flooding in connection with oil and gas activity.

d. Terminate or Termination. The discontinuance and removal of nonconforming oil uses from the oil use premises, in accordance with all applicable local, state and federal laws, regulations, rules and standards, including, but not limited to, (i) the cessation of production and drilling operations; (ii) the plugging of all oil and gas wells, including water

flooding injection wells, except injection wells as permitted and demonstrated to be active and necessary by CalGEM; (iii) the dismantling and removal of all surface facilities associated with the nonconforming oil use, including storage tanks, above-ground pipelines, equipment, debris and other physical operational components; (iv) the plugging/capping of subsurface pipelines; and (v) the remediation, restoration and revegetation of the areas of the oil use premises affected by the plugging and removal activities to as near a natural state as practicable, free from all oil, rotary mud, oil-soaked earth, asphalt, concrete, litter, debris and other substances associated with oil operations. As to (ii) through (v) hereof, all related on-site activities and services shall be conducted between the hours of 8:00 a.m. and 8:00 p.m. Mondays through Fridays, 9:00 a.m. and 7:00 p.m. Saturdays, and 10:00 a.m. and 7:00 p.m. Sundays, and shall be prohibited at all other times. Internal roads and access ways and storm water retention and other drainage features and facilities shall remain in place.

## 2. Termination Program and Schedule Required.

a. Prior to initiation of any termination activity, or no later than by November 24, 2022, the legal operator(s) for any nonconforming oil uses shall prepare and submit to the Director for review and approval a termination program and schedule demonstrating how compliance with Section 17.610.010.D. shall be accomplished and fully completed by November 24, 2026. The Director may request additional information prior to determining the termination program and schedule is adequate, complete, and demonstrates operator's ability to comply with Subsection D. within the required timeframe. No termination activity may be commenced unless a termination program and schedule has been received and approved by the Director, applicable fees have been paid, and bond and insurance requirements have been met.

b. Each termination program and schedule shall consist of a written description, supported by maps, exhibits and data, as appropriate, detailing the activities and timeline for termination of oil and gas facilities in compliance with Subsection D. At a minimum, each termination program and schedule shall include:

i. A description and schedule detailing how and when all nonconforming oil uses, including all applicable wells under Subsection D., any drilling-related facilities, and any equipment and structures erected on the oil use premises, will be removed, dismantled, demolished or disposed of in a manner consistent with California statutes and regulations overseen by CalGEM, and in strict accordance with all other applicable local, state and federal laws, regulations, rules and standards;

ii. A description for termination and decommissioning of the areas of the oil use premises affected by the plugging and removal activities, including all well sites and areas used for related facilities, equipment and storage, that details how the operator will safely dismantle and remove such production facilities and remediate, restore and revegetate the areas of the oil use premises affected by the plugging and removal activities to as near a natural state as practicable, in accordance with all applicable requirements set forth in Cal. Code of Regulations, Title 14 (Natural Resources), Division 2 (Department of Conservation), Chapter 4 (Development, Regulation, and Conservation of Oil and Gas

Resources), Article 3 (Requirements), Section 1775 (Oilfield Wastes and Refuse) and Section 1776 (Well Site and Lease Restoration);

iii. A copy of any applicable permits, including any notices of intent or any permit applications for permits pending, as required by other applicable local, state and federal agencies having authority for regulation of oil and gas well closures and plugging and decommissioning of oil- related uses, facilities or equipment;

iv. A description and schedule detailing how and when the areas of the oil use premises affected by the plugging and removal activities will be remediated, restored and revegetated to as near a natural state as practicable, free from all oil, rotary mud, oil-soaked earth, asphalt, concrete, litter, debris and other substances caused by the drilling or pumping activity; and

v. Sufficient detail and documentation of the termination process and related activities to substantiate and support the aggregate costs related to termination and restoration of the areas of the oil use premises affected by the plugging and removal activities, which are to be covered by the established bond and insurance amounts for the guaranteed payment of such costs.

c. Following the Director's approval of the termination program and schedule and determination that the termination program and schedule sufficiently demonstrates operator's ability to comply with the requirements of Subsection D. within the required timeframe, the operator shall provide to the Director quarterly updates on the termination progress until such time that the termination process is fully completed in accordance with California statutes and regulations overseen by CalGEM and in strict accordance with all other applicable local, state and federal laws, regulations, rules and standards.

d. A termination fee (per well), established by resolution of the City Council, shall be paid and submitted along with each termination program and schedule to recover the city's reasonable costs associated with review of the termination program and schedule and related documents, and subsequent monitoring and inspection of the oil use premises.

3. Bond and Insurance Requirements. Prior to initiation of any activity detailed in the termination program and schedule, the operator shall comply with all bond and insurance requirements established by resolution of the City Council.

4. Continued Compliance Required. Until such time that all nonconforming oil activities are fully terminated in compliance with this Subsection D., existing oil and gas activities and operations, such as production from existing oil wells, water injection to existing injection wells and permitted routine maintenance of existing wells and other facilities, shall be allowed to continue during the interim period until removal of those nonconforming uses have been completed consistent with the timeframes established in the approved termination program and schedule. All such activities and operations shall be conducted in compliance with the provisions of Chapter 11.12 of this Code to the extent such provisions are not inconsistent with this Subsection D. In the event of any conflict between this Subsection D. and Chapter 11.12 of this Code, this Subsection D. shall control.



5. Enforcement. Any failure to comply fully with the provisions of this Subsection D. shall constitute a violation of this Title, and appropriate action may be taken by the Director according to the provisions of this Title and Chapter 1.02 (Administrative Citations) of this Code.

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 which 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.

F. Nonconforming Private School Use in the IG District. Notwithstanding the foregoing, a nonconforming private school use in the IG zoning district, which was originally established with a Conditional Use permit at a time when the private school use fully conformed with all then existing applicable provisions of this Title, may be modified and/or expanded, subject to the following:

1. The modification and/or expansion shall require a modification of the existing Conditional Use Permit, subject to review and approval by the Commission in compliance with Chapter 17.530 (Administrative Use Permits and Conditional Use Permits) and § 17.595.035 (Changes to an Approved Project).

2. The modification and/or expansion may only include property that is already part of the existing private school use or that is directly and physically abutting the existing school property.

3. Any application for a modification and/or expansion of an existing Conditional Use Permit shall include, but not be limited to, the following:

a. The submittal of a master plan document, in form and substance as determined by the Director, which thoroughly outlines the extent of the proposed modification and/or expansion, including any proposed increase to student enrollment and/or staff;

b. The submittal of an economic study, in form and substance as determined by the Director, which estimates the fiscal impacts of any modification and/or expansion on the City. Such study shall include, but not be limited to, a calculation of the economic and tax "opportunity cost" to the City of expanding the nonconforming private school use.

4. After considering the economic study and the fiscal impacts on the city from any modification and/or expansion of the existing private school use, the appropriate review

authority may impose reasonable conditions to mitigate the fiscal impacts if it determines that such conditions will serve the public interest, health, safety, convenience or welfare of the City.

5. The total area of the property included in the school (as proposed to be expanded) may in no event exceed 3.5 acres.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2012-005 § 2 (part); Ord. No. 2019-004 § 2 (part); Ord. No. 2021-016 § 2)

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 and replacement structures shall meet the setback and height requirements of the zoning district in which the nonconforming structure is located except replacement structures required pursuant to § 17.610.025 - Exemptions and Exceptions.

2. Improvements to nonconforming multiple-family and non-residential 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 multiple-family or non-residential 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% or more of the replacement value of the multiple-family or non-residential structure(s) on the site, but at least \$50,000 (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% or \$50,000 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 (Requirements for Major and Minor Improvements) are met.

<b>Table 6-1 Requirements for Major and Minor Improvements</b>		
<b><i>Requirement</i></b>	<b><i>Major Improvement</i></b>	<b><i>Minor Improvement</i></b>

1. Any sign on the subject site shall be in compliance with <a href="#">Chapter 17.330</a> (Signs).	X	X
2. All roof equipment screening shall be provided in compliance with <a href="#">§ 17.300.035</a> (Screening).	X	X
3. All trash enclosures shall be provided, subject to the approval of the Sanitation Manager and the Director.	X	X
4. Parking lot landscaping, paving, screening, and striping shall meet all City requirements.	X	X
5. Fences, walls, and hedges shall comply with <a href="#">§ 17.300.030</a> (Fences, Hedges, and Walls).	X	X
6. 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 Commission.	X	X

3. Improvements, reconstruction, and new construction to nonconforming single-family, two-family, and three-family structure(s); accessory residential structures; and accessory dwelling units.

a. Reconstruction or partial reconstruction of a nonconforming single-family, two-family, and three-family structure; accessory residential structure; or accessory dwelling unit that is/are not subject to [§ 17.610.025](#) - Exemptions and Exceptions, and that results in more than 50% demolition of both of the exterior wall surface area and building footprint, (measured from exterior wall to exterior wall), shall be completely reconstructed in conformance with current code required setbacks, and height. For purposes of this section, exterior wall surface area shall mean full height exterior walls from grade to roof including existing framing, exterior sidings, and interior sidings of said exterior walls.

b. If over a five (5) year period, the cumulative demolition of a nonconforming single-family, two-family, and three-family structure; accessory residential structure; or accessory dwelling unit exceeds 50% of both the exterior wall surface area and building footprint, (measured from exterior wall to exterior wall), that is/are not subject to [§ 17.610.025](#) - Exemptions and Exceptions, then the nonconforming single-family, two-family, and three-family structure; accessory residential structure; or accessory dwelling, shall be completely reconstructed in conformance with current code required setbacks, and height. For purposes of this section, exterior wall surface area shall mean full height exterior walls from grade to roof including existing framing, exterior sidings, and interior sidings of said exterior walls.

c. Through Lots with Frontages on both Charles Avenue and Milton Avenue. Partial reconstruction, and/or additions to an existing legal non-conforming detached accessory residential structure on through lots with frontages on both Charles Avenue and Milton Avenue may be permitted in accordance with the following standards, provided 1) the work does not result in demolition exceeding the thresholds established in Subsection A.3.a or A.3.b, and/or 2) the accessory residential structure has not been previously modified pursuant to this Subsection A.3.c. In cases where this Subsection A.3.c. does not apply, the work shall comply with the setback requirements in § 17.400.100 -Accessory Residential Structures, driveway length standards in § 17.320.035.N., and all other applicable code standards.

i. Existing legal non-conforming detached accessory residential structures may be partially reconstructed in the same location and to the same dimensions as the existing accessory residential structure.

ii. In addition, when there is an expansion of floor area of an existing legal non-conforming detached accessory residential structure, the proposed expansion may continue the horizontal building plane of the existing structure provided the proposed expansion is no greater than 12 feet in height, complies with the required side setback for the applicable zoning district, and provides a minimum 2-foot setback from one front lot line along the property line that is of greater distance from the primary residence and/or the property line separating the parcel from the street of a higher classification or designation.

iii. The existing legal non-conforming driveway length may be continued in conjunction with partial re-construction of an existing legal non-conforming detached garage pursuant to this Section. Modifications to an existing garage opening that result in a conforming minimum opening clearance in accordance with § 17.320.035.C (Parking Space and Lot Dimensions) shall be permitted without requiring conformance to current driveway length standards.

iv. The accessory residential structure shall comply with all other applicable code standards required by this Title.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2013-005 § 2 (part); Ord. No. 2019-004 § 2 (part); Ord. No. 2022-008; Ord. No. 2023-002, Exhibit A (part))

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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).

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 to make the use of the parcel more nonconforming.

C. Administrative Modification. A nonconforming parcel may be granted an administrative modification pursuant to CCMC Chapter 17.550 provided administrative modification findings stipulated in CCMC § 17.550.020.A can be made. An administrative modification approval shall not be considered an expansion of a legal nonconformity.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2019-004 § 2 (part))

#### **§ 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 CCMC are first obtained.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 CCMC.

(Ord. No. 2005-007 § 1 (part))

### **CHAPTER 17.620: GENERAL PLAN, ZONING MAP AND ZONING CODE AMENDMENTS**

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 § 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 17.630 (Public Hearings and Administrative Review)

(Ord. No. 2005-007 § 1 (part))

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))



### **§ 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.

(Ord. No. 2005-007 § 1 (part))

### **§ 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, in the case of a Zoning Code amendment, will not create any inconsistencies with this Title;

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.

(Ord. No. 2005-007 § 1 (part))

### **§ 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 Subsection 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 17.620.035.D. (Findings for Prezoning) 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 17.620.035.D. (Findings for Prezoning) 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).

(Ord. No. 2005-007 § 1 (part))

## **CHAPTER 17.630: PUBLIC HEARINGS AND ADMINISTRATIVE REVIEW**

### **§ 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.

(Ord. No. 2005-007 § 1 (part))

**§ 17.630.010 NOTICE OF PUBLIC HEARINGS AND ADMINISTRATIVE REVIEW.**

Table 6-2 (Mandatory Public Hearings for Public Reviews Before the Commission or Council), below, identifies the noticing requirements for public hearings or public reviews before the Commission or Council.

<b>Table 6-2 Mandatory Public Hearings or Public Reviews Before the Commission or Council</b>			
<b><i>Type of Discretionary Review</i></b>	<b><i>Type of Notice Required</i></b>		
	<b><i>Mailed Notice</i></b>	<b><i>Published Notice</i></b>	<b><i>Posted Notice</i></b>
<b>A. <i>Deadline</i></b>	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>B. Type of Discretionary Review Applications:</b>			
1. Comprehensive Plan	X	X	X
2. Conditional Use Permit (CUP), except No. 3 below	X		
3. CUP for sale of alcoholic beverages	X		X
4. General Plan Amendment			
a. Land use map change	X		X
b. Text amendment		X	
5. Site Plan Review	X		X
6. Specific Plan	X		X
7. Subdivision (CCMC Ch. 15.10)	X		X
8. Variance	X		X
9. Zoning Code/Map Changes			
a. Map change	X	X	X

b. Text amendment		X	
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A. Mailed Notice. Written notices for public hearings, identified in Table 6-2 (Mandatory Public Hearings or Public Reviews Before the Commission or Council), 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;

b. The owners and occupants of all property within a radius of 300 feet of the exterior boundaries of the property, or the perimeters of the premises of the proposed use involved in the application. This Subsection establishes the minimum mailed notice requirements, and shall not preclude the provision of notice to a greater number of persons;

c. Each local agency expected to provide water, schools, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected; and

d. A person who has filed a written request for notice with the Director, and has paid the fee established by the most current City Council Fee Resolution for the notice.

2. Notices shall be mailed at least 21 days before the date scheduled for the public hearing or review.

3. For the purposes of this notification, the last known name and address of each property owner, as identified in the records of the Los Angeles County Assessor, shall be used, unless a more current source of this information is known.

4. The address of occupants shall be determined by visual site inspection or other reasonably accurate means. The occupant notice requirement can be met by mailing the notice to the occupant(s).

5. At the time of filing the application, the applicant or designee shall provide a list of property owners and occupants within the prescribed area of notification, and shall sign an affidavit verifying that the list has been prepared in compliance with the requirements of this Section.

6. The City shall prepare the notice, which shall clearly state the following information:

a. The date, place, and time of the scheduled hearing;

b. The name of the hearing body;

c. A general explanation of the matter to be considered;

d. A general description, in text or by diagram, of the location of the subject property;

e. The manner in which additional information may be received;

f. Any other pertinent information deemed appropriate by the Director; and

g. If a proposed Negative Declaration or final Environmental Impact Report has been prepared for the project, in compliance with the City's use of the State-promulgated CEQA Guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the proposed Negative Declaration or certification of the final Environmental Impact Report.

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 Subsection 17.630.010. 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 the Commission or the Council may continue the public hearing or review, if deemed necessary, in compliance with Subsection 17.630.010.A.8. above.

B. Published Notice. Published notices of public hearings or reviews, identified in Table 6-2 (Mandatory Public Hearings or Public Reviews Before the Commission or Council), before the Commission and the Council shall be given in the following manner:

1. Fourteen-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 Subsection 17.630.010.A.6.a.-g. above.

C. Posted Notice. In addition to the mailed notice and published notice, identified in Subsections 17.630.010.A. (Mailed Notice) and 17.630.010.B. (Published Notice) above, posted notices for a public hearing or review before the Commission or Council for the applications, identified in Table 6-2 (Mandatory Public Hearings or Public Reviews Before the Commission or Council) 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 1 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 12 square feet in sign area, generally measuring 3 feet by 4 feet;

b. The sign shall not exceed 8 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, Administrative Modification, and Reasonable Accommodation Applications.

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

<b>Mailed Notification Requirements For Administrative Discretionary Review Applications</b>			
<i>Type of Administrative Review</i>	<i>See Chapter</i>	<i>Notice Requirement</i>	
		<i>Mailed Notice</i>	<i>Mailing Deadline</i>
<b>A. Administrative Use Permits</b>	17.530	All property owners and occupants within a 300-foot radius	15 days before the anticipated date of decision by Director
<b>B. Administrative Modifications</b>	17.550	All adjacent property owners and occupants	15 days before the anticipated date of decision by Director
<b>C. Administrative Site Plan Reviews</b>	17.540	All adjacent property owners and occupants	15 days before the anticipated date of decision by Director
<b>D. Reasonable Accommodations</b>	17.550	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 (see above), a notice of decision on the Administrative Site Plan Review, Administrative Modification, Administrative Use Permit and Reasonable Accommodation 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 17.630.010.A. (Mailed Notice) through Subsection 17.630.010.D. (Notice of Administrative Use Permits, Administrative Site Plan Review, Administrative Modification and Reasonable Accommodation Applications), 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.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2013-008 § 3 (part))

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))

**§ 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.

(Ord. No. 2005-007 § 1 (part))

**§ 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).

(Ord. No. 2005-007 § 1 (part))

**§ 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.

(Ord. No. 2005-007 § 1 (part))

**§ 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.

(Ord. No. 2005-007 § 1 (part))

**§ 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.

(Ord. No. 2005-007 § 1 (part))

## **CHAPTER 17.640: APPEALS**

### **§ 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.

(Ord. No. 2005-007 § 1 (part))

### **§ 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.

(Ord. No. 2005-007 § 1 (part))

### **§ 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 Subsection 17.640.030.C. (Required Statement and Evidence) 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 § 17.640.035 (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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 § 17.630.010 (Notice of 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 § 17.630.010 (Notice of 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 § 17.630.010 (Notice of 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 § 17.630.040 (Mailing of the Notice of Decision).

(Ord. No. 2005-007 § 1 (part))

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))

### **CHAPTER 17.650: ENFORCEMENT**

#### **§ 17.650.005 PURPOSE.**

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

(Ord. No. 2005-007 § 1 (part))

#### **§ 17.650.010 VIOLATIONS.**

A. Public Nuisance. Any use, structure, or property 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 this Title, or failure to comply with any of its provisions, shall be deemed to be a misdemeanor, and punishable as such, notwithstanding the fact that, at the discretion of the City Attorney, 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 17.650.015 REMEDIES NOT EXCLUSIVE.**

All remedies contained in this Title, for handling violations or enforcement of its provisions, 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 that 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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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 §§ 9.04.600 et seq. of the CCMC.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))

## **CHAPTER 17.660: REVOCATIONS AND MODIFICATIONS**

### **§ 17.660.005 PURPOSE.**

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

(Ord. No. 2005-007 § 1 (part))

### **§ 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.

(Ord. No. 2005-007 § 1 (part))

### **§ 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 § 17.610.015. (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 Subsection 17.660.015.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.

(Ord. No. 2005-007 § 1 (part))

#### **§ 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.

(Ord. No. 2005-007 § 1 (part))