

## USE PERMIT

### HOW TO APPLY FOR A USE PERMIT FOR:

- ▶ Conditional Uses
- ▶ Change of non-conforming use
- ▶ Wireless communications facilities in certain zoning districts
- ▶ Other

### WHAT IS THE PURPOSE OF A USE PERMIT?

Zoning is a legal mechanism which regulates land use and the type of activities allowed within a given area. Zoning is probably one of the most important tools available for maintaining the delicate balance between a community's liveability and its economic well-being. Simply stated, zoning involves dividing the city into different **districts** or **zones**. Within each zone, certain types of activities or uses are allowed while others are prohibited. Generally speaking, only those uses that are considered compatible with each other are allowed within each zone. Uses that are allowed within each Zoning District are classified as either **Permitted Uses** or **Conditional Uses**. Permitted Uses, as the name implies, are those which are allowed outright. Conditional Uses, however, require a **Use Permit**.

### CONDITIONAL USES

Unlike Permitted Uses, Conditional Uses may create potential problems. Conditional Uses require careful analysis by the Planning Staff and Zoning Administrator to determine what, if any, problems may be created as a result of this new use and what measures must be taken to prevent these problems from occurring if the proposed use is allowed to proceed. In reviewing a Use Permit application, the staff and Zoning Administrator will evaluate such items as:

- |  |                                     |
|--|-------------------------------------|
| ▶ Building placement and size  | ▶ Adequacy of parking               |
| ▶ Traffic generation   | ▶ Hours of operation                |
| ▶ Noise  | ▶ Other related development impacts |
| ▶ Drop-off facilities overall compatibility of use with adjoining properties | ▶ Circulation                       |

### HOW DO I APPLY FOR A USE PERMIT?

#### 1. Project Consideration

When you submit your application to Planning Services along with the required materials, it is first reviewed to make sure your application is complete (please see section entitled 'Application Requirements'). As part of your Use Permit Application, you must also prepare a Statement of Justification. This explains in writing why you believe your proposed project will not create a nuisance for the surrounding area, and how it will benefit the City. **Incomplete applications will not be accepted.**

#### 2. Plan Review Committee

Upon receiving a complete application, it is reviewed by the **Plan Review Committee (PRC)**. This committee meets weekly and is made up of representatives of different departments including Engineering, Traffic Engineering, Police, Fire, Building and Planning Services.

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This allows staff to review your request and identify any potential problems and provide useful information that may save time and expensive revisions later in the process. At this point, changes or modifications will likely be recommended. In some cases, it may be necessary to make changes to the physical design and/or layout of the proposal before the Use Permit can continue to be reviewed.

### 3. Public Hearing

After your project has been evaluated by the Plan Review Committee and that all comments and/or questions regarding your application have been answered, your application will be scheduled for a **public hearing**. Zoning Administrator public hearings are held every Wednesday, between 9:00 a.m. and 10:30 a.m. The City sends out a public hearing notice by mail to all property owners located within 300 feet of the site. The public hearing notice will be sent at least 10 days in advance of the public hearing date. At the public hearing, you (or your agent) are requested to present and describe your Use Permit application. Adjacent property owners as well as other interested parties may also be present to voice their concern. At the end of the hearing your Use Permit is either *approved with conditions*, *denied*, or *continued* to another meeting for further review.

## APPLICATION REQUIREMENTS

1. **Seven sets of the Site Plan** drawn to scale and completely dimensioned. The Site Plan shall show all of the existing and proposed structures, off-street parking and loading facilities, driveways, curb cuts, areas to be landscaped, location and size of existing trees, setbacks, signs, lighting, fencing, and property lines.
2. **Seven sets of building elevations** drawn to scale (recommended scale 1/4" or 1/8") showing all four sides including type of siding material, roofing material, size and location of window and floors, size and type of trim, and color. For additions, please indicate if material, color, trim, etc. will match the existing building.
3. **Seven sets of floor plans** showing the uses of each room and/or space.

**NOTE:** All drawings furnished shall be folded to approximately 8 1/2" x 11".

4. Completed **application form**, including a **Statement of Justification** either on the form or by a separate letter. The applicant should explain how the proposed use would not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or would not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.
5. **Description of proposed use** including hours of operation, number of employees, and other relevant information. *In some instances where more or less detailed information is needed, the Planning staff shall use their discretion to determine what items will be required with the application.*
6. **Signed application by the owner or authorized agent.** Proof of ownership must be submitted such as a title report or copy of a tax bill.
7. **Title Report.** If Title Report indicates that easements or other conditions are present, they must be depicted on the site plan.
8. **Fee of \$2,630** for properties less than 1/4 acre, actual cost to review more than 1/4 acre. (This fee and the newspaper advertising cost shall be paid separately).
9. **Newspaper Advertisement Cost of \$200.** This cost is assessed to cover the newspaper advertisement. A **\$300** charge will be assessed for notices that include a map.

### HOW LONG DOES THIS TAKE?

The length of time involved in processing a Use Permit varies according to the complexity of your project. A small project may be processed in as little as four weeks. However, in most cases it will be necessary to make changes to your initial application after the PRC has reviewed your application, or should additional concerns come up during the first public hearing, your Use Permit application may continued to another public hearing date. **The normal processing time for a Use Permit is between 6 to 8 weeks.** Furthermore, larger projects that require Design Review and/or Environmental Review can take considerably longer.

**Incomplete applications will not be accepted.**