

Chapter 9-96

HEARINGS AND APPEALS

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9-96.010 Purpose and intent.

The purpose and intent of this chapter is to specify requirements for the formalities of consideration of development applications by the authority designated to review and approve applications. This chapter provides information on the thresholds of development review and establishes the right and mechanism for appeal of decisions. (Ord. 98-8 § 2 (part): prior code § 9-43.010)

9-96.020 Designated authorities.

Each development project application submitted to the city shall be subject to review and hearing by a designated decision body, subject in some cases to an appeal (See Table 9-96.A set out at the end of this chapter). (Ord. 98-8 § 2 (part): prior code § 9-43.020)

9-96.030 Public hearing required.

All of the listed permits and approvals listed shall be considered by the designated authority shown in Table 9-96.A, set out at the end of this chapter.

Some applications require noticed public hearings. The hearing process and conduct of the meeting shall be subject to the Brown Act requirements and shall follow the hearing format prescribed by the City Council. The hearing process should include the following as a minimum:

- A. Introduction of item and recommendation;
- B. Open hearing;
- C. Report from staff;
- D. Proponent presentation;

- E. Opponent presentation;
- F. Questions;
- G. Rebuttal;
- H. Close hearing;
- I. Findings to be made:
 1. CEQA,
 2. Application related;
- J. Decision:
 1. Approve,
 2. Approve subject to conditions,
 3. Denial;
- K. Explanation of appeal rights as appropriate. (Ord. 98-8 § 2 (part): prior code § 9-43.020)

9-96.040 Public notice required.

Except as otherwise required by state law, development project applications shall require notice of the hearing to be furnished to the public and adjacent property owners. The method of notice shall be as follows:

A. Publication of the hearing notice in an adjudicated newspaper of general circulation at least ten days prior to the hearing;

B. First class mailing of hearing notices to property owners within three hundred (300) feet of the property boundaries of all applications to be heard by the Planning Agency at least ten days prior to the hearing;

C. First class mailing of hearing notices to property owners immediately abutting the project location for applications heard by the Community Development Director at least ten days prior to the hearing;

D. Posting of the hearing notices at standard city locations designated by the City Clerk;

E. The Planning Department shall be responsible for supervising compliance with all notice requirements. (Ord. 98-8 § 2 (part): prior code § 9-43.040)

9-96.050 Notice content.

Required public notices shall contain all of the following information:

- A. Date, time, and place of hearing;
- B. Identification of reviewing authority;
- C. Location of project, to include tax assessor number, legal description, general geographic description;
- D. Project description;
- E. Identification of proponents/applicants;
- F. CEQA determination statement;
- G. Statement related to appeals and challenges;
- H. Information on the availability and location of staff reports and public review materials. (Ord. 98-8 § 2 (part): prior code § 9-43.050)

9-96.060 Property owner identification.

Whenever a public hearing notice is required, it shall be sent to the owners of record for properties within the distance prescribed in Section 9-96.040. Owners of record shall be determined from the latest equalized assessment role as maintained by the County Tax Collector and/or County Tax Assessor Offices. The Planning Department shall provide a process for assisting applicants to complete ownership identification and shall provide that information to applicants in the form of handouts available from the public counter area. (Ord. 98-8 § 2 (part): prior code § 9-43.060)

9-96.070 Appeals of staff decisions.

Decisions rendered by officials of the city with regard to development reviews are appealable as follows:

A. Administrative decisions of staff are appealable to the Community Development Director;

B. Decisions of the Community Development Director to approve or deny permits, or interpretations of the development code, are appealable to the Planning Agency. (Ord. 98-8 § 2 (part): prior code § 9-43.070)

9-96.080 Written appeal required.

All appeals shall be submitted in writing to the City Clerk. The Planning Department shall provide for a process and forms for the filing of all appeals. (Ord. 98-8 § 2 (part): prior code § 9-43.080)

9-96.090 Timely appeals.

An appeal shall be considered timely if filed within the time limits established by the law or the development code governing the application or action. Unless otherwise specified, the appeal period shall commence with the date of the contested decision and shall expire ten days thereafter. (Ord. 98-8 § 2 (part): prior code § 9-43.090)

9-96.100 Appeal scheduling.

The City Clerk shall forward the written appeal to the Community Development Director for review and scheduling before the appropriate appeal authority. The appeal hearing shall be conducted not later than forty-five (45) days from receipt of the appeal. (Ord. 98-8 § 2 (part): prior code § 9-43.100)

9-96.110 Hearing required.

A noticed public hearing shall be conducted for each appeal. (Ord. 98-8 § 2 (part): prior code § 9-43.110)

9-96.120 Appeal fees.

A fee as established by resolution of the City Council

shall be charged for each appeal. The Council may waive the appeal fee. (Ord. 98-8 § 2 (part): prior code § 9-43.120)

9-96.130 Who may file appeals.

Appeals may be filed by the following individuals:

A. Any property owner within the distance specified for notice;

B. The applicant;

C. The city council. (Ord. 98-8 § 2 (part): prior code § 9-43.130)

9-96.140 Planning Agency or City Council decision final.

The decision of the Planning Agency or City Council, as applicable, shall be final. (Ord. 98-8 § 2 (part): prior code § 9-43.140)

9-96.150 Notification of decision.

Each applicant shall be provided written notice of the decision of the appeal authority within ten days after the decision. (Ord. 98-8 § 2 (part): prior code § 9-43.150)

Table 9-96.A

THRESHOLDS OF REVIEW/Appeal Authority

Type of Application	Hearing Required	Decision Authority	Appeal Authority
Change plan	No	Community Development Director	Planning Agency
Conditional use permit	NAH	Planning Agency	N/A
Conditional use permit for large family day care	No	Community Development Director	Planning Agency
Development agreement amendment	NAH	City Council	N/A
Development agreement	NAH	City Council	N/A
Development code amendment	NAH	City Council	N/A
Extension of time	No	Planning Agency	N/A
General plan interpretation	No	Planning Agency	N/A
General plan amendment —Major —Minor —Technical	NAH NAH No	City Council City Council Community Development Director	N/A N/A N/A
Home occupation permit	No	Community Development Director	Planning Agency
Landscape plan	No	Community Development Director	Planning Agency
Master sign program	NAH	Planning Agency	N/A
Parking use permit	NAH	Planning Agency	N/A
Precise plan	NAH	Planning Agency	N/A
Sign program amendment —Major —Minor	NAH No	Planning Agency Community Development Director	N/A Planning Agency
Sign permit	No	Community Development Director	Planning Agency
Site development permit —Minor —Major	No NAH	Community Development Director Planning Agency	Planning Agency N/A

Table 9-96.A (continued)

Type of Application	Hearing Required	Decision Authority	Appeal Authority
Special use permit	NAH	Planning Agency	N/A
Specific plan	NAH	City Council	N/A
Specific plan amendment	NAH	City Council	N/A
Temporary use	No	Community Development Director	Planning Agency
Variance	NAH	Planning Agency	N/A

Notes:

NAH = Noticed advertised public hearings

N/A = Not applicable

(Ord. 98-8 § 2 (part))