

CHAPTER 19.36
CONDITIONAL USE PERMITS AND
MINOR USE PERMITS

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19.36.010 PURPOSE

Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines. This review shall determine whether the proposed use should be permitted by weighing the public need for and the benefit to be derived from the use against the impact which it may cause.

An application for a Minor Use Permit may be made in-lieu of an application for a Conditional Use Permit if the use meets the following criteria:

1. The use will be entirely located within a structure that has previously been approved with a Development Permit or Conditional Use Permit;
2. The use will be less than 10,000 square feet in gross floor area;
3. The use will be exempt from the provisions of the California Environmental Quality Act;

For all other applications for conditional uses, and for all applications for social service centers and religious facilities/churches, a Conditional Use Permit shall be required. (MC 1381 12/19/12)

19.36.020 APPLICATION

An application for a Conditional Use Permit or a Minor Use Permit shall be filed in a manner consistent with the requirements contained in Chapter 19.32 (Applications and Fees). (MC 1381 12/19/12)

19.36.030 PROJECT REVIEW

Each Conditional Use Permit or Minor Use Permit application shall be analyzed to assure that the application is consistent with the intent and purpose of this Chapter.

Minor Use Permit applications shall be reviewed and approved by the DRC.

To ensure effective implementation of General Plan policies relating to design guidelines, each application for a Conditional Use Permit shall be reviewed by the DRC prior to approval by the Commission. (MC 1381 12/19/12)

19.36.040 HEARINGS AND NOTICE

Upon receipt in proper form of a Conditional Use Permit or Minor Use Permit application, a hearing shall be set and notice of the hearing given in a manner consistent with Chapter 19.52 (Hearings and Appeals). (MC 1381 12/19/12)

19.36.050 FINDINGS

Following a hearing, the DRC or Commission shall record the decision in writing and shall recite therein the findings upon which such decision is based. The DRC or Commission may approve and/or modify a Conditional Use Permit or Minor Use Permit application in whole or in part, with or without conditions, only if all of the following findings are made: (MC 1381 12/19/12)

1. The proposed use is conditionally permitted within, and would not impair the integrity and character of the subject zone and complies with all of the applicable provisions of this Development Code; (MC 1393 12/2/13)
2. The proposed use is consistent with the General Plan;
3. The approval of the Conditional Use Permit or Minor Use Permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act and Section 19.20.030(6) of the Development Code; (MC 1381 12/19/12)
4. There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;
5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City;
6. The subject site is physically suitable for the type and density/intensity of use being proposed; and
7. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety. (MC 888 1/6/94)

19.36.060 USE OF PROPERTY BEFORE FINAL DECISION

No permit shall be issued for any use involved in an application for approval of a Conditional Use Permit or Minor Use Permit until, and unless, the same shall have become final, pursuant to Section 19.52.080 (Effective Date). (MC 1381 12/19/12)

19.36.070 CONDITIONAL USE PERMIT EXPIRATION

Within two years of Conditional Use Permit or Minor Use Permit approval, commencement of construction shall have occurred or the Conditional Use Permit or Minor Use Permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, then the Conditional Use Permit or Minor Use Permit shall become null and void. Projects may be built in phases if preapproved by the review authority. If a project is built in preapproved phases, each subsequent phase shall have 1 year from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, or the Conditional Use Permit or Minor Use Permit shall become null and void. (MC 891 12/20/93; MC 1381 12/19/12)

Any previously approved Conditional Use Permit that had not expired as of September 13, 1993 shall be extended for two years. This automatic extension of time is a one-time extension from September 13, 1993 and is in addition to the time granted under the initial approval of the Conditional Use Permit or any subsequent approval of an extension of time. (MC 895 1/24/94)

Any previously approved Conditional Use Permit that had not expired as of January 1, 2010 shall be extended for two years. This automatic extension of time is a one-time extension, and is in addition to the time granted under the initial approval of the Conditional Use Permit, or any subsequent approval of an extension of time. The automatic extension of time shall not reinstate nor extend any person's right to an administrative appeal, and shall not reinstate nor extend any claims or litigation statute of limitations. By acceptance of this grant of an automatic extension of time, the applicant(s) hereby waives any challenges to the conditions, fees and requirements of the Conditional Use Permit. (MC 1329 7/19/10)

19.36.080 MODIFICATION OF CONDITIONAL USE PERMIT

An approved Conditional Use or Minor Use Permit may be modified, in a manner pursuant to Chapter 19.32 (Applications and Fees). Minor modifications to an approved Conditional Use Permit or Minor Use Permit may be approved by the Director, pursuant to Section 19.60 (Minor Modifications). (MC 1381 12/19/12)

19.36.090 TIME EXTENSION

The approving authority may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the approving authority shall ensure that the Conditional Use Permit or Minor Use Permit complies with all current Development Code provisions. (MC 1381 12/19/12)

19.36.100 REVOCATION

The approving authority may hold a hearing to revoke or modify a Conditional Use Permit or Minor Use Permit granted pursuant to the provisions of this Chapter. Ten days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Conditional Use Permit or Minor Use Permit was granted. Notice shall be deemed delivered 2 days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of San Bernardino, and/or the project applicant.

A Conditional Use Permit or Minor Use Permit may be revoked or modified by the approving authority if any one of the following findings can be made:

1. That circumstances have changed so that 1 or more of the findings contained in Section 19.46.050 can no longer be made;
2. That the Conditional Use Permit or Minor Use Permit was obtained by misrepresentation or fraud;
3. That the use for which the Conditional Use Permit or Minor Use Permit was granted had ceased or was suspended for six or more consecutive calendar months;
4. That one or more of the conditions of the Conditional Use Permit or Minor Use Permit have not been met;
5. That the use is in violation of any statute, ordinance, law, or regulation; and
6. That the use permitted by the Conditional Use Permit or Minor Use Permit is detrimental to the public health, safety or welfare or constitutes a nuisance. (MC 1381 12/19/12)

19.36.110 CONDITIONAL USE PERMIT/MINOR USE PERMIT TO RUN WITH THE LAND

A Conditional Use Permit or Minor Use Permit granted pursuant to the provisions of this Chapter shall continue to be valid upon a change of ownership of the site, business, service, use or structure which was the subject of the permit application. (MC 1381 12/19/12)

19.36.120 PERFORMANCE GUARANTEE

The developer may be conditioned to provide performance security in a manner similar to Section 19.30.230 for the faithful performance of any or all conditions of approval.