

ORDINANCE NO. 778

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT NO. P23-139, WHICH AMENDS TITLE 17 (ZONING) OF THE LOMA LINDA MUNICIPAL CODE BY STANDARDIZING ADMINISTRATIVE PROCESSES, EXPANDING PERMITTED LAND USES, MODIFYING FENCE REGULATIONS, AND CORRECTING CERTAIN INCONSISTENCIES AND OUTDATED LANGUAGE THROUGHOUT THE DEVELOPMENT CODE

WHEREAS, the City of Loma Linda wishes to serve the public health, safety, and general welfare and preserve the quality of life throughout the City, through effective land use and planning; and,

WHEREAS, the City of Loma Linda proposes to amend Title 17 (Zoning) of the Loma Linda Municipal Code as set forth in Exhibit A; and,

WHEREAS, on September 6, 2023, the Planning Commission held a duly noticed public hearing on the proposed development code amendment and Ordinance, at which an oral and written presentation was made and comments received, and the Planning Commission made a recommendation to the City Council to adopt the ordinance; and,

WHEREAS, on October 10, 2023, the City Council conducted the first reading of the development code amendment and the second reading on November 14, 2023, where they adopted the Ordinance, approving Development Code Amendment No. P23-139; and,

WHEREAS, the Planning Commission and City Council reviewed the proposed amendments and found that Development Code Amendment No. P23-139 is consistent with the Loma Linda General Plan, is not detrimental to the public health, safety, and general welfare, and is in conformity with good land use practice.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The City Council hereby finds that all of the facts set forth in the recitals of this ordinance are true and correct.

Section 2. Environmental Exemption. The Planning Commission recommends that the City Council determines that Development Code Amendment is not subject to the requirements of the State of California Environmental Quality Act ("CEQA") pursuant Sections No. 15060(c)(2) and 15061(c)(3) of the CEQA Guidelines which applies to proposals that are not considered projects as defined in Section No. 15378 of the CEQA Guidelines and proposals that do not result in a significant change to the environment.

Section 2. Approval. The Planning Commission and City Council made a motion to adopt the ordinance approving Development Code Amendment No. P23-139, which amends Title 17 (Zoning) of the Loma Linda Municipal Code as indicated in "Exhibit A" and as referenced herein.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this

Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be posted within fifteen (15) days from its passage pursuant to Government Code section 36933.

Section 6. Effective Date. This Ordinance shall be in full force and effective a minimum of thirty (30) days after passage.

This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the 10th day of October 2023 and was adopted on the 14th day of November 2023 by the following vote to wit:

Ayes: Dailey, Dupper, Jindal, Lenart, Rigsby

Noes: None

Absent: None

Abstain: None

Phillip Dupper, Mayor

Attest:

Lynette Arreola, City Clerk

Exhibit A
Development Code Amendment No. P23-139
Modifications to Title 17 (Zoning)

Municipal Code Title 17 ZONING
Chapter 17.30 ADMINISTRATION

IN LIGHT OF THE SIGNIFICANT NUMBER OF AMENDMENTS TO THIS CHAPTER, STAFF HAS CHOSEN TO PRESENT THE CHAPTER IN ITS ENTIRETY. RETAINED WITHIN THE SECTIONS WHERE MODIFICATIONS WERE EITHER AVOIDED OR MINIMAL, ARE THE FORMER ORDINANCE NUMBERS AND THEIR RESPECTIVE ADOPTION DATES. WHILE CERTAIN SECTIONS WERE REMOVED, MUCH OF THE ORIGINAL CONTENT HAS BEEN THOUGHTFULLY INCORPORATED INTO OTHER RELEVANT SECTIONS FOR CONSISTENCY AND CONSOLIDATION PURPOSES.

17.30.010 Purpose.

It is the purpose of this chapter to provide for the efficient and uniform processing of zoning devices (variances, conditional use permits, precise plans of design, or other matters necessitating administrative or public hearings). It is understood and declared that it is impossible to establish absolute restrictions and regulations upon all subjects mentioned in this title, and therefore from time to time it will be necessary to allow for due process of applications for change or relief and appropriate legislative action thereon. (Ord. 98 § 20.01, 1974)

17.30.020 City Council Amendments Authorized.

The city council in accordance with state law as mentioned throughout this title may amend, supplement, or change the regulations and districts herein or subsequently established. Such action may be instigated by petition of property owners providing the request is clearly set forth and all relevant facts presented in a form and at a processing fee as established by the city council. (Ord. 98 § 20.02, 1974)

~~**17.30.030 Variance—Authorized when.**~~

~~—When practical difficulties arise, unnecessary hardships are imposed, or results inconsistent with the intent and purpose of this title occur by reason of the strict and literal interpretation of language in its provisions, a variance may be granted as set forth in this chapter. (Ord. 98 § 20.03, 1974)~~

~~**17.30.040 Variance—Application.**~~

~~—An application for a variance from zoning regulations shall be filed by the owner or authorized agent upon forms approved by the planning department together with the payment of~~

~~a variance review fee in an amount to be established by resolution of the city council. (Ord. 230 § 4, 1980; Ord. 98 § 20.03.01, 1974)~~

~~**17.30.050 Variance—Hearing—Notice.**~~

~~—The planning department shall set the matter for public hearing within thirty days of receipt of the application in proper form. All property owners indicated on the applicant's list shall be notified by mailing of notice at least five days prior to the hearing, postage prepaid. The applicant shall bear responsibility for accuracy of the property owners list. The notice shall set forth the time, place, and subject matter of the public hearing as well as a general description of the property involved. (Ord. 98 § 20.03.02, 1974)~~

~~**17.30.060 Variance—Conditions for granting—Planning commission action.**~~

~~—A.—The planning commission on the date set shall hold a public hearing on the application and establish that the applicant has shown a reasonable existence of grounds for consideration of the matter. Before any variance may be granted the city council on appeal, it shall be shown:~~

~~—1.—That there are exceptional and extraordinary circumstances of conditions applicable to the property involved;~~

~~—2.—That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;~~

~~—3.—That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located;~~

~~—4.—The granting of such variances will be consistent with the general plan for the city;~~

~~—5.—That a public hearing was held wherein the applicant is heard and in which he or she substantiates all of the conditions cited in this subsection;~~

~~—6.—That the planning commission, in reviewing such requests and hearing the evidence, finds that the conditions of subsections (A)(1) through (5) of this subsection have been met.~~

~~—B.—The planning commission may approve, conditionally approve, or deny any variance request by written notice to be mailed to the applicant and any other person requesting such report no later than five days following the rendering of a decision. (Ord. 485 § 4, 1992; Ord. 98 § 20.03.03, 1974)~~

~~17.30.070 Minor deviation—Granting authority.~~

~~—Subject to the provisions of this chapter, the planning director or any official authorized by the city manager may grant or deny minor deviations. (Ord. 98 § 20.04, 1974)~~

~~17.30.080 Minor deviation—Defined.~~

~~—For the purpose of Sections 17.30.070 through 17.30.120, “minor deviation” means variances from yard, setback, or open space requirements of not to exceed fifteen percent; variances from required lot area, sign area, or dimension requirements of not to exceed ten percent; and variances from height requirements of not to exceed twenty percent. (Ord. 98 § 20.04.01, 1974)~~

~~17.30.090 Minor deviation—Chapter applicability.~~

~~—Upon the filing with the planning director of an application for a variance which could constitute only a minor deviation, the provisions of this chapter shall apply in lieu of any contrary provisions of other portions of this title. Otherwise, the provisions of Sections 17.30.070 through 17.30.120 shall apply. (Ord. 98 § 20.04.02, 1974)~~

~~17.30.100 Minor deviation—Granting or denial.~~

~~—The planning director shall set each application for hearing at such time and place as the director shall designate and shall give written notice thereof at least ten days before said hearing by United States mail, postage prepaid to the applicant and to the owners of all property abutting or cornering on the subject property or separated therefrom only by a street or alley, at the address of such owners as shown on the latest available assessment roll. The planning director shall conduct a public hearing upon the application at said time and place, or at such time as the hearing may be adjourned to, at which time the director shall hear the applicant and any protests. If the facts are found to exist as in Section 17.30.080 he or she shall grant the same in writing stating the reasons therefor subject to such conditions as may be necessary to protect the public peace, health, safety, morals, or general welfare and shall thereupon transmit copies thereof to the members of the city council and to the applicant. If the director does not find such facts to exist, he or she shall deny the application in writing and transmit a copy of such denial to the applicant. (Ord. 98 § 20.04.03, 1974)~~

~~17.30.110 Minor deviation—Appeal of director’s decision.~~

~~—The decision of the planning director shall be final and effective ten days after the date of transmitting copies of his or her written determination as provided in Section 17.30.100 unless, during such time, an appeal in writing is filed with the planning commission, or unless a motion of appeal is adopted by the planning commission. Such appeal shall suspend and set aside the decision of the planning director, and the planning commission may act upon said appeal. (Ord. 485 § 4, 1992; Ord. 98 § 20.04.04, 1974)~~

~~**17.30.120 Minor deviation—Application without variance formalities.**~~

~~—The city council shall establish a procedure for processing deviations from zoning regulations that are deemed to be of a minor nonimpacting nature and in such instances shall permit application and processing of such minor deviation to occur without the formalities required for a variance from zoning regulations, and the city council shall establish by resolution a minor deviation processing fee. (Ord. 230 § 5, 1980; Ord. 98 § 20.04.05, 1974)~~

~~**17.30.125 Minor use permits.**~~

~~—A.— Purpose and Process.~~

~~—1.— Purpose. The purpose of a minor use permit is to provide sufficient flexibility in the use regulations to further the objective of this Development Code.~~

~~—2.— Process for Reviewing Uses. A minor use permit provides a process for reviewing uses and activities that may be appropriate in the applicable zone, but whose effects on a specific site and surroundings cannot be determined before being proposed for the specific site.~~

~~—3.— Special Consideration. Certain types of land uses require special consideration in a particular zone or in the city as a whole because they possess unique characteristics or present special problems that make automatic inclusion as allowed uses either impractical or undesirable.~~

~~—B.— Applicability. A minor use permit is required to authorize proposed land uses identified in Chapter 17.32 (Residential Zones) through Chapter 17.48 (Combining Overlay Zones), inclusive, as being allowable in the applicable zone subject to the approval of a minor use permit.~~

~~—C.— Review Authority.~~

~~—1.— Action by Director. Minor use permits shall be approved or denied by the director of community development.~~

~~—2.— Director May Refer to Commission. The director may choose to refer any minor use permit application to the planning commission for review and final decision.~~

~~—D.— Application Requirements. A signed application and payment of such fee as shall be established by resolution of the city council shall be submitted to the planning department accompanied by copies of the site development and elevation as required by the planning department. The application shall include:~~

~~—1.— A site plan prepared to scale showing accurately, and with complete dimensioning, all buildings proposed for the parcel. The data contained on the plan shall include information on all buildings, structures, signs, parking, landscaping, walls or fences, and the points of ingress and~~

~~gress. In addition, all necessary information to clearly define the intended use of the property and its relationship to adjacent properties shall be included;~~

~~—2.— A legal description of the property involved;~~

~~—3.— Reference to specific provisions of this title which are applicable to the minor use permit sought;~~

~~—4.— A list of all names and addresses of all owners of real property within three hundred feet from external boundaries of the property involved, as shown on the latest available tax roll;~~

~~—5.— Evidence of ability and intention of applicant to proceed with actual construction work in accordance with a submitted plan within one hundred eighty days from the date of granting the permits; and~~

~~—6.— Any additional information required by the planning department to evaluate the application.~~

~~—E.— Project Review, Notice, and Hearing. Each application shall be reviewed by the director to ensure that the proposal complies with all applicable requirements of this title. Before a decision on a minor use permit, the city shall provide notice as follows.~~

~~—1.— Notice.~~

~~—a.— The notice shall state that the director will decide whether to approve or deny the minor use permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person at least five days before the specified date for the decision.~~

~~—b.— The written request for a hearing shall be based on issues of significance directly related to the application (e.g., provision of evidence that the request cannot meet one or more of the findings identified in subsection F (Findings and Decision)).~~

~~—c.— If the director determines that the evidence has merit and can be properly addressed by a condition(s) added to the minor use permit approval, the director may consider the permit in compliance with subsection (E)(3) (If No Hearing Is Requested).~~

~~—2.— If Hearing Is Requested. If a public hearing is requested, and the provisions of subsection (E)(1)(c), do not apply, the director shall schedule the hearing that shall be noticed and conducted in compliance with Sections 17.30.180 and 17.30.200.~~

~~—3.— If No Hearing Is Requested. If no public hearing is requested, the director shall render a decision on the date specified in the notice referred to in subsection (E)(1)(a).~~

~~—4.— Appeals. The director's decision is appealable to the planning commission.~~

~~—F.— Findings and Decision.~~

- ~~— 1. — Review Authority's Action. An application for a minor use permit may be approved subject to conditions, or denied by the review authority.~~
- ~~— 2. — Required Findings. The review authority may approve a minor use permit only if it first makes all the following findings:~~
- ~~— a. — The proposed use is consistent with the general plan and any applicable specific plan;~~
- ~~— b. — The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this title and the municipal code;~~
- ~~— c. — The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;~~
- ~~— d. — The site is physically suitable in terms of:~~
- ~~— i. — Its design, location, shape, size, and operating characteristics of the proposed use;~~
- ~~— ii. — The provision of public and emergency vehicle (e.g., fire and medical) access;~~
- ~~— iii. — Public protection services (e.g., fire protection, police protection, etc.); and~~
- ~~— iv. — The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.);~~
- ~~— e. — The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.~~
- ~~— f. — The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the conditional use permit or minor use permit.~~
- ~~— G. — Conditions of Approval. In approving a minor use permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by subsection (F)(2) (Required Findings).~~
- ~~— H. — Use of Property before Final Action. No permits or approvals shall be issued for any use involved in an application for a minor use permit until and unless the same shall have become final.~~
- ~~— I. — Modification of Permit. An approved minor use permit may be modified in compliance with Section 17.30.470 (Modification).~~
- ~~— J. — Periodic Review. The city may conduct a periodic review of the permit to ensure proper compliance with this title and any developmental or operational conditions imposed by the review authority.~~

~~—K.— Permit to Run with the Land. A minor use permit approved in compliance with the provisions of this section shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this section. (Ord. 739 § 2, 2017)~~

~~17.30.130 Conditional use permits—Approval conditions generally.~~

~~— Uses permitted subject to conditional use permit are those uses necessary for the development of the community, but which uses must be located, planned, and used in such a manner as not to be detrimental to the property abutting such uses and to the community as a whole. In considering conditional use permit, the planning commission shall determine whether the use is suitable in the area and if a grant is made, shall require the safeguards necessary to protect the health, safety, morals, and general welfare. In approving such uses, the planning commission shall set forth the manner in which the use is to be conducted, approve the design or plan of the structures, including their location and the yards around them, and consider the adequacy and facilities to serve them. (Ord. 485 § 4, 1992; Ord. 98 § 20.05, 1974)~~

~~17.30.140 Conditional use permit—Specific uses designated.~~

~~— The following uses may be permitted pursuant to the provisions of this title in any zone except where expressly prohibited, when such uses are determined by the council to be essential or desirable for the public welfare and convenience and in conformity with the general plan and its objectives:~~

~~—A.— Conditional uses permitted in any zone:~~

~~—1.— Cemeteries, columbariums, mausoleums and mortuaries;~~

~~—2.— Places of religious assembly;~~

~~—3.— Educational uses, public or private, including nursery schools and day nurseries having more than six children;~~

~~—4.— Golf courses (excepting driving ranges, miniature courses and similar uses);~~

~~—5.— Governmental enterprises, federal, state and local, where buildings are publicly owned;~~

~~—6.— Planned residential developments;~~

~~—7.— Public utility structures and service facilities such as reservoirs, pumping plants, electrical substations, filtration plants, communication substations, microwave stations, and towers;~~

~~—8.— Historical or landmark structures within which a commercial activity is sought to be conducted. The determination that a structure is historical or a landmark, and that its~~

~~preservation should be encouraged, as well as limitations upon the type and size of the commercial activity proposed therein shall be within the complete discretion of the city council;~~

~~—9.— Such similar uses as the city council may deem to be similar and equally essential to the public welfare;~~

~~—10.— Retail landscape nurseries having a minimum two-acre site and other similar agricultural uses as determined by the director of planning complying with other conditions as may be deemed appropriate;~~

~~—11.— Pet vaccination clinics.~~

~~—B.— Conditional uses in specified zones:~~

~~—1.— Airport and heliport in I-HC, OS or PF zones or any less restrictive commercial or industrial zone;~~

~~—2.— Automobile service stations in C-1 or any less restrictive commercial or industrial zone;~~

~~—3.— Building height in excess of thirty-five feet in the CO Zone;~~

~~—4.— Civic and community clubs in R-2 or any less restrictive residential or commercial zone;~~

~~—5.— Development of natural resources (excluding drilling for or producing oil, gas, or other hydrocarbon substances or the production of rock and gravel) together with the necessary buildings, apparatus or appurtenances incident thereto in any industrial zone;~~

~~—6.— Drive-In Businesses. The term “drive-in businesses” shall mean uses directed primarily to the occupants of a motor vehicle where the business or service may be conducted with the occupants without the occupants alighting from the motor vehicle or where the occupants alight from the motor vehicle for quick service at or within a structure. Uses which are a part of a shopping center or a multiple-use building shall not be considered a drive-in business unless the business or service may be conducted without the occupants alighting from the motor vehicle. In the event of any question as to whether or not a particular use is a drive-in business, upon request of any party in interest, the city council shall, prior to the filing of a conditional use permit application, make a determination as defined in this subdivision;~~

~~—7.— Social care facilities including hospitals, medical clinics and convalescent care facilities or residential care facilities in R-3, R-4, C-1, C-2, CO, BP, CM, PF or I-HC zones;~~

~~—8.— Mobile home park in the R-1, R-2, R-3, R-4 or C-1 zones;~~

~~—9.— Trailer coaches for temporary office or business purposes in R-3 or any less restrictive commercial or industrial zone;~~

~~—10.— Freestanding service station identification signs in C-1 zoning districts;~~

~~—11.— Any such similar uses as the planning commission may deem to be similar and equally essential to the public welfare;~~

~~—12.— Residential developments which do not front upon a dedicated street;~~

~~—13.— The moving and relocation of buildings in all zones and the sitting of mobile homes on individual lots in single-family residential zones;~~

~~—14.— Freestanding signs within one hundred feet of the Interstate 10 freeway in the C-1, C-2, and CM and BP zones, subject to the following criteria:~~

~~—a.— The sign is located on the same property as the use advertised, and~~

~~—b.— The parcel must have a minimum of two hundred lineal feet of freeway frontage, or~~

~~—c.— Be located on a freeway frontage parcel consisting of no less than three acres, or~~

~~—d.— Have principal structures consisting of a collective total of not less than fifty thousand square feet;~~

~~—15.— Enclosed storage structures in the R-3 zone located on interior side yard and/or rear yard property lines;~~

~~—16.— Small collection facilities for recycling materials in the C-1, C-2, and CM zones;~~

~~—17.— Large collection facilities for recycling materials in the C-2 and CM zones. (Ord. 764 § 2, 2021; Ord. 485 § 4, 1992; Ord. 385 § 1, 1987; Ord. 384 § 4, 1987; Ord. 376 § 1, 1987; Ord. 355 § 1, 1986; Ord. 309 § 1, 1983; Ord. 302 § 1, 1983; Ord. 296 § 1, 1982; Ord. 293 § 1, 1982; Ord. 258 § 1, 1981; Ord. 216 § 2, 1979; Ord. 129 § 1, 1976; Ord. 98 § 20.05.01, 1974)~~

~~17.30.150 Conditional use permit—Application—General criteria.~~

~~—A.— Applicant must be the property owner or an authorized agent of the owner.~~

~~—B.— Responsibility for the posting of bonds fulfilling of city requirements for both on and off-site improvements rests with the applicant. (Ord. 98 § 20.05.02(a), 1974)~~

~~17.30.160 Conditional use permit—Application—Contents.~~

~~—Application for a conditional use permit shall include the following:~~

~~—A.— A signed application and payment of such fee as shall be established by resolution of the city council shall be submitted to the planning department accompanied by copies of the site development and elevation as required by the planning department;~~

~~—B.— The site plan shall be prepared to scale showing accurately, and with complete dimensioning, all buildings proposed for the parcel. The data contained on said plan shall include information on all buildings, structures, signs, parking, landscaping, walls or fences, and the points of ingress and egress. In addition, all necessary information to clearly define the intended use of the property and its relationship to adjacent properties shall be included;~~

~~—C.— A legal description of the property involved;~~

~~—D.— Reference to specific provisions of this title which are applicable to the conditional use permit sought;~~

~~—E.— A list of all names and addresses of all owners of real property within three hundred feet from external boundaries of the property involved, as shown on the latest available tax roll;~~

~~—F.— Evidence of ability and intention of applicant to proceed with actual construction work in accordance with a submitted plan within one hundred eighty days from the date of granting the permits;~~

~~—G.— Any additional information required by the planning department to evaluate the application. (Ord. 230 § 2, 1980; Ord. 98 § 20.05.02(b), 1974)~~

~~17.30.170 Conditional use permit—Application—Required dedications, easements and improvements.~~

~~—Required dedications, easements and improvements for a conditional use permit application shall be as follows:~~

~~—A.— Dedications and/or easements for streets, alleys, drainage, public utilities, bridle trails, flood control, and such other rights-of-way as may be determined essential to the orderly development of the site and abutting properties;~~

~~—B.— Improvements:~~

~~—1.— Grading on/off site drainage and drainage structures,~~

~~—2.— Curbs and gutters,~~

~~—3.— Sidewalks,~~

~~—4.— Street pavement,~~

~~—5.— Adequate domestic water service,~~

~~—6.— Sanitary sewer facilities and connections,~~

~~—7.— Services from public utilities where provided,~~

- ~~—8.— Street trees,~~
- ~~—9.— Street lights and street name signs,~~
- ~~—10.— All water lines are to be laid and fire hydrants installed subject to city specifications,~~
- ~~—11.— In addition to the aforesaid minimum improvements, the planning commission shall require such additional improvements and facilities as determined necessary for the proper development of the site and area. (Ord. 485 § 4, 1992; Ord. 98 § 20.05.02(c), 1974)~~

~~17.30.180 Conditional use permit—Hearing—Date setting.~~

~~—Upon receipt of an application, the planning official shall set a date for a public hearing before the planning commission. The date of the hearing shall be not less than ten days nor more than forty days after the date of receipt of such application. (Ord. 485 § 4, 1992; Ord. 98 § 20.05.03, 1974)~~

~~17.30.190 Conditional use permit—Hearing—Notice.~~

~~—The planning official shall give notice of such conditional use permit application and of the time and place of such hearing as follows:~~

~~—A.— By mailing notices not less than five days prior to the date of hearing to the owners, as their names and addresses are shown by the last equalized assessment roll, of real property owners within three hundred feet of the external boundaries of property under consideration;~~

~~—B.— By posting said notice in conspicuous places close to the property affected, not less than ten days prior to the date of such hearing, a notice consisting of the words: “NOTE OF PROPOSED CONDITIONAL USE PERMIT” printed in plain type letters not less than one inch in height and containing a statement in legible print setting forth a description of the property, the nature of the proposed conditional use permit, and time and place of public hearing;~~

~~—C.— By one posting of notice in at least three public places in the city at least ten days prior to the date of the hearing. (Ord. 98 § 20.05.04, 1974)~~

~~17.30.200 Conditional use permit—Hearing—Rules of conduct.~~

~~—At the time and place fixed and noticed, the public hearing shall be conducted before the planning commission, and it shall be the duty of each applicant of a conditional use permit to make a presentation for the need of the conditional use permit and to provide the planning commission with all pertinent factual data that will enable the planning commission to evaluate the effect which the proposed use will have on existing uses and possible future uses of adjoining land and objectives of the master plan. The planning commission may establish its own rules for the conduct of such public hearing and may for any reason it shall deem~~

~~appropriate continue such hearing from time to time. (Ord. 485 § 4, 1992; Ord. 98 § 20.05.05, 1974)~~

~~17.30.210 Conditional use permit—Required findings.~~

~~—A.—The planning commission, in approving a conditional use permit, shall find as follows:~~

~~—1.—That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this title;~~

~~—2.—That the said use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located;~~

~~—3.—That the site for the intended use is adequate in size and shape to accommodate said use and all of the yards, setbacks, walls, or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses on land in the neighborhood;~~

~~—4.—That the site for the proposed use related to streets and highways property designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use;~~

~~—5.—That the conditions set forth in the permit and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare. Such conditions may include:~~

~~—a.—Regulation of use,~~

~~—b.—Special yards, spaces and buffers,~~

~~—c.—Fences and walls,~~

~~—d.—Parking areas subject to city specification including location and surfacing,~~

~~—e.—Regulation of points of vehicular ingress and egress and on-site traffic circulation,~~

~~—f.—Regulation of signs,~~

~~—g.—Required landscaping and maintenance thereof,~~

~~—h.—Regulation of noise, vibration, odors and lights,~~

~~—i.—Regulation of time for certain activities,~~

~~—j.—Duration of use,~~

~~—k.— Any such other conditions as will make possible the development of the site in an orderly and efficient manner and in conformity with the intent and purposes set forth in this title.~~

~~—B.— The planning commission may grant the conditional use permit in whole or in part upon such conditions as it may deem necessary and appropriate.~~

~~—C.— The planning commission shall make its findings and decisions within forty days after the conclusion of the hearing by a minute order. Upon failure of the planning commission to make a determination within the time limit specified, the application shall be deemed to have been denied. (Ord. 485 § 4, 1992; Ord. 98 § 20.05.06, 1974)~~

~~17.30.220 Conditional use permit—Approval void when.~~

~~— Any permit granted pursuant to this chapter shall become null and void if not exercised as specified in such permit, or if no date is specified, the development shall commence within one hundred eighty calendar days from the date of approval and shall be pursued diligently and continuously to completion. (Ord. 98 § 20.05.07, 1974)~~

~~17.30.240 Conditional use permit—Reapplication prohibited when.~~

~~— No person shall reapply for a similar conditional use permit for the same land, building, or structure within a twelve-month period from the date of the denial of the application. (Ord. 98 § 20.05.09, 1974)~~

~~17.30.250 Planning director decision appeal process.~~

~~— In the event that decision of the planning director or appointed representative, of an administrative action so described herein, is contested, the following appeal procedure is established as contained in Section 2.08.030. (Ord. 364 § 1, 1986; Ord. 98 § 20.06, 1974)~~

~~17.30.260 Precise plan of design—Required when.~~

~~— In order to fairly administer and provide for adequate consideration of all provisions of this title, it shall be required for all property development or establishment of use on a property to file a precise plan of design (minor or major) to accomplish as nearly as possible a uniformity in the permitted use and enjoyment in any zone while at the same time imposing a uniformity of regulation to protect use and enjoyment of surrounding properties. Therefore, no person shall commence any use and no building permit shall be issued for any structure until a precise plan of design (minor or major) covering the parcel or parcels to be used shall be approved and adopted as herein provided. For purposes of this section, the term “minor” shall be defined as all new individual single family homes, including additions or modifications that are five hundred square feet or larger, and all other types of development projects considered to be small projects of over one hundred twenty square feet and up to and including five hundred square feet in total building area, which require public notice and an administrative director’s hearing.~~

~~The term “major” shall be defined as all other types of development projects, except for those classified as “exceptions” in this section. Exceptions to this include additions or modifications to individual single-family homes of less than five hundred square feet, fences in residential zones, or any other accessory structure having a valuation of one thousand five hundred dollars or less. (Ord. 739 § 3, 2017; Ord. 98 § 20.07, 1974)~~

~~17.30.270 Precise plan of design—Contents.~~

~~—The precise plan of design shall specify and include:~~

~~—A.—The location, size, bulk, height, and number of stories of all buildings and structures including signs, walls, and fences;~~

~~—B.—The location, size, and dimensions of yards, courts, setbacks, and all other open spaces between buildings and structures;~~

~~—C.—The location, dimensions, and method of improvements of all driveways, parking areas, walkways and means of access, ingress and egress, and drainage;~~

~~—D.—The location, dimensions, and methods of improvement of all property to be dedicated to the public or to public utilities;~~

~~—E.—The general nature of the proposed use;~~

~~—F.—Relationship to all abutting public thoroughfares;~~

~~—G.—Grading profile of site and relationship to abutting sites. (Ord. 98 § 20.07.01, 1974)~~

~~17.30.280 Precise plan of design—Approval or rejection.~~

~~—Any such precise plan of design may be rejected, adopted, modified and adopted, or adopted subject to conditions. Any such precise plan of design after adoption, may be amended in the same manner as a precise plan of design is first adopted hereunder. If the precise plan of design would substantially depreciate property values in the vicinity or would unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof for lawful purposes or would adversely affect the public peace, health, safety or general welfare to a degree greater than that generally permitted by this title, such plan shall be rejected or shall be so modified or conditioned before adoption as to remove the said objections. Otherwise, such proposed precise plan shall be approved. Modifications and conditions may be imposed only to the extent reasonably necessary in connection with the proposed use to remove the said objections, and to that extent may impose greater, but shall not permit lesser, restrictions than those imposed by this title. (Ord. 98 § 20.07.02, 1974)~~

17.30.290 Precise plan of design—Application procedure.

—Application for approval of a precise plan of design shall be made in such form as the planning commission shall prescribe. The procedure (but not the grounds) set forth in Sections 17.30.030 through 17.30.060 shall apply to the processing and approval or rejection of proposed precise plans of design, subject, however, to the following exceptions:

—A.— Upon the filing of an application and prior to setting the same for hearing before the planning commission, the secretary shall refer it to the city planner. If the city planner determines that none of the grounds for rejection as set forth in Sections 17.30.030 through 17.30.060 exist, he or she shall endorse his or her approval thereon in writing within ten days after the date of filing. His or her approval may be subject to express written alterations or conditions if the applicant accepts the same in writing. Such approval shall be final or terminate the proceedings; otherwise, it shall be set for hearing before the city council.

—B.— Notice of the public hearing shall be mailed no less than ten calendar days prior to the date of the public hearing to all property owners within a three-hundred-foot radius of the property and by posting at the official notice locations as determined by the resolution of the city council.

—C.— A filing fee in an amount established by resolution of the city council shall be paid at the time of filing the application with the planning department.

—D.— Applicant need not comply with Section 17.30.050 requiring a list of the names and addresses of all owners of real property within three hundred feet of the external boundaries of the property involved. (Ord. 485 §§ 4, 17, 1992; Ord. 323 § 1, 1984; Ord. 230 § 3, 1980; Ord. 98 § 20.07.03, 1974)

17.30.300 Precise plan of design—Required findings.

—A.— A precise plan of design may be approved and adopted subject to the granting of a change of zone, a conditional use permit, a variance, or the approval of a final subdivision map or parcel map, or as otherwise provided in Section 17.30.260, and the planning commission may require such a precise plan of design to be submitted prior to the granting or recommending of a zone change, variance, or conditional use permit.

—B.— Whenever a precise plan of design is approved, the granting authority shall find as follows:

—1.— The use is allowed within the subject zone;

—2.— The project is in compliance with and demonstrates the following applicable criteria:

—a.— Efficient site layout and design;

—b.— Compatibility with neighboring properties and developments;

- ~~—c.— Efficiency and safety of public access and parking;~~
- ~~—d.— The arrangement and relationship of proposed structures and signs to one another and to other developments in the vicinity and whether the relationship is harmonious and based on good standards of design;~~
- ~~—e.— The compatibility in scale and aesthetic treatment of proposed structures with public areas;~~
- ~~—f.— The adequacy of proposed driveways, landscaping, parking spaces, potential on-site and off-site parking and traffic impacts and other potential impacts upon the environment;~~
- ~~—g.— Appropriate open space and use of water efficient landscaping;~~
- ~~—h.— Consistency with the general plan and any applicable specific plan;~~
- ~~—i.— Consistency with any adopted Design Guidelines, policies, and standards.~~
- ~~—3.— The project is in keeping with the character of the neighborhood, in terms of the structure(s) general appearance; and~~
- ~~—4.— The project will not be detrimental to the harmonious and orderly growth of the city. (Ord. 764 § 2, 2021; Ord. 485 § 4, 1992; Ord. 98 § 20.07.04, 1974)~~

~~17.30.310 Precise plan of design—Definition distinction.~~

~~—The precise plans of design referred to in this chapter are not to be confused with or considered to be “precise plans” as referred to in the Government Code of the state. (Ord. 98 § 20.07.05, 1974)~~

17.30.025 Approving Authority

A. Decision-Making Bodies. There are three primary decision-making bodies established to administer the provisions of the development code and the general plan. The decision-making body is responsible to make decisions on specific planning applications set forth below in Table No.17.30-1. The action taken by the decision-making body is final.

<u>Table No. 17.30-1</u>			
	<u>Decision Making Body (Final)</u>		
<u>Type of Land Use Entitlement</u>	<u>CDD</u>	<u>PC</u>	<u>CC</u>
<u>Minor Variance</u>	X		
<u>Variance</u>		X	
<u>Minor Use Permit</u>	X		
<u>Conditional Use Permit</u>		X	
<u>Precise Plan of Design – Minor</u>	X		
<u>Precise Plan of Design</u>		X	
<u>Comprehensive Sign Program</u>		X	
<u>Tentative Parcel Map</u>			X
<u>Tentative Tract Map</u>			X
<u>Zoning Amendment (text or map)</u>			X
<u>General Plan Amendment (text or map)</u>			X
<u>Specific or Master Plan</u>			X

Key:

CDD – Community Development Director, referred to as the “director”

PC – Planning Commission

CC – City Council

B. Concurrent Review. When a project requires approval of multiple permits, all of the permits shall be reviewed concurrently by the highest applicable decision-making body; provided however, that prior to the review by such review authority, the project receives any and all required recommendations and advisory input from applicable committees or commissions.

C. Applications Not Listed. In the event a review authority is not specified for a particular application, the director shall be the review authority or make the appropriate determination.

17.30.030 Public Hearings and Notices.

A. Public Hearing and Hearing Notice.

1. Public Hearings. Every application reviewed by the planning commission and the city council shall be set for a public hearing. However, tentative tract map, parcel map, lot split, street and alley vacation requests or their time extension request as adopted pursuant to the Subdivision Map Act (Section 66411 et seq., of the Government Code, hereafter “Act”) shall be subject to approval by the city council. Hearings may be

continued from time to time, by the planning commission or city council, as may be deemed necessary.

2. Hearing Notice. Pursuant to Government Code § 65090 to 65096, notice shall be given for all public hearings not less than 10 calendar days before the scheduled date of a hearing. The notice shall state the date, time, and place of the hearing, the identity of the approving body or officer, a general explanation of the matter to be considered, and a general description of the location that is the subject of the hearing. Notice of the public hearing shall be given in the following ways:

a. Notice shall be mailed, postage prepaid by the applicant, to the owners of property within a radius of 300 feet of the exterior boundaries of the of the property involved in the application, using for this purpose the last known name and address of such owners as currently shown upon the tax assessor's records.

i. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, in lieu of mailed or delivered notice, the notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local community.

b. Notice shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.

c. Notice shall be mailed to any person who has filed a written request for notice.

d. If the notice is mailed or delivered, the notice shall also either be:

i. Posted at three public places designated by the city, including one public place in the area directly affected by the proceeding, or;

ii. Made by publication in a local newspaper of general circulation within the local community at least one time.

e. In addition to the notice required by this section, the city may give notice of the hearing in any other manner it deems necessary and desirable.

f. The failure of any person or entity to receive a hearing notice shall not constitute grounds for any court to invalidate the actions of a local agency for which the notice was given.

3. Public Hearing On-site Sign Requirements. In addition to the noticing requirements of subsection (A)(1-2), the public notice shall also be made by a notification sign to be placed in the area affected by the proceeding.

a. For projects requiring approval by the planning commission and city council, the notification sign shall be provided by the applicant and meet the following criteria:

i. Size and specifications. The public notification sign shall be a minimum of 6 square feet and a maximum of 10 square feet for existing structures. Proposed

development shall have a notification sign of a minimum of 12 square feet and a maximum of 32 square feet. The sign shall not exceed 6 feet in total height.

- ii. The sign shall include project information in large, legible font.
- iii. The sign shall be made of highly-durable materials that are weather and fade resistant.
- iv. Location and installation standards. A sign shall be posted on each street frontage no less than 5 feet inside the property line and not within the vision triangle of a corner lot. The sign shall be set at least 18 inches above ground.
- v. Verification: On or before the required date of installation, the applicant shall submit to the Community Development Department a signed affidavit or some other acceptable proof of installation of the on-sign site.
- vi. Sign removal and maintenance. The sign shall be maintained in good condition and remain in place until the final decision on the application has been made or the applicant has withdrawn. The sign shall be removed after the appeal period or on the date of withdrawal.
- vii. If the proposed project requires more than one hearing, the date listed on the sign must be changed immediately after the first hearing and at least 10 days prior to the second hearing.

B. Notices for Administrative Applications.

1. Public Notice for Administrative Applications. Every application to be administratively reviewed will require a public notice. Prior to taking action on such application, the director shall notify the applicant, interested parties, and properties within 300 feet of the subject site by mail and public posting, as set forth in subsection (A)(2)(a-f). The notice shall include:

- a. A statement that the director will decide whether to approve or deny the application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person at least five days before the specified date for the decision.
- b. The written request for a hearing shall be based on issues of significance directly related to the application (e.g. provision of evidence that the request cannot meet one or more of the applicable findings.)
- c. If the director determines that the evidence has merit and can be properly addressed by a condition(s) added to the approval, the director may consider the permit in compliance with subsection (B)(1)(e).
- d. If a public hearing is requested, and the provisions of subsection (B)(1)(b) do not apply, the director shall schedule the hearing that shall be noticed and conducted in compliance with subsection (A)(1-2).
- e. If no public hearing is requested, the director shall render a decision on the date specific in the notice referred to in subsection (B)(1)(a).

2. Public Notice On-site Sign Requirements. For projects approved administratively, the on-site notification sign shall meet the following criteria:

- a. Size and specification. The public notification sign shall be at least 8 ½ inches by 11 inches.
- b. Locations and installation standards. A sign shall be posted on each street frontage or the primary store front window no later than 10 days prior to the date of decision.
- c. Verification: On or before the required date of installation, the application shall submit to the Community Development Department a signed affidavit or some other acceptable proof of installation of the on-sign site.
- d. Sign removal and maintenance. The sign shall be maintained in good condition and remain in place until the final decision on the application has been made or the applicant has withdrawn. The sign shall be removed after the appeal period or on the date of the withdrawal.

17.30.040 Minor Variance.

A. Purpose and Granting Authority

1. It is the intent and purpose of this section to provide for the granting of administrative adjustments or minor exceptions to the development standards of this code by the Community Development Director in those cases where such minor variances or deviations are warranted by practical difficulties, unnecessary hardships, or results that without the administrative adjustment may be inconsistent with the general intent of this code.
2. Subject to the provisions of this chapter, the director may approve the minor variance, or may defer action to the planning commission for review and final decision.
3. The director shall impose conditions to ensure that the minor variance shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.

B. Applicability

1. For the purpose of Section 17.30.40, a minor variance means minor exceptions from yard, setback, or open space requirements no more than fifteen percent of the code requirement; minor variances from required lot area, sign area, or dimension requirements of no more than ten percent; and minor exceptions from height requirements of no more than twenty percent of the code requirement.
2. Minor variances shall not be granted to authorize a use or activity on a property which is not otherwise expressly authorized by the provisions of this zoning code governing that property. A minor variance is not a substitute for a zone change or zone text amendment.

C. Application

1. A signed application for a minor variance from zoning regulations shall be filed by the owner or authorized agent accompanied by forms and fees as required by the Community Development Department. No application shall be considered by the director until the application is determined to be complete and all required fees have been paid to the city.
2. At a minimum, the application shall include:
 - a. A statement that the applicant is the owner of the subject property or an agent thereof;
 - b. The legal description of the property involved, the proposed use, and site plans;
 - c. A reference to the specific provisions of this title that are applicable to the requested deviation; and
 - d. A letter describing the practical difficulties, unnecessary hardships, or results inconsistent with the intent and purpose of this title that would make the proposed project applicable for a minor variance.

D. Findings

1. The review authority may approve a minor variance only if it first makes all of the following findings:
 - a. That there are exceptional and extraordinary circumstances or conditions applicable to the property involved;
 - b. That the minor variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone in which property is located;
 - c. That granting such a minor variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located;
 - d. That the granting of such minor variance will be consistent with the general plan for the city.

E. Conditions of Granting

1. That the director, in reviewing such requests and hearing the evidence, finds that the findings of Section 17.30.040(D) have been met;
2. The director may approve, conditionally approve, or deny any minor variance request by written notice to be mailed to the applicant and any other person requesting such report no later than five days following the rendering of a decision.

17.30.050 Variance

A. Purpose and Granting Authority

1. When practical difficulties arrive, unnecessary hardships are imposed, or results inconsistent with the intent and purpose of this title by reason of the strict and literal interpretation of language in its provisions, the planning commission or city council shall have the authority to grant a variance upon approved terms and conditions as may be deemed necessary to ensure that the intent and purpose of this title and the public health, safety and welfare will be promoted.
2. Subject to the provisions of this chapter, the planning commission or city council may grant or deny variances.
3. The granting of a variance shall be subject to such conditions as will ensure that the variance shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located. Under no circumstance shall this provision be utilized to permit a use inconsistent with the existing zone or the adopted general plan land use designation.

B. Applicability

1. For the purpose of Section 17.30.050, a variance means a deviation from yard, setback, or open space requirements that exceeds fifteen percent of the code requirement; deviations from required lot area, sign area, or dimension requirements that exceed ten percent of the code requirement; deviations from height requirements that exceed twenty percent of the code requirement; deviations from sign standards, parking regulations, and other zoning provisions.
2. Variances shall not be granted to authorize a use or activity on a property which is not otherwise expressly authorized by the provisions of this zoning code governing that property. A variance is not a substitute for a zone change or zone text amendment.

C. Application

1. A signed application for a variance from zoning regulations shall be filed by the owner or authorized agent accompanied by forms and fees as required by the Community Development Department. No application shall be considered until the application is determined to be complete and all required fees have been paid to the city.
2. At a minimum, the application shall include:
 - a. A statement that the applicant is the owner of the subject property or an agent thereof;
 - b. The legal description of the property involved, the proposed use, and site plans;
 - c. A reference to the specific provisions of this title that are applicable to the requested variance; and

- d. A letter describing the practical difficulties, unnecessary hardships, or results inconsistent with the intent and purpose of this title that would make the proposed project applicable for a variance.

D. Findings

1. The review authority may approve a variance only if it first makes all of the following findings:
 - a. That there are exceptional and extraordinary circumstances of conditions applicable to the property involved, including its size, shape, topography, location, or surroundings;
 - b. That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;
 - c. That granting such a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located;
 - d. That the granting of such variances will be consistent with the general plan for the city.

E. Conditions for Granting

1. That a public hearing was held wherein the applicant is heard and in which the or applicant demonstrates that the applicant has met all of the conditions;
2. That the planning commission, in reviewing such requests and hearing the evidence, finds that the findings of Section 17.30.050(D) have been met;
3. The planning commission may approve, conditionally approve, or deny any variance request by written notice to be mailed to the applicant and any other person requesting such report no later than five days following the rendering of a decision.

17.30.060 Minor Use Permit

A. Purpose and Granting Authority

1. The purpose of a minor use permit is to provide sufficient flexibility in the use regulations to further the objective of this title. A minor use permit provides a process for reviewing uses and activities that may be appropriate in the applicable zone, but whose effects on a specific site and surroundings cannot be determined before being proposed for the specific site.
2. Certain types of land uses require special consideration in a particular zone or in a city as a whole because they possess unique characteristics or present special problems that make automatic inclusion as allowed uses either impractical or undesirable.

3. Minor use permits shall be approved or denied by the director. The director may choose to refer any minor use permit application to the planning commission for review and final decision.

B. Applicability

1. A minor use permit is required to authorize proposed land uses identified in Chapter 17.32 (Residential Zones) through Chapter 17.48 (Combining Overlay Zones), inclusive, as being allowable in the applicable zone subject to the approval of a minor use permit.

C. Application

1. A signed application for a minor use permit from zoning regulations shall be filed by the owner or authorized agent accompanied by forms and fees as required by the Community Development Department. No application shall be considered until the application is determined to be complete and all required fees have been paid to the city.
2. At a minimum, the application shall include:
 - a. A site plan prepared to scale showing accurately, and with complete dimensioning, all buildings proposed for the parcel. The data contained on the plan shall include information on all buildings, structures, signs, parking, landscaping, walls or fences, and the points of ingress and egress. In addition, all necessary information to clearly define the intended use of the property and its relationship to adjacent properties shall be included;
 - b. A legal description of the property involved;
 - c. Reference to specific provisions of this title which are applicable to the minor use permit sought;
 - d. A list of all names and addresses of all owners of real property within three hundred feet from external boundaries of the property involved, as shown on the latest available tax roll;
 - e. Evidence of ability and intention of applicant to proceed with actual construction work in accordance with a submitted plan within one hundred eighty days from the date of granting the permits; and
 - f. Any additional information required by the planning department to evaluate the application.

D. Findings

1. The review authority may approve a minor use permit only if it first makes all of the following findings:
 - a. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this title, the municipal code, the general plan, and any applicable specific plan;

- b. The subject site is physically suitable for the type, density, and intensity of the proposed use including access, utilities, and services;
- c. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
- d. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

E. Conditions for Granting

- 1. Conditions of Approval. In approving a minor use permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 17.30.60(D).
- 2. Periodic Review. The city may conduct a periodic review of the permit to ensure proper compliance with this title and any development or operational conditions imposed by the review authority.
- 3. Permit to Run with the Land. A minor use permit approved in compliance with the provisions of this section shall run with the land and continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this section.

17.30.070 Conditional Use Permit

A. Purpose and Granting Authority

- 1. The purpose of a conditional use permit is to provide a process for the discretionary review of proposed uses that are necessary for the development of the community, but must be located, planned, and used in such a manner as not to be detrimental to surrounding uses and to the community as a whole. In considering the conditional use permit, the planning commission shall determine whether the use is suitable in the area and if granted, shall require conditions necessary to protect the health, safety, morals, and general welfare. In approving such uses, the planning commission shall set forth the manner in which the use is to be conducted.
- 2. Conditional use permits shall be approved or denied by the planning commission.

B. Applicability

- 1. A conditional use permit is required to authorize proposed land uses identified in Chapter 17.32 (Residential Zones) through Chapter 17.48 (Combining Overlay Zones), inclusive, as being allowable in the applicable zone subject to the approval of a conditional use permit.

2. Specific uses designated. The following uses may be permitted pursuant to the provisions of this title in any zone except where expressly prohibited, when such uses are determined by the council to be essential or desirable for the public welfare and convenience and in conformity with the general plan and its objectives:
 - a. Conditional uses in specified zones:
 - i. Civic and community clubs in R-2 or any less restrictive residential or commercial zone;
 - ii. Development of natural resources (excluding drilling for or producing oil, gas, or other hydrocarbon substances or the production of rock and gravel) together with the necessary buildings, apparatus or appurtenances incident thereto in any industrial zone;
 - iii. Freestanding service station identification signs in C-1 zoning districts;
 - iv. Any such similar uses as the planning commission may deem to be similar and equally essential to the public welfare;
 - v. Freestanding signs within one hundred feet of the Interstate 10 freeway in the C-1, C-2, and CM and BP zones, subject to the following criteria:
 - a. The sign is located on the same property as the use advertised, and
 - b. The parcel must have a minimum of two hundred lineal feet of freeway frontage, or
 - c. Be located on a freeway frontage parcel consisting of no less than three acres, or
 - d. Have principal structures consisting of a collective total of not less than fifty thousand square feet;

C. Application

1. A signed application and payment of such fee as should be established by resolution of the city council shall be submitted to the Community Development Department accompanied by copies of the site development and elevation as required by the planning department;
2. At a minimum, the application shall include:
 - a. A site plan, prepared to scale, showing accurately, and with complete dimensioning, all buildings proposed for the parcel. The data contained on said plan shall include information on all buildings, structures, signs, parking, landscaping, walls or fences, and the points of ingress and egress. In addition, all necessary information to clearly define the intended use of the property and its relationship to adjacent properties shall be included;

- b. A legal description of the property involved;
- c. Reference to specific provisions of this title which are applicable to the conditional use permit sought;
- d. A list of all names and addresses of all owners of real property within three hundred feet from external boundaries of the property involved, as shown on the latest available tax roll;
- e. Evidence of ability and intention of applicant to proceed with actual construction work in accordance with a submitted plan within one hundred eighty days from the date of granting the permits; and
- f. Any additional information required by the planning department to evaluate the application.

D. Findings

1. The review authority may approve a conditional use permit only if it first makes all of the following findings:
 - a. The proposed use is allowed within the applicable zone and complies with all other applicable provisions the municipal code, the general plan, and any applicable specific plan;
 - b. The subject site is physically suitable for the type, density, and intensity of the proposed use including access, utilities, and services;
 - c. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
 - d. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

E. Conditions for Granting

1. In approving a conditional use permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 17.30.70(D).
2. The review authority may grant the conditional use permit in whole or in part upon such conditions as it may deem necessary and appropriate.
3. Periodic Review. The city may conduct a periodic review of the permit to ensure proper compliance with this title and any development or operational conditions imposed by the review authority.
4. Permit to Run with the Land. A conditional use permit approved in compliance with the provisions of this section shall run with the land and continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was

the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this section.

17.30.080 Minor Precise Plan of Design

A. Purpose and Granting Authority

1. The purpose of the Minor Precise Plan of Design is to provide a process for the review of residential and non-residential development proposals, and to ensure that the site and design of the project complies with all applicable design guidelines, standards, and ordinances, and is consistent with the general plan.
2. An application for a Minor Precise Plan of Design shall be approved or denied by the director.

B. Applicability

1. An application for a Minor Precise Plan of Design is required for all projects which meets any of the following criteria:
 - a. Façade changes to an existing and previously approved non-residential building.
 - b. Small accessory structures and residential additions over 500 square feet.
 - c. Non-residential additions under 3,000 square feet not involving the use of significant amount of hazardous substances and is in area where all public services are available.
 - d. Projects with minor aesthetic, land use or traffic implications.
 - e. New, wireless communication facilities.
2. The precise plans of design referred to in this chapter are not to be confused with or considered to be “precise plans” as referred to in the Government Code of the state.

C. Application

1. A signed application and payment of such fee as should be established by resolution of the city council shall be submitted to the Community Development Department accompanied by copies of the site development and elevation as required by the planning department;
2. At a minimum, the application shall include:
 - a. A site plan, prepared to scale, showing accurately, and with complete dimensioning, all buildings proposed for the parcel. The data contained on said plan shall include information on all buildings, structures, signs, parking, landscaping, walls or fences, and the points of ingress and egress. In addition, all necessary information to clearly define the intended use of the property and its relationship to adjacent properties shall be included;
 - b. A legal description of the property involved;

- c. Reference to specific provisions of this title which are applicable to the conditional use permit sought;
- d. A list of all names and addresses of all owners of real property within three hundred feet from external boundaries of the property involved, as shown on the latest available tax roll;
- e. Evidence of ability and intention of applicant to proceed with actual construction work in accordance with a submitted plan within one hundred eighty days from the date of granting the permits; and
- f. Any additional information required by the Community Development Department to evaluate the application.

D. Findings

- 1. The review authority may approve a Minor Precise Plan of Design only if it first makes all of the following findings:
 - a. The proposal complies with the provisions within the Municipal Code and is consistent with the general plan and any applicable specific plan.
 - b. The site layout and design is of high quality, architecturally and aesthetically pleasing, and is compatible with the character of the neighborhood and general community;
 - c. The proposal will result in an efficient, safe and desirable project that is not materially detrimental to public health, safety, or welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.
 - d. The project will not be detrimental to the harmonious and orderly growth of the city.

E. Conditions for Granting

- 1. Conditions of Approval. In approving a Minor Precise Plan of Design, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 17.30.080(D).
- 2. Approval or rejection. Any such precise plan of design may be rejected, adopted, modified and adopted, or adopted subject to conditions. Any such precise plan of design after adoption, may be amended in the same manner as a precise plan of design is first adopted hereunder. If the precise plan of design would substantially depreciate property values in the vicinity or would unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof for lawful purposes or would adversely affect the public peace, health, safety or general welfare to a degree greater than that generally permitted by this title, such plan shall be rejected or shall be so modified or conditioned before adoption as to remove the said objections. Otherwise, such proposed precise plan shall be approved. Modifications and conditions may be imposed only to the extent reasonably necessary in connection with the proposed use to remove the said

objections, and to that extent may impose greater, but shall not permit lesser, restrictions than those imposed by this title.

17.030.090 Precise Plan of Design

A. Purpose and Granting Authority

1. The purpose of the Precise Plan of Design is to provide a process for the review of residential and non-residential development proposals, and to ensure that the site and design of the project complies with all applicable design guidelines, standards, and ordinances, and is consistent with the general plan.
2. An application for a Precise Plan of Design shall be approved or denied by the planning commission.

B. Applicability

1. An application for a Precise Plan of Design is required for all projects requiring planning commission or city council's review. Such application is required for the following types of submittals:
 - a. Single-family residential projects of 3 or more units.
 - b. New multi-family residential and non-residential projects.
 - c. Changes in use or modifications to multi-family or non-residential uses and structures over 3,000 square feet.
 - d. Any proposal exceeding the criteria for Minor Precise Plan of Design review.
2. Definition distinction. The precise plans of design referred to in this chapter are not to be confused with or considered to be "precise plans" as referred to in the Government Code of the state.

C. Application

1. A signed application and payment of such fee as should be established by resolution of the city council shall be submitted to the Community Development Department accompanied by copies of the site development and elevation as required by the planning department;
2. At a minimum, the application shall include:
 - a. A site plan, prepared to scale, showing accurately, and with complete dimensioning, all buildings proposed for the parcel. The data contained on said plan shall include information on all buildings, structures, signs, parking, landscaping, walls or fences, and the points of ingress and egress. In addition, all necessary information to clearly define the intended use of the property and its relationship to adjacent properties shall be included;
 - b. A legal description of the property involved;
 - c. Reference to specific provisions of this title which are applicable to the conditional use permit sought;

- d. A list of all names and addresses of all owners of real property within three hundred feet from external boundaries of the property involved, as shown on the latest available tax roll;
- e. Evidence of ability and intention of applicant to proceed with actual construction work in accordance with a submitted plan within one hundred eighty days from the date of granting the permits; and
- f. Any additional information required by the Community Development Department to evaluate the application.

D. Findings

- 1. The review authority may approve a Precise Plan of Design only if it first makes all of the following findings:
 - a. The proposal complies with the provisions within the Municipal Code and is consistent with the general plan and any applicable specific plan.
 - b. The site layout and design is of high quality, architecturally and aesthetically pleasing, and is compatible with the character of the neighborhood and general community;
 - c. The proposal will result in an efficient, safe and desirable project that is not materially detrimental to public health, safety, or welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.
 - d. The project will not be detrimental to the harmonious and orderly growth of the city.

E. Conditions for Granting

- 1. Conditions of Approval. In approving a Precise Plan of Design, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 17.30.090(D).
- 2. Approval or rejection. Approval or rejection. Any such precise plan of design may be rejected, adopted, modified and adopted, or adopted subject to conditions. Any such precise plan of design after adoption, may be amended in the same manner as a precise plan of design is first adopted hereunder. If the precise plan of design would substantially depreciate property values in the vicinity or would unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof for lawful purposes or would adversely affect the public peace, health, safety or general welfare to a degree greater than that generally permitted by this title, such plan shall be rejected or shall be so modified or conditioned before adoption as to remove the said objections. Otherwise, such proposed precise plan shall be approved. Modifications and conditions may be imposed only to the extent reasonably necessary in connection with the proposed use to remove the said objections, and to that extent may impose greater, but shall not permit lesser, restrictions than those imposed by this title.

17.30.100 Required dedications, easements and improvements.

Required dedications, easements and improvements for planning applications shall be as follows:

A. Dedications and/or easements for streets, alleys, drainage, public utilities, bridle trails, flood control, and such other rights-of-way as may be determined essential to the orderly development of the site and abutting properties;

B. Improvements:

1. Grading on/off site drainage and drainage structures,
2. Curbs and gutters,
3. Sidewalks,
4. Street pavement,
5. Adequate domestic water service,
6. Sanitary sewer facilities and connections,
7. Services from public utilities where provided,
8. Street trees,
9. Street lights and street name signs,
10. All water lines are to be laid and fire hydrants installed subject to city specifications,
11. In addition to the aforesaid minimum improvements, the planning commission shall require such additional improvements and facilities as determined necessary for the proper development of the site and area.

C. Responsibility for the posting of bonds fulfilling city requirements for both on and off-site improvements is the responsibility of the applicant.

17.30.320 Provisions applicable after zoning device action.

Once action has been taken on any zoning device (zone or boundary change, variance, minor deviation, conditional use permit, or precise plan of design), the provisions of Sections 17.30.350 through 17.30.360 shall have an equal application to all such zoning devices. (Ord. 98 § 20.08, 1974)

17.30.350 Zoning device—Imposition of terms authorized.

In approving any zoning device, reasonable terms and conditions may be imposed deemed necessary to protect the health, safety, convenience, and welfare of the community and assure the intent and purpose of this title. Surety devices or other forms of guarantee may be required if deemed necessary to ensure such terms and conditions are being or shall be complied with. (Ord. 98 § 20.08.03, 1974)

17.30.360 Zoning device—Time limit extension fee.

Whenever a permit, entitlement, privilege, approval or other forbearance is granted by the city and such action on the city's part imposes a time limit within which an act is to be done and the applicant or recipient therefor requests an extension of time, the planning commission may grant such additional time for any cause which it deems justified. The city council shall establish, by

resolution, a processing fee to be paid upon the filing of a request for such time extension. (Ord. 485 § 4, 1992; Ord. 98 § 20.08.04, 1974)

17.30.370 Zoning device—Refund of application fees.

The city council is authorized to establish a standardized refund policy by resolution of the city council for the purpose of determining the amount and method of calculating refunds for zoning device application fees. (Ord. 292 § 1, 1982)

17.30.380 Providing zoning flexibility to encourage smaller affordable housing units through the use of bonus density or alternative incentives.

When a developer of housing agrees to construct at least twenty-five percent the total units of a housing development for persons and families of low or moderate income, as defined in Section 50093 of the California [Health and Safety Code](#), or ten percent of the total units of a housing development for lower income households as defined in Section 50079.5 of the California [Health and Safety Code](#), the city will enter into an agreement with the developer to either grant a density bonus or provide other alternative incentives for the development project.

The factors determining the incentives shall be set forth by minute order of the planning commission from time to time, and shall be on file with the city planning department.

In considering such developments, the city shall assure that the number of units allowed will be compatible with surrounding land uses, that traffic and public services will not be adversely impacted, and that the development will not result in adverse off-site parking impact. (Ord. 485 § 4, 1992; Ord. 326 § 1, 1984)

17.30.400 Applications to planning commission.

- A. Applications shall be filed with the department of community development on forms furnished by the city setting forth fully the nature of the proposed use, and the facts deemed sufficient to justify the granting of the requests, in accordance with the provisions of this chapter.
- B. Every application shall be signed by the owner of the subject property or by his or her authorized agent or by an agency or corporation who is, or will be a plaintiff in an action of eminent domain to acquire the property.
- C. Any applicant may withdraw his or her application prior to a decision thereon, by filing a written request to do so; no refund of the filing fee shall be permitted in case of withdrawal.
- D. No application which has been denied wholly or in part shall be resubmitted for a period of one year from such denial, except on the grounds of new evidence or proof of changed conditions. (Ord. 485 § 16, 1992)

17.30.405 Filing fees.

Each application or time extension request shall be accompanied by a filing and processing fee as established and amended by resolution of the city council. Application fees for modification

proceedings, under this chapter, shall also be accompanied by a filing and processing fee. The amount shall be established by a resolution of the city council and may be changed from time to time. (Ord. 485 § 16, 1992)

17.30.410 Hearings.

~~—Every application for a variance, conditional use permit, tentative tract map, parcel map, lot split, street and alley vacation and time extension shall be set for a public hearing. If an appeal is taken from a planning commission decision regarding variances and conditional use permits, in the manner hereinafter specified, the said matter shall be set for consideration by the city council as soon as possible. However, tentative tract map, parcel map, lot split, street and alley vacation requests or their time extension request as adopted pursuant to the Subdivision Map Act (Section 66411 et seq., of the Government Code, hereafter “Act”) shall be subject to approval by the city council. Hearings may be continued from time to time, by the commission or city council, as may be deemed necessary. (Ord. 485 § 16, 1992)~~

17.30.415 Notices.

~~—Notices of the time, place and subject matter of public hearings before the planning commission and city council, on variance, conditional use permit, tentative tract map, parcel map, lot split, street and alley vacation requests or their time extension request, shall be given of such hearings in the following manner:~~

~~—A.—By mailing a notice to each property owner within three hundred feet of the subject premises or as otherwise required by this code, whose name and address appear in such application, informing such owner of the nature of the application, the location of the property and the time and place of the hearing; and~~

~~—B.—By posting a notice in the three public posting places designated by the city council. (Ord. 485 § 16, 1992)~~

17.30.420 Planning commission action.

- A. Within a reasonable time after the public hearing upon a planning application, the planning commission shall approve, conditionally approve or deny the same by minute order or resolution ~~adopted by the affirmative votes of not less than a majority of the total number of the membership of the planning commission.~~ The minute order or resolution shall contain a statement of facts upon which the decision is based.
- B. Within seven calendar days following the action by the commission, the director shall cause to be forwarded a copy thereof, by United States mail, postage prepaid, addressed to the applicant and any other person requesting the same at his or her last known address.

~~C.—The decision of the planning commission shall be final and conclusive at twelve noon of the fifteenth day following the date of adoption of the minute order by the commission, or at twelve noon of the day following the next regularly scheduled city council meeting, whichever date is the latest in the absence of the filing of a written appeal, in the manner hereinafter specified. Upon the filing of an appeal in the manner herein set forth, the decision of the planning commission shall be suspended until action on the appeal is taken by the city council. (Ord. 485 § 16, 1992)~~

17.30.425 Planning commission indecision—Effect of.

Where, for any reason, the planning commission is unable to reach a determination ~~as to a zone variance or a conditional use permit on an~~ application, within forty-two days after the close of the public hearing relating thereto, the matter shall be deemed automatically appealed to the city council, without decision by the planning commission. In such event, the matter shall be placed upon the city council's agenda and a de novo public hearing held thereon, and the matter shall be finally determined by the city council. (Ord. 485 § 16, 1992)

17.30.430 Effective dates and appeal procedures.

- A. Decisions of any reviewing body may be appealed, except where state law limits appeals. The applicant, or any other person who owns real property or resides within three hundred feet of the property lines of the property to which the planning application relates, and anyone who is aggrieved by the use permit or plan, may within 10 days after the decision is made, file a written letter of appeal with the city clerk together with a filing and processing fee, appealing the decision of the planning commission to the city council. Upon receipt of such written letter of appeal, together with the fee, the city clerk shall place the matter upon the city council agenda at the next regularly scheduled meeting of the city council which is not less than ten days from the date of receipt of the notice of appeal. In the case where the director is the granting authority, the appeal decision shall be appealed to the planning commission. The appeal request shall pause any proceedings associated with the action being appealed.
- B. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.
- C. Where an appeal is pending before the city council from a decision of the planning commission, the city council shall order the city clerk to give notice thereof in the same manner as the notice required for hearings before the planning commission.
- D. Any councilmember may appeal to the city council any decision on a variance, conditional use permit, or precise plan of design.
- E. No appeal may be withdrawn except by the appealing party, with the consent of the applicant and the city council.
- F. The appeal review body shall review the decision, hear new evidence and testimony, if offered and, in deciding the appeal, may affirm, reverse or modify the decision.
- G. The city council shall have the authority, at any time prior to its final determination upon an appeal from a planning commission decision, to refer the matter back to the planning commission for consideration. The city council may instruct the planning commission to conduct an additional public hearing in order to accept new evidence relating to such matter.
- H. The decision of city council to sustain or deny an appeal shall be final.

17.30.435 Determination by city council.

The city council shall render its decision approving, conditionally approving, or denying the variance, conditional use permit, or precise plan of design, within a reasonable time after conducting its deliberation. Its decision shall be by resolution, which shall contain the facts supporting the action. The action of the city council shall be final and conclusive. (Ord. 485 § 16, 1992)

17.30.440 Notice of city council decision.

Within five days following the adoption of the resolution by the city council, the city clerk shall mail a copy thereof to the applicant and any other person requesting the same, at his or her last known address. (Ord. 485 § 16, 1992)

17.30.445 Conditions of approval—Scope.

Whenever the city council or planning commission grants ~~a variance, conditional use permit or precise plan of design~~ a permit or plan, the granting authority may attach conditions thereto necessary to make the required findings mandated by the state and the findings in this chapter.

- A. In any case, the granting authority may apply such condition as is necessary to protect the public health, safety and general welfare, including conditions relating to yards, fences and walks, dedications, improvements, landscaping, regulation of nuisance factor, regulation of signs and such other matters as will make the development compatible with the neighborhood. In granting ~~a conditional use permit~~ the approval, the city council may grant deviations or relief from the yard, fence, sign, height, parking, loading, and open space regulations of this chapter.
- B. In any case, the granting authority may attach a requirement of a bond (in the form of cash, surety bond or certificate of deposit) for the purpose of guaranteeing faithful performance of any conditions imposed. (Ord. 764 § 2, 2021; Ord. 485 § 16, 1992)

17.30.450 Acceptance.

The acceptance of any of the benefits of such grant shall constitute acceptance of the burdens and conditions attached thereto. (Ord. 485 § 16, 1992)

17.30.455 Interpretation.

The attaching of conditions shall be construed as a material part of the grant, without which the application would otherwise be denied. The invalidation of any condition shall constitute invalidation of the entire grant. (Ord. 485 § 16, 1992)

17.30.460 Discretionary permits—Revocation.

- A. Upon recommendation by the city manager, the body which originally granted the discretionary permit shall conduct a noticed public hearing to determine whether the permit should be revoked. If the granting agency or city council finds any one of the following facts to be present, it shall revoke the permit:
1. That any condition of the permit has not been complied with or has been violated;
 2. That the use is detrimental to public health, safety or is a nuisance;
 3. That the permit was obtained by fraud;
 4. That the use for which the permit was granted has ceased or has been discontinued or has not been pursued for a period of one year.
- B. Notice.
1. Notice shall be by registered mail, return receipt requested, to the recorded owner or lessee of the subject property not less than twenty days prior to giving public notice. The notice shall state the complaint and shall request appearance of the owner or lessee at the time and place specified for the hearing to show cause why the permit should not be revoked.
 2. Public notice shall be given as provided in Section ~~17.30.415~~ 17.30.030(A).
- C. Hearing.
1. If the planning commission conducts the hearing, the action taken shall be subject to an appeal in the manner prescribed in this chapter.
 2. If the ~~planning~~ director or designee conducts the hearing or meeting, the action taken shall be subject to an appeal as provided in Section 17.30.~~250~~030.
 3. The body which originally granted the permit shall make its findings and decision within forty days after the conclusion of the hearing by a formal and numbered resolution. After revocation, the subject property shall conform to all regulations of the zone in which it is located.
 4. The action of the city council shall be final and conclusive. (Ord. 764 § 2, 2021; Ord. 485 § 16, 1992)

17.30.462 Reapplication prohibited when.

No person shall reapply for a similar discretionary permit for the same land, building, or structure within a twelve-month period from the date of the denial of the application.

17.30.465 Time limit.

Any permit shall be null and void to the extent the grant permitted thereunder is not exercised within the time specified in the minute order approving such permit, or if no time is so

specified, to the extent the same is not exercised within one year from the date the permit is granted; provided that the granting body, upon request of applicant showing good cause, may extend the time limitations imposed by this section for a period not to exceed one year. (Ord. 485 § 16, 1992)

17.30.470 Modifications

A. Any condition imposed upon the granting of a permit may be modified or eliminated, or new conditions may be added, provided that the granting body shall first conduct public hearings thereon, in the same manner as required for the granting of the same:

1. No such modification shall be made unless the hearing body finds that such modification is necessary to protect the public interest, or, in the case of deletion of such a condition, that such action is necessary to permit reasonable operation under the permit;
2. All planning commission determinations regarding modification proceedings shall be subject to an appeal as set forth in this title (Ord. 485 § 16, 1992).

B. Approved plan(s) may be modified before issuance of a Certificate of Occupancy. Minor modification to approved plan(s) shall be subject to approval by the director through an administrative review. Any modification that exceeds ten percent of the following allowable measurable design/site considerations shall require the refilling of the original application, a subsequent hearing by the appropriate hearing review authority, and payment of the amendment to approved plans fee if applicable:

1. On-site circulation and parking, loading and landscaping;
2. Placement and/or height of walls, fences and structures;
3. Reconfiguration of architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme;
4. A reduction in density or intensity of a development project.

17.30.475 Expiration of inactive applications.

A. An application shall expire and be considered abandoned one hundred eighty days after the last date that additional information, revisions, or funds (items) are requested, if the applicant has failed to provide the items requested, except as set forth below:

1. Special Studies. Whenever special studies (e.g., CEQA, etc.) are requested by the city that are reasonably expected to take longer than one hundred eighty days to complete, the application will not be considered inactive on the basis of the time required to complete such special studies. Staff will estimate a completion date and should these studies be delayed beyond the initial projected completion date, a new projected date of completion shall be established after which the application shall expire and be considered abandoned in one hundred eighty days if no action occurs on the project.
2. The director may grant one ninety-day extension if the following criteria are met:

- a. A written request for extension is submitted at least thirty days prior to the expiration date;
 - b. The applicant demonstrates that circumstances beyond the control of the applicant prevent timely submittal of the requested revisions or information;
 - c. The applicant provides a reasonable schedule for submittal of the requested revisions or information.
3. At the sole discretion of the director, the planning division may extend any expiration date, as set forth in this subsection A, of an application without a written request from an applicant when additional time for city processing or scheduling of appointments is required; when the division needs information or responses from other agencies; or under other similar circumstances as determined by the director or authorized designee thereof.
4. Notwithstanding the language in subsection A above, an application made subsequent to the initiation of any enforcement action by the city concerning the use of land, a structure(s), and/or the use or occupancy of a structure(s) that is the subject matter of that enforcement action, shall be deemed abandoned if the director determines, in the exercise of his or her discretion, that the applicant has failed to substantially comply with the application process in a timely manner, given the type of land-use approval required and the nature of the violation(s) to be corrected. The submission of requested items in a piecemeal fashion resulting unnecessary delays shall constitute prima facie evidence of the applicant's failure to substantially comply with the application process in a timely manner. The division shall provide written notice to the applicant of any determination of expiration under this section. Following the abandonment of an application pursuant to this section, the city may continue with the enforcement action unless the subject matter of that enforcement action has already been abated, removed, corrected, or enjoined. (Ord. 764 § 2, 2021)

Municipal Code Title 17 ZONING

Chapter 17.02 INTRODUCTION AND DEFINITIONS

1. MODIFY SECTION 17.02.215 TO READ AS FOLLOWS:

17.02.215 Landscaping.

“Landscaping” means some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. The combination or design may include hardscape not to exceed *fifty percent* of the total for any landscaped area. Hardscape may include rock ground cover and such structural features as fountains, pools, art works, screens, walls, fences, or benches. Approved parking spaces, approved driveways, and sidewalks are not included in the amount of permitted hardscape. A minimum of fifty percent of the front yard setback area shall be landscaped.

2. ADD NEW DEFINITION 17.02.401, TO READ AS FOLLOWS:

17.02.401 Recreational Vehicle.

“Recreational Vehicle” means a motor home, travel trailer, truck camper, camping trailer, boat, or other similar vehicles that includes living quarters designed for accommodation, whether towed or self-propelled.

3. MODIFY SECTION 17.02.212, TO READ AS FOLLOWS:

Group Homes. A single-family dwelling or multi-unit facility that provides twenty-four-hour medical and/or non-medical care of persons who are in need of personal services, supervision, or assistance essential for addressing issues of mental illness and substance-abuse. Examples include halfway houses, board and care homes, clean and sober homes, rehabilitation centers, and the like. This use type includes both unlicensed facilities and those licensed or supervised by a federal, state, or local health/welfare agency.

1. **Group Home (six or fewer residents plus ~~one~~ employees).** A group home as defined above, that provides care for six or fewer residents.

2. **Group Home (seven or more residents plus employees).** A group home as defined above, that provides care for seven or more residents.

4. MODIFY SECTION 17.02.212, TO READ AS FOLLOWS:

Drive-In and Drive-Through Businesses. A facility where ~~food or other products may be purchased the business or service may be conducted~~ by motorists without leaving their vehicles. Examples of drive-in and drive-through retail businesses include ~~fast-food restaurants, drive-through coffee,~~ dairy product, photo stores, pharmacies, etc.

Municipal Code Title 17
Chapter 17.24 PARKING REGULATIONS

5. MODIFY 17.24.060(B) TO READ AS FOLLOWS:

17.24.060 Residential parking space requirements.

B. Multiple-family dwellings, including duplexes and dwelling groups shall be provided with the following number or parking spaces with a minimum of one to be ~~enclosed-garaged~~.

6. MODIFY SECTION 17.24.090 TO READ AS FOLLOWS:

17.24.090 Loading space requirements.

On the same land therewith, every structure or part thereof erected or occupied for manufacturing, storage warehouse, wholesaling, department store, food store, hotel, hospital, funeral home, laundry, or dry cleaning plants or other uses involving the receipt or distribution by vehicle of materials or merchandise incidental to carrying on such activity, shall be provided with sufficient space for standing, loading and unloading vehicles to avoid undue interference with the public use of streets and alleys. ~~Such space shall be no less than ten feet by twenty-five feet for every ten thousand square feet of floor area with a fourteen-foot minimum height clearance, but shall not be a part of any area used for off-street parking purposes. Such space shall be no less than ten feet by twenty-five feet with a fourteen-foot minimum height clearance. One space shall be required for every twenty-five thousand square feet of floor area, however, that not more than four such spaces shall be required per use. The loading spaces shall not be a part of any area used for off-street parking purposes.~~

7. MODIFY SECTION 17.24.290 TO READ AS FOLLOWS:

17.24.290 Spaces-In required side and rear yards.

Required side yards and rear yards may be used for parking purposes except in residential zones ~~or unless otherwise noted within development standards of the respective zone.~~

Municipal Code Title 17 ZONING
Chapter 17.32 RESIDENTIAL ZONES (R-1, R-2, R-3 AND R-4)
17.32.030 Development standards.

1. ADD ROWS WITHIN THE DEVELOPMENT STANDARDS TABLE WITH ACCESSORY STRUCTURE SETBACK INFORMATION, UNDER EXISTING SETBACKS SECTION, TO READ AS FOLLOW:

Setbacks – Minimum (Feet)				
Front Setback				
Standard ⁽¹⁾	25	25	20	20
Averaging with 5 or More Parcels ⁽²⁾	25 with none less than 20	25 with none less than 20		
Side Setback				
Standard Interior ^{(3),(4),(5),(10),(11),(12)}	15 on one side and 5 on the other plus additional 5 for each story above the first			
Standard Corner Exterior Parcels	15			
Corner Parcel where Front Door Fronts Side Yard	15			
Reverse Corner Parcel: Side Adjoining Another Parcel	15			
Reverse Corner Parcel: Side Adjoining Street	15			
Rear Setback	15	15	15 plus additional 5 for each story above the first	
<u>Accessory Structures (minimum feet)</u>				
<u>Front – Carports</u>	<u>25</u>			
<u>Side – Carports</u>	<u>3</u>			
<u>Side – Other attached and detached structures</u>	<u>15 on one side and 5 on the other</u>			
<u>Rear – Detached one-story structures</u>	<u>5</u>			
<u>Rear – Attached structures and detached two-story structures</u>	<u>15</u>			
<u>Rear – Attached patios, completely unenclosed</u>	<u>5</u>			
Height Limit – Maximum (Feet)	35	35 ⁽⁷⁾	35	35
Open Space - Minimum (Sq. Ft.) ^{(8),(9),(13)}				

2. REMOVE NOTES 3 AND 5, FOUND UNDER TABLE 2-2:

~~3. No portion of a second story wall shall be closer than 10 feet to the property line. If the greater side setback has an unobstructed graded area on that side intended for garage use suitable for vehicle parking, a side setback at the ground floor may be allowed having a minimum dimension from the structure to the property line of 10 feet open from ground to sky. Eaves may not encroach within the 10 foot clear dimension. The second story on this greater side shall continue to have a minimum of a 15 foot setback.~~

~~5.— Accessory Structures. Accessory structures both attached and detached shall be allowed under the same standards as the main structures, except that detached one-story accessory structures may have a rear setback of 5 feet. Attached patios which are completely unenclosed, except for fully ventilated screening, may come to within not less than 5 feet of the rear property line.~~

3. MODIFY NOTE 4, FOUND UNDER TABLE 2-2:

~~4. Carport structures must comply with building setbacks be allowed on side property lines to not less than five feet from the rear property lines.~~ Carport structures shall be fire rated in compliance with the Building Code and may be required to be screened for aesthetic purposes. No structure shall be allowed within the front setback or exterior side setback on corner parcels and not less than ~~five~~ three feet from the standard interior side or rear setback. All carport structures shall be open on at least two sides and are subject to the review of the director.

4. ADD/REPLACE NOTES 3 AND 5, FOUND UNDER TABLE 2-2:

3. For single-family residences, a recreational vehicle may be parked within a side yard setback provided that such area is paved and screened from view from the public right-of-way by screening material at least six feet in height. This area cannot be within 5 feet of the rear property line or within the 15 feet of the exterior side setback on corner parcels. No persons shall reside in such vehicles while parked within the residential lot.

5. Portable storage containers are not permitted within the front yard setback for more than 30 days.

5. ADD NEW NOTE 15, FOUND UNDER TABLE 2-2:

15. Block Walls. Block walls that are visible to the public shall be constructed of decorative type block and a decorative prefabricated block cap.

Municipal Code Title 17 ZONING
Chapter 17.40 COMMERCIAL AND INDUSTRIAL ZONES (BP, CO, C-1, C-2, AND CM)
17.40.20 Land use regulations and allowable uses.

1. UPDATE TABLE 2-25 WITH AMENDED PERMIT REQUIREMENTS:

Table 2-5 Allowed Uses and Permit Requirements for Commercial and Industrial Zones	P	Permitted by Right				
	CUP	Conditional Use Permit				
Land Use	MUP	Minor Use Permit				
	—	Not Allowed				
Requirements for Commercial and Industrial Zones	B-P	Business Park				
	CO	Office Commercial				
	C-1	Neighborhood Commercial				
	C-2	General Commercial				
	CM	Commercial Manufacturing				
Land Use	B-P	CO	C-1	C-2	CM	Specific Use Regulations
Retail Trade Uses						
Alcohol Beverage Sales						
Alcohol Sales (off-sale) – Beer and Wine	CUP	—	CUP	CUP	— CUP	Only permitted provided the structure containing this use has a minimum floor area of 30,000 sq. ft. and a maximum of 10% of the gross floor area is devoted to the sales of packaged liquor.
Alcohol Sales (on-sale) – Beer and Wine	CUP	CUP	CUP	CUP	— CUP	See note 1
Alcohol Sales (off-sale) – Liquor	—	—	P CUP	P CUP	— CUP	Only permitted provided the structure containing this use has a minimum floor area of 30,000 sq. ft. and a maximum of 10% of the gross floor area is devoted to the sales of packaged liquor.
Alcohol Sales (on-sale) – Liquor	CUP	—	—	CUP	— CUP	See note 1
Building Materials	—	—	—	MUP	P	
Drive-In and Drive-Through Businesses	—	CUP	CUP	CUP	CUP	
Landscape Nurseries – Retail or Wholesale	—	CUP	CUP	CUP	P	Two-acre minimum parcel size required.
Retail Store or Center (less than 30,000 sf)	—	—	P	P	P	
Retail Store or Center (30,001 sf or greater)	—	—	P	P	P	
Vehicle Sales – New	—	—	—	P	P	
Vehicle Sales – Used	—	—	—	P	P	Allowed only in association with a new vehicle sales

Table 2-5 Allowed Uses and Permit Requirements for Commercial and Industrial Zones	P CUP MUP — B-P CO C-1 C-2 CM Permitted by Right Conditional Use Permit Minor Use Permit Not Allowed Business Park Office Commercial Neighborhood Commercial General Commercial Commercial Manufacturing					Specific Use Regulations
	Land Use	B-P	CO	C-1	C-2	
						business. Stand-alone used vehicle sales are not permitted.
Vehicle Parts Sales (including stereos/alarms, but no installation)	—	—	P	P	P	
Vending Machines	P	P	P	P	P	
Business, Financial, and Professional						
Financial Institutions and Related Services	P	P	P	P	P	
Governmental Offices and Facilities	P	P	P	P	P	
Historical or Landmark Structures with Commercial Activities	CUP	CUP	CUP	CUP	CUP	
Offices – Other than Medical or Dental	P	P	P	P	P	In the C-1 zone, on the ground floor, office use is limited to 15% of the floor area. No floor area limitation applies to second floors and above.
						In the CM zone, office use is limited to ancillary uses associated with the business and shall not exceed 15% of the floor area.
Eating and Drinking Establishments						
Bars, Lounges, Nightclubs, and Taverns	—	—	—	CUP	—	
Catering Services	—	—	P	P	P	
Fast Food Restaurant with No Drive-Through (no late-night hours)	P	P	P	P	P	
Fast Food Restaurant with No Drive-Through (with late-night hours)	CUP	CUP	CUP	CUP	CUP	
Fast Food Restaurant with Drive-Through	—	—	—	—	—	
Restaurant – Outdoor Dining	CUP	CUP	CUP	CUP	CUP	See note 1
	MUP	MUP	MUP	MUP	MUP	
Restaurant – Sit-Down (no late hours)	P	P	P	P	P	See note 1
Restaurant – Sit-Down (with late hours)	CUP	CUP	CUP	CUP	CUP	See note 1
Service Uses - General						

Table 2-5 Allowed Uses and Permit Requirements for Commercial and Industrial Zones	P Permitted by Right CUP Conditional Use Permit MUP Minor Use Permit — Not Allowed B-P Business Park CO Office Commercial C-1 Neighborhood Commercial C-2 General Commercial CM Commercial Manufacturing					Specific Use Regulations
	B-P	CO	C-1	C-2	CM	
Animal Grooming	—	—	P	P	P	
Kennel	—	—	—	P	P	
Maintenance and Repair Services (other than vehicle)	P	—	P	P	P	
Hotels/Motels	—	—	P	P	P	
Massage	—	—	—	—	P	Mun. Code Chapter 5.24
Personal Services, General	P	P	P	P	P	
Personal Services, Restricted	MUP	MUP	MUP	MUP	MUP	Mun. Code Chapters 5.23 & 5.24
Photocopy, Postal and Mailing Services and Similar Activities	P	P	P	P	P	
Vehicle Services						
Automobile Washing/Detailing	—	—	CUP	CUP	CUP	
Automobile Service Stations	—	—	CUP	CUP	CUP	
Automobile Repair – Major	—	—	—	—	P	
Automobile Repair – Minor	—	—	—	—	P	
Truck Repair	—	—	—	—	P	
Veterinary Facilities	—	—	P	P	P	
Funerary Related						
Cemeteries, Columbariums, Mausoleums, and Mortuaries	—	—	—	—	—	
Medical-Related <u>and Social</u> Services						
Convalescent Homes	—	CUP	CUP	CUP	CUP	
<u>Emergency Shelters</u>	==	==	==	==	<u>CUP</u>	<u>See Section 17.44.030 (Specific Use Regulations)</u>
Health Centers	CUP	CUP	P/CUP ⁴	P	P	
Hospitals/Medical Facilities	—	CUP	CUP	CUP	CUP	
Laboratories – Medical Related	P	P	—	P	P	
Medical, Dental Clinics/Offices	P	P	P	P	P	
Transportation, Communication, and Infrastructure Uses						
Bus and Taxi Stations	—	—	—	P	P	
Public Parking Lots and Structures (not associated with a primary use)	P	P	P	P	P	
Public Utility Structures and Service Facilities	CUP	CUP	CUP	CUP	CUP	
Recreation						
Commercial Recreation and Entertainment	<u>— CUP</u>	—	—	CUP	CUP	
Game Arcade, Internet Café, or Similar Businesses	<u>— CUP</u>	—	—	<u>— CUP</u>	<u>— CUP</u>	
Golf Course and Related Facilities	—	—	CUP	CUP	CUP	
Education						
Schools – Private	—	CUP	—	CUP	—	

Table 2-5 Allowed Uses and Permit Requirements for Commercial and Industrial Zones	P	Permitted by Right				
	CUP	Conditional Use Permit				
	MUP	Minor Use Permit				
	—	Not Allowed				
	B-P	Business Park				
	CO	Office Commercial				
	C-1	Neighborhood Commercial				
	C-2	General Commercial				
	CM	Commercial Manufacturing				
Land Use	B-P	CO	C-1	C-2	CM	Specific Use Regulations
Universities and Colleges	—	CUP	—	CUP	CUP	
Vocational Schools	—	CUP	—	CUP	CUP	
Industry, Manufacturing and Processing, and Warehousing Uses						
Commercial Bakery						
<u>Bakeries, Retail</u>	<u>P</u>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Bakeries, Wholesale</u>	<u>P</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>P</u>	
Contractors' Yard	—	—	—	—	P	
Food Processing and/or Storage	—	—	—	—	P	
Industry – Light	P	—	—	—	P	
Industry – Heavy	—	—	—	—	CUP	
Personal Storage Facilities	—	—	—	—	CUP	
Research and Development	P	—	—	—	CUP	
Warehousing/Wholesaling						
Up to 50,000 sf	<u>— MUP</u>	—	—	—	<u>P MUP</u>	
Greater than 50,000 sf	—	—	—	—	CUP	
Other Uses						
Accessory Uses	P	P	P	P	P	See note 3
Agricultural, Industrial, Construction Equipment Sales and Rentals	—	—	—	CUP	P	
Assembly Uses						
Places of Public Assembly	<u>—CUP</u>	CUP	CUP	CUP	CUP	
Places of Religious Assembly	<u>—CUP</u>	CUP	CUP	CUP	CUP	
Auction Houses	—	—	—	CUP	CUP	
Day Care Facilities	CUP	—	CUP	—	—	
Drive-In and Drive-Through Businesses	—	CUP	CUP	CUP	CUP	
Mobile Home Park	—	—	CUP	—	—	
Outdoor Storage Facility	—	—	—	—	<u>P-MUP</u>	
Recycling – Small Collection Facility	—	—	CUP	CUP	CUP	See Section 17.40.030 (Specific Use Regulations)
Recycling – Large Collection Facility	—	—	—	—	CUP	See Section 17.40.030 (Specific Use Regulations)
Reverse Vending Machines	—	—	P	P	P	See Section 17.40.030 (Specific Use Regulations)
<u>Temporary Uses</u>	<u>TUP</u>	<u>TUP</u>	<u>TUP</u>	<u>TUP</u>	<u>TUP</u>	<u>See note 2</u>

2. UPDATE THE NOTES SECTION BELOW TABLE 2-25 AS FOLLOWS:

Notes:

1. On-site consumption of ~~beer and wine~~ alcoholic beverages is only allowed in conjunction with a ~~restaurant~~ bona fide public eating place. No separate bar service for the sale of alcoholic beverages is allowed. Further, the ~~restaurant~~ bona fide public eating place shall serve food as a matter of complete table service only.

Municipal Code Title 17 ZONING
Chapter 17.44 SPECIAL PURPOSE ZONES (I-HC, OS, PC AND PF)
17.44.020 Land use regulations and allowable uses.

1. UPDATE TABLE 2-7 WITH AMENDED PERMIT REQUIREMENTS:

Table 2-7 Allowed Uses and Permit Requirements for Special Purpose Zones	P CUP MUP —	Permitted by Right (Planning Permit May Be Required) Conditional Use Permit Minor Use Permit Not Allowed			
	I-HC OS PF PC	Institutional-Health Care Open Space Public Facility Planned Community			
Land Use	I-HC	OS	PF	PC	Specific Use Regulations
Agriculture and Animal-Related					
Agriculture	—	P	—	—	
Apiary	—	P	—	—	See note 1
Animal Keeping – Private	—	P	—	—	See note 2
Animal Keeping – Commercial	—	CUP	—	—	
Landscape Plant Nurseries – Retail or Wholesale	—	CUP	—	—	
Business, Financial, and Professional					
Government Offices and Facilities	P	—	P	—	
Retail Sales related to an Institution	P	P	—	P	
Educational/Cultural					
Libraries	P	—	P	P	
Museums	P	—	P	P	
Schools – Private	P	CUP	—	P	
Universities and Colleges	P	CUP	—	P	
Medical-Related and Social Services					
Convalescent Homes	P	—	—	—	
Emergency Shelters	—	—	P	—	See Section 17.40.030
Health Centers	P	—	CUP	—	
Hospitals/Medical Facilities	P	—	CUP	—	
Laboratories – Medical Related	P	—	—	—	
Medical, Dental Clinics/Offices	P	—	—	—	
Pharmacy	P	—	—	—	
Recreation					
Auditoriums and Theaters	CUP	—	CUP	P	
Cultural Centers	P	—	MUP	P	
Golf Course and Related Facilities	CUP	CUP	—	CUP	
Hiking Trails and Related Improvements	—	P	P	P	
Parks and Playgrounds	—	P	MUP	P	
Resources and Open Space Uses					
Local and Buffer Greenbelts	—	P	P	P	
Unimproved Open Space	—	P	P	—	
Water Resource Management Facilities (groundwater recharge basins, percolation, water wells, reservoirs, tanks, dams, treatment plants, gauging stations, and pumping stations)	—	P	MUP	P	
Wildlife Preserves and Sanctuaries	—	P	P	—	
Transportation, Communication, and Infrastructure Uses					
Airports, Heliports, and Other Landing Fields	CUP	CUP	CUP	—	
Fire and Police Stations	P	—	P	P	
Public Parking Lots and Structures (not associated with a primary use)	CUP	CUP	CUP	CUP	
Public and Private Parking Lots and Structures (incidental and accessory to primary use)	MUP	MUP	MUP	MUP	

Table 2-7 Allowed Uses and Permit Requirements for Special Purpose Zones	P CUP MUP — Permitted by Right (Planning Permit May Be Required) Conditional Use Permit Minor Use Permit Not Allowed				
	I-HC OS PF PC Institutional-Health Care Open Space Public Facility Planned Community				
Land Use	I-HC	OS	PF	PC	Specific Use Regulations
Public Utility Structures and Service Facilities	CUP	CUP	P	CUP	
Other Uses					
Archeological and Paleontological Sites	—	P	P	—	
Assembly Uses					
Places of Public Assembly	P	CUP	CUP	CUP	
Places of Religious Assembly	P	CUP	CUP	CUP	
Cemeteries, Columbariums, Mausoleums, and Mortuaries	CUP	CUP	—	CUP	
Commercial Uses (incidental and accessory to allowed uses)	—	CUP	MUP	MUP	
Correctional Institutions	CUP	—	MUP	—	
Development of Natural Resources	CUP	CUP	CUP	CUP	
Forest Maintenance Facilities and Ranger Stations	—	CUP	P	—	
Historical Preserve	—	P	P	—	
Landfills	—	CUP	—	—	
Multiple Residences	CUP	—	—	P	Must meet development standards for the analogous residential zone
Planned Residential Development	CUP	CUP	—	CUP	
Residences for Institutional Personnel	P	—	P	—	
Reclamation for open space purposes of mines, quarries, and pits resulting from the commercial extraction of rock, sand, gravel, earth, clay, and similar materials	—	CUP	CUP	—	
Recycling – Small Collection Facility	—	—	—	MUP	
Recycling – Large Collection Facility	—	—	—	CUP	
Structures Incidental and Accessory to Allowed Uses	MUP	MUP	P	MUP	Section 17.56.030(J)

Municipal Code Title 17 ZONING
Chapter 17.95 WIRELESS COMMUNICATION FACILITIES

1. MODIFY TABLE OF CONTENT FOR CHAPTER 17.95 WIRELESS COMMUNICATION FACILITIES WITH NEW APPLICATION NAME:

17.95.010 Intent.

17.95.20 ~~Small project application~~ Minor precise plan of design and conditional use permit.

17.95.030 Required findings for wireless communication facilities.

17.95.040 General standards for wireless communication facilities.

17.95.050 Special standards for ground-mounted structures.

17.95.060 Wireless communication facilities permitted with a conditional use permit.

17.95.070 Facilities permitted with a ~~small project~~ minor precise plan of design application.

17.95.080 Conditions of approval.

17.95.090 Zoning.

17.95.100 Alternative analysis.

17.95.110 Maintenance requirements.

17.95.120 Processing and submittal requirements.

17.95.130 Notice requirements.

17.95.140 Penalties.

2. MODIFY SECTION 17.95.020 WITH NEW APPLICATION NAME, TO READ AS FOLLOWS:

17.95.020 ~~Small project application~~ Minor precise plan of design and conditional use permit.

Each wireless communication facility requires either an application for a ~~small project~~ minor precise plan of design or a conditional use permit. Both types of projects shall meet all the requirements described below. ~~Small project applications~~ The minor precise plan of design application, shall be reviewed and approved by the community development director. Conditional use permits shall require the approval of the planning commission.

3.. MODIFY SECTION 17.95.030 WITH NEW APPLICATION NAME, TO READ AS FOLLOWS:

17.95.030 Required findings for wireless communication facilities.

All wireless communication facilities permitted in this section shall be subject to the following findings. These are in addition to any applicable criteria outlined in Chapter 17.30, Administration, for the city of Loma Linda or the criteria for a ~~small project~~ minor precise plan of design application.

A. There is adequate space on the property for the wireless communication facility and accessory wireless communication equipment. Adequate space shall mean that the wireless communication facility will not be in conflict with existing buildings or other structures on the property, or reduce required parking, landscaping or other property improvements based on city development standards.

B. The design and placement of the wireless communication facility and accessory wireless communication equipment will not adversely impact the use of the property, other buildings and structures located on the property, or the surrounding area or neighborhood (i.e., encroach on walkways or openings, block or impair valuable views of or from the subject property or nearby properties).

C. The wireless communication facility and accessory wireless communication equipment as proposed are consistent with the intent of this part and comply with the general standards for all wireless communication facilities and special standards for ground-mounted structures below.

D. The operation of the facility will not cause Radio Frequency Interference (RFI) to any of the city's communication operations including public works department, public safety department and San Bernardino County sheriff's department radio systems, other radio and communications systems, computer and/or electronic equipment, and SCADA facilities. In addition, the operation of the facility will not cause RFI to Loma Linda University, Loma Linda University Medical Center, Jerry L. Pettis Veterans Medical Center, Loma Linda University Community Medical Center, or other medical or educational related facilities' communications operations, computer equipment, and/or sensitive medical research and/or testing equipment, or to other consumer electronic products (i.e., televisions, radios, amateur radios, cordless telephones or other communications devices, ~~b~~hearing aids, or stereos), or to railroad communications, control or telemetry systems. (Ord. 592 § 3, 2001)

4. MODIFY SECTION 17.95.070 WITH NEW APPLICATION NAME, TO READ AS FOLLOWS:

17.95.070 Facilities permitted with a ~~small project~~ minor precise plan of design application.

The following wireless communication facilities are permitted with a ~~small project~~ minor precise plan of design application and the approval of the community development director. Such projects shall be exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines.

A. Panel- or whip-style antennas that are attached to the side or façade of an existing building or other structure (façade-mounted) where: (1) the wireless communication facilities are clearly ancillary to the primary purpose of the structure upon which they are mounted; and (2) the wireless communication facilities do not extend above the height of the structure; and (3) the wireless communication facilities are architecturally integrated with the structure and not visible (or barely visible) from the public right-of-way and/or adjacent residential uses.

B. Roof-mounted, panel- or whip-style antennas that extend no more than twenty feet above the height of the building or structure on which the wireless communication facilities are mounted, and do not exceed the height limit of the underlying land use district by more than ten feet, and are set back from the perimeter of the structure such that they are not visible from the public right-of-way and/or adjacent residential uses.

C. Self-contained, “shoe box” sized transmitter/ receivers, having exterior dimensions of no more than sixteen inches in length, twelve inches in width, eight inches in depth, and minor ancillary equipment such as brackets, photo cell adapter, electrical power cord and whip antenna not exceeding four feet in length, mounted on existing utility poles, light standards, traffic safety lights, street sign poles, commercial signs or similar structures. No such wireless communication facility shall be permitted on any decorative city-owned light poles such as those located on Barton Road.

D. Small Project Minor Precise Plan of Design Application—Compliance Review. A ~~small project~~ minor precise plan of design application for a wireless communication facility shall be reviewed for compliance with the conditions of approval by the granting authority three years from the date of effective approval. As part of this review, the granting authority shall have the discretion to determine if changes in cellular technology warrant retrofit or adjustment of the project and shall have the discretion to impose additional conditions on the project, require an amendment to the ~~small project~~ minor precise plan of design application, or revoke the permit approval in its entirety.

E. All other types of wireless telecommunication facilities shall be reviewed by the planning commission and subject to the issuance of a conditional use permit. (Ord. 592 § 7, 2001)

5. MODIFY SECTION 17.95.120 WITH NEW APPLICATION NAME, TO READ AS FOLLOWS:

17.95.120 Processing and submittal requirements.

- A. Fees. All applicable processing and impact fees shall apply.
- B. City Property. In cases where a wireless communication facility is proposed on city property, compensation (such as a lease agreement) shall be negotiated by the city manager on a case-by-case basis and all standards in this chapter shall apply.
- C. Master Plan/Site Analysis. Prior to project review and approval, the applicant shall provide the city with a detailed description of the type of service provided, and an estimate of the future needs. Information shall be provided that illustrates why the site was selected, and what made the proposed site better than other sites in the area (i.e., technical requirements, costs, and site availability).
- D. Elevations. Prior to project review and approval, the applicant shall provide the city with dimensioned elevations of the wireless communication facility and accessory wireless communication equipment, indicating the width of structural pole(s) and dimensions of each sector antenna, color and material finish of the facility.
- E. View Simulation Photo. Prior to project review and approval, applicants shall provide the city with a view simulation study containing scale, and depicting antenna and ancillary facility dimensions. The view simulation study shall include a reference sheet indicating the point at which each view simulation photo was taken.
- F. Written Justification. Prior to project review and approval, the applicant shall provide the city with a written justification explaining why the requested height of the wireless communication facility is necessary.
- G. Submittal Requirements. Applications for conditional use permits or small-project minor precise plan of design applications shall include all of the submittals listed as required for those application types and any additional items required by this chapter or deemed necessary and appropriate by the reviewing authority and/or city staff. (Ord. 592 § 12, 2001)

6. MODIFY SECTION 17.95.130 WITH NEW APPLICATION NAME, TO READ AS FOLLOWS:

17.95.130 Notice requirements.

The following notification requirements shall apply to all applications for wireless communication facilities permitted in this section:

- A. For a ~~small project~~ minor precise plan of design application, the community development director shall provide notification to the planning commission and adjacent property owners of the proposed project site.
- B. For a conditional use permit, the community development director shall provide notification to the planning commission, city council and owners of property within three hundred feet of the proposed project site.
- C. Notices shall be sent not less than ten days prior to any action taken on the application. Projects subject to the California Environmental Quality Act (CEQA) shall comply with the notice requirements for public pursuant to the CEQA guidelines. (Ord. 592 § 13, 2001)