

CONDITIONAL USE PERMIT PROCEDURES

What is a Conditional Use Permit (UP)?

The purpose of the CUP is to allow for special consideration of certain specified uses that may or may not be compatible with an area, depending on the specifics of the particular case. Since a zoning ordinance cannot be drafted to deal equitably with every circumstance, the CUP process is designed to provide the city with sufficient flexibility to determine whether a specific land use on a certain site will be compatible with its environs and the General Plan. In reviewing a CUP application, the staff and ZA or PC will evaluate such items as building placement and size, traffic generation, noise, hours of operation, adequacy of parking, and overall compatibility of use with adjoining properties and other related development impacts. Conditions may be imposed as necessary to insure that the proposed use will be compatible with, and not adversely affect, its environs.

What are the steps to apply for a Conditional Use Permit?

1) Consult with the Planning Department Staff: File an application form and the required deposit/fee at the Customer Service Counter (2nd Floor) of the Larkspur City Hall. (See submittal requirements on back of form) The application form should describe the requested use and it must be signed by the property owner and representative, if different. The deposit or fee is required to cover the city's time and expenses involved in processing the Conditional Use Permit. The deposit/fee will typically cover all expenses; however, additional monies may be requested if the case is protracted or if consultant services are required.

2) Staff Review: Within 30 days of submittal of an application, the City will evaluate it for completeness. If it is found to be complete, it will be scheduled on an upcoming Planning Commission agenda; if it is incomplete, you will be so notified in writing and provided with a list of the items needed to render it complete. During processing, the property will be visited at least twice by City staff, once to investigate the site and once to post a public notice.

3) Environmental Review: Within 30 days of determining the application to be complete, staff will determine the environmental status of the project pursuant to the California Environmental Quality Act (CEQA).

4) Noticing & Staff Report: Local law requires public notice for Conditional Use Permit hearings. At least 10 days before the hearing, a notice will be posted on the property, mailed to all property owners within 300 feet and posted on three official bulletin boards.

5) Public Hearing: The Planning Commission hearing begins with a staff presentation, then the applicant's presentation and subsequent public comment. The public hearing is then closed and the Planning Commission deliberates the project and comes to a decision based on the required findings from Section 18.76.050, which are listed below:

- A. The use would be consistent with the intent and purpose stated in the sections of this title, which establish the applicable zoning classification.

- B. The use would be consistent with the General Plan.
- C. The use will not be detrimental to the health, safety, morals, comfort, convenience or general welfare of persons residing or working in the neighborhood of such proposed use, nor be injurious to property or improvements in the neighborhood.
- D. The use will not be detrimental to the general welfare.

Can the public or applicant appeal the decision of the Planning Commission?

Yes, anyone disagreeing with the Commission decision may file an appeal with the City Clerk within 10 calendar days of the date of the meeting at which the decision was made. A filing fee is charged. The City Council then will hold a new hearing.

When does the Conditional Use Permit expire?

The Conditional Use Permit must be acted upon (commencement or construction) within two years of the approval or the permit would be rendered invalid. Applicants unable to meet this schedule should apply for an extension before the two-year period expires.

NOTE: The City strongly encourages the applicant/property owner to consult with neighboring property owners regarding the proposed project before submittal.