

Chapter 19.32: Common Procedures

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19.32.010 Purpose

This Chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in the Zoning Ordinance unless superseded by specific requirements of this Zoning Ordinance or State law.

19.32.020 Application Forms and Fees

- A. **Applicants.** The following persons may file applications:
1. The owner of the subject property.
 2. An agent representing the owner, duly authorized to do so in writing by the owner.
 3. A lessee in possession of the subject property applying for a Zoning Clearance or Use Permit for a Home Occupation may file without the consent of the owner, provided that in the case of an application for a Use Permit for a Home Occupation, the owner of the property shall be given notice of the application.
- B. **Application Forms and Supporting Materials.**
1. The Zoning Administrator or designee shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Zoning Ordinance.
 2. The Zoning Administrator may require the submission of supporting materials as any part of the application, including but not limited to statements, photographs, plans, drawings, renderings, visual simulations, models, material samples and

other items necessary to describe existing conditions and the proposed project. The Zoning Administrator may require sufficient information to permit the City to determine the level of environmental review that shall be required pursuant to the California Environmental Quality Act and the City’s adopted environmental review guidelines. Unless otherwise specified, all renderings shall depict the proposed structure, landscaping, other improvements, and surrounding land uses as they would appear three years after project completion.

3. All material submitted becomes the property of the City and public information.
4. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Department offices. Unless barred by law, copies of such materials shall be made available at a reasonable cost to be established annually through City Council resolution.

19.32.030 Optional Pre-Application Review

Pre-Application review is an optional review process that is intended to provide information and feedback to applicants on relevant policies, regulations, guidelines, and procedures related to projects subject to discretionary approvals pursuant to the Zoning Ordinance. This review is intended for large, complex and/or potentially controversial projects.

- A. No submittal will be accepted for pre-application review without payment of a fee established by resolution of the City Council and submission of materials that the Zoning Administrator has determined necessary to conduct such review.
- B. A potential applicant may request or the Zoning Administrator may recommend pre-application review by the Planning Commission or Design Review Board. Any recommendations that result from such review shall be advisory only and not binding on the applicant or City.

19.32.040 Review of Applications

- A. When an application is determined to be complete the Zoning Administrator shall make a record of that date. If an application requires a public hearing, the Zoning Administrator shall schedule it and notify the applicant of the date and time.
- B. The Zoning Administrator may, upon written request by the applicant and for good cause, grant extensions of any time limit for review of applications imposed by this Zoning Ordinance in compliance with State law.

19.32.050 Public Notification

Notification shall be provided in compliance with the requirements of State law and as follows whenever public notice is required by the provisions of this Zoning Ordinance.

- A. **Mailed Notice.** At least ten calendar days before the date of the public hearing or the date of action when no public hearing is required, the Zoning Administrator, or the City Clerk for hearings before the City Council, shall provide notice by First Class mail to:
1. All property owners of record within a 300-foot radius of the proposed project, as shown on the County Assessors roll;
 2. All neighborhood and community organizations that have previously requested notice of projects in the area where the site is located in writing; and
 3. Any person or group that has specifically requested notice regarding the application in writing.
- B. **Published Notice.** When a provision of this Zoning Ordinance requires a public hearing, in addition to providing mailed notice pursuant to subsection (A), the City shall provide notice within ten days of the hearing by publication in at least one newspaper of general circulation within the City.
- C. **Alternate Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice required in subsection (A), the Zoning Administrator or City Clerk may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least ten days prior to the hearing. This publication may also be used to satisfy the additional hearing notice requirements of subsection (B) above.
- D. **Additional Hearing Notice.** The Zoning Administrator may require additional notification as follows:
1. Expand the mailed notice of a public hearing to owners of real property that is the subject of the public hearing;
 2. Posting the notice on the property that is a subject of the hearing;
 3. Providing notice of a public hearing to homeowners associations in the neighborhood of a project; and
 4. Providing notice of a public hearing to residents or merchants within the mailing radius.

The Zoning Administrator may also provide any additional notice that he or she determines is necessary or desirable.

E. **Contents of Notice.** The notice shall include the following information:

1. A general description of the proposed project or action and the property included in the application;
2. The date, time, location, and purpose of the public hearing;
3. The names of the applicant and the owner of the property that is the subject of the application;
4. A general description of the environmental review conducted in connection with review of the application and the determination and/or documentation prepared;
5. The location and times at which the complete application and project file, including environmental documentation, may be viewed by the public;
6. A statement that any interested person or authorized agent may appear and be heard; and
7. A statement describing how to submit written comments.

F. **Public Notification of Non-Discretionary Multi-Story Single Family Design Plans.**

1. Notwithstanding the previous requirements in this section, no building permit shall be issued in any RS zoning district for any new construction, addition, or alteration of a single-family dwelling of more than one story until the proposed plans have been available for public review pursuant to the requirements of this section. This includes additions to existing single-family dwellings that would add an additional story or expand any story above the ground floor.
2. This subsection F shall not apply to any project for which notice is provided to neighbors within 300 feet, including any project for which design review is required.
3. Preliminary plans shall be submitted to the Zoning Administrator prior to submitting an application for a building permit. Preliminary plans shall include a plot plan drawn to scale, showing dimensions of all setbacks from property lines, and showing locations of all buildings on abutting sites, with an illustration plotting shadows of the proposed building as they would be cast at noon on December 21st of any year. Submittals shall include building floor plans with a series of cross-sections illustrating the height limit and setback planes.
4. The Zoning Administrator may require the installation of story poles for any project that proposes to increase the height of an existing structure beyond one-story or any new structure proposed to be more than one-story. An applicant may have this requirement waived for any project pursuant to a statement signed by the owners of all adjacent properties as determined by the Zoning Administrator

agreeing that story poles are not necessary. If story poles are required, they shall be fully erected, subject to City standards, prior to the start of the 14-day notice period.

5. The Zoning Administrator shall mail notice to all owners of properties located within 300 feet of the boundaries of the property where such construction is proposed, advising that plans for a single-family dwelling, involving either new construction or an addition, are available for inspection by the public for a period of 14 days from the date of the notice. In the event that such plans are subsequently changed in any way that would change the articulation of the roofline, increase the height or reduce the setback of a structure, the Zoning Administrator shall mail a new notice to said owners and tenants, advising them that revised plans are available for a 14-day review period.

- G. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident or neighborhood or community organization to receive such mailed notice.

19.32.060 Conduct of Public Hearings

A public hearing held pursuant to this Zoning Ordinance shall comply with the following procedures:

A. **Public Hearing Testimony.**

1. **Rights of All Persons.** Except as otherwise provided in Paragraph 2 below, any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.
2. **Time Limits.** Notwithstanding the foregoing, the Mayor for hearings before the City Council, or the Chair for hearings before any other body, may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.

- B. **Order of Proceedings at Public Hearing.** The order of the proceedings at the public hearing shall generally be as follows. This order may be modified by the decision-making body in their rules for conduct of meetings:

1. **Staff Report Presented.** Staff shall present a verbal report that includes a recommendation when appropriate, and shall respond to questions from the body.
2. **Public Hearing.** The Mayor or Chair shall open the public hearing.

3. ***Applicant Presentation.*** The applicant shall present the project and respond to questions from the body.
 4. ***Public Testimony.*** Testimony will be accepted from those requesting to be heard.
 5. ***Applicant Response.*** The Mayor or Chair may request the applicant to respond to testimony or evidence presented by the public.
 6. ***Close of Public Hearing.*** The Mayor or Chair shall close the public hearing.
 7. ***Staff Response.*** Staff may provide information or clarification regarding matters raised during the public testimony.
 8. ***Deliberation and Action.*** The Council, Board or Commission shall discuss the request and approve, approve with amendments, deny, or continue consideration of the request.
- C. **Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date. Provided that in the latter instance the body conducting the public hearing provides notice of the continued hearing in the manner prescribed in this Chapter once a date has been established for the continued hearing.

19.32.070 Ex Parte Communications

- A. **Discouraging Ex Parte Communications.** To ensure that the decision-making process is fair and impartial, all members of the Planning Commission and Design Review Board are discouraged from, directly or indirectly, receiving, participating in, or making, or causing to be made any ex parte communication relevant to the merits of an application pending before that body. Ex parte communications are oral or written, off-the-record communications made to or by members of the Commission or Board with applicants, neighbors, or other interested parties excluding City staff and officials acting in their official capacity. Such contacts include, but are not limited to, one-on-one meetings, discussions, telephone calls, or e-mail messages that occur outside of a public meeting of the body on which the City official serves at which the matter discussed has been publicly noticed.
- B. **Exceptions.** This policy discouraging ex parte communications shall not apply to communications between Board, Commission, or Staff. This policy is not intended to prevent site visits that are reported in the record, the receipt of expert opinion, and the review of mail and other correspondence relating to the proceedings. This policy also excludes meetings between ad hoc committees that the Planning Commission or Design Review Board may establish to meet with applicants and/or surrounding property owners on a particular application. Such ad hoc committees shall include less than a majority of the total membership of the Commission or Board. All such communications shall be

documented and entered into the record of the proceedings as provided for in subsection (C).

- C. **Disclosure of Communications.** Any official who receives an ex parte communication, or who participates in a site visit shall place the communication in the public record or shall enter into the record a statement describing the time, place, and content of the communication.

19.32.080 Scope of Approvals

- A. Any approval permits only those uses and activities actually proposed in the application, and excludes other uses and activities. Unless otherwise specified therein, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.
- B. Unless otherwise specified required, or approved by the Zoning Administrator, Planning Commission, Design Review Board, or Council, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the permittee guarantees, warranties or insures that the Permit's plans and/or conditions shall in all respects be complied with.
- C. The approved use and/or construction is subject to, and shall comply with, all applicable City ordinances and laws and regulations of other governmental agencies.
- D. If the construction of a building or structure or the use established is contrary to the description or illustration in the application, so as to either violate any provision of the Zoning Ordinance or require additional permits, then the approval shall be deemed null and void.
- E. All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the Use Permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner or successor property owners to comply with such conditions.

19.32.090 Effective Dates

- A. No building permit or business license shall be issued for any project where a Variance, Use Permit, or other discretionary permit subject to appeal is required by the terms of this Zoning Ordinance until after the 10th day following the date of the approval of the discretionary permit.

19.32.100 Expiration and Extension

- A. **Automatic Lapse.** Any permit granted under this Zoning Ordinance may be declared lapsed and of no further force and effect if:
1. The permit is not exercised or extended within two years of its issuance.
 2. The property has been vacant for at least one year and the permit holder or the owner of the property, in the event they are different, has not demonstrated a continuous good faith effort to reoccupy the property with the use specified in the approved permit. In such cases, the permit holder shall have the burden of establishing his/her continuous good faith effort to reestablish the use. The Planning Commission may require the permit holder to produce documentation to substantiate that intent.
- B. **Exercise of Use Permit.** A permit for the use of a building or a property is exercised when the permitted use has commenced on the property.
- C. **Extension.** The Zoning Administrator may approve a single one-year extension of any permit or approval granted under this Zoning Ordinance upon receipt of a written application with the required fee prior to expiration of the permit. All other extensions shall require approval by the Planning Commission.
- D. **Lapse by Written Notice.** Permits may be declared lapsed (null and void) by the Zoning Administrator upon 15 days written notice to the permit holder. Any determination by the Zoning Administrator that a permit has lapsed may be appealed to the Planning Commission in the same manner as an action by the Zoning Administrator on an Administrative Use Permit.

19.32.110 Amendment of Approvals

- A. **Changes Requiring Amendment.** No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is amended by the Zoning Administrator, Design Review Board, or Planning Commission as provided for in this Zoning Ordinance. Unless specifically authorized in the original approval, changes that require amendment include, but are not limited to, the following:
1. Expanding the floor or lot coverage devoted to the approved use or uses by more than 10 percent;
 2. Substantially expanding the floor area, or lot coverage devoted to customer service and/or increase in the number of customer seats;
 3. Substantially increasing the number of dwelling units, employees, beds, rooms or entrances; or

4. Establishing a new product line, service, function or activity so as to change the use as defined in Chapter 19.46: Use Classifications or as defined in the City Building Code.
- B. **Minor Amendment by Zoning Administrator.** The Zoning Administrator may approve minor amendments to approved plans that are in substantial conformance with plans, findings and conditions approved by the Zoning Administrator, Design Review Board or the Planning Commission, and that would not intensify any potentially detrimental effects of the project.

19.32.120 Revocation of Permits

Any permit granted under this Zoning Ordinance may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith.

- A. **Revocation Procedure.** The Planning Commission, by its own action, at the request of the City Council by resolution, or following a recommendation from the Zoning Administrator, may initiate revocation proceedings.
- B. **Public Notification.** The Zoning Administrator shall give notice of the hearing before the Planning Commission pursuant to the requirements of Section 19.32.050 after providing mailed notice to the current permit holder within the prescribed time period.
- C. **Conduct of Public Hearing.** The public hearing regarding the revocation of a permit or variance or other approval shall be conducted in the same manner as for Use Permits pursuant to Section 19.32.060.
- D. **Required Findings.** The Planning Commission may revoke or amend the permit if it makes any of the following findings:
 1. The permit has lapsed as provided for in Section 19.32.100.
 2. The permit holder has failed to comply with one or more of the conditions set forth in the permit.
 3. The use, building, site or structure has been substantially changed in character or substantially expanded beyond what is set forth in the permit or plans.
 4. The property has been vacant for at least one year and the permit holder or the owner of the property, in the event they are different, has not demonstrated a continuous good faith effort to reoccupy the property with the use specified in the approved permit. In such cases, the permit holder shall have the burden of establishing his/her continuous good faith effort to reestablish the use. The Planning Commission may require the permit holder to produce documentation to substantiate that intent.

- E. **Notice of Action.** Following Planning Commission action to revoke or amend a permit, the Zoning Administrator shall within 15 days issue a Notice of Action describing the Commission’s action, with its findings. The Zoning Administrator shall mail notice to the permit holder and to any person who requested the revocation proceeding and shall file a copy of the Notice with the City Clerk. The Clerk shall provide the City Council with a copy of the notice at its next regular meeting.

- F. **Appeals.** The Planning Commission’s action shall be subject to appeal to the City Council as provided for in Chapter 19.39: Appeals.