

CHAPTER 19.44
ADMINISTRATIVE AND DEVELOPMENT PERMITS

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19.44.010 PURPOSE

The Administrative and Development Permit procedure is intended to protect the integrity and character of the residential, commercial and industrial areas of the City, through the application of the provisions of this Chapter consistent with the General Plan. At the time of application submittal, a review of the location, design, configuration and impact of the proposed use shall be conducted by comparing such use to established standards and design guidelines. This review shall determine whether the permit should be approved by weighing the public need for and the benefits to be derived from the use against the impacts it may cause. (MC 1381 12/19/12)

19.44.020 APPLICATION

Application for an Administrative or Development Permit shall be filed in a manner consistent with the requirements contained in Chapter 19.32 (Applications and Fees). (MC 1381 12/19/12)

19.44.030 APPLICABILITY AND PROJECT REVIEW

An Administrative or Development Permit shall be pursuant to this Section. None shall be required for alterations to an existing single-family home, for interior tenant improvements to previously approved non-residential uses that DO NOT involve an intensification in land use (e.g., conversion of a shoe store to a restaurant, or a residential structure to an office use, etc.), or for exterior alterations on non-residential projects that are in substantial compliance with the existing project. Each application shall be analyzed to ensure that the application is consistent with the requirements of this Title.

An Administrative Permit, which is acted upon administratively, shall be required under the following circumstances:

1. For residential projects with two to four dwelling units, including the relocation or movement of residential structures;

2. For tenant improvements and occupancy permits that result in an intensification in land use (i.e., from retail to a restaurant, or from a residential structure into a non-residential use);
3. For the expansion of a non-residential use or structure that is not consistent with the existing project.
4. For recycling facilities; and
5. For wireless telecommunications facilities. (MC 1381 12/19/12)

A Development Permit, which is acted upon by the Development/Environmental Review Committee (D/ERC) shall be required under the following circumstances:

1. For residential projects with five to 11 dwelling units;
2. For a new non-residential use or structure or an expanded non-residential use or structure over 5,000 square feet; and
3. Adult businesses, in accordance with Section 19.06.030(2)(A) of this Development Code.

A Development Permit, which is acted upon by the Planning Commission, shall be required for residential projects, or projects abutting a residential use in a residential land use district. (MC 1381 12/19/12)

19.44.040 FINDINGS

The appropriate review authority as outlined in Table 31.01 shall record the decision in writing and shall recite therein the findings upon which any such decision is based. The review authority may approve and/or modify an Administrative or Development Permit in whole or in part, and shall impose specific development conditions. These conditions shall relate to both on- and off-site improvements that are necessary to mitigate project-related adverse impacts, and to carry out the purpose and requirements of the respective zone. The review authority may approve an Administrative or Development Permit, only if all of the following findings are made: (MC 1381 12/19/12; MC 1393 12/2/13)

1. The proposed development is one permitted within the subject zoning district and complies with all of the applicable provisions of this Development Code, including prescribed development/site standards and any/all applicable design guidelines;
2. The proposed development is consistent with the General Plan;
3. The proposed development would be harmonious and compatible with existing and future developments within the zone and general area, as well as with the land uses presently on the subject property; (MC 1381 12/19/12)
4. The approval of the Administrative or Development Permit for the proposed development is in compliance with the requirements of the California Environmental Quality Act and Section 19.20.030(6) of the Development Code;

5. There will be no potential significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;
6. The subject site is physically suitable for the type and density/intensity of use being proposed;
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; and
8. The location, size, design, and operating characteristics of the proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. (MC 888 1/6/94)

19.44.050 ADMINISTRATIVE OR DEVELOPMENT PERMIT EXPIRATION

Within two years of Administrative or Development Permit approval, commencement of construction shall have occurred or the permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, then the Administrative or Development 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 one year from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, or the Administrative or Development Permit shall become null and void. (MC 1381 12/19/12)

19.44.060 USE OF PROPERTY BEFORE FINAL DECISION

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

19.44.070 MODIFICATION OF ADMINISTRATIVE OR DEVELOPMENT PERMIT

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

19.44.080 TIME EXTENSION

The review 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 the extension, the review authority shall ensure that the Administrative or Development Permit complies with all current Development Code provisions. (MC 1381 12/19/12)

19.44.090 REVOCATION

The review authority may hold a hearing to revoke or modify an Administrative or Development 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 Development Permit was granted. Notice shall be deemed delivered two 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.

An Administrative or Development Permit may be revoked or modified by the review authority if any of the following findings can be made:

1. That circumstances have changed so that one or more of the findings contained in Section 19.44.060 can no longer be made;
2. That the Administrative or Development Permit was obtained by misrepresentation or fraud;
3. That the use for which the Administrative or Development 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 Administrative or Development Permit have not been met;
5. That the use is in violation of any statute, ordinance, law, or regulation; or
6. That the use permitted by the Administrative or Development Permit is detrimental to the public health, safety, or welfare or constitutes a nuisance. (MC 1381 12/19/12)

19.44.100 PERFORMANCE GUARANTEE

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