

PUBLIC HEARING PROCESS

The Temple City Planning Commission is composed of 5 members appointed by the City Council. The Planning Commission meets on the 2nd and 4th Tuesdays of each month at 7:30 p.m. to review Tentative Tract/Parcel Maps, General Plan Amendments, Zone Changes, Conditional Use Permits, Zone Variances and some Property Nuisance Cases. After the applicant has submitted all the necessary information to the Community Development Department, the matter is noticed for a public hearing. At the public hearing:

- A. The members of the Planning Commission will disclose any conflict of interest, predetermination, personal information, which he/she will consider relevant.
- B. The Staff presents a report to the Planning Commission consisting of the facts of the case, and the environmental impacts; and many times shows a videotape of the property in question. Staff then makes a recommendation of disapproval or approval together with conditions.
- C. The applicant then presents his/her case to the Planning Commission.
- D. The hearing is opened to the public to speak either for or against the proposal. Each speaker should limit his/her remarks to five (5) minutes (unless the Chairman grants an extension), repetitive comments should be avoided, and all comments must be relevant to the issues on the reverse side.
- E. The applicant is given an opportunity to respond to the public comments, but may not introduce new information. The hearing is closed and the public is not longer allowed to comment.
- F. The Planning Commission considers the Staff report and public input, discusses the issues, and either approves, denies or continues the request and the environmental review by the adoption of the Resolution. Decisions on Zone Variances and Conditional Use Permits are final unless appealed to the City Council. Action on nuisances, Tentative Tract/Parcel Maps, Zone Changes and General Plan Amendments are acted upon and recommended to the City Council for another public hearing. At the City Council hearings, the public is once again allowed to comment on the proposal.

THE PLANNING COMMISSION MUST MAKE REQUIRED FINDINGS BASED UPON THE FOLLOWING SUBSTANTIAL EVIDENCE.

When applying for a **VARIANCE**, the applicant must show that the following conditions prevail:

That there are exceptional and extraordinary circumstances or conditions applicable to the property involved or to the intended use of such property which do not generally apply to other properties in the same zone; and

That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property similarly situated, but which is denied to the property in question; and

That the granting of the variance will not adversely affect the General Plan nor the purpose and intent of the provisions of this Chapter; nor be materially detrimental to the public welfare or injurious to neighboring properties.

When applying for a **CONDITIONAL USE PERMIT**, the applicant must show that the following conditions prevail:

That the site for the proposed use is adequate in size, shape, topography and circumstances; and

That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use; and

That the proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent property or upon the public welfare.

APPEAL PROCESS:

The applicant and/or any member of the public has the right to appeal a decision made by the Planning Commission to the City Council when it is believed that decision was made in error, but new information may result in the matter being reheard by the Planning Commission. If filing an appeal, it is necessary to fill out appropriate forms and pay fees related thereto. Details may be obtained from the Community Development Department.

DEFINITIONS OF PLANNING TERMS:

CONDITIONAL USE. A use that may locate in certain zoning districts provided it will not be detrimental to the public health, safety and welfare and will not impair the integrity and character of the zoned district. The Planning Commission either approves subject to conditions or denies such uses. Each application is considered on its individual merits.

GENERAL PLAN. A legal document in the form of a map and accompanying text adopted by the local legislative body. The plan is a compendium of its policies regarding the long-term development of its jurisdiction. It is sometimes called a city plan, comprehensive plan or master plan.

NONCONFORMITIES. Lots, structures, uses of land and structures, and characteristics of uses, which are prohibited under the terms of the current Zoning ordinance but were lawful at the date of the previous ordinance's enactment. While ordinances permit legal nonconformity and they do not permit the extension or enlargement of nonconforming uses.

VARIANCE. A device which grants a property owner relief from certain provisions of a Zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the reasonable inconvenience or desire to make more money. A variance may be granted, for example, to reduce yard or setback requirements, or the number of parking or loading spaces. Authority to decide variances is vested in the Planning Commission. Variances for permitted uses are not allowed.

NUISANCE. A public nuisance is any activity that the Planning Commission finds unreasonably interferes with the customary peace, value, quiet, enjoyment or aesthetic concerns of a neighborhood.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). A State statute that requires the City to study the environmental impacts of approving certain uses.