

Summary of Pertinent Events – Post Sign/Permit Streamlining Act (as of 5/24/17)

- 4/7/15: 881 Alma Real bldg. owner files application for approval of two Palisadian Post wall or “parapet” signs (the Application).
- 4/7/15: Planning Dept. issues Notice of Exemption determining that the Application was categorically exempt from CEQA (the CEQA determination).
- 4/30/15: Planning Dept. issues public notice (the Notice) of a DRB meeting on 5/13/15 to discuss the Post signs.
- 5/13/15: DRB meeting held and DRB decides to recommend that the Planning Director deny the Application on grounds that the signs would violate the Specific Plan.¹
- 6/8/15: Deadline for the Planning Director’s determination on the Application, pursuant to the Permit Streamlining Act (the Act).²
- 4/7/16: The Post notifies the Planning Dept. that the Application had been approved by operation of law (since the determination on the Application had not timely occurred) and requests the Dept. to provide notice of the “deemed approved” Application.
- 4/22/16: The Planning Director issues its determination denying approval of the proposed signs (the Determination) -- almost 11 months after the deadline under the Act.
- 5/6/16: The Post appeals the Determination to the WLA APC, reserving its right to argue that the signs had been deemed approved by operation of law.
- 7/20/16: The WLA APC conducts a public hearing and denies the appeal.³
- 9/2/16: The Post files a Petition for Writ of Mandate seeking to set aside the Planning Director’s determination and requiring that the City deem the Application approved pursuant to the Act. The City opposes the Petition.
- 3/29/17: The Court issues the Order granting the Petition for Writ of Mandate.⁴
- 5/17/17: The WLA APC conducts a further public hearing at which it effectively rescinds its prior decision and grants the appeal pursuant to the Order.⁵

Prepared by Chris Spitz, PPCC Chair/President Emeritus

¹ It is unknown when the DRB’s decision was communicated in writing to the Planning Dept.; however, the assigned Planner Harden Carter was present at the DRB meeting and was aware of the DRB’s recommendation. According to the subsequent Court Order on Petition for Writ of Mandate (the Order), the Post communicated with Mr. Carter about the status of the Application from May 2015 to April 2016.

² According to the Order, the Planning Director’s decision to approve or disapprove the Application was required 60 days from the CEQA determination. Gov. Code Sec. 65950(5).

³ The staff report on appeal briefly addressed the Act, arguing that its “public notice” requirement had not yet occurred as the DRB is an advisory body only and the Notice of its meeting therefore was not the operative notice required under the Act. However, in the subsequent Writ of Mandate action, this argument appears to have been rejected, since (under the applicable Planning Dept. process) the DRB meeting notice is the only notice required and no other public meeting or hearing takes place before the Planning Director issues its determination.

⁴ The Court deemed the Application approved by operation of law, finding that the language of the Notice had met the requirements for a “public notice required by law” (citing a 9th Circuit Court of Appeal decision). We are told that the City Attorney will not appeal, apparently concluding that there are no legal grounds for appeal.

⁵ As of this writing it is unknown whether a sign permit has yet been issued or what conditions, if any, have been imposed on the signs.