

CALIFORNIA COASTAL COMMISSION

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Prepared August 27, 2009 (for September 9, 2009 Hearing)

TO: Commissioners and Interested Persons

FROM: Charles Lester, Deputy Director
Ruby Pap, District Supervisor
Tiffany S. Tauber, Coastal Planner

**SUBJECT: City of Half Moon Bay LCP Minor Amendment Number HMB-MIN-01-09
(Appeals Procedures)**

The City of Half Moon Bay is requesting that its certified Local Coastal Program (LCP) Implementation Plan (IP) be amended. This amendment request was filed on June 26, 2009 pursuant to Coastal Act Section 30510(b) and California Code of Regulations (CCR) Sections 13553 and 13555.

The proposed amendment would clarify and consolidate local appeals procedures contained in Title 18 of the Half Moon Bay Municipal Code, which is part of the City's Implementation Plan (IP). (See Exhibit 1.) The proposed amendment would not change appeals procedures for coastal development permits (CDPs). The proposed changes to Title 18 of the City's IP involve deleting the appeals procedures from various chapters pertaining to appeals of local non-CDP decisions and replacing the procedures with a reference to Chapter 1.25 (Appeals) of the Municipal Code, which is not part of the City's LCP. The chapters of the certified IP (Title 18) that are proposed to be amended include: Chapter 18.21 (Architectural Review and Site Design Approval), Chapter 18.22 (Use Permits), Chapter 18.23 (Variances), Chapter 18.31 (Recycling and Trash Management), and Chapter 18.36 (Parking Standards). The purpose of the amendment is to consolidate the local appeals procedures into Chapter 1.25 of Title 1, General Provisions, and eliminate inconsistent appeals procedures that currently exist in Title 18, including inconsistencies regarding who can file an appeal, time allotted to file an appeal, method of notification, and how the appeal is to be heard. The proposed amendment would not affect the appeals procedure for Coastal Development Permits.

As proposed to be amended, the appeals procedures for the local non-CDP decisions set forth in Chapters 18.21, 18.22, 18.23, 18.31, and 18.36 would reference the appeals procedures set forth in Chapter 1.25, which is not part of the City's LCP. Section 1.25.010 includes language clarifying that the appeals procedures set forth in Chapter 1.25 do not apply to Coastal

Development Permits, which have their own certified appeals procedures set forth in the certified zoning Chapter 18.20. Section 1.25.010 states as follows:

1.25.010 Application. Notwithstanding any other provision of the Municipal Code to the contrary, the provisions of this Chapter shall apply to all decisions made pursuant to the provisions of the City of Half Moon Bay Municipal Code for which a right of appeal is expressly provided, except for:

A. Notices of Violation pursuant to Chapter 1.16

B. Decisions that are appealable pursuant to Chapter 18.20 “Local Coastal Development Permits.”

C. Decisions that are appealable pursuant to Chapter 13.52 “Nondomestic Wastewater Source Control Program.”

The amendment makes changes to consolidate and clarify procedures for local appeals on non-CDP matters and does not affect procedures pertaining to appeals of Coastal Development Permits. The appeals procedures contained in certified Chapter 18.20 of the zoning code pertaining to Coastal Development Permits are not proposed to be amended. Further, the amendment would not change the kind, location, density, or intensity of uses contained in the City’s implementation plan.

Therefore, based on its review of the submitted materials, the Executive Director has determined that the LCP amendment qualifies as a minor amendment. Section 13554(a) of the California Code of Regulations defines minor amendments to certified Implementation Plans as:

Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the Land Use Plan as certified by the Commission.

The purpose of this report is to advise interested parties of the Executive Director’s determination (pursuant to CCR Section 13555) that the proposed amendment is minor as defined in CCR Section 13554 because it clarifies appeals procedures for local approvals other than coastal development permits and is consistent with and adequate to carry out the intent of the City’s certified Land Use Plan (CCR Section 13554(a)).

Pursuant to CCR Section 13555, the Executive Director will report this determination to the Coastal Commission at its September 9, 2009 meeting at the Wharfinger Building at 1 Marina Way in Eureka. The Executive Director will also report any objections to the determination that are received within ten working days of posting of the hearing notice, which was mailed on August 27th to all interested parties. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(b)).

City of Half Moon Bay Minor LCP Amendment 1-09
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If you have any questions or need additional information regarding the proposed LCP amendment or the Commission procedures, or to register an objection, please contact the North Central Coast District Office at (415) 904-5260.

Exhibit No. 1 (Attached): City of Half Moon Bay Ordinance No. C-07-08

THE CITY OF HALF MOON BAY

ORDINANCE NO. C-07-08

**ORDINANCE AMENDING THE HALF MOON BAY MUNICIPAL CODE PERTAINING
TO APPEALS**

RECITALS

WHEREAS, on May 15, 2007, the Council adopted, on an urgency basis, Ordinance C-05-07 amending provisions of Title 18, the City's Zoning Code, relating to the right to appeal; and

WHEREAS, this amendment to the Municipal Code proposes procedural changes relating to the appeal process for City decisions. The ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and, therefore, is exempt from the California Environmental Quality Act in accordance with CEQA Guideline 15060(c)(2); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on October 23, 2008, at which all those in attendance desiring to be heard were given an opportunity to speak on this amendment; and

WHEREAS, the Planning Commission considered all written and oral testimony presented in consideration of this amendment and following the close of the public hearing, adopted a resolution recommending City Council adoption of an ordinance amending the Municipal Code; and

WHEREAS, the City Council conducted a duly noticed public hearing on November 18, 2008, at which all those in attendance desiring to be heard were given an opportunity to speak on this amendment; and

WHEREAS, the City Council considered all written and oral testimony presented in consideration of this amendment; and

DECISION

NOW THEREFORE, THE CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Chapter 1.25 "APPEALS" of the City of Half Moon Bay Municipal Code is hereby repealed in its entirety and replaced with the following:

"Chapter 1.25 Appeals

1.25.010 Application

- 1.25.020 Procedure for Appeal**
- 1.25.030 Fee for Filing Appeal**
- 1.25.040 Contents of Appeal**
- 1.25.050 Notice shall be effective when requirements are met**
- 1.25.060 Setting of hearing date for appeal**
- 1.25.070 Notice of appeal**
- 1.25.080 Hearing of appeal**
- 1.25.080 Decision of Hearing Body**

1.25.010 Application. Notwithstanding any other provision of the Municipal Code to the contrary, the provisions of this Chapter shall apply to all decisions made pursuant to the provisions of the City of Half Moon Bay Municipal Code for which a right of appeal is expressly provided, except for:

- A. Notices of Violation pursuant to Chapter 1.16.
- B. Decisions that are appealable pursuant to Chapter 18.20 "Local Coastal Development Permits".
- C. Decisions that are appealable pursuant to Chapter 13.52 "Nondomestic Wastewater Source Control Program.

An "Aggrieved Person" may appeal in writing by complying with the requirements of this Chapter, in addition to any requirements of the provision of the Municipal Code that authorizes the appeal. "Aggrieved Person", as used herein, shall mean a person excepting to the approval, denial, suspension or revocation of a permit pursuant to any of the provisions of this code, or to any administrative decision made by any official of the city, if the Municipal Code provides a right of appeal of the approval, denial, suspension or revocation of such permit or the determination of such administrative decision, and who, in person or through a representative, appeared in a public meeting held in conjunction with the decision on the action appealed, or who, by other appropriate means prior to a hearing, informed the City of the nature of his or her concerns, or who for good cause was unable to do either. No right of appeal from any administrative decision made by an official of the city pursuant to any of the provisions of this code shall exist when such decision is ministerial and thus does not involve the exercise of administrative discretion or personal judgment.

1.25.020 Procedure for Appeals. The applicant or an aggrieved person may appeal any final, appealable, decision by filing with the city clerk a written notice of the appeal, accompanied by the applicable appeal fee, within ten calendar days of the date of said decision. This time limit shall be strictly enforced.

- A. Appeals from decisions of the planning director or the architectural review committee (ARC) shall be considered by the planning commission.

- B. Appeals from planning commission decisions shall be considered by the city council.
- C. Appeals from any other decision shall be to the body specified in the Municipal Code section authorizing the appeal.
- D. Any council member may appeal a decision under this Chapter by filing a written request therefore with the city clerk within ten calendar days of the decision. The appeal shall be processed in accordance with the provisions of this Chapter.
- E. Notwithstanding any time limits otherwise prescribed in this section for appeal to the city council, the city council shall have until its next regularly scheduled meeting following such action or matter to decide whether to review such. The vote of three councilmembers shall suffice to call an action or matter for review. At the time a matter or action is called for review, each councilmember voting for review shall make a brief statement of the grounds for his or her vote.

1.25.030 Fee for Filing Appeal. All appeals shall be accompanied by the applicable appeal fee, or shall be deemed incomplete and shall not be considered. Notwithstanding the foregoing, the fee shall be waived for any appeal filed by a councilmember appealing in his or her official capacity.

1.25.040 Contents of Appeal. The appeal shall be completed by the appellant on a form provided by the City and shall include all of the following information:

- A. The legal name and street address of the appellant or appellants. A post office box may be used as a mailing address for notice, but any appeal that fails to list the appellant's correct street address (for purposes of verifying the appellant's identity) shall be deemed incomplete and will be rejected as incomplete.
- B. The decision appealed from, the date of the decision and the name of the officer, board, commission or department rendering the decision;
- C. The specific relief which the appellant seeks; and
- D. The basis for the appeal and all grounds in support thereof.
- E. A description of how the person filing the appeal is negatively impacted by the decision's approval, conditional approval or denial.
- F. The signature of the appellant or appellants.

Failure to provide all of the information set forth above shall be grounds for determining that the appeal is incomplete. An appeal shall not be effective unless the appeal has been filed with the city clerk, any required fee has been paid within the time herein required, and the notice has been deemed complete. A determination of completeness shall be made within ten calendar days of receiving the appeal. If notice of a determination is not made within said period, the appeal shall be deemed complete. Notice of a determination pursuant to this section shall

be deemed to have been given on the date that said notice is mailed to the appellant by first class mail.

1.25.050 Setting of hearing date for appeal. The city clerk shall cause a hearing to be set within sixty (60) calendar days of the filing of an effective appeal. At least ten (10) calendar days prior to the date established for hearing the appeal, notice of the hearing shall be provided by mail to: (1) the applicant; (2) the appellant; and (3) any person who has requested notice of an appeal of the item. An appeal from a decision that requires a public hearing shall be noticed in the same manner as the initial decision.

1.25.060 Hearing of appeal. All appeals shall be considered *de novo*. At the time appointed for a hearing appeal, the hearing body shall:

- A. Review the record of the proceeding, from which the appeal was taken;
- B. Allow the appellant and applicant to make a brief verbal argument in addition to the written appeal;
- C. Receive a report from staff and ask questions of staff, appellant or applicant; and
- D. Allow rebuttal as deemed appropriate.
- E. Either affirm or reverse the action, with or without modifications, or refer the matter back to the lower decision making entity, with direction for further proceeding.

1.25.070 Decisions of City Council. A decision of the City Council on appeal shall be final and conclusive. Decisions of other appellate bodies may be appealed to the City Council in accordance with the requirements of this Chapter."

SECTION 2. Chapter 3.12 "TRANSIENT OCCUPANCY TAX" is hereby amended at Section 3.12.100 "Appeal to city council" to read as follows:

3.12.100 Appeal to city council. Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the council in accordance with the requirements of Chapter 1.25. The findings of the council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

SECTION 3. Chapter 3.40 "BUSINESS LICENSE TAX AND REGULATIONS" is hereby amended at Section 3.40.400 to read as follows:

3.40.400 Appeals.

- A. Who May Appeal. Any person aggrieved by any decision of the collector pursuant to this chapter may appeal to the director by filing an appeal with the

director in accordance with the requirements of Chapter 1.25. The decision of the director shall be final.

B. **Serving Notice of Hearing.** The director shall fix a time and place for hearing such appeal. The director shall give notice thereof in writing to such person by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to such person at his last known place of address, or in the case of a licensee, to the place of business set forth in the license.

C. **Determination Authority.** The director shall have authority to determine all questions raised on such appeal at the time of the hearing. No determination so made by the director shall conflict with any substantive provision of this chapter.

D. **Suspension of Penalties.** No penalty provided for in this chapter shall be imposed after the filing of an appeal, or prior to the completion of the hearing on the appeal and the making of a determination of the subject of the appeal by the director.

SECTION 4. Chapter 3.88 "MASSAGE ESTABLISHMENTS AND TECHNICIANS" is hereby amended at Section 3.88.240 "Appeals" to read as follows:

3.88.240 Appeal. Any decision of the city manager to deny, suspend or revoke a permit pursuant to this chapter may be appealed to the city council in accordance with the requirements of Chapter 1.25.

SECTION 5. Chapter 3.92 "SOLICITORS AND PEDDLERS--CHARITABLE SALES" is hereby amended at Sections 3.92.080 "Appeal from denial - Hearing" and 3.92.180 "Appeal from denial" to read as follows:

3.92.080 Appeal from denial--Hearing. Any person aggrieved by the decision of the chief of police in denying an application for an identification permit to engage in the business of soliciting or peddling may appeal the decision to the city council in accordance with the requirements of Chapter 1.25.

3.92.180 Appeal from denial. A decision of the police department in denying a permit under this article may be appealed to the City Council in accordance with the requirements of Chapter 1.25.

SECTION 6. Chapter 3.95 "FORTUNETELLING" is hereby amended at Section 3.95.070 "Appeals" to read as follows:

3.95.070 Appeal. A decision of the city manager to deny a permit under this chapter may be appealed to the city council in accordance with the requirements of Chapter 1.25.

SECTION 7. Chapter 9.10 "PRIVATE ALARM SYSTEMS" is hereby amended at Section 9.10.100 "Revocation of permit or removal of alarm system" to read as follows:

9.10.100 Revocation of permit or removal of alarm system. In addition to any remedy provided by law, the chief of police may, whenever he shall have knowledge

of the use of any device or attachment not operated or maintained in accordance with the provisions of this chapter, or for failure to comply with the conditions hereof, order the removal of such device or attachment or such phone line termination to which such device or attachment is connected, within thirty days of such findings. The chief of police may revoke any license issued hereunder for failure to comply with the conditions hereof. A decision of the chief of police pursuant to this section may be appealed to the city council in accordance with the requirements of Chapter 1.25. On appeal, the same standards established hereby for decision by the chief of police shall apply.

SECTION 8. Chapter 9.18 "REGULATION OF ADULT ENTERTAINMENT FACILITIES" is hereby amended at Subsection A of Section 9.18.050 "Use Permit Required" to read as follows:

A. Each such facility must, prior to commencement or continuation of business if an established use at the effective date of this chapter, first apply for and receive from the planning commission a conditional use permit, as provided in the zoning ordinance. If such permit is granted, it shall be granted upon such conditions as are necessary to protect the public health, safety and welfare. Any party aggrieved by a decision of the planning commission on an application for such a use permit shall have the right to appeal such decision to the city council in accordance with the requirements of Chapter 1.25.

SECTION 9. Chapter 9.74 "PERMITS FOR MOTION PICTURE AND TELEVISION PRODUCTION" is hereby amended at Section 9.74.150 to read as follows:

9.74.150 Appeals. A permit applicant may appeal a permit denial, permit condition, or permit revocation or refusal to waive a deadline under this chapter to the city council in accordance with the requirements of Chapter 1.25.

SECTION 10. Chapter 10.35 "ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES" is hereby amended at Section 10.35 "Appeals" to read as follows:

10.35.060 Appeals. A decision of the planning department hearing officer may be appealed to the city council in accordance with the requirements of Chapter 1.25. In addition to the notice requirements of that chapter, the clerk shall give written notice of the time and place of the hearing to those persons specified in Section 10.35.045.

SECTION 11. Chapter 12.08 "OBSTRUCTIONS ON PUBLIC PROPERTY" is hereby amended at Subsection D of Section 12.08.060 "Nuisance—Abatement procedure" to read as follows:

D. Decisions of the hearing officer pursuant to this section may be appealed to the city council in accordance with the requirements of Chapter 1.25.

SECTION 12. Chapter 12.16 "DESIGNATION OF HERITAGE TREES AND TRIMMING AND REMOVAL OF HERITAGE TREES" is hereby amended:

A. At Subsection E of Section 12.16.040 "Trimming or removal of heritage trees on public property" to read as follows:

E. Appeal from Decision. Any decision of the public works director to issue or deny a permit under this section may be appealed to the city council in accordance with the requirements of Chapter 1.25 within ten days of the decision.

B. At Subsection E of Section 12.16.050 "Removal of heritage trees on private property" to read as follows:

E. Appeal from Decision. Any decision of the public works director to issue or deny a permit under this section may be appealed to the city council in accordance with the requirements of Chapter 1.25 within ten days of the decision.

C. At Subsection B of Section 12.16.060 "Consultation with arborist" to read as follows:

B. Appeal from Decision. Any decision of the public works director under this section may be appealed to the city council in accordance with the requirements of Chapter 1.25.

SECTION 13. Chapter 12.26 "NEWSRACKS" is hereby amended at Subsection E of Section 12.26.030 "Newsrack permit required" to read as follows:

E. If a newsrack permit is denied, in whole or in part, the director of public works shall notify the applicant promptly, explaining the reasons for denial of a newsrack permit. Any decision of the public works director to grant or deny a permit under this section may be appealed to the city council in accordance with the requirements of Chapter 1.25.

SECTION 14. Chapter 13.36 "SEWER PERMITS AND FEES" is hereby amended at Subsection I of Section 13.36.075 "Sewer service charges--Connection charges" to read as follows:

I. Appeal Process. It is the sole responsibility of the owner of a premises to notify the city in the event the owner believes the assessment is not applicable to the premises for which it has been prescribed. The city manager is empowered to provide relief for an individual assessment that has been calculated using erroneous data. In the event the owner of a premises feels that the city manager has not provided sufficient relief for an individual assessment that the owner feels has been calculated using erroneous data, the owner may appeal the city manager's decision to the city council in accordance with the requirements of Chapter 1.25.

SECTION 15. Chapter 14.34 "FLOOD DAMAGE PROTECTION" is hereby amended at Section 14.34.160 "Appeals" to read as follows:

14.34.160 Appeals. Appeals of the floodplain administrator's decisions in enforcement or administration of this chapter shall be considered by the planning commission, and on appeal from the planning commission's decisions by the City Council. All appeals shall be filed in accordance with the requirements of Chapter 1.25.

SECTION 16. Chapter 15.06 "PERMITS, FEES, INSPECTIONS AND APPROVALS" of Title 15 "SIGNS AND ADVERTISING STRUCTURES" is hereby amended to read as follows:

15.06.060 Appeal. Any decision to grant or deny an application pursuant to this chapter may be appealed in accordance with the requirements of Chapter 1.25.

SECTION 17. Chapter 15.16 "REMOVAL AND DISPOSITION OF SIGNS—ABANDONED SIGNS" is hereby amended at Subsection B of Section 15.16.010 "Maintenance and repair" to read as follows:

B. Except as otherwise provided, any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. The building inspector shall prepare a notice describing the sign, specifying the violation and stating that if the sign is not removed or the violation is not corrected within ten days, said sign shall be removed by the building inspector in accordance with the provisions of this section. Notice shall be sent to the owner of record on the last equalized assessment roll for the parcel upon which the sign is located, and to the last known individual conducting said business as determined from the city's business license records. All notices sent by the building inspector shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the day notice is deposited in the mail. A determination of the building inspector ordering removal or compliance with this Chapter may be appealed to the planning commission in accordance with the requirements of Chapter 1.25. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more.

SECTION 18. Chapter 15.22 "Appeals and Enforcement" of Title 15 "Signs and Advertising Structures" is hereby renamed "Enforcement" and Section 15.22.050 "Appeals" is hereby deleted in its entirety.

SECTION 19. Chapter 17.06 "RESIDENTIAL DWELLING UNIT BUILDING PERMIT ALLOCATION SYSTEM" is hereby amended at Sections 17.06.125 "Appeal of distribution of residential infill project allocations" and Section 17.06.290 "Appeals" to read as follows:

17.06.125 Appeal of distribution of residential infill project allocations.

- A. Any person aggrieved by the points awarded and/or building permits allocated to projects in this category may appeal the decision to the planning commission within ten days of the planning director's final determination.
- B. The decision of the planning commission may be appealed to the city council.
- C. At the first regular city council meeting after the action of the planning commission is taken, the city council, by majority vote of council members in attendance, may request that the decision of the planning commission be reviewed by the city council at a duly noticed public hearing.
- D. All appeals of points awarded and building permits allocated under this category shall comply with the requirements of Chapter 1.25, and shall be heard at a duly noticed public hearing as expeditiously as possible given legal notification requirements and staff constraints.

17.06.290 Appeals.

- A. Any person aggrieved by the points awarded and/or building permits allocated to projects in this category may appeal the decision to the city council within ten days of the planning commission's final action by filing an appeal in accordance with the requirements of Chapter 1.25.
- B. At the first regular city council meeting after the action of the planning commission is taken, the city council, by majority vote of council members in attendance, may request that the decision of the planning commission be reviewed by the city council at a duly noticed public hearing.
- C. All appeals of points awarded and building permits allocated under this category shall be heard at a duly noticed public hearing as expeditiously as possible given legal notification requirements and staff constraints.
- D. If the planning director, planning commission, or city council determines that any appeal filed may affect the status of any building permits to be allocated as a result of the points awarded, no building permits shall be issued in this category until the appeal process has been completed.

SECTION 20. Chapter 17.26 "Parcel Maps" is hereby amended at Section 17.26.040 "Appeal" and Section 17.25.045 "City Council action on appeal" to read as follows:

17.26.040 Appeal. Appeals from the action of the planning commission shall be considered by the city council and must be made in accordance with the

requirements of Chapter 1.25 within ten calendar days from the date of the planning commission's action.

17.26.045 City council action on appeal. The city council shall hear any appeal promptly at a duly noticed public hearing as provided for in this title. The city council may sustain, overrule, or modify the action of the planning commission.

SECTION 21. Chapter 17.30 "Lot Line Adjustments" is hereby amended at Sections 17.30.050 "Appeal of staff or planning commission action" and Section 17.30.055 "City Council action on appeal" to read as follows:

17.30.050 Appeal of staff or planning commission action. Appeals from the actions of staff shall be considered by the planning commission. Appeals of decisions by the planning commission shall be considered by the city council. All appeals must be made in accordance with the requirements of Chapter 1.25 within ten days from the date of the planning commission's action.

17.30.055 City council action on an appeal. The city council shall hear any appeal of a decision of the planning commission as provided for in this title. The city council may sustain, overrule, or modify the action of staff or the planning commission. Any action of the city council to overrule or modify the action of the planning director or planning commission shall be based upon the criteria specified in this chapter.

SECTION 22. Chapter 17.48 "LAND DEDICATED FOR PARK AND RECREATION PURPOSES" is hereby amended at Subsection B.3 of Section 17.48.035 "Amount of land to be dedicated or fee in lieu thereof" to read as follows:

3. Determination of Fair Market Value. The fair market value (FMV) of the subject real property shall be determined by the city engineer. The city engineer's determination shall be based on a written appraisal by an MAI or SRA or state-licensed real estate appraiser, taken from a list of such qualified appraisers maintained by the city. The appraisal shall be made immediately prior to the approval of the final subdivision map by the city. The subdivider shall pay the cost of the appraisal. If the subdivider objects to the determined fair market value he/she may appeal said determination to the city council in accordance with the requirements of Chapter 1.25, within ten days after the city engineer has mailed a notification of the appraisal results to the subdivider, first class mail, to the last address shown in the city's file for the subdivider.

SECTION 23. 18.21, "Architectural Review and Site and Design Approval," is hereby amended at Section 18.21.045, "Appeals" to read as follows:

"18.21.045. Appeals. Determinations made pursuant to this chapter by the planning director and architectural review committee (ARC) may be appealed to the planning commission pursuant to the requirements of Chapter 1.25."

SECTION 24. Chapter 18.22, "Use Permits," is amended at Section 18.22.200, and to read as follows:

"18.22.200. Appeals. Determinations of the planning commission under the provisions of this Chapter may be appealed to the City Council pursuant to the requirements of Chapter 1.25."

SECTION 25. Chapter 18.23, "Variances," is hereby amended at Section 18.23.050, to read as follows:

"18.23.050. Appeals. Determinations of the planning commission under the provisions of this Chapter may be appealed to the City Council pursuant to the requirements of Chapter 1.25."

SECTION 24. Chapter 18.31, "Recycling and Trash Management," is hereby amended at Subsection B of Section 18.31.100, "Approval and appeal," to read as follows:

"B. Any determination of the planning department may be appealed to the planning commission in accordance with the requirements of Chapter 1.25."

SECTION 25. Chapter 18.36, "PARKING STANDARDS" is hereby amended at Subsection g of Section 18.36.095 "Parking exceptions" to read as follows:

G. A determination of the planning commission pursuant to this section may be appealed to the city council in accordance with the requirements of Chapter 1.25.

SECTION 26. Effective Date. Pursuant to Section 36937 of the Government Code of the State of California, this ordinance shall take effect and be in full force and effect thirty (30) days after its final passage, except for Sections 23 through 25, which shall take effect immediately upon certification by the California Coastal Commission.

SECTION 27. Publication. The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

SECTION 28. Severability. In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

INTRODUCED on the 18th day of November, 2008.


PASSED AND ADOPTED this 2nd day of December, 2008, by the following votes:

AYES: Fraser, McClung, Patridge & Mayor Muller

NOES: Grady

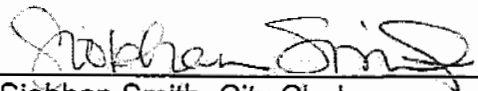
ABSENT: _____

ABSTAIN: _____



John Muller, Mayor

ATTEST:



Siobhan Smith, City Clerk