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17.91.010 - Purpose.

This chapter establishes procedures that are common to the application and processing of all permits and approvals under this title, unless superseded by specific requirements of this title or state law.

17.91.020 - Application submittal and review.**A. Application Forms and Supporting Materials.**

1. **Application Form.** The community development department will prepare and issue application forms and lists that specify the information that will be required from applicants for approvals, permits, and projects under this title. An application must be made on the applicable form prepared by the department.
2. **Supporting Materials.** The department may require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples, contextual drawings, massing diagrams, models, site development history information, and other items necessary or relevant to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act.
3. **Availability of Materials.** All materials submitted with an application will become the property of the city, may be distributed to the public, and will be made available for public inspection unless specifically exempt from disclosure under state or federal law. At any time upon reasonable request, and during normal business hours, any person may examine at city hall an application and the materials submitted in support of or in opposition to an application. Unless exempted by law, copies of such materials will be made available upon request and at a reasonable cost, if applicable.

B. Application Fees. The city council will approve by resolution a fee schedule that establishes fees for the processing of all applications for approvals, permits, and projects

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under this title. All applicable fees required at the time of application must be submitted with the application.

C. Determination of Completeness.

1. No application will be processed under this title prior to the determination by the department that the application is complete in accordance with this title and the Permit Streamlining Act (Government Code Section 65920 and following), to the extent applicable.
2. The department will, not later than 30 days after the receipt of an application under this title, notify the applicant in writing whether the application is complete, or if it is incomplete, specify the additional information and materials that must be submitted in order for the department to deem the application complete.
3. An incomplete application will be deemed withdrawn if the additional information and materials requested are not received by the department within 30 days of the date the written determination of incompleteness is mailed (or such longer period as may be permitted under state law).
4. Upon the timely submission of any additional information or materials requested by the department or the resubmission of the application, the department will again, not later than 30 days after the receipt of such additional information or materials or a new application, notify the applicant in writing whether the application is complete, or if it remains incomplete, specify the additional information and materials that must be submitted in order for the department to deem the application complete. This submission and response process will continue in this manner until the application is either deemed complete or withdrawn.
5. The applicant and director may mutually agree in writing to extend any of the time periods in this section.
6. An applicant may appeal the determination of incompleteness to the planning commission in accordance with the applicable provisions of Chapter 17.94 (Appeals) of this title.

- D. Additional Information. After an application is deemed complete, the director may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application in the course of processing the application. This request will not invalidate the original determination that an application is complete. The director may also request additional information needed to prepare adequate environmental documentation.

17.91.030 - Environmental review.

In processing applications under this title, the city will comply with the applicable provisions of the California Environmental Quality Act.

17.91.040 - Decision-making authority for multiple approvals or permits.

When a proposed project requires multiple concurrent approvals or permits and any such

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approval or permit must come from the city council, the city council will have decision making authority over such approvals or permits; provided, however, that the planning commission must first act on and make a recommendation on any such approvals or permits that would normally be within the decision-making authority of the planning commission.

17.91.050 - Request for delay or continuance of a hearing on an application.

- A. An application may be withdrawn from a scheduled agenda at the written request of the applicant provided that the public notice of the meeting and the public hearing on the application has not been mailed or published. The application will be rescheduled for a meeting agreed to by the applicant and the director.
- B. An application may not be withdrawn from an agenda at the request of the applicant if public notification has been given. Consideration of the application may be continued only upon approval of a motion by the hearing body at the meeting for which the application has been noticed. The hearing body will grant such request if good cause is established, and the delay will not be detrimental or prejudicial to the city or any interested person. Good cause may include, but is not limited to, the following:
 - 1. The unavailability of a party because of death, illness, or other excusable circumstances.
 - 2. The unavailability of counsel or a consultant or other expert because of death, illness, or other excusable circumstances.
 - 3. The need to gather additional evidence which could not have reasonably been gathered prior to the scheduled date for the hearing.
 - 4. The need for additional time to respond to issues raised in the staff report or public comment.
- C. Any application continued under the conditions listed above may be continued at the meeting to a date certain or subsequently renoticed in the original manner.
- D. The time limitations, if any, for action on any application withdrawn, rescheduled, or continued at the request of the applicant, will be extended by the period of time that consideration of the application was suspended.
- E. This section does not apply to continued hearings which are necessary due to factors controlled by the hearing body or city staff and not specifically requested by the applicant.

17.91.060 - Announcement of decision and findings of fact.

- A. When a decision is made pursuant to this title, an announcement of the decision will be made in accordance with this section when the decision was made following a noticed public hearing or written notice is required under this title.
- B. The decision-making body will announce its decision in writing as follows:
 - 1. The director will announce a decision made by the director by letter.

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2. The planning commission will announce its decision and findings by minute action or resolution.
 3. The city council will announce its decision and findings (if applicable) by minute action, resolution, or ordinance.
- C. The decision will be sent by certified mail (and courtesy copy by email) to:
1. the owner of the subject real property or the owner's duly authorized agent.
 2. the applicant or applicant's representative (if different from the property owner) at the address provided on the application.
 3. Any person who filed a written request for a notice of decision.

17.91.070 - Effective date.

A final decision on an application for any discretionary approval by the director or planning commission that is subject to appeal will become effective after the expiration of 20 days unless an appeal is filed or 30 days if city council review is ordered in accordance with Chapter 17.94 (Appeals) of this title.

17.91.080 - Expiration and extension.

- A. Expiration. The decision-maker, in the granting of any approval or permit under this title, may specify a time, consistent with specific provisions of this title and the purposes of the use and as is necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If a specific expiration date is not included as part of the decision on an application, the default expiration period will be one-year from the effective date of approval unless commencement and active pursuit of construction or inauguration of the use has occurred; provided, that if litigation is filed prior to the exercise of such rights, attacking the validity of such approval or use, the time for exercising such rights will be automatically extended pending a final determination of such litigation. The expiration of an approval or permit in accordance with its terms or this chapter will be automatic and does not require any action or notice by the city to become effective.
- B. Extension. The director or the granting body, upon good cause shown by the applicant, may extend the time limitation imposed pursuant to this section for a period not to exceed one year, unless a longer period is provided under an applicable chapter of this title or in the specific approval or permit.

17.91.090 - Reapplication.

No reapplication for the same or substantially same approval, permit, or project that has been denied may be filed within 12 months of the denial, except if an approval, permit, or project is determined denied without prejudice or as otherwise allowed at the time of denial.

17.91.100 - Revocation/Modification.

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- A. Initiation of Proceeding. Revocation proceedings may be initiated by the director or the granting body.
- B. Public Notice, Hearing, and Action. Notice of the hearing on the proposed revocation will be provided in accordance with Chapter 17.92 (Public Hearing Notice Procedures) of this title; provided that notice to the approval holder or permittee must be provided at least 30 days prior to the date of such hearing by certified mail. After conducting a duly-noticed public hearing, the applicable reviewing authority will act on the proposed revocation.
- C. Required Findings. The reviewing authority may revoke or modify the approval or permit if the reviewing authority finds, based upon the evidence presented at the hearing, any of the following:
 - 1. The approval or permit was obtained by means of fraud or misrepresentation of a material fact.
 - 2. The use for which the approval or permit was granted has ceased or has not been exercised for a period of one year or more.
 - 3. Any condition of the approval or permit has not been complied with in full.
 - 4. The approved use is being, or recently has been, exercised contrary to terms or conditions of the approval or permit, or in violation of any law, ordinance, regulation or statute.
 - 5. The approval holder or permittee substantially expanded or altered the approved use, building, or structure beyond what is set forth in the approval or permit or the use has substantially changed in character.
 - 6. The use permitted is detrimental to the public health, safety, or welfare so as to constitute a public nuisance.
- D. Modification. As an alternative to revocation, the reviewing authority may modify the existing conditions of the approval or permit or add new conditions if the ground which would otherwise justify revocation can be corrected or cured by the modification of existing conditions or the addition of new conditions.
- E. Notice of Action. A written determination of a revocation or modification will be sent by certified mail (and a courtesy copy by email) to the property owner and the approval or permit holder within 10 days of such determination.
- F. Appeals. Revocation/modification decisions are subject to the appeal provisions of Chapter 17.94 (Appeals) of this title.

17.91.110 - Amendments to approved projects and conditions of approval.

An approval or permit holder may request changes in any conditions of approval or revisions to the approved development plans which will be considered by the body which granted the approval or permit at a public hearing noticed and conducted in the same manner as required for the initial granting of the approval or permit. No such modification or revision may be granted unless the granting body finds that such modification or revision is necessary to protect the public health,

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safety, of general welfare, or that such action is necessary to permit reasonable operation of the use under the approval or permit as granted. The decision to modify or revise an approval or permit by the director or planning commission will be subject to appeal in accordance with the applicable provisions of Chapter 17.94 (Appeals) of this title or city council review where authorized under the applicable chapter of this title.