



Extension of Abatement Period Information

Community Development Department
Planning Division
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General Information

An extension of abatement period for a nonconforming use in a residential or nonresidential zoning district can be applied for pursuant to [Section 20.38.100](#) of the Zoning Code.

General Requirements

To apply please provide the following:

1. A completed [Planning Permit Application](#) for an Extension of Abatement Period.

Please note that an application for an extension of the abatement period for residential zoning districts involving a structure and nonresidential zoning districts involving a structure shall be filed with the Planning Division no later than 90 days prior to the expiration of the abatement period as specified in [Section 20.38.100](#) of the Zoning Code.

A residential care facility may apply for an extension under either or both [20.38.100.C.5.a](#) and [20.38.100.C.5.b](#):

- a. When the owner or occupant has applied for a Conditional Use Permit ([Section 20.52.020](#)) or Reasonable Accommodation ([Section 20.52.070](#)) in a timely manner and is diligently pursuing the applicable process, as determined by the Director, or
- b. When the business owner or occupant is contractually obligated to continue the provision of a program or service for one or more persons so long as any existing contract provides for a normal and customary term for the provision of those services. No term shall exceed 60 days.

2. A written statement responding to the following:

- a. What is the length of the requested extension of the abatement period?
- b. What is the length of the abatement period in relation to the owner's investment in the use?
- c. How long was the use operating prior to the date of nonconformity?
- d. What is the suitability of the structure for an alternative use?
- e. Will there be any harm to the public if the use remains beyond the abatement period?
- f. What is the cost and feasibility of relocating the use to another site?
- g. Is there any other evidence relevant to the determination of whether an extension of the abatement period is required to avoid an unconstitutional taking of property?

3. Filing Fee

A filing fee is required at the time of filing to partially defray the cost of processing and other expenses. The Planning Department will advise you of said fee.

4. Public Noticing Requirements.

Please refer to the Planning Division's handout on [Public Noticing Requirements](#) for more information on the application materials required for a public hearing.