

§ 17.06.050. Public hearing.

- A. **Setting of Hearing Dates.** The date of public hearing shall be not less than ten days and not more than forty-five days after either the completion of the environmental review process or the adoption of the resolution. Applicants may request a later hearing date. Hearings before the planning commission shall be scheduled by the secretary of the planning commission. Hearings before the city council shall be scheduled by the planning department in cooperation with the city clerk.
- B. When a planning application requires a public hearing, the public shall be provided notice of the hearing in compliance with state law (Government Code Sections 65090, 65091, 65094 and 66451.3, and Public Resources Code 21000 et seq.), and this chapter.
- C. **Wording of Public Hearing Notices.** Public notice of hearings shall prominently state: "Notice of" immediately followed by the type of application, such as: "Notice of Proposed [insert the application or action]." The notice shall also describe the following:
 - 1. The subject property, including address or description of location; the nature of the proposed change or requested use or approval; the name of the applicant; and the city's project case number if one was assigned to the application;
 - 2. The time, date and place of the public hearing or hearings on the matter to be held;
 - 3. The hearing notice shall state if the application is exempt from CEQA, or if the hearing body will consider approval of a draft negative declaration, mitigated negative declaration, or environmental impact report under CEQA.
- D. **Notice Distribution.** Notice of a public hearing required by this chapter shall be given as follows:
 - 1. **Mailing.** Notice of any public hearing shall be given by regular U.S. mail to the applicant, the owner of the subject property, and to the owner of each property within not less than a three hundred foot radius of the exterior boundaries of the subject property, using addresses given on the assessment rolls or other property database service that provides accurate ownership information. Such written notice shall be mailed not less than ten days prior to the date of the hearing.
 - 2. **In addition to the mailing requirement, the subject property shall be posted with notice of the public hearing and project information shall be made available on the city's website. Planning staff shall execute a certificate of posting in each project file.**
 - 3. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with the previous subsection is more than one thousand, the planning director may provide the alternative notice allowed by state law (Government Code Section 65091(a)(4)).
 - 4. **Publication.** Notice of a public hearing shall be given by at least one publication in a newspaper of general circulation in the city not less than ten days before the date of said public hearing, unless a different publication standard is required by state law.
- E. **Additional Notice.** The planning director may add relevant information to a hearing notice,

distribute to a greater radius distance, or use an additional method as the planning director determines is necessary or desirable (e.g., the Internet). The planning director's discretion to expand the notice shall be based on potential environmental impact or any geographic feature that may impact surrounding properties.

- F. Continuation of Hearing. The applicant may request that the hearing body continue the public hearing. If the hearing body agrees to the continuance, it shall publicly announce the date, time, and place of the continued public hearing, and no further notice shall be required. The hearing body may also choose to continue the public hearing on its own initiative.
- G. Time Limit and Rules of Conduct of Hearings. Except for the applicant, the applicant's representative, the appellant, or city staff, interested persons desiring to speak for or against an application or project shall limit their remarks to a single period of five minutes, unless further time is granted by the presiding officer of the planning commission or city council. The hearing body may establish other rules governing the conduct of its public hearings. In the absence of such rules, Robert's Rules of Order shall govern the proceeding.
(Ord. 1959 § 2, 2010; Ord. 2017 § 4, 2012)

§ 17.06.060. Decision.

- A. City council and planning commission decisions to grant or deny zoning applications or appeals shall be in the form of a formal resolution or ordinance adopted within thirty days after the termination of the public hearing on the matter. The decision, including any conditions of approval, shall contain written findings that explain the basis of the decision. Unless otherwise provided, the conditions imposed shall run with the land and are binding on the successors, heirs, and assignees of the applicant. The city may require that any or all of the conditions be recorded in a covenant between the owner and the city.
- B. Votes Needed to Approve—Deadlock Vote. Approval by the city council or planning commission requires a minimum of three affirmative votes. The effect of either a tie vote or insufficient affirmative votes shall be the same as a denial, and, if applicable, is subject to appeal in accordance with this chapter. On actions requiring a recommendation from the planning commission to the city council, the planning commission may approve a "resolution of no decision" as its recommendation to the city council which will allow the action to be considered by the city council.
- C. A copy of the resolution of decision or ordinance shall be sent to the applicant, the property owner, any appellant, and to all who filed a written request for notice of the decision.
- D. **Effective Dates. Decisions become effective and final on the close of business of the tenth day following the date of issuance of the decision, unless an appeal or a call for review is filed before the effective date.** The filing of an appeal or a call for review has the effect of tolling the time period in which an appeal or call for review may be filed, with resumption of the day count at the time the appeal or call for review is withdrawn.
(Ord. 1959 § 2, 2010)

§ 17.06.070. Appeal.

- A. To avoid results inconsistent with the purposes of this title, decisions of the planning director

may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council by filing an appeal prior to the effective date as set forth in Section 10.06.060(D). The appeal must be filed in the city clerk's department and the appellant must use the planning department's appeal form. The completed form must be submitted with the required processing fees.

- B. The appeal shall be scheduled for the next regular meeting of the reviewing body that is within forty-five days after the date on which the appeal was filed. An appeal hearing shall be a public hearing if the original decision required a public hearing, with notice given to the same recipients and in the same manner as was required for the initial public hearing.
- C. Upon receipt of a timely filed appeal to the planning commission, the city clerk shall advise the planning department which shall transmit the complete record of the case to the planning commission.
- D. Upon receipt of a timely filed appeal to the city council, the city clerk shall advise the secretary of the planning commission who shall transmit to the city clerk the planning commission's complete record of the case.
- E. Scope of Appeal—Consideration of New Evidence.
 - 1. The appeal authority may consider any issues associated with the decision being appealed, in addition to the specific grounds stated in the appeal.
 - 2. If new or different evidence is presented in the appeal application, or if new or different evidence is presented during the appeal hearing, the appeal authority may refer the matter back to the planning director or the planning commission for either: (a) a report on the evidence before a final decision on the appeal; or (b) commencement of a new public hearing and proceedings.
- F. The appeal authority may grant, deny, or modify, in whole or in part, the planning approval, permit, or determination that is the subject of the appeal.
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- F. The appeal authority may grant, deny, or modify, in whole or in part, the planning approval, permit, or determination that is the subject of the appeal.
(Ord. 1959 § 2, 2010)

§ 17.06.080. Call for review.

At the request of a council member for a call for review filed in the city clerk's office prior to the effective date of the resolution of decision, the city council may review the planning commission's decision in accordance with the procedures for appeal. The call for review filing shall indicate the grounds for such review and that there is a need for the matter to be determined by the city council. Such calls for review shall be exempt from the appeal fee requirement.

Upon such filing of a call for review, a public hearing of the city council shall be scheduled to formally consider the planning commission's decision.
(Ord. 1959 § 2, 2010)