# Chapter 10.60 Conditional Use Permits

## 10.60.010 Purpose

The Conditional Use Permit process allows Planning Commission level of review for selected land use proposals, as provided by Chapters 10.20 through 10.28 (Zoning District Regulations.) Conditional Use Permits are required for uses which may be suitable only in specific locations in a zoning district or which require special consideration in their design, operation or lay-out to ensure compatibility with surrounding uses. In addition to the general purposes of this Title, the specific purposes of establishing procedures and a framework for Conditional Use Permits are as follows:

- A. To consider the relationship of the project's location to the neighborhood and community as a whole;
- B. To determine if the project's use and location is compatible with the types of uses that are normally permitted in the surrounding area;
- C. To consider the compatibility of the proposed use with the site's characteristics;
- D. To evaluate the adequacy of services and facilities for the proposed use;
- E. To provide opportunity for public review and comment on proposed use;
- F. To consider possible impacts (including but not limited to noise, smoke, odor, dust, vibration, radiation) on neighboring sites and residents;
- G. To consider possible hazard from explosion, contamination or fire;
- H. To determine inconvenience, economic loss, or hazard associated with increased traffic and people;
- I. To identify conditions and requirements necessary to comply with the basic purposes of this Title, the General Plan and any applicable specific plan; and
- J. To provide for an approval process for Master Plans if required by the General Plan.

## 10.60.020 Applicability

Conditional Use Permits are required pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations) and Chapter 10.44 (Specific Use Requirements.) The Planning Commission may approve, conditionally approve, or deny a Conditional Use Permit application, unless otherwise restricted by State law. Development must comply with all applicable requirements of this Title, including but not limited to Chapters 10.40 (General Development Regulations) and 10.44 (Specific Use Requirements).

# 10.60.030 Application Contents and Submittal

Applications for Conditional Use Permits shall include all information specified by resolution of the Planning Commission. Submittal shall include a site plan drawn to scale showing location of all existing and proposed buildings, yards, driveways, and parking areas; floor plans showing the location of uses in the structure; and the required fee. Application procedures and processing timeframes shall be consistent with Chapter 10.50 (Land Use Permit Procedures), this chapter, State law and additional procedural guidelines established by the Community Development Director. Acceptance of an application does not constitute any indication of approval.

#### 10.60.040 Public Notice and Hearing

The Planning Commission shall hold a public hearing on an application for a Conditional Use Permit, following completion of a staff report pursuant to Section 10.50.090 (Staff Reports and Recommendations). Public hearing shall be noticed and held in accordance with Chapter 10.82 (Public Hearings).

#### 10.60.050 Findings

The Planning Commission may approve or conditionally approve a Conditional Use Permit if the following findings can be made:

- A. The proposed use is allowed with issuance of a Conditional Use Permit, pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations), or Section 10.46.040 (Conditional Uses), Chapter 10.44 (Specific Use Requirements) or any other applicable section of this Title 10.
- B. The proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.
- C. The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City.
- D. The proposed use complies with each of the applicable provisions of the Zoning Ordinance.
- E. The proposed use or facility is properly located relative to the community as a whole and to land uses and transportation and service facilities in the vicinity.
- F. The size and shape of the subject property is adequate to provide features needed to ensure reasonable compatibility with land uses normally permitted in the surrounding area. Features may include but not be limited to yards, open spaces, walls and fences, parking, loading, landscaping, and such features as may be required by this Title or the Commission.
- G. Public utilities and facilities are or will be adequate to serve the proposed use, including streets and highways paved (and of adequate width) for the quantity and type of traffic it

will generate.

- H. The proposed use will not materially adversely affect nearby properties or their permitted uses.
- I. Findings required by Chapter 10.44 (Specific Use Requirements) for the approval of specific uses are made.

#### 10.60.060 Conditions of Approval

The Planning Commission may apply reasonable conditions of approval to assure compliance with applicable regulations and standards, including those recommended by City Departments and those specified in Section 10.50.100 (Recommended Conditions of Approval). The following provides guidelines for additional conditions of approval:

- A. Conformity with site plan, architectural drawings, or statements submitted in support of the application, or as modified during the review process to protect the public health, safety, and general welfare and secure the objectives of the General Plan.
- B. Special yards, open spaces and buffers.
- C. Fences and walls.
- D. Surfacing of parking areas and its specifications.
- E. Street dedications and improvements, including provision of service roads or alleys when practical and necessary dedications of utility easements, sites for public use, and to preserve open space.
- F. Regulation of points of vehicular ingress and egress.
- G. Regulation of signs.
- H. Landscaping and its maintenance. Within the waterfront area east of Bridgeway bounded by El Portal on the south and the north City limits, a maintenance bond shall be required to insure that landscaped areas are maintained for a period of one year from the date of final approval for occupancy.
- I. Maintenance of grounds.
- J. Control of noise, vibration, odors, and other potentially dangerous or objectionable elements.
- K. Limits on time for conduct of certain activities.
- L. Time period within which the proposed use shall be developed.
- M. Conditions addressing the orderly and efficient development of the City and consistency with the interest and purposes set forth in this Title and the General Plan.

N. Such guarantees as the Planning Commission deems necessary to ensure compliance with such conditions.

#### 10.60.070 Notice of Decision

Planning Commission decision shall be in the form of a written resolution, which shall include findings on which the decision was based, applicable conditions of approval and a summary of the appeal process. Written decision shall be mailed to the applicant.

## 10.60.080 Appeals

All decisions of the Planning Commission may be appealed to the City Council within ten (10) days of the decision date. All appeals shall be in writing and shall be submitted and processed in accordance with Chapter 10.84 (Appeals) of this Title.

#### 10.60.090 Effective Date of Permit

Conditional Use Permit shall become effective ten (10) days after the decision is rendered, provided no appeal has been filed.

## 10.60.100 Approval Applies to Land

Any Conditional Use Permit approval shall run with the land and shall continue to be valid for the time period specified whether or not there is a change of ownership of the site or structure to which it applies. Conditional Use Permit approval cannot be transferred to another site.

#### 10.60.110 **Expiration**

Conditional Use Permits are valid for one year unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, or the permit is renewed or extended. If more than one phase of a development is approved in a single action and later phases remain outstanding, approval shall lapse at the end of the authorized time frame.

#### 10.60.120 Master Plans

All provisions within this Chapter 10.60 shall also apply to Master Plans that are required to achieve consistency with the General Plan for projects in the CW District or as otherwise may be required to achieve consistency with the General Plan.