SUPPLEMENT NO. 19

INSERTION GUIDE

PLEASANTON PLANNING AND ZONING CODE

January 2018

(Covering Ordinances through 2172)

This supplement consists of reprinted pages replacing existing pages in the Pleasanton Planning and Zoning Code.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

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PREFACE

The Pleasanton Planning and Zoning Code is a codification of the planning and zoning ordinances of the City of Pleasanton, California, republished in June 2008 by Quality Code Publishing.

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17.12.080 Report—Consideration.

The geologic report prepared pursuant to this chapter shall be used by the appropriate city board, commission, council or staff person required to pass upon the new real estate development or structure for human occupancy to aid it in making its decision. The approving body may approve, deny or impose necessary conditions required to protect the public health, safety and general welfare from geologic hazards. (Prior code § 2-19.08)

17.12.090 Appeal.

The decision of the approving board, commission or staff person may be appealed pursuant to the applicable appellate provisions set forth in this code. (Prior code § 2-19.09)

17.12.100 Additional regulations.

In addition to the regulations set forth in this chapter, the department of housing and community development, with the consent of the city council, may adopt such standards or regulations as are necessary to protect the public from seismic hazards. These standards or regulations may be more stringent than, but shall not be in conflict with, the provisions of any policies and criteria adopted by the State Mining and Geology Board pursuant to Section 2623 of the Public Resources Code of the state, except where more stringent standards or regulations have been adopted from time to time by the state Mining and Geology Board, shall apply within the city. (Prior code § 2-19.10)

Chapter 17.16

TREE PRESERVATION*

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* **Prior code history; prior** code §§ 2-17.02-2-17.12; Ords. 1152, 1653.

17.16.003 Purpose and intent.

The city recognizes that preservation of trees enhances the natural scenic beauty, sustains the long-term potential increase in property values which encourages quality development, maintains the ecology, moderates the effect of extreme temperatures, prevents the erosion of topsoil, helps create an identity and quality, which enhances the attractiveness of the city to visitors and increases the oxygen output of the area which is needed to combat air pollution. For these reasons the city council finds that in order to promote the public health, safety and general welfare of the city while at the same time recognizing individual rights to develop and maintain private property in a manner which will not be prejudicial to the public interest it is necessary to enact regulations controlling the removal and preservation of heritage trees within the city. However, the city council also recognizes that under certain circumstances heritage trees may properly be removed. Those circumstances include where heritage trees are dangerous; are dead or diseased; are so situated on undeveloped land that their preservation would preclude feasible development; are so abundant their removal would not destroy the area's natural beauty or ecology or cause erosion; or have a significant impact on the property. It is the intent of this chapter to preserve as many heritage trees as possible throughout the city through staff review and the development review process. (Ord. 2120 § 1, 2015; Ord. 1737 § 1, 1998)

17.16.006 Definitions.

For the purpose of this chapter, certain words and terms used in this chapter are defined as follows:

A. "Heritage tree" means a tree of any species or origin which meets any of the following:

1. Any single-trunked tree with a circumference of 55 inches or more measured four and one-half feet above ground level;
2. Any multi-trunked tree of which the two largest trunks have a circumference of 55 inches or more measured four and one-half feet above ground level;
3. Any tree 35 feet or more in height;

4. Any tree of particular historical significance specifically designated by official action;
5. A stand of trees, the nature of which makes each dependent upon the other for survival or the area's natural beauty.

B. "Director" means the community development director or the director's designated representative.

C. "Topping" means heading back of the crown and/or creating large stubs without regard to form.

D. "Certified consulting arborist" means an arborist who is registered with the International Society of Arboriculture and approved by the director.

E. "Applicant" means the owner of improved property submitting an application to remove a heritage tree(s) located upon said property. Only the property owner may apply to remove a heritage tree(s) or appeal the director's decision.

F. "Significant impact" means an unreasonable interference with the normal and intended use of the property. In determining whether there is a significant impact, the typical longevity of the subject tree species, as well as the size of the tree relative to the property, shall be considered. Normal maintenance, including, but not limited to, pruning, and leaf removal and minor damage to paving shall not be considered when making a determination of significant impact. (Ord. 2165 § 1, 2017; Ord. 2120 § 1, 2015; Ord. 2019 § 1, 2011; Ord. 2000 § 1, 2009; Ord. 1737 § 1, 1998)

17.16.009 Exceptions.

The provisions of this chapter shall not apply to fruit or nut trees when part of an orchard, the produce of which is used for commercial purposes. (Ord. 1737 § 1, 1998)

17.16.010 Permit—Required.

A. No person shall remove, destroy or disfigure, any heritage tree growing within the city without a permit except as provided in this chapter.

B. Normal maintenance pruning of heritage trees shall not require a permit but shall in all cases be in conformance with the guidelines in Section 17.16.080. Pruning which, in the reasonable opinion of the director, varies from these guidelines shall be subject to fines and penalties as provided in Section 17.16.110 of this chapter. (Ord. 2165 § 1, 2017; Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.020 Permit—Procedure.

A. Except as provided in Section 17.16.050 of this chapter, any person desiring to remove any heritage tree in the city shall make application to the director. Said application shall contain the number, species, size and location of heritage trees to be removed and a brief statement of the reason for removal as well as any other pertinent information the director may require. The permit, if granted, shall entitle the applicant to remove only those heritage trees designated by permit.

B. The director shall visit and inspect the property, the heritage tree or trees in question, and the surrounding area and shall ascertain the following:

1. The condition of the heritage tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility service and whether or not the heritage tree acts as host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite;
2. Whether the tree has a significant impact on the property;
3. The necessity to remove any heritage tree in order to construct any proposed improvements to allow for the economic enjoyment of the property;

4. The number of existing trees in the neighborhood or area on improved property and the effect removal would have upon the public health, safety, general welfare of residents and upon the property value and beauty of the area;
5. The topography of the land upon which the heritage tree or trees are situated and the effect of removal thereof upon erosion, soil retention and diversion or flow of surface waters;
6. Good forestry practices, i.e., the number of healthy trees that a given parcel of land will support.

C. The director may refer any application to any city department or commission for review and recommendation. (Ord. 1737 § 1, 1998)

17.16.025 Significant impact—Administrative hearing.

A. Where the applicant applies to remove a heritage tree on grounds that it has a significant impact on the property, the director shall conduct a hearing. The hearing shall be set not less than 15 days and not more than 60 days from the date the application is filed.

B. The director shall send notice of the hearing to all property owners and residents within 300 feet.

C. At the hearing, the applicant and any interested party shall be given the opportunity to be heard concerning the preservation or removal of the heritage tree.

D. After considering all relevant evidence, the director shall issue a written decision to preserve or remove the tree.

E. The director shall send a copy of the written decision to the applicant and neighboring property owners and residents within 300 feet of the tree.

F. Unless appealed, the decision of the director shall become effective 20 days after being issued.

G. The director's decision may be appealed as provided in Section 17.16.040 of this chapter. (Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.030 Action by director—Findings.

A. The director shall issue a permit to remove a heritage tree or trees if it is determined that one of the following conditions exists:

1. The heritage tree is in such a dangerous or hazardous condition as to threaten or endanger the safety of people, structures, other property or other heritage trees;
2. The heritage tree has a significant impact on the property;
3. The heritage tree is dead, dying or diseased and good forestry practices cannot be reasonably undertaken to preserve the tree; or
4. Where the heritage tree in question is not diseased or hazardous, the removal of the tree is consistent with the purpose and intent of this chapter and in keeping with the health, safety and general welfare of the community.

B. The director shall notify the applicant in writing of the determination giving the reason for the application's approval or denial. (Ord. 1737 § 1, 1998)

17.16.040 Appeals not involving new development.

A. For decisions not involving new property development, the director's decision may be appealed only by the applicant. Such appeal must be submitted in writing to the city clerk within 20 days of the decision, and shall briefly state facts and the grounds of the appeal and be signed by the applicant filing the appeal.

B. Appeals shall be heard by the heritage tree board of appeals.

C. The city clerk shall set a date for hearing and shall notify all interested parties and property owners within 300 feet of the tree(s) at issue. The director shall submit a report to the heritage tree board of appeals, along with any departmental recommendations.

D. The heritage tree board of appeals shall conduct a hearing on the appeal. Following the hearing of any such appeal, the heritage tree board of appeals may affirm, reverse or modify the action of the director and may take any action thereon which would have been authorized in the first instance. The action of the heritage tree board of appeals on any such appeal shall be final and conclusive. (Ord. 2165 § 1, 2017; Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.043 Heritage tree board of appeals—Established.

There is created and established a board of appeals consisting of three members, two planning commissioners and one park and recreation commissioner appointed by their respective commissions. The board shall elect a chairperson. The director shall be an ex officio member of said board and shall serve as secretary. The board shall adopt reasonable rules and regulations for conducting its business. (Ord. 1737 § 1, 1998)

17.16.046 Heritage tree board of appeals—Duties.

The board of appeals shall:

A. Hold a hearing within 60 days after the city's receipt of appeal, to hear such testimony by any department of the city, the applicant who filed the appeal, or any interested party.

B. Make written findings of fact upholding, reversing or modifying the director's decision. The decision of the board shall be final. (Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.050 New property development.

A. Any person desiring to remove one or more trees on any property in the city which is related to the development of such property requiring city approval or where any tree may be affected by a proposed development shall include in the application to the appropriate city reviewing body as part of the regular application, the following:

   1. A tree survey plan, including all trees which will be affected by the new development. The survey, noting all trees six inches in diameter and greater, shall specify the precise location of trunk and dripline, size, health and species of all existing trees on the property with a special notation of those classified as a heritage tree;

   2. The applicant shall provide a report by a certified consulting arborist. The report, based on the findings of the tree survey plan and other necessary information, shall be used to determine the health of existing trees, the effects of the proposed development upon the trees, recommendations for any special precautions necessary for their preservation and shall also indicate which trees are proposed for removal;

   3. The tree survey plan and report shall be forwarded to the director who shall, after making a field visit to the property, indicate in writing which trees are recommended for preservation using the same standards set forth in Section 17.16.020 of this chapter. This report shall be made part of the staff report to the city reviewing body upon its consideration of the application for new property development;

   4. The city reviewing body through its site and landscaping plan review shall endeavor to preserve all trees recommended for preservation by the director. The city reviewing body may determine that any of the trees recommended for preservation should be removed, if there is evidence submitted to it, that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property;

      a. If trees are approved for removal, mitigation may include, but is not limited to: (i) replacement planting with particular tree species, sizes and numbers; (ii) payment towards the city's urban forestry fund for the appraised value of all trees removed from the site less the cost of installed trees, as determined by the director;

   5. Approval of final site or landscape plans by the appropriate city reviewing body indicating which trees are to be removed shall constitute the approval and permit for the purpose of this chapter; and

6. Prior to issuance of a planning permit, the applicant shall secure an appraisal of the condition and replacement value of all trees included in the tree report affected by the development. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the "Guide for Plant Appraisal" under the auspices of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraiser shall be subject to the director's approval.

B. Prior to acceptance of subdivision improvements, the developer shall submit to the director a final tree report to be performed by a certified consulting arborist. This report shall consider all trees that were to remain within the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant will then be responsible for the loss of any tree not previously approved for removal. For trees which were not previously approved for removal but were in fact removed during construction, the developer shall pay a fine in the amount equal to the appraised value of the subject tree. The applicant shall remain responsible for the health and survival of all trees within the development for a period of one year following acceptance of the public improvements of the development.

C. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the director, in the penal sum of $5,000.00 for each tree required to be preserved, or $25,000.00, whichever is less. The cash, bond or other security shall be retained for a period of one year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to $5,000.00 per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or disfigured.

D. An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified consulting arborist.

E. Any decision by a city reviewing body under this section may be appealed pursuant to Chapter 18.144. (Ord. 2165 § 1, 2017; Ord. 1737 § 1, 1998)

17.16.060 Emergency action.

A person may remove or prune a heritage tree without a permit if there is an emergency caused by a heritage tree being in a hazardous or dangerous condition requiring immediate action for the safety of structures or human life. In such event, the director shall be notified at the earliest opportunity in order to confirm the emergency situation. If the director determines that the situation was not an emergency requiring immediate action, the person removing or damaging the heritage tree shall be subject to fines and penalties set forth in Section 17.16.110 of this chapter. (Ord. 1737 § 1, 1998)

17.16.070 Protection of existing trees.

All persons shall comply with the following precautions:

A. Prior to the commencement of construction, install a sturdy fence at the dripline of any tree which will be affected by the construction and prohibit any storage of construction materials or other materials inside the fence. The dripline shall not be altered in any way so as to increase the encroachment of the construction.

B. Prohibit excavation, grading, drainage and leveling within the dripline of the tree unless approved by the director.

C. Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline or in drainage channels, swales or areas that may lead to the dripline.

D. Prohibit the attachment of wires, signs and ropes to any heritage tree.

E. Design utility services and irrigation lines to be located outside of the dripline when feasible.

F. Retain the services of a certified consulting arborist for periodic monitoring of the project site and the health of those trees to be preserved. The certified consulting arborist shall be present whenever activities occur which

pose a potential threat to the health of the trees to be preserved (for example, when work occurs within the dripline of trees to be preserved).

G. The director shall be notified of any damage that occurs to a tree during construction so that proper treatment may be administered. (Ord. 2165 § 1, 2017; Ord. 1737 § 1, 1998)

17.16.080 Pruning and maintenance.

All pruning of heritage trees shall be performed by in accordance with International Society of Arboriculture pruning guidelines and shall comply with the guidelines established by the International Society of Arboriculture, Best Management Practices, Tree Pruning, current edition and any special conditions as determined by the director. For developments which require a tree report, a certified consulting arborist shall be in reasonable charge of overseeing all activities involving heritage trees. (Ord. 2165 § 1, 2017; Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.090 Public utilities.

A. Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a heritage tree shall obtain permission from the director before performing any work, including pruning, which may cause injury to the heritage tree.

B. The director shall inspect said pruning work to ensure that appropriate pruning practices are followed. The public utility shall follow pruning practices conforming to the International Society of Arboriculture pruning standards to promote the well-being of the tree. Topping shall not be permitted unless specifically approved by the director. The director shall stop any tree pruning performed by a utility if said practices are not being followed. (Ord. 1737 § 1, 1998)

17.16.100 Insurance requirements.

Any person engaged in the business of pruning heritage trees within the city shall be a California licensed contractor and shall carry public liability and property damage insurance as determined by the city attorney. (Ord. 1737 § 1, 1998)

17.16.110 Fines and penalties.

A. Any person who unlawfully removes or destroys a heritage tree shall pay a civil penalty in the amount of the appraised value of the tree, or other amount reasonably determined by the director of community development. If there is inadequate plant material to properly appraise the tree, the penalty shall be $5,000.00, or other amount reasonably determined by the director of community development. Any person who unlawfully disfigures a heritage tree whether through vandalism, improper pruning or other actions, shall pay a civil penalty commensurate with the damage; the amount shall be determined by the director in accordance with the "Guide for Plant Appraisal" under the auspices of the International Society of Arboriculture; or other amount reasonably determined by the director of community development. The collection of the penalties may be enforced by civil action brought in the name of the city by the city attorney.

B. The cost of replacement plant material may be considered as partial payment of any penalty under this chapter. (Ord. 2120 § 1, 2015; Ord. 1737 § 1, 1998)

17.16.120 Additional provisions.

The provisions of this chapter shall supplement but not supplant other provisions of this code relating to the preservation of trees. (Ord. 1737 § 1, 1998)

Chapter 17.20

FUTURE STREET WIDTH LINES

Sections:

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17.20.020 Nature of provisions.
17.20.030 Extent.
17.20.040 Applicability.
17.20.050 Vine Street.
17.20.060 Del Valle Parkway.
17.20.070 Santa Rita Road—Tassajara Road.
17.20.080 Division Street.
17.20.090 Ray Street.
17.20.100 Peters Avenue.
17.20.110 Railroad Street.
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17.20.010 Objectives.

This chapter is adopted to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, this chapter is adopted in order to achieve the objectives of the general plan and the zoning ordinances of the city as adopted and amended by the city council. (Prior code § 5-9.18)

17.20.020 Nature of provisions.

This chapter shall consist of the regulations and general descriptions contained herein and a set of maps as described in this chapter. The maps shall be maintained on file in the office of the community development director. (Ord. 2000 § 1, 2009; prior code § 5-9.19)

17.20.030 Extent.

This chapter shall apply to the streets within the city described in this chapter and to those portions of the described streets annexed to the city at a future date. (Prior code § 5-9.20)

17.20.040 Applicability.

For the purpose of measuring yard dimensions and determining building lines as may be required by the zoning ordinances and building codes of the city, the future street width lines described in this chapter shall be deemed to refer to the property line and shall be used in the same manner as any other existing property line. (Prior code § 5-9.21)

17.20.050 Vine Street.

The future width for Vine Street is shown on the plan prepared by the city department of public works, division of engineering, entitled "Future Street Width Lines, Vine Street," dated January, 1966, and is generally described as follows:

> A 50-foot wide right-of-way which shall be the extension of Vine Street as it presently exists in unincorporated territory, the centerline of which is approximately 400 feet from the existing northerly right-of-way line of Vineyard Avenue and parallel thereto, terminating at its westerly limit in a cul-de-sac having a main radius of 45 feet, said cul-de-sac shall have its most westerly limit approximately 140 feet west of the extension of the centerline of Amador Court and situated so as to serve the property now or formerly owned by J. C. and W. Paulo; and a 50-foot wide right-of-way at right angles to Vineyard Avenue, extending from Vineyard Avenue northerly to an in-

for the district in which the facility is located, whichever is less. Amateur radio facilities on private property are subject to design review as provided in Section 18.20.040(B)(2) of this title.

2. Amateur (including ham and shortwave) radio facilities on public property provided:
    a. The facilities do not exceed 65 feet in height or are not more than 25 feet above the height limit prescribed by the regulations for the district in which the facilities are located, whichever is less;
    b. The facilities provide emergency communication backup services for the city;
    c. The facilities are officially recognized and approved by the city's emergency preparedness officer, fire chief, or community development director and operations services director;
    d. Amateur radio facilities are prohibited on public property in any zoning district unless the facility meets the requirements of this section.
3. Personal wireless service facilities which are not licensed by the Federal Communications Commission and are determined by the zoning administrator to have little or no adverse visual impact.
4. Direct-to-home satellite services.
5. Personal wireless service facilities used only by the city, hospitals, and ambulance services in emergencies or for the protection and promotion of the public health, safety, and general welfare.
6. Any personal wireless service facility located on land owned by one of the public entities listed below and operated for the public entity's public purpose only and not for commercial reasons:
    a. The United States of America or any of its agencies;
    b. The state or any of its agencies or political subdivisions not required by state law to comply with local zoning ordinances;
    c. Any other city (other than the city of Pleasanton), county, or special district;
    d. The Pleasanton unified school district. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.020 Notice and approval process.

A. All personal wireless service facilities shall be subject to design review approval by the zoning administrator as provided in Chapter 18.20 of this title. The zoning administrator, upon making a finding that the proposed personal wireless service facility meets all applicable provisions of this chapter, shall approve or conditionally approve the design review application for the personal wireless service facility. The zoning administrator may refer any personal wireless service application to the planning commission for review and action.

B. All property owners within 300 feet of a property on which a personal wireless service facility is proposed shall be notified of the personal wireless service facility application by mail. Notice is not required where a facility will be concealed as described in Section 18.110.050. Public hearings can be requested as provided in Section 18.20.040(B)(2) of this title. (Ord. 2169 § 1, 2017; Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.030 Revocation of approval.

A. If the zoning administrator finds that a use is not in compliance with this chapter, that conditions of approval have not been fulfilled, or that there is a compelling public necessity, the zoning administrator shall notify the personal wireless service facility provider of the same, in writing, and state the actions necessary to cure. After 30 days from the date of notification, if the use is not brought into compliance with this chapter, the conditions of approval have not been fulfilled, or there is still a compelling public necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the personal wireless service provider may present relevant evidence. If, upon such review, the commission finds that any of the above has occurred, the commission may modify or revoke all approvals and/or permits.

B. The terms of this section shall not apply to preexisting legal nonconforming personal wireless service facilities which are subject to Section 18.110.250 of this chapter. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.040 Submittals.

A. For all proposed personal wireless service facilities, the personal wireless service provider shall provide the following to the zoning administrator:

1. A completed design review application which includes the signature of the personal wireless service provider and the property owner.
2. All applicable fees including deposit fees for peer review. The zoning administrator is authorized at his or her discretion to employ on behalf of the city an independent technical expert to review any materials submitted by the applicant and to provide an analysis of issues including but not limited to, whether the wireless facility meets the emission standards set forth by the Federal Communications Commission, whether a a significant gap in coverage exists, whether there are alternative sites and the feasibility of those sites, whether there are ways to mitigate aesthetic impacts. The applicant shall pay all costs of the peer review consultant and shall submit a deposit for peer and staff review.
3. Site plan, landscape plan, and elevations drawn to scale. The elevation drawings shall include all buildings on which the personal wireless service facilities are proposed to be located.
4. Cross-sections and floor plans, drawn to scale, if an antenna is proposed to be façade- or roof-mounted.
5. Before and after photo-simulations and elevation drawings showing the height, design, color, and location of the proposed facility as viewed from public places and if requested by the zoning administrator, from private properties.
6. Proposed means of establishing and maintaining maximum visual screening of facilities which includes submitting sample exterior materials and colors of towers, antennas, and accessory structures (such as equipment cabinets and structures), landscaping, and security fences.
7. The number, type, and dimensions of antennas, equipment cabinets, and related facilities proposed for use by the personal wireless service provider. If an applicant is proposing an emergency standby generator, include the unit's dimensions and specifications including noise emission levels.
8. A report from a structural engineer, licensed by the state, regarding the number and type of antennas that a proposed or existing structure is designed to support.
9. Justification of why the proposed height and visual impact of the personal wireless service facility cannot be reduced on the proposed site.
10. A letter, including service area maps and other information demonstrating that the proposed location is essential for the personal wireless service provider to fulfill a significant gap in coverage needs. A map based on drive tests (or similar engineering data) at the proposed site and its vicinity showing the estimated coverage area for the proposed personal wireless service facility. As used herein, drive tests are field tests to demonstrate the coverage of a proposed antenna in which one person holds a transmitter at the proposed site and another drives away from the site with a receiver to determine the outer perimeter of the radio signals that can be transmitted from the site.
11. A letter explaining the site selection process including information about three other sites which could service the same or similar coverage area and the reasons for their rejection, provided that three such alternatives exist and are reasonably available for the provider's use in the coverage area.
12. A letter demonstrating whether the facility could be co-located, where that co-located antennas and equipment could be placed, and how that future facility may look.
13. A letter which states the personal wireless service provider's commitment to allow other personal wireless service providers to co-locate antennas on their proposed facilities wherever structurally and technically feasible, and to provide at any time additional information, as requested by the zoning administrator, to aid in determining whether or not another personal wireless service provider could co-locate on/near their facilities if approved.
14. A letter certifying that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to radio frequency (RF) emissions as required by the FCC. The letter must include

documentation showing the specific frequency range that the facility will use and a certification by a licensed engineer-expert in the field of wireless communication systems that the facility will comply with FCC radio frequency emission standards and will not interfere with the city communication operations and the communication systems of emergency service providers. An application for a co-located facility must also include certification showing the cumulative radio frequency emissions from both the existing and proposed facilities comply with FCC emission standards and will not cause interference.

15. Reference to any easements necessary.

16. All proposed signage, including emergency signage as required by Section 18.110.160(B) of this chapter.

B. Additional information as deemed necessary by the zoning administrator which may include, but is not limited to, the following:

1. Information sufficient to determine that the personal wireless service provider has obtained all applicable operating licenses or other approvals required by the Federal Communications Commission and California Public Utilities Commission.

2. A USGS topographic map or survey, to scale, with existing topographic contours showing the proposed antennas and accessory structures.

3. Title reports.

4. Installation of "story poles" to show the height or overall size of the proposed antennas or accessory structures.

5. A letter stating specifically the reasons for not co-locating on any existing personal wireless service facility tower or at any site with existing antennas within the city. The reasons for not co-locating may include evidence that the existing facilities will not meet the provider's coverage needs, letters from personal wireless service providers with existing facilities stating reasons for not permitting co-location, or evidence that personal wireless service providers have not responded, or, if the reasons for refusal to co-locate are structural, the structural calculations for review by the planning division.

6. Noise impact analysis.

7. A letter to the zoning administrator which describes in detail the maintenance program for the facility as well as a security plan to prevent unauthorized access and vandalism.

8. Written proof of the availability of any required irrigation facilities on-site prior to permit issuance. This may be in the form of a letter from the owner of the land allowing the personal wireless service provider the use of required water facilities for landscaping. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.050 Locational standards.

A. Locational Priorities. For the purposes of this section, when a parcel is zoned PUD (planned unit development), planning staff shall look to the zoning districts listed under the particular PUD and apply those zoning districts to this section.

1. Properties Zoned Commercial, Office, or Industrial (C, O, I, or M-U). Where feasible, personal wireless facilities shall be located on properties with a commercial, office, industrial, or mixed use zoning designation.

a. Concealed Facility. Where feasible, personal wireless service facilities shall be concealed from view and shall not be visible by persons at ground level. By way of example, a facility will be considered "concealed" if the antennas are contained within new or existing architectural details of a building, e.g., real or faux clock or bell tower, or on the roof of a building and concealed by parapets or screenwalls, or concealed by any other means, so long as the project does not substantially compromise the aesthetics of the building.

b. Camouflaged Facility. If it is not feasible to conceal a facility, personal wireless facilities shall be camouflaged in a manner that the facility is designed to be compatible with the surroundings. By way

of example, antennas may be camouflaged in a faux tree, faux bush, flagpole, or otherwise designed in a manner to be compatible with the appurtenant architecture, building, or natural surroundings.

c. If a facility is concealed, the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses.

d. If a facility is camouflaged (and not concealed), the facility must be located a minimum of 200 feet away from the following: existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the general plan. Notwithstanding the above, if a dwelling unit is located within a commercial (C), office (O), or industrial (I) zone, the 200-foot separation requirement does not apply since the primary purpose of the C, O, or I zones is for non-residential uses.

2. Properties Zoned Agriculture, Public, Public and Institutional (A, P, P&I). If it is not feasible to locate a personal wireless service facility on a parcel zoned C, O, I or M-U, a facility may be located on properties zoned A, P, or P&I.

a. Concealed Preferred Over Camouflaged. Facilities are encouraged to be concealed but, at a minimum, shall be camouflaged. If a facility is concealed, the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses.

b. Facilities in these zoning designations may not be located within 200 feet of the following: existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the general plan.

3. Iron Horse Trail Between Santa Rita Road and Mohr Avenue. The Iron Horse Trail between Santa Rita Road and Mohr Avenue has no zoning designation and is primarily bordered by property zoned industrial. There are two approved camouflaged personal wireless service facilities located in the Iron Horse Trail between Santa Rita Road and Mohr Avenue. Future personal wireless service facilities may be placed in this section of the Iron Horse Trail, so long as the facilities are either concealed or camouflaged. If a facility is concealed, then the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses. If a facility is camouflaged, it may not be located within 200 feet of any existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.).

4. Small-cell-wireless-systems in the Hacienda Business Park. Small-cell-wireless-systems are permitted within the Hacienda Business Park where they are designed to conceal the equipment and where the design is approved by the Community Development Director. When concealed, such systems are not subject to the 200-foot separation requirement described in subsection (A)(1)(d) above.

5. All Other Zoning Classifications. Unless specifically identified in subsection (A)(1) or (2), personal wireless service facilities shall be prohibited in all other zoning districts with one exception. Regardless of the underlying zoning designation, personal wireless service facilities may be located on any parcel that contains a city water tank or on any parcel that is adjacent to a city water tank, so long as the following conditions are satisfied:

a. Facilities are encouraged to be concealed but, at a minimum, shall be camouflaged; and

b. The personal wireless service facility (antennas and equipment cabinets) must be located within 200 feet of a city water tank; and

c. Personal wireless facilities are encouraged to locate as far away from existing dwelling units as is feasible but in no event shall a personal wireless service facility (antennas or equipment cabinets) be located within 200 feet of an existing dwelling unit (but not detached garages, sheds, poolhouses, etc.).

6. Feasibility. An applicant may demonstrate feasibility by providing evidence demonstrating that there are no other locations that: meet the applicant's coverage needs; are structurally or technically feasible; or are

available to lease or otherwise economically feasible. At the applicant's expense, the city may hire an expert to review the provider's evidence and determine whether other locations may be feasible.

7. Visibility from Freeways. Personal wireless service facilities shall be prohibited at locations that are readily visible from the I-580 and I-680 freeways unless the provider can demonstrate that there are no other feasible sites and that every effort has been made to conceal or camouflage the facility.

8. Exception Required to Meet State or Federal Law. The decision-making body may grant an exception to any requirement of this chapter, including the locational priorities in this section, if the applicant can show that strict compliance with the code would violate federal or state law. (Ord. 2169 § 1, 2017; Ord. 2086 § 2, 2014; Ord. 2038 § 1, 2012; Ord. 1743 § 1, 1998)

18.110.060 Co-location.

The zoning administrator may require a personal wireless service provider to co-locate its personal wireless service facilities with other existing or proposed facilities if the proposed antennas would comply with the provisions of this chapter and it would be structurally and technically feasible that the co-location site can service the same or a similar coverage area as proposed; and if the zoning administrator determines that the proposed personal wireless service facilities would have less of an adverse visual impact than two or more single nonco-located personal wireless service facilities. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.070 Stealth techniques.

A. All personal wireless service facilities shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be concealed from view, designed to ensure that they will not appear as an antenna facility. To minimize visual impacts, all personal wireless service facilities determined by the zoning administrator to be visible to the public or properties in the vicinity shall incorporate appropriate stealth techniques to camouflage, disguise and/or blend them into the surrounding environment. Personal wireless service facilities shall be in scale and architecturally integrated with surrounding building design(s) or natural setting in such a manner as to be visually unobtrusive.

B. Antennas mounted on structures or on architectural details of a building shall be treated to match existing architectural features and colors found on the building. Façade-mounted antennas shall be integrated into the building's architecture through design, color, and texture.

C. Roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized. Roof-mounted and ground-mounted antennas shall not be allowed when they are placed in direct line of sight of significant or sensitive view corridors or where they adversely affect scenic vistas, unless facilities incorporate appropriate, creative stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined by the zoning administrator.

D. Aboveground and partially buried equipment cabinets shall be located where they will be the least visible from surrounding properties and public places. Aboveground and partially buried equipment cabinets shall require screening from surrounding properties and public view. Any visible portion of an equipment cabinet shall be treated to be architecturally compatible with surrounding structures and/or screened using appropriate techniques to camouflage, disguise, and/or blend it into the environment. If the zoning administrator determines that an equipment cabinet is not or cannot be adequately screened from adjacent properties or from public view or architecturally treated to blend in with the environment, the equipment cabinet shall be placed underground or inside the existing building where the antenna is located. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.080 Height.

A. The height of a personal wireless service facility shall include the height of any structure upon which it is placed.

B. The height of a personal wireless service facility shall be based on a visual analysis demonstrating that views of the facility are minimized or are substantially screened, and on an engineering analysis justifying the height of the

proposed personal wireless service facility and demonstrating that a lower height is not feasible. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.090 Colors and materials.

A. The visible exterior surfaces of personal wireless service facilities shall be constructed out of nonreflective materials.

B. All colors and materials are subject to the zoning administrator's approval. The colors and materials of antennas, equipment cabinets, and other appurtenances shall be chosen to minimize the visibility of the personal wireless service facility, except as specifically required by the Federal Aviation Administration. Facilities which will be primarily viewed against soils, trees, or grasslands shall be painted colors matching these landscapes.

C. Lightning arrester rods and beacon lights shall not be included as part of the design of any personal wireless service facility, unless the personal wireless service provider can prove that it is necessary for health and safety purposes, or required by the Federal Aviation Administration. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.100 Landscaping.

A. Landscaping may be required to screen personal wireless service facilities from adjacent properties or public view and/or to provide a backdrop to camouflage the facilities. All proposed landscaping is subject to the zoning administrator's review and approval. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized. Additional trees and other vegetation shall be planted and maintained around the facility, in the vicinity of the project site, and along access roads in appropriate situations where such vegetation is deemed necessary to provide screening of personal wireless service facilities and related access roads.

B. All ground-mounted antennas and related equipment and roads shall be substantially screened by landscaping so that their visual impact is minimized.

C. All trees used in landscaping shall be a minimum of 15 gallons in size and all shrubs a minimum of five gallons, unless otherwise approved.

D. Any adjacent, existing landscaping shall be preserved and refurbished if damaged during construction.

E. The personal wireless service provider shall enter into an agreement with the city, approved by the city attorney, which guarantees that all landscaping and open space areas included in the project shall be maintained at all times in a manner consistent with the approved landscape plan for the personal wireless service facility and its related equipment and roads. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.110 Setbacks and projections into yards.

A. All setbacks shall be measured from the furthest extent of a personal wireless service facility to the closest applicable property line or structure, with the exception of equipment shelters. Equipment shelters shall be measured from the outside wall of the shelter to the closest applicable property line or structure.

B. Personal wireless service facilities shall meet all applicable regulations for Class I or II accessory structures, whichever is applicable, in accordance with Chapter 18.84 of this title, with the following exceptions:

1. Underground equipment shelters or cabinets may adjoin property lines, if approved by the building division.

2. Ground-mounted antennas and related equipment shall not be located in front of main structures and/or along major street frontages where they will be readily visible.

3. The clear vertical height under a projection shall be at least 15 feet. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.120 Projections into public rights-of-way.

A. Ground-mounted antennas and related equipment shall not extend over a sidewalk, street, or other public right-of-way, except that ground-mounted antennas and related equipment on streetlight poles, traffic signals, and existing telephone poles may extend over a sidewalk or street, subject to zoning administrator and city engineer approvals.

18.124.040 Application—Hearing.

The planning commission shall hold at least one public hearing on each application for a use permit. The hearing shall be set and notice shall be given as prescribed in Section 18.12.040 of this title. At the public hearing the commission shall review the application and the drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 18.124.070 of this article. (Ord. 1812, 2000; prior code § 2-11.05)

18.124.050 Investigation and report.

The zoning administrator shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the city planning commission and made available to the applicant prior to the public hearing. (Prior code § 2-11.06)

18.124.060 Action of planning commission.

Within 40 days following the closing of a public hearing on a use permit application, the city planning commission shall act on the application. The commission may grant by resolution an application for a use permit as the use permit was applied for or in modified form, or the application may be denied. A use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. Conditions may include, but shall not be limited to, requiring special yards, open spaces, buffers, fences, and walls; requiring installation and maintenance of landscaping; requiring street dedications and improvements; regulation of points of vehicular ingress and egress; regulation of traffic circulation; regulation of signs; regulation of hours of operation and methods of operation; control of potential nuisances; prescribing standards for maintenance of buildings and grounds; and prescription of development schedules. A use permit may not grant variances to the regulations prescribed by this chapter for fences, walls, hedges, screening, and landscaping; site area, width, frontage, and depth; front, rear, and side yards; basic floor area; height of structures; distances between structures; courts, usable open space; signs; or off-street parking facilities and off-street loading facilities, for which variance procedures are prescribed by Chapter 18.132 of this title. (Prior code § 2-11.07)

18.124.070 Findings.

The city planning commission shall make the following findings before granting a use permit:

A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located;

B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity;

C. That the proposed conditional use will comply with each of the applicable provisions of this chapter. (Ord. 2165 § 1, 2017; prior code § 2-11.08)

18.124.080 Effective date of use permit.

Within 10 days following the date of a decision of the planning commission on a use permit application, the secretary shall transmit written notice of the decision to the city council and to the applicant. A use permit shall become effective 15 days following the date on which the use permit was granted or on the day following the next meeting of the council, whichever is later, unless an appeal has been taken to the council, or unless the council shall elect to review the decision of the commission. A use permit shall become effective immediately after it is granted by the council. (Prior code § 2-11.09)

18.124.090 Review or appeal.

The city council may elect to review a decision of the planning commission as prescribed in Section 18.144.010 of this title, or a decision of the commission may be appealed to the city council by the applicant or by any other person

as prescribed in Section 18.144.020 of this title. An appeal shall be heard and acted upon as prescribed in Sections 18.144.030 and 18.144.040 of this title. (Prior code § 2-11.10)

18.124.100 Lapse of use permit.

A. A use permit shall lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of Section 18.12.030.

B. A use permit shall lapse and become void if the use is abandoned or discontinued for a continuous period of one year or more. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use. Indicia of abandonment or discontinuance may include, but not be limited to, lack of business license, no utility service, etc. (Ord. 2120 § 1, 2015; prior code § 2-11.11)

18.124.110 Preexisting conditional uses.

A. A conditional use legally established prior to the effective date of the ordinance codified in this chapter, or subsequent amendments thereto, shall be permitted to continue, provided that it is operated and maintained in accord with the conditions prescribed at the time of its establishment, if any.

B. Alteration or expansion of a preexisting conditional use shall be permitted only upon the granting of a use permit as prescribed in this chapter, provided that alterations not exceeding $1,500.00 in value as determined by the building inspector shall be permitted without the granting of a use permit.

C. A use permit shall be required for the reconstruction of a structure housing a preexisting conditional use if the structure is destroyed by fire or other calamity, by act of God, or by the public enemy to a greater extent than 50 percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the community development director.

D. Preexisting conditional uses described in this section are subject to the lapse provisions in Section 18.124.100.B. (Ord. 2120 § 1, 2015; Ord. 2000 § 1, 2009; prior code § 2-11.12)

18.124.120 Modification of conditional use.

A. Sections 18.124.020 through 18.124.090 of this chapter shall apply to an application for modification, expansion, or other change in a conditional use, provided that minor revisions or modifications may be approved by the zoning administrator if he or she determines that the changes would not affect the findings prescribed in Section 18.124.070 related to findings. If requested by the applicant, the zoning administrator shall modify all existing conditional use permits for bars which are: (1) in the downtown hospitality central core area and downtown hospitality transition area; and (2) which are proposed to be consistent with the downtown hospitality guidelines, as determined by the zoning administrator.

B. For a bar or special downtown accessory entertainment use in the downtown hospitality central core and downtown hospitality transition area, if requested by the applicant, the zoning administrator shall modify all applicable sections of an existing conditional use permit related to subsequent planning commission review to include and be consistent with the following: notification of conditional use permit and noise standard violations verified by city enforcement staff shall be provided to the planning commission by city staff; the planning commission may schedule a public hearing to re-review the conditional use permit; and at the public hearing the planning commission may revoke or may modify a business' conditional use permit to require additional measures such as noise monitoring by the business owner if there was a noise violation.

A. Name and address of the applicant;

B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located;

C. Address or description of the property;

D. Statement indicating the precise manner of compliance with each of the applicable provisions of this chapter, together with any other data pertinent to the performance standards and findings prerequisite to the granting of a use permit, prescribed in Section 18.124.240 of this article;

E. An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance from each boundary of the site determined by the zoning administrator to be necessary to illustrate the relationship to and impact on the surrounding area;

F. An accurate scale drawing of the site showing the contours at intervals of not more than five feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, landscaped areas, trees, fences, and walls;

G. The zoning administrator may require additional information, plans and drawings if they are necessary to determine whether the proposed use will comply with all of the applicable provisions of this chapter. The zoning administrator may authorize omission of any or all of the plans and drawings required by this section if they are not necessary. (Ord. 2155 § 3, 2017)

18.124.210 Application—Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this chapter. (Ord. 2155 § 3, 2017)

18.124.220 Notice.

No less than 10 days prior to the date on which the decision will be made on the application, the city shall give notice of the proposed minor conditional use permit to all property owners and occupants shown on the last equalized assessment roll as owning real property within 300 feet of the exterior boundaries of the property on which the minor conditional use permit is proposed. If within 10 days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing when practically feasible. Either administratively, if no hearing is requested, or after conducting the administrative hearing, the zoning administrator shall approve, conditionally approve, or disapprove the application. For a minor conditional use permit that is either appealed by the applicant or by any other person as prescribed in Section 18.144.020 of this title, or elected for review by planning commission and/or city council as identified in Section 18.124.250 of this chapter, the city shall give notice of the proposed minor conditional use permit to all property owners and occupants shown on the last equalized assessment roll as owning real property within 1,000 feet of the exterior boundaries of the property on which the minor conditional use permit is proposed. (Ord. 2155 § 3, 2017)

18.124.230 Action of zoning administrator.

Any action of the zoning administrator is subject to the appeal provisions in Chapter 18.144. (Ord. 2155 § 3, 2017)

18.124.240 Performance standards and findings.

A use approved for a minor conditional use permit shall meet the following performance standards:

A. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;

B. Adequate parking is available for the use, and the proposal has an effective traffic circulation system including pick-up and drop-off for business patrons; and

C. The use meets the requirements of the city's noise ordinance.

The zoning administrator may request a traffic study, noise study, or other professional study in order to determine whether the proposed use meets the above performance standards.

The zoning administrator shall make the following findings before granting a minor conditional use permit:

A. That the proposed location of the minor conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located;

B. That the proposed location of the minor conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity;

C. That the proposed minor conditional use will comply with each of the applicable provisions of this chapter. (Ord. 2165 § 1, 2017; Ord. 2155 § 3, 2017)

18.124.250 Effective date of minor conditional use permit.

Within 10 days following the date of a decision of the zoning administrator on a minor conditional use permit application, the secretary shall transmit written notice of the decision to the planning commission, city council, and to the applicant. A minor conditional use permit shall become effective 15 days following the date on which the use permit was granted or on the day following the next meeting of the council, whichever is later, unless an appeal has been submitted, or unless the planning commission and/or council has elected to review the decision of the zoning administrator. A minor conditional use permit shall become effective immediately after it is granted by the council. (Ord. 2155 § 3, 2017)

18.124.260 Review or appeal.

The planning commission or city council may elect to review a decision of the zoning administrator as prescribed in Section 18.144.010 of this title, or a decision of the commission may be appealed to the city council by the applicant or by any other person as prescribed in Section 18.144.020 of this title. An appeal shall be heard and acted upon as prescribed in Sections 18.144.030 and 18.144.040 of this title. (Ord. 2155 § 3, 2017)

18.124.270 Lapse of use permit.

A. A minor conditional use permit shall lapse and shall become void one year following the date on which the minor conditional use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of Section 18.12.030.

B. A minor conditional use permit shall lapse and become void if the use is abandoned or discontinued for a continuous period of one year or more. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use. Indicia of abandonment or discontinuance may include, but not be limited to, lack of business license, no utility service, etc. (Ord. 2165 § 1, 2017; Ord. 2155 § 3, 2017)

18.124.280 Modification, suspension or revocation.

Upon violation of any applicable provision of this chapter, or, if granted subject to conditions, upon failure to comply with conditions, a minor conditional use permit shall be subject to modification, suspension, or revocation. The planning commission shall hold a public hearing within a reasonable time to consider such modification, suspension, or revocation in accord with the procedure prescribed in Section 18.124.040, and if not satisfied that the regulation, general provision or condition is being complied with, may modify, suspend, or revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Within 10 days following the date of a decision of the commission modifying, suspending, or revoking a use permit, the secretary shall transmit to the city council written notice of the decision. The decision shall become final 15 days following the date on

which the minor conditional use permit was suspended or revoked or on the day following the next meeting of the council, whichever is later, unless an appeal has been taken to the council, or unless the council shall elect to review and decline to affirm the decision of the commission, in which cases Section 18.124.090 shall apply. (Ord. 2155 § 3, 2017)