

ORDINANCE NO. 1690

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING PORTIONS OF CHAPTERS 17.88 (DEFINITIONS), 17.28 (SPECIAL USES), 17.16 (APPLICATIONS), AND 17.12 (DEVELOPMENT REVIEW PROCESS) OF THE ZONING ORDINANCE TO UPDATE PERMITTING REQUIREMENTS FOR SMALL CELL FACILITIES

WHEREAS, the City of San Clemente, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, pursuant to the laws of the State of California, the City has the authority to adopt such ordinances as it deems necessary and appropriate to assure good government in the City, to protect and preserve the City's rights, property and privileges, and to preserve peace, safety and good order; and

WHEREAS, the City deems it to be necessary and appropriate to provide for certain standards and regulations relating to the location, placement, design, construction and maintenance of telecommunications towers, antennas and other structures within the City including in public rights-of-way, in public utility easements, and on private streets, and providing for the enforcement of said standards and regulations, consistent with federal and state law limitations on that authority.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of the City of San Clemente:

SECTION 1. The foregoing Recitals are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. Amendment. The City Code Chapter 17.88 is hereby amended to add the following definitions:

"Base Station" has the same meaning as set forth in 47 C.F.R. Section 1.6100(b)(1), or any successor provision.

"Eligible Facilities Request" has the same meaning as set forth in 47 C.F.R. Section 1.6100(b)(3), or any successor provision.

"Personal Wireless Services" has the same meaning as set forth in 47 U.S.C. Section 332(c)(7)(C)(i).

"Public Right-of-Way, or ROW" means the improved or unimproved surface or subsurface of any public street, or similar public way of any nature, dedicated or improved for vehicular, bicycle, and/or pedestrian related use. The ROW includes public streets, roads, lanes, alleys, sidewalks, medians, parkways, public utility easements, and landscaped lots.

"Small Cell Facility" has the same meaning as "small wireless facility" in 47 C.F.R. 1.6002(l), or any successor provision (which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below):

(1) The facility—

(i) is mounted on a structure 50 feet or less in height, including antennas, as defined in 47 C.F.R. Section 1.1320(d), or

(ii) is mounted on a structure no more than 10 percent taller than other adjacent structures, or

(iii) does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facility does not require antenna structure registration under 47 C.F.R. Part 17;

(5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x); and

(6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b)."

"Support Structure" means any structure capable of supporting a base station.

"Tower" means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for personal wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

"Wireless Permit" means a permit issued pursuant to Section 17.16.075 authorizing the placement or modification of a small cell facility of a design specified in the permit at a particular location within the City.

"Wireless Telecommunications Facility" means the transmitters, antenna structures and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s)."

SECTION 3. Amendments to the San Clemente Municipal Code Chapter 17.28. The San Clemente Municipal Code Section 17.28.240 is hereby amended as set forth in Exhibit A, attached hereto.

SECTION 4. Amendments to the San Clemente Municipal Code Chapter 17.16. The San Clemente Municipal Code Chapter 17.16 is hereby amended to add Section 17.16.075, which is set forth in Exhibit B, attached hereto.

SECTION 5. Amendments to the San Clemente Municipal Code Chapter 17.12. The City San Clemente Municipal Code Chapter 17.12 is hereby amended as set forth in Exhibit C, attached hereto.

SECTION 6. The City Manager, or his or her delegate, is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 7. **CEQA.** This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a "project" within the meaning of State CEQA Guidelines section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt from CEQA because the City Council's adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City will have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City will conduct preliminary review under CEQA at that time. Moreover, in the event that the Ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines section 15302 (replacement or reconstruction), State CEQA Guidelines section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines section 15304 (minor alterations to land). The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Orange within five working days of the passage and adoption of the Ordinance.

SECTION 8. **Severability.** If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision,

sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid, and enforceable.

SECTION 9. The City Clerk shall certify to the passage of this Ordinance and publish the same in the manner required by law, and this Ordinance shall take effect as provided by law.

APPROVED AND ADOPTED this 18th day of February, 2020.

ATTEST:

[Signature]
City Clerk of the City of
San Clemente, California

[Signature]
Mayor of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1690 having been regularly introduced at the meeting of February 4, 2020, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the 18th day of February, 2020, and said ordinance was adopted by the following vote:

AYES: FERGUSON, WARD, MAYOR BANE
NOES: HAMM, JAMES
ABSTAIN: NONE
ABSENT: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 12th day of March, 2020.

[Signature]
CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

Exhibit A

17.28.240 - Public Utilities.

- A. Purpose and Intent .** The purpose of this section is to ensure that public utility facilities, such as substations or reservoirs, and antennas (other than satellite antennas and antennas on City property, which are regulated elsewhere) are located and built in a manner which is compatible with adjacent uses. An additional purpose of this section is to define the review process for public utilities initiated by the City and those initiated by outside agencies. Please refer to Section 17.28.070, Antennas on City Property, and Section 17.28.080, Satellite Antennas, for regulations for other types of antennas.
- B. Review Requirements .**
1. **City Projects.** For the required review process for City-initiated public utility projects, please refer to the City's Public Works Department policy on the review of capital improvement projects.
 2. **Projects Initiated by Outside Agencies/Applicants.**
 - a. Major utilities shall require the approval of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits. Major utilities shall include, but shall not be limited to, reservoirs, utility substations, including electrical distribution and transmission substations, and above-ground pump stations, such as sewage and potable water system pump stations, antennas (other than satellite antennas, antennas on City property, and small cell facilities) and similar facilities. If the installation of the antenna is stealth, as determined by the City Planner, then the process is administrative and no Conditional Use Permit is required. The standards in Subsection (C)(1), Minimum Standards for Projects Initiated by Outside Agencies, Major Utilities, shall apply to major utilities initiated by outside agencies. The City Engineer shall be responsible for determining whether a utility is major.
 - b. Minor utilities shall be permitted outright, subject to the concurrent review requirements found in Section 17.12.090, Consideration of Concurrent Applications. Minor utilities shall include, but shall not be limited to, below-ground pump stations, stand pipes, and transformers. The standards in Subsection (C)(2), Minimum Standards for Projects Initiated by Outside Agencies, Minor Utilities, shall apply to minor utilities initiated by outside agencies. The City Engineer shall be responsible for determining whether a utility is minor.
 - c. Public utility distribution and transmission line towers and poles, and underground facilities for distribution of gas, water, telephone and electricity shall be allowed in all zones without obtaining a Conditional Use Permit. However, all routes and heights of proposed electric transmission systems of 69 KV and over, telephone main trunk cables, from one central office to another and water or gas transmission mains which are above ground, shall be located in conformance with the General Plan of the City.
 - d. Small cell facilities shall require the approval of a Wireless Permit in accordance with Section 17.16.075.
 3. **Modifications to Existing Antenna Facilities.** The City Planner shall review and decide on requests to modify existing wireless towers or base station structures that support antennas, transceivers, or other related equipment. This includes the addition and removal of wireless transmission equipment such as the co-location of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment. Modifications shall not substantially change the physical dimensions of the wireless tower or base station, as defined by the Federal Communications Commission. The City Planner may approve projects that meet minimum standards in Section 17.28.070(D)(5).

C. Minimum Standards for Projects initiated by Outside Agencies.

1. Major Utilities.
 - a. Compatibility. All buildings, structures and landscaping shall be visually compatible with surrounding development.
 - b. Development Standards. The standards for major utilities shall be determined through the Conditional Use Permit process.
 - c. Location. Please refer to the permitted and conditional use tables in Chapters 17.32, Residential Zones and Standards through 17.48, Public Zones and Standards.
2. Minor Utilities.
 - a. Compatibility. All minor utilities shall be placed underground or shall be screened in accordance with Section 17.24.050, Building Equipment and Services and Their Screening.
 - b. Development Standards. Minor utilities shall comply with the standards for ground-mounted equipment in Section 17.24.050, Building Equipment and Services and Their Screening.
 - c. Location. Please refer to the permitted and conditional use tables in Chapters 17.32, Residential Zones and Standards through 17.48, Public Zones and Standards.
 - d. Parking. The parking requirements for a public utility use such as an electric distribution and transmission substation, public utility service yard or similar use may be waived or modified, subject to the approval of a Conditional Use Permit in accordance with Section 17.16.060, Conditional Use Permits, upon a finding that the use requires no full-time or permanent employees.
3. Modifications of Existing Wireless Towers or Base Station Structures. Refer to Section 17.28.070(D)(5) for minimum standards that apply to modifications of existing wireless towers or base station structures.
4. Small Cell Facilities.
 - a. Design and Development Standards. The design and development standards, which contain aesthetic and location criteria for small cell facilities shall be adopted by Resolution of the City Council.

(Ord. 1304 § 21, 2005; Ord. 1172 § 3 (part), 1996)

(Ord. No. 1594, § 3(Exh. A, § 30), 5-5-2015)

Exhibit B

17.16.075 – Wireless Permits.

- A. **Purpose and Intent.** It is the purpose of this Section to establish a process for managing, and uniform standards for acting upon, requests for the placement of Small Cell Facilities consistent with the City's obligation to promote the public health, safety, and welfare, and to manage the public rights-of-way, and to ensure that the public is not incommoded by the use of the public rights-of-way for the placement of wireless facilities. The City recognizes the importance of wireless facilities to provide high-quality communications service to the residents and businesses within the City, and the City also recognizes its obligation to comply with applicable Federal and State law regarding the placement of personal wireless services facilities.
- B. **Authority.**
1. The City Planner is the reviewing authority for applications to install or modify small cell facilities in the City. The City Planner shall make decisions on such applications and has the authority to, among all other actions related to the processing of applications, issue application forms and materials and issue conditions of approval for a wireless permit. If the City Planner determines that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations, then the applicable requirements of this Code and any related design and development standards may be waived, but only to the minimum extent required to avoid the prohibition or violation.
 2. Any person may appeal the City Planner's decision to the Community Development Director. Notwithstanding Section 17.12.140(A)(2)(a), all appeals must be filed within three (3) business days of the written decision of the City Planner, unless the Community Development Director extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law. The appeal must be filed with a short and plain statement about the basis for the appeal, which may be supplemented after the appeal period has expired but before the appeal decision. Appeals of an approval shall not be permitted when based solely on the environmental effects from radiofrequency emissions that are compliant with applicable FCC regulations and guidelines. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the personal wireless services facility. The Community Development Director may decide the issues *de novo*. Notwithstanding Section 17.12.140(A)(1)(a), the Director's written decision will be the final decision of the City. Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law.
- C. **Applicability.**
1. In general.
 - a. There shall be a type of permit entitled a "Wireless Permit," which shall be subject to all of the requirements of this Section and other applicable portions of the Code. Unless exempted, every person who desires to place a small cell facility must obtain a Wireless Permit authorizing the placement or modification in accordance with this Code.
 - b. All facilities with pending applications as of the effective date of the ordinance codified in this Section shall be subject to and comply with all provisions of this Section and other applicable portions of the Code, including the design and development standards adopted pursuant to Section 17.28.240(C)(4)(a).
 2. Exemptions. This Section does not apply to: (a) The placement or modification of facilities by the City or by any other agency of the state solely for public safety purposes; or (b) Installation of a "cell on wheels," "cell on truck" or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.

3. Other applicable requirements. In addition to the Wireless Permit required herein, the placement of a small cell facility in the City requires the persons who will own or control those facilities to obtain all permits required by applicable law, and to comply with applicable law, including, but not limited, applicable law governing radio frequency (RF) emissions.
- D. Application Filing.** Applicant shall submit in person a paper copy and an electronic copy of any application, amendments, or supplements to an application, or responses to requests for information regarding an application to: City of San Clemente City Planner, at 910 Calle Negocio, San Clemente, 92673.
1. Pre-submission meeting. Prior to filing an application for a wireless permit, an applicant is encouraged to schedule a pre-application meeting with the City Planner to discuss the proposed facility, the requirements of this Code, and any potential impacts of the proposed facility.
 2. Application content. An applicant shall submit an application on the form approved by the City Planner, which may be updated from time-to-time, but in any event shall require the submission of all required fee(s), documents, information, and any other materials necessary to allow the City Planner to make required findings and ensure that the proposed facility will comply with applicable federal and state law, the City Code, and will not endanger the public health, safety, or welfare. If no form has been approved, applications must contain all information necessary to show that applicant is entitled to the wireless permit requested, and must specify whether the applicant believes state or federal law requires action on the application within a specified time period.
 3. Fees: Application fee(s) shall be required to be submitted with any application for a Wireless Permit. The City Council is hereby authorized to determine, or cause to be determined, the amount, type, and other terms of such fee(s) from time to time by means of resolution. Notwithstanding the foregoing, no application fee(s) shall be refundable, in whole or in part, to an applicant for a Wireless Permit unless paid as a refundable deposit.
 4. Incompleteness. Wireless permit applications will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, the City Planner shall notify the applicant in writing specifying the required material omitted from the application.
 5. Automatic withdrawal of incomplete applications. Any application for a wireless permit shall be automatically deemed withdrawn by the applicant when the applicant fails to submit a substantive response to the City Planner within 90 calendar days from the date the application is deemed incomplete by written notice. For purposes of implementing this section, "substantive response" must include, at a minimum, the materials identified as incomplete in the written incomplete notice, and a written response to each comment included in the incomplete notice.
- E. Requests for Exceptions.**
1. Generally. If the applicant demonstrates that the strict application of this Section would result in the effective prohibition of personal wireless service or otherwise violate state or deferral law, an exception may be granted by the City to the standard or standards causing the effective prohibition, but only to the minimum extent required to avoid the prohibition or violation; all other provisions, standards, and criteria would remain in effect.
 2. Burden of proof. The applicant shall have the burden to prove to the City that the exception should be granted.
 3. Timing of request. Requests for exception made by the applicant may only be made at the time of initial application.
- F. No Public Hearing; Public Notice; and Appeal Provisions.**
1. There are no public hearings for applications for Wireless Permits.
 2. A Notice of Application shall be mailed by the City to all property owners within 300 feet of the subject site no more than 10 calendar days following submittal of an application for a Wireless

Permit. The Notice of application shall contain the precise location and description of the proposed facility. The Notice of Application shall also contain a description of the administrative process for determinations on Wireless Permits.

3. The City may, in its discretion, send a courtesy notice of the date a decision on a Wireless Permit application will be rendered by the reviewing authority at least 10 calendar days in advance of the decision date to the applicant and to all property owners within 300 feet of the subject site. Decisions will be posted on the City's website the date that the decision is rendered. Notices pursuant to this section shall be provided both for the decision on an application as well as any appeal decision.
4. The reviewing authority's decision may be appealed per Section 17.16.075(B)(2).

G. Required Findings; Decisions; Consultants.

1. Findings Required for Approval.
 - a. The City Planner or Community Development Director, as the case may be, shall approve an application for a Wireless Permit if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:
 - i. The proposed project complies with all applicable Design and Development Standards or findings have been made for an exception;
 - ii. The proposed project is in a preferred location, or the findings have been made for an exception;
 - iii. The proposed project fits within the definition of "small cell facility;"
 - iv. The applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to radiofrequency emissions; and
 - v. The required notice(s) have been given in accordance with this title.
 - b. For requests for exceptions to the small cell Design and Development Standards, the City Planner or Community Development Director, as the case may be, shall approve a request for exception if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:
 - i. A denial of the facility based on the application's noncompliance with a specific provision or requirement would violate state law, federal law, or both; and
 - ii. That the exception deviates from this Section and/or the Design and Development Standards to the least extent necessary to prevent a violation of federal or state law or both.
2. Decisions. Decisions on an application by the City Planner or Community Development Director shall be in writing and include the reasons for the decision. Decisions shall be posted on the City's website and mailed to the applicant. Decisions on appeals shall also be mailed to the person or entity who appealed the decision, if different than the applicant.
3. Independent Consultants. The City Planner or Community Development Director, as the case may be, is authorized, in its discretion, to select and retain independent consultant(s) with expertise in telecommunications in connection with the review of any application under this Section. Such independent consultant review may be retained on any issue that involves specialized or expert knowledge in connection with an application, including, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.

- H. Conditions of Approval.** The City Planner or Community Development Director, as the case may be, shall impose conditions on all permits granted pursuant to this Section. A list of standard conditions for Wireless Permit approvals is maintained by and available from the Planning Division.

Exhibit C

Amendment. Add a row to Table 17.12.020, as is shown below:

Permit Application	Final Authority	Public Hearings
Wireless Permit	City Planner	No

17.12.140 - Appeals of an Action.

A. Appeals by the Public.

1. Right to Appeal.

- a. Decisions of the Community Development Director or City Planner. Any person may appeal a decision of the Community Development Director and/or City Planner, except for a decision on a Wireless Permit, to the Planning Commission. The Planning Commission's decision may be appealed to the City Council, whose decision shall be final. Appeals of decisions of the City Planner on Wireless Permits are governed by Section 17.16.075(b)(2).
- b. Decisions of the City Manager on City Antenna Permits. Any person may appeal a decision of the City Manager on City Antenna Permits to the Planning Commission. The Planning Commission's decision may be appealed to the City Council, whose decision shall be final.
- c. Decisions of the Zoning Administrator, or Planning Commission. Any person may appeal a decision of the Zoning Administrator or Planning Commission to the City Council. The City Council's decision on the appeal shall be final.

2. Time Limits for Filing an Appeal.

- a. Decisions of the Community Development Director or City Planner. Except for appeals on Wireless Permit decisions, an appeal of a decision made by the Community Development Director or City Planner shall be filed with the Planning Division within 10 consecutive calendar days following the decision sought to be appealed. Appeals of decisions of the City Planner on Wireless Permits are governed by Section 17.16.075(b)(2).
- b. Decisions of the City Manager on City Antenna Permits. An appeal of a decision made by the City Manager on a City Antenna Permit shall be filed with the Planning Division within 10 consecutive calendar days following the decision sought to be appealed.
- c. Decisions of the Zoning Administrator or Planning Commission. An appeal of the decision of the Zoning Administrator, or Planning Commission shall be filed in the office of the City Clerk or with the City Planner within 10 consecutive calendar days following the decision sought to be appealed.
- d. Calculation of the Appeal Period. For the purpose of calculating the appeal period, the first day of the appeal period shall be the day immediately following the day on which the decision occurred. Other than appeals on Wireless Permits, the final day of the appeal period shall be the tenth calendar day following the first day of the appeal period, at 5:00 p.m. If the last day to appeal falls on a holiday or on a Saturday or Sunday, the following business day shall be deemed the last day to appeal.

3. Method of Appeal. Appeals shall be in writing on a form obtained from the Planning Division or City Clerk. The appellant shall State the specific reasons for the appeal. Appeal applications shall include the required fee and public notifications materials. Unless otherwise provided for in Table 17.12.100, Public Hearing Requirements, of this chapter public notification materials shall consist of postage pre-paid envelopes addressed to each person owning property within 300

feet of the property which is the subject of the appeal, as such names appear on the latest County equalized tax assessment role.

B. Appeals by the City Council.

1. **Right to Appeal.** The City Council may appeal any decision of the Zoning Administrator or Planning Commission by calling up the decision for consideration by the City Council, in accordance with Subsection (B)(3) of this section.
2. **Time Limits for Appealing a Decision.** An appeal by the City Council shall be made by the time the City Council receives and files the official transmittal of the decision on an application, through minutes, action memorandum or otherwise, by the body having original jurisdiction over the matter.
3. **Method of Appeal.** Appeals by the City Council shall be by a majority vote of the City Council at a regular or adjourned regular City Council meeting.

C. Public Notice of the Appeal. Notice of the public hearing on the appeal shall be provided as required in Section 17.12.100, Public Hearing and Notification, of this title. As indicated in Subsection (D) of this section, Time Limit for Hearing an Appeal, stamped envelopes for mailing the public hearing notices shall be provided by the appellant.

D. Time Limit for Hearing an Appeal. Public hearings on appeals shall be held within 60 days of the City Clerk or Planning Division's receipt of a completed appeal application. The City Clerk shall notify the applicant, in writing, of the date established for the public hearing within 10 days of receipt of a completed appeal application. The appellant, or applicant if the City Council is the appellant, must provide the City with stamped envelopes for public notification, by 20 days prior to the scheduled hearing on the appeal, or the appeal shall be taken off the City Council's calendar and the appellant shall have waived any and all rights to such appeal.

E. Scope of Review. The body hearing the appeal shall not be limited to the issues raised on the appeal, but rather shall be entitled to review new evidence and to consider all elements of the appealed action. At the close of the public hearing on the appeal, the appellate body may reverse, affirm, revise or modify original action on the application being appealed.

F. Effective Date of Appealed Actions. Please refer to Section 17.12.130, Effective Date of Decision on an Action, of this chapter, Effective Date of Decision.

(Ord. 1172 § 3 (part), 1996)