

**10.84.020 Parking prohibited on portions of private property.**

No vehicle, vacation trailer, camping trailer, boat, boat trailer, camper or recreational vehicle may be parked or placed within the front yard or exterior side yard (i.e., street side of a corner lot) setback, except as follows:

- A. In a garage or carport.
- B. On a paved driveway.
- C. On a dust-free area adjacent to a paved driveway. "Adjacent" shall mean within 10 feet of the edge of the driveway. (Refer to CVMC [19.62.150](#) for further limitations.) Note: "Dust-free" shall mean grass or decomposed granite/paving per City standards adopted to accomplish a dust-free surface.

D. When parking is not available under subsections [\(A\)](#) through [\(C\)](#) of this section, then consideration shall be given by the Zoning Administrator to select a parking area on the opposite side of the lot or other appropriate locations on the property as per CVMC [19.62.110](#). ~~Any interested person~~~~The applicant or other interested persons~~ may appeal the decision of the Zoning Administrator to the Planning Commission. The appeal shall be filed in writing with the ~~Development Services Department~~~~Planning Department~~ within 10 days of the Administrator's action, and accompanied by the required appeal fee(s). Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. Appeals to the City Council from the actions of the Planning Commission shall follow the same procedure. The decision of the Planning Commission is final.

Unmounted campers and camper shells may not be placed in the front yard, driveway, or unscreened (by solid six-foot-high fence or hedge) exterior side yard setback area for a period of more than 72 hours. (Ord. 2670 § 1, 1996; Ord. 2506 § 1, 1992; Ord. 2176 § 3, 1986; Ord. 1676 § 2, 1976).

## **12.24.110 Installation of public improvements – Appeal of Director of Development Services’ ruling – Application and fees.**

~~In the event that~~If the Director of Development Services denies the request for a waiver of obligation to install improvements, ~~a written the property owner or his agent may file an~~ application shall be filed with the ~~Development Services Department~~City Clerk to appeal such denial;~~; the which~~ appeal shall be heard by the ~~Planning Commission~~City Council. Said application must be filed within 10 days of the date on which the Director of Development Services made ~~their~~his ruling, be accompanied by the required appeal fee, and include a written statement describing the basis of the appeal.

Following the filing of a complete application, including all associated fees, ~~the Development Services Department shall take no longer than thirty (30) calendar days to set~~ a hearing before the ~~Planning Commission~~City Council shall be set for the next at a regularly-scheduled meeting, ~~or at such time thereafter as may be designated, to consider the appeal. The meeting date shall also be no more than sixty (60) calendar days from the application’s filing date. The decision of the Planning Commission shall be final.~~ (Ord. 3223 § 1, 2012).

### **12.40.060 Appeal – Decision authority.**

Upon receipt of such appeal, ~~by~~ the City Clerk ~~shall take no longer than thirty (30) calendar days to, the matter shall be~~ placed ~~the matter~~ upon the agenda of ~~a regularly-scheduled~~ ~~the next~~ meeting of the City Council. ~~The meeting date shall also be no more than sixty (60) calendar days from the application's filing date., which shall, by formal resolution, render its decision thereon within 40 days from the date of receipt by the City Clerk. The failure of the City Council to act upon such appeal within the 40-day period shall be deemed a denial of such appeal.~~ The decision of the City Council shall be final ~~and conclusive~~. (Ord. 1205 § 2, 1969; prior code § 27.1502).

### **15.04.260 Appeals – Time limit for filing – Form.**

~~The applicant for a permit issued pursuant to this chapter, or the permittee, Any interested person~~ may appeal to the ~~Planning Commission~~City Council from any decision of the City Engineer within ~~ten (10) business~~working days after said decision. Appeals shall be in writing and shall state the specific nature of the appeal. Appeals shall be filed with the ~~Development Services Department~~City Clerk. ~~Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final.~~Planning Commission (Ord. 3005 § 1, 2005; Ord. 1797 § 1, 1978).

### **17.28.040 Lighting plans – Approval required when.**

All lighting plans in multiple-family, commercial and industrial zones shall be submitted to the ~~Director of Planning~~Zoning Administrator for approval prior to installation thereof. Should the City disapprove of the plans, a written appeal by an interested person may be filed to the Development Services Department ~~– may be taken to the Planning Commission.~~ Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for a public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final. ~~The determination of the Commission shall be final.~~ (Ord. 1324 § 1; prior code § 20.35.4 (C)).

## 17.35.070 Permit process.

The HLIT permit shall be acted upon in one of the following manners:

A. When an applicant applies for more than one permit, map, or other approval for a single development, the applications shall be consolidated for processing and shall be reviewed by a single decisionmaker. The decisionmaker shall act on the consolidated application at the highest level of authority for that development. The findings required for approval of each permit shall be considered individually, consistent with CVMC [17.35.080](#).

B. The HLIT permit may be approved, approved with conditions, or denied by the ~~Director of Planning and Building~~[Zoning Administrator](#), or his/her designee, without a public hearing in accordance with CVMC [19.14.030](#), in the following circumstances:

1. Any planned facility project listed in Table 6-1 of the Chula Vista MSCP subarea plan that only impacts natural vegetation and does not impact habitat occupied by covered species, listed noncovered species, narrow endemic species, or wetlands.
2. Any future facility project listed in Table 6-2 of the Chula Vista MSCP subarea plan associated with a covered project that only impacts natural vegetation and does not impact habitat occupied by covered species, listed noncovered species, narrow endemic species or wetlands.

C. For all other HLIT permit applications, the ~~Zoning Administrator~~[Director of Planning and Building](#), and or his/her designee, may approve, conditionally approve, or deny such permit at a public hearing noticed in accordance with CVMC [19.14.180](#). The ~~Zoning Administrator~~[Director of Planning and Building](#) decision may be appealed to the ~~Planning Commission~~[City Council](#) in accordance with CVMC [19.14.110](#) and [19.14.130](#). ~~The decision of the Planning Commission shall be final.~~ (Ord. 3004 § 1, 2005).

## 18.12.125 Appeals from determinations – Procedure.

In the event that ~~an interested person, the applicant or any interested party adversely affected by a determination~~ is dissatisfied with any determination of the Planning Commission, the ~~applicant or interested party~~ may appeal to the City Council by filing a written statement ~~in writing~~ with the City Clerk ~~Director of Development Services~~ stating the reasons for appeal within ten (10) business days following the determination. ~~Once a valid application for appeal has been filed, the City Clerk shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly-scheduled Council meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the City Council shall be final. The matter shall be placed on the Council agenda and heard within 30 days of receipt of a valid application of appeal.~~ (Ord. 3256 § 1 (Exh. B), 2013).

### **18.16.220 Approval – Appeal.**

The decision of the Director of Development Services and the City Engineer's ~~decision~~ may be appealed by an interested person to the Planning Commission ~~Council~~. A written notice of appeal must be filed with the Development Services Department within ten (10) business days of the date the Planning Commission was noticed that the final map was under review for final approval. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. ~~within 10 business days of the date Council was noticed that the final map was under review for final approval. Within 30 days of the filing of a valid application for appeal the Council shall hear the matter at a regularly scheduled meeting. The decision of the Planning Commission shall be final.~~ (Ord. 3153 § 2 (Exh. C), 2010).



## 18.18.090 Appeals from determinations – Procedure.

~~In the event that the applicant or any interested party~~ If an interested person is dissatisfied with any determination of the City Engineer as to whether the property division qualifies as a parcel map division, or as to any requirements or conditions which they seek to impose, they may then ~~the applicant may~~ appeal the determination within ten (10) business days to the Planning Commission ~~Council~~ by filing a written statement ~~in writing~~ with the Development Services Department ~~Director of Development Services~~ stating the reasons for appeal ~~within 10 business days following the determination~~. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final. ~~The matter shall be placed on the Council agenda and heard within 30 days of receipt of a valid application for appeal.~~ (Ord. 3153 § 2 (Exh. C), 2010).

**18.18.120 Tentative parcel map – Waiver – Appeal.**

~~All interested parties are~~An interested person is provided the opportunity to appeal the decision in writing to the Development Services Department within ten (10) business days of decision of the City Engineer. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The appeal shall be heard within 30 days of filing a valid application for appeal by the Council. Any application for a tentative parcel map waiver shall be filed as outlined in the subdivision manual. The decision of the Planning Commission shall be final. (Ord. 3153 § 2 (Exh. C), 2010).

## 18.20.210 Approval – Appeal – Procedure.

~~In the event that the applicant or any interested party~~ If an interested person is dissatisfied with any determination of the City Engineer as to whether the property division qualifies as a parcel map division, or, as to any requirements or conditions imposed, they may then ~~the applicant or interested party may~~ appeal the determination within ten (10) business days to the Planning Commission ~~Council~~ by filing a written statement ~~in writing~~ with the Development Services Department ~~City Engineer~~ stating the ~~his~~ reasons for appeal ~~within 10 business days following the determination~~. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final. The matter shall be placed on the Council agenda and heard by the Council within 30 days of the appeal. (Ord. 3153 § 2 (Exh. C), 2010).

### **19.14.050 Public hearing – Mandatory when – Consolidation of public hearings for multiple permit applications.**

A. The Zoning Administrator may, at her/his option, refer any of the matters on which she/he is authorized to rule and/or issue a permit to the Planning Commission for review. In addition, a project applicant may request that any such matter be referred directly to the Planning Commission for action. In such cases, a public hearing as provided herein shall be mandatory.

B. ~~An interested person~~~~The applicant or other interested person~~ who disagrees with the ruling of the Zoning Administrator may appeal such ruling to the ~~Planning Commission~~~~City Council~~. In such cases, a public hearing as provided herein shall be mandatory. Once a valid, written application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final.

C. When an applicant applies for more than one permit or other approval for a single development, the applications shall be consolidated for processing and shall be reviewed by a single decision maker or decision-making body. The consolidated application shall be heard by the decision maker or decision-making body associated with the highest-level action among the applications to be considered. The findings required for approval of each permit shall be considered individually, consistent with CVMC [19.14.080](#), [19.14.190](#) and/or [19.14.582\(E\)](#) as applicable. For projects subject to design review and that are consolidated to a higher decision-making level, one member of the Planning Commission with design expertise may advise the staff on the design aspects of the project prior to the public hearing. The recommendations will be included in the staff report to the highest-level decision-making body. (Ord. 3268 § 3, 2013; Ord. 3153 § 2 (Exh. A), 2010; Ord. 2575 § 1, 1993; Ord. 2365 § 1, 1990; Ord. 1212 § 1, 1969; prior code § 33.1302(D)).

### **19.14.120 Conditional use permit – Appeals of Planning Commission decision – City Clerk duties.**

~~Once a valid application for appeal has been filed, the City Clerk shall take no longer than thirty (30) days to set the matter for public hearing at a regularly scheduled Council meeting, and, giving the same notice as required in CVMC 19.12.060 through 19.12.080. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. Upon the filing of the appeal, the City Clerk shall set the matter for public hearing, giving the same notice as required in CVMC 19.12.060 through 19.12.080. The matter shall be placed on the Council agenda and heard within 30 days of receipt of a valid application for appeal.~~ The City Clerk shall send the Development Services Department a duplicate copy of the appeal and request the Planning Commission to transmit to the City Council a copy of its decision and findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the Planning Commission made its decision. The decision of the City Council is final. (Ord. 3268 § 3, 2013; Ord. 3153 § 2 (Exh. A), 2010; Ord. 1212 § 1, 1969; prior code § 33.1306(B)).

### **19.14.240 Variance – Appeals – Procedure generally – Effect of filing – Public hearing.**

~~An interested person~~~~The applicant or other interested party~~ may appeal the decision of the Zoning Administrator to the ~~Planning Commission~~~~City Council~~, within ~~ten~~ (10) business days from the date on which said decision was made. Said appeal shall be ~~in writing~~~~tening~~ and filed with the Development Services Department on forms provided by said Department, and shall specify therein that the decision of the Zoning Administrator was in error and identify the facts and circumstances on which claim of error is based. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting~~If an appeal is filed within the time limit specified, it stays proceedings in the matter until a determination is made by the City Council. The City Council shall set the matter for hearing, and, in compliance with noticing requirements as~~ set forth herein in CVMC [19.12.070](#) and [19.12.080](#). The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the ~~Planning Commission~~~~City Council~~ shall be final.

Where an application for a variance is included in a consolidated hearing and is neither approved nor denied by the Planning Commission, ~~or Chula Vista Redevelopment Corporation~~ for projects within a designated redevelopment project area, due to failure to achieve a majority vote, the applicant shall have the right to ~~either~~ a rehearing at the next Planning Commission ~~or Chula Vista Redevelopment Corporation meeting, whichever is applicable to the project, or an appeal to the City Council without payment of additional fees. The choice of alternatives shall be at the discretion of the applicant.~~ All other proceedings pertaining to appeals shall continue to apply. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2084 § 1, 1984; Ord. 1212 § 1, 1969; prior code § 33.1309 (A)).

### **19.14.480 Site plan and architectural approval – Building Inspector authority – Appeals.**

A. Following site plan and architectural approval by the Zoning Administrator as provided in this chapter, a copy of the decision resolution of the Zoning Administrator shall be filed with the Development Services Director and mailed to the applicant. Appeals from determinations by the Zoning Administrator shall be sent in writing by an interested person to the Development Services Department~~City Council upon written request~~ for a hearing before the Planning Commission~~City Council~~. In the absence of such request being filed within ten (10) business days after determination by the Zoning Administrator, the determination shall be final.

B. ~~A written~~The appeal shall be filed by the applicant or any interested party with the Development Services Department~~Development Services Director~~ on a~~the~~ form required by the Development Services Director, and, to be accompanied by the nonrefundable required fee therefor. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised before the Zoning Administrator. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) days to set the matter for public hearing at a regularly-scheduled Planning Commission meeting, and, giving the same notice as required in CVMC 19.12.070 and 19.12.080. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. Upon the proper filing of the appeal, the Development Services Director shall cause the matter to be set for public hearing, giving the same notice as required in CVMC 19.12.070 and 19.12.080. The matter shall be placed on the Council agenda and heard within 30 days of receipt of a valid application for appeal.

C. Upon the hearing of an appeal, the Planning Commission~~City Council~~ may, by resolution, affirm, reverse or modify, in whole or in any part, any determination of the Zoning Administrator. The resolution shall contain findings of facts showing wherein the project meets or fails to meet any applicable site plan and architectural principles in CVMC [19.14.470](#), the provisions of the design manual or any design standards required for the project, or other nonconformity with the requirements of this chapter. A copy of the decision resolution of the City Council~~Planning Commission~~ shall be filed with the Development Services Director, and mailed to the applicant. The decision of the Planning Commssion~~City Council~~ shall be final. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2790, 1999; Ord. 2587 § 1, 1994; Ord. 1212 § 1, 1969; prior code § 33.1313(A)(6)).





### **19.14.486 Landscape plan approval – Application – Accompanying documents – Fee.**

A. Applications for landscape plan approval shall be made to the Zoning Administrator, and shall be accompanied by the drawings and information prescribed by the landscape manual, or other landscape regulations. Each application shall also be accompanied by the required filing fee(s).

B. *Appeal.* The Zoning Administrator shall approve, conditionally approve or deny landscape plans. ~~An interested person~~~~The applicant~~ may appeal a denial or conditions imposed upon approval by filing a written appeal to the ~~Development Services Department~~~~City Council~~, in accordance with CVMC [19.14.050](#), within 10 business days of receipt of notification of denial or conditional approval from the Zoning Administrator. Such shall be in writing on the form promulgated by the ~~Director of Development Services~~~~affected director~~, accompanied by the required fee, and shall specify wherein the action of the Zoning Administrator is inconsistent with the landscape manual and/or other applicable ordinances, manuals or policies of the City. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The ~~Planning Commission~~ ~~City Council~~ may grant, conditionally grant, or deny the appeal. The decision of the ~~Planning Commission~~~~City Council~~ is shall be final, and shall be based upon the landscape manual, and/or other applicable ordinances, manuals, or policies of the City. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2616 § 4, 1994; Ord. 2506 § 1, 1992; Ord. 2011 § 2, 1982).

### **19.14.490 Home occupations – Permit required when – Restrictions and requirements – Revocation when – Appeals.**

In any R zone, a customary home occupation may be permitted subject to a home occupation permit granted by the Development Services Director which is merely incidental and secondary to residence use. Each such permit shall be accompanied by the required filing fee(s). The following are typical home occupations: fine arts, handicrafts, dressmaking, millinery, laundering, preserving, home cooking, route salesman; or office of a doctor, dentist, lawyer, architect, engineer, teacher or member of another recognized profession. The home occupation shall not:

- A. Involve the use of power equipment using motors of more than a total of one horsepower capacity or the equivalent thereof, unless a use permit therefor shall have been issued by the Planning Commission;
- B. Generate vehicular traffic in excess of that associated with a residential use;
- C. Create a nuisance by reason of noise, dust, odor, vibration, fumes, smoke, electrical interference, or other causes;
- D. Permit any external display of products, merchandise, or any sign to identify the home occupation.

A home occupation permit shall be revoked by the Development Services Director upon violation of any requirement of this chapter, or of any conditions or limitation of any permit issued, unless such violation is corrected within 15 days of notice of such violation, and any such permit may be revoked for repeated violation of the requirements of this section or of the conditions of such permit.

~~In the event of denial of any permit, or the revocation thereof, or of objection to the limitations placed thereon, appeal may be made in writing to the Planning Commission, In the event of denial of any permit, or the revocation thereof, or of objection to the limitations placed thereon, the applicant may then appeal the determination within ten (10) business days to the Zoning Administrator by filing a written statement with the Upon the hearing of such appeal, the Planning Commission may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Zoning Administrator. The resolution must contain a finding of facts~~

showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual. The decision of the Planning Commission shall be final.

stating the reasons for appeal. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing in front of the Zoning Administrator. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date.

The~~whose~~ decision of the Zoning Administrator –shall be final. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1212 § 1, 1969; prior code § 33.1314).

### 19.14.588 Design review – Appeal procedure.

A. ~~An interested person~~The applicant or other interested persons may file an appeal from the decision of the ~~Planning Commission or~~Zoning Administrator ~~for minor projects~~ to the ~~Planning Commission~~City Council within ten (10) business days after the decision is made. The appeal shall be in writing and filed with the Development Services Department on forms prescribed for the appeal, and shall specify therein the argument against the decision of the Planning Commission. ~~Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. If an appeal is filed within the time limit specified, it automatically stays proceedings in the matter until a determination is made by the City Council.~~

~~Upon the hearing of such appeal, the Planning Commission may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Zoning Administrator. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual. The decision of the Planning Commission shall be final.~~

~~–B. An interested person may file an appeal from the decision of the Planning Commission to the City Council within ten (10) business days after the decision is made. The appeal shall be in writing and filed with the City Clerk on forms prescribed for the appeal, and shall specify therein the argument against the decision of the Planning Commission. Once a valid application for appeal has been filed, the City Clerk shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled City Council meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. Upon the hearing of such appeal, the City Council may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Planning Commission or Zoning Administrator for minor projects. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual.~~

~~Upon the hearing of such appeal, the City Council may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Planning Commission. The resolution must~~

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~~contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual. The decision of the City Council shall be final.~~

~~C. Upon the hearing of such appeal, the City Council may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Planning Commission or Zoning Administrator for minor projects. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual.~~

~~C. The decision of the City Council is final.~~ (Ord. 3268 § 3, 2013; Ord. 3212 § 6, 2011; Ord. 3153 § 2 (Exh. A), 2010; Ord. 2822 § 1, 2000; Ord. 2036 § 1, 1983; Ord. 1994 § 1, 1982; Ord. 1771 § 3, 1977).

### 19.48.060 P-C zone – Planning Commission action.

Following a public hearing, and upon making the required findings, the Planning Commission shall make a recommendation to the City Council for approval or modified approval of a proposed P-C zone, and shall also adopt a resolution recommending that the City Council adopt the general development plan as submitted or as modified. Such recommendation and the recommended general development plan shall be forwarded to the City Council for its consideration. If unable to make the required findings, the Planning Commission shall deny said application, ~~and, forward that recommendation to the City Council. An appeal from the action of the Planning Commission may be filed in accordance with CVMC 19.12.110.~~ (Ord. 2883 § 5, 2002; Ord. 2732 § 5, 1998; Ord. 1854 § 5, 1979; Ord. 1826 § 1, 1978; Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.520(D)).

**Commented [CM1]:** This Code Section was repealed in its entirety.

**19.58.430 Liquor stores in the C-N zone.**

Establishments that include the sale of alcoholic beverages for off-site use or consumption may be allowed in the C-N zone upon issuance of a conditional use permit. The Zoning Administrator shall hold a public hearing in accordance with CVMC [19.14.060](#) through [19.14.090](#) upon giving notice thereof in accordance with CVMC [19.12.070](#) and [19.12.080](#). A conditional use permit shall not be granted unless the Zoning Administrator or other issuing authority finds in his or her sole discretion, and based on substantial evidence in view of the entire record, that all of the facts required by CVMC [19.14.080](#) exist, and that approval of the permit will not result in an overconcentration of such facilities. Overconcentration may be found to exist based on (A) the number and location of existing facilities; (B) compliance with State Alcohol Beverage Control overconcentration standards in effect at the time of project consideration; (C) the impact of the proposed facility on crime; and (D) the impact of the proposed facility on traffic volume and traffic flow. The Police Department or other appropriate City departments may provide evidence at the hearing. A permit to operate may be restricted by any reasonable conditions including, but not limited to, limitations on hours of operation. ~~The City Council shall be informed of the decision on each such permit by the City Clerk when the decision is filed in accordance with CVMC [19.14.090](#).~~ The decision of the Zoning Administrator may be appealed.

Such appeal shall be directed to the ~~Planning Commission~~City Council and must be filed in writing with ~~the Development Services Department~~ within ten (10) business days after the decision is made, as provided in CVMC [19.14.100](#). If a valid appeal application is received within the time limit, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The Planning Commission must make the same written findings required of the Zoning Administrator herein in order to grant the permit, and, the decision of the Planning Commission shall be final. said appeal shall be considered in a public hearing conducted by the City Council, in the same manner as other appeals pursuant to CVMC [19.14.120](#) and [19.14.130](#); except, that the City Council must make the same written findings required of the Zoning Administrator herein in order to grant the permit. (Ord. 3153 § 2 (Exh. A), 2010)

## 19.60.810 Processing of applications.

G. *Appeals.* All sign permit applications shall be initially reviewed by the Zoning Administrator. ~~An interested person~~~~The applicant or any concerned person~~ may appeal any sign related decision ~~to the in this order: Design Review Committee, Planning Commission, and City Council.~~ ~~In each case,~~ written notice of appeal must be filed with the Development Services Department~~City Clerk~~ within ten (10) business days of when the decision was delivered or sent to applicant and all known concerned persons, or, the last day on which a decision could have been timely rendered. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. ~~In each case,~~ ~~The~~ appellate body must conduct a hearing and consider evidence, and render a written decision ~~within 30 days.~~ ~~In the cases of appeal to the Planning Commission and the City Council,~~ ~~The~~ hearing must follow normal procedures for agendaing and giving public notice. The decision of the Planning Commission shall be final. Unless time is waived by the applicant, any permit or approval on which the City does not render a definite decision within the required time shall be deemed denied, and the time for appeal or filing judicial review shall commence on the last date on which the City could have issued a decision.



### **19.66.220 Appeals of determinations.**

The Zoning Administrator's action with respect to the performance standards procedures may be appealed to the Planning Commission within ten (10) business days following said action. In the absence of such appeal, the Zoning Administrator's determination shall be final. If a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final. (Ord. 1212 § 1, 1969; prior code § 33.704(G)).

## 19.89.080 Abandonment.

A. *Prompt Removal.* Notwithstanding provisions to the contrary found elsewhere in this title, a wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunication services for 180 or more days. Such removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the City.

B. *Notice, Appeal and Hearing.* A written notice of the determination of abandonment, as noted in subsection (A) of this section, shall be sent by certified first class mail, return receipt requested, or personally delivered to the operator of the wireless telecommunications facility at said operator's business address on file with the City or the operator's agent for service of process on file with the California Secretary of State. Service shall be effective on the date the notice was signed for or received. If the mailed notice is returned unsigned, service shall be deemed effective three business days after the mailing of a duplicate notice by regular first-class mail. The notice shall explain the consequences of failing to remove the facility and identify all hearing/appeal rights.

The operator may appeal in writing to the Development Services Department the determination of abandonment within ten (10) business days of being served with the notice. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised before the Zoning Administrator. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. After receiving the appeal, City staff shall schedule a hearing on the matter to be conducted before the Planning Commission at which~~time~~ †The operator may present at the hearing any relevant evidence on the issue of abandonment. The Planning Commission may affirm, reverse, or modify with or without conditions the determination of abandonment and shall make written findings in support of its decision. The decision of the Planning Commission shall be final.

C. *Nuisance.* Any wireless telecommunications facility determined to be abandoned and not removed within 30 calendar days from the date of notice, or where an appeal has been timely filed, within such time as prescribed by the Planning Commission following its final

determination of abandonment, shall be in violation of this chapter, and the operator of such facility shall be subject to the penalties prescribed in this title and CVMC Title [1](#). Facilities determined to be abandoned and not removed within the time limits prescribed herein, are deemed to be a nuisance, and notwithstanding the procedure described in subsection [\(B\)](#) of this section, may be abated as a nuisance in any manner provided by law. (Ord. 2895 § 1, 2003).

## 21.12.030 Appeals.

~~An interested person~~~~The applicant or any other interested party~~ may appeal in writing the decision of the Zoning Administrator or HPC to the Development Services Department within ten (10) business days after the date of the decision. Once a valid application has been received, ~~the~~ Development Services Department shall take no longer than thirty (30) calendar days to set the matter ~~shall be set~~ for public hearing and placed on an agenda for a regularly scheduled HPC meeting upon receipt of appeal application. ~~The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The appeal which~~ shall address in writing each of the findings for denial on a form prescribed by the City and shall submit a fee pursuant to CVMC [21.12.020](#), for appeals of historic preservation matters. All appeals shall be considered by the ~~HPC Council,~~ and the decision shall be final. (Ord. 3196 § 3, 2011).