

CITY OF WESTMINSTER
ORDINANCE NO. XXXX

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF WESTMINSTER, CALIFORNIA, REPEALING
AND READOPTING CHAPTER 17.640 OF THE
WESTMINSTER MUNICIPAL CODE (APPEALS) TO
PROVIDE FOR A CALL FOR REVIEW PROCEDURE FOR
THE CITY COUNCIL AND PLANNING COMMISSION AND
MAKING OTHER MINOR AMENDMENTS

WHEREAS, the Westminster Municipal Code currently does not expressly differentiate between the procedures which apply to appeals by a member of the public rather than a call for review by a member of the Planning Commission or City Council; and

WHEREAS, the City Council would like to establish a procedure that expressly allows members of the Planning Commission or City Council to bring a matter decided by a lower review authority before it; and

WHEREAS, the Planning Commission held a duly noticed public hearing on this Ordinance on November 5, 2025, at which time it considered all evidence presented, both written and oral; and

WHEREAS, after the close of the public hearing the Planning Commission adopted Resolution 25-021 recommending that the City Council adopt this ordinance; and

WHEREAS, in accordance with Government Code Section 65091(a)(4), for projects affecting over 1,000 property owners, a one-eighth (1/8th) page notice of the public hearing describing the project, date, time and location of the hearing was advertised in the Westminster Herald Journal newspaper at 10 days prior to the December 10, 2025 hearing date. A notice was also posted at the City Council Chambers, City Hall, Community Services and Recreation Building, and on the City's website; and

WHEREAS, on December 10, 2025, the City Council of the City of Westminster, California, held a duly noticed public hearing on the proposed amendment, considered written and oral comments, and review passed facts and evidence presented by City staff and other interested parties, after which the City Council found that the proposed amendments are consistent with the goals and policies of the City's General Plan.

NOW, THEREFORE, the City Council of the City of Westminster, California does hereby ordain as follows:

SECTION 1: Required Findings. Pursuant to Westminster Municipal Code (WMC) Section 17.620.030, the City Council approves Case No. 2025-0227, repealing and readopting Chapter 17.640 Appeals of the Westminster Municipal Code based upon the following findings:

1. The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan and will not create any inconsistencies with the Zoning Code, in the case of a Zoning Code amendment.

The proposed Zoning Text Amendment is a procedural change that does not impact the goals, policies, and strategies of the elements of the General Plan. The proposed code text has been reviewed to ensure it does not create any inconsistencies with the other sections of the zoning code.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is not detrimental to the public health, safety, convenience, or welfare of the City. The proposed amendment is a procedural change that does not impact development or standards within Westminster. The proposed amendment is in the public interest as it allows for City Council Members or Planning Commissioners to call items for review without introducing bias into the proceedings.

3. The proposed amendment is in compliance with the provisions of CEQA.

This Zoning Text Amendment is not a project per CEQA Guidelines § 21065 as it is an administrative procedure which will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

SECTION 2. Amendment to Chapter 17.640. Chapter 17.640 (Appeals) of Article 6 (Zoning Code Administration) of Title 17 (Land Use) of the Westminster Municipal Code is hereby repealed and a new Chapter 17.640 is hereby adopted to read as follows:

Chapter 17.640 – APPEALS AND CALLS FOR REVIEW

17.640.005 Purpose.

The purpose of this chapter is to provide procedures for the appeal or call for review of the decisions of the Director and Planning Commission under this Title.

17.640.010 Call for Review.

- A. Purpose. The purpose of a call for review is to bring the matter in front of the entire body for review.
- B. Timing. A call for review shall be made within the same time frame as the time to file an appeal and shall be noticed and heard in the same manner as an appeal and the term “appeal” shall be meant to include a call for review, except to the extent that the rules for a call for review conflict with the rules for an appeal.
- C. Call for Review To Be Treated as Appeal.
1. Except as set forth in subsection C.2 below, for all purposes, a call for review shall be treated the same as an appeal and the term “appeal” shall include “call for review.”
 2. Notwithstanding subsection D of section 17.640.030 (Filing and Processing of Appeals) a call for review shall not state any reason for the request other than to bring the matter in front of the entire body for review.
- D. Commissioner Call for Review. A single member of the Planning Commission may call for review any decision previously rendered by the Director. Once a Planning Commission member has timely called a matter for review, the matter shall be scheduled for Planning Commission consideration.
- E. Councilmember Call for Review. A single councilmember may call for review any decision previously rendered by the Director or Planning Commission. If the councilmember’s call for review is of a decision previously rendered by the Director, the matter shall be heard by the Planning Commission. If the councilmember’s call for review is of a decision previously rendered by the Planning Commission, the review shall be conducted by the City Council. Once a councilmember has timely called a matter for review, the matter shall be scheduled for consideration by the appropriate body.
- F. Council Decision is Final. The decision of the Council on the matter which was called for review shall be final and shall become effective upon adoption of a resolution by the Council as described in subsection E of Section 17.640.030.
- G. Subsequent Calls for Review Permissible. It is permissible for a City Council member to call a decision of the Director for review by the Planning Commission, and then for any councilmember to subsequently call the decision of the Planning Commission to be heard by the City Council.
- H. Procedure to Call for Review. If the statement from the Planning Commission member or City Council member calling the decision for review is not made during a public meeting, the call for review shall be filed with the Director (Filing and Processing of Appeals).

I. No Disqualification. The act of calling the matter for review shall not, by itself, disqualify any planning commissioner or councilmember who called for the review from participating as part of the decision-making body so long as such commissioner or council member is neutral and unbiased.

J. No fee. No fee is required for a call for review.

17.640.020 Appeals of Decisions.

An appeal, as opposed to a call for review, shall be heard by the following review authorities:

A. Director Appeals. A decision rendered by the Director may be appealed to the Commission.

B. Commission Appeals. A decision rendered by the Commission may be appealed to the Council.

17.640.030 Filing and Processing of Appeals.

A. Timing and Form of Appeal. Appeals shall be submitted in writing and filed with the Community Development Department or City Clerk, as applicable, within 15 days after the decision date identified in the notice of decision. Appeals addressed to the Commission shall be filed with the Department, while appeals addressed to the Council shall be filed with the City Clerk. The appeal shall specifically state the pertinent facts of the case and the basis for the appeal, as required by subsection D of this Section 17.640.030 (Filing and Processing of Appeals). Appeals shall be accompanied by the filing fee established by the most current City Council Fee Resolution.

B. The Number of Days Shall be Construed as Calendar Days. Time limits will extend to the following City Hall working day where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed.

C. Report and Scheduling of Hearing. When an appeal has been filed, the Director shall prepare a report on the matter and shall schedule the matter for consideration by the appropriate review authority.

D. Required Statement and Evidence.

1. Applications for appeals shall include a general statement specifying the basis for the appeal and the specific aspect of the decision being appealed.

2. Appeals shall be based upon an error in fact, dispute of findings, or inadequacy of conditions to mitigate potential impacts.

3. Appeals shall be accompanied by supporting evidence substantiating the basis for the appeal.

E. Action. If the matter originally required a noticed public hearing, the Community Development Department or City Clerk, as applicable, shall notice the hearing in compliance with Section 17.640.035, *Notice of Appeal Hearings*. At the hearing, the review authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.

1. By resolution, the review authority may affirm, affirm in part, or reverse the action, determination, or decision that is the subject of the appeal.

2. When reviewing an appeal, the review authority may delete, amend, or adopt additional conditions of approval that may address other issues or concerns than the subject of the appeal.

3. When reviewing an appeal, the review authority may disapprove the land use entitlement approved by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.

4. If new or different evidence is presented on appeal, the Commission or Council may, but shall not be required to, refer the matter back to the Director or Commission for further consideration.

17.640.035 Notice of Appeal Hearings.

A. Appeal of Planning Commission's Decision. Where an appeal of a Commission decision made following a public hearing noticed in compliance with Section 17.630.010, *Notice of Public Hearings and Administrative Review*, is filed with the City Clerk and a hearing is placed in the Council agenda, notice shall be given in compliance with Section 17.630.010. An appeal of a Commission action that was not subject to a public notice does not require notice when the matter is placed on the Council agenda unless the Director determines otherwise. Regardless of whether notice of public hearing is required, notice of the appeal shall be mailed to all persons who previously took part in the Commission's decision or received notice of such decision at least 10 days before the scheduled meeting.

B. Appeal of Director's Decision. When there is an appeal of the Director's decision, the matter shall be scheduled for public hearing and notice given in compliance with Section 17.630.010, *Notice of Public Hearings and Administrative Review*. In addition to property owners and occupants within the applicable mailing radius, notice of the appeal shall be mailed to all persons who previously took part in the Director's decision or received notice of such decision at least 10 days before the scheduled public hearing or review.

17.640.040 Notice of Final Decision.

Within 10 working days after the decision is rendered by the Director, Commission or City Council, a notice of the decision and any applicable conditions of approval shall be mailed to the appellant at the address shown on the application or on the appeal form if an appeal is filed by other than an applicant. A copy of the notice shall also be sent in compliance with Section 17.630.040, *Mailing of the Notice of Decision*.

17.640.045 Pending Appeal.

While an appeal is pending, the establishment of any affected use or structure shall be held in abeyance and all permits and licenses issued for the use or structure shall be stayed.

SECTION 3. CEQA. This Zoning Text Amendment is not a project per CEQA §21065 as it is an administrative procedure which will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect on the thirty-first day after passage.

SECTION 6. Signing. The Mayor shall sign as to the passage, approval, and adoption of this Ordinance.

SECTION 7. Certification. The City Clerk certifies that the Mayor and City Council introduced and conducted first reading on the 10th day of December, 2025. The City Clerk further certifies that the Mayor and City Council at its Regular Meeting on the XX day of XXX, 2025, conducted second reading, passed, and adopted Ordinance No. XXXX and shall affix their signature and City Seal and that the same shall be entered into the Book of Ordinances.

SECTION 8. Attestation. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2025.

CITY OF WESTMINSTER

CHI CHARLIE NGUYEN
MAYOR

ATTEST:

CHRISTINE CORDON
CITY MANAGER/ACTING CITY CLERK

APPROVED AS TO FORM:

SCOTT PORTER
CITY ATTORNEY

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**CITY OF WESTMINSTER
CITY CLERK'S OFFICE
CERTIFICATION
OF
ORDINANCE**

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF WESTMINSTER)

I, Christine Cordon, City Manager/Acting City Clerk, do hereby certify that the foregoing Ordinance No. XXXX was introduced for first reading on the 10th day of December 2025, and duly passed, approved, and adopted by the City Council of the City of Westminster at a Regular Meeting held on the ____ day of _____ 2025 with the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Christine Cordon
City Manager/Acting City Clerk

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