

Chapter 1.50

REASONABLE ACCOMMODATIONS FOR EQUAL ACCESS TO HOUSING

Sections:

1.50.090 **Appeal of determination.**

1.50.090 **Appeal of determination.**

Within 10 business days of the issuance of a written determination, the applicant or other interested party may file an appeal through with on forms provided by the Development Services Department with the City Clerk's Office, from the determination of the Zoning Administrator or other discretionary reviewing authority to the City Council, in compliance with CMVC Chapter 19.14 CVMC, or the Building Official consistent with CVMC 15.06.070, as applicable. Said appeal shall specify therein that the decision of the Zoning Administrator was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. An applicant may also request reasonable accommodation in the procedure by which an appeal will be conducted. If an applicant needs assistance in filing an appeal, the DepartmentCity Clerk's Office shall provide the assistance that is necessary to ensure that the appeal process is accessible to the applicant.

Chapter 9.40

HOUSING ASSISTANCE

Sections:

9.40.030 **Application for conversion or discontinuance of mobilehome or trailer park.**

9.40.030 **Application for conversion or discontinuance of mobilehome or trailer park.**

[Section 9.40.030 A thru C. remains unchanged.]

D. *Appeal From the Decision From the Director of Development Services, or Designee.*

1. An appeal from the decision of the Director of Development Services, or designee, on an application for conversion or discontinuance of a mobilehome or trailer park may be taken to the City Council within ~~60 calendar~~⁴⁵ days following the decision of the Director of Development Services, or designee. The appeal may be taken by the applicant, any governmental body or agency, any owner of real property located within the City or any resident of the City. The appeal shall be in writing on a [form provided by the Development Services Department prescribed form](#) and filed with the City Clerk. The appeal shall specify wherein there was an error in the decision of the Director of Development Services, or designee. [Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City.](#) If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the City Council.

2. Upon the filing of the appeal, the ~~City Clerk's Office~~^{Director of Development Services, or designee,} ~~shall take no longer than 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 60 calendar days from the application's filing date~~^{shall set the matter for public hearing before the City Council at the earliest practicable date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.} The public hearing shall be noticed and held in accordance with the provisions of this code. Notice of time and place and purpose of such hearing shall be given as follows:

- a. By at least one publication in the official newspaper of the City, not less than 10 [business](#) days prior to the date of the hearing;
- b. By mailing notices at least 10 [business](#) days prior to the date of such hearing to the mobilehome or trailer park owner and to all mobilehome or trailer owner/occupants of the mobilehome or trailer park.

3. Upon the hearing of the appeal, the City Council may by resolution affirm, reverse or modify in whole or in part any determination of the Director of Development Services, or designee, subject to the same limitations as are placed upon the Director of Development Services, or designee, by law and the provisions of this code. The resolution must contain a finding of fact showing wherein the proposed development meets or fails to meet the requirements herein.

4. The decision of the City Council shall be final unless appealed to a court of competent jurisdiction.

[Section 9.40.030 E thru G. remains unchanged.]

Chapter 10.84

PARKING RESTRICTED ON PRIVATE PROPERTY

Sections:

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

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

[Section 10.84.020 A thru C. remains unchanged.]

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 party may appeal the decision of the Zoning Administrator to the Planning Commission. [Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City.](#) The appeal shall be [on a form provided by the Development Services Department](#) and filed in writing with the ~~City Clerk's Office~~~~Development Services Department~~ within 10 [business](#) days of the Administrator's action, and accompanied by the required appeal fee(s). Once a valid application for appeal has been filed, the ~~City Clerk's Office shall alert~~[notify the Director of Development Services who](#) ~~Development Services Department~~ shall take no longer than 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 60 calendar days from the application's filing date. [If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.](#) The decision of the Planning Commission shall be 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.

Chapter 12.24

DEDICATIONS

Sections:

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

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

If the Director of Development Services denies the request for a waiver of obligation to install improvements, a written application [for appeal on forms provided by the Development Services Department](#) shall be filed with the ~~City Clerk’s Office~~~~Development Services Department~~ to appeal such denial [and shall be accompanied by the required appeal fee\(s\). Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City.](#); ~~T~~he appeal shall be heard by the Planning Commission. Said application must be filed within 10 ~~business~~ days ~~efrom~~ the date on which the Director of Development Services made their ruling, be accompanied by the required appeal fee, and include a written statement [specifically](#) describing [all of](#) the base~~is~~s of the appeal [and shall provide supporting documentation.](#)

Following the filing of a complete application, including all associated fees, the ~~City Clerk’s Office shall alert~~~~notify the Director of Development Services who Development Services Department~~ shall take no longer than 30 calendar days to set a hearing before the Planning Commission at a regularly scheduled meeting. The meeting date shall also be no more than 60 calendar days from the application’s filing date. [If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.](#) The decision of the Planning Commission shall be final.

Chapter 15.04

EXCAVATION, GRADING, CLEARING, GRUBBING AND FILLS

Sections:

15.04.260 Appeals – Time limit for filing – Form.

15.04.260 Appeals – Time limit for filing – Form.

An interested party may appeal to the Planning Commission from any decision of the City Engineer within 10 business days after said decision. Appeals shall be in writing and shall state the specific nature of the appeal. [Said appeal shall specify therein that the decision was in error and specifically](#)

identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. Appeals shall be on forms provided by the Development Services Department and filed with the ~~City Clerk's Office~~Development Services Department and accompanied by the required appeal fee(s). Once a valid application for appeal has been filed, the ~~City Clerk's Office shall notify the Director of Development Services~~Development Services Department who shall take no longer than 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 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

Chapter 17.28

UNNECESSARY LIGHTS

Sections:

17.28.040 Lighting plans – Approval required when.

17.28.040 Lighting plans – Approval required when.

All lighting plans in multiple-family, commercial and industrial zones shall be submitted to the Zoning Administrator for approval prior to installation thereof. Should the City disapprove of the plans, a written appeal by an interested party shall be on forms provided by the Development Services Department and may be filed with to the ~~City Clerk's Office~~Development Services Department and accompanied by the required appeal fee(s). Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. Once a valid application for appeal has been filed, the ~~City Clerk's Office shall notify the Director of Development Services~~Development Services Department who shall take no longer than 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 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

Chapter 18.16

FINAL MAPS

Sections:

18.16.220 Approval – Appeal.

18.16.220 Approval – Appeal.

The decision of the Director of Development Services and the City Engineer may be appealed by an interested party to the Planning Commission. A written notice of appeal shall be on forms provided by the Development Services Department and must be filed with the City Clerk's Office~~Development Services Department~~ and accompanied by the required appeal fee(s) within 10 business days of the date the Planning Commission was noticed that the final map was under review for final approval. Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. Once a valid application for appeal has been filed, the City Clerk's Office shall notify the Director of Development Services~~Development Services Department~~ who shall take no longer than 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 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

Chapter 18.18

TENTATIVE PARCEL MAPS

Sections:

18.18.090 Appeals from determinations – Procedure.

18.18.090 Appeals from determinations – Procedure.

If an interested party 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 appeal the determination within 10 business days to the

Planning Commission by filing a written statement [on forms provided by the Development Services Department](#) with the ~~City Clerk's Office~~[Development Services Department](#) and accompanied by the [required appeal fee\(s\)](#) stating [with specificity all of](#) the reasons for appeal [and providing supporting evidence](#). Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not [processed by the City](#). Once a valid application for appeal has been filed, the ~~City Clerk's Office shall~~ [notify the Director of Development Services](#)~~Development Services Department~~ [who](#) shall take no longer than 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 60 calendar days from the application's filing date. [If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.](#) The decision of the Planning Commission shall be final.

Chapter 18.20

PARCEL MAPS

Sections:

18.20.210 Approval – Appeal – Procedure.

18.20.210 Approval – Appeal – Procedure.

If an interested party 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 appeal the determination within 10 business days to the Planning Commission by filing a written statement [on forms provided by the Development Services Department](#) with the ~~City Clerk's Office~~[Development Services Department](#) stating [with specificity all of](#) the reasons for appeal [\(with supporting evidence\)](#), and accompanied by the [required appeal fee\(s\)](#). Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not [processed by the City](#). Once a valid application for appeal has been filed, the ~~City Clerk's Office shall~~ [notify the Director of Development Services](#)~~Development Services Department~~ [who](#) shall take no longer than 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 60 calendar days from the application's filing date. [If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.](#) The decision of the Planning Commission shall be final.

Chapter 19.12

LEGISLATIVE ZONING PROCEDURE

Sections:

19.12.070 Hearings – Notice required – Methods and additional contents of notice.

Section 19.12.070 Hearings – Notice required – Methods and additional contents of notice.

Notices of the time, place and purpose of such hearing shall be given in the following manner:

A. By at least one publication in a newspaper of general circulation in the City as provided in the Charter, not less than 10 business days prior to the date set for hearing;

B. By mailing a postal card or letter to all of the owners of property within 500 feet of the exterior boundary of the property involved, as well as the owner of the subject property, said owners being established for this purpose by an examination of the assessment records held in the office of the City Clerk; provided, however, that in such cases where the ownership has recently changed and such knowledge is available to the Development Services Director, notice shall also be sent in this manner to the current occupants of said property. The notice boundary may be increased at the discretion of the Development Services Director; or

C. In certain instances where mailed notice of hearing is deemed to be impractical, notice may be effected by posting upon the subject property, and within the area of the subject property, a notice bearing the same information as contained in the notice to be mailed. Said notice shall be mailed or posted at least 10 business days prior to the date set for the public hearing, and the Development Services Director or his authorized representative shall sign an affidavit of mailing to be held in the record. It is further provided that no defect or irregularity in the giving of such notice shall invalidate the public hearing if said interested parties receive actual notice by any other means and are aware of the matter to be considered at the public hearing.

D. Notices shall be mailed to any individuals who have requested in writing to be provided public notices. A fee, in the amount as presently designated or as may be in the future amended in the master fee schedule, shall accompany each request.

Chapter 19.14

ADMINISTRATIVE PROCEDURES – PERMITS – APPLICATIONS – HEARINGS – APPEALS

Sections:

- 19.14.050** **Public hearing – Mandatory when – Consolidation of public hearings for multiple permit applications.**
- 19.14.100** **Conditional use permit – Appeals of the Zoning Administrator decision – Procedure generally.**
- 19.14.110** **Conditional use permit – Appeals of Planning Commission decision – Form – Contents – Effect of filing.**
- 19.14.130** **Conditional use permit – Appeals – City Council action – Resolution contents and transmittal.**
- 19.14.180** **Variance – Public hearing – Procedure – Notice required.**
- 19.14.210** **Variance – Zoning Administrator authority – Notice of action.**
- 19.14.240** **Variance – Appeals – Procedure generally – Effect of filing – Public hearing.**
- 19.14.270** **Procedures for enforcing conditional use permits and variances.**
- 19.14.370** **Planned unit development – Public hearing – Time – Notice required.**
- 19.14.480** **Site plan and architectural approval – Building Inspector authority – Appeals.**
- 19.14.486** **Landscape plan approval – Application – Accompanying documents – Fee.**
- 19.14.490** **Home occupations – Permit required when – Restrictions and requirements – Revocation when – Appeals.**
- 19.14.573** **Precise plan approval – Public hearings.**
- 19.14.577** **Precise plan approval – Modifications of the precise plan.**
- 19.14.588** **Design review – Appeal procedure.**

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 party who disagrees with the ruling of the Zoning Administrator may appeal such ruling to the Planning Commission: within 10 business days from the date on which the decision was made. Said appeal shall be in writing, accompanied by the required appeal fee(s), and filed with the City Clerk upon forms provided by the Development Services Department and shall specify therein

that the decision of the Zoning Administrator was in error and identify the facts and circumstances on which the claim of error is based, with supporting evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. If an appeal is filed within the time limit specified, it shall automatically stay the proceedings in the matter until a determination is made by the Planning Commission. Upon the filing of the appeal, the City Clerk's Office shall notify the Director of Development Services who will set the matter for public hearing, giving the same notice as required in CVMC 19.12.070 and 19.12.080. The Zoning Administrator shall transmit to the Planning Commission a copy of its decision and findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the Zoning Administrator made its decision. The hearing on said appeal shall be processed by the City Clerk in the same manner as a permit within the original jurisdiction of the Zoning Administrator. In such cases, a public hearing as provided herein shall be mandatory. Once a valid, written application for appeal has been filed with the City Clerk's Office, the Development Services Department shall take no longer than 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 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. 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.

19.14.100 Conditional use permit – Appeals of the Zoning Administrator decision – Procedure generally.

The applicant or other interested persons may appeal the decision of the Zoning Administrator to the ~~Planning Commission~~City Council within 10 business days from the date on which the decision was made. Said appeal shall be in writing, accompanied by the required appeal fee(s), and filed with the City Clerk's Office ~~upon forms provided by the Development Services Department~~ and shall specify therein that the decision of the Zoning Administrator was in error and identify the facts and

circumstances on which the claim of error is based~~-, with supporting evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City.~~ If an appeal is filed within the time limit specified, it shall automatically stay the proceedings in the matter until a determination is made by the ~~Planning Commission~~**City Council**. Upon the filing of the appeal, the ~~City Clerk's Office~~**Zoning Administrator** shall ~~alert-notify the Director of Development Services, or designee, who will~~ set the matter for public hearing, giving the same notice as required in CVMC **19.12.070** and **19.12.080**. The Zoning Administrator shall transmit to the ~~Planning Commission~~**City Council** a copy of its decision and findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the Zoning Administrator made its decision. The hearing on said appeal shall be processed by the City Clerk in the same manner as a conditional use permit within the original jurisdiction of the Zoning Administrator. Upon the filing of the valid appeal, the City Clerk's Office shall take no longer than 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 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision on the appeal by the ~~Planning Commission~~**City Council** shall be final.

19.14.110 Conditional use permit – Appeals of Planning Commission decision – Form – Contents – Effect of filing.

The applicant or other interested person may appeal from the decision of the Planning Commission granting or denying any conditional use permit to the City Council within 10 business days from the date on which the decision was made. Said appeal shall be in writing, accompanied by the required appeal fee(s). and filed with the City Clerk's Office ~~upon forms provided by the Development Services Department~~ and shall specify therein that the decision of the Planning Commission was in error and specifically identify all of the facts and circumstances on which the claim of error is based-, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. 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.

Where an application is neither approved nor denied by the Planning Commission due to a failure to achieve a majority vote, the applicant shall have the right to a rehearing at the next Planning Commission meeting with an opportunity to appeal the decision of the rehearing to the City Council, or may appeal directly 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.

19.14.130 Conditional use permit – Appeals – City Council action – Resolution contents and transmittal.

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 ~~Zoning Administrator or~~ Planning Commission subject to the same limitations and requirements of findings as are placed upon the ~~Zoning Administrator or~~ Planning Commission by this chapter. The resolution must contain a finding of facts showing wherein the conditional use meets or fails to meet the requirements of CVMC [19.14.080](#). The decision by the City Council on the appeal is final. Not later than 10 business days following the adoption of said resolution, the City Clerk shall transmit a copy of the resolution and finding to the Director of Development Services, and shall mail a copy to the applicant.

19.14.180 Variance – Public hearing – Procedure – Notice required.

Except for applications for limited relief as described in CVMC [19.14.030\(B\)](#), a public hearing for a variance shall be held by the Zoning Administrator in the following manner:

The Zoning Administrator shall publish a notice of hearing in a newspaper of general circulation in the City not less than 10 business days prior to the date of said hearing. In addition to the notice in the newspaper, notice of hearing may be made, at the option of the Zoning Administrator, by mail to owners of record of surrounding property within 500 feet of the property for which said variance is requested. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

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

An interested party may appeal the decision of the Zoning Administrator to the Planning Commission, within 10 business days from the date on which said decision was made. Said appeal shall be written and filed with the ~~City Clerk's Office~~~~Development Services Department~~ ~~on forms provided by the Development Services~~~~said Department~~, and shall specify therein that the decision of the Zoning Administrator was in error and specifically identify all of the facts and circumstances on which claim of error is based (supported by evidence), and shall be accompanied by the required appeal fee(s). Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. Once a valid application for appeal has been filed ~~with the City Clerk's Office~~ shall notify, the Director of Development Services ~~who will~~ ~~Department shall~~ take no longer

than 30 calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting, and in compliance with noticing requirements set forth herein in CVMC [19.12.070](#) and [19.12.080](#). The meeting date shall also be no more than 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission 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, due to failure to achieve a majority vote, the applicant shall have the right to a rehearing at the next Planning Commission meeting. All other proceedings pertaining to appeals shall continue to apply.

19.14.270 Procedures for enforcing conditional use permits and variances.

A. The Director of Development Services shall investigate evidence presented to him or her to determine whether probable cause exists that any of the following has occurred or is substantially likely to occur regarding any variance or conditional use permit:

1. *Fraud*. That the variance or conditional use permit approval was obtained by fraud;
2. *Non-Use*. That the uses and privileges authorized by the variance or conditional use permit have not been initiated in the manner and within the 36 months specified in CVMC [19.14.260](#), and no extension of time has been granted;
3. *Abandonment*. That the property or any structure thereon subject to the variance or conditional use permit has been abandoned or the use authorized has ceased for a period exceeding 12 months;
4. *Violation of Conditions*. That the variance or conditional use permit is being or has been exercised contrary to the conditions of said permit, or in violation of any applicable licenses, permits, regulations or laws;
5. *Violation of Use*. That the variance or conditional use permit is being or has been exercised in a manner other than or in excess of the right granted;
6. *Public Health, Safety and Welfare*. That the use for which the variance or conditional use permit was obtained is being or has been exercised so as to be detrimental to the public health, safety, or general welfare or so as to constitute a public nuisance.

If the Director of Development Services has probable cause to believe that any of the foregoing has occurred or is substantially likely to occur, he/she shall issue a recommendation as to what action should be taken. The recommendation shall be submitted to the individual or body which issued the conditional use permit or variance (hereinafter referred to as "permitting authority").

B. The permitting authority shall hold a public hearing to consider the Director of Development Services recommendation regarding the conditional use permit or variance.

C. Notice of any public hearing to consider violations of variances and conditional use permits shall be given consistent with the procedures set forth in CVMC [19.12.070](#). The notice shall contain the following information:

1. The date, time, and place of the public hearing;
2. The identity of the permitting authority;
3. A general explanation of the matter to be considered including the nature of the recommendation by the Director of Development Services, or designee;
4. A general description, either in text or by diagram, of the location of the property.

D. *Procedures for Public Hearing.* The following procedures shall be followed for public hearings provided for in this section:

1. *Recommendation and Reports.* The Director of Development Services recommendation and any accompanying staff reports, if any, shall be made available to the public prior to commencement of the public hearing provided for herein.
2. *Recordation.* The public hearing may, at the written request of an interested party, be recorded by either a recording device or stenographer.
3. *Testimony.* Any witness offering evidence or testimony may be placed under oath and subject to cross-examination at the request of the permitting authority or any party interested in the matter which is the subject of the hearing.
4. *Relevancy.* Evidence or testimony must be relevant or material to the fact or facts at issue. Any relevant evidence may be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which would otherwise make improper the admission of such evidence in civil actions. All irrelevant and unduly repetitious evidence may be excluded.
5. *Hearsay.* Hearsay evidence shall be admissible, but the fact that evidence is hearsay may affect the weight given to the evidence in reaching any determination of any question of fact. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence,

but may not be sufficient by itself to support a decision unless it would be admissible over objection in civil actions.

6. *Privileges.* The rules regarding privileges shall be effective to the extent they are raised and otherwise required by law to be recognized at the hearing.

7. *Procedural Compliance.* The hearing need not be conducted under rules relating to evidence. Failure of the permitting authority to strictly enforce rules of evidence and reject certain matters which may be irrelevant or immaterial shall not be sufficient to constitute reversible error on the part of the permitting authority if basic procedural due process is granted to all affected parties and a fair hearing has been conducted. Errors which do not affect substantial rights will be disregarded and no presumption of prejudicial error is raised by the failure to strictly adhere to procedural requirements.

E. The permitting authority, after public hearing, shall make a finding or findings whether any or all of the factors articulated in subsection [\(A\)](#) of this section apply to a conditional use permit or variance.

F. Based on its findings, the permitting authority may do any one or a combination of the following:

1. Maintain the existing variance or conditional use permit without modification;
2. Modify or delete any provision or condition of the variance or conditional use permit;
3. Establish any new condition or provision;
4. Revoke the variance or conditional use permit;
5. Establish any fine or charge which may be paid in lieu of revocation, modification, or imposition of a condition.

G. *Written Decision.* The permitting authority must issue a written decision explaining the factual basis for its decision. Notice of the permitting authority's written decision and action shall be mailed to the affected party and any interested party requesting such notice consistent with CVMC [19.12.070](#). Said notice shall be filed with the City Clerk.

H. *Right of Appeal.* Within 10 business days after the notice of the written decision is filed, unless the date is waived by the appellate body upon a showing of good cause, any interested party who participated in the public hearing or the Director of Development Services may appeal the written decision to the ~~appropriate appellate body~~[City Clerk's Office](#) as follows:

1. If the permitting authority is the Zoning Administrator, appeal shall ~~be filed with the~~[heard by the Planning Commission. The Planning Commission decision is final](#)~~City Council~~;

2. If the permitting authority is the Planning Commission, an appeal shall be ~~filed with~~heard by the City Council;

3. If the permitting authority is the City Council, ~~no further appeal is available~~ the City Council's decision is final.

I. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.

J. After an appeal is filed and accepted with the City Clerk's Office, the appellate body shall hold a public hearing consistent with the provisions set forth in this section. The appellate body may, in its discretion, consider additional evidence not presented at the public hearing.

K. The appellate body may reverse, uphold, or modify in any manner a written decision or take any action consistent with this section, after public hearing, upon a written appellate decision. Notice of the written appellate decision shall be mailed to the affected party and any interested party requesting such notice consistent with CVMC 19.12.070. Said notice shall be filed with the City Clerk.

~~L. Appeal to City Council. If the appellate body is not the City Council, an appeal may be filed by any interested party who participated in the appeal or by the Director of Development Services who may request an appeal to the City Council within 10 business days after the notice of the written appellate decision is filed, unless waived by the City Council upon a showing of good cause. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.~~

~~M.~~ ML. Any written decision regarding an appeal shall be final on the eleventh day after its filing, unless an appeal is timely filed, if such an appeal is available to an issuing body, or a waiver is obtained. All written decisions issued by the ~~City Council~~appellate body shall become final when notice of such written decision is filed.

~~NM.~~ After the written decision becomes final, it shall be filed with the Director of Development Services and a copy may be filed with the county recorder of San Diego County. Uses and structures must be brought into compliance with the final decision or otherwise brought into compliance with the underlying zone. Where a variance or conditional use permit is revoked, it shall become void.

19.14.370 Planned unit development – Public hearing – Time – Notice required.

A public hearing shall be held by the Planning Commission and City Council as provided herein:

A. Such hearing before the City Council shall be set for public hearing by the City Clerk within 230 calendar days. The meeting date shall also be no more than 60 calendar days after the Planning Commission's action;

B. The secretary of the Commission and City Clerk shall publish notice of hearings in a newspaper of general circulation in the City not less than 10 business days prior to the date of said hearings. Failure of owners to receive notice of hearings shall in no way affect the validity of action taken.

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~~filed in writing by an interested party to the City Clerk's Office~~Development Services Department~~ for a hearing before the Planning Commission. In the absence of such request being filed within 10 business days after determination by the Zoning Administrator, the determination shall be final.

B. A written appeal shall be filed by the applicant or an interested party with the City Clerk's Office~~Development Services Department~~ on a form required by the Development Services Department Director, and to be accompanied by the nonrefundable required fee therefor. The appeal shall include a statement of the specific reasons and evidence supporting the appeal, including a demonstration that any issues being raised were raised before the Zoning Administrator. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. Once a valid application for appeal has been filed, the City Clerk's Office~~Development Services Department~~ shall notify the Director of Development Services who will take no longer than 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 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.

C. Upon the hearing of an appeal, the Planning Commission 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 Planning Commission shall be filed with the Development

Services ~~Department~~Director, and mailed to the applicant. The decision of the Planning Commission shall be final.

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 party may appeal a denial or conditions imposed upon approval by filing a written appeal to the ~~City Clerk's Office~~Development Services Department, 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 Department,~~ accompanied by the required fee(s), and shall specify ~~th~~wherein the action(s) of the Zoning Administrator is inconsistent with the landscape manual and/or other applicable ordinances, manuals or policies of the City, [with supporting evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City.](#) Once a valid application for appeal has been filed, the ~~City Clerk's Office~~Development Services Department shall [notify the Director of Development Services who will](#) take no longer than 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 60 calendar days from the application's filing date. [If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.](#) The Planning Commission may grant, conditionally grant, or deny the appeal. The decision of the Planning Commission shall be final, and shall be based upon the landscape manual, and/or other applicable ordinances, manuals, or policies of the City.

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 Director of Development Services upon violation of any requirement of this chapter, or of any condition 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, an interested party may then appeal the determination within 10 business days to the Planning Commission by filing a written statement [on forms provided by the Development Services Department](#) with the [City Clerk's Office](#)~~Development Services Department~~, and accompanied by the [required appeal fee\(s\)](#), ~~stating~~ [with specificity all of the reasons for appeal, and supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City.](#) Once a valid application for appeal has been filed, the [City Clerk's Office](#)~~Development Services Department~~ shall [notify the Director of Development Services who will](#) take no longer than 30 calendar days to set the matter for public hearing in front of the Planning Commission. The meeting date shall also be no more than 60 calendar days from the application's filing date. [If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.](#)

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 Director of Development Services. 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.

19.14.573 Precise plan approval – Public hearings.

A public hearing shall be held by the Planning Commission and City Council as provided herein:

A. The hearing before the City Council shall be set by the City Clerk within 30 days after Planning Commission action.

B. The secretary of the Planning Commission and City Clerk shall publish notice of hearings in a newspaper of general circulation in the City not less than 10 business days prior to the date of said hearings. Failure of owners to receive notice of hearings shall in no way affect the validity of action taken. Any requested exceptions to the requirements of the underlying zone shall be specified in the public hearing notice.

19.14.577 Precise plan approval – Modifications of the precise plan.

Requests for modifications shall be submitted to the Development Services Director in written form and shall be accompanied by the required filing fee(s) and such additional maps, statements or other information as may be required to support the modification. If the proposed modification is deemed by the Development Services Director to be insignificant in nature, the changes may be approved by the Director subject to the filing of a written report to the Planning Commission and City Council. If, in the opinion of the Director of Development Services, or designee, the proposed changes are significant in scope, the applicant will be notified within 10 business days of the written request that a new application and hearing will be required.

19.14.588 Design review – Appeal procedure.

A. An interested party may file an appeal from the decision of the Zoning Administrator to the Planning Commission within 10 business days after the decision is made. The appeal shall be in writing and filed with the City Clerk's Office Development Services Department on forms prescribed provided by the Development Services Department for the appeal, and accompanied by the required appeal fee(s), and shall specify therein all of the arguments against the decision of the Planning Commission, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. Once a valid application for appeal has been filed, the City Clerk's Office Development Services Department shall notify the Director of Development Services who will take no longer than 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 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days

after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.

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 party may file an appeal from the decision of the Planning Commission to the City Council within 10 business days after the decision is made. The appeal shall be in writing and filed with the City Clerk's Office 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 with the City Clerk's Office, the City Clerk Development Services Department shall take no longer than 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 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 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.

Chapter 19.52

T – TIDELANDS ZONE

Sections:

19.52.040 Procedures following Planning Commission decision – Appeals.

19.52.040 Procedures following Planning Commission decision – Appeals.

A. After decision by the Planning Commission, copies thereof shall be mailed to the applicant and to any party filing a written notice therefor with the secretary of the Commission or the Director of Development Services~~Planning and Building~~, and the application and any supporting documents,

together with the written decision of the Planning Commission, shall be forwarded to the City Clerk's Office. ~~who~~ Once a valid application for appeal has been filed with the City Clerk's Office, the City Clerk-Development Services Department shall take no longer than 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 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. ~~has thirty (30) calendar days to generally set the public hearing date upon the agenda of a regular meeting of the City Council. Additionally, that date shall occur within sixty (60) calendar days of receiving the valid application, shall cause same to be placed upon the agenda of a regular meeting of the City Council within 15 days after receipt thereof.~~

B. If the applicant or any other interested party is dissatisfied with the decision of the Planning Commission, such person may file a notice of appeal within 10 business days from the date such notification of the Planning Commission's decision was mailed to the applicant. Such notice of appeal shall be filed on forms provided by the Development Services Department with the City Clerk and accompanied by the required appeal fee(s). Such appeal shall be in writing and shall specifically state all bases for why~~wherein~~ the appellant ~~contends~~feels the Planning Commission's decision was in error, and his reasons therefor, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City.

Chapter 19.58

USES

Sections:

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

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 decision of the Zoning Administrator may be appealed.

Such appeal shall be directed to the Planning Commission and must be filed in writing [on forms provided by the Development Services Department](#) with the ~~City Clerk's Office~~[Development Services Department](#) within 10 business days after the decision is made, as provided in CVMC [19.14.100](#), and accompanied by the required appeal fee(s). [Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City.](#) If a valid appeal application is received within the time limit, the ~~City Clerk's Office~~[Development Services Department](#) shall [notify the Director of Development Services who will](#) take no longer than 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 60 calendar days from the application's filing date. [If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.](#) 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.

Chapter 19.60

SIGNS

Sections:

19.60.810 **Processing of applications.**

19.60.810 **Processing of applications.**

A. *Time.* Unless otherwise stated, all time periods in this section are calendar days.

B. *Completeness.* The Zoning Administrator shall determine whether the application contains all the information and items required by this chapter. If it is determined that the application is not complete, the applicant shall be notified in person or in writing within 30 days of the date of receipt of the application that the application is not complete and the reasons therefor, including any additional information necessary to render the application complete. The applicant shall then have 30 calendar

days to submit additional information to render the application complete; failure to do so within the 30-day period shall render the application void. Within 30 days following the receipt of an amended application or supplemental information, the Director, or designee, shall again determine whether the application is complete in accordance with the procedures set forth in this subsection. Evaluation and notification shall occur as provided above until such time as the application is found to be complete (the “application date”).

C. *Disqualification.* No sign application will be approved if:

1. The applicant has installed a sign in violation of the provisions of this chapter and, at the time of submission of the application, each illegal sign has not been legalized, removed or included in the application;
2. There is any other existing code violation located on the site of the proposed sign(s) (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different business location on the site from that for which the approval is sought) which has not been cured at the time of the application;
3. The sign approval application is substantially the same as an application previously denied, unless: (a) 12 months have elapsed since the date of the last application, or (b) new evidence or proof of changed conditions is furnished in the new application; or
4. The applicant has not obtained any applicable required use permit or conditional use permit.

D. *Method of Review.* The method of review is standard compliance review. The Zoning Administrator, or the Planning Commission or City Council on appeal, shall determine whether approval shall be granted for any sign based on its conformance with the regulations and design standards set forth herein and in the City design manual, without consideration of the graphic design of the copy or message displayed on the sign.

E. *Certain Signs Calling for Design Review.* Decisions under this standard shall be guided by the following principles and shall not be based on the graphic design of the copy or message displayed on the signs:

1. Fluorescent paints shall be avoided;
2. Sign copy should not extend beyond the edges of the background area on which it is applied;
3. The copy area of signs, including logos, emblems, crests and pictorial representations, should not exceed 50 percent of the background area on which it is applied;
4. The height of a pole sign should not be less than twice its width;

5. The height of the bottom of the signboard of a pole sign should be less than three times but more than twice the width of the signboard;
6. The two sides of a rectangular pole sign should have a ratio of three to five;
7. The base of each freestanding sign shall be landscaped in accordance with the landscaping manual of Chula Vista, without consideration of the graphic design of the copy or message displayed on the sign.

F. *Decisions.* Where an application is denied by the Zoning Administrator, or the Planning Commission or City Council on appeal, the applicant shall be informed in writing of the changes necessary in order to approve the application. If the applicant chooses to amend the application to reflect said changes, the Zoning Administrator shall grant the permit within 30 days of when a complete and conforming application is submitted.

The Zoning Administrator shall render a decision on a sign permit within 30 days of the date of application.

G. *Appeals.* All sign permit applications shall be initially reviewed by the Zoning Administrator. An interested party may appeal any sign related decision to the Planning Commission. A written notice of appeal on forms provided by the Development Services Department, and accompanied by the required appeal fee(s), must be filed with the ~~City Clerk's Office~~Development Services Department within 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 made.~~ Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. Once a valid application for appeal has been filed, the ~~City Clerk's Office~~Development Services Department shall notify the Director of Development Services who will take no longer than 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 60 calendar days from the application's filing date. ~~The appellate body must conduct a hearing and consider evidence, and render a written decision. The hearing must follow normal procedures for agendaizing and giving public notice.~~ If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. 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.

H. *Judicial Review.* Following final decision by the City Council, any concerned person may seek judicial review of the final decision on a sign permit application pursuant to California Code of Civil Procedure Section [1094.8](#).

I. *Multiple Sign Applications.* When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, the Director's or their designee's written notice of determination shall specify the grounds for such denial.

J. *Revocation or Cancellation.* The Director, or designee, shall revoke any approval upon refusal of the holder thereof to comply with the provisions of this chapter after written notice of noncompliance and at least 15 days' opportunity to cure.

K. *Permits Issued in Error.* Any approval or permit issued in error may be summarily revoked by the City upon written notice to the holder of the reason for the revocation.

Chapter 19.66

PERFORMANCE STANDARDS

Sections:

19.66.220 Appeals of determinations.

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 10 business days following said action. In the absence of such appeal, the Zoning Administrator's determination shall be final. Any such appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. If a valid application for appeal on forms provided by the Development Services Department has been filed with the City Clerk's Office and accompanied by the required appeal fee(s), the City Clerk's Office shall notify the Director of Development Services-Development Services Department who shall take no longer than 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 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

Chapter 19.83

BAYFRONT SPECIFIC PLAN – COASTAL DEVELOPMENT PERMIT PROCEDURES

Sections:

19.83.009 **Public hearing on appealable developments.**

19.83.009 Public hearing on appealable developments.

At least one public hearing shall be held on application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the City of the nature of his or her concerns regarding the project. Such hearing shall occur no earlier than 10 ~~businesscalendar~~ days following the mailing of the notice required in CVMC [19.83.008](#) and shall normally be conducted by the Development Services Director or his/her designee. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons, including the applicant, an opportunity to appear and present their viewpoints, either orally or in writing.

The hearing officer's decision may be appealed to the City Council within 10 ~~business~~ days following the hearing officer's decision. Said appeal shall be processed by the City Council in the same manner as a public hearing on appealable development described in this section.

Chapter 19.89

WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

19.89.080 **Abandonment.**

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 on forms provided by the Development Services Department to the City Clerk's Office, and accompanied by the required appeal fee(s). ~~Development Services Department~~ the determination of abandonment within 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, and supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. Once a valid application for appeal has been filed with the City Clerk's Office, the ~~City Clerk's Office~~~~Development Services Department~~ shall notify the Director of Development Services who will take no longer than 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 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. 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.

Chapter 21.12

NOTICE, FEES AND APPEALS

Sections:

21.12.030 Appeals.

21.12.030 Appeals.

An interested party may appeal in writing the decision of the Zoning Administrator to the City Clerk's Office~~Development Services Department~~ within 10 business days after the date of the decision. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. Once a valid application has been received, the City Clerk's Office shall notify the Director of Development Services~~Development Services Department~~ who shall take no longer than 30 calendar days to set the matter for public hearing and placed on an agenda for a regularly scheduled Planning Commission~~HPC~~ meeting. The meeting date shall also be no more than 60 calendar days from the application's filing date. The appeal 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~~ The decision of the Planning Commission, ~~and the decision~~ shall be considered final.