

9.32.100 Decisions of the Hearing Bodies

A. Decisions of Planning Commission.

1. The vote of the Planning Commission required to approve any matter within its jurisdiction shall be as provided by the planning and zoning law of the State of California, and in the absence of any specific voting requirement therein, the approval of any matter shall require the vote of a majority of the quorum of said body.

2. In any instance where a vote of a sufficient majority cannot be obtained on any matter before it, such matter shall be deemed to have been denied.

3. Findings. Findings shall be made by the Planning Commission in compliance with Section [9.32.030](#).

4. Not more than 30 days following the termination of proceedings of the public hearing on an application for a land use action, the Planning Commission shall announce findings, and issue an order, in writing. A copy of this order shall be mailed to the applicant at the address shown on the application and shall, within 15 days of the adoption of the resolution, be transmitted to the City Council.

a. This order shall recite, among other things, the facts and reasons that, in the opinion of the hearing body, make the granting or denial of the application necessary to carry out the provisions and general purpose of this chapter;

b. This order shall direct that the application be either granted or denied;

c. If the application is granted, the order shall also recite the conditions and limitations as the hearing body may impose.

5. Findings. Findings shall be made by the Planning Commission in compliance with Section [9.32.030](#).

6. Orders of the Planning Commission shall be by resolution and shall be called resolutions.

B. Zoning Administrator.

1. Orders of the Zoning Administrator shall be called decisions.

a. The decision shall recite, among other things, the facts and reasons that, in the opinion of the hearing body, make the granting or denial of the application necessary to carry out the provisions and general purpose of this chapter.

b. The decision shall direct that the application be either granted or denied.

c. If the application is granted, the decision shall also recite such conditions and limitations as the hearing body may impose.

2. Findings. Findings shall be made by the Zoning Administrator in compliance with Section [9.32.030](#).

3. Notice of Order of the Zoning Administrator. Not later than 15 days following the rendering of an order directing that a land use action be granted or denied, a copy of the decision shall be mailed to the applicant at the address shown on the application.

C. Effective Date of Order Granting or Denying Land Use Actions. The order granting or denying a land use action shall become final 21 days after the order, unless within such 21-day period an appeal in writing is filed with the City Clerk by either an applicant or opponent. The filing of the appeal within such time limit shall stay the effective date of the order until such time as the City Council has acted upon the appeal, as hereafter set forth in this chapter.

D. Permanent Records. Applications filed pursuant to this section shall be numbered consecutively in the order of their filing and shall become a part of the permanent filed therewith.

All pertinent and required documentation shall be attached thereto and permanently filed therewith.

E. Orders of the Hearing Body Kept as Permanent Record. The resolutions and the decisions of the hearing body shall be numbered and shall become a permanent record in the files of the City Manager or designee.

1. Summary of Testimony. A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this chapter and the names of persons testifying shall be recorded and made a part of the permanent files of the case.

2. Copies of all notices and actions, with certificates and affidavits of posting and mailing and publications with certificates pertaining thereto shall also become a part of the permanent official records of the City.

3. Permanent files shall include a summary of testimony.

F. Transmission of Records to the City Council. For those land use actions requiring City Council hearing, the recording secretary of the Planning Commission shall advise the City Clerk of such required hearing, and transmit the complete record of the case.

G. Notice of City Council Hearings. For City Council public hearings regarding land use actions, the City Council shall provide notice in accordance with this chapter and state law.

H. City Council to Hold Public Hearings. Within 60 days following the advisement by the recording secretary of the Planning Commission that a public hearing before the City Council is required, the City Council shall conduct a public hearing in accordance with this chapter.

I. Order of the City Council Shall Be Final. Any action by the City Council that either approves or disapproves an action of the hearing body, as the case may be, shall be by the affirmative vote of at least three members of the City Council, and shall be final and conclusive.

J. Adverse Decision of Council to Be Referred to the Planning Commission.

1. If the City Council proposes an action that is contrary to the action of the Planning Commission, the City Council may take action on the matter that shall be final and conclusive. The City Council may, before taking final action, remand its proposed findings to the Planning Commission and request further report on the matter.

2. If the City Council proposes an action that modifies the action of the Planning Commission and the modification was not previously considered by the Planning Commission then, before final action is taken, the City Council shall remand the matter to the Planning Commission for further report.

3. The Planning Commission shall hold a duly advertised public hearing as provided in Section [9.32.040](#) if the City Council proposes an action that modifies or is contrary to the action of the Planning Commission, and that decision is based on substantial new evidence or testimony. Such hearing shall be on only those matters remanded. In determining whether or not evidence is new and substantial, the City Council shall consider whether due process would be better served by remanding the matter back to the Planning Commission for further hearing. Council action on such a determination is final. For purposes of clarification, new substantial evidence shall be that which is submitted into the public record during a public hearing that has

bearing on the possible outcome of a requested action and that was not previously considered by the original hearing body.

4. Failure to report within 60 days after reference may be deemed by the City Council to be approval of any proposed change.

K. City Council to Announce Findings and Orders by Resolution. The City Council shall announce its findings and orders by formal resolution, not more than 30 days following the termination of proceedings of the hearing or upon receipt of a report from the hearing body when a matter has been referred back pursuant to Chapter [9.32](#). Such resolution shall recite, among other things, the facts and reasons that, in the opinion of the City Council, made the granting or denial of the discretionary use provision necessary to carry out the general purpose of this chapter, and shall order that the matter be granted, denied or modified, subject to such conditions or limitations that it may impose.

L. Approval by City Council and Adoption of Resolution. If the resolution is not adopted by City Council due to a deadlock or the vote, the appellate decision after a period of 60 days shall be superseded by the decision of the previous hearing body.

M. Notice of Decision of City Council. Not later than 15 days following the adoption by the City Council of a resolution approving or denying amendment to this chapter, or an appeal, one copy of such resolution shall be forwarded to the applicant at the address shown upon the application and one copy shall be attached to the file in the case and the complete file returned to the Planning Commission for permanent filing. (2758 § 2, 2009)