



AGENDA ITEM SUBMITTAL FORM
BOARD OF SUPERVISORS
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 Stockton, California 95202

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 AGENDA NUMBER

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If more than one original is required, you must provide the appropriate number of originals to be executed by the Board of Supervisors.

DATE: May 16, 2012

DEPARTMENT: COMMUNITY DEVELOPMENT DEPT.

CONTACT & PHONE #: SONIA SERRANO (8-2218)

AGENDA ITEM TITLE: REPORT REGARDING PERMIT REVOCATION PROCESS

PROPOSED AGENDA PLACEMENT DATE: June 5, 2012

PROPOSED CALENDAR: Consent

DISTRIBUTION: (MAILING ADDRESSES MUST BE PROVIDED IF NOT A COUNTY DEPARTMENT)

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AGENDA ITEMS MUST BE REVIEWED AND SIGNED OFF BY THE DEPARTMENT HEAD, COUNTY ADMINISTRATOR AND COUNTY COUNSEL.

Department Head	Signature <i>Kenny Sullivan</i>	Date <i>5/17/12</i>
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County Administrator 5/22/2012 8:08:53 AM	County Counsel 5/22/2012 2:32:07 PM	COB
<i>Bobby Magee</i> BOBBY MAGEE	<i>J. Mark Myles</i> J. MARK MYLES	5/22/2012 2:46:57 PM



**SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95206-8232
PHONE: 209/468-3121 FAX: 209/468-3163

June 5, 2012

Board of Supervisors
Administration Building
44 N. San Joaquin St., Suite 627
Stockton, CA 95202

Dear Board Members:

REPORT REGARDING PERMIT REVOCATION PROCESS

RECOMMENDATION:

That the Board of Supervisors accept the report and provide direction to staff regarding the initiation of revocation proceedings.

REASON FOR RECOMMENDATION:

The Chairman of the Board of Supervisors has requested the Department prepare a report discussing the process to revoke or modify a development approval.

The process to revoke or modify a development approval is contained in Chapter 9-230 of the Development Title. An action to revoke or modify a development permit may be initiated by either the Planning Commission or Board of Supervisors. The initiation of the revocation/modification process would have been previously agendaized. The Planning Commission or the Board of Supervisors would deliberate on the matter and direct staff accordingly. If a decision is made to direct staff to initiate revocation proceedings, staff will schedule a public hearing as required by the Public Hearing Review Procedure set forth in Chapter 9-220 of the Development Title. This requires public notice, application referral, and a public hearing by the Planning Commission. The Planning Commission's action may be appealed to the Board of Supervisors, and the Board of Supervisors may call up for review the decision of the Planning Commission as well. The Planning Commission or Board of Supervisors may, on the basis of the evidence presented at the hearing, take action to revoke or modify the development permit.

Following are the Findings for modification or revocation of a permit. In order to revoke or modify a permit the Planning Commission or Board of Supervisors must make at least one of the following findings in the affirmative:

- Section 9-230.4 (a) **Fraud.** That such development approval was obtained or extended by fraud;

- (b) **Violation of Condition.** That one (1) or more of the conditions upon which such development approval was granted have been violated; or
- (c) **Adverse Impacts.** That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.

In order to consider Revocation of a permit, your Board would direct the Community Development Department to initiate Revocation proceedings pursuant to Chapter 9-230 of the Development Title.

FISCAL IMPACT:

There is no fiscal impact from the Board of Supervisors accepting this report. If the Board directs the Community Development Department to proceed with modification or revocation of a specific development approval, the cost to the Community Development Department would be approximately \$4,125.00.

ACTION TO BE TAKEN FOLLOWING APPROVAL:

None. However, if the Board of Supervisors initiates the Revocation of a development application, the Community Development Department will commence the process detailed in Chapter 9-230 of the Development Title.

Sincerely,



KERRY SULLIVAN
DIRECTOR

KS:ss

SONIA/KERRY/BOS LTR PERMIT REVOCATION PROCESS (6-5-12)