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**SEC. 10-1.3280 MAJOR CONDITIONAL USE PERMIT****SEC. 10-1.3281 PURPOSE.**

The purpose for requiring major conditional use permit approval are to assure certain uses, as specified in the various districts, are permitted by the City Council where there is a community need, and to assure said uses occur in maximum harmony with the area, provide sufficient public benefit, and are in accordance with official City policies. All conditions of approval and all elements of the exhibit approved with the use permit are required to be completed before occupancy or onset of business unless specifically indicated otherwise.

**SEC. 10-1.3282 WHEN REQUIRED.**

- a. General. All uses requiring use permit approval, as specified in the various zoning districts of this Ordinance, are subject to the regulations and procedures contained herein, except that expansion or remodeling in connection with a use existing by virtue of an approved use permit does not require further use permit approval if, in the opinion of the Planning Manager, said expansion or remodeling are minor in nature and will not materially alter the character or appearance of the property or area.
- b. Site Plan Review. When the provisions of this Ordinance require both site plan review and use permit approval, an application for a use permit constitutes an application for both. Information as required for site plan review must be furnished by the applicant, and decisions regarding the site plan must be made according to the guidelines set forth for site plan review.

**SEC. 10-1.3283 APPLICATION FORM AND SUBMITTAL.**

- a. An application for a major conditional use permit shall be submitted as specified in Section 10-1.2815. See additional requirements for data centers in Section 10-1.2735(e).
- b. Applications for major conditional use permit shall contain plans, diagrams, and narrative necessary to demonstrate the relationship among neighboring land uses to demonstrate how the proposed development will comply with the General Plan, Zoning Ordinance and any other applicable plan or program, including:
  1. Project Narrative. A project narrative describing existing conditions such as location of the site, acreage, existing character and use of the site and adjoining properties, and the proposed development, uses and activities;
  2. Site Plan. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;
  3. Project Plans. Architectural plans, including floor plans, landscaping plans, grading and utility plans, and any other plans necessary to show existing and proposed development;
  4. Development Schedule. An anticipated development schedule, including timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase, and percentage of such acreage to be devoted to particular uses;
  5. Context Map. A map showing the perimeter boundaries of the project site and all uses and structures within a 100-foot radius of the project area boundaries;

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6. Circulation Diagram. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the site and to and from adjacent areas, including streets and driveways, transit stops, bicycle paths, sidewalks and pedestrian ways, and off-street parking and loading areas within and connecting to the site;
  7. Sustainability Plan. A plan that incorporates best practices of sustainability for the proposed business operations and site-specific improvements. The plan may include, but shall not be not limited to, energy and water conservation and efficiency measures, strategies to reduce air emissions, and recycling practices;
  8. Neighborhood Compatibility Plan. A plan that demonstrates how the management and operation of the proposed use will be compatible with the surrounding neighborhood, including proposals to mitigate potential negative impacts;
  9. See additional requirements for data centers in Section 10-1.2735(e); and
  10. Other Information. Any other information deemed necessary by the Director to ascertain if the project meets the required findings for a major conditional use permit.

#### **SEC. 10-1.3284 ADMINISTRATIVE OPTIONS.**

If after applying for a major conditional use permit application, the applicant fails to provide changes or additional information necessary to make a decision on the project and there is no activity taking place in connection with the application for a period of 6 months, the application shall be closed and the applicant so informed.

#### **SEC. 10-1.3285 FINDINGS.**

The City Council may approve or conditionally approve an application when all of the following findings are made:

- a. The proposed use is desirable for the public convenience or welfare;
- b. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
- c. The proposed use will not be detrimental to the public health, safety, or general welfare; and
- d. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

#### **SEC. 10-1.3286 CONDITIONS.**

To implement official City policy and to attain the purposes for requiring use permit approval, as stated in Section 10-1.3281 as well as the general findings listed in Section 10-1.3285, the City Council may attach to approvals such conditions as it deems necessary. These conditions may include, but are not limited to:

- a. Site plan and architectural requirements such as, but not limited to, building arrangement, safe and efficient access, adequate open space, landscaping, screening, parking and yards, shielded lighting, compatible signs, harmonious external building design, and sufficient variety to avoid monotony in external appearance.
- b. Activities and equipment permitted;
- c. Time of day activities shall be permitted;

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- d. Specified time period within which approval is valid;
  - e. Furnishing of guarantees assuring compliance with conditions; and
  - f. Adequate safeguards against the emission of dust, heat, glare, electromagnetic interference, odors, smoke and particulate matter, wastes, refuse, water pollution and the like. The Planning Division may refer the application to qualified consultants for a report if it deems necessary. Cost of consultant services must be paid by the applicant.

#### **SEC. 10-1.3287 NOTICE OF DECISION AND EFFECTIVE DATE.**

The decision of the Council shall take effect in accord with the provisions of Section 10-1.2825 and notice shall be given pursuant to Section 10-1.2820.

#### **SEC. 10-1.3488 PLANNING COMMISSION PROCEDURES.**

- a. The Planning Commission shall hold a public hearing on all major conditional use permit applications. Notice shall be given pursuant to Section 10-1.2820.
- b. The Planning Commission may recommend approval or denial of a major conditional use permit to the City Council. Recommendations shall be based upon the findings listed in Section 10-1.3285.

#### **SEC. 10-3489 CITY COUNCIL PROCEDURES.**

- a. The City Council shall hold a public hearing on each Planning Commission recommendation of a major conditional use permit. Notice shall be given pursuant to Section 10-1.2820.
- b. The City Council may approve, modify or disapprove any major conditional use permit. The Council's decision shall be based on the findings listed in Section 10-1.3285 and is not subject to appeal.

#### **SEC. 10-1.3290 TIME LIMITS FOR FINAL DECISION.**

Where applicable, a final decision on all applications for a major conditional use permit will be made within the time limits set forth in the Permit Streamlining Act of the State of California. A major conditional use permit application which is dependent on a General Plan amendment or other legislative proposal shall not be subject to the Permit Streamlining Act's time limits until the General Plan amendment or legislative proposal is adopted.

#### **SEC. 10-1.3291 LAPSE OF APPROVAL.**

- a. General. Major Conditional Use Permit approval is void 36 months after the effective date of approval unless:
  - (1) Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or a time extension of the approval has been granted by the Planning Manager.
  - (2) If a building permit is issued for construction of improvements authorized by the major conditional use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the major conditional use permit approval. A request for an extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.
  - (3) Business operations have commenced in accordance with all applicable conditions of approval.
- b. 24-Month Extension.

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- (1) The Planning Manager may grant an extension(s) for whatever time period is deemed appropriate, provided that the cumulative total of time extension(s) does not exceed 24 months. Decisions of the Planning Manager regarding time extension(s) may be appealed to the Planning Commission or the City Council, as appropriate.
  - (2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days. Notice of said action shall be given pursuant to Section 10-1.2820.
  - (3) In making a decision on approval of an extension, the following shall be considered:
    - (a) the cause for delay in submittal of the building permit; and
    - (b) whether the proposal is in conformance with existing development regulations.
  - (4) Conditions of approval may be added or modified by the Planning Manager as a result of the processing of an extension of time.

### **SEC. 10-1.3292 REVOCATIONS AND MODIFICATIONS.**

- a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Council may revoke a major conditional use permit, or modify, or add to the conditions of approval in order to ensure the use is consistent with the findings made pursuant to Section 10-1.3285.
- b. Requests for modifications may be approved by the Planning Manager without a public notice or hearing or notice of such item, if the Planning Manager determines that such proposed modification is of a minor nature.
- c. A major conditional use permit may be revoked when the Council finds that:
  - (1) The use or the manner in which it is conducted, managed or operated impairs the character and integrity of the zoning district and surrounding area; or
  - (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions or plan would not be in the public interest or would be detrimental to the public health, safety, or general welfare.

### **SEC. 10-1.3293 REAPPLICATION.**

A major conditional use permit that has been disapproved or revoked may not be applied for within one year of the final decision to disapprove or revoke said application except when, prior to that time, the Planning Manager finds that new evidence, a change of conditions, or a change in the project justifies reconsideration.

### **SEC. 10-1.3294 DISCONTINUED USES.**

All uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.