

EXHIBIT A.7

Chapter 17.74 ADMINISTRATIVE CONDITIONAL USE PERMITS

17.74.010 Purpose.

The purpose of this Chapter is to provide a Director-level process for reviewing land uses that may be appropriate in the applicable zone but whose effects on a site and surrounding uses cannot be determined absent a discretionary review process. Certain types of land uses may require special conditions in a particular zone or physical location within the City because they possess unique characteristics or present special problems that make automatic inclusion as permitted uses either impractical or undesirable due to potential and unforeseeable impacts to the surrounding area.

Administrative Conditional Use Permit procedures are intended to provide sufficient flexibility in the use regulations to further the objectives of this Title and to provide the City with the opportunity to impose special conditions to mitigate potential impacts that could result from allowing the use(s) at the requested location.

17.7 4.020 Application.

An application for an Administrative Conditional Use Permit (AUP) shall be filed in a manner consistent with the requirements contained in Chapter 17.68 (Applications and Fees).

17.74.030 Project review and action.

- A. Administrative Conditional Use Permit applications shall be analyzed and reviewed by the Director or his/her designee for consistency with the intent and the purpose of this Chapter, the provisions of this Title, and the General Plan. The Director or designee shall have the authority to approve, approve with conditions, or deny the application.
- B. No public notice and no public hearing shall be required for an Administrative Conditional Use Permit. Within 20 working days from the date an application is deemed complete, the Director shall issue a written determination as to the approval, conditional approval, or denial of the application. The written determination shall state the findings for the decision.

17.74.040 Conditions.

In approving an Administrative Conditional Use Permit, the Director or designee may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with this Chapter, State law, and with the findings required by Section 17.74.050 (Findings).

17.74.050 Findings.

The Director or designee may approve and/or modify an Administrative Conditional Use Permit application in whole or in part, with or without conditions, only if all of the following findings are made:

- A. That the proposed use is conditionally permitted within the subject zone and complies with all of the applicable provisions of this Title;
- B. That the proposed use would not impair the integrity and character of the zone in which it is to be located;

- C. That the subject site is physically suitable for the type and intensity of land use being proposed;
- D. That the proposed use is compatible with any land uses that may already exist on the subject property;
- E. That the proposed use would be compatible with existing and future land uses within the general area in which the proposed use is to be located;
- F. That the proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses;
- G. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
- H. That there will be adequate provisions for public access to serve the subject use; and
- I. That the proposed use is consistent with applicable goals and policies of the General Plan.

17.74.060 Use of property before final decision.

In no instance shall a permit be issued for any use involved in an application for approval of an Administrative Conditional Use Permit until, and unless, the same shall have become final.

17.74.070 Administrative Conditional Use Permit approval expiration.

- A. Administrative Conditional Use Permits which are not exercised by the commencement of construction within two years from the date of approval shall become null and void. In addition, if after issuance of a building permit, work is discontinued for a period of one year, the Administrative Conditional Use Permit shall become null and void, unless extended.

Further, if after issuance of a grading permit, work is discontinued for a period of six months, then the Administrative Conditional Use Permit shall become null and void, unless extended. Projects may be built in phases if pre-approved by the review authority. If a project is built in pre-approved phases, each subsequent phase shall have two years from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, or the Administrative Conditional Use Permit shall become null and void.

- B. For any Administrative Conditional Use Permit not requiring issuance of a building permit or grading permit, exercise of the approval shall be issuance of a business license.

17.74.080 Modification of Administrative Conditional Use Permit.

An approved Administrative Conditional Use Permit may be modified pursuant to Chapter 17.68 (Applications and Fees). Minor modifications to an approved Administrative Conditional Use Permit may be approved by the Director pursuant to Chapter 17.120 (Minor Modifications).

17.74.090 Revocation.

- A. The City may initiate proceedings to revoke or modify an Administrative Conditional Use Permit granted pursuant to the provisions of this chapter by using the procedures set forth in the applicable sections of Chapter 4.36 of the Desert Hot Springs Municipal Code, or successor chapter.
- B. An Administrative Conditional Use Permit may be revoked or modified if one or more of the following findings can be made:

1. That circumstances have changed so that one or more of the findings contained in Section 17.74.050 can no longer be made;
2. The Administrative Conditional Use Permit was obtained by misrepresentation or fraud;
3. The use for which the Administrative Conditional Use Permit was granted had ceased or was suspended for six or more consecutive calendar months;
4. One or more of the conditions of the Administrative Conditional Use Permit have not been met;
5. The use or permit holder is in violation of any statute, ordinance, law, or regulation; and/or
6. The use permitted by the Administrative Conditional Use Permit has subsequently been determined to be detrimental to the public health, safety, or welfare or constitutes a nuisance.

17.74.100 Administrative Conditional Use Permit to Run with the Land.

Administrative Conditional Use Permits are granted pursuant to the provisions of this Chapter and 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.