

CHAPTER 17.74 - AMENDMENTS

Sections:

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17.74.010 - Purpose of Chapter

This Chapter establishes provisions for the amendment of the General Plan, this Zoning Code, or the official Zoning Map whenever required by public necessity and general welfare.

17.74.020 - Applicability

- A. **General Plan.** A General Plan amendment may include revisions to text or diagrams.
- B. **Zoning Code.** A Zoning Code amendment may modify or add a new standard, requirement, or procedure applicable to land use or development within the City.
- C. **Zoning Map.** A Zoning Map amendment has the effect of rezoning property from one zoning district to another.

17.74.030 - Initiation of Amendments

An amendment to the General Plan, this Zoning Code, or the Zoning Map shall be initiated in compliance with this Section.

- A. **Who may initiate an amendment.**
 - 1. A Zoning Code text amendment may be initiated by:
 - a. Council action;
 - b. Commission action;
 - c. Council action to adopt an urgency measure as an interim ordinance in compliance with State law (Government Code Section 65858); or
 - d. The City Manager.

2. A General Plan diagram or Zoning Map amendment may be initiated by:
 - a. Council action;
 - b. Commission action; or
 - c. The filing of an amendment application with the Department by the owner or authorized agent of property for which the amendment is sought. If the property is under more than one ownership, all of the owners or their authorized agents shall join in filing the application.
3. A General Plan text amendment may be initiated by:
 - a. Council action; or
 - b. Commission action.

B. Application filing and processing.

1. An application for an amendment shall be filed and processed in compliance with Chapter 17.60 (Application Filing and Processing).
2. The application shall be accompanied by the information identified in the Department handout for amendment applications.

17.74.040 - Hearings and Notice

A. Text amendments to the General Plan or this Zoning Code. The following requirements shall apply to the public hearings for proposed text amendments to the General Plan or this Zoning Code:

1. Text amendments to the General Plan or this Zoning Code shall be noticed by publication three times in a newspaper of general circulation in the City, the first publication at least 14 days before the hearing, and the last publication no more than five days before the hearing. The notice shall be given in compliance with Chapter 17.76 (Public Hearings).
2. The Director may elect to provide notice in compliance with Chapter 17.76 (Public Hearings) directly to all owners of property in the zoning districts affected by the proposed amendment.

B. General Plan diagram or Zoning Map Amendments. The following requirements shall apply to the public hearings for proposed General Plan diagram or Zoning Map amendments:

1. Amendments affecting 500 or fewer lots shall be noticed in compliance with Chapter 17.76 (Public Hearings).

2. Amendments affecting more than 500 lots shall be noticed in compliance with Chapter 17.76 (Public Hearings), or by one of the following methods:
 - a. A display advertisement of at least ¼ page not less than 14 days before the hearing in a newspaper of general circulation within the City; or
 - b. An insert with a generalized mailing sent by the County or City to property owners within the area affected by the proposed map amendment.
- C. Individual notice.** In addition to the notice identified above, notice shall be given by mail to any person who has filed a written request for notice with the Director and has paid the fee established by the Council's Fee Resolution for the notice. A request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.
- D. Notice for revisions.** If the Commission or the Council chooses to consider a revision to a proposed amendment that was not covered in the public hearing notice for the hearing, action shall not be taken on the revision until a new noticed public hearing has been held in compliance with this Section.
- E. Invalidation.** Failure to receive the notice required by this Section shall not invalidate the amendment.

17.74.050 - Commission Action on Amendment

- A. Zoning Map amendments.** The Commission shall conduct an initial hearing on a Zoning Map amendment and determine whether:
1. The subsequent hearing should be conducted only on the request submitted by the applicant(s);
 2. The area to be considered for amendment should be enlarged; or
 3. If alternative amendments should be considered.

Following the initial hearing, the Commission shall determine the scope of alternatives and shall set a public hearing date to consider the alternatives for the application.

- B. Commission recommendation on all amendments.** The Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment (e.g., General Plan, Zoning Code, or Zoning Map), based upon the findings contained in Section 17.74.070 (Findings and Decision), below.

17.74.060 - Council Action on Amendment

- A. Public hearing.**
1. The Council shall hold a public hearing prior to taking action on an amendment to the General Plan, this Zoning Code, or the Zoning Map. The hearing shall be noticed in compliance with Section 17.74.040 (Hearings and Notice), above.

2. At the public hearing, the Council shall consider a recommendation of the Commission, if a recommendation was required, and hear evidence regarding the amendment.

B. Referral to Commission.

1. If the Council proposes to adopt a substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation, in compliance with State law (Government Code Sections 65356 [General Plan amendments] and 65857 [Zoning Code/Zoning Map Amendments]).
2. Failure of the Commission to report back to the Council within 45 days after the referral, or within a longer time set by the Council, shall be deemed a recommendation for approval of the modification.

- C. Approval or disapproval of amendment.** Upon receipt of the Commission's recommendation, the Council shall, approve, approve in modified form, or disapprove the proposed amendment based upon the findings in Section 17.74.070 (Findings and Decision), below.

17.74.070 - Findings and Decision

- A. Findings for General Plan diagram and text amendments.** An amendment to the General Plan's diagram or text may be approved only after first finding that:

1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
3. For General Plan diagram amendments only, the site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land uses/developments.

- B. Findings for Zoning Code/Zoning Map amendments.** An amendment to this Zoning Code or the Official Zoning Map may be approved only after first finding that:

1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

17.74.080 - Effective Dates

- A. **General Plan.** A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Council.

- B. **Zoning Code/Zoning Map.** A Zoning Code/Zoning Map amendment shall become effective on the 31st day following the adoption of an ordinance, except for an urgency ordinance, by the Council.

CHAPTER 17.76 - PUBLIC HEARINGS

Sections:

- 17.76.010 - Purpose of Chapter
- 17.76.020 - Notice of Hearing
- 17.76.030 - Scheduling of Hearing
- 17.76.040 - Hearing Procedures
- 17.76.050 - Review Authority Decision and Notice
- 17.76.060 - Recommendation by Commission

17.76.010 - Purpose of Chapter

This Chapter establishes procedures for public hearings before the Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), Commission, and Council.

17.76.020 - Notice of Hearing

When a land-use permit, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094, and 66451.3, and Public Resources Code 21000 et seq.), and as required by this Chapter.

A. Contents of notice. Notice of a public hearing shall include:

1. **Hearing information.** The date, time, place, and purpose of the hearing and the name of the hearing body; and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information;
2. **Project information.** The name of the applicant; the City's project case number (if the case is assigned a number) assigned to the application; a general explanation of the matter to be considered; a general explanation of the purpose of the application; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing; and
3. **Statement on environmental document.** If a draft Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR) has been prepared for the project, or if the project has been determined to be exempt, in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's *Environmental Policy Guidelines*, the hearing notice shall include a statement that the hearing body will also consider approval of the draft Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.

B. Method of notice distribution. Notice of a public hearing required by this Chapter for an amendment, appeal, or entitlement shall be given as follows:

1. Mailing.

- a. Notice shall be mailed, at least 14 days before the hearing, through the United States mail service, to:
 - (1) The owner(s) of the property being considered, or the owner's agent, and the applicant(s);
 - (2) Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
 - (3) All owners of real property as shown on the County's latest equalized property tax assessment roll within a 500-foot radius of the subject site's boundaries; or within a 300-foot radius for minor variances, minor use permits and sign exceptions, and
 - (4) Any person who has filed a written request for notice with the Director and has paid the fee established by the Council's Fee Resolution for the notice.
- b. The radius shall be measured from the subject site's exterior boundaries to the exterior boundaries of the neighboring lots, without reference to structures existing on either lot(s).

2. Additional required notice. If the notice is mailed as required above, then the notice shall also be:

- a. **Posted along public streets.** Posted, at least 14 days before the public hearing, along public streets within 500 feet of the subject site's boundaries or 300 feet for minor variances, minor use permits and sign exceptions.
- b. **On-site posting requirements.** The sign shall be posted, at least 14 days before the public hearing, in the following manner:
 - (1) For corner lots, signs shall be posted on each street frontage.
 - (2) The sign(s) shall be located in a conspicuous place on the property abutting a street not more than 10 feet inside the property line.
 - (3) The sign(s) may be posted in windows when there is an existing structure on site that is not set back from the street.
 - (4) The Zoning Administrator may approve deviations to these requirements in order to meet the intent of these noticing provisions.

- (5) Each sign shall comply with the following:
- (a) The sign shall be 12 feet square in sign area, generally measuring three feet by four feet.
 - (b) The sign shall not exceed six feet in height from the ground level; provided, that if the property is surrounded by fences, walls, or hedges at or near the street property line, additional height may 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 all of the factual information about the pending application in compliance with Subsection A. (Contents of notice), above.
 - (e) The size, style, and color of the sign's lettering shall be the specifications approved by the Zoning Administrator.
 - (f) Support elements for the sign shall be made of four-inch by four-inch wood posts.
 - (g) A Building Permit shall not be required for the posting of a sign installed in compliance with this Subparagraph.
 - (h) The sign shall remain in place until the expiration of the appeal period following a decision by the review authority. If the application has been appealed or called for review, the sign shall remain in place with the new hearing date noted until the final decision is rendered. The sign shall be removed within 10 days of either the appeal period or the final decision, whichever applies.
 - (i) The applicant shall submit to the Zoning Administrator an affidavit verifying that the sign was posted on the subject site in a timely manner in compliance with this Subparagraph.
- (6) Failure to post the sign, to include the required information, or to comply with applicable placement or graphic standards or requirements may result in the delay of the required public hearing.
- (7) To ensure consistency in appearance and information on the sign, the sign would be printed on card stock by the City and given to the applicant. The applicant would then staple or nail the sign to the plywood or posts or locate the sign on a storefront window.

C. **Alternative to mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection B.1 above is more than 1,000, the Director may choose to provide the alternative notice allowed by State law (Government Code Section 65091(a)(3)).

- D. Additional optional notice.** In addition to the types of notice required by Subsections B. and C., above, the Director may provide additional notice with content or use a distribution method as the Director determines is necessary or desirable (e.g., use of a greater radius for notice, use of the Internet, etc).

17.76.030 - Scheduling of Hearing

After the completion of environmental documents required by the California Environmental Quality Act (CEQA) and the City's *Environmental Policy Guidelines*, the matter shall be scheduled for public hearing on a Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), Commission, or Council agenda (as applicable).

17.76.040 - Hearing Procedures

- A. Holding of hearings.** The applicable review authority shall conduct the public hearing at the date, time, and place described in the public notice required by this Chapter.
- B. Testimony.** The applicable review authority shall hear testimony regarding the subject application from any interested party.
- C. Continuances.** If a hearing cannot be completed on the scheduled date, the presiding review authority, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued.
- D. Additional notice not required.** Additional notice for the continued hearing shall not be required.

17.76.050 - Review Authority Decision and Notice

- A. Decision.**
1. The review authority (Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), Commission, or Council, as applicable) shall announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 17.76.040 (Hearing Procedures).
 2. The Zoning Administrator may instead refer the matter directly to the Hearing Officer or Board of Zoning Appeals (BZA) for a determination, and the Hearing Officer may instead refer the matter directly to the Board of Zoning Appeals (BZA) for a determination. A referral will require a new noticed hearing before the Hearing Officer or Board of Zoning Appeals (BZA), as applicable.
 3. The decision of the Council on any matter shall be final.

- B. Notice of decision.** The notice of decision shall contain any conditions of approval, and reporting/ monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.
- C. Mailing of notice.**
1. Following the date that the final decision or recommendation is rendered by the applicable review authority, notice of the decision shall be mailed to the applicant at the address shown on the application.
 2. A copy of the notice of decision 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 the notice.

17.76.060 - Recommendation by Commission

- A. Commission's action.** At the conclusion of a public hearing on an Amendment (e.g., Adjustment Permit, General Plan, Zoning Code, or Zoning Map), a Development Agreement, Master Plan, or a Specific Plan, the Commission shall forward a written recommendation, including all required findings, to the Council for final action.
- B. Mailing of recommendation.** Following the hearing, a copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

CHAPTER 17.78 - ENFORCEMENT

Sections:

- 17.78.010 - Purpose of Chapter
- 17.78.020 - Permits and Licenses
- 17.78.030 - Environmental Compliance
- 17.78.040 - Official Duty to Enforce
- 17.78.050 - Voidable Conveyances
- 17.78.060 - Violations
- 17.78.070 - Remedies are Cumulative
- 17.78.080 - Inspection
- 17.78.090 - Permit Revocation or Modification
- 17.78.100 - Initial Enforcement Action
- 17.78.110 - Legal Remedies
- 17.78.120 - Recovery of Costs

17.78.010 - Purpose of Chapter

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Zoning Code, and any conditions of land use permit or subdivision approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

17.78.020 - Permits and Licenses

All departments, officials, and public employees of the City who are assigned the authority or duty to grant/issue certificates, entitlements, licenses, permits, or other approvals shall comply with the provisions of this Zoning Code.

- A. Compliance with this Zoning Code.** All persons empowered by the Municipal Code to grant certificates, entitlements, licenses, permits, or other approvals shall comply with the provisions of this Zoning Code.
- B. Permits in conflict with Zoning Code.** Any certificate, license, entitlement, permit, or other approval that would be in conflict with the provisions of this Zoning Code shall not be granted/issued.
- C. Permits deemed void.** Any certificate, license, entitlement, permit, or other approval granted/issued in conflict with the provisions of this Zoning Code shall be deemed void.
- D. Actions deemed void.** An action taken by an official or public employee of the City in conflict with the provisions of this Zoning Code shall be deemed void.

17.78.030 - Environmental Compliance

All projects subject to this Zoning Code shall comply with all applicable provisions of the California Environmental Quality Act (CEQA), including all requirements for environmental documentation,

mitigation compliance, and mitigation monitoring. Environmental processing of the projects shall be conducted in compliance with the City's *Environmental Policy Guidelines*.

17.78.040 - Official Duty to Enforce

- A. **Designated City official.** The Neighborhood Services Administrator shall be responsible for enforcing all provisions of this Zoning Code.
- B. **Other City officials.** All officials of the City charged by law with the general duty of enforcing City ordinances shall also enforce the provisions of this Zoning Code.

17.78.050 - Voidable Conveyances

- A. **When voidable.** Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this Zoning Code shall be voidable at the sole option of the buyer, grantee, or person contracting to purchase, or their heirs, personal representatives, or trustee in insolvency or bankruptcy, within 12 months after the date of execution of the deed of conveyance, sale, or contract to sell.
- B. **When binding.** The deed of conveyance, sale, or contract to sell shall be binding upon any assignee or transferee of the buyer, grantee, or person contracting to purchase other than those identified above, and upon the grantor, person, or vendor contracting to sell or their assignee, devisee, or heir.

17.78.060 - Violations

Any use of land or structure operated or maintained contrary to the provisions of this Zoning Code, any structure constructed or maintained contrary to the provisions of this Zoning Code, and any conditions of land use permit or subdivision approval not properly complied with shall be subject to the following:

- A. **Public nuisance.** Any use or structure which is altered, constructed, converted, enlarged, erected, established, installed, maintained, moved, operated, set up, or used contrary to the provisions of this Zoning Code, including the failure to comply with or carry out any condition attached to the grant of any Certificate of Appropriateness, Conditional Use Permit, Variance, or other permit or entitlement granted in compliance with this Zoning Code, is hereby declared to be unlawful and a public nuisance and shall be:
 - 1. Subject to the remedies and penalties identified in this Chapter and Chapter 14.50 (Property Maintenance and Nuisance Abatement) of the Municipal Code;
 - 2. Subject to the remedies and penalties identified in Chapters 1.25 (Administrative Penalties – Compliance Orders) and 1.26 (Administrative Penalties – Citations) of the Municipal Code; and
 - 3. Summarily abated by this City.

B. Stop Work Order.

1. Any construction in violation of this Zoning Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order."
2. Any violation of a Stop Work Order shall be subject to the penalties described in Subsection A. above.

17.78.070 - Remedies are Cumulative**A. New and separate offence.**

1. Each day a violation of this Zoning Code or any conditions of land use permit or subdivision approval continues is a new and separate offense.
2. Consequently, each person convicted may be deemed guilty of a separate offense for each and every day during any portion of which any violation is committed or allowed to exist.

B. Cumulative, not exclusive. All remedies contained in this Zoning Code for the handling of violations or enforcement of the provisions of this Zoning Code shall be cumulative and not exclusive of any other applicable provisions of City, County, State, or Federal law.

C. Other remedies. Should a person be found guilty and convicted of violating any provision of this Zoning Code, and any conditions of land use permit or subdivision approval, the conviction shall not prevent the City from pursuing any other available remedy to correct the violation(s).

17.78.080 - Inspection

A. Preapproval inspections. Every applicant seeking a permit or any other action in compliance with this Zoning Code shall allow the City officials handling the application access to any premises or property which is the subject of the application.

B. Post-approval inspections. If the permit or other action in compliance with this Zoning Code is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and any conditions of approval imposed on the permit.

17.78.090 - Permit Revocation or Modification

A. Purpose. Discretionary land use permits issued in compliance with this Zoning Code may be revoked or modified in compliance with this Section.

B. Procedures. This Section provides procedures for securing punitive revocation or modification of previously approved land use permits or entitlements.

C. Revocations. The City's action to revoke a permit or entitlement shall have the effect of terminating the entitlement and denying the privileges granted by the original approval.

D. Modifications.

1. The City's action to modify a permit or entitlement, rather than to revoke it, shall have the effect of changing the operational aspects of the permit or entitlement.
2. The changes may include the operational aspects related to buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit or entitlement is operated in a manner consistent with the original findings for approval.

E. Hearings and notice.

1. **Scheduling of hearing.** Upon a determination by the Zoning Administrator that there are reasonable grounds for revocation or modification of a discretionary permit approved in compliance with this Zoning Code, a public hearing shall be scheduled by the Zoning Administrator before the review authority which originally approved the permit.
2. **Notice.**
 - a. Public notice shall be given in the same manner required for the original public hearing on the permit application, in compliance with Chapter 17.76 (Public Hearings).
 - b. If public notice was not required for the original application, none shall be required for the revocation/modification hearing.
 - c. Fourteen days before the public hearing, notice shall be mailed to the applicant and/or owner of the use or structure for which the permit was granted.
 - d. Notice shall be deemed delivered two days after being mailed, first-class mail, postage prepaid, through the United States Postal Service, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.
3. **Hearing.**
 - a. The applicable review authority conducting the hearing shall hear testimony of City staff and the owner, or the project applicant if not the owner, of the use or structure for which the permit was granted, if present.
 - b. At the public hearing, the testimony of any other interested person(s) shall also be heard.

F. Review authority action.

1. **Permits.** A land use permit or entitlement may be revoked by the review authority (e.g., Zoning Administrator, Hearing Officer, Film Liaison, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), or Council) which originally approved the permit or entitlement if any one of the following findings of fact can be made in a positive manner:
 - a. 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 or entitlement can no longer be made in a positive manner and the public health, safety, and welfare require the revocation;
 - b. The permit or entitlement was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application or in the applicant's testimony presented during the public hearing for the permit or entitlement;
 - c. One or more of the conditions of the permit or entitlement have not been substantially fulfilled or have been violated;
 - d. The exercise of rights granted by the permit or entitlement has been discontinued for a continuous period of at least 12 months;
 - e. The improvement authorized in compliance with the permit or entitlement is in violation of any code, law, ordinance, regulation, or statute; or
 - f. The improvement/use allowed by the permit or entitlement has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.
2. **Variances.** A Variance (major or minor) may be revoked by the review authority which originally approved the entitlement if any one of the following findings of fact can be made in a positive manner:
 - a. Circumstances under which the Variance was granted have been changed by the applicant to a degree that one or more of the findings contained in the original Variance can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance; or
 - b. One or more of the conditions of the Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance.
3. **Modifications.** The following finding shall be made before the modification of the conditions of approval of a permit or entitlement:

There are sufficient grounds to justify revocation that can be corrected by modifying existing conditions or imposing new or additional conditions.

- G. Decision and notice.** Within 10 days of the conclusion of the hearing, the applicable review authority that conducted the hearing shall render a decision, and shall mail notice of the decision to the owner of the use or structure for which the hearing was held, to the project applicant, if not the owner of the subject property, and any other interested person who has filed a written request for the notice.
- H. Effective date.** The effective date of a decision to revoke or modify a discretionary permit or entitlement shall be in compliance with Chapter 17.64.020 (Effective Dates).

17.78.100 - Initial Enforcement Action

This Section describes the procedures for initiating enforcement action in cases where the Zoning Administrator and Neighborhood Services Administrator have determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Zoning Code and any conditions of land use permit or subdivision approval. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided. For purposes of this Section, whenever the term "Neighborhood Services Administrator" is used, it should be understood that the term also includes the "Zoning Administrator."

- A. Notice of Violation.** The Neighborhood Services Administrator shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:
1. A description of the violation(s), and citations of applicable Zoning Code provisions being violated;
 2. A time limit for correcting the violation(s) in compliance with Subsection B, below;
 3. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violation(s) in compliance with Chapter 1.30 of the Municipal Code and/or initiate legal action as described in Section 17.78.110 (Legal Remedies), below;
 4. A statement that the property owner may request and be provided a meeting with the Neighborhood Services Administrator to discuss possible methods and time limits for the correction of the violation(s).
- B. Time limit for correction.**
1. The Notice of Violation shall state that the violation(s) shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the City, unless the responsible party contacts the Neighborhood Services Administrator within that time to arrange for a longer period for correction.
 2. The 30-day time limit may be extended by the Neighborhood Services Administrator upon determining that the responsible party would likely correct the violation(s) within a reasonable time.

3. The Neighborhood Services Administrator may also require through the Notice of Violation that the correction occur within less than 30 days if the Neighborhood Services Administrator determines that the violation(s) constitutes a hazard to public health or safety.
- C. Use of other enforcement procedures.** The enforcement procedures of Section 17.78.110 (Legal Remedies), below may be employed by the Neighborhood Services Administrator after or instead of the provisions of this Section where the Neighborhood Services Administrator determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.

17.78.110 - Legal Remedies

The City may choose to undertake any, or a combination, of the following legal actions to correct and abate any nuisance or violation of this Zoning Code.

A. Civil actions.

1. **Injunction.** The City Attorney, upon order of the Council, may apply to the Superior Court for injunctive relief to terminate a violation of this Zoning Code.
2. **Abatement proceedings.** Where any person fails to abate a violation(s) after being provided a Notice of Violation in compliance with Section 17.78.100 A. (Notice of Violation) above and the opportunity to correct or end the violation(s), the City Attorney, upon order of the Council, shall apply to the Superior Court for an order authorizing the City to undertake actions necessary to abate the violation(s) and require the violator to pay for the cost of the actions.
3. **Nuisance abatement.** The City may pursue nuisance abatement in compliance with Chapter 14.50 (Property Maintenance and Nuisance Abatement) of the Municipal Code.

B. Civil remedies and penalties.

1. **Civil penalties.** Any person who willfully violates the provisions of this Zoning Code, and any conditions of land use permit or subdivision approval, shall be liable for a civil penalty for each day that the violation continues to exist.
2. **Costs and damages.** Any person violating any provisions of this Zoning Code or any permit issued in compliance with this Zoning Code, shall be liable to the City for the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violation(s) in compliance with Chapter 1.30 of the Municipal Code.
3. **Procedure.** In determining the amount of the civil penalty to impose, the Court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by defendant.

- C. Criminal actions and penalties.** Any person, whether as agent, principal, or otherwise, violating or causing the violation of any of the provisions of this Zoning Code, and any conditions of land use permit or subdivision approval, shall be subject to the penalties in Section 17.78.060 (Violations) above.
- D. No limit on City's options.** The penalties identified in this Chapter do not limit the right of the City through its legal representative(s), as authorized by the Council upon request of the enforcing officials, to institute any appropriate legal procedure(s) as prescribed by law to abate, correct, enjoin, or restrain any actual or threatened violation of this Zoning Code.
- E. Limitations on action.**
1. Any action or proceeding to annul, attack, review, set aside, or void any decision made in compliance with this Zoning Code relating to any right or entitlement allowed or authorized by this Zoning Code, including Certificates of Appropriateness, Code Compliance Certificates, Conditional Use Permits, Variances, interpretations of the Zoning Administrator, and each and every other permit, entitlement, revocation, or grant authorized or allowed by this Zoning Code, and decisions to change a district classification, or use, or development regulation; or concerning any of the acts, determinations, or proceedings taken, done, or made before the decisions; or to determine the legality, reasonableness, or validity of any condition attached thereto shall not be maintained by any person unless the action or proceeding is filed and served in accordance with State law (Government Code Section 65009).
 2. Thereafter, all persons are barred from any action or proceeding or any defense of invalidity or unreasonableness of the decision or of the acts, determinations, or proceedings.
- F. Exhaustion of administrative remedies.** Nothing in this Section shall relieve a person desiring to annul, attack, review, set aside, or void any decision of the acts, determinations, or proceedings taken, done, or made before the decision from their obligations to exhaust their administrative remedies before commencing any action or proceedings.
- G. Limitations on issues.**
1. In an action or proceeding to annul, attack, review, set aside, or void a finding, decision, or determination made in compliance with this Zoning Code at a properly noticed public hearing, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the City before, or at, the public hearing, except where the courts find either of the following:
 - a. The issue could not have been raised at the public hearing by persons exercising reasonable diligence; or
 - b. The applicable review authority conducting the public hearing prevented the issue from being raised at the public hearing.
 2. These limitations shall apply only if the public notice issued in compliance with this Zoning Code contains substantially the notice identified in State law (Government Code

Section 65009[B][2]), or in any successor Section enacted after the effective date of this Section.

H. Notice of determination.

1. Notice of the applicable review authority's decision and its written findings shall be mailed first-class mail, postage prepaid and include a copy of an affidavit or certificate of mailing, to the applicant and any interested party.
2. The notice shall include direct notice that the time within which judicial review of the decision shall be sought is governed by State law (California Code of Civil Procedure Section 1094.6.).

I. Notice of violation. Whenever knowledge is obtained that real property has been divided in violation of State law (Government Code Section 66410 et seq.) or any City ordinance enacted in compliance with State law, an intent to record a notice of violation shall be pursued by the Director.

17.78.120 - Recovery of Costs

The intent of this Chapter is to recover City administrative costs reasonably related to enforcement in compliance with Chapter 1.30 (Inspection and Cost Recovery) of the Municipal Code.

