

## ORDINANCE 1337

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT 25-02: AMEND THE SAN DIMAS MUNICIPAL CODE, TITLE 18, AS NECESSARY TO PROVIDE CLARITY ON THE EXISTING PROVISIONS FOR CONDITIONAL USE PERMITS, INTRODUCE PROCEDURES FOR MINOR CONDITIONAL USE PERMITS, CODIFY MINOR CONDITIONAL USES IN VARIOUS ZONES, MODIFY THE APPEAL PERIOD, AND MODIFY DEFINITIONS. THIS PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES UNDER SECTION 15061(b)(3).**

**WHEREAS**, an Amendment to the San Dimas Municipal Code has been duly initiated by the City of San Dimas; and

**WHEREAS**, the Amendment is described as an amendment to Title 18 as necessary to provide clarity on the existing provisions for conditional use permits, introduce procedures for minor conditional use permits, codify minor conditional uses in various zones, modify the appeal period, and clean up Title 18 definitions; and

**WHEREAS**, this Amendment would be applicable Citywide; and

**WHEREAS**, on April 27, 2021, the City Council approved of an initiation for multiple municipal code text amendments to update Title 18, including the amendments proposed under MCTA 25-02; and

**WHEREAS**, on October 8, 2024, the City Council adopted ordinance 1312 – Zone Change 24-02 and Municipal Code Text Amendment 24-07, allowing minor conditional use permits for properties located within the Downtown Specific Plan approval; and

**WHEREAS**, on April 16, 2026, the Planning Commission heard evidence on the matter and voted 5-0 to recommend approval of Municipal Code Text Amendment 25-02 to the City Council; and

**WHEREAS**, notice was duly given of the public hearing on the matter and that public hearing was held on June 9, 2026, at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

**WHEREAS**, all requirements of the California Environmental Quality Act have been met for the consideration of whether the project will have a significant effect on the environment. It has been determined that this action is not a project under CEQA, as there will be no direct physical or reasonably foreseeable indirect physical change to the environment.

**NOW, THEREFORE**, in consideration of the evidence received at the hearing, and for the reasons discussed by the City Council at the hearing, the City Council now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area.

The proposed Municipal Code Text Amendment is designed to streamline the permitting process for Minor Conditional Use Permits (MCUPs) and clarify the process for Conditional Use Permits (CUPs). These permits require a thorough review of proposed land uses that may have unique effects or impacts on the surrounding area. Conditionally approving these land uses helps ensure that they can operate under specific conditions intended to mitigate potential adverse impacts. This amendment will not adversely affect adjacent properties in terms of value or precedent, nor will it be detrimental to the area.

- B. The proposed Municipal Code Text Amendment will further the public health, safety, and general welfare.

The proposed amendments will help enhance public health, safety, and general welfare by aligning Title 18 with the City's Downtown Specific Plan and the General Plan. This amendment is designed to streamline the permitting process for future land uses, thereby promoting economic development and subsequently providing the community with valuable goods, services, and experiences. Land uses requiring a Conditional Use Permit (CUP) or a Minor Conditional Use Permit (MCUP) will undergo a thorough screening process to not only mitigate potential negative impacts but also ensure the use is consistent with supporting the city's overall welfare.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan.

The proposed amendments clarify existing provisions, codify new procedures, and implement minor cleanups. They establish review procedures for Minor Conditional Use Permit applications that include a public notification period for community input on matters such as noise, supporting Noise Element Goal 4-B. The minor conditional use permit is intended to be business-friendly by streamlining the permitting process. This alternate permit aids in supporting existing commercial center and nodes, supporting Goal statement L-5; "Provide well planned commercial centers and nodes. Discourage strip commercial development".

**NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS,** the City Council approves Municipal Code Text Amendment 25-02 as set forth in the attached Exhibit A.

**NOW, THEREFORE,** the CITY COUNCIL of the CITY OF SAN DIMAS, California, does ordain as follows:

**SECTION 1. ADOPTION.** Municipal Code Text Amendment 25-02, an amendment to the San Dimas Municipal Code, Title 18, as necessary to provide clarity on the existing provisions for conditional use permits, modify the appeal period, and modify definitions, as set forth in Exhibit A, attached hereto and incorporated herein, is hereby adopted.

**SECTION 2. SEVERABILITY.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION 3. CEQA DETERMINATION.** The City Council hereby finds and determines that is can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 4. EFFECTIVE DATE AND PUBLICATION.** This Ordinance shall take effect 30 days after its final passage. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within 15 days after passage and adoption as may be required by law in a newspaper of general circulation in the City of San Dimas hereby designated for that purpose; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within 15 days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of San Dimas this 23<sup>rd</sup> day of June, 2026, by the following vote:

**AYES:** Badar, Bratakos, Vienna, Weber  
**NOES:** None  
**ABSENT:** Nakano  
**ABSTAIN:** None



Emmett G. Badar, Mayor

**ATTEST:**

  
Debra Black, City Clerk

**APPROVED AS TO FORM:**

  
Jeff Malawy, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) §  
CITY OF SAN DIMAS )

I, DEBRA BLACK, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1337 was introduced at a regular meeting of the City Council of the City of San Dimas on the 9th day of June, 2026, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 23rd day of June, 2026.

  
Debra Black, City Clerk

**Exhibit A**

- New text changes are in Blue and Underlined
- Deleted text is in ~~Red and Strikethrough~~
- Moved text is in Green, ~~Green and strikethrough~~ indicates the current text location, Green with no strikethrough indicates the proposed location of the text
- .... indicates there is text before and/ or after the proposed amended text that will not be modified.

SECTION 1. Chapter 18.200 Conditional Use Permits is hereby amended to read as follows:

Chapter 18.200 CONDITIONAL USE AND MINOR CONDITIONAL USE PERMITS

§ 18.200.010. Purpose and intent.

§ 18.200.020. Prohibition.

§ 18.200.030. ~~Uses subject to conditional use permit.~~ Applicability.

§ 18.200.040. ~~Submittal of conditional use permit a~~ Application requirements and filing fees.

~~§ 18.200.050. Incomplete application.~~

~~§ 18.200.060. Filing fee.~~

§ 18.200.070 Investigation by the planning ~~department~~ division.

§ 18.200.080. ~~Public~~ Project review, notice, and hearing.

~~§ 18.200.088. Conditions of approval.~~

§ 18.200.090. ~~Commission~~ Required findings.

~~§ 18.200.088~~93. Conditions of approval.

§ 18.200.096. Resubmittal of denied application.

§ 18.200.100. Time limit for development.

§ 18.200.110. Appeals.

§ 18.200.120. Revocation, ~~and~~ modification, and expiration.

§ 18.200.130. Prior grant.

~~§ 18.200.140. Planning commission waiver for conditional uses.~~

§ 18.200.150. Post-decision procedures.

§ 18.200.010. Purpose and intent.

~~Uses listed in the zones or sections of this title as permitted subject to a conditional use permit may be so permitted when such uses provide for the orderly development of the community and~~

~~are not, when necessary conditions are imposed, detrimental to surrounding properties or uses permitted in such zone.~~

~~In granting the permit the commission may impose those conditions deemed necessary to protect the public health, safety and general welfare of persons and property in the vicinity of the use for which a permit is sought.~~

- A. Purpose. The purpose of this Section is to provide two distinct procedures for reviewing land uses that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.
- B. Special Consideration. Certain types of land uses may require special conditions in a particular zone or physical location within the City as a whole because they possess unique characteristics or present special challenges that make automatic inclusion as allowed uses either impractical or challenging due to potential and unforeseeable impacts to the surrounding area.
- C. Intent. The conditional use permit and minor use permit procedures are intended to provide sufficient flexibility in the use regulations in order to further the objectives of the San Dimas Municipal Code and to provide the City with the opportunity to assign special conditions in order to mitigate potential impacts that could result from allowing the use(s) at the requested location, protecting the public health, safety, and general welfare of persons and property within the vicinity of the use.

**§ 18.200.020. Prohibition.**

No conditional use permit may be granted for any use inconsistent with the general plan of the city.

**§ 18.200.030. ~~Uses subject to conditional use permit.~~ Applicability.**

Uses listed in the various zones as permitted subject to a conditional use permit or minor conditional use permit may be permitted subject to the provisions of this chapter.

**§ 18.200.040. ~~Submittal of conditional use permit a~~ Application requirements and filing fees.**

- A. Application preparation and filing. Application for a conditional use permit or minor conditional use permit shall be filed by the owner of the property for which the permit is sought, or by the authorized representative of the owner; provided, however, that the city council, upon written request of the owners or authorized representatives of the owners of the majority of the property in an area for which a development is being proposed, may authorize the filing of an application without the approval of all of the property owners or their authorized representatives if the city council determines that to do so is in the best interest of the city. ~~Application shall be made to the commission on forms furnished by the planning department and shall be full and complete.~~ An application shall be filed with the department of community development on a city application form, together with all required fees and/or deposits and all other information and materials specified in the most up-to-date department handout and/or as specified by the director of community development.

- B. Incomplete applications or applications beyond the scope of the provisions for conditional use permits or minor conditional use permits shall not ~~be set for hearing~~ move forward in the application process. Any planning division refusal to set an application for hearing may be appealed to the planning commission.
- C. Applications that have not been resubmitted within 90 days from the date of the incomplete or inconsistency letter shall be deemed inactive and subsequently closed, unless an extension is granted by the director of community development for good cause shown. Applications that have been closed shall require submittal of a new application and associated fees before the application can be considered by the city.
- D. Filing fee. No application shall be processed in accordance with this chapter unless the applicant pays such fees as shall from time to time be amended by resolution of the city council as being necessary to defray the costs of the city incidental to processing the application.

**~~§ 18.200.050. Incomplete application.~~**

~~Incomplete applications or applications beyond the scope of the provisions for conditional use permits shall not be set for hearing. Any planning ~~department~~ refusal to set an application for hearing may be appealed to the planning commission.~~

**~~§ 18.200.060. Filing fee.~~**

~~No application shall be processed in accordance with this chapter unless the applicant pays such fees as shall from time to time be ~~fixed~~ by resolution of the city council as being necessary to defray the costs of the city incidental to processing the application.~~

**§ 18.200.070. Investigation by the planning department division.**

The planning division ~~epartment~~ shall investigate the facts bearing on any case involving a conditional use permit to provide the commission with data essential for action consistent with the intent of this title and the general plan.

**§ 18.200.080. Public Project review, notice, and hearing.**

**A. Conditional Use Permits**

- 1. Review Authority. The planning commission shall review, conditionally approve or deny a conditional use permit application.
- A. 2. Date. The hearing date shall be set by the planning division after completion of any environmental document required by the California Environmental Quality Act (CEQA), and all documentation has been provided for the completion of the project staff report, but no sooner than any time required by State law. ~~director for not less than fifteen nor more than sixty days after an application has been deemed complete by the planning department.~~
- B. 3. Notice. Notice of public hearing shall be given in the following manner as prescribed below and shall contain the time and place of the hearing along with other data contained in the application deemed pertinent to such notice. Notwithstanding the notice requirements set forth herein, additional notice may be required when deemed necessary to facilitate adequate public review. Staff shall prepare all notices on behalf of the applicant(s), and the applicant(s) shall be responsible for the actual costs associated with all notices.

1. i. Newspaper. Notice shall be published at least once in a newspaper of general circulation in the city not less than the time required by law prior to the date set for the hearing.
2. ii. First Class Mail. Notices shall be mailed to all persons whose name and address appears on the latest equalized assessment roll of the county as owning property within a distance of three hundred feet of the external boundaries of the property described in the application. ~~The applicant shall furnish to the city a certified list of such names and addresses.~~ The notices shall be mailed not less than the time required by law prior to the date set for a hearing.
3. iii. Posting in Public Places. Notices shall be posted not less than ten days before the date set for a hearing in a conspicuous place at (i) City Hall, (ii) the Los Angeles County public library, and (iii) the post office. ~~and (iv) Via Verde Shopping Center.~~ Posting of a notice on the property may also be required.

C. 4. Hearing.

1. i. The commission shall hold a public hearing on the date set forth in the legal notice of such hearing. A public hearing may be continued to a date specific without providing additional notice.
2. ii. The commission shall announce its decision by resolution adopted at a regular meeting within ~~forty~~ ten days after the conclusion of the hearing. The decision shall set forth the findings of the commission and all conditions imposed, including any time limits, deemed necessary to protect the public health, safety and welfare of persons in the vicinity and in the city as a whole.
3. iii. A copy of the decision shall be mailed to the applicant ~~petitioner~~ at the address shown on the application ~~petition~~.

B. Minor conditional use permits

1. Review Authority. The director of community development or their designee shall review and either conditionally approve, or deny a minor conditional use permit application. To better serve the public interest, the director may refer the application request to the planning commission. Referred applications shall be processed pursuant to the conditional use permit provisions of Chapter 18.200.
2. Notice. In lieu of a public hearing, a notice of tentative decision stating that a minor conditional use permit is being considered shall be mailed to the applicant and all property owners and tenants within a 100-foot radius from the subject site's property lines. Staff shall prepare all notices on behalf of the applicant(s), and the applicant(s) shall be responsible for the actual costs associated with the notice.
  - i. Purpose. The purpose of the notice is to provide any concerned parties an opportunity to submit a written statement explaining their concerns or comments regarding the minor conditional use permit request to the director.

- ii. Notice Requirements. The notice of tentative decision shall:
  1. Identify the property location;
  2. Describe the proposed use;
  3. State that no public hearing is required under the minor conditional use permit process;
  4. Indicate that any concerned party about the issuance of said permit may submit a written statement explaining their concerns during the specified comment period.
3. Decision
  - i. If no written statements are submitted during the comment period, the director shall either conditionally approve or deny the minor conditional use permit application. All comment periods shall occur for a duration of fourteen days.
  - ii. If written statements are submitted during the comment period, and the director finds that the statement(s) have merit based on significant issues related directly to the application and the issue(s) can be adequately addressed through additional conditions of approval, the director may approve the permit with the added conditions.
  - iii. If the director finds that the statement(s) is without merit, the director may approve the permit as is, or may impose any conditions deemed reasonable and necessary to ensure that the approval will be in compliance with Chapter 18.200.
  - iv. Within ten days of the director's decision, the planning division shall mail a copy of the decision to the applicant at the address shown on the application and to all parties who submitted a written statement during the comment period or who filed a written request for notice.

**~~§ 18.200.088. Conditions of approval.~~**

~~When approving or conditionally approving a conditional use permit, the planning commission shall designate conditions deemed necessary to protect the public health, safety and general welfare.~~

~~A. Such conditions shall ensure compliance with applicable requirements of this title, the general plan and the California Environmental Quality Act and may also include additional conditions regarding the following:~~

- ~~1. Regulation of use;~~
- ~~2. Special yards, spaces and buffers;~~
- ~~3. Fences and walls;~~
- ~~4. Surfacing or parking areas subject to city specifications;~~
- ~~5. Requiring street, service road or alley dedications and improvements or appropriate bonds and agreements therefor;~~
- ~~6. Regulation of points of ingress and egress;~~
- ~~7. Regulation of signs;~~
- ~~8. Landscaping and maintenance of same;~~
- ~~9. Maintenance of grounds;~~
- ~~10. Regulation of noise, vibration, odors and similar emissions;~~

11. Regulation of time for the conduct of certain activities;
12. Time period within which the proposed use shall be developed;
13. Duration of use;
14. Phasing of use or components thereof;
15. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this title.

~~B. Additional Conditions. In addition to the above the planning commission may designate other conditions including, but not limited to, the following:~~

- ~~1. Requiring security to guarantee performance or compliance with the conditions of approval;~~
- ~~2. Requiring periodic review or limiting the permit to a specified period of time;~~
- ~~3. Requiring that the permit be personal to the applicant or be applicable to the property.~~

~~C. Effect of Conditions. Whenever a conditional use permit is granted, the use or enjoyment of the conditional use permit in violation of or without observance of the conditions of approval shall constitute a violation of this title. In the event of such violation, the approval may be revoked or modified. Any change in the conditions of approval shall only be allowed after following procedures undertaken for the original approval.~~

**§ 18.200.090. Commission Required findings.**

The designated review body ~~The commission~~, in approving ~~or conditionally approving~~ a conditional use permit or minor conditional use permit, shall find as follows:

~~A. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adapt the use with land and uses in the neighborhood;~~

~~B. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;~~

~~C. That the proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the general plan and the applicable zoning ordinances;~~

~~D. That the proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the general plan;~~

~~E. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.~~

A. The proposed use is consistent with both the General Plan and zoning code of the subject property;

B. The establishment, maintenance or conducting of the proposed use will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

C. The site and location are suitable for the proposed use and will not cause an undue burden on surrounding properties or neighborhoods;

D. Any potential effects which may have an adverse effect on surrounding properties and/or neighborhoods can be minimized to the extent practical and any remaining adverse effects are justified by the benefits conferred upon the community as a whole.

**§ 18.200.08893. Conditions of approval.**

When approving or conditionally approving a conditional use permit or a minor conditional use permit, the ~~planning commission~~ designated review body shall ~~designate~~ assign conditions deemed necessary to bring the subject site into compliance with the San Dimas Municipal Code, California Building Code, and to protect the public health, safety and general welfare of persons and property within the vicinity of the use.

- A. Such conditions shall ensure compliance with applicable requirements of this title, the general plan and the California Environmental Quality Act and may also include additional conditions regarding the following:
1. Regulation of use;
  2. Special yards, spaces and buffers;
  3. Fences and walls;
  4. Surfacing or parking areas subject to city specifications;
  5. Requiring street, service road or alley dedications and improvements or appropriate bonds and agreements therefor;
  6. Regulation of points of ingress and egress;
  7. Regulation of signs;
  8. Landscaping and maintenance of same;
  9. Maintenance of grounds;
  10. Regulation of noise, vibration, odors and similar emissions;
  11. Regulation of time for the conduct of certain activities;
  12. Time period within which the proposed use shall be developed;
  13. Duration of use;
  14. Phasing of use or components thereof;
  15. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this title.
- B. Effect of Conditions. Whenever a conditional use permit or a minor conditional use permit is granted, the use or enjoyment of the conditional use permit or a minor conditional use permit in violation of or without observance of the conditions of approval shall constitute a violation of this title. In the event of such violation, the approval may be revoked or modified by the designated review body. Any change in the conditions of approval shall only be allowed after following procedures undertaken for the original approval.

**§ 18.200.096. Resubmittal of denied application.**

Following denial of a conditional use permit or a minor conditional use permit, no similar or substantially similar application for a conditional use permit or a minor conditional use permit on the same property, or portion thereof, shall be filed for one year from the date that the denial becomes final; unless the denial was made without prejudice.

**§ 18.200.100. Time limit for development.**

#### A. Conditional Use Permits

1. ~~A.~~ The commission may establish a time limit within which the subject property and use shall be developed. The time limits set by the commission shall be reasonable in relation to the size and nature of the proposed development. In the event no such time limit is established, development shall commence within one year.
2. ~~B.~~ The date of commencement of a development shall be that date on which use is established on the site or when, after first obtaining required construction permits, substantial site work has been performed. Substantial site work means progression beyond grading and completion of foundations with above grade construction occurring and continuation of such work within time limits prescribed in the Uniform Building Code. If either lapses, the grant by the commission shall lapse.
3. ~~C.~~ Time Extensions.
  - a. ~~1.~~ Initial Extension. The **planning** director may grant a one-year extension to the time limit prescribed for a conditional use permit approval when he finds as follows:
    - i. ~~2.~~ A written request explaining the reason for the request has been filed on or before the date of expiration for the conditional use permit approval;
    - ii. ~~3.~~ There have been no changes in the applicable general plan or zoning regulations applicable to the conditional use permit since the approval was granted;
    - iii. ~~4.~~ There have been no changes in the character of the site or its surroundings which affect how the general plan or zoning regulations apply to the conditional use permit;
  - b. ~~2.~~ Additional Extension. The planning commission may, on consent, without public notice, grant an additional one year time extension provided the planning commission makes the following findings:
    - i. ~~1.~~ The findings set forth in subsection ~~(C)(1)~~ 3 of this section;
    - ii. ~~2.~~ That substantial site work could not be completed because of circumstances beyond the control of the applicant.

#### B. Minor Conditional Use Permit

The director or their designee may establish a time limit within which the subject use shall be established. The time limits set by the director or their designee shall be reasonable in relation to the size and nature of the proposed use. In the event that no such time limit is established, the use shall commence within two years from the date of approval. The director or their designee may approve a one-time, one-year extension beyond the original approval timeframe.

#### **§ 18.200.110. Appeals.**

~~The decision by the commission may be appealed to the city council in accordance with the provisions of Chapter 18.212.~~

Any decision, determination or action of the director of community development pursuant to this chapter may be appealed by any aggrieved party or person to the planning commission; provided that such appeal is filed, along with any applicable fees, within fourteen calendar days after the issuance of the decision, determination, or action by the director of development. Any decision, determination, or action by the planning commission may be appealed by an aggrieved party or

person to the city council, provided that such appeal is filed, along with any applicable fees, within fourteen calendar days after issuance of the decision, determination, or action by the planning commission. Except for the time period specified herein, appeals shall be governed by the provisions of Chapter 18.212.

**§ 18.200.120. Revocation, and modification, and expiration.**

Conditional Use Permit

The commission may, by resolution, after a thirty-day written notice to the permit holder, revoke or modify, including the adoption of additional conditions, any conditional use permit for noncompliance with the conditions set forth in granting the permit, failure to comply with this code, including operating the subject use in a manner deemed to be a public nuisance, and/or failure to comply with other local, state or federal regulations applicable to the subject project. The notice shall state the date, time and place when the commission will hear the matter. The applicant shall have an opportunity to appear and be heard by the commission before any such action is taken. If an established time limit for development expires, the conditional use permit shall be void.

Minor Conditional Use Permit

The director may, by notification to the applicant, after a thirty-day written notice to the permit holder, revoke or modify, including the adoption of additional conditions, any or minor conditional use permit for noncompliance with the conditions set forth in granting the permit, failure to comply with this code, including operating the subject use in a manner deemed to be a public nuisance, and/or failure to comply with other local, state or federal regulations applicable to the subject project. The applicant shall have an opportunity to respond in writing to the notice, and the director may consider the applicant's response prior to taking action. The director's decision may be appealed to the planning commission in accordance with SDMC Chapter 18.212. If an established time limit for the use expires, the minor conditional use permit shall be void.

**§ 18.200.130. Prior grant.**

Any conditional use permit or minor conditional use granted pursuant to any zoning ordinance enacted prior to the effective date of the ordinance codified in this chapter shall be construed to be an application conditional-use permit granted under this chapter, subject to all conditions imposed in such permit unless otherwise provided in this title. Such permit may, however, be revoked as provided in this chapter.

**~~§ 18.200.140. Planning commission waiver for conditional uses.~~**

- ~~A. Whenever in this chapter a conditional use permit is required for alteration, modification or addition to an existing structure, the planning commission may, in the exercise of its sound discretion, waive the requirement of a conditional use permit, if it finds the following factors to exist:~~
- ~~1. Total costs of the alteration, modification or addition do not exceed one thousand dollars;~~
  - ~~2. No waiver under this section has been granted with respect to the same parcel within a period of one year prior to the pending application for waiver hereunder;~~
  - ~~3. The interest of other property owners will not be adversely affected.~~

~~B. Applications for waiver under this section shall be made in writing by the property owner or authorized representative and shall demonstrate the existence of the factors required by this section.~~

**§ 18.200.150. Post-decision procedures.**

- A. Expansion of use(s).
  - a. No expansion of uses or services not described in the application shall be allowed unless a conditional use permit or minor conditional use permit, as applicable, is first filed and approved for the proposed expansion, in compliance with Chapter 18.200.
  - b. Changes that do not drastically change operational characteristics and which do not conflict with the approved conditions of approval may be approved by the director.
- B. Permit to run with the land. A conditional use permit or a minor conditional use permit approved in compliance with the provisions of this section shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this section. Upon such change of ownership, the new owner(s) shall complete the acceptance of conditions affidavit to acknowledge the conditions assigned following the original issuance of the conditional use permit or minor conditional use permit.
- C. Abandonment of uses. Any use approved through the issuance of a conditional use permit or a minor conditional use permit that has ceased for a period in excess of 12 months shall be considered abandoned, and the use may not commence without filing for a new permit application and filling fees.

**SECTION 2.** Chapter 18.212 Appeal Procedures, Section 18.212.030 Right of Appeal is hereby amended to read as follows:

**§ 18.212.030. Right of appeal.**

Appeals may be filed by any aggrieved party, but may not be filed more than ~~twenty~~ fourteen calendar days after the issuance of the decision, determination or action from which the appeal arises.

**SECTION 3.** Chapter 18.92 C-H Commercial – Highway Zone is hereby amended to add Section 18.92.025 Minor Conditional Uses and read as follows:

**§ 18.92.025. Minor conditional uses.**

The following uses shall be permitted subject to a minor conditional use permit pursuant to Chapter 18.200:

- A. Animal Hospital;
- B. Child care;
- C. Commercial recreational and social experiences, indoor;
- D. Freestanding ATM kiosks;
- E. Kidney dialysis centers;
- F. Pet boarding, day care, veterinary care, and urgent care;

G. Studios (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses).

**SECTION 4.** Chapter 18.92 C-H Commercial – Highway Zone is hereby amended to read as follows:

....

**§ 18.92.030. Conditional uses.**

The following uses shall be permitted subject to a conditional use permit pursuant to Chapter 18.200:

~~A. Those uses listed as conditional uses in the A-P zone; and~~

~~A. B.~~ Automobile, boat and recreational equipment and vehicle sales and service uses;

~~B. C.~~ Ambulance services;

~~D. Indoor and outdoor recreation facilities;~~

~~C. E.~~ Car washes;

~~D. F.~~ Hotels and motels;

~~E. G.~~ Outdoor commercial uses, including retail plant nurseries and retail lumber yards;

~~F. H.~~ Drive-through convenience markets;

~~G. I.~~ Wholesale businesses;

~~H. J.~~ Gasoline and/or diesel service stations;

~~K. Veterinary service facilities;~~

~~L. Accessory game arcade consisting of seven or more machines within an indoor recreation facility;~~

~~I. M.~~ On-sale alcoholic beverages, provided that such use is a secondary and incidental use to a permitted use in this zone;

~~J. N.~~ On-site brewing and service of beer produced on the premises, provided that such use is secondary and incidental to a restaurant. The brewing component shall be limited to a maximum production of five thousand barrels per year unless an increased production volume is granted by the planning commission to support the commercial business after finding that the production volume and operations are compatible with the subject site and its surroundings during review of the conditional use permit;

~~K. O.~~ Off-sale alcoholic beverages;

~~L. P.~~ Outdoor sale, storage or display of merchandise and/or provision of services, provided that any such use is directly related to a permitted use within any building or structure on the same lot or parcel, except for temporary outdoor uses which are permitted in accordance with Chapter 18.196, Temporary Uses;

~~Q. Athletic clubs and performing arts studios;~~

~~M. R.~~ Thrift stores

N. Church and related facilities;

O. Educational institutions;

P. Hospitals;

Q. Mortuaries;

R. Social clubs, lodges, event centers, private meeting halls;

- S. Vocational schools;
- T. Entertainment and performance establishments (including but not limited to live performing arts theaters, dinner theaters, concert halls, comedy clubs, movie theaters, and similar);
- U. Utility structures, substations and distribution facilities;
- V. Eating places, provided that they shall not include drive-through or drive-in services;
- W. Accessory sports massage;
- X. Conversion of structures originally designed as a residence into an office or business use.

....

**§ 18.92.040 Prohibited uses.**

....

~~E. Game arcades other than accessory game arcades specifically authorized in this chapter;~~

~~F.~~ E. Other uses which are inconsistent with the intent and provisions of the zone, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community may be appealed to the planning commission and thereafter the city council in accordance with Chapter 18.212 of this title.

....

**SECTION 5.** Chapter 18.96 C-N Commercial – Neighborhood Zone is hereby amended to add Section 18.96.025. Minor Conditional Uses and read as follows:

**§ 18.96.025. Minor conditional uses.**

The following uses shall be permitted subject to a minor conditional use permit pursuant to Chapter 18.200:

- A. Animal hospital
- B. Accessory veterinarian services, animal surgery and boarding within a pet care center.
- C. Commercial recreational and social experiences, indoor (including but not limited to art courses, bowling alleys, cooking classes, escape rooms, laser tag, trampoline parks, and similar);
- D. Freestanding ATM kiosks;
- E. Gyms and fitness facilities;
- F. Pet boarding, day care, veterinary care, and urgent care as a primary or accessory use to a pet care center;
- G. Studios (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses);

**SECTION 6.** Chapter 18.96 C-N Commercial – Neighborhood Zone is hereby amended to read as follows:

....

**§ 18.96.020 Uses permitted.**

....

- B. Specifically.

~~5. Accessory game arcade up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012.~~

~~6.~~ 5. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title.

~~7.~~ 6. Accessory massage permitted with the following primary businesses: barbershop, beauty shop, athletic club, day spa, medical doctor's office and similar uses.

**§ 18.96.030 Conditional uses.**

The following uses may be permitted provided that a conditional use permit is granted for any such use in accordance with Chapter 18.200 of this title:

- A. On-sale alcoholic beverages, provided that such use is a secondary and incidental use to a permitted use in this zone;<sub>i</sub>
- B. On-site brewing and service of beer produced on the premises, provided that such use is secondary and incidental to a restaurant. The brewing component shall be limited to a maximum production of five thousand barrels per year unless an increased production volume is granted by the planning commission to support the commercial business after finding that the production volume and operations are compatible with the subject site and its surroundings during review of the conditional use permit;<sub>i</sub>
- C. Off-sale alcoholic beverages;<sub>i</sub>
- D. Outdoor sale, storage or display of merchandise and/or provision of services, provided that any such use is directly related to a permitted use within any building or structure on the same lot or parcel, except for temporary outdoor uses which are permitted in accordance with Chapter 18.196, Temporary Uses;<sub>i</sub>
- ~~E. Athletic clubs and performing arts studios.~~
- ~~E. F.~~ Thrift stores;<sub>i</sub>
- ~~F. G.~~ Medical office, up to a maximum of ten percent of the total square footage of the center.

**§ 18.96.040 Prohibited uses.**

....

~~E. Game arcades, other than accessory game arcades specifically authorized in this chapter;~~

~~F. E.~~ Eating places which have drive-in or drive-through service;

~~G. F.~~ Other uses which are inconsistent with the intent and provisions of the zone, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the planning commission development plan review board and thereafter the city council in accordance with Chapter 18.212 of this title.

....

**SECTION 7.** Chapter 18.128 Industrial Zones Article II M-1 Light Manufacturing Zone is hereby amended to add Section 18.182.085. Minor Conditional Uses and read as follows:

**§ 18.182.085. Minor conditional uses.**

The following uses shall be permitted subject to a minor conditional use permit pursuant to Chapter 18.200:

- A. Animal hospitals;
- B. Aquamation;
- C. Gyms and fitness facilities between 4,501 square feet and 10,000 square feet;
- D. Studios (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses) between 4,501 square feet and 10,000 square feet;
- E. Pet boarding, day care, veterinary care, and urgent care;
- F. Rock Climbing.

**SECTION 8.** Chapter 18.128 Industrial Zones Article II M-1 Light Manufacturing Zone Section 18.128.090. Conditional Uses is hereby amended to read as follows:

The following uses, in addition to those uses permitted in the I-P zone pursuant to a conditional use permit, may be permitted subject to a conditional use permit pursuant to Chapter **18.200**:

- A. Animal hospitals, shelters, ~~kennels and sales;~~

....

**SECTION 9.** Chapter 18.136. A-P Administrative Professional Zone is hereby amended to add Section 18.136.025. Minor Conditional Uses and read as follows:

**§ 18.136.025. Minor conditional uses.**

The following uses shall be permitted subject to a minor conditional use permit pursuant to Chapter 18.200:

- ~~A. Animal Hospital;~~
- ~~B. Child care;~~
- ~~C. Freestanding ATM kiosks;~~
- ~~D. Kidney dialysis center;~~
- ~~E. Museums;~~
- ~~F. Pet boarding, day care, veterinary care, and urgent care.~~

**SECTION 10.** Chapter 18.136. A-P Administrative Professional Zone is hereby amended to read as follows:

....

**§ 18.136.020 Uses permitted.**

- B. Specifically
  - ~~4. Accessory game arcades up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012.~~

5. ~~6.~~ Accessory massage permitted with the following primary businesses: medical doctor's office, hospital, athletic club and similar uses.
6. ~~7.~~ Single-family residences that were established prior to 1970 and have been continuously used for residential purposes. Such residences may be completely reconstructed only when destroyed by a natural catastrophe, including, but not limited to, fire, earthquake or flood, by an unforeseen accident, or similar event as determined by the director of community development. Residences destroyed or demolished by intentional actions by or on the behalf of the property owner/s will not be able to be reconstructed.

**§ 18.136.030. Conditional uses.**

The following uses may be permitted subject to a conditional use permit pursuant to Chapter 18.200 of this title:

~~A. Child care centers;~~

~~A. B.~~ Church and related facilities;

~~B. C.~~ Educational institutions;

~~C. D.~~ Hospitals;

~~D. E.~~ Mortuaries;

~~F. Performing arts studios;~~

~~G. Athletic clubs;~~

~~E. H.~~ Private clubs, lodges and meeting halls;

~~I. Animal hospitals and veterinary facilities, provided that such uses shall be limited to the treatment of small animals;~~

~~F. J.~~ Vocational schools;

~~K. Theaters, provided that they shall be walk-in, indoor theaters only;~~

~~G. L.~~ Utility structures, substations and distribution facilities;

~~H. M.~~ Eating places, provided that they shall not include drive-through or drive-in services;

~~I. N.~~ On-sale alcoholic beverages, provided that such use is secondary and incidental to a permitted use in this zone;

~~O. Accessory game arcade consisting of seven or more machines within an indoor recreation facility;~~

~~J. P.~~ Accessory sports massage;

~~K. Q.~~ Conversion of structures originally designed as a residence into an office or business use.

**§ 18.136.040 Prohibited uses.**

~~G. Game arcades other than accessory game arcades specifically authorized in this chapter;~~

~~H. G.~~ Billboards and other similar off-site outdoor advertising structures;

~~I. H.~~ Drive-through style eating places;

~~J. I.~~ Other uses which are inconsistent with the intent and provisions of this zone, as determined by the director of community development, in accordance with Section 18.192.040. This determination of the director of community development may be appealed to the planning commission and thereafter the city council in accordance with Chapter 18.212 of this title.

....

**SECTION 11.** Chapter 18.140 C-G Creative Growth Zone Section 18.140.090 Uses in Specific Plan Areas is hereby amended to read as follows:

....

A. Area 3—Mixed use.

....

3. Permitted Uses.

A. Sub-Area A-Downtown Mixed Use.

~~iii. Accessory game arcade up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012 of this title;~~

~~iv. iii.~~ Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses.

....

B. Area 4—Commercial/Light Industrial. The purpose of this area is to provide for light-industrial and commercial uses.

1. Permitted Uses.

....

~~d. Accessory game arcade up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012;~~

~~e. d.~~ Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title;

~~f. e.~~ Accessory massage permitted with the following primary businesses: athletic club, day spa, beauty salon, barbershop and similar uses.

....

2. Minor conditional uses.

A. Animal hospitals;

B. Aquamation;

- C. Gyms and fitness facilities between 4,501 square feet and 10,000 square feet;
- D. Studios (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses) between 4,501 square feet and 10,000 square feet;
- E. Pet boarding, day care, veterinary care, and urgent care;
- F. Rock Climbing.

**23. Conditional Uses.**

....

c. All uses listed as conditional uses in Area 3, except for all prohibited uses listed in subsection (B)(~~34~~) of this section;

~~d. Accessory game arcade consisting of seven or more machines within an indoor recreation facility.~~

**34. Prohibited Uses.**

....

~~g. Game arcades other than accessory game arcades specifically authorized in this chapter;~~

~~h.g.~~ Other uses inconsistent with the intent and provisions of this zone, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the planning commission and, thereafter the city council in accordance with Chapter 18.212 of this title.

....

**SECTION 12.** Chapter 18.500 Specific Plan No. 2 is hereby amended to add Section 18.500.045 Minor Conditional Uses and read as follows:

**§ 18.500.045. Minor conditional uses.**

The following uses may be permitted in areas designated "commercial" on Exhibit A, set out at the end of this chapter, subject to a minor conditional use permit pursuant to Chapter 18.200 of this title.

- A. Animal hospital;
- B. Commercial recreational and social experiences, indoor (including but not limited to art courses, bowling alleys, cooking classes, escape rooms, laser tag, trampoline parks, and similar);
- C. Freestanding ATM kiosks;
- D. Gyms and fitness facilities;
- E. Pet boarding, day care, veterinary care, and urgent care;
- F. Studios (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses).

**SECTION 13.** Chapter 18.500 Specific Plan No. 2, Section 18.500.050 Conditional Uses is hereby amended to read as follows:

**§ 18.500.050 Conditional uses.**

....

~~A. Indoor recreational facilities, except for coin or token operated games of skill;~~

~~B. Accessory game arcade consisting of seven or more machines within an indoor recreation facility;~~

~~C. A.~~ Retail gasoline sales, with convenience stores as accessory uses;

~~D. B.~~ Vehicular and equipment rental facilities as defined by Section 18.08.544 of this title;

~~E. C.~~ Drive-through restaurants when the property is not adjacent to a property with a residential use and when the property has legal access, either directly or through an integrated shopping center to two of the following streets (Arrow Highway; Lone Hill Avenue; Valley Center Avenue);

~~F. D.~~ On-sale alcoholic beverages, provided that such use is a secondary and incidental use to a permitted use in this zone;

~~G. E.~~ On-site brewing and service of beer produced on the premises, provided that such use is secondary and incidental to a restaurant. The brewing component shall be limited to a maximum production of five thousand barrels per year unless an increased production volume is granted by the planning commission to support the commercial business after finding that the production volume and operations are compatible with the subject site and its surroundings during review of the conditional use permit;

~~H. F.~~ Off-sale alcoholic beverages;

~~I. H.~~ Outdoor sale, storage or display of merchandise and/or provision of services, provided that any such use is directly related to a permitted use within any building or structure on the same lot or parcel, except for temporary outdoor uses which are permitted in accordance with Chapter 18.196, Temporary Uses;

~~J. Athletic clubs and performing arts studios;~~

~~K. I.~~ Thrift stores.

**SECTION 14.** Chapter 18.514 Specific Plan No. 9, Section 18.514.080 Area Four – Highway retail is hereby amended to read as follows:

**§ 18.514.080 Area Four—Highway retail.**

....

E. Conditional Uses Permitted in Conjunction with Overflow Parking Lot.

....

~~6. Accessory game arcade consisting of seven or more machines within an indoor recreation facility.~~

F. Prohibited Uses. The following uses are prohibited:

....

~~11. Game arcades other than accessory game arcades specifically authorized in this chapter;~~

~~12. 11.~~ Check cashing stores;

~~13.~~12. Gold exchange stores;

~~14.~~13. Community centers and meeting halls;

~~15.~~14. Other uses which are inconsistent with the intent and provisions of the zone, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the planning commission and thereafter the city council in accordance with Chapter 18.212 of this title.

....

**SECTION 15.** Chapter 18.530 Specific Plan No. 18 Article II – Land Use Development Area I – Community Commercial Center section 18.530.060 Permitted uses is hereby amended to read as follows:

**§ 18.530.060. Permitted uses.**

Permitted uses in area I of Specific Plan No. 18 are as follows:

....

O. Studios no larger than five thousand gross square feet (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses);

P. Commercial recreational and social experiences, indoor no larger than five thousand gross square feet, indoor (including but not limited to art courses, bowling alleys, cooking classes, escape rooms, laser tag, trampoline parks, and similar).

~~O. Health/exercise club (no larger than five thousand gross square feet) to include, but not limited to, uses such as: personal trainers, pilates, and yoga; no outdoor activities permitted;~~

~~P. Recreational entertainment (no larger than five thousand gross square feet) to include, but not limited to, uses such as: inflatable jumper facilities and laser tag;~~

~~Q. Instructional physical activities (no larger than five thousand gross square feet) to include, but not limited to, uses such as dance studio, martial arts studio, and trampoline;~~

~~R. Accessory game arcade up to a maximum of six machines provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012;~~

U. Q. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title;

V. R. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop, medical doctor's office and similar uses;

W. S. Accessory Uses. Accessory uses shall be permitted provided that such use is a secondary and incidental use to a permitted use in this specific plan. The appropriateness of the associated use shall be determined by the director of development services. The accessory use shall not occupy more than forty-nine percent of the tenant space excluding hallways, bathrooms, lunch rooms, offices, locker rooms and storage rooms.

**SECTION 16.** Chapter 18.530 Specific Plan No. 18 Article II – Land Use Development Area I – Community Commercial Center is hereby amended to add Section 18.530.065 Minor conditional uses and read as follows:

**§ 18.530.065. Minor conditional uses.**

The following uses may be permitted in area I of Specific Plan No. 18 on Exhibit A, set out at the end of this chapter, subject to a minor conditional use permit pursuant to Chapter 18.200 of this title.

- A. Commercial recreational and social experiences, indoor larger than five thousand gross square feet, indoor (including but not limited to art courses, bowling alleys, cooking classes, escape rooms, laser tag, trampoline parks, and similar);
- B. Freestanding ATM kiosks;
- C. Pet boarding, day care, and urgent care;
- D. Studios larger than five thousand gross square feet (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses).

**SECTION 17.** Chapter 18.530 Specific Plan No. 18 Article II – Land Use Development Area I – Community Commercial Center is hereby amended to read as follows:

**§ 18.530.070. Conditional uses.**

....

- ~~I. Health/exercise club (larger than five thousand gross square feet) to include, but not limited to, uses such as: personal trainers, pilates, and yoga; no outdoor activities permitted;~~
- ~~J. Recreational entertainment (larger than five thousand gross square feet) to include, but not limited to, uses such as: inflatable jumper facilities and laser tag;~~
- ~~K. Instructional physical activities (larger than five thousand gross square feet) to include, but not limited to, uses such as dance studio, martial arts studio, and trampoline;~~
- ~~L. I. Thrift stores;~~
- ~~M. J. Car wash/self-service car wash;~~
- ~~N. K. Financial institutions, including banks, savings and loan associations, and credit unions with drive-through service;~~
- ~~O. Pet hotel;~~
- ~~P. L. Outdoor storage as an accessory to home improvement centers and plant nursery operations;~~
- ~~Q. Accessory game arcade consisting of seven or more machines within an indoor recreation facility.~~

....

**§ 18.530.080 Prohibited Uses.**

- ~~F. Game arcades, other than accessory game arcades specifically authorized by this chapter;~~
- ~~G. F. Fortunetelling;~~

- ~~H.~~ G. Massage as a primary use;
- ~~I.~~ H. Professional office uses that are noncustomer based on a daily occurrence;
- ~~J.~~ I. Child care facility;
- ~~K.~~ J. Educational institutions;
- ~~L.~~ K. Vocational schools;
- ~~M.~~ L. Church and related facilities;
- ~~N.~~ M. Tattoo and/or piercing parlors;
- ~~O.~~ N. Hookah and/or smoking lounge including electronic cigarettes;
- ~~P.~~ O. Self-service laundry facilities;
- ~~Q.~~ P. Banquet facilities;
- ~~R.~~ Q. Check cashing stores;
- ~~S.~~ R. Gold exchange stores;
- ~~T.~~ S. Community centers and meeting halls.

**SECTION 18.** Chapter 18.530 Specific Plan No. 18 Article IV – Land Use Development Area III – Highway Commercial Center is hereby amended to read as follows:

**§ 18.530.124 Permitted uses.**

Permitted uses in area III of Specific Plan No. 18 are as follows:

....

O. Studios no larger than five thousand gross square feet (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses);

P. Commercial recreational and social experiences, indoor no larger than five thousand gross square feet, indoor (including but not limited to art courses, bowling alleys, cooking classes, escape rooms, laser tag, trampoline parks, and similar).

~~O. Health/exercise club (no larger than five thousand gross square feet) to include, but not limited to, uses such as: personal trainers, pilates, and yoga; no outdoor activities permitted;~~

~~P. Recreational entertainment (no larger than five thousand gross square feet) to include, but not limited to, uses such as: inflatable jumper facilities and laser tag;~~

~~Q. Instructional physical activities (no larger than five thousand gross square feet) to include, but not limited to, uses such as dance studio, martial arts studio, and trampoline;~~

~~R. Accessory game arcade up to a maximum of six machines provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012;~~

~~S. Q.~~ Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title;

~~T. R.~~ Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop, medical doctor's office and similar uses;

~~U. S.~~ Accessory Uses. Accessory uses shall be permitted provided that such use is a secondary and incidental use to a permitted use in this specific plan. The appropriateness of the associated use shall be determined by the director of community development ~~services~~. The accessory use shall not occupy more than forty-nine percent of the tenant space excluding hallways, bathrooms, lunch rooms, offices, locker rooms and storage rooms.

**§ 18.530.126 Conditional uses.**

....

~~L. Accessory game arcade consisting of seven or more machines within an indoor recreation facility.~~

**SECTION 19.** Chapter 18.530 Specific Plan No. 18 Article IV – Land Use Development Area III – Highway Commercial Center is hereby amended to add section 18.530.125 Minor conditional uses to read as follows:

**§ 18.530.125. Minor conditional uses.**

The following uses may be permitted in area I of Specific Plan No. 18 on Exhibit A, set out at the end of this chapter, subject to a minor conditional use permit pursuant to Chapter 18.200 of this title.

- E. Commercial recreational and social experiences, indoor larger than five thousand gross square feet, indoor (including but not limited to art courses, bowling alleys, cooking classes, escape rooms, laser tag, trampoline parks, and similar).
- F. Freestanding ATM kiosks.
- G. Pet boarding, day care, and urgent care;
- H. Studios larger than five thousand gross square feet (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses);

**SECTION 20.** Chapter 18.530 Specific Plan No. 18 Article IV – Land Use Development Area III – Highway Commercial Center Section 18.530.126 Conditional uses is hereby amended to read as follows:

**§ 18.530.126 Conditional uses.**

The following uses shall be permitted in area III of Specific Plan No. 18 subject to a conditional use permit pursuant to Chapter **18.200**:

....

~~H. Health/exercise club (larger than five thousand gross square feet) to include, but not limited to, uses such as: personal trainers, pilates, and yoga; no outdoor activities permitted;~~

~~I. Recreational entertainment (larger than five thousand gross square feet) to include, but not limited to, uses such as: inflatable jumper facilities and laser tag;~~

~~J. Instructional physical activities (larger than five thousand gross square feet) to include, but not limited to, uses such as dance studio, martial arts studio, and trampoline;~~

~~K. H. Financial institutions, including banks, savings and loan associations, and credit unions with drive-through service;~~

~~L. Accessory game arcade consisting of seven or more machines within an indoor recreation facility.~~

**SECTION 21.** Chapter 18.530 Specific Plan No. 18 Article I General Section 18.530.045 Definitions is hereby amended to read as follows:

**§ 18.530.045 Definitions.**

....

**~~"Health/exercise clubs"~~**

~~means businesses that provide health related physical fitness components that have a relationship with good health. The components are commonly defined as body composition, cardiovascular fitness, flexibility, muscular endurance and strength. Health/exercise club businesses include, but are not limited to:~~

- ~~a. Gym;~~
- ~~b. Personal training center;~~
- ~~c. Health spa;~~
- ~~d. Pilates studio;~~
- ~~e. Yoga studio.~~

**~~"Instructional physical activities business"~~**

~~means businesses that provide health related physical fitness components that have a relationship with good health. The uses listed below are all instructional based. Instructional physical activities businesses include, but are not limited to:~~

- ~~a. Dance studio;~~
- ~~b. Martial art studio;~~
- ~~c. Gymnastic studio;~~
- ~~d. Trampoline studio.~~

....

**~~"Recreational entertainment businesses"~~**

~~means businesses that provide an entertainment value as one performs a physical activity such as running, jumping, swinging and/or walking. Most of these types of businesses tend to be~~

~~geared to children and young adults. They also tend to host parties but do not provide food that is cooked on-site. Such recreational entertainment businesses include, but are not limited to:~~

- ~~a. Laser tag;~~
- ~~b. Inflatable jumpers.~~

....

**SECTION 22.** Chapter 18.532 Specific Plan No. 20 Article IV Land Use Development Plan – Area II is hereby amended to add Section 18.532.245 Minor Conditional Uses and read as follows:

**§ 18.532.245. Minor conditional uses.**

The following uses may be permitted in Area II of Specific Plan No. 20 on Exhibit A, set out at the end of this chapter, subject to a minor conditional use permit pursuant to Chapter 18.200 of this title.

- A. Commercial recreational and social experiences, indoor (including but not limited to art courses, bowling alleys, cooking classes, escape rooms, laser tag, trampoline parks, and similar).
- B. Freestanding ATM kiosks.
- C. Gyms and fitness facilities;
- D. Studios (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses );
- E. Pet day care, and urgent care;

**SECTION 23.** Chapter 18.532 Specific Plan No. 20 Article IV Land Use Development Plan – Area II is hereby amended to read as follows:

....

**§ 18.532.250. Conditional uses.**

The following uses shall be permitted subject to a conditional use permit pursuant to Chapter 18.200:

....

- ~~G. Health/exercise club to include, but not be limited to, uses such as: personal trainers, pilates, and yoga;~~
- ~~H. Recreational entertainment to include, but not be limited to, uses such as: inflatable jumper facilities and laser tag;~~
- ~~I. Instructional physical activities to include, but not be limited to, uses such as dance studio, martial arts studio, and trampoline;~~

J. G. Thrift stores;

K. H. Hotels and motels, including retail establishments as part of a hotel or motel complex;

- ~~L. I.~~ Other uses which are consistent with the intent and provisions of the specific plan, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the planning commission and thereafter to the city council in accordance with Chapter 18.212 of this title.

....

**§ 18.532.260 Prohibited uses.**

~~O. Game arcades other than accessory game arcades specifically authorized in this chapter;~~

~~P. O.~~ Check cashing stores;

~~Q. P.~~ Gold exchange stores;

~~R. Q.~~ Community centers and meeting halls;

~~S. R.~~ Other uses which are inconsistent with the intent and provisions of the zone, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the planning commission and thereafter the city council in accordance with Chapter 18.212 of this title.

**SECTION 24.** Chapter 18.532 Specific Plan No. 20 Article I General Section 18.532.050 Definitions is hereby amended to read as follows:

**§ 18.532.050 Definitions.**

....

**~~"Health/exercise clubs"~~**

~~means businesses that provide health related physical fitness components that have a relationship with good health. The components are commonly defined as body composition, cardiovascular fitness, flexibility, muscular endurance and strength. Health/exercise club businesses include, but are not limited to:~~

- ~~a. Gym;~~
- ~~b. Personal training center;~~
- ~~c. Health spa;~~
- ~~d. Pilates studio;~~
- ~~e. Yoga studio.~~

....

**~~"Instructional physical activities business"~~**

~~means businesses that provide health related physical fitness components that have a relationship with good health. The uses listed below are all instructional based. Instructional physical activities businesses include, but are not limited to:~~

- ~~a. Dance studio;~~

- ~~b. Martial art studio;~~
- ~~c. Gymnastic studio;~~
- ~~d. Trampoline studio.~~

....

**~~"Recreational entertainment businesses"~~**

~~means businesses that provide an entertainment value as one performs a physical activity such as running, jumping, swinging and/or walking. Most of these types of businesses tend to be geared to children and young adults. They also tend to host parties but do not provide food that is cooked on-site. Such recreational entertainment businesses include, but are not limited to:~~

- ~~a. Laser tag;~~
- ~~b. Inflatable jumpers.~~

....

**SECTION 25.** Chapter 18.540 Specific Plan No. 24 Article I General Section 18.532.050 is hereby amended to read as follows:

**§18.540.125. Minor conditional uses.**

The following uses may be permitted in Area I of Specific Plan No. 24 subject to a minor conditional use permit pursuant to Chapter 18.200 of this title.

- A. Freestanding ATM kiosks;
- B. Gyms and fitness facilities;
- C. Pet boarding, day care, and urgent care;
- D. Social experiences (including but not limited to such cooking classes, escape rooms, art courses, and similar);
- E. Studios (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses);

**SECTION 26.** Chapter 18.540 Specific Plan No. 24 Article II Land Use Development Plan – Area I Regional Commercial is hereby amended to read as follows:

....

**§ 18.540.120 Permitted uses.**

....

~~H. Accessory game arcade up to a maximum of six machines provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012 of this title;~~

~~I.~~ H. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses.

~~J.~~ I. Service business to include, but not limited to, nail shop, barber and beauty shop, shoe repair, watch repair and dry cleaners, etc.; these uses are intended to have daily customer foot traffic;

~~K.~~ J. Hardware stores;

~~L.~~ K. New home furnishings and appliance outlets;

~~M.~~ L. Specialty commercial uses, such as antique shops, jewelry stores, music stores, wholesale, and catalog stores, electronic and telecommunication stores, and auto and truck parts and supply businesses and similar uses;

~~N.~~ M. Financial institutions, including banks, savings and loan associations, and credit unions;

~~O.~~ N. Professional business office to include, but not limited to, accounting and billing services, insurance, tax assistance, legal services and graphic design office;

~~P.~~ O. Medical office to include, but not limited to, such uses as medical clinics, dental, and optometry;

~~Q.~~ P. Veterinary and pet grooming services.

#### **§ 18.540.130. Conditional uses.**

Conditional uses in Area I of Specific Plan No. 24 are as follows:

~~F. ATM. Stand-alone ATMs not installed in association with a financial institution and which are attached and integrated with the main building facade;~~

~~G.~~ F. Financial institutions, including banks, savings and loan associations, finance companies and credit unions, that provide drive-through service.

#### **§ 18.540.140. Prohibited uses.**

....

~~G. Game arcades, other than accessory game arcades specifically authorized by this chapter;~~

~~H.~~ G. Convenience markets.

....

**SECTION 27.** Chapter 18.540 Specific Plan No. 24 Article I General Section 18.540.050 Definitions is hereby amended to read as follows:

#### **§ 18.540.050 Definitions.**

....

**~~"ATM, stand-alone"~~**

~~means ATMs not installed in association with a financial institution and which are attached and integrated with the main building façade;~~

....

**SECTION 28.** Chapter 18.544 Specific Plan No. 26 Article I General Section 18.544.110 Permitted uses is hereby amended to read as follows:

**§ 18.544.110 Permitted uses.**

....

H. Pet grooming.

**SECTION 29.** Chapter 18.544 Specific Plan No. 26 Article II Land Use Development Plan – Area I – Commercial Neighborhood is hereby amended to add Section 18.544.115 Minor Conditional Uses and read as follows:

**§ 18.544.115. Minor conditional uses.**

The following uses may be permitted in Area I of Specific Plan No. 26 subject to a minor conditional use permit pursuant to Chapter 18.200 of this title.

- A. Freestanding ATM kiosks;
- B. Gyms and fitness facilities;
- C. Pet boarding, day care, veterinary and urgent care;
- D. Studios (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and similar).

**SECTION 30.** Chapter 18.544 Specific Plan No. 26 Article II Land Use Development – Area I – Commercial Neighborhood is hereby amended to read as follows:

**§ 18.544.120. Conditional uses.**

Conditional uses in Area I of Specific Plan No. 26 are as follows:

....

~~D. Athletic clubs and performing arts studios;~~

~~E. D.~~ All uses listed in Section 18.544.120 of this chapter, which because of operational characteristics specific to that particular business is found by the director of community development–~~services~~ to have the potential to negatively impact adjoining properties, businesses or residents and therefore, requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location.

....

**§ 18.544.130 Prohibited uses.**

~~H. Game arcades;~~

~~I. H.~~ Adult entertainment;

~~J. I.~~ Amusements (i.e., entertainment) and amusements in conjunction with a restaurant;

~~K. J.~~ Bar, cocktail lounge, tavern or nightclub;

~~L. K.~~ Exterior pay phones;

~~M. L.~~ Outdoor storage;

~~N. M.~~ Pawn shop;

~~O. N.~~ Check cashing and similar "quick cash" service businesses;

~~P. O.~~ Car washes;

~~Q. P.~~ Ambulance services;

~~R. Q.~~ Hotels and motels;

~~S. R.~~ Gasoline and/or diesel service stations.

**SECTION 31.** Chapter 18.136 A-P Administrative Professional Zone Section 18.136.050 Property Development Standards is hereby amended to read as follows:

**§ 18.136.050. Property development standards.**

....

Conditions may be imposed pursuant to Section 18.200.08893 to address any concerns resulting from this evaluation.

....

**SECTION 32.** Chapter 18.08 Definitions is hereby amended to read as follows:

~~§ 18.08.012 Accessory game arcade.~~

~~"Accessory game arcade" means a use consisting of a maximum of six token- or coin-operated games of skill which are secondary and incidental to:~~

~~A. A restaurant, including pizza parlor, but not including other types of fast food restaurants; or~~

~~B. An indoor recreation facility. The number of machines for an accessory game arcade may exceed six for an indoor recreation facility provided that the spatial requirements and floor space ratio standards set forth in Chapter 5.58 are complied with.~~

....

**§ 18.08.112. Commercial recreational and social experiences, indoor**

"Commercial recreational and social experiences, indoor" means a use that provides an entertainment value as one performs a physical activity such as running, jumping, swinging and/or

walking. Most of these types of businesses tend to be geared to children and young adults. They also tend to host parties, but do not provide food that is cooked on-site. Such recreational entertainment businesses include, but are not limited to, laser tag, inflatable jumpers, trampoline studio, and bowling alleys.

....

**§ 18.08.320. Indoor recreation facility.**

~~"Indoor recreation facility" means a building or structure in which a sports or recreational use is conducted. Such uses include a bowling alley, skating rink, health club, racket club and theater but do not include arcades.~~

....

**§ 18.08.532. Studios**

"Studios" means a use that primarily engages in offering instruction in fine arts or fitness-related activities (including but not limited to art, dance, gymnastics, martial arts, music, personal training, photography, Pilates, yoga, and other similar instructional-based uses).