



## City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

### **CONDITIONAL USE PERMIT APPLICATION GUIDE**

**WHAT IS A CONDITIONAL USE PERMIT?** A goal of land use rules is for nearby land uses to be compatible with one another. One way to do this is to allow certain kinds of uses under certain conditions. In each zoning district certain conditional uses are permitted, subject to the granting of a conditional use permit. Conditional uses include certain types of community facilities, institutions and public utility installations appropriately located in residential, office, commercial and industrial districts, certain types of commercial uses appropriately located in commercial districts which may require special restrictions, certain types of light industrial uses appropriately located in commercial districts, certain types of heavy industrial uses appropriately located in light industrial districts, certain types of nuisance industries appropriately located in heavy industrial districts, and certain height waivers in appropriately located settings.

**HOW IS A DECISION MADE?** Because of their unusual characteristics, conditional uses require special consideration, so they may be located properly with respect to their effects on surrounding properties. In order to achieve these purposes, the Zoning Administrator or Planning Commission is empowered to grant and to deny applications for conditional use permits and to impose reasonable conditions upon the granting of conditional use permits. Further, decision makers must support their decision with findings (see below). Such findings explain why the project is or is not justified under the circumstances, and using specific facts of the project to support approval or denial.

#### **REQUIRED FINDINGS FOR THE GRANTING OF A CONDITIONAL USE PERMIT**

- 1. The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.**
- 2. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.**
- 3. The proposed conditional use will comply with each of the applicable provisions of this title.**

**PROCESS:** Following receipt of a completed application, the planning staff will study the application and research similar proposals as well as make an investigation of the site and the surrounding uses. Upon determination that the application is complete and no new information is needed for the processing and recommendation of the application, the application will be scheduled for a public hearing before the Zoning Administrator or Planning Commission. At least ten (10) days prior to the hearing, property owners within 300 feet of the subject property will be notified by mail of the forthcoming hearing. The notices will give the time, date, and place of the meeting as

well as identify the location and project description of the conditional use permit application.

A written report will be prepared by staff prior to the hearing. The report will describe the proposal, explain the nature of the request and applicable code provisions and make a recommendation for approval, approval subject to certain conditions, or denial of the conditional use permit. At the Zoning Administrator or Planning Commission hearing, staff will present the report. The hearing will then open for public testimony, in support of or against the request, beginning with the applicant or applicant's representative. Any written comments received will be included in the record. At the close of the hearing, the Zoning Administrator or Planning Commission will discuss the project and testimony received and will make a decision on the project or continue the hearing to a future meeting date prior to making a final decision. Conditions as deemed necessary to protect the best interests of the surrounding area or neighborhood as set forth in the City's Zoning Ordinance and General Plan may be imposed. Decisions are appealable within ten (10) days after decision is made. The estimated processing time from completed application to the Zoning Administrator and Planning Commission hearing is about 30-45 days.