

Exhibit D
17.74 – Permit Procedures

17.74.010 – Purpose

The purpose of this Chapter is to establish the procedures for the filing, review, processing, withdrawal and revocation of land use and development permits (hereafter referred to as “permits”) required by the Zoning Ordinance.

17.74.020 – Application Fees

- A. **Fee Schedule.** The City Council, by resolution, shall establish a schedule of fees for permits, amendments, and other matters pertaining to this Zoning Ordinance. For projects that require more than one permit type to approve, all fees associated with each permit type shall be charged. Unusually large or complex projects may be subject to an hourly rate in addition to the basic application fees.
- B. **Application Fee Payment.** All application fees are due at the time of application submittal. The City shall not process any application received until all of the required fees have been paid.
- C. **Refunds.** The application fee shall not be refunded for any project that is denied or withdrawn.

17.74.030 – Preliminary Review

- A. **Preliminary Review Filing.** An applicant or property owner is encouraged to apply for a preliminary review from the Community Development Department prior to the submittal of a formal application.
- B. **Preliminary Review Application Contents.**
 - 1. An applicant is encouraged to submit preliminary plans, diagrams, or conceptual plans in order to receive preliminary feedback on the project proposal prior to the preparation of a formal project submittal. If plans are unavailable, an applicant may also submit a question or written statement as part of the pre-application submittal.
 - 2. The applicant shall submit a completed application for a preliminary review, project materials, and the appropriate filing fee noted in the City’s Fee Schedule.
- C. **Preliminary Review by the Development Review Committee.** All preliminary review applications will be routed to the City’s Development Review Committee (DRC) for review.

D. Preliminary Review Meeting.

1. Following the review period, the City will schedule a preliminary review meeting between the DRC and the applicant.
2. During the preliminary review meeting, the City will provide the following information, to the extent possible, based on the submitted application materials:
 - a. Inform the applicant of the General Plan and Zoning Ordinance requirements that apply to the project;
 - b. Explain the City's review process;
 - c. Identify any additional information or technical studies that may be required for the project;
 - d. Provide guidance to the applicant on possible project alternatives or modifications;
 - e. Provide guidance on any questions or concerns raised by the applicant in the preliminary application submittal.
3. Preliminary review comments (both oral and written) provided by the City shall not be construed as a recommendation for approval or denial of a project.
4. The preliminary application will not be reviewed for completeness. The project application shall be reviewed for completeness during a formal application submittal and any during the subsequent review for compliance with the California Environmental Quality Act.

17.74.040 – Land Use and Development Permit Application Submittal

- A. **Project within City Limits.** All applications for a use or development permit shall be for properties located within the City Limits. For properties that are located outside of the City Limits, applications may only be submitted for Annexation with the accompanying Pre-Zoning and General Plan Amendment applications.
- B. **Forms.** The Community Development Director shall prepare application forms and supplemental information forms for all permits. It is the Applicant's responsibility to submit all required application and supplemental forms with their project.
- C. **Submittal Requirements.** The Planning Division shall maintain a list of all submittal requirements for each permit type including plans, written statements, diagrams, maps, reports, and fees. All of the items noted on the list(s) are required

to be submitted in order to deem an application complete. Applicants are encouraged to contact the Department before submitting an application to verify which materials are necessary for application filing.

- D. **Signature.** Applications may be made by any person so long as the application is signed by the applicant as well as all property owner(s) of record for all parcel(s) located within the project area.
- E. **Application Submittal.** All required application materials together with the application fee shall be submitted to the Planning Division. An application that does not contain all of the required materials will not be accepted as complete.
- F. **Notice of Proposed Project Notification Sign.** For all projects that require review of a Conditional Use Permit, Site and Architectural Review, Minor Subdivision, Tentative Map, Planned Development, Pre-zone, Annexation, Variance, General Plan Amendment, or Rezoning, the applicant shall install a sign or signs on each site of the proposed project in accordance with the City's requirements. Upon notification by staff, a project notification sign shall be installed within 30 days. No application shall be deemed complete until the project notification sign is installed.

17.74.050 – Multiple Permit Applications

- A. **Concurrent Filing.** An applicant for a development project that requires the filing of more than one permit type (i.e., Site and Architectural Review and a Minor Conditional Use Permit) shall file all related applications concurrently, together with all applicable fees, application forms, and materials unless the concurrent filing requirement is waived by the Community Development Director.
- B. **Concurrent Processing.** The Community Development Department shall process all applications for the same project concurrently. Projects requiring multiple permit applications shall be acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Zoning Map Amendment and a Site and Architectural Review shall have both applications decided by the City Council, instead of the Planning Commission acting on the Conditional Use Permit).

Where a permit requires approval by the City Council, the Planning Commission shall review the project during a public hearing and shall transmit their recommendation on the project to the City Council.

17.74.060 – Application Review

All applications for permits required by this Zoning Ordinance shall be processed as follows:

- A. **Development Review Committee.** All projects which require review by the City's Development Review Committee (DRC), as noted in Table 17.72-1, shall be routed to the DRC for review for compliance with all applicable city requirements, city standards, state law, and all applicable safety codes.
- B. **Completeness Review.** Within 30 calendar days of the acceptance of an application, the applicant shall be informed in writing if the application is complete and has been accepted for processing or if the application is incomplete and that additional information, specified in the Notice, shall be provided. If the 30th day of review falls upon a weekend or city holiday, the Notice of Completeness shall be provided on the next regular business day.
 - a. **Appeal of Determination.** An Applicant may appeal an incompleteness determination by the Community Development Director in accordance with Chapter 17.78 Appeals.
- C. **Resubmittal of Requested Application Materials.** Resubmittals shall contain the information and plans included in the prior submittal plus all items noted in Notice of Incompleteness (partial submittals will not be accepted). Project resubmittals shall be submitted to the City within 180 days of the date of the Notice or the project will be deemed abandoned in accordance with Section 17.74.170. Project resubmittals will be reviewed as noted under Sections A and B above. Following resubmittal and the Applicant will be informed within 30 days if the application is complete for processing or if additional information must be submitted.
- D. **Environmental Review.** After an application has been accepted as complete, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) in accordance with Chapter 17.76. The Department may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act and/or the National Environmental Protection Act.
- E. **Determination by Decision-Making Authority.** Upon completion of environmental review or a determination of exemption from CEQA, a complete application shall be forwarded to the decision-making authority for a determination on the permit application. Staff reports and public noticing shall be prepared where applicable in accordance with this Chapter.

17.74.070 – Referral of Decision-Making Authority

- A. **Application Referral.** Any application may be referred to another decision maker and shall not be considered an appeal.
- B. **Referral to Planning Commission.** At any point during the review process the Community Development Director may transfer original hearing jurisdiction to the Planning Commission at their discretion because of policy implications, unique or

unusual circumstances, significant neighbor concerns, or the magnitude of the project.

- C. **Referral to City Council.** At any point in the project review process the Planning Commission may transfer original hearing jurisdiction to the City Council at their discretion because of policy implications, unique or unusual circumstances, regarding the project, or the magnitude of the project.
- D. **Review of Referred Project.** All projects referred to another decision-making body shall be reviewed in the same manner as a non-referred project.
- E. **Referral is Not Appealable.** The decision to refer a project to another decision-making body may not be appealed.

17.74.080 - Notice of Community Development Decision

A notice of an intent to approve or deny a Minor Site and Architectural Review or a Minor Conditional Use Permit by the Community Development Director shall be given as follows:

- A. **Notice of Decision.** A notice shall be given ten days prior to the decision of the Community Development Director for a Minor Site and Architectural Review Permit or a Minor Conditional Use Permit.
- B. **Content of Notice.** The Notice of Decision shall include the date and time in which the Community Development Director will render a decision on the proposed project; a general explanation of the matter to be considered and the determination proposed to be made; and a general description, in text or by diagram, of the location of the real property that is the subject of the application.
- C. **Method of Notice Distribution.** Notice of a decision by the Community Development Director shall be mailed or delivered as follows:
 - a. The applicant and the owner(s) of the parcel(s) located within the project area;
 - b. All occupants of the properties located immediately adjacent to the project site;
 - c. Occupants of any business located within the same building or shopping center as the proposed use;
 - d. All owners of real property as shown on the latest equalized assessment roll within 300 feet of the property that is the subject of the application; and

- e. Any person who has filed a written request for notice with the Director and has paid the fee set by the most current City Fee Resolution for the notice.
- D. **Request for a Hearing.** Should anyone request a public hearing for the proposed project, the Community Development Director shall transfer decision making authority to the Planning Commission and notice of the hearing shall be given under Section 17.74.090.

17.74.090 – Notice of Public Hearing

A notice of a public hearing for review by the Planning Commission and City Council shall be given as follows:

- A. **Notice of Hearing.** The public shall be provided notice of hearings in compliance with state law (including but not limited to the Planning and Zoning Law, Government Code Sections 65000 et seq., Subdivision Map Act, Government Code Sections 66410 et seq., the Ralph M. Brown Act, and the California Environmental Quality Act, Public Resources Code 21000 et seq.).
- B. **Content of Notice.** Notice of a public hearing shall include: the date, time and place of the hearing; the name of hearing body; a general explanation of the matter to be considered; and a general description, in text or diagram, of the location of the real property that is the subject of the hearing.
- C. **CEQA Notice.** A notice required pursuant to the California Environmental Quality Act notifying the public comment period for a CEQA document or the intent to adopt a CEQA document may be combined with the required permit public notice.
- D. **Method of Notice Distribution.** Notice of a public hearing required by this title shall be given as follows, as required by Government Code Sections 65090 and 65091.
 - 1. Notice shall be published at least once in a newspaper of general circulation in the City a minimum of ten (10) days prior to the hearing; and
 - 2. Notice shall be mailed or delivered at least ten days before the hearing to:
 - a. The applicant and the owner(s) of the parcel(s) located within the project area;
 - b. All owners of real property as shown on the latest equalized assessment roll within 300 feet of the property that is the subject of the hearing; and

- c. Any person who has filed a written request for notice with the Director and has paid the fee set by the most current City Fee Resolution for the notice.
- E. **Extensive Mailing.** If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide the alternate notice allowed by Government Code Section 65091(a)(3).
- G. **Additional Notice.** The Community Development Director may expand the distribution method at their discretion.

17.74.100 – Staff Reports

When a public hearing is required, a staff report shall be prepared in accordance with the following:

- A. **Staff Report Preparation.** A staff report shall be prepared by the Planning Division that describes the project and the conclusions/findings of staff regarding the proposed land use and/or development of the project site and the proposal's compliance and consistency with the provisions of this Zoning Ordinance, other applicable provisions of the Hollister Municipal Code, applicable design guidelines, applicable specific plans, and the General Plan. The staff report shall include recommendations on the application's approval, compliance with the provisions of the California Environmental Quality Act, project Conditions of Approval, and findings for approval or disapproval of the application.
- B. **Report Distribution.** Staff reports shall be distributed to applicants and the property owner(s) of the project site at the same time as they are distributed to the Planning Commission or City Council prior to a hearing on the application.

17.74.110 – Public Hearing

When a public hearing is required by this Title, the hearing shall be conducted as follows:

- A. **Scheduling of Hearing.** After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and the preparation of a staff report, the matter shall be scheduled for public hearing on the next available meeting agenda reserved for the matters, consistent with CEQA and permit noticing requirements.
- B. **Public Hearing.** Hearings shall be held at the date, time, and place for which notice has been given. The public hearing shall be conducted in accordance with any policies or procedures adopted by the hearing body. At the public hearing, interested persons shall be given the opportunity to present information and testimony about the proposed project.

- C. **Findings.** The Planning Commission and City Council shall make the required findings for each permit type as specified in the Zoning Ordinance.
- D. **Notice of Decision.** At the conclusion of a scheduled hearing, the hearing body will announce its decision or recommendation, as applicable, which shall contain applicable findings and any conditions of approval. A notice of the decision and any conditions of approval shall be provided to the applicant.
- E. **Recommendation.** For applications in which the Planning Commission makes a recommendation to the City Council, the Planning Commission shall transmit its recommendations in writing to the City Council for final action.
- F. **Continuance of a Public Hearing Item.** At the discretion of the hearing body, a public hearing may be continued from its scheduled date to a future date provided that prior to the adjournment or recess of the hearing, a clear announcement is made specifying the date, time, and place to which said hearing will be continued. Projects that are not continued to a date certain meeting will be required to be re-noticed in accordance with this Chapter prior to the rescheduled meeting.

17.74.120 - Denied Projects

Upon denial of a permit, and if the decision is not reversed through an appeal, no further application for a permit for the same use or project on the same property shall be filed for a period of one year from the date of denial. A new application for a permit may be submitted upon the same property within one year of the date of denial if the Community Development Director has deemed that the new project is substantially different from the project that was previously denied.

17.74.130 - Permit Implementation

- A. **Effective Date of Permits.** Non-legislative actions shall become effective on the 11th day following the date of application approval by the appropriate review authority, provided that no appeal of the review authority's action has been filed in compliance with Chapter 17.78 (Appeals). In the case of an appeal being filed, a permit shall become effective following the final determination on the appeal.
- B. **Applications Deemed Approved.** Any permit application deemed approved in compliance with Government Code 65956 shall be subject to all applicable provisions of this Zoning Ordinance and conditions of approval or mitigation measures upon which approval is contingent. No subsequent permit for land development or construction shall be issued or a land use subject to a use permit under this Title established unless the all applicable local, state, and federal requirements are met and conditions of approval or mitigation measures complete.
- C. **Performance Guarantees.** A permit applicant may be required by conditions of approval or by action of the Director to provide adequate security to guarantee the

faithful performance of any/all conditions of approval imposed by the review authority.

- D. **Permit to Run with the Land.** Approved permits shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the approved permit as long as the use and operation is consistent with the approved permit and project conditions of approval.

17.74.140 – Permit Expiration and Extensions

- A. **Time Limits.** Approval of a permit shall be valid for two (2) years following the date of approval. If within the two-year time period, the proposed use of the site has not commenced or a building permit has not been issued for construction of buildings pursuant to and in accordance with the provisions of the approved permit, the permit shall automatically expire.
- B. **Extensions of Time Tentative Map.** Upon request by the applicant, the Planning Commission may extend the time for the Final Map to be recorded in accordance with Section 16.40.010 of the Municipal Code.
- C. **Extensions of All Other Permits.** Prior to expiration of all other approved permits, an applicant may request an extension of the project's approval as discussed below. Should a permit expire, a new application shall be submitted along with project plans and all applicable fees paid. Such application will be processed in accordance with the Zoning Ordinance.
 - 1. Upon request by the applicant, the Community Development Director may extend the time for an approved permit to be exercised. The applicant shall submit the required application form, written statement describing the reason the extension is necessary, and the required application fees at least thirty (30) days prior to expiration of the permit.
 - 2. The request for an extension will be reviewed by the City's Development Review Committee (DRC) to ensure that the project complies with current requirements of the Fire Code, Building Code, and Municipal Code. The City's DRC may also impose new or modified conditions of approval on the project as part of the extension request.
 - 3. Following the review and recommendation of the DRC, the Director shall make a determination regarding the request for an extension. Requests for an extension are approved by an Action Letter upon finding that the project conditions of approval are valid and all of the required findings for approval can continue to be made.
 - 4. The Director may, at the Director's sole discretion, approve an extension of the term of an approved permit for up to a period of one year; provided, that

no more than two such term extensions may be approved for any development permit.

5. The decision to grant, deny, or condition an extension is an administrative determination and requires no hearing or notice. The action of the director shall be final, and nothing herein shall be deemed or construed to confer on an applicant a right to an extension or to require the Director to issue an extension. If the Director denies an extension, nothing herein shall preclude the applicant from thereafter filing an application for an appropriate development permit.

- D. **Cessation of Use.** If any use approved under a Conditional Use Permit ceases operations for a period of twelve (12) consecutive months, the approval shall expire.

17.74.150 – Permit Revocation

- A. **Hearings.** At the request of the Community Development Director, the Planning Commission shall hold a public hearing in order to consider revocation or modification of any permit issued by the City.
- B. **Notice.** Ten days prior to the public hearing, notice shall be delivered in writing by certified mail to the applicant and owner of the property for which the permit was granted. Notice shall be deemed delivered upon acceptance of the certified mail.
- C. **Findings.** A permit may be revoked or modified by the Planning Commission, if any one of the following findings can be made:
 1. That the permit was obtained by misrepresentation or fraud;
 2. That the Applicant has failed to comply with one or more of the conditions of the permit;
 3. That the requirements of the Mitigation, Monitoring, and Reporting Program required under CEQA have not been met;
 4. That the improvement authorized in compliance with the permit is in violation of any statute, ordinance, law, or regulation; or
 5. That the improvement/use allowed by the permit is detrimental to the public health, safety, or welfare or constitutes a nuisance.
- C. **Revocation, Modification, or Reaffirmation of Permit.** If the Planning Commission makes one or more of the above findings it may revoke the permit, change conditions or add new conditions deemed necessary to ensure compliance

with CEQA, the Municipal Code and/or General Plan. If the Planning Commission does not make any of the above findings, it shall reaffirm the permit.

- D. **Notification of Permit Revocation.** Upon the revocation, modification or reaffirmation of any land use permit, the Planning Division shall provide the applicant/operator and the property owner a formal written notice of the Planning Commission's action. If the permit is revoked, the notice shall contain a statement directing the permittee and property owner to immediately cease the formerly authorized use, and shall further inform them that failure to cease the use shall be subject to enforcement and penalties as set forth in Chapter 17.118, Enforcement.
- E. **Appeal.** A decision to revoke, modify or reaffirm any land use permit or approval may be appealed to the City Council.

17.74.160 - Refunds and Withdrawals

- A. **Denied Applications.** Application fees cover City costs for public hearings, staff and consultant review time, reports, letters, and other activities involved in the processing of an application. Therefore, the City will not refund fees for an application that is denied.
- B. **Application Withdrawal.** An applicant may request their application be withdrawn at any time in the process in writing. In the event that an applicant withdraws their application, no refund of the application fee will be granted. If the project included a deposit for the preparation of any studies, technical reports, CEQA work, or other documents, the City will refund the balance once all bills associated with the deposit have been paid.
- C. **Deemed Withdrawn.** If an applicant does not provide information requested in the Notice of Incompleteness by the Community Development Department within nine (9) months following the date of the notice from the City, the application shall expire and be deemed withdrawn without any further action by the City. After the expiration of an application, future City consideration shall require the submittal of a new complete application and associated filing fee.