

## **PART 11.2 ADMINISTRATION**

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## **Chapter 11.2.01 Administrative Authority and Responsibility**

### **§11.2.01.001 Purpose.**

This Chapter establishes the authority and responsibility of the City's Planning Agency to perform all of the functions as provided for in Government Code §65103.

### **§11.2.01.002 Duties and Functions of the Planning Agency.**

The land use and planning duties and functions of the City's Planning Agency shall be performed by the City Council, City Manager, Planning Commission, Zoning Hearing Officer, Design Commission, Director, the Department, and any other departments, commissions, bodies, or City officials or personnel as identified in this Zoning Code or as otherwise directed or established by the City Council, in compliance with, and under the authority of, Government Code §65100 et seq., Title 2 (Administration and Personnel) of the City's Municipal Code, and as further provided for in the LCFMC. Specific authority and responsibility for carrying out the functions of the City's Planning Agency are further defined in this chapter. In the absence of an assignment, the City Council shall retain responsibility and authority as the legislative body of the City.

### **§11.2.01.003 Director of Community Development.**

The Director, or his or her designee, shall have the authority and responsibility to interpret, administer, and enforce this Zoning Code, as follows:

- A. Perform all the functions designated by Government Code §65103.
- B. Make interpretations and determinations and advise the public on the meaning and applicability of all provisions and requirements of this Zoning Code. Said interpretations and determinations shall be generally applicable to all situations of the same type and shall not be limited or directed to specific parcels or circumstances thereon.
- C. Perform duties and functions prescribed in this Zoning Code, including the following:
  1. Prepare, update, and administer all applications for development pursuant to this Zoning Code.
  2. Process all applications for development pursuant to this Zoning Code. Processing includes, but is not limited to:
    - a. Certifying completed applications;
    - b. Establishing a permanent file;
    - c. Posting and mailing public notices;
    - d. Collecting applicable fees;

- e. Preparing reports;
  - f. Processing appeals; and
  - g. Presenting staff reports to the Design Commission, Zoning Hearing Officer, Planning Commission, other commissions as appropriate, and City Council.
3. Review proposed activities and determine the applicability of CEQA and the City's Local CEQA Guidelines. The Director shall:
- a. Coordinate internal review of environmental documentation with other City Departments, as necessary;
  - b. Coordinate the preparation and processing of environmental documentation through the public review and decision-making process;
  - c. Determine whether a project is exempt from CEQA review;
  - d. Determine the adequacy of any level of documentation prepared to satisfy the legal requirements of CEQA review;
  - e. Coordinate the preparation of required noticing and circulation of environmental documents, including the circulation of documents through the State Clearinghouse or other agencies with reviewing and/or approving authority;
  - f. File Notices of Determination (NOD), and Fish and Game Fees or Certificates of Fee Exemption with the Los Angeles County Clerk;
  - g. Electronically file applicable notices with the State through CEQAnet for both City and private development projects;
  - h. Serving as a central repository for Notice of Exemptions, Negative Declarations (ND), Mitigated Negative Declarations (MND), and Environmental Impact Reports (EIRs) and related documents;
  - i. For City projects, determine environmental scope of work, schedule and budget; coordinate preparation of environmental documents and required noticing; retain environmental consultants if necessary; and oversee and direct consultant work products;
  - j. Ensure Mitigation Monitoring and Reporting Programs are enforced for projects where La Cañada Flintridge is the Lead Agency, or for those specific mitigation measures applicable where La Cañada Flintridge is a Responsible Agency. Coordinate with other City departments regarding the adequacy and monitoring of mitigation measures;
  - k. Coordinate internal review and comment by La Cañada Flintridge upon environmental documentation circulated by other local jurisdictions and agencies;
  - l. Update the Local CEQA Guidelines and internal procedures as necessary to ensure consistency with CEQA and State CEQA Guidelines.

4. Initiate action for amendment of this Zoning Code where it is determined that such amendment would better implement the General Plan goals, policies, and objectives and increase its effectiveness and/or improve or clarify the contents of this Zoning Code.
  5. Serve as the decision-making authority for land use and development permits as provided for Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and as may be authorized elsewhere in this Zoning Code.
  6. Make a determination of substantial conformance pursuant to Section 11.6.14.002.
  7. Refer and coordinate matters related to the administration of this Zoning Code with other agencies and City departments and provide information on the status of all development permits.
  8. Report on the progress of the implementation of the General Plan on a regular basis.
  9. Make determinations of Public Convenience and Necessity as provided for in Chapter 11.4.12 (Alcoholic Beverage Sales) for alcoholic beverage sales requiring a Director's Use Permit as provided for in Table 11.3.02-1, pursuant to Business and Professions Code Section §23958.4.
  10. Enforce the requirements of this Zoning Code and any violations of conditions of approval for the land use and development permits and entitlements identified in and issued pursuant to the Zoning Code, as authorized in Chapter 11.2.04 (Enforcement) of Title 11 (Zoning), and as authorized in Chapter 1.04 (Penalty Provisions), Chapter 1.07 (Administrative Citations), and Chapter 11.10 (Enforcement of the Code) of Title 1 (General Provisions).
- D. In making decisions on discretionary permits over which he/she has authority, the Director may impose conditions he/she deems necessary to implement the General Plan and Zoning Code standards that apply to development and to further the public health, safety, and general welfare of the community. Reasonable guarantees and evidence may be required that such conditions are being, or will be, complied with.
- E. Except where otherwise provided by this Zoning Code, the Director may delegate the responsibilities of the Director to assigned Department staff under the supervision of the Director. When the Director designates a Department staff person, the staff person shall perform the duties assigned by the Director in addition to those provided for in this Zoning Code, as appropriate to the personnel title of the designee. Whenever the Director is referenced in this Zoning Code, it shall also mean the Director's designee.

#### **§11.2.01.004 Zoning Hearing Officer.**

The Zoning Hearing Officer shall have the authority and responsibility to administer and enforce this Zoning Code as follows:

- A. Serve as the decision-making authority for land use and development permits as provided for in Part 6 and as may be authorized elsewhere in this Zoning Code.

- B. Review and approve environmental documents prepared pursuant to CEQA and the City's CEQA Guidelines for projects for which the Zoning Hearing Officer is the decision-making authority.
- C. Hear and decide appeals of the Director in accordance with Chapter 11.2.03 (Call-Up and Appeals) and pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority).
- D. In making decisions on applications, the Zoning Hearing Officer may impose conditions he/she deems necessary to implement the General Plan and Zoning Code standards that apply to development and to further the public health, safety, and general welfare of the community. Reasonable guarantees and evidence may be required that such conditions are being, or will be, complied with.

**§11.2.01.005 City Manager.**

The City Manager is the chief executive of the City government and shall have all the authority and responsibility to administer and enforce this Zoning Code as provided for in Title 2, Chapter 2.04 (Manager) and as follows.

- A. Oversee the work of the Director.
- B. Hear and decide appeals of the Director in accordance with Chapter 11.2.3 (Call-Up and Appeals) and pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and as otherwise provided by this Zoning Code.
- C. Review and approve environmental documents prepared pursuant to CEQA and the City's CEQA Guidelines for projects for which the City Manager is the decision-making authority.
- D. Enforce the requirements of this Zoning Code and any violations of conditions of approval for the land use and development permits and entitlements identified in and issued pursuant to the Zoning Code, as authorized in Chapter 11.2.04 (Enforcement) of Title 11 (Zoning), and as authorized in Chapter 1.04 (Penalty Provisions), Chapter 1.07 (Administrative Citations), and Chapter 1.10 (Enforcement of the Code) of Title 1 (General Provisions).
- E. Exercise such other powers and duties as are prescribed by State law, local ordinance, this Zoning Code, or as directed by the City Council.

**§11.2.01.006 Planning Commission.**

The Planning Commission shall have the authority and responsibility to administer and enforce this Zoning Code pursuant to Chapter 2.12 (Planning Commission) of Title 2 and as follows:

- A. Serve as the decision-making authority for land use and development permits as provided for in Part 6 and as authorized elsewhere in this Zoning Code.
- B. Hear and decide appeals of the Director and Zoning Hearing Officer in accordance with Chapter 11.2.03 (Call-Up and Appeals) and pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority).

- C. Review and approve environmental documents prepared pursuant to CEQA and the City's CEQA Guidelines for projects for which the Planning Commission is the decision-making authority.
- D. In making decisions on discretionary permits over which it has authority, the Planning Commission may impose conditions it deems necessary to implement the General Plan, to ensure that the findings and development standards of this Zoning Code are met, and to further the public health, safety, and general welfare of the community. Reasonable guarantees and evidence may be required that such conditions are being, or will be, complied with.
- E. Appoint one (1) member of the Planning Commission and one (1) alternate to serve as the Zoning Hearing Officer to serve a one (1) year term, pursuant to Section 11.2.01.004 of this Chapter.
- F. Hear and make recommendations to the City Council on applications for zoning amendments, the General Plan and amendments thereto, the Zoning Code and amendments thereto, Specific Plans, pre-zoning, and other related planning permits and procedures.
- G. Initiate studies of amendments to this Zoning Code and make recommendations to the City Council for amendments as provided in Chapter 11.6.09 (Amendments of General Plan, Zoning Code, and Zoning Map) and in Government Code §65852.
- H. Review the capital improvement program of the City and the local public works projects of other local agencies within the corporate boundaries of the City for their consistency with the City's General Plan, pursuant to Government Code §65401 et. seq.
- I. Determine Public Convenience and Necessity finding(s) as provided for in Chapter 11.4.12 (Alcoholic Beverage Sales) for alcoholic beverage sales, pursuant to Business and Professions Code Section §23958.4.
- J. Exercise other powers and duties as prescribed by State law, Title 2 of the LCFMC or other local ordinance(s), this Zoning Code, or as directed by the City Council.

**§11.2.01.007 Design Commission.**

The Design Commission shall have the authority and responsibility to administer this Zoning Code pursuant to Chapter 2.14 (Design Commission) of Title 2, as provided for in Chapter 11.6.08 (Design Review), and as follows:

- K. Serve as the decision-making authority for projects for which the Design Commission has authority pursuant to Table 11.6.02-1 (Permits and Role of Decision-Making Authority). Review and approve environmental documents prepared pursuant to CEQA and the City's CEQA Guidelines for projects for which the Design Commission is the decision-making authority.
- L. In making decisions on discretionary permits over which it has authority, the Design Commission may impose conditions it deems necessary to implement the General Plan, to ensure that the findings and development standards of this Zoning Code are met, and to further the public health, safety, and general welfare of the community. Evidence may be required that such conditions are being, or will be, complied with.

- M. Recommend approvals or denials of projects in which the Design Commission’s authority is advisory. It may also recommend such conditions as are deemed necessary to ensure that all required findings and applicable guidelines and standards are met. The Design Commission is advisory to the Planning Commission and City Council, consistent with Chapter 11.6.08 (Design Review).
- N. Develop plans to improve and enhance the appearance of existing and planned public and private buildings within zones, other than single-family residential zones, as directed by the City Council.
- O. Make recommendations to improve the appearance of existing and planned public and private open spaces on Foothill Boulevard and other locations as directed by the City Council.
- P. Exercise other powers and duties as prescribed by State law, Title 2 (Administration and Personnel) of the LCFMC, or other local ordinance(s), this Zoning Code, or as directed by the City Council.
- Q. The Design Commission may not determine the location or appropriateness of land uses if such uses comply with applicable zoning provisions.

**§11.2.01.008 City Council.**

The City Council is the legislative body of the City and shall have the following authority and responsibility to administer and enforce this Zoning Code as follows:

- A. Appoint members of the Planning Commission, Design Commission, and any other commissions or bodies as may be established in accordance with Section 11.2.01.002.
- B. Serve as the decision-making authority for land use and development permits and legislative actions as provided for in Part 6 and as authorized elsewhere in this Zoning Code.
- C. Hear and decide appeals of the Director, Zoning Hearing Officer, Design Commission, and Planning Commission in accordance with Chapter 11.2.03 (Call-Up and Appeals) and pursuant to Table 11.6.02-1.
- D. Initiate and/or direct planning-related policy amendments, Zoning Code text amendments, and special studies as necessary or desired.
- E. Review and certify environmental documents prepared pursuant to CEQA and the City’s CEQA Guidelines for projects for which the City Council is the decision-making authority. Exercise other such powers and duties as prescribed by State law or local ordinance.

**§11.2.01.009 Referrals.**

- A. The Director and Zoning Hearing Officer may refer a matter to the Planning Commission when, in their discretion, it is determined that the public interest would be served. A referral to the Planning Commission will require notification for a hearing before the Planning Commission, as required in Chapter 11.2.02 (Public Notice and Meeting and Hearing Requirements).
- B. Any application subject to consideration of the Design Commission may be referred by such body to:

1. A subcommittee consisting of no more than two (2) members of the Design Commission for specified review of an aspect of a project, an entire specific project, or a category of projects or aspects thereof; or
2. The Director for minor types of development.

**§11.2.01.010 Delegation of Authority and Responsibility.**

The Planning Commission may instruct the Director to exercise administrative powers or perform administrative duties granted to it by City ordinance. The Director shall exercise all such powers and perform all such duties as he or she is instructed to do by the Planning Commission.

**§11.2.01.011 Authority for Entry, Inspections, Examinations, and Surveys.**

Pursuant to Government Code §65105, Planning Agency personnel, in the performance of their functions, may enter upon any land and make inspections, examinations, and surveys, provided that the entries, inspections, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof, and as follows:

- A. **Pre-Approval Inspections.** Every applicant seeking a permit or any other action in compliance with this Zoning Code shall allow the City official(s) handling the application access to any premises or property that is the subject of the application.
- B. **Post-Approval Inspections.** If the permit or other action in compliance with this Zoning Code is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.
- C. **General Inspections.** Every member of the Planning Agency and authorized representatives may enter any premises, building or structure at any reasonable hours for investigation or inspection as to whether or not any portion of such premises, building or structure, is being used in violation of this code after reasonable notice is provided to the property owner.

## Chapter 11.2.02 Public Notice and Meeting or Hearing Requirements

### §11.2.02.001 Purpose.

This Chapter establishes requirements and procedures for public notice and public meeting or public hearing requirements pursuant to administration of this Zoning Code in compliance with State law.

### §11.2.02.002 Applicability.

The requirements and procedures for public notice and public meeting or hearing requirements for land use and development permits shall be as required in compliance with State law (Government Code §65000 et seq. and Public Resources Code §21000 et seq.), as required by this Chapter, and as otherwise specified in this Zoning Code. If and when State law prescribes any different notice requirement, notice shall be given in that manner.

### §11.2.02.003 Public Notice.

When land use permits, development permits, or action on other matters as specified in this Zoning Code require public notice, the notice shall be provided as follows:

#### A. Type.

1. **Notice of Director review.** When the Director considers a land use or development permit as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and Subsection 11.6.02.004(B) (Review Process B), the public shall be notified of the intent of the Director to review and make a decision regarding that permit and shall be given the opportunity to provide comments to the Director prior to the Director's decision by the methods specified in this chapter.
2. **Notice of consent calendar item.** When the Planning Commission considers a land use or development permit as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) and Subsection 11.6.02.004(D)(4)(a) (Review Process D-1), the public shall be notified of the intent of the Planning Commission to consider and make a decision under the Consent Calendar regarding the permit. Notice of consent calendar items is not required if the matter is continued to a date certain from a prior closed public hearing.
3. **Notice of public meeting and public hearing.** When a public meeting or hearing is required by this Zoning Code for a permit as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority), Subsection 11.6.02.004(C) (Review Process C), Subsection 11.6.02.004(D)(4)(b) (Review Process D-2), or Subsection 11.6.02.004(E) (Review Process E), or as otherwise provided for in this Zoning Code, the public shall be notified of the hearing in compliance with State law and by the methods specified in this chapter.

4. **Other notices.** When public notice of a special permit as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) is required, it shall be the type of public notice as provided for in the applicable permit unless otherwise specified.
- B. **Timing.** Notice shall be given at least ten (10) days before one of the following as applicable:
1. The earliest date the Director intends to make a decision regarding permits that are subject to Subsection 11.6.02.004(B) (Review Process B) and Table 11.6.02-1; or
  2. The date of the agenda on which the Planning Commission intends to consider and make a decision under the Consent Calendar regarding permits that are subject to Subsection 11.6.02.004(D)(4)(a) (Review Process D-1) and Table 11.6.02-1; or
  3. The date of a scheduled public meeting or public hearing for permits that require a public meeting or public hearing; or
  4. As otherwise specified in this Zoning Code.
- C. **Contents of Notice.** When notice is required, it shall include the following:
1. **Hearing/meeting and/or decision-making authority information:**
    - a. *For permits that require notice of Director Review but do not require a public meeting or hearing:* the time frame within which the public can submit written comments to the Director prior to the Director’s decision; or
    - b. *For permits that require notice of Consent Calendar consideration but do not require a public meeting or hearing:* the consideration date, time, location, and decision-making authority.
    - c. *For permits that require a public meeting or public hearing:* the meeting or hearing date, time, location, and decision-making authority.
  2. **Project information:**
    - a. Title of the application/action type, project application number, the name of the applicant, and a general explanation of the matter to be considered;
    - b. A description of the subject property, including location of the property by address, if assigned, and location of the property by Assessor’s Identification Number;
    - c. Other information required by specific provisions of the applicable permit or action, or which the Director considers necessary or desirable.

3. **Statement of environmental review and documentation pursuant to CEQA:** If a draft Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project, or if the project has been determined to be exempt, in compliance with the provisions of CEQA and the City's CEQA Guidelines, the hearing notice shall include a statement that the decision-making authority will also consider approval of the draft Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report, or a statement that the project has been determined to be exempt.
4. **Contact information:** Contact information for the Department where an interested person can call or visit to review the file and obtain additional information.

D. **Method of Notice.**

1. **Published notice.** Notice of all applications for which a public meeting or hearing is required shall be published once in a newspaper of general circulation, circulated in the city, as required by State law.
2. **Mailed notice.** Mailed, postage prepaid, through the U.S. Postal Service to the following:
  - a. Property owner(s) of record for the subject property and the owner's agent if applicable.
  - b. Applicant(s).
  - c. *For Notice of Director Review:* The applicant, all adjoining and adjacent property owners, or as otherwise specified by the particular permit, of the exterior boundaries of the subject property, as indicated on the latest available County Tax Assessor's records, and all others whose names appear on the application, petition, or other correspondence of the decision upon the request. The radius may be increased as determined to be necessary and desirable by the Director based on the nature of the proposed project.
  - d. *For Notice of Consent Calendar Consideration:* All property owners within a minimum three hundred (300) foot radius, or as otherwise specified by the particular permit, of the exterior boundaries of the subject property, as indicated on the last equalized tax assessment roll.
  - e. *For Public Meetings or Hearings:* All property owners within a minimum three hundred (300) foot radius, or as otherwise specified by the particular permit, of the exterior boundaries of the subject property, as indicated on the last equalized tax assessment roll. If the number of owners to whom notice is to be mailed is greater than one thousand (1,000), the Director may as an alternative provide notice in the manner set forth in §65091 of the California Government Code, which includes posting a public hearing notice at the subject property and publishing a public hearing notice in a newspaper of general circulation in the city of La Cañada Flintridge.

- f. *For Special Permits not otherwise provided for:* When public notice of a special permit as specified in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) is required, the method shall be as provided for in the applicable permit provisions unless otherwise specified.
  - g. Any person who requests to be on a notification list for notice of Director Review, public hearings, and/or any other Planning Agency action(s) and who has submitted such request in writing to the City Clerk. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.
  - h. Each local agency expected to provide fire, police, water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
  - i. Any other person or entity who has filed a written request of such notification with the City Clerk.
  - j. Additional notice as determined by the Director to be necessary or desirable.
3. **On-site posted notice.**
- a. Notice for public hearings shall be posted on-site at the subject property for the following applications:
    - i. Tentative parcel map;
    - ii. Tentative tract map;
    - iii. All applications for Design Review by the Design Commission as provided for in Chapter 11.6.08 (Design Review); and
    - iv. Any item presented to the Planning Commission for consideration.
  - b. The notice shall be posted at least ten (10) days before the hearing date and shall remain in place until the expiration of the appeal period following a decision by the decision-making authority. If the application is appealed or called for review, the posted notice shall remain in place with the new hearing date noted until the final decision is rendered. The posted notice shall be removed within ten (10) days of either the appeal period or the final decision, whichever applies.
  - c. The posted notice shall include all factual information about the pending application in compliance with Subsection 11.2.02.003(C).
  - d. The applicant shall submit to the Director an affidavit verifying that the notice was posted at the subject property in compliance with this Subsection.
  - e. The posted notice shall be of a size, design, and placement as required by the Director and shall not be illuminated.

4. **Notice on City's website.** Notice shall be posted on the City's website in accordance with Government Code Section 54954.2, as may be amended.
- E. **Additional Notice Not Required.** If a noticed public meeting or hearing is continued pursuant to Subsection 11.2.02.004(E)(4) below, and it is continued to a date, time, and place certain, no further notice shall be required.
- F. **Receipt of Notices.** Failure of any person or entity to receive any properly issued notice required for any action, decision, public meeting, or public hearing required by this Zoning Code shall not constitute grounds for any court to invalidate the actions of a decision-making authority for which the notice was given.

#### **§11.2.02.004 Public Meetings and Public Hearings.**

When a public meeting or hearing is required by this Zoning Code, the procedures shall include the following:

- A. **Holding of Meetings and Hearings.** The decision-making authority shall conduct the public meeting or hearing at the date, time, and place described in the public notice required by this Chapter.
- B. **Rules of Conduct.** The public meeting or hearing shall be conducted according to such rules as may be adopted by the hearing body and as otherwise required by State law and shall be held at the date, time, and place stated in the required notice.
- C. **Public Testimony.** At the public meeting or hearing, interested persons shall be given the opportunity to present information and testimony about the proposed project.
- D. **Actions by the Decision-Making Authority.** The decision-making authority shall announce and record its recommendation or decision on the matter being considered at the conclusion of a scheduled public meeting or hearing regarding one the following actions:
  1. **Grant approval.** The decision-making authority may grant approvals subject to such conditions as are deemed necessary to ensure that all required findings and applicable City regulations are met. Reasonable guarantees and evidence may be required that such conditions are being, or will be, complied with.
  2. **Defer final decision.** For any matter being considered at a meeting or hearing in compliance with this Zoning Code, the decision-making authority may announce a tentative recommendation or decision and defer action on a final recommendation or decision until appropriate findings and/or conditions of approval have been prepared.
  3. **Recommend approval.** The decision-making authority may recommend approvals or denials of projects in which its authority is advisory, in accordance with Subsection 11.2.02.005(A). It may also recommend such conditions as are deemed necessary to ensure that all required findings and applicable City regulations are met.

4. **Continue consideration.** At the discretion of the decision-making authority, a public meeting or hearing may be continued from its scheduled date to a future date provided that prior to the adjournment or recess of the meeting or hearing, a clear public announcement is made specifying the date, time, and place to which said meeting or hearing will be continued. A public meeting or hearing may be continued without the decision-making authority announcing the date to which the meeting or hearing will be continued, provided the notice of the new meeting or hearing date is provided in compliance with Section 11.2.02.003.
5. **Refer application.** Any application subject to consideration of the decision-making authority may be referred by such body in accordance with Section 11.2.01.009.
6. **Reconsider.** A motion that has already been put to a vote may be reconsidered by the decision-making authority at the same meeting or hearing in accordance with Roberts Rules of Order.
7. **Deny.** The decision-making authority may deny an application. Any tie vote or other action that fails to receive a majority vote shall constitute a denial.

#### **§11.2.02.005 Recommendation and Notice of Decision.**

##### **A. Recommendations.**

1. **Design Commission recommendation and notice.** At the conclusion of any public meeting or hearing on a matter which requires final approval by the Planning Commission or City Council, the Design Commission shall forward a recommendation, including all required findings, to the appropriate body for final action.
2. **Planning Commission recommendation and notice.** At the conclusion of any public hearing on a matter which requires final approval by the City Council, the Planning Commission shall forward a recommendation, including all required findings, to the City Council for final action.

- B. **Notice of Decision.** The notice of decision to grant approval identified in Subsection 11.2.02.004(D)(1) above shall contain any conditions of approval and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City. Such notice may be in the form of a resolution, a City ordinance, or other written document.

- C. **Mailed Notice of Action.** Following a hearing, the notice of action specified in Subsection 11.2.02.004(D) shall be mailed to the applicant at the address shown on the application and to any other person or entity who has filed a written request of such notification with the City.

#### **§11.2.02.006 Limitation on Resubmittal of Applications.**

A denial precludes the filing of the same or substantially the same application within one (1) year of the date of denial, unless the denial was without prejudice. The Director shall determine whether a

subsequent application is the same or substantially the same as the application that was denied with prejudice.

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## Chapter 11.2.03 Call-Up and Appeals

### §11.2.03.001 Purpose.

This Chapter establishes call-up and appeal procedures of decisions and actions of the Director, Zoning Hearing Officer, Design Commission, or Planning Commission, notwithstanding any appeal procedures or any other call-up procedures as otherwise provided by law.

### §11.2.03.002 Call-Up Provisions.

#### A. Call-Up by the City Council.

1. The City Council may call for the review of the following decisions of the Planning Commission at the meeting at which the Planning Commission's decision is reported to the City Council.
  - a. Any Conditional Use Permit;
  - b. Any Development Review Permit for commercial projects;
  - c. Any tentative map approval; and
  - d. Any telecommunications permit.
2. If called up for review by a majority vote of the City Council, the item will be heard de novo at a future City Council meeting following notice pursuant to Subsection 11.2.03.002(A)(3). If the City Council does not so vote, the decision of the Planning Commission shall be final provided the appeal period has expired with no appeal filed.
3. All provisions for notice and hearing applicable as provided for in Section 11.2.03.004 shall apply to the City Council in conducting its review.

#### B. Call-Up by the Planning Commission.

1. All discretionary decisions by the Director and the Zoning Hearing Officer shall be reported to the Planning Commission at the Commission's next regular meeting.
2. The Planning Commission may cause any such decision to be heard de novo by a majority vote conducted at a meeting at which the decision is reported. If called up for review by a majority vote of the City Council, the item will be heard de novo at a future Planning Commission meeting following notice pursuant to Subsection 11.2.03.002(B)(3). In the event that the Planning Commission does not so vote, the decision of the Director shall be final, provided the appeal period has expired with no appeal filed.
3. All provisions for notice and hearing applicable as provided for in Section 11.2.03.004 shall apply to the Planning Commission in conducting its review.

### **§11.2.03.003 Appeal Provisions.**

#### **A. Actions Not Subject to Appeal.**

1. **Interpretations.** Interpretation of regulations made by the Director pursuant to Section 11.1.02.004 are final and not subject to appeal.
2. **Ministerial actions.** Ministerial actions, such as granting or denying a building permit, a ministerial permit issued by the Director pursuant to Review Process A as specified in Table 11.6.02-1 (pursuant to Subsection 11.6.02.004(A)), a Special Permit issued ministerially by the Director as specified in Table 11.6.02-1, or any other ministerial action pursuant to this Zoning Code, are final and not subject to appeal.
3. **Actions by the City Council.** Actions by the City Council are final and no further administrative appeals are available.

#### **B. Appeal to the City Manager.**

1. A determination by the Director as authorized in Table 11.6.02-1 (Permits and Role of Decision-Making Authority) shall be final and effective unless appealed to the City Manager as otherwise provided for in this Zoning Code.
2. A determination by the Director regarding a Personal Indoor Cultivation of Marijuana Permit shall be final and effective unless appealed to the City Manager as provided for in Subsection 11.4.36.004(H).
3. Only parties receiving notice of an applicable determination, including the applicant, may appeal a determination. The responsible person, or his or her representative, shall bring a copy of the applicable determination and file in the Office of the City Clerk, a signed written request setting forth the reasons for the appeal together with any required fees. All filed requests shall be date stamped upon receipt by the department.
4. **Appeal Time Limit.** Unless otherwise specified, an appeal must be filed within 7 calendar days following the date of the decision.
5. The appeal shall be reviewed by the city manager or designee.
6. The review shall be decided within 5 working days thereafter, and shall consist of a review of the appeal and the written statement and any other evidence submitted at the time of the request by the responsible person.
7. The recipient shall be notified of the results of the review by being given a written notice of decision. The decision shall be accompanied by a written resolution setting forth the reason for the City Council action. The determination of the City Council shall be final and effective immediately.

#### **C. Appeal to the Zoning Hearing Officer.**

1. A determination by the Director regarding Hillside Development Permits pursuant to Table 11.6.02-1 and Chapter 11.4.05 (Hillside Development Permits) shall be final and effective unless appealed to the Zoning Hearing Officer by any interested party within fifteen (15) calendar days following the mailing date (as shown on the declaration of service by mail by the City), which mailing shall occur in a timely manner following the issuance by the Director of such determination.
2. Notice of such appeal must be filed in the Office of the Director of Community Development, together with a fee in an amount established by the current fee schedule adopted by resolution by the City Council. The appeal shall be accompanied by a written statement clearly setting forth the reasons for the appeal and shall specify whether the appeal is being made on the decision to approve or deny a project, or on a condition imposed upon the project.
3. The Zoning Hearing Officer shall conduct a de novo public hearing, with notification given in the same manner as for the original determination. Following such hearing the Zoning Hearing Officer shall consider the matter and may affirm, reverse, or modify the decision of the Director. The decision shall be accompanied by a written statement setting forth the reason for the Zoning Hearing Officer action.

**D. Appeal to the Planning Commission.**

1. Except as otherwise provided for in this Section, a determination by the Director authorized pursuant to Table 11.6.02-1 or otherwise provided in the Zoning Code shall be final and effective unless appealed to the Planning Commission by any interested party within fifteen (15) calendar days following the mailing date (as shown on the declaration of service by mail by the City), which mailing shall occur in a timely manner following the decision by the Director of the issuance of such determination.
2. A determination by the Zoning Hearing Officer authorized pursuant to Table 11.6.02-1 or otherwise provided in the Zoning Code shall be final and effective unless appealed to the Planning Commission by any interested party within fifteen (15) calendar days following the date of the decision.
3. Notice of such appeal must be filed in the Office of the Director of Community Development, together with a fee in an amount established by the current fee schedule adopted by resolution by the City Council. The appeal shall be accompanied by a written statement clearly setting forth the reasons for the appeal and shall specify whether the appeal is being made on the decision to approve or deny a project, or on a condition imposed upon the project.
4. The Planning Commission shall conduct a de novo public hearing, with notification given in the same manner as for the original determination. Following such hearing the Planning Commission shall consider the matter and may affirm, reverse, or modify the decision of the Director or Zoning Hearing Officer. The decision shall be accompanied by a written resolution setting forth the reason for the Planning Commission action.

**E. Appeal to the City Council.**

1. Any decision by the Design Commission or Planning Commission shall be final and effective unless the determination is appealed by any interested party to the City Council within fifteen (15) calendar days following the date of decision. Notice of such appeal must be filed in the Office of the City Clerk together with a fee in an amount established by the current fee scheduled adopted by resolution by the City Council, and shall be accompanied by a written statement clearly setting forth the reasons for the appeal.
2. The City Clerk shall set the matter for public hearing. The City Council shall conduct a de novo public hearing, giving notice in the same manner as for the original decision. Following such hearing the City Council shall consider the matter and may affirm, reverse, or modify the decision of the Design Commission or Planning Commission. The decision shall be accompanied by a written resolution setting forth the reason for the City Council action. The determination of the City Council shall be final and effective immediately.

**§11.2.03.004 General Call-Up and Appeal Procedures.**

- A. Notification of a public hearing on the call-up or appeal shall be provided to the applicant and all others whose name appears on the application, petition, or other correspondence, and others expressing interest in such notification by means of written communication to the City in accordance with Section 11.2.02.003(A)(3) except as otherwise provided for in this Section.
- B. The decision-making authority shall review all application materials, shall conduct a de novo hearing, and shall render a decision according to the required conditions and findings applicable to the case.
- C. The Director shall provide written notification to the applicant and all others whose name appears on the application, petition, or other correspondence, of the reviewing authority's action on the project, within three (3) calendar days of the action.

**§11.2.03.005 Effective Date of Appealable Decisions.**

- A. The effective date of appealable decisions is the date following the date of the action on the permit.
- B. No building permit, business license, or other applicable entitlement shall be issued until the day after the close of the appeal period.

**§11.2.03.006 Appeal Stays Effective.**

When an appeal is properly filed, the determination appealed from is stayed. Any action taken pursuant to such determination prior to the expiration of the appeal period is at the risk of the party taking such action.

## Chapter 11.2.04 Enforcement

### §11.2.04.001 Purpose.

This chapter establishes the authority and process for enforcement of the requirements of this Zoning Code and any violation of conditions of approval for the land use and development permits and entitlements identified in and issued pursuant to this Zoning Code.

### §11.2.04.002 Authority to Enforce.

Authority to enforce this Zoning Code shall be as provided in Section 1.10.010 of Title 1 of the LCFMC. Other officials of the City charged by the law with the general duty of enforcing City ordinances shall also enforce the provisions of this Zoning Code.

### §11.2.04.003 Violations, Nuisances, and Enforcement.

- A. Operation or maintenance of any use of land or structure contrary to the provisions of this Zoning Code, or in violation of any conditions of any land use or development permit or entitlement issued pursuant to this Zoning Code or of any other title of the LCFMC, is deemed a public nuisance.
- B. For purposes of this Zoning Code, in addition to the provisions of Section 4.33.020 (Nuisances) of Chapter 4.33 (Property Maintenance Requirements), a nuisance shall be defined to include, but not be limited to, issues relating to excessive noise, odors, flies, and/or dust. The Director in conjunction with the City's Code Enforcement Officer shall have the authority to determine what level of excess constitutes a nuisance under this Zoning Code.
- C. This Zoning Code may be enforced pursuant to Chapter 1.04 (Penalty Provisions) of Title 1, Chapter 1.07 (Administrative Citations) of Title 1, Chapter 1.10 (Enforcement of the Code), Chapter 4.33 (Property Maintenance), any other enforcement provisions provided for in the LCFMC, and equitable or legal remedy available to the City. No remedy shall be exclusive of any other remedy.

### §11.2.04.004 Stop Work Order.

Any construction in violation of this Zoning Code or any violation of the conditions of a permit, entitlement, or any other action issued pursuant to this Zoning Code may be subject to the issuance of a Stop Work Order as provided in this Section.

- A. The Stop Work Order shall be issued by the Director or his/her designee in writing and shall be given to the owner of the property involved, or to the owner's agent, and to the person conducting the activity. The Stop Work Order shall state the reason for the order and the conditions under which the cited activity will be permitted to resume.
- B. Upon issuance of a Stop Work Order, the cited activity shall immediately cease. Except as otherwise provided for by this Section, the activity shall not resume until the violation is resolved to the satisfaction of the Director.

- C. Any violation of a Stop Work Order, except for conducting such activity as directed to remove a violation or dangerous or unsafe conditions, shall be subject to the enforcement provisions set forth in Title 1 (General Provisions) of the LCFMC, in addition to any other remedies provided by law or equity.
- D. A Stop Work Order may be appealed in writing to the City Manager in accordance with Chapter 11.2.03 (Call-Up and Appeals). In any case, the activity must immediately cease and desist pending consideration of the appeal. Any violation during the appeal period shall be subject to the penalty provisions contained within Title 1 (General Provisions) of the La Cañada Flintridge Municipal Code.

#### **§11.2.04.005 Permit Revocation or Modification.**

This Section provides procedures for securing punitive revocation or modification of previously approved land use and development permits.

- A. **Revocations.** The City's action to revoke a permit shall have the effect of terminating the permit and denying the privileges granted by the original approval.
- B. **Modifications.** The City may choose to allow the modification of the permit instead of revoking a permit. The changes may include features or conditions determined to be reasonable and necessary to ensure that the permit is undertaken in a manner consistent with the original findings of approval.
- C. **Hearing and Notice.** Upon determination by the Director that there are reasonable grounds for revocation or modification of a permit approved in compliance with this Zoning Code, a public hearing shall be scheduled with the decision-making authority that originally approved the permit in accordance with Chapter 11.2.02 (Public Notice and Meeting or Hearing Requirements) as follows.
  - 1. **Authority.**
    - a. Except in cases where the City Council was the final approving authority, the decision-making authority that approved the final permit shall be the one that considers a proposal for permit revocation or modification.
    - b. In the case where the City Council was the final approving authority, the Planning Commission shall consider a proposal for permit revocation or modification.
  - 2. **Notice.** Written notice of the date, time, place, and purpose of such public hearing shall be served on the owner of the property for which the permit was granted or the permittee if not the owner, by registered mail, postage prepaid, return receipt requested, not less than ten (10) days prior to the date of such hearing. Additional notice shall be given in the same manner as for the original determination. If public notice was not required for the original application, none shall be required for revocation/modification hearing.
  - 3. **Hearing.**
    - a. The decision-making authority conducting the hearing shall hear testimony of City staff and the owner, or the permittee if not the owner, if present, of the use or structure for which the permit was granted.

- b. The testimony of any other interested person(s) shall also be heard.

**D. Findings.**

1. **Revocation.** A permit may be revoked if, from the facts presented at the public hearing, the decision-making authority that originally approved the permit finds any one (1) or more of the following grounds:
  - a. Circumstances have been changed by the applicant to such a degree that one or more of the findings of fact required for the applicable permit can no longer be made in a positive manner;
  - b. The permit approval was obtained by fraud;
  - c. The permit granted is being or has been exercised contrary to the conditions of such permit or variance or in violation of any applicable licenses, permits, regulations, laws, or codes;
  - d. The permittee, as determined by the Director or another City official acting in an official capacity, is in violation of any law, or the activity is a public nuisance;
2. **Modifications.** The conditions of approval of a permit may be added to or modified if, from the facts presented at the public hearing or by investigation, the decision-making authority that originally approved the permit makes the finding that there are sufficient grounds to justify revocation that can be corrected by modifying one or more existing conditions and/or imposing new or additional conditions.

- E. Decision and Appeal.** Each decision by the decision-making authority to revoke or modify a permit shall be by resolution. A notice of decision shall be mailed to the owner of the subject property, to the permittee, if not the owner of the property, and any other interested person who has filed a written request for the notice. Any person may appeal the decision by the decision-making authority to the City Council in the manner prescribed in Chapter 11.2.03 (Call-Up and Appeals). The City Council may, after a public hearing has been held in the manner prescribed in this Chapter, affirm, reverse, or modify the decision of the City Manager, Zoning Hearing Officer, or Planning Commission.

- F. Effective Date.** The effective date of a decision to revoke or modify a permit shall be in compliance with Section 11.2.03.005.

**§11.2.04.006 Inspections.**

City officials are authorized to perform inspections related to permit issuance and investigation of violations pursuant to Section 11.2.01.011.

**§11.2.04.007 Effect of Code on Past Actions and Obligations.**

The adoption of this Zoning Code does not affect prosecutions for ordinance violations committed prior to the effective date of this Zoning Code, does not waive any fee or penalty due and unpaid on the effective

date of this Zoning Code, and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

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