

PROPOSED NEW CHAPTER

Chapter 17.90 - ADMINISTRATION AND ENFORCEMENT

Sections:

17.90.010 - Director of the community development department.

17.90.020 - Interpretations.

17.90.030 - Zoning code changes.

17.90.040 - Violations—Enforcement.

17.90.010 - Director of the community development department.

The director of the community development department (director) is the manager of the department. The director, or designee, directs the work of the department and leads in fulfilling its purposes and goals. The powers and duties of the director include, but are not limited to the following:

- A. Monitor and enforce provisions of this title and other land use related provisions of this code and the general plan.
- B. Ensure compliance with the California Environmental Quality Act.
- C. Process and make recommendations to the planning commission and city council on all applications, amendments, appeals, and other matters upon which the commission and council has the authority and the duty to act under this title and state law.
- D. Serve as staff of the planning commission and environmental advisory committee.
- E. Delegate administrative functions to members of the community development department.
- F. Negotiate the provisions of development agreements, including community benefits and bonus level development, for recommendation to the city council.
- G. Manage the city's affordable housing program.
- H. Other duties and powers as may be assigned by the city council or city manager, or as established by legislation.

17.90.020 - Interpretations.

- A. Director Interpretation. Whenever, in the opinion of the director, there is any question regarding the interpretation of the provisions of this title or the land use-related provisions of the general plan, or their application to any specific case or situation, that warrants formal interpretation, the director will prepare a written decision which will be placed on the planning commission agenda for review.
- B. Planning Commission Review. The planning commission will review the director's interpretation, and make a recommendation to the city council regarding whether to accept or revise the director's interpretation.
- C. City Council Review. The director will place the planning commission's recommendation regarding the interpretation on the city council agenda for review. The city council may

PROPOSED NEW CHAPTER

accept the planning commission's recommendation or may determine whether it should be revised. The decision on the interpretation by the city council will be final.

17.90.030 - Zoning code changes.

- A. Whenever the public necessity, convenience, general welfare or good land use and zoning practice require, the city council may by ordinance amend, supplement or change the regulations, zone boundaries or classifications of property under this title pursuant to the procedures set forth in this section.
- B. Amendments, supplements or changes to this title may be initiated by the city council, or upon recommendation by staff or the planning commission to the city council.
- C. Amendments, supplements or changes to this title may also be initiated by the owner or owner's agent of any parcel or building in the city by the submission of a request for a code change on the forms provided by the community development department for this purpose.
 - 1. The department will study the proposed code change and will provide feedback to applicant, including suggested changes to ensure the proposal is consistent with the intent of this title and the general plan.
 - 2. After receiving feedback from the department, the applicant may choose to proceed with the pursuit of the proposed code amendment, and must pay the processing fee as determined by city council resolution for the purpose of defraying the costs incidental to the proceedings.
 - 3. Upon receipt of a complete application, the department will further investigate the proposed code amendment and will schedule and notice a public hearing on the proposed ordinance before the planning commission for the purposes of making a recommendation to the city council.
- D. Any public hearing on a proposed ordinance to amend, supplement or change the regulations, zone boundaries or classifications of property under this title will be noticed in accordance with Chapter 17.92 (Public Hearing Notice Procedures) of this title.
- E. Criteria for Granting a Change of Zone. The planning commission in recommending, and the city council in reviewing, a proposed change of zone must make the following findings in reference to the proposed rezoning of the subject property:
 - 1. The proposed change of zone is or by amendment will be made consistent with the general plan.
 - 2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses.
 - 3. The proposed change of zone is necessary and proper and is not likely to be detrimental to adjacent properties or residents.

17.90.040 - Violations—Enforcement.

PROPOSED NEW CHAPTER

- A. Any building or structure constructed, erected, altered, enlarged, converted, moved or maintained contrary to the provisions of this title or code, including any applicable approval or permit, and any use of land, building or premises established, conducted, operated or maintained contrary to the provisions of this title or code, including any applicable approval or permit, is declared to be unlawful and a public nuisance and may be abated in accordance with the applicable provisions of this code and applicable law, including:
1. Chapter 1.24 (General Penalty).
 2. Chapter 1.25 (Administrative Citations).
 3. Chapter 8.12 (Public Nuisances).
 4. Section 17.91.100 (Revocation/Modification).
- B. The remedies provided in this section are cumulative and not exclusive.
- C. The violation of any provision of this title or code, including any approval or permit issued under this title is subject to strict liability and in the abatement or prosecution of such violation the city will not be required to prove criminal intent or that the violator meant to violate any provisions of this title, or any approval or permit issued under this title.