

1.25.050 Abatement of Unlawful Conditions - Notice.

A. INSPECTIONS. Whenever the Director has inspected a property and finds that conditions constituting a violation of the municipal code exist thereon, the Director may use the procedures set forth in this chapter to enforce the provisions of the municipal code as authorized by law.

B. NOTICE OF ADMINISTRATIVE CITATION ISSUANCE. The Director may issue a Notice of Administrative Citation for a violation to any person or persons whom the Director deems appropriate if the Director has determined, through investigation, that a violation exists. A person to whom a Notice of Administrative Citation is issued shall be liable for and shall pay to the City the administrative fine or fines described in the Notice of Administrative Citation when due pursuant to the provision of this chapter.

C. DEVELOPMENT REVIEW CONDITIONS. Every person who applies for and receives a permit, license, or any type of land use approval (such as, but not limited to, a development review approval, a coastal development permit, a subdivision map approval, a conditional or special use permit, a zoning requirement modification, a variance, or other discretionary approval under Title 22, Title 27, ~~or~~ Title 28, or Title 30 of the this Code) shall comply with all mandatory approval conditions imposed upon the issuance of the permit, license, or other such approval. If a person violates any condition of such permit, license, or similar land use approval, that person may be issued a Notice of Administrative Citation and may be held responsible for administrative fines under the provisions of this chapter.

D. CONTINUING VIOLATIONS. Each day a violation of this code exists shall be a separate and distinct violation and may be subject to a separate administrative fine. A Notice of Administrative Citation may charge a violation for one or more days on which a violation exists and for violation of one or more applicable Code sections.

E. PRIOR CORRECTION OF VIOLATIONS AT TIME OF NEW OR ADDITIONAL DEVELOPMENT. The City may require ~~take into consideration the fact that~~ a person to correct or otherwise resolve violations of this Code existing on a parcel prior to or as a condition of issuance or approval of a discretionary permit, license, or any similar type of land use approval for use or development of the parcel. ~~that person, and such Notice of Administrative Citation may be used as evidence that the person has committed acts that are not compatible with the health, safety, and general welfare of other persons and businesses within the City.~~

F. CONTENTS OF NOTICE. The administrative guidelines as approved by the City Council pursuant to Section 1.25.010 hereof shall, among other things, identify those items of information which must be contained in the Notice of Administrative Citation issued to persons and allege a violation of the municipal code.

G. SERVICE OF NOTICE. The Notice of Administrative Citation and any amended Notice of Administrative Citation shall be served by mail, personal service, or posting in the manner provided for in the approved Administrative Guidelines.

H. **PROOF OF SERVICE.** Proof of personal service of the Notice of Administrative Citation shall be documented as provided for in the approved Administrative Guidelines.

30.205.050 Review of Applications.

A. **Review Process.** The Community Development Director shall determine whether an application is complete within 30 days of the date the application is filed with the required fee, pursuant to Government Code Section 65943.

B. **Concurrent Processing.** With the exception of General Plan and Zoning Amendments, Local Coastal Program Amendments, and Specific Plans, if an application requires more than one discretionary approval under this Title, all applications shall be submitted, reviewed, heard and acted upon concurrently by the highest applicable Review Authority.

C. **Incomplete Application.** If an application is incomplete, the Community Development Director shall provide written notification to the applicant listing the applications for permit(s), forms, material, information or additional fees that are necessary to complete the application.

1. **Zoning Ordinance Violations.** ~~An application shall not be found complete if conditions exist on the site in violation of this Title 28 or any permit or other approval granted in compliance with this Title, unless the proposed project includes the correction of the violations. If unpermitted or unauthorized site development, uses, or structures exist on the site, the nature and extent of each unpermitted or unauthorized site development, use, or structure, and proposed correction for each, must be stated on the application. A requirement for correction of the violations will be included as a condition of approval unless the violations are corrected before approval is given.~~

2. **Appeal of Determination.** Determinations of application incompleteness are subject to the provisions of Section 30.205.150, Appeals.

3. **Submittal of Additional Information.** The applicant shall provide the additional information within 30 days or as specified by the Community Development Director. The Community Development Director may, for good cause, grant extensions of any time limit for review of applications imposed by this Title.

4. **Expiration of Application.** If an applicant fails to correct the specified application deficiencies within the specified time limit, the application shall expire and be deemed withdrawn. After the expiration of an application, project review shall require the submittal of a new, complete application, along with all required fees.

D. **Complete Application.** When an application is determined to be complete, the Community Development Director shall make a record of that date. The Director may require submittal of additional information for review of the project in compliance with the California Environmental Quality Act (CEQA).

E. **Review and Consideration.** 1. Review Authority. Once an application is deemed ~~determined to be complete~~, and CEQA review is completed, the application

shall be considered and acted upon by the Review Authority as outlined in this chapter.

1. ~~**Prior Violations Considered.** The City may take into consideration the fact that a property owner has been previously issued a Notice of Violation relevant to the application when the City is determining whether to grant any permit, and such Notice of Violation may be used as evidence that the use and development will be adverse to the public health, safety, or general welfare of the community.~~

2. **Findings.** Findings, when required by State law or this Title, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the Record of Decision. The inability to make one or more of the required findings is grounds for denial of an application.

a. **Denial of Affordable Housing Projects.** When a proposed housing development project complies with the applicable General Plan, Zoning and development policies in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence in the record that both of the following conditions exist:

i. The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density, and

ii. There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph 1, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

30.280.030 Review and Decision.

Before the City may issue any permit or approval for which a Zoning Clearance is required by this Chapter, the Community Development Director shall review the application to determine whether the proposed structures, site development, or use complies with all provisions of this Title, ~~and~~ substantially conforms to ~~any~~ the discretionary approvals for the proposed structures, site development, or use, and that all conditions of ~~such permits and~~ the discretionary approvals have been satisfied.

A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section 30.205.020, Application Forms and Fees. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans or other related materials necessary to show that the proposed structure, site development, or use of the site complies with all provisions of this Title and the requirements and conditions of any applicable discretionary approval.

B. Determination. If the Director determines that the proposed structure, site development or use conforms to all applicable requirements of this Title, the Director shall issue a Zoning Clearance in the form of a physical stamp on submitted plans, an electronic signature or approval, a written memo, or other approved method. Attachments of other written or graphic information, including, but not limited to, statements, numeric data, site plans, floor plans and building elevations and sections may be required, as a record of the proposal's conformity with the applicable regulations of this Title.

C. Exceptions. A Zoning Clearance shall not be required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to building or zoning regulations.

D. Violation of Law Not Permitted. A Zoning Clearance issued pursuant to this chapter shall not constitute authorization to violate any provision of this Title or law, regardless of whether the Zoning Clearance purports to authorize such violation or not. A Zoning Clearance presuming to give authority to violate or cancel the provisions of this Title shall not be valid. The issuance of a Zoning Clearance based on construction documents and other data shall not prevent the Director from requiring the correction of errors in the construction documents or other data. The Director is also authorized to prevent occupancy or use of a structure where in violation of this Title.