

ARTICLE 7

Zoning Code Administration

| | |
|---|-------------|
| Chapter 106.70 - Nonconforming Uses, Structures, and Parcels | 7-3 |
| 106.70.010 - Purpose, Applicability | 7-3 |
| 106.70.020 - Definitions | 7-3 |
| 106.70.030 - Restrictions on Nonconforming Structures and Uses | 7-4 |
| 106.70.040 - Residential Exemptions | 7-5 |
| 106.70.050 - Loss of Nonconforming Status | 7-5 |
| 106.70.060 - Nonconforming Parcel | 7-6 |
| 106.70.070 - Nonconformity Due to Lack of Use Permit | 7-6 |
| Chapter 106.71 - Development Agreements | 7-7 |
| 106.71.010 - Purpose | 7-7 |
| 106.71.020 - Application | 7-7 |
| 106.71.030 - Commission Action | 7-8 |
| 106.71.040 - Council Action | 7-8 |
| 106.71.050 - Approval of Development Agreement | 7-8 |
| 106.71.060 - Required Notice for Public Hearing | 7-8 |
| 106.71.070 - Irregularity in Proceedings | 7-8 |
| 106.71.080 - Form of Agreement | 7-9 |
| 106.71.090 - Amendment or Cancellation | 7-9 |
| 106.71.100 - Recordation | 7-9 |
| 106.71.110 - Agreement File | 7-9 |
| 106.71.120 - Periodic Review | 7-9 |
| 106.71.130 - Modification or Termination | 7-10 |
| Chapter 106.72 - Appeals | 7-11 |
| 106.72.010 - Purpose | 7-11 |
| 106.72.020 - Appeal Subjects and Jurisdiction | 7-11 |
| 106.72.030 - Filing and Processing of Appeals | 7-11 |
| Chapter 106.74 - Amendments | 7-13 |
| 106.74.010 - Purpose | 7-13 |
| 106.74.020 - Initiation of Amendment | 7-13 |
| 106.74.030 - Hearings and Notice | 7-13 |
| 106.74.040 - Commission Action on Amendment | 7-13 |
| 106.74.050 - Council Action on Amendment | 7-14 |
| 106.74.060 - Findings | 7-14 |
| 106.74.070 - Refiling of a Rezoning Application | 7-14 |

Contents

| | |
|---|-------------|
| Chapter 106.76 - Public Hearings..... | 7-15 |
| 106.76.010 - Purpose..... | 7-15 |
| 106.76.020 - Notice of Hearing | 7-15 |
| 106.76.030 - Scheduling of Hearing..... | 7-15 |
| 106.76.040 - Hearing Procedure | 7-15 |
| 106.76.050 - Recommendation by Commission | 7-15 |
| 106.76.060 - Notice of Decision | 7-16 |

CHAPTER 106.70 - NONCONFORMING USES, STRUCTURES, AND PARCELS

Sections:

- 106.70.010 - Purpose, Applicability
- 106.70.020 - Definitions
- 106.70.030 - Restrictions on Nonconforming Structures and Uses
- 106.70.040 - Residential Exemptions
- 106.70.050 - Loss of Nonconforming Status
- 106.70.060 - Nonconforming Parcel
- 106.70.070 - Nonconformity Due to Lack of Use Permit

106.70.010 - Purpose, Applicability

- A. This Chapter provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Zoning Code or an amendment that changed the applicable requirements.
- B. It is the intent of this Zoning Code to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to exist under the limited conditions outlined in this Chapter.
- C. This Chapter does not regulate nonconforming signs, which are instead subject to the requirements of Section 106.38.080 (Nonconforming Signs).

106.70.020 - Definitions

- A. **Nonconforming parcel.** A parcel that was legally created prior to the adoption of this Zoning Code or amendment, but does not comply with the current area, width, depth, or other applicable requirements of this Zoning Code.
- B. **Nonconforming sign.** A sign that lawfully existed prior to the effective date of this Zoning Code or amendment, but does not comply with the current sign regulations of this Zoning Code.
- C. **Nonconforming structure.** A structure that was legally constructed prior to the adoption or amendment of this Zoning Code, but does not comply with the current setback, height limit, off-street parking, and/or other applicable requirements of this Zoning Code.
- D. **Nonconforming use.** A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained prior to the adoption of this Zoning Code or amendment, but does not conform to the current Zoning Code requirements for allowable land uses within the applicable zoning district.

106.70.030 - Restrictions on Nonconforming Structures and Uses

A nonconforming land use and the use of a nonconforming structure may be continued, including transfers of ownership, provided that their continuation shall comply with the requirements of this Section. See Section 106.70.040 (Residential Exemptions) for exceptions regarding certain residential uses and structures.

A. Nonconforming use of land. A nonconforming use of land may be continued, provided that the use shall not be:

1. Enlarged or extended to occupy a greater area of land or building floor area than it lawfully occupied before becoming nonconforming; or
2. Intensified so that its hours of operation are extended, the number of on-site employees are increased, or the volume of traffic or noise levels generated by the use are increased.

A nonconforming use of land may be replaced with a nonconforming use that is determined by the Zoning Administrator to be less intensive.

B. Nonconforming structure. A nonconforming structure may continue to be used as follows:

1. **Changes to, or expansion of a structure.** A nonconforming structure may be enlarged or extended to occupy a greater area of land or building floor area than it occupied before the effective date of the regulation that made it nonconforming, provided that any expansion or addition complies with all applicable requirements of this Zoning Code.
2. **Nonconforming parking.** See Section 106.36.040.E (Nonconforming Parking).
3. **Maintenance and repair.** A nonconforming single-family dwelling or duplex may be maintained and repaired at the discretion of the owner. A multi-family or non-residential structure may be maintained and repaired, provided that:
 - a. No structural alterations occur other than those allowed by Subsection B.4 below; and
 - b. The cost of the work done during any 12-month period does not exceed 25 percent of the value of the structure as determined by the Building Official in compliance with the Building Code.

Additional or more extensive changes to a nonconforming multi-family or non-residential structure may be authorized through Minor Use Permit approval, provided that the review authority first finds that the additional work will not prolong the duration of the nonconforming structure.

4. **Seismic retrofitting, Building and Fire Code compliance.** Repairs, alterations or reconstruction to reinforce unreinforced masonry structures or to comply with Building Code and Fire Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards, and the Building Code and Fire Code.

C. Nonconforming keeping of animals. The keeping of animals that was lawfully initiated, but because of later amendments to this Zoning Code does not comply with the maximum number or type of animals now allowed, may continue, provided that:

1. No increase occurs in the number or type of animals existing as of the date they became nonconforming (unweaned offspring may remain on the site only until weaned); and
2. Once the nonconforming animal keeping has ceased on the site for 90 days or longer for any reason, any animal keeping thereafter shall comply with all applicable requirements of this Zoning Code.

106.70.040 - Residential Exemptions

- A. **Dwellings, generally.** An involuntarily damaged or destroyed single- or multi-family dwelling may be reconstructed or replaced with a new structure with the same footprint, height, and number of dwelling units, in compliance with current Building and Fire Code requirements.
- B. **Single family dwellings in commercial zones.** A single family dwelling that is a nonconforming use in a commercial zoning district may be expanded to the extent to which the expanded area complies with all applicable standards of the applicable zoning district.
- C. **Residential fences.** A nonconforming fence within a residential zoning district may be maintained and replaced in the same form as it existed on the effective date of the regulation that made it nonconforming.

106.70.050 - Loss of Nonconforming Status

The nonconforming status of a land use and/or structure shall terminate in compliance with this Section.

A. **Termination by discontinuance.**

1. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of 12 months or more, all rights to legal nonconforming status shall terminate.
2. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.
3. Any further use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this Zoning Code.

B. **Termination by destruction.** Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed; except as provided by Section 106.70.040 (Residential Exemptions) for dwellings, and except as follows.

1. If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the assessed value of the structure immediately before damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within one year of the date of damage and is diligently pursued to completion.
2. Minor Use Permit approval shall be required if the cost of repairing or replacing the damaged portion of the structure is more than 50 percent of the assessed value of the structure immediately before damage. Minor Use Permit approval shall require a finding, in addition to those contained in 106.62.050.F (Findings and Decision), that the benefit to the public health, safety or welfare exceeds the detriment inherent in the restoration and continuance of a nonconformity.

106.70.060 - Nonconforming Parcel

- A. **Legal building site.** A nonconforming parcel that does not comply with the applicable area, width, or depth requirements of this Zoning Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.
1. **Approved subdivision.** The parcel was created by a recorded subdivision;
 2. **Individual parcel legally created by deed.** The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming;
 3. **Variance or lot line adjustment.** The parcel was approved through the Variance procedure or resulted from a lot line adjustment; or
 4. **Partial government acquisition.** The parcel was created in compliance with the provisions of this Zoning Code, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.
- B. **Subdivision of a nonconforming parcel.** No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

106.70.070 - Nonconformity Due to Lack of Use Permit

- A. **Conformity of uses requiring land use permits.** A use lawfully existing without the approval of a Use Permit or Minor Use Permit that would be required by this Zoning Code, shall be deemed conforming only to the extent that it previously existed (e.g., as it maintains the same site area boundaries, hours of operation, etc.).
- B. **Previous land use permits in effect.** A use that was authorized by a planning permit but is not allowed by this Zoning Code in its current location may continue, but only in compliance with the original planning permit.

CHAPTER 106.71 - DEVELOPMENT AGREEMENTS

Sections:

- 106.71.010 - Purpose
- 106.71.020 - Application
- 106.71.030 - Commission Action
- 106.71.040 - Council Action
- 106.71.050 - Approval of Development Agreement
- 106.71.060 - Required Notice for Public Hearing
- 106.71.070 - Irregularity in Proceedings
- 106.71.080 - Form of Agreement
- 106.71.090 - Amendment or Cancellation
- 106.71.100 - Recordation
- 106.71.110 - Agreement File
- 106.71.120 - Periodic Review
- 106.71.130 - Modification or Termination

106.71.010 - Purpose

This Chapter establishes procedures and requirements for the review and approval of development agreements, consistent with Government Code Section 65864 et seq.

106.71.020 - Application

- A. Qualified applicant required.** Only a qualified applicant may file an application in compliance with this Chapter. A qualified applicant is a person who (which) has legal or equitable interest in the real property which is the subject of the development agreement. Applicant includes authorized agent. The Director may require an applicant to submit proof of their interest in the real property and of the authority of the agent to act for the applicant. The Director may obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement. The City Attorney may require an applicant or agent to submit a title report or other evidence to verify the applicant's legal or equitable interests in the subject property.
- B. Application filing and processing.**
1. An application for a development agreement shall be filed and processed in compliance with Chapter 106.60 (Permit Application Filing and Processing).
 2. The application shall be accompanied by the information identified in the Department handout for development agreement applications, and any fee required by the City Fee Schedule.
 3. An applicant may withdraw an application filed in compliance with this Chapter. No refund due to a disapproval shall be allowed. In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.
 4. The Director shall review the application and shall prepare a staff report to the Commission with regard to the proposed agreement.
 5. The Director shall forward a copy of an agreement form proposed by an applicant to the City Attorney for review. The City Attorney shall prepare a report and recommendation to the appropriate Commission on the proposed agreement form.

106.71.030 - Commission Action

After the Commission has held a public hearing, it shall render its decision in the form of a written recommendation to the Council. The report and recommendation shall include proposed findings on the matters stated in Section 106.71.040 (Council Action).

106.71.040 - Council Action

- A. The City Clerk shall set the matter for public hearing before the Council.
- B. After the Council completes the public hearing, it may approve, modify, or disapprove the development agreement. Matters not previously considered by the Commission during its hearing may be referred back to the Commission for report and recommendation. The Commission need not hold a public hearing on these referrals.
- C. The Council shall not approve the development agreement unless it first finds that the agreement:
 - 1. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;
 - 2. Is in conformity with public convenience, general welfare, and good land use practices;
 - 3. Will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City as a whole;
 - 4. Will not adversely affect the orderly development of property or the preservation of property values;
 - 5. Is consistent with the provisions of Government Code Sections 65864 through 65869.5.
- D. The agreement may provide that the rules, regulations, and official policies governing the permitted uses of land, density, design, improvement, construction standards and specifications, improvement and construction standards, or any one of these, shall be those rules, regulations and official policies in force at the date of execution of the agreement.

106.71.050 - Approval of Development Agreement

If the Council approves the development agreement, it shall adopt an ordinance approving the agreement and directing the Mayor to execute the agreement after the effective date of the ordinance.

106.71.060 - Required Notice for Public Hearing

- A. Notice of public hearings required by this Chapter shall be given in compliance with Government Code Sections 65090 and 65091.
- B. The failure of any person to receive notice required by law of any hearing as required by this Chapter, shall not affect the authority of the Council to enter into a development agreement.

106.71.070 - Irregularity in Proceedings

No action, inaction, or recommendation regarding a proceeding related to approval or adoption of a proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error or irregularity.

106.71.080 - Form of Agreement

The City Attorney shall propose a form of development agreement which may be adopted by resolution of the Council as a standard form for development agreements. Each proposed agreement shall contain the elements required by Government Code Section 65865.2 and may include any other provisions permitted by law.

106.71.090 - Amendment or Cancellation

- A. Either party may propose an amendment to or cancellation in whole or in part of any development agreement. Any amendment or cancellation shall be by mutual consent of the parties.
- B. Except as otherwise provided in this Section, the procedure proposing and adopting an amendment to or the canceling in whole or in part of the development agreement shall be the same as the procedure for entering into an agreement in the first instance. However, if the City initiates a proposed amendment to or a cancellation in whole or in part of the agreement, the City shall first give written notice to the party executing the agreement of its intention to initiate the proceedings not less than 30 days in advance of the giving of public notice of the hearing to consider an amendment or cancellation.
- C. Any amendment to the development agreement that does not relate to the duration of the agreement, permitted uses of the property, density or intensity of use, height or size of proposed buildings, provisions for reservation or dedication of land, or to any conditions, terms, restrictions and requirements relating to subsequent discretionary actions related to design, improvement, construction standards and specifications, improvement and construction standards or any other condition or covenant relating to the use of the property, shall not require a noticed public hearing before the parties may execute an amendment to the agreement.

106.71.100 - Recordation

Within 10 days after the effective date of a development agreement, or any modification or the cancellation thereof, the City Clerk shall have the agreement, the modification or cancellation notice recorded with the County Recorder.

106.71.110 - Agreement File

The City Clerk shall be the official custodian of the agreement file. The file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments and cancellations to the agreement.

106.71.120 - Periodic Review**A. Responsibility for review.**

- 1. The Director, or designee by the terms of the development agreement, shall review the development agreement every 12 months from the date the agreement is entered into. The Director shall be responsible for setting the date for the review.
- 2. The Council may refer the matter of the periodic review to the Commission.

B. Procedure for periodic review.

- 1. The Council shall review each development agreement in compliance with Government Code Section 65865.1. The Council may delegate authority for the review to the City Manager or other staff person.
- 2. The Council shall determine, upon the basis of substantial evidence, whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

3. If the Council finds and determines, on the basis of substantial evidence, that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, no further action is required.
4. If the Council determines, on the basis of substantial evidence, that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Council, on its own motion, or upon the application of the party charged with the review, may initiate proceedings to modify or terminate the agreement.

106.71.130 - Modification or Termination

- A. If, upon a finding in compliance with 106.71.120.B.4, the Council determines that modification of the agreement is appropriate or that the agreement should be terminated, the Council shall give notice to the other party of its intention to do so. The notice shall provide:
 1. The time and place of the public hearing;
 2. A statement as to whether the Council proposes to terminate or to modify the agreement;
 3. Other information which the Council considers appropriate to inform the other party of the nature of the proceeding;
- B. A public hearing for termination or for modification shall be conducted according to the provisions of this Code, except that any amendment or modification which does not relate to the duration of the agreement, permitted uses of the property, density or intensity of use, height or size of proposed buildings, provisions for reservation or dedication of land, or to any conditions, terms, restrictions and requirements relating to subsequent discretionary actions relating to design, improvement, construction standards and specifications, improvement and construction standards or any other condition or covenant relating to the use of the property shall not require a noticed public hearing before the Council.
- C. At the conclusion of the hearing, the Council may refer the matter to the Commission for further proceedings or for a report and recommendation. Upon receipt of any such report or recommendation, the Council will take final action on the modification or termination. As part of that final determination, the Council may impose conditions as necessary to protect the interest of the City. The decision of the Council shall be final and any court action or proceeding to attack, review, set aside, void or annul any decision of the determination by the Council shall be commenced within the time period specified in Government Code Section 65009.

CHAPTER 106.72 - APPEALS

Sections:

- 106.72.010 - Purpose
- 106.72.020 - Appeal Subjects and Jurisdiction
- 106.72.030 - Filing and Processing of Appeals

106.72.010 - Purpose

This Chapter establishes procedures for the appeal and review of determinations and decisions of the Director or Commission.

106.72.020 - Appeal Subjects and Jurisdiction

- A. **Director decision.** A determination or decision by the Director or Department staff may be appealed to the Commission.
- B. **Commission decision.** A decision by the Commission may be appealed to the Council.

106.72.030 - Filing and Processing of Appeals

- A. **Eligibility.**
 - 1. An appeal in compliance with this Chapter may be filed by any aggrieved person, except that in the case of a decision on Design Review, a Use Permit, Minor Use Permit, Variance, or Minor Variance, or subdivision that followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.
 - 2. A planning permit or other decision by the Commission that followed a Commission public hearing may be appealed by any member of the Council to the Council.
- B. **Timing and form of appeal.** An appeal shall be submitted in writing and filed with the Department or City Clerk, as applicable, on a City application form, within 10 calendar days of the date of the decision. The appeal shall state the pertinent facts and the basis for the appeal. Appeals addressed to the Commission shall be filed with the Department; appeals addressed to the Council shall be filed with the City Clerk. An appeal shall be accompanied by the required filing fee.
- C. **Report and scheduling of hearing.** When an appeal has been filed, the Director shall prepare a report on the matter, and schedule the matter for a public hearing by the appropriate review authority identified in Section 106.72.020 (Appeal Subjects and Jurisdiction). Public notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Chapter 106.76 (Public Hearings). The scheduling of an appeal hearing regarding a subdivision decision shall comply with the Map Act.
- D. **Decision.** At a hearing on an appeal, the review authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal. The review authority may:
 - 1. Affirm, affirm in part, or reverse the action, determination or decision that is the subject of the appeal;
 - 2. Adopt additional conditions of approval that may address issues or concerns other than the subject of the appeal;

Appeals 106.72.030

3. Disapprove the land use permit approved by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval; and
4. In the case of an appeal of a Commission decision to the Council, the Council may choose to not conduct a hearing on the appeal, based on their review of the report and Commission decision. This action by the Council shall constitute affirmation of the decision being appealed.

If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the Director or Commission for further consideration.

- E. Withdrawal of appeal.** After filing, an appeal may be withdrawn by the appellant at any time.

CHAPTER 106.74 - AMENDMENTS

Sections:

- 106.74.010 - Purpose
- 106.74.020 - Limitation on General Plan Amendments
- 106.74.030 - Processing, Notice and Hearing
- 106.74.040 - Commission Action on Amendment
- 106.74.050 - Council Action on Amendment
- 106.74.060 - Findings
- 106.74.070 - Refiling of a Rezoning Application

106.74.010 - Purpose

This Chapter provides procedures for the amendment of the General Plan, a specific plan, the Zoning Map, and this Zoning Code whenever the Council determines public necessity and general welfare require an amendment.

106.74.020 - Initiation of Amendment

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

- A. **Who may initiate an amendment.** An amendment may be initiated by the Council at its discretion, or by the Council in response to a recommendation from the Commission or Director, or a resident request, or upon application by a property owner of a parcel to be affected by an amendment of the Zoning Map which rezones the parcel, or amendment to the text of the Code.
- B. **Application filing and processing.**
 - 1. An application for an amendment shall be filed and processed in compliance with Chapter 106.60 (Permit Application Filing and Processing).
 - 2. The application shall be accompanied by the information identified in the Department handout for amendment applications, and shall also include a proposed plan of development, which may be filed as an application for Use Permit, Design Review, or other appropriate approval.

106.74.030 - Hearings and Notice

- A. **Scheduling of hearings.** Upon receipt of a complete application for an amendment, or upon initiation by the Commission or Council, and following Department review, public hearings shall be scheduled before the Commission and Council. Prior to the scheduling of hearings, the City shall comply with the requirements of Government Code Section 65352.3 regarding Native American consultation, as applicable.
- B. **Notice of hearings.** Notice of the hearings shall be given in compliance with Chapter 106.76 (Public Hearings).

106.74.040 - Commission Action on Amendment

The Commission shall forward a written recommendation, and reasons for the recommendation, to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based on the findings in Section 106.74.060 (Findings).

106.74.050 - Council Action on Amendment

- A. Action to approve/disapprove.** Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or disapprove the proposed amendment based on the findings in Section 106.74.060 (Findings).
- B. Referral to Commission.** If the Council proposes to adopt a substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification shall be first referred to the Commission for its recommendation, in compliance with Government Code Sections 65356 (General Plan amendments) and 65857 (Zoning Map/Ordinance amendments).

106.74.060 - Findings

An amendment to the General Plan, specific plan, the Zoning Map, or this Zoning Code may be approved only if all of the following findings are made, as applicable to the type of amendment.

- A. Findings for General Plan and specific plan amendments.**
1. The amendment is internally consistent with all other provisions of the General Plan or specific plan, as applicable;
 2. In the case of a specific plan, the amendment is consistent with the General Plan;
 3. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
 4. The affected site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for proposed or anticipated uses and/or development.
- B. Findings for Zoning Map/Code amendments.**
1. Findings required for all Zoning Map/Code amendments:
 - a. The proposed amendment is consistent with the General Plan; and
 - b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 2. Additional finding for Zoning Map amendments: The affected site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses and/or development.

106.74.070 - Refiling of a Rezoning Application

If an application for a change of zone is denied, another application for the same zone classification shall not be accepted by the Director within a one-year period unless specific approval for the filing is given by the Commission or Council.

CHAPTER 106.76 - PUBLIC HEARINGS

Sections:

- 106.76.010 - Purpose
- 106.76.020 - Notice of Hearing
- 106.76.030 - Scheduling of Hearing
- 106.76.040 - Hearing Procedure
- 106.76.050 - Recommendation by Commission
- 106.76.060 - Notice of Decision

106.76.010 - Purpose

This Chapter provides procedures for the public hearings required by this Zoning Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

106.76.020 - Notice of Hearing

The public shall be provided advance notice of any hearing required by this Zoning Code in compliance with Government Code Sections 65090, 65091, and/or other State law requirements, as applicable.

106.76.030 - Scheduling of Hearing

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and a Department staff report, a matter requiring a hearing shall be scheduled on the next available Director, Commission or Council agenda (as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

106.76.040 - Hearing Procedure

- A. **Time and place of hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. **Continuance.** A hearing may be continued without further notice, provided that the hearing body announces the date, time, and place to which the hearing will be continued prior to the adjournment or recess of the hearing. A hearing may be continued without the hearing body announcing the date to which the hearing will be continued, provided that notice of the new hearing date is provided in compliance with Section 106.76.020 (Notice of Hearing).
- C. **Deferral of final decision.** For any matter being considered at a hearing in compliance with this Zoning Code, a hearing body may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

106.76.050 - Recommendation by Commission

At the conclusion of any public hearing on a proposed amendment (Chapter 106.74), the Commission shall forward a recommendation, including all required findings, to the Council for final action.

106.76.060 - Notice of Decision

Following a hearing, the City shall mail a notice of the decision and any findings and conditions of approval to the applicant at the address shown upon the application.