

## REPORT TO CITY COUNCIL

**DATE:** SEPTEMBER 28, 2005

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER

**BY:** MIKE KAMINO, DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT

**SUBJECT:** CONDUCT A PRE-SCREEN REVIEW AND PROVIDE DIRECTION TO STAFF REGARDING AMENDING THE TEMPORARY USE PERMIT PROVISIONS OF THE ZONING ORDINANCE – CASE NO. 04-PSR-006

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Staff is seeking direction from the City Council on whether to proceed with an amendment to the Temporary Use Permit Ordinance to further clarify its intent and amend the list of temporary permitted uses and activities, and to address any other changes.

According to the Zoning Ordinance, the purpose of the Temporary Use Permit is based on the recognition that certain temporary activities may be appropriate, but would be inappropriate on a permanent basis. Further, the TUP is intended to avoid incompatibility between the temporary use and the existing surrounding uses through mitigation measures. The Temporary Use Permit (TUP) applies to a specific list of temporary uses that are subject to conditions of approval. Temporary Use Permits are granted by the Director of Planning and Community Development for three categories of activities that include: (1) temporary structures for construction; (2) outdoor display/sales of merchandise or special business events; and (3) outdoor entertainment/community events.

Attached is the section of the Zoning Ordinance regarding temporary use permits, which includes a listing of temporary uses that are allowed subject to issuance of a TUP.

In what began with small business and non-profit events, the TUP requests have grown to include requests from for-profit businesses that are often based out of town. More than 25% of the requests for TUP's now come from businesses located outside the City limits, often locating within the freeway corridor.

The City issues an average of 20 Temporary Use Permits per year. The number of TUP's issued has increased in each of the last four years. The table below shows the number of Temporary Use Permits issued since 2000.

Year	# of Issued TUPs	Construction Trailers	Local Non-Profit	Local For-Profit	Outside Non-Profit	Outside For-Profit
2000	15	6	3	3	1	2
2001	15	5	3	1	1	5
2002	17	6	2	3	2	4
2003	22	6	4	5	1	6
2004	23	2	2	9	1	9
2005	15 (to date)	4 (to date)		6 (to date)		5 (to date)

The cost of a TUP includes an \$83 administrative fee plus a \$500 security deposit that is held until the activity has ended. The deposit is returned to the applicant after staff has conducted an inspection of the property and has determined that the site was returned to its original condition.

Temporary Use Permits are issued with conditions. Violations of certain conditions can cause short term visual blight through the display of signs, lights and other forms of advertising. Staff draws down from the required \$500 security deposit for enforcement of conditions of approval. Monitoring of temporary activities is now more readily available, especially on the weekends, with the assistance of the City’s new full time Code Compliance Officer, but the amount of the deposit may not be sufficient to deter applicants from violating the permit.

Based on the recent trends concerning the types of temporary use activities, the number of permits being issued and the problem associated with the non-compliance with the conditions, staff is seeking direction from the Council on whether to proceed with an amendment to the existing Temporary Use Permit Ordinance to (1) clarify the intent of the permitted temporary uses; (2) amend as directed the list of allowable temporary uses; (3) increase the security deposit amount; and (4) include penalties for violations of the permit.

If the City Council desires to proceed with amendments to the Temporary Use Permit Ordinance, staff will conduct further research before preparing a draft Ordinance for the Planning Commission to consider, conduct a public hearing and provide a recommendation to the City Council. The City Council would consider taking final action after holding a public hearing and conducting first and second readings of the draft Ordinance.

**RECOMMENDATION**

Staff respectfully requests that the Council provide direction to staff as to whether staff should proceed with an amendment to the Temporary Use Permit Ordinance.

Attachment: Temporary Use Permit Ordinance (Zoning Ordinance Section 9678)