



## CONDITIONAL USE PERMIT OR REVISION TO EXISTING CONDITIONAL USE PERMIT

The Conditional Use Permit (CUP) procedure provides for uses that are:

- Necessary or desirable for the development of the community or region but cannot readily be classified as permitted uses in individual districts by reason of uniqueness of size, scope, or possible effect on public facilities or surrounding uses; or
- Appropriate as accessories to the development of neighborhoods or the community; or
- Appropriate uses in the districts in which they are listed as permitted subject to a conditional use permit, but requiring specific consideration of the proposed use or development.

Furthermore, any proposed change which substantially intensifies occupancy or land coverage on a site may require a revision to an existing conditional use permit.

In completing the CUP application, you should take particular care in answering the "Burden of Proof" statements (attached). The "Burden of Proof" statements refer to the four findings which the Planning Commission has to make in order to grant a CUP. It is very important that these questions be answered thoroughly and accurately. By so doing, you will enable the Staff and Planning Commission to better assess the merits of your proposal. If you have any questions about the "Burden of Proof" statements, please contact one of our staff planners.

Also, please make certain to complete and submit the attached Environmental Information and Checklist Form. The Checklist will be used by staff to determine whether the proposed project warrants an exemption from the California Environmental Quality Act (CEQA). If not exempt, a formal Environmental Assessment application (Initial Study/Negative Declaration <sup>1</sup> or Environmental Impact Report<sup>1</sup> + Trust Deposit for an EIR<sup>1</sup>) will be required.

### \* IMPORTANT \*

- When you are ready to file your application, make certain the entire application is completed and that you have all the required materials. OTHERWISE, THE APPLICATION CANNOT BE ACCEPTED FOR FILING.
- Notice: CC&R's are private restrictions or agreements. Therefore the City is not responsible for a property owner's compliance with any CC&R's that may govern their property and the City does not enforce private CC&R's. The City recommends that property owners review their title report to see if any CC&R's govern their property and if so, consult such CC&R's prior to submittal of their application. Additionally, property owners should review their title report for any other private property restrictions (Deed Restriction, Private Easement, etc.) that may govern their property.

<sup>1</sup> Please refer to the City's Master Schedule of Fees for Planning Division application fees.

**Required Submittal Materials:**

Residential Planning Application, completed and signed by the property owner

Burden of Proof Statements

Environmental Information and Checklist Form

Three (3) copies of site plan (minimum scale:  $\frac{1}{4}$ " = 1') indicating:

- Accurate lot dimensions, all property lines, and all easements on the lot.
- The adjacent street right-of-way and the access driveway of the lot (length and width specified).
- Topography of the lot indicated by either elevation call-outs or topographic contours.
- The location and dimensions of all existing and proposed structures (delineated existing and proposed).
- The distance from all existing and proposed structures to the property lines.
- If applicable, the location of the Coastal Setback line.
- For hillside development, indicate areas of slopes exceeding a 35% gradient.

Three (3) copies of elevations, including section drawings, indicating:

- The maximum height of the proposed structure, measured from the highest point of existing grade covered by the structure to the ridge, of the structure (including any roof tiles, roof shingles or other proposed roof material).
- The maximum height of the proposed structure, measured from the finished grade adjacent to the lowest foundation to the ridge.

Three (3) copies of floor plans

If applicable, a parking plan indicating layout and landscaping.

All plans must be assembled in complete sets and folded no larger than 9½" x 14". If so desired by the applicant, only one copy of the site plan, elevation drawing and floor plan may be submitted as part of the initial application package. Once it is determined by the Director that the submitted plans contain all the necessary information described in this application, then the appropriate number of plans (3 copies) will be requested from the applicant. Three (3) reduced copies (no larger than 11" by 17") of all regular sized plans must also be submitted (Note: For applications that are to be reviewed by the Planning Commission, once the application has been deemed complete, you will be required to submit an electronic version of the plans).

Two (2) copies of a "vicinity map", prepared to scale, which shows all neighboring properties within a **500' radius** of the subject property (applicant). The "Vicinity Map" must be prepared exactly as described in the attached instruction sheet.

Two (2) sets of self-adhesive mailing labels and one (1) photocopy of the labels which list the property owner of every parcel which falls within a **500' radius** of the subject property (applicant). The name and address of every property owner (including applicant) and the local Homeowners' Association, if any, must be typed on 8½" by 11" sheets of self-adhesive labels. The mailing labels must be keyed to the corresponding

lots, as shown on the vicinity map described above. The property owner's mailing list must be prepared exactly as described in the attached instruction sheet.

\_\_\_\_\_ Filing Fee<sup>1</sup>:

- New CUP<sup>1</sup>
- Revision to a CUP<sup>1</sup>

\_\_\_\_\_ A completed copy of the "Storm Water Planning Program Priority Project Checklist" form. If necessary, a Standard Urban Stormwater Mitigation Plan (SUSMP) and/or a Site Specific Stormwater Mitigation Plan (SSSMP), along with associated Maintenance Agreements, Transfer Forms and Trust Deposit (amount to be determined by Staff) shall also be completed. Prior to preparing a SUSMP or SSSMP, please consult with the Planning Division Staff.

## **Processing**

Once the application has been deemed complete by formal notification, staff will evaluate your project in preparation for a public hearing before the Planning Commission. Please note that the City may require further information in order to clarify, amplify, correct, or otherwise supplement existing data. It is strongly suggested that you supply any requested information in a timely manner in order to avoid any delay in the processing of your application.

Typical processing time for a Conditional Use Permit is anywhere from 3 to 6 months, from the date of submittal to the date a decision is made. You will be notified of the date of the public hearing on your project once the application is deemed complete. Staff will prepare a report and make a recommendation to the Commission. It is important that you plan to attend the hearing so that you may answer any questions the Planning Commission may raise.

(More detailed information regarding Conditional Use Permits is contained in Chapter 17.60 of the City's Development Code).

---

<sup>1</sup> Please refer to the City's [Master Schedule of Fees](#) for Planning Division application fees.

### **BURDEN OF PROOF STATEMENTS**

1. Explain how the site for the proposed use is adequate in size and shape to accommodate the use.

---

---

---

---

2. Explain how the site for the proposed use relates to streets and highways properly designed to carry the type and quantity of traffic generated by the subject use.

---

---

---

---

3. Explain how the proposed use at this specific location will have no significant adverse effect on adjacent properties or the permitted use thereof.

---

---

---

---

4. Explain how the proposed use is not contrary to the General Plan.

---

---

---

---

*Attach an additional sheets in necessary*