

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: CHARLENE GALLINA, PLANNING & BUILDING DIRECTOR

DATE: JANUARY 12, 2011

SUBJECT: CMC 2010-02 MUNICIPAL CODE AMENDMENT – SPECIAL EVENT ORDINANCE

1 **REQUEST:**
2

3 CMC 2010-02: Consideration of an amendment to Calistoga Municipal Code, initiated
4 by the City of Calistoga, amending Title 5 Business Taxes, Licenses and Regulations,
5 Title 3 Revenue, Finance, and Expenditure, specifically Chapter 3.30 Film Permits for
6 Motion Picture and Television Production and Title 17 Zoning, specifically, Section
7 17.40.050 Action – Administrative Use Permits to establish regulations for authorizing
8 Special Events occurring in the City.
9

10 **BACKGROUND:**
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12 Currently, there are various processes established by the City for regulating special
13 events, facility rentals, and other temporary events/activities in Calistoga. Such
14 processes include administrative use permits, filming and photography permits, facility
15 use permits, special event permits, parade permits and encroachment permits.
16

17 In order to eliminate confusion to customers and streamline City processes, City
18 Departments have collectively agreed that there should be one comprehensive permit
19 process for regulating all special events and temporary activities. Therefore, staff has
20 developed a Special Event Ordinance for this purpose and is requesting that the
21 Commission discuss and provide a recommendation to the City Council. It should be
22 further noted that during development of this ordinance, staff met with the Calistoga
23 Chamber of Commerce and Napa County Fairground representatives in December to
24 discuss these proposed provisions and permit process and to solicit comments on the
25 draft ordinance. As a result, suggested comments were incorporated into the draft
26 ordinance as presented herein.
27

28 At Special Meeting held on December 15, 2010, the Planning & Building Director and
29 the Aquatics and Recreation Manager presented the proposed Special Event Ordinance
30 to the Community Resources Commission. As a result of their discussion, the
31 Commission expressed support of the Ordinance as presented herein and passed a

32 motion to recommend approval of the proposed ordinance to the Planning Commission
33 and City Council.

34

35 **DISCUSSION:**

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37 As presented in Attachment 2, the proposed Special Event Ordinance has been
38 developed to provide for rules governing the issuance of permits for Special Events
39 occurring within the City. Its intent is to ensure consistency in review and application of
40 reasonable and consistent criteria for the approval of permits to allow Special Events as
41 long as those activities are consistent with the public health and safety and the
42 protection of property.

43

44 Staff is recommending the following components be included in the establishment of
45 this Special Event Ordinance:

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- 47 • Applicable to attendance of any size using City facilities or public property and
48 events attended by 20 or more people held on commercial property outside of
49 Use Permit approval as defined in CMC 17.40 Use Permits or outside of their
50 normal business operation.
- 51 • Exempts the following activities:
 - 52 ○ Governmental agency activities, including the Governmental agencies,
53 including the Napa County Fairgrounds, the Calistoga Joint Unified School
54 District, acting within the scope of their authorized function. (It should be
55 noted that the Napa County Fairgrounds Executive Director has indicated a
56 commitment to closely work with the City in coordinating review of future
57 fairground events and activities to ensure that any adverse impacts to the City
58 and/or surrounding neighborhoods are addressed accordingly and/or
59 mitigated);
 - 60 ○ Assembly organized for the purpose of exercising First Amendment rights and
61 involving a procession of persons walking on sidewalks and obeying all traffic
62 and other laws;
 - 63 ○ A special event held at a private residence; and
 - 64 ○ Special events authorized by Use Permit approval as defined in CMC 17.40.
- 65 • Requires an applicant to submit 45 days prior to the special event a formal
66 application and information for City review and action accompanied by a
67 nonrefundable permit application fee.
- 68 • Requires the administrative processing of a Special Event Permit by City staff.
- 69 • Provides findings for approval or denial.
- 70 • Provides a general listing of conditions including liability and insurance
71 requirements. It should be noted that staff will be developing standard conditions
72 based upon this general list for application to special event permit approvals.
- 73 • Provides appeal provisions on decisions of City staff.

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75 As proposed in Attachment 2, staff is also recommending an amendment to the
76 following Municipal Code provisions to modify and clearly define applicability, coordinate

77 processes, and insure consistency amongst other related regulatory provisions with the
78 proposed special event permit provisions. Such changes have been highlighted in a
79 tracked change format.

80

- 81 • Chapter 3.30 Film Permits for Motion Picture and Television Production
- 82 • Chapter 17.40.050 Administrative Use Permits

83

84 **ENVIRONMENTAL REVIEW**

85

86 This action has been reviewed pursuant to the California Environmental Quality Act
87 (CEQA) and determined that this activity is covered by the general rule that CEQA
88 applies only to projects, which have the potential for causing a significant effect on the
89 environment, and where it can be seen with certainty that there is no possibility that the
90 action being contemplated, the establishment of regulations for authorizing special
91 events occurring in the City, will have any impact on the environment (Section
92 15061(b)(3)).

93

94 **RECOMMENDATION**

95

96 Staff recommends adoption of Planning Commission Resolution PC 2011-04
97 recommending to the City Council adoption of an Ordinance that amends the Calistoga
98 Municipal Code to establish new and amend existing provisions for authorizing special
99 events occurring in the City.

100

101 **SUGGESTED MOTION**

102

103 I move that the Planning Commission adopt Resolution PC 2011-04 recommending to
104 the City Council adoption of an Ordinance that amends the Calistoga Municipal Code to
105 establish new and amend existing provisions for authorizing special events occurring in
106 the City.

107

108 **ATTACHMENTS:**

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1. PC Resolution 2011-04
2. Draft Special Event Ordinance
3. Draft CMC Revisions – Film Permits for Motion Picture and Television Production & Administrative Use Permits

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2011-04**

A RESOLUTION FORWARDING A RECOMMENDATION TO THE CITY COUNCIL FOR THE ADOPTION OF AN ORDINANCE TO ESTABLISH REGULATIONS FOR AUTHORIZING SPECIAL EVENTS OCCURRING IN CITY AND AMENDING EXISTING CALISTOGA MUNICIPAL CODE PROVISIONS FOR ENSURING CONSISTENCY AND COORDINATING PROCESSES

1
2 **WHEREAS**, currently, there are various processes established by the City of Calistoga
3 for regulating special events, facility rentals, and other temporary events/activities in Calistoga.
4 Such processes include administrative use permits, filming and photography permits, facility use
5 permits, special event permits, parade permits and encroachment permits; and
6

7 **WHEREAS**, in order to eliminate confusion to customers and streamline regulatory
8 processes, the City of Calistoga has determined that there should be one comprehensive permit
9 process for regulating all special events and temporary activities; and
10

11 **WHEREAS**, the Community Resources Commission considered the proposed Special
12 Event Ordinance and other Calistoga Municipal Code amendments at its special meeting held
13 on December 15, 2010 and recommended adoption to the Planning Commission and City
14 Council; and
15

16 **WHEREAS**, the Planning Commission considered the proposed Special Event
17 Ordinance and other Calistoga Municipal Code amendments at its regular meeting on January
18 12, 2011. Prior to taking action on the application, the Planning Commission received written
19 and oral reports by the staff, and received public testimony; and
20

21 **WHEREAS**, the Planning Commission finds that the proposed amendment to the
22 Calistoga Municipal Code as provided for in Exhibit A will help eliminate confusion to customers
23 and create one comprehensive permit process for regulating all special events and temporary
24 activities in the City of Calistoga; and
25

26 **WHEREAS**, the Planning Commission finds the proposed amendment is necessary and
27 proper for the economic well-being and overall public welfare of the community; and
28

29 **WHEREAS**, the Planning Commission has been determined this action to not be subject
30 to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA
31 Guidelines.
32

33 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning Commission
34 that, based on the above findings, the proposed amendment to the Calistoga Municipal Code
35 pertaining to establishing regulations for authorizing Special Events occurring in the City is
36 forwarded to the City Council with a recommendation of adoption.
37

38 **PASSED, APPROVED, AND ADOPTED** on January 12, 2011, by the following vote of
39 the Calistoga Planning Commission:
40

41 AYES:

42 NOES:

43 ABSENT/ABSTAIN:
44

Jeff Manfredi, Chair

45
46 ATTEST: _____

47 Kathleen Guill
48 Secretary to the Planning Commission

PROPOSED SPECIAL EVENT ORDINANCE

Purpose

It is the purpose of this chapter is to provide for rules governing the issuance of permits for Special Events occurring within the City. Its intent is to ensure reasonable and consistent criteria for the approval of permits to allow Special Events as long as those activities are consistent with the public health and safety and the protection of property.

Definitions

For the purposes of this chapter, the following words and phrases shall be defined as set forth in this section, unless it shall be apparent from the context that a different meaning is intended.

- A. "City Manager" shall mean the City Manager of the City of Calistoga or such other employee as the City Manager or his or her designee.
- B. "Special Event" means any events, farmers market, festival, stroll, fair, show, showcase, house or garden tour, concert, dance, public or private firework display, rally, racing event, auction, parade, filming activity as defined in CMC 3.30, demonstration or competition of creative athletic form, including, but not limited to music dance, theater, speech, athletic, or other visual, audio, or tactile arts or combination thereof, or other similar events or activities as determined by the City Manager, including incidental retail sales of products of such activities, on public or private property within the City with a duration of 1 to 6 consecutive days or an event series. This includes any gathering or assemblage of individuals for the purpose of observing or engaging in expressive activities within the ambit of the First Amendment of the United States Constitution and Sections 2, 3, and 4 of Article 1 of the California Constitution.
- C. "Special Event Permit" means a permit issued pursuant to this chapter.

Applicability

- A. Any assembly or congregation of persons, display, entertainment or demonstration, that is likely to meet one or more of the following criteria:
 - 1. Attendance of any size using City facilities or public property.
 - 2. Events attended by 20 or more people held on commercial property outside of Use Permit approval as defined in CMC 17.40 or outside of their normal business operation.

- 44 3. Obstructs, delays or interferes with the normal flow of pedestrian
45 or vehicular traffic, or otherwise fails to comply with traffic laws
46 and controls; or
47 4. Can reasonably be expected to become a hazard to the public
48 peace, health, safety or general welfare as determined by the City
49 Manager.

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51 **B. Exemptions.**

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- 53 1. Governmental agencies, including the Napa County Fairgrounds,
54 the Calistoga Joint Unified School District, acting within the scope
55 of their authorized function.
56 2. Assembly organized for the purpose of exercising First Amendment
57 rights and involving a procession of persons walking on sidewalks
58 and obeying all traffic and other laws.
59 3. Special Events held at a private residence.
60 4. Special Event authorized by Use Permit approval as defined in
61 CMC 17.40.
62 5. Provisions of this chapter waived by the City Council or City
63 Manager.

64

65 **Permit Required**

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- 67 A. Unless there has been obtained from the City a permit to do so or unless
68 the requirement has been exempted or waived, it shall be unlawful for any
69 person to organize, hold, manage, conduct, aid, participate in, form, start
70 or carry on, any Special Event, or cause or permit the same upon any
71 commercial property, or any public street, alley, park, or other public
72 property or facility in the City. Said permit shall be carried, and presented
73 for inspection upon demand to any employee of the City of Calistoga, by
74 person heading or leading said activity.

75

76 **Procedures**

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- 78 A. Except as otherwise provided herein, all applications for permits shall be
79 filed with the City Manager no later than (45) forty days before the
80 scheduled special event.
81
82 B. The City Manager shall, for good cause, consider an application that is
83 filed after the filing deadline if there is sufficient time to process and
84 investigate the application and obtain police and other city services for the
85 event. Good cause may be demonstrated by showing that the
86 circumstances that gave rise to the permit application did not reasonably
87 allow the participants to file an application within the time prescribed.

88 **Application Submittal Requirements**

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- A. Applications for a permit shall be made to the City Manager on forms provided by the City.
- B. For larger special events, a pre-application meeting is required with the City Manager.
- C. The application for a permit shall include the following information:
 - 1. Written proof of consent by the owners of the property where the special event is to be held;
 - 2. The name, address and telephone number of the applicant and an alternate contact person;
 - 3. The location of the event, including its boundaries and site plan drawings;
 - 4. If the proposed event is sponsored by an organization, the name, address, and telephone number of the organization, and the authorized representative of the organization;
 - 5. The nature and purpose of the event, including a list of all planned activities that are contemplated for the special event;
 - 6. The name, address and telephone number of the person(s) who will be present and in charge of the event on the day of the special event;
 - 7. Date and estimated starting and ending times of the special event, including set-up and cleanup time;
 - 8. The estimated number of participants of the special event;
 - 9. The type, location, and estimated number of vehicles, animals and temporary structures which will be engaged or involved in the special event activity;
 - 10. The type, location, and estimated number of water and/or first aid stations that will be available to serve participants of the special event;
 - 11. The type, location, and estimated number of the sanitary facilities that will be available to serve the participants of the special event;
 - 12. A description and location of any sound-amplification equipment and the times during which such equipment will be used at the special event, a sound plan that describes measures to be taken by the applicant to ensure compliance with all applicable City laws, rules and regulations regarding amplified sound and music, sound contact person during event activities;
 - 13. Whether any food or nonalcoholic beverages will be sold or consumed at the special event and, if so, proof of compliance with all applicable local, state and federal laws, rules and regulations, including proof that the applicant has obtained all necessary permits;

- 133 14. Whether any alcoholic beverages will be sold or consumed at the
134 event and, if so, proof of compliance with all applicable laws, rules
135 and regulations of the California Department of Alcoholic
136 Beverages Control;
- 137 15. Expected parking requirements and parking plan for the special
138 event;
- 139 16. Required California Department of Transportation encroachment
140 permit if event is being held on a State highway;
- 141 17. Required Napa County encroachment permit if event is being held
142 on a County roadway;
- 143 18. The plan for cleanup after the special event, including any contracts
144 to effectuate the cleanup;
- 145 19. Proof of event, liquor and general liability and property insurance.
146
- 147 D. Supplemental Information. The applicant shall provide any supplemental
148 information that, under the particular circumstances of the special event,
149 the City Manager finds reasonably necessary to determine whether to
150 approve or conditionally approve a permit application.
151
- 152 E. Each application shall be accompanied by a nonrefundable permit
153 application fee in the amount set by City Council resolution. This non-
154 refundable fee shall cover the actual costs of processing and investigating
155 special events applications and administering the special events permit
156 program.
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158 **Permit Approval or Denial**

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- 160 A. The application for a Special Event permit shall be approved or denied
161 within fifteen (15) calendar days of receipt of a completed application. The
162 permit shall be approved by the City unless, based on any of the following
163 criteria and/or considerations, denial of the permit would be in the best
164 interest of the City:
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- 166 1. The Special Event will substantially disrupt the use of a street at a
167 time when it is usually subject to traffic congestion, or potentially
168 interfere with the operation of emergency vehicles in the proposed
169 special event area;
 - 170 2. The location of the Special Event will substantially interfere with
171 street maintenance work, or a previously authorized excavation
172 permit;
 - 173 3. The location of the Special Event is on City owned property and the
174 event will substantially interfere with municipal functions, or other
175 previously authorized activities on City property;
 - 176 4. The Special Event creates a substantial risk of injury to persons or
177 property;

- 178 5. The applicant failed to complete the application after being
179 requested to do so, or the information contained in the application
180 is found to be false in any material detailed;
181 6. The particular activity associated with the Special Event would
182 violate federal, state or local law(s) including license or permit
183 requirements;
184 7. The Special Event would pose a potential threat to the health,
185 safety and welfare of the City's population;
186 8. Past history which resulted in hazards in public health, safety and
187 welfare, falsified information, and improper conduct.
188
- 189 B. When the grounds for permit denial can be corrected by imposing
190 reasonable conditions, the City Manager may impose such conditions
191 rather than denying the permit.
192

193 **Permit Conditions**

- 194
- 195 A. A permit issued pursuant to this Chapter shall prescribe the day(s), hours,
196 and location of the event in addition to any conditions of operation which
197 may be necessary or convenient to insure the public health, safety or
198 welfare including, but not limited to:
199
- 200 1. Requirements for the presence of Calistoga Police, Fire, Public
201 Works or Community Resources employees, or private security
202 personnel at the applicant's expense;
 - 203 2. Requirements concerning the posting of no parking signs and
204 placement of other traffic control devices at the applicant's
205 expense;
 - 206 3. Adequate, safe parking and staging areas for the participants;
 - 207 4. Arrangements for emergency services and sanitation facilities for
208 participants;
 - 209 5. Restrictions on the use of gunfire, explosives, pyrotechnics or other
210 hazardous devices;
 - 211 6. Restrictions on the use of noise generating equipment, including
212 maximum decibel levels and duration of use of any amplified sound
213 system equipment;
 - 214 7. Restrictions of hours of activity;
 - 215 8. Requirements concerning notice to affected adjacent property
216 owners of the Special Event;
 - 217 9. Other matters which may significantly affect the safety or welfare of
218 event participants and the general welfare;
 - 219 10. Private and public insurance and indemnification requirements as
220 outlined in Section X.XX.XXX of this chapter.
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- 222 C. The City Manager is authorized to modify the permit on, before, or during
223 the Special Event to insure the public health, safety, or welfare.

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- D. The City Manager is authorized to require immediate modification or termination of the Special Event if any of the conditions imposed upon the permit pursuant to Section X.XX.XXX of this chapter are violated, or found to be insufficient by appropriate City employees while the Special Event is in progress.

Public Liability and Insurance Requirements

- A. Indemnification of the City.
 - 1. As a condition of issuance, the approved permittee, agrees to indemnify, hold harmless, release and defend (even if the allegations are false, fraudulent, or groundless) to the maximum extent allowed by law, the City Manager, the City of Calistoga, its City Council, and each member thereof, and its officers, employees, advisory board members and representatives, from and against any and all liability, loss, suits, claims, damages, costs, judgments and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, arise out of, or are claimed to result from or to arise out of any acts, negligence, errors, or omissions of approved applicant, its employees, representatives, contractors, subcontractors, or agents by reason of or arising out of, or in any matter connected with, any and all acts, operations, privileges authorized, allowed or undertaken pursuant to the use approval under their ordinance including, without limitation, any condition or property used in operations.
 - 2. This agreement of indemnity includes, but is not limited to, personal injury, (including death at any time) and property or other damage sustained by any person or persons (including, but not limited to, companies, corporations, approved applicant and its employees or agents, and members of the general public).
 - 3. As a further condition of issuance of the approval, the approved permittee covenants not to sue the City Manager or designee, City, its City Council and each member thereof, and its employees, agents and representatives and shall cause its insurers to waive subrogation against the same with respect to any action, claim or demand in any way resulting from or connected with any or all undertakings and operations conducted pursuant to the permit approval.
- B. Liability insurance. The approved permittee shall be required to have comprehensive general liability insurance providing for the following limits naming the City of Calistoga an additional insured in an amount not less

270 than one million dollars (\$1,000,000). If alcohol is to be sold or served,
271 insurance coverage must include Liquor Liability.
272

- 273 C. A copy of the indemnification, policy or a certificate of insurance along with
274 all necessary endorsements along with a separate endorsement page
275 naming the City of Calistoga, including its electives and appointive boards,
276 commissioners, officers, agents and employees, as additionally insured for
277 the duration of the scheduled event must be filed with the City with the
278 special event application pursuant to Section X.XX.XXX of this chapter.
279

280 Fees

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282 A. A special event permit application processing fee shall be established by
283 City Council resolution.
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285 B. A schedule of fees and deposits for required City services and use of City
286 property shall be established by City Council Resolution. The applicant
287 shall prepay such fees and/or deposit funds as determined by the City to
288 be appropriate within fifteen (15) days prior to the Special Event.
289
290 C. Any additional fees incurred at the event will be billed back to the applicant
291 within fifteen (15) days and due to the City within forty-five (45) days from
292 the event.
293

294 Appeals

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296 Any decision on a special event permit pursuant to the provisions of this
297 chapter may be appealed to the City Manager and/or the City Council pursuant to
298 CMC Chapter 1.20 Appeals.
299

300 Interfering with Special Events

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302 No person shall, without consent of the permittee, join or participate in the
303 Special Event, or in any manner interfere with its progress or orderly conduct.
304

305 Violation Penalties

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307 Persons who violate any provisions of this chapter or who otherwise fail to
308 comply with any of the requirements herein shall be subject to penalties as
309 prescribed in CMC Chapter 1.08 General Penalty.
310

Proposed Calistoga Municipal Code Revisions

Title 3 Revenue, Finance, and Expenditure

Chapter 3.30

Film Permits for Motion Picture and Television Production

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2 **3.30.010 Purpose of chapter.**
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4 It is the purpose of this chapter to provide for rules governing the issuance
5 of permits for filming activities on location within the City. The intent of this
6 chapter is to ensure that motion picture, television, commercial and nontheatrical
7 filming companies will be encouraged to use locations for filming activities within
8 the City so long as those activities are consistent with the public health and
9 safety and the protection of property. (Ord. 454, 1990).

10
11 **3.30.020 Definitions**
12

13 As used in this chapter:
14

15 A. "Filming activity" shall mean the filming, videotaping, photographing or
16 other similar process conducted for the making of motion pictures, television
17 programs, commercial and nontheatrical film productions.

18 B. "Film permit" shall mean written authorization from the City Manager to
19 conduct the filming activity described in the permit.

20 C. "News purposes" shall mean a filming activity conducted for the purpose of
21 reporting on persons or events which are in the news for television and other
22 news services.

23 D. "Studio" shall mean a fixed place of business where filming activities are
24 regularly conducted upon the premises. (Ord. 454, 1990).
25

26 **3.30.030 Permit required.**

27 It is unlawful to conduct a filming activity as defined in CMC 3.30.020(A)
28 without first obtaining a film permit from the City pursuant to the procedures set
29 forth in CMC X.XX.XXX Special Events. (Ord. 454, 1990).
30

31 **3.30.040 Permit exemptions.**

32 The provisions of this chapter shall not apply to the following activities:
33

34 A. Film activities conducted for news purposes as defined in CMC
35 3.30.020(C);

36 B. Filming activities conducted in a studio as defined in CMC 3.30.020(D);

37 C. Filming activities conducted for use in a criminal investigation or civil or
38 criminal proceedings. (Ord. 454, 1990).
39
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41 **3.30.050 Permit issuance and fees.**

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43 Permits shall be issued by the City pursuant to the provisions adopted
44 from time to time by the Council, by resolution. Fees shall be as set forth in said
45 resolution as adopted by the Council from time to time. (Ord. 454, 1990).

46
47 **3.30.060 Appeals.**

48
49 The permit applicant may appeal a permit denial, permit condition or
50 permit revocation, or refusal to waive a deadline, under this chapter by filing an
51 appeal, within five days of the date of denial, or other action on the permit
52 application, with the City Clerk. (Ord. 454, 1990).

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55 **Title 17 Zoning**

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57 **Chapter 17.40**
58 **Use Permits**

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60 **17.40.050 Action – Administrative use permits.**

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62 A. Administrative use permits shall be required for uses that are limited in
63 scope or of a temporary nature. An administrative use permit shall be required
64 for the following uses:

- 65
66 ~~1. Artisans, arts and crafts display and sales;~~
67 ~~2. Car shows, antique and specialty;~~
68 3-1. Holiday or other seasonal events and sales lots for a duration of 7 or
69 more consecutive days, such as Christmas trees, pumpkin patches
70 and the like;
71 ~~4. Farmer's markets;~~
72 ~~5. Festivals, exhibits and special events;~~
73 6-2. Outdoor bicycle rentals in conjunction with an established retail sales
74 operation;
75 3. Outdoor dining in conjunction with an established restaurant operation;
76 4. Live entertainment, outdoor with nonamplified instruments in
77 conjunction with an established business operation.
78 5. Other temporary uses conducted on private property and not subject to
79 provisions provided in CMC X.XX.XXX Special Events, as determined
80 by the Director of Planning and Building.

81
82 B. The Director of Planning and Building shall adopt findings and approve,
83 conditionally approve or deny an administrative use permit.