



What is a Conditional Use Permit?

The City of San Rafael Municipal Code (SRMC) contains several zoning districts (i.e., residential, commercial & office, industrial, marine, public/quasi-public, parks/open space, and water) which identify uses that may be *permitted*, *not permitted* or *conditionally permitted* within each district. A Use Permit is a discretionary zoning decision required in order for a “*conditionally permitted*” land use to be established. Specific findings are required to approve a *conditionally permitted* use, and requests can be approved, denied or approved with conditions to assure the use would be compatible with adjacent uses. Land uses that are *permitted* require only a ministerial review by the Planning Division in order to verify conformance with prescribed zoning standards; such as parking requirements, floor area limitations, etc.

If a Use Permit is required it must be obtained *before* any other required City licenses or permits can be issued/authorized; such as a Business License (required to conduct business within the City) or Building Permit (required to make physical property improvements or to approve a change in building occupancy type). If approved, Use Permit approvals run with the land and are valid for the duration of the use regardless of any future change in property or business ownership. Thus, a new Use Permit or amendment would not be required except to address any change to an approved condition or characteristic of the use.

The City of San Rafael Zoning Ordinance can be viewed at the City Clerk’s Office, the Community Development Department, the Library, or the City’s website at www.cityofsanrafael.org. Ref. SRMC Chapters 14.04 through 14.11-Land Use Tables, Chapter 14.21-Administrative Use Permit and Chapter 14.22-Use Permit

How do I apply for a Use Permit?

A General Application Form filled out and signed by both the property owner and applicant must be submitted to the Planning Division, along with the appropriate submittal materials and application fee. General Zoning Application submittal requirements may be obtained from the City Planning Division or City website. You may also contact a City Planner to review the requirements for a particular project.

Who reviews and makes the decision on a Use Permit?

Use Permits are reviewed at Administrative (staff), Zoning Administrator, or Planning Commission level as prescribed by the underlying zoning district. An Administrative level decision is made by staff and no public notice or hearing is required. A public hearing is required for review by the Zoning Administrator or Planning Commission. A Public Hearing notice is mailed at least 15 calendar days prior to the meeting date to all property owners and occupants within a 300-foot radius of the site, and the designated Neighborhood/ Homeowner’s Association, to provide the public an opportunity to participate in the review process. You are encouraged to contact the Neighborhood / Homeowner’s Association about a proposed project. The Planning Division can provide the name and address of any applicable association(s).

Who reviews and makes the decision on a Use Permit? (Continued)

Comments received from the public will be considered during the project public review process. The decision-making body will take an action at the hearing and, in order to approve the request, must be able to make findings that the proposed use:

- ❖ Is in accord with the General Plan, objectives of the Zoning Ordinance, and purposes of the district in which the site is located;
- ❖ Will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City; and
- ❖ Complies with applicable provisions of the Zoning Ordinance, including the underlying zoning district development standards and Performance Standards, if applicable.

Use Permits are generally approved with conditions designed to ensure the use will comply with the findings described above. An approval may remain *pending* until certain conditions are met before the approval becomes vested. An applicant is typically allowed one-year to establish a use and address any conditions that must be satisfied for the use permit to be vested.

How long does the application process take?

In general, Use Permit application processing timelines are as follows:

30 Days - Completeness Review Period. Within the first two weeks the project will be assigned to a Planner and referred to other interested agencies and departments for review and comment. A letter will be mailed within 30 days of submittal with information regarding completeness of the application. If the application is incomplete, requested materials must be resubmitted within 30 days. Another 30-day completeness review of the resubmitted materials begins. This may continue until an application is accepted as complete, or deemed withdrawn for lack of complete submittal.

6-32+ Weeks - Formal Processing Period. Once the application submittal is complete (and after an environmental determination has been made pursuant to the requirements of the California Environmental Quality Act-CEQA) the City is allowed up to 60-calendar days to take action. Administrative level permits are usually processed within 3-6 weeks from submittal (including CEQA environmental determination). More processing time is needed for Zoning Administrator and Planning Commission permits which require a public hearing. Timeframes vary depending on such factors as project complexity, initial completeness, and environmental issues. Review time is typically faster for minor projects subject to Zoning Administrator level review versus major projects that require review by the City Planning Commission. Further, development projects that require preparation of a CEQA Negative Declaration or Environmental Impact Report (EIR) typically require an additional six (6) to twelve (12) months or more processing time.

Appeal of Decision

A decision to approve or deny a Use Permit can be appealed within 5 work days by the applicant or a non-applicant, as set forth in SRMC Chapter 14.28. If appealed, the project will be scheduled for review and action by the next highest hearing body (i.e., Administrative and Zoning Administrator decisions may be appealed to the Planning Commission, which in turn may be appealed to the City Council).