

Chapter 20.66 PERMIT APPLICATION AND REVIEW

20.66.010 Purpose.

This chapter establishes procedures and requirements for the preparation, filing, and initial processing of permit applications required by the Zoning Code. The term "permit" when used in this chapter refers to any action, permit, or approval listed in Table 20-64-1.

(Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016)

20.66.020 Application preparation and filing.

A. Pre-Application Conference.

1. The city encourages prospective applicants to request a pre-application conference with the development services department (planning division) before completing and filing a permit application.
2. The purpose of a pre-application conference is to:
 - a. Inform the applicant of city requirements as they apply to the proposed project;
 - b. Review the city's review process, possible project alternatives and conditions, or modifications; and,
 - c. Identify information and materials the city will require with the application, and any necessary technical studies and information relating to the environmental review of the project.
3. Information and materials provided by city staff to the applicant at the pre-application conference shall not be construed as a recommendation for either approval or denial of the proposed project.
4. Failure by city staff to identify at a pre-application conference all studies or application requirements shall not constitute a waiver of those studies or requirements.

B. Application Contents.

1. All permit applications shall be filed with the development services department on an official city application form or approved digital format.
2. The application shall be filed with all required fees, deposits, information, and materials as specified by the development services department.

C. Eligibility for Filing.

1. An application may only be filed by the owner of the subject property or the property owner's authorized agent.
2. The application shall be signed by either:
 - a. The owner of the subject property; or
 - b. The property owner's authorized agent with written authorization from the owner filed concurrently with the application.

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- D. Rejection of Application. If the development services department determines that an application is substantially incomplete and needs more information before it can be processed by the city, the development services department shall not accept the application for processing.

(Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016)

20.66.030 Application fees.

- A. Fee Schedule. Application fees required for any permit application shall be paid as established by the most current City of Merced Planning and Development Application Fee Schedule. Application fees allow the recovery of costs incurred by the city in the processing and review of permit applications.
- B. Timing of Payment. Permit applications shall not be deemed complete until all required application fees have been paid.
- C. Refunds and Withdrawals. Processing fees cover city costs for public hearings, mailings, staff and consultant time, and other activities involved in processing permit applications. Consequently, no refund due to denial shall be provided. In the case of an application withdrawal, the development services department may authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.
- D. Fee Adjustments. The director of development services shall have the discretion to lower or increase the fee amount in any individual case, not to exceed the actual cost of staff time, or waive payment for another governmental agency, or non-profit, tax exempt organization, or where good cause appears. If the director elects to increase the fee, he/she shall notify the applicant in writing within five (5) business days of application submittal and the applicant shall have ten (10) business days from that notice to pay the increased fee or withdraw the application.

(Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016)

20.66.040 Application review.

- A. Review for Completeness.
1. Initial Review. The development services department (planning division) shall review each application for completeness and accuracy before it is accepted as being complete and officially filed.
 2. Basis for Determination. The development services department acceptance shall be based on the city's list of required application contents and any additional written instructions provided to the applicant in a pre-application conference or during the initial application review period.
 3. Notification of Applicant. Within thirty (30) calendar days of application acceptance, the development services department shall inform the applicant in writing if the application is incomplete and that additional information is required. If no such written notice is issued, then the application is deemed to be complete.
 4. Submittal of Additional Information. When the development services department determines that an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness for resubmitted materials shall occur. The additional required information shall be submitted in writing or in a form deemed acceptable by the planning division.

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- 5. Environmental Information. After the city has accepted an application as complete, the development services department may require the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).
 - B. Referral of Application. At the discretion of the development services department, or where otherwise required by the Zoning Code, state, or federal law, an application may be referred to any public agency that may have an interest in the proposed project.
 - C. Multiple Applications. If a proposed project requires multiple permit approvals by both the planning commission and the development services department, the planning commission shall act upon all required permits as part of a single application.
- (Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016)

20.66.050 Project evaluation and staff reports.

- A. Staff Evaluation. Development services department staff shall review all applications to determine if they comply with the Zoning Code, other applicable provisions of the city code, the general plan, and other applicable city policies and regulations.
 - B. Staff Report. Development services department staff shall provide a written recommendation to the planning commission or city council, as applicable, as to whether the application should be approved, approved with conditions, or denied.
 - C. Report Distribution. Each staff report shall be furnished to the applicant at the same time it is provided to the review authority before action on the application.
- (Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016)

20.66.060 Environmental review.

- A. CEQA Review. After acceptance of a complete application, planning staff shall review the project in compliance with CEQA to determine whether:
 - 1. The proposed project is not a project as defined by CEQA;
 - 2. The proposed project is exempt from the requirements of CEQA;
 - 3. A negative declaration may be issued;
 - 4. A mitigated negative declaration may be issued; or
 - 5. An environmental impact report (EIR) is required.
 - B. Compliance with CEQA. These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and any adopted city CEQA Guidelines or requirements.
 - C. Special Studies Required. Special studies for traffic, air quality, biology, etc., paid for in advance by the applicant, may be required to supplement the city's CEQA compliance review. Administrative processing fees for environmental reviews are also required per the fee schedule.
- (Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016)

20.66.070 Applications deemed withdrawn.

- A. Response Required. If an applicant does not provide any information within six (6) months of being requested by the development services department, the application shall expire and be deemed withdrawn without any further action by the city.
- B. Refund of Fees. Any remaining fees submitted with the project application shall be returned to the applicant in the event that an application is deemed withdrawn. Refunds can only be given within one (1) year after application submittal due to budgeting constraints.
- C. Resubmittal. After the expiration or withdrawal of an application, future city consideration shall require the submittal of a new complete application and associated fees.

(Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016)