



Legislation Details (With Text)

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Staff Report for a Resolution Adding Title 5, Chapter 5 to the Administrative Code to Identify Sunset Provisions for Incomplete and Inactive Applications.

SUMMARY AND RECOMMENDATIONS

There are a number of state and federal laws that require planning applications to be reviewed and processed in a timely manner, but there are currently no provisions to address unresponsive applications. Staff proposes to establish application processing provisions in the City’s Administrative Code, where incomplete applications that remain inactive and unresponsive after six months can be automatically withdrawn and closed following a written thirty day notice. Staff recommends that the City Council adopt the resolution adding Title 5, Chapter 5 to the San Leandro Administrative Code to establish sunset provisions for incomplete and inactive applications.

BACKGROUND

California’s Permit Streamlining Act requires planning applications for development projects to be reviewed in a timely manner, including a 30 day written response (Government Code Section 65920 et seq.). Other state and federal laws further require the City to review and approve certain types of applications, such as wireless communications facilities and accessory dwelling units, within timeframes ranging from 90 to 150 days. If the City fails to approve or disapprove within the time limits specified under these laws, the applications are subject to being “deemed approved,” conferring the same privileges and entitlements as a regularly issued permit.

Conversely, aside from issuing a formal denial, there are currently no provisions for staff to efficiently act upon incomplete and inactive applications that remain unresponsive for an extended period of time. Bringing these applications forward to public hearing for a denial is an inefficient use of the City’s limited resources. Unresponsive applicants that have exceeded their initial deposit fees are unlikely to reimburse the City for the additional processing costs for this additional step when they have effectively abandoned their application.

Analysis

Establishing application sunset provisions is an efficiency measure to help reduce staff time spent processing and monitoring unresponsive applications. Staff proposes to establish new Administrative Code provisions that enable staff to notify those applications that remain incomplete and inactive for a minimum six month period with a written thirty day warning notice stating that they will be automatically withdrawn and closed unless further action is taken. Under the proposed Administrative Code provisions, if no further action is taken by the applicant following receipt of a 30 day notice, the application would be automatically withdrawn and closed, and a refund of any eligible outstanding deposit balance would be returned.

The Planning Division currently has seven inactive and otherwise abandoned applications dating back to 2015 that would qualify for notification under the proposed sunset provisions. The applications are for wireless telecommunications facilities, minor residential home additions, a childcare facility and an abandoned appeal of a Board of Zoning Adjustments determination.

It is in the City's interest to have all planning applications processed in a timely, efficient and responsive manner. By codifying these sunset provisions, staff will have the ability to automatically withdraw unresponsive applications that have remained inactive for an extended period of time. All applicants will be offered the ability to reapply with a new application at a later date, rather than keeping an inactive application open for an extended period of time.

Legal Analysis

The City Attorney reviewed the proposed Administrative Code provisions and approves them as to form.

Environmental Review

Administrative Code amendments that pertain to internal procedures do not qualify as a "project" under the California Environmental Quality Act and are therefore exempt pursuant to Section 15061 (B)(3).

Fiscal Impacts

The proposed addition to the Administrative Code will have no fiscal impacts.

ATTACHMENT

Related Legislative File 17-385

Resolution Adding Title 5, Chapter 5 to the San Leandro Administrative Code, establishing application sunset provisions for incomplete and inactive applications, and Exhibit A, Application Processing.

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