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# Process Issue Resolution Policy

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**DEPARTMENT: DEVELOPMENT SERVICES**

**EFFECTIVE DATE: AUGUST 1, 2018**

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## **Statement of Intent and Expectations**

In an effort to further streamline Project reviews and increase consistency in application of City codes, policies, and processing procedures, the Development Services Department has established an efficient and cost-effective process to resolve differences of opinion or conflicts between Development Services Staff and project applicants regarding specific issues associated with land development projects (this Process include Grading Permit processing). This process is only available to project applicants and is not available for project opponents.

This Process is referred to as Project Issue Resolution (“PIR”). A primary component of PIR is the establishment of the PIR Conference Panel which will consider project issues brought before it and make decisions in one of four ways:

- Agree with the position or interpretation of the Applicant;
- Agree and maintain the position or interpretation of Staff;
- Develop an alternative approach or position or craft a compromise;
- Request additional information or analysis from either the Staff or Applicant which would lead to resolution of the issue.

Differences of opinion or conflicts are, for the purposes of this Policy, considered to be disagreements over an interpretation or application of written policies, codes or regulations, procedures, findings, project conditions, or processing schedules.

The PIR process will help ensure consistency in the application of City policies and regulations and in the overall exercise of its authority over land development projects. It will also expedite project processing by avoiding recurring comments in successive project review letters; by promoting creative solutions and compromise solutions that are in compliance with City regulations by drawing upon the expertise and experience of senior management of the Department; and by reducing the number issues confronting decision-makers occurring later in the approval process.

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### Eligible Requests

Issues associated with discretionary land development projects are eligible for a PIR Conference for which a qualifying PIR Request Form has been completed and submitted.

Project issues that qualify include:

- Disagreements with staff interpretations of General Plan, Specific Plan, or other written policies or guidelines;
- Disagreements with staff interpretation or application of codes, ordinances, and standards;
- Disagreements over requests for additional technical studies or information;
- Disagreements regarding project-related processing requirements.

Issues that are not eligible for a PIR Conference include:

- Reconsideration of formal decisions reached by applicable decision-making bodies- Planning Manager, Development Advisory Committee, City Engineer, Development Services Director, Planning Commission, and City Council;
- Decisions involving code enforcement actions (note that a separate appeal process is available). However, permit applications filed to resolve code enforcement violations are eligible provided the issue does not directly relate to the code enforcement action, such as a condition of approval applied to the Project Permit;
- Building Code and Fire Code Interpretations and requirements;
- Issues brought forward by project opponents. Public input is provided for in the decision and hearing process.

### PIR Conference Process

Pre-requisite to accepting a PIR Conference request- all of the following must have occurred:

- A permit application must be in process with Development Services Department. PIR is not available for seeking opinions on project proposals not yet filed with the Department nor as part of a Pre-Application submittal;
- The City's Project Manager must have discussed and documented the issue with the Applicant and obtained a second opinion from his/her immediate supervisor. All relevant information regarding the issue must be shared with the supervisor, both the staff analysis and position, and all information provided by the Applicant in support of his/her position. Attendees include the City's Project Manager and supervisor and if necessary, other Staff with expertise on the issue to be considered; the Applicant; and the Applicant's consultant(s) having expertise and/or responsibility on the issue. The Applicant or Staff may request the second

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opinion. If the issue is resolved at this step, the City's Project Manager will notify the Applicant no later than five (5) calendar days of the determination;

- An impasse on the issue remains after seeking the second opinion and the Applicant has been notified in writing of this no later than five (5) calendar days of the meeting;
- The Applicant has requested, through the City's Project Manager, a meeting with the Planning Manager (or equivalent position in the respective discipline; "Manager"). The meeting shall be scheduled no later than ten (10) calendar days from the request, and will be scheduled on Thursdays 8:00AM-10:00AM. All relevant project information, both the staff analysis and position, and all information provided by the Applicant in support of his/her position must be presented. This can include, but is not limited to, the use of maps, project plans, and photographs. The determination of the second opinion must also be included for the purposes of this meeting. Attendees include the City's Project Manager and supervisor and if necessary, other Staff with expertise on the issue to be considered; the Applicant; and the Applicant's consultant(s) having expertise and/or responsibility on the issue. If the issue is resolved at this step, the City's Project Manager will notify the Applicant no later than (2) working days of the determination;
- An impasse on the issue remains after seeking Manager determination and the applicant is notified in writing of this no later than two (2) working days of the determination;
- The PIR Conference Request Form shall be completed, signed by the Applicant, and submitted to the applicable Project Manager. This Form shall be reviewed by the Project Manager, and the section reserved for Staff's response completed, signed by both the Project Manager and the Project Manager's supervisor and Manager.
- PIR Conferences are eligible to project applicants at any time during project review, but are recommended after failure to resolve a project issue after the second iteration of staff's project review letter;
- A PIR Conference must be held concerning an issue not resolved after the third iteration project review; and
- Staff Project Review comment letters will inform applicants as to the availability of the PIR Conference as a means to address unresolved Project issues.

### **PIR Conference Panel Make-Up**

A Conference Panel, made up of the Development Services Director and respective discipline Director or Managers, is established by the PIR. This Panel provides the forum for evaluating the difference in opinion or interpretation between staff and applicant and is charged with reaching a final position of the Department with regard to the project issue.

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Required in attendance are the City's Project Manager and supervisor and if necessary, other Staff with expertise on the issue to be considered; the Applicant; and the Applicant's consultant(s) having expertise and/or responsibility on the issue. The City Attorney or designee may attend should the Applicant indicate on the PIR Conference Request Form that an attorney representing the Applicant will be attending.

### **Schedule**

To avoid unnecessary delays in project processing, PIR Conferences will be scheduled on Thursdays, between 8:00AM-10:00AM, subject to the availability of the Director, Planning Manager, and designee from the Land Development or Building Divisions. If unable to attend due to absence, the Director and Planning Manager may designate alternates to attend the PIR Conference on their behalf, at the option of the Applicant.

The PIR Conference shall be scheduled within ten (10) calendar days following submittal of the PIR Conference Request Form by the Applicant. The City Project Manager shall have completed, signed, and forwarded the PIR Conference Request Form to the Director, Manager, Project Manager's supervisor, and Applicant no later than five (5) working days prior to the scheduled date for the Conference.

### **Conducting the PIR Conference**

The City's Project Manager shall introduce the Project including providing a summary of the Project description, a detailed description of the issue, and Staff's analysis, interpretation, and conclusion. It is strongly encouraged to use supporting documentation that includes, but is not limited to, the use of maps, project plans, and photographs. Following Staff's presentation, the Applicant and the Applicant's consultant(s) will be given time to respond to Staff's presentation and to provide their analysis and interpretation. PIR Conference Panel members, having read the PIR Conference Request, may follow these presentations with questions of both Staff and Applicant before reaching its decision.

### **Decision and Outcome**

Decisions reached by the Panel are intended to resolve differences in interpretation or application of City codes, policies, and processes, so that processing of projects may continue as expeditiously as possible. These determinations do not represent project approvals or decide conditions and are not binding on any decision-making body. PIR Conferences are not to be utilized to change or amend a

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formal recommendation previously made to a decision-making body. In some cases, the Panel may defer its decision pending additional information or analysis from Staff or the Applicant before reaching its decision.

When the PIR Panel decision is made, the City Project Manager is responsible to provide written notice of the Panel's decision to the Applicant within two (2) working days following the Conference. The City Project Manager, Supervisor and Panel will make every effort to identify the need for and request any additional information, or perform necessary research, prior to the Conference. In the event that a decision is deferred pending further information the City Project Manager shall indicate this in the written notice. Upon receipt of the requested information and after internal consultation, the PIR Conference Panel will notify the City Project Manager of the determination. The Project Manager shall provide written notice to the Applicant within two (2) working days of this determination.

### **Fees**

No fees will be charged for the PIR Conference.