

To: Mayor and Ross Town Council  
From: Elise Semonian, Senior Planner  
Re: Revised Timelines for Processing Planning Applications  
Date: October 12, 2009

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**I. Project Summary**

Council review of proposed planning department policy for processing applications and scheduling planning items for Council meetings.

**II. Discussion**

Council members and some residents have asked about deadlines for submitting planning application material. The Council has expressed concern about inadequate time to review “last minute” material, submitted after the staff reports are prepared or at the Council hearings.

Town staff would like to provide timely, adequate, clear and accurate information on planning items to the public and the Town Council. Staff recognizes that clear timelines are necessary for quality review of applications and adequate time for community input.

The attached “Time Frame for Processing” and “Submittal Requirements,” from the Town Design Review/Variance/Demolition Permit application form, includes a list specifying the information required from applicants for a development project. The existing written policy for review of planning items is on the application form:

**The Variance/Design Review/Demolition Application will first be reviewed for completeness. This review will not exceed 30 days. Once an application has been determined to be complete, the application will be placed on the next available agenda space for a hearing before the Ross Town Council.**

***Background***

In order to accommodate property owners seeking to improve their property, Town staff has historically followed a policy of agendizing applications for Council consideration provided the application is submitted at least 30 days prior to a hearing. This practice evolved from the prior long-standing Council process of placing applications submitted 21 days before a meeting on the agenda.

As part of the effort to provide expedited permit processing, planning staff would schedule applications for the next Council meeting even if some material on the application list has not been submitted. Staff would use discretion to determine if the missing items are critical to the application review and would contact the applicant to submit any missing information by the date the Town Council packet is prepared. Staff typically does not delay applications for a 30 day written completeness review.

Under this historic procedure, due to the tight timeline, other Town departments and outside consultant comments (such as the Town Arborist or Town Hydrologist) are usually received one to two weeks before a hearing. Public comments are generally received only after the public notice is mailed, usually after the staff report is prepared. The public comments sometimes raise questions that staff would like to respond to, and sometimes generate additional information that, while not formally required, is necessary to review an application.

### *Proposed Policy*

Staff proposes strict adherence to the application review process in the application form. This policy would be consistent with the State Permit Streamlining Act and the procedures followed by most planning departments. After submittal of an application, staff would have 30 calendar days to review an application to determine if all items required on the application list have been submitted, including the fee and neighbor acknowledgments. Within the 30 days, staff would notify an applicant, in writing, of whether or not the application is complete. If the application is rejected as incomplete, staff would identify missing material necessary to process the application. The applicants' submittal of additional information would begin a new 30-day review period. Once complete and accepted, staff would proceed with environmental review, or schedule the item for a Town Council hearing. Staff would still strive to review projects soon after receipt (not wait until day 30), so that applications are not delayed unnecessarily.

Items that are continued by the Town Council would also be reviewed for completeness before they are rescheduled, and not automatically placed on the next Council agenda.

The Advisory Design Review group meets the 4<sup>th</sup> Tuesday of each month. Notices for the Town Council meetings are prepared the week of the ADR meetings. Staff has tried to accommodate ADR applicants by scheduling their projects for the next Council hearing so that they are not penalized for taking advantage of the ADR process by having to wait an additional one and a half months for Town Council review after ADR. However, this policy has resulted in much strain on staff and continuing problems with incomplete applications. Therefore, staff proposes to only move an item from ADR Review to the following Town Council meeting if 1.) the application is complete and 2.) no changes will be made to the ADR plans and the application will be exactly the same as the project presented to the ADR Group.

The trade-off in closely following this written policy is that applicants may wait longer for a public hearing. However, there will be less pressure on Town staff and better information for the public and Town Council. Applicants and developers should appreciate a clear and consistent policy and will not experience any delay if they carefully review the submittal requirements and submit complete applications. Applicants will appreciate going forward with a complete application, which will be received more favorably. Applicants will also benefit from no longer having to struggle to meet a fixed submittal date and instead be able to submit whenever they are comfortable with their application.

Applicants and the public are still entitled to present information at the public hearing on an item and staff reserves the right to respond to "last minute" information. Assuming there is adequate time under the Permit Streamlining Act, the Council has always had, and will continue to have, the discretion to continue an item for additional time if an applicant submits "last

minute” material. Staff has historically advised applicants that the Council is prone to continuing an application if it receives new plans at the hearing.

### **III. Recommendation**

No Town Council action is necessary if the Council accepts the procedure outlined above.

Town of Ross Planning Department  
*Summary of Planning Review Process*  
 October 2009

|   | <i>Historical Policy</i>   | <i>Proposed Policy</i>   |
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| <i>Submittal Deadline</i>                               | Applications must be submitted 4 weeks prior to the Town Council hearing   | Applications are received on an ongoing basis  |
| <i>Review for completeness</i>                          | No formal process. Review takes place between the date the application is submitted and preparation of the staff report, usually 1-2 weeks prior to the hearing. | Staff has 30 days to review an application for completeness. Staff will set a goal of reviewing applications sooner than 30 days as feasible. Staff will notify applicant in writing of any additional items necessary to complete an application. |
| <i>Schedule Item for Town Council Hearing</i>           | If an application is submitted 4 weeks prior to a hearing, the applicant expects to be heard at the following Town Council meeting.                              | An item will be scheduled for Town Council review once it is determined to be complete, but no sooner than 14 days prior to a public hearing to allow for preparation and mailing of public notice.  |
| <i>CEQA Determination</i>                               | Varies. Usually made at the time staff a report is prepared.   | Made by staff after an application is determined to be complete. Made at a public hearing if a Negative Declaration of Environmental Impact or EIR is necessary.   |
| <i>Town Council decision to approve or deny project</i> | Generally made 30 days after receipt of an application.  | Decision will take place within 60 days of date project is determined to be exempt from CEQA or a Negative Declaration is adopted. (Longer time periods apply to projects that require and EIR)  |