CHAPTER 10.82 PUBLIC NOTICE AND HEARINGS

10.82.010 Applicability

This Chapter establishes procedures for public notice and conduct of public hearings required by this Title. Story poles shall act as an additional form of notice for applications requiring Design Review, and shall be installed in a timely manner, subject to resolution adopted by the City Council.

10.82.020 Public Notice

- A. Public Hearing. Notice of a public hearing before the Zoning Administrator, Planning Commission or City Council shall be given in accordance with law and as follows:
 - 1. Content. In addition to any other information required by law, notice of a public hearing shall include, but not be limited to: the date, time and place of the hearing; the name of hearing body; a general explanation of the matter to be considered; and a description of the location of the real property that is the subject of the hearing. If a proposed Negative Declaration, a final Environmental Impact Report, or any other appropriate environmental document has been prepared for the project pursuant to Title 11 (Environmental Protection) of this code and the California Environmental Quality Act (CEQA), the hearing notice shall include a statement that the hearing body will also consider approval/certification of such document(s).
 - 2. Method of notice distribution Title Adoption or Amendment not affecting uses. Notice of a public hearing required by this Title for the adoption of the zoning ordinance or amendments to the zoning ordinance which do not affect the uses of real property shall be published in at least one newspaper of general circulation in the City at least 10 days before the hearing, as required by California Government Code §65090 and §65091.
 - 3. Method of notice distribution Title Adoption or Amendment affecting uses. Notice of a public hearing required by this Title for the adoption of the zoning ordinance or amendments to the zoning ordinance which affect the uses of real property shall be given as follows, as required by California Government Code §65090 and §65091:
 - a. Notice shall be mailed or delivered at least 10 days before the hearing to the following:
 - (1) The applicant, and the subject property owner(s) or the owners' agent, by certified or registered mail.
 - (2) Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the

- project, and whose ability to provide such facilities and services may be significantly affected.
- (3) Any person who has filed a written request for notice with the Community Development Director and has paid the fee set by the most current Community Development Department fee schedule for such notice.
- (4) All owners of real property as shown on the latest equalized assessment roll and all occupants within 300 feet of the subject property. The Community Development Director may choose alternate notice procedure when the number of property owners to be noticed exceeds 1,000. Such alternate notice shall be a display advertisement of at least one-eighth page in at least one newspaper of general circulation within Sausalito at least ten (10) days prior to the public hearing.
- b. Either published in at least one newspaper of general circulation in the City at least ten (10) days before the hearing or posted at least ten (10) days prior to the hearing in at least three public places within the boundaries of the City, including one public place in the area directly affected by the proceeding.
- **4. Method of notice distribution Other matters.** Notice of a public hearing required by this Title for discretionary permit, permit modification, or appeal, shall be given as follows.
 - a. Notice shall be mailed or delivered at least ten (10) days before the hearing to the following:
 - (1) The applicant, and the subject property owner(s) or the owners' agent, by certified or registered mail.
 - (2) Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, and whose ability to provide such facilities and services may be significantly affected.
 - (3) Any person who has filed a written request for notice with the Community Development Director and has paid the fee set by the most current Community Development Department fee schedule for such notice.
 - (4) All owners of real property as shown on the latest equalized assessment roll and all occupants within 300 feet of the subject property.

- b. Either published in at least one newspaper of general circulation in the City at least ten (10) days before the hearing or posted at least ten (10) days prior to the hearing in at least three public places within the boundaries of the City, including one public place in the area directly affected by the proceeding.
- B. Public Notice Administrative Design Review and Changes to an Approved Project. Notice of a pending administrative decision on a Design Review or Changes to an Approved Project application shall be given as follows:
 - 1. Content. Notice that an Administrative Design Review or Changes to an Approved Project decision is pending shall include: a description of the location of the real property that is the subject of the application; a general explanation of the matter to be considered; an invitation to review plans and provide comments and suggestions; and the date that the decision will be rendered.
 - **Method of Notice Distribution.** Notice shall be mailed at least 10 (ten) days prior to a final administrative decision to the following:
 - a. The applicant and the subject property owner(s) or the owner's agent.
 - b. All owners of real property as shown on the latest equalized assessment roll and all occupants within 300 feet of the subject property.
- C. View Determinations. For projects subject to a determination regarding view impairment consistent with Section 10.54.050.B (Applicability) (including but not limited to decks, balconies and chimneys), applicant shall submit an affidavit indicating adjacent neighbors (property owners and tenants, as applicable),including those located across a public street or right-of-way, have been notified of the proposal and related application within 10 (ten) days of the determination.
- **D.** Additional notice. The Community Development Director shall provide additional notice for City-sponsored projects requiring Planning Commission notice and hearing. The Community Development Director may provide any additional notice deemed necessary or appropriate. Such notice shall be in addition to that required by this section and may include additional content and may be distributed differently.
- E. Notice of Decision. The Community Development Department shall prepare a written Notice of Decision which shall include all findings and applicable conditions of approval. Notice of decision shall be distributed to the owner, applicant and all persons who submitted written comment on the application.
- **F. Failure to notice.** The failure to send notice by mail to any such property owner or occupant, where the address of such owner is not shown upon the latest equalized assessment roll of the County, or the City's latest copy of Pacific Telephone "Reverse Telephone Directory" for this area shall not invalidate any proceedings in connection with any action.

10.82.030 Scheduling of Hearing

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA), the distribution of the notice of hearing and following the preparation of a Community Development Department staff report, the matter shall be scheduled for public hearing on the next available Zoning Administrator, Historic Landmarks Board, Planning Commission, or City Council agenda (as applicable) reserved for such matters. Said hearing

shall be scheduled no scooner than 10 days after the distribution of the public notice. At the discretion of the hearing body, a public hearing may be continued from its scheduled date to a future date as provided by Section 10.82.050 (Notice of Continued Hearings).

10.82.040 Fees

Aside from any other development fees or deposits, the applicant shall furnish to the City payment for in-house or contract services to compile and type the names and addresses of said owners and occupants on envelopes and for postage to mail the public notice.

10.82.050 Notice of Continued Hearings

If a decision on a permit or amendment is continued by the City to a time which is neither previously stated in the public notice of the hearing, nor announced at the hearing as a time certain, the City shall provide notice of the further hearings (or action on the permit) in the same manner and within the same time limits as provided by Section 10.82.020 (Public Notice).

10.82.060 Conduct of Hearing

The public hearing shall be conducted according to such rules as may be adopted by the hearing body. At the public hearing, the hearing body shall review the proposed project or amendment and the reports prepared by staff as well as other evidence pertinent to any action to be taken. All interested persons shall be given the opportunity to present information and testimony about the proposed project or amendment. The applicant or appellant may appear in his own behalf or be represented by counsel or other duly authorized representative. Applications may be scheduled for separate action, or the agenda may be structured such that several applications are considered and decided at one time. A consent agenda may be used for those items which are routine and/or non-controversial and for which no discussion by the hearing body is required. If an item requires discussion prior to the hearing body's action, the item shall be removed from the consent agenda at the request of any member of the public or the hearing body and shall be added to the agenda for discussion at a later time during the same meeting or shall be continued to a later date.

10.82.070 Transcript of Hearing

Any person interested in a proposed project, amendment, or appeal, may, in advance of the hearing, request the Secretary of the Planning Commission or the Clerk of the City Council, as applicable, to provide for recording all testimony in a stenographic report. Such request shall be in writing, and the person making the request shall agree to pay all costs involved in the taking and preparation of the stenographic report. If two (2) or more persons request a stenographic report of the testimony, they shall share the cost equally. Such costs shall be in addition to any other fees. Nothing in this section shall prevent any interested person from employing a stenographic reporter of his/her own, if he/she so chooses.

All public hearing bodies shall provide for the recording of testimony in a stenographic report within the limits of funds available for such purposes.