

Chapter 20.70 - PUBLIC NOTICE AND HEARINGS

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20.70.010 Purpose

This chapter provides procedures for public hearings required by the Zoning Ordinance. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this chapter and applicable State law. In the event of any conflict between these provisions and requirements of State law, State law shall control.

20.70.020 Notice of Hearing

When the Zoning Ordinance requires a noticed public hearing before a decision on a permit, or for another matter, the public will be provided notice of the hearing as required by this chapter.

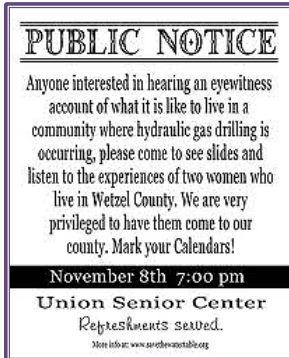
A. Content of Notice. Notice of a public hearing shall include all of the following information, as applicable.

- 1. Hearing Information.** The date, time, and place of the hearing; the name of the hearing body; and the phone number and street address of the Development Services Department where an interested person could call or visit to obtain additional information.
- 2. Project Information.** The name of the applicant, the City's file number assigned to the application, a general explanation of the matter to be considered, a general description of the location of the subject property, and any recommendation from a prior hearing body.



3. **Statement on Environmental Document.** A statement that the proposed project is determined exempt under the California Environmental Quality Act (CEQA), or that a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project. The hearing notice shall state that the hearing body will consider approval of the CEQA determination or document prepared for the proposed project.

B. Method of Notice Distribution. Notice of a public hearing shall be given as follows:



1. **Mailing.** Notice shall be mailed or delivered at least ten days (or as otherwise provided by CEQA) before the scheduled hearing to the following recipients:

a. **Project Site Owners and the Applicant.** The owners of the subject property or the owners' authorized agent, and the applicant.

b. **Local Agencies.** Each local agency expected to provide roads, schools, wastewater, streets, water, or other essential facilities or services to the subject property, whose ability to provide those facilities and services may be significantly affected.

c. **Affected Owners.** All owners of real property within 300 feet of the exterior boundaries of the subject property. The Department of Development Services may distribute notice to additional properties as needed to ensure adequate public notification of the proposed project.

d. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Department of Development Services.

e. **Other Persons.** Any other person whose property might, in the judgment of the Department of Development Services, be affected by the proposed project.

2. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection 1 above is more than 1,000, the Department of Development Services may choose to provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in Merced at least 10 days prior to the hearing.

3. **Publication and Posting.** If notice is mailed or delivered as described in Subsection 1 above, the notice shall also be published at least once in a newspaper of general circulation in Merced at least 10 days before the scheduled hearing and posted to the City's website.

4. **Additional Notice.** In addition to the types of notice required above, the Department of Development Services may provide any additional notice, including the posting of signs, and content deemed necessary or desirable.

20.70.030 Scheduling of Hearing

After the completion of any environmental document required by the California Environmental Quality Act (CEQA), a Development Services Department staff report, and any additional materials required to render a decision, a matter requiring a public hearing shall be scheduled on the next available agenda reserved for public hearings, but no sooner than any minimum time period established by State law.

20.70.040 Hearing Procedure

- A. General.** Hearings shall be conducted in a manner consistent with the procedure adopted or endorsed by the hearing body.
- B. Time and Place of Hearing.** A hearing will be held at the date, time, and place for which notice was given, unless the required quorum of hearing body members is not present.
- C. Continued Hearing.** Any hearing may be continued from time to time without further notice; provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- D. Motion of Intent.** The hearing body may announce a tentative decision, and defer its action on a final decision until appropriate findings and conditions of approval have been prepared.



20.70.050 Decision or Recommendation by Planning Commission

- A.** After a public hearing, any decision of the Planning Commission shall require at least four (4) members of the Planning Commission to vote to approve an action; otherwise, the action is deemed denied.
- B.** After a public hearing resulting in a Planning Commission recommendation to the City Council, the Development Services Department shall forward the recommendation to the City Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application. If at least four members of the Planning Commission do not vote to recommend approval or denial, then that action shall be deemed a recommendation of denial.



20.70.060 Decision and Notice

- A. Date of Action.** With the exception of appeals to the City Council, the hearing body shall take action on the matter being considered following the close of the public hearing. The hearing body shall also take action on projects within the following timeframe as required by the California Environment Quality Act (CEQA):
1. Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been adopted for project approval, the City shall take action on the accompanying discretionary project.
 2. Within 180 days from the date the decision-making authority certifies a final Environmental Impact Report (EIR), the City shall take action on the accompanying discretionary project.
- B. Decision.**
1. The hearing body may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or make a motion of intent and continue the matter to a later meeting agenda.
 2. At the conclusion of a hearing conducted by the Development Services Director, the Development Services Director may choose to refer the matter to the Planning Commission for review and final decision. Referral to the Planning Commission may be chosen in cases of unusual public sensitivity, controversy, or complexity relating to a requested approval.
- C. Conditions of Approval.** The review authority may attach conditions to the approval of a discretionary permit, approval, or legislative action as needed to ensure compliance with the Merced Municipal Code, General Plan, or any applicable specific plan, community plan, or area plan adopted by the City Council.
- D. Notice of Decision.** Following a final decision, the City will provide notice of its final action to the applicant and to any person who specifically requested notice of the final action.



20.70.070 Effective Date of Decision

- A. Development Services Director's or Planning Commission's Decision.** The decision of the Director of Development Services or Planning Commission is final and effective after 5:00 p.m. on the 5th business day following the date the decision is rendered, when no appeal to the decision has been filed in compliance with Chapter 20.74 (Appeals).
- B. City Council Decision.** A decision of the City Council is final and shall be effective on the date the decision is rendered.