



## City of Arcata Community Development Department

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[www.cityofarcata.org](http://www.cityofarcata.org)

# EXTENSION REQUEST APPLICATION

## OVERVIEW

An Extension Request is required if a planning permit will expire before it has been exercised (Land Use Code § 9.79.070.B). The permit shall not be deemed “exercised” until a building permit has been obtained, or the allowed use has commenced on the site in compliance with the permit’s conditions of approval. The applicant must file a written request for time extension at least 30 days before the expiration of the permit. The review authority who originally granted the approval shall act on the extension request.

## HOW TO APPLY

Extension request applications are available at the Community Development Department, or on the Department’s website at [www.cityofarcata.org](http://www.cityofarcata.org). Staff can assist you with the materials needed for a complete application packet. Submit the completed application packet along with the application fee to the Department for processing.

## THE PROCESS

### Step 1: Application Filing and Initial Review

The applicant shall file a written request for an extension of time with the Community Development Department at least 30 days before the expiration of the permit, together with the filing fee required by the City’s Fee Schedule. Once the application has been submitted and fees collected, Staff will perform an initial application review for completeness. Should the application be found incomplete, you or your designated agent will be contacted and advised what items must be submitted before processing can continue.

### Step 2: Environmental Review

The assigned planner will review the project in accordance with the California Environmental Quality Act (CEQA) to determine if the project is statutorily or categorically exempt from CEQA, or if it is subject to CEQA and further environmental review is required. If the project is exempt from CEQA, then Step 2 is complete. If the project is not exempt from CEQA, then an initial study will be prepared, which determines the required environmental document that must be prepared and circulated for agency and public comment.

### Step 3: Department and Agency Referrals

Once your application has been accepted as complete, the assigned planner will send copies of your application materials to other City departments and public agencies having jurisdiction or authority over your project. If the responding Departments or agencies identify issues to be resolved prior to the continued processing of your application, or if additional information is required by those Departments or agencies,

you or your designated agent will be advised as to what is needed. These Department and agency comments may affect the form and content of the environmental document.

#### **Step 4: Planning Commission/ Zoning Administrator Staff Report**

Staff will prepare a written report that describes the proposed project, discusses the legal findings, presents staff's recommendations, and lists conditions for approval. The Zoning Administrator will review the completed application and shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant have prevented exercising the permit. The permit may be extended for no more than two 12-month periods beyond the expiration of the original approval; provided, the review authority first finds that there have been no changes in conditions or circumstances of the site or project that would have been grounds for disapproval of the original project.

#### **Step 5: Conditions of Approval**

In approving an Extension Request, the review authority may impose any conditions deemed reasonable and necessary for Land Use Code compliance and ensure that the proposed use meets required findings.

#### **Step 6: Public Notice and Hearing**

If the original project approval required a public hearing, the review authority who originally granted the permit approval shall hold a public hearing on the proposed extension, after public notice has been provided in compliance with Land Use Code Chapter 9.74.

A Notice of Public Hearing will be sent to all property owners within 300 feet of your property if the project is exempt from CEQA. For projects not exempt from CEQA, notice will be sent to all property owners within 500 feet of your property. The notice, which must be mailed at least 10 calendar days prior to the hearing will state the date, time, and place for the public hearing. You and/or your agent should attend the public hearing in case there are project specific questions. At the public hearing, any person may present verbal and/or written testimony for or against the project. The review authority will take into account the whole record, including all of the public testimony before making their decision. The review authority may make a decision at the hearing, or may continue the matter if more information is needed.

#### **Step 7: Appeals**

Zoning Administrator actions are appealable to the Planning Commission and Planning Commission actions are appealable to the City Council by you as the applicant, or any other adversely affected person. Appeals to the Planning Commission must be filed with the Community Development Department; appeals to the City Council must be filed with the City Clerk both within 10 calendar days of the actual date of the final decision. Appeals must be submitted in writing and be accompanied by the required fees.

## Extension Request Application Checklist

Visit the Community Development Department page at [www.cityofarcata.org](http://www.cityofarcata.org). Select the Land Use Code from the menu and then see § 9.79.070.B. for complete Extension Request regulations.

Talk with Arcata Community Development Department Planning Staff to determine which of the following items must be submitted along with a completed and signed application form. **Incomplete or inaccurate information will cause a delay in permit processing.**

- Application form with signatures of all owners of the affected parcels.
- Application fee deposit as indicated on the application form.
- A written description identifying the specifics of the extension request.
- Information showing that the applicant has made a good faith effort to exercise the original permit. This shall include substantial evidence showing that circumstances beyond the control of the applicant have prevented exercising the permit. Examples include: demonstrated financial hardship, problems with completing the acquisition of the parcel, and poor weather during periods of planned construction.

Subject to changes or additions at any time. Applications may require additional information for continued processing.