Use Permit

Division of Planning, Engineering, and Environmental Compliance
City of Monterey

Introduction
Use Permits are required for projects with land use classifications typically having unusual site development features or operating characteristics that require special consideration. The purpose of the Use Permit is to ensure that these uses are designed, located, and operated in a manner compatible with uses on adjoining properties and in the surrounding area[1]. Use Permits also allow the City of Monterey to approve certain land uses or structures with specific Conditions of Approval to reduce or eliminate identified off-site impacts. Further, Use Permits may be revoked if the conditions of approval fail to effectively reduce or eliminate those impacts, if the nature of the business significantly changes, or if the use violates the terms of the Use Permit. Use Permit applications are generally either for a change in use only, or for new construction.

When is a Use Permit Required?
The Zoning Ordinance establishes when a Use Permit is required, which varies by zoning district. Chapter 38 of the City Municipal Code is the Zoning Ordinance and is available online at www.monterey.org or by calling the Planning, Engineering, and Environmental Compliance Division at (831) 646-3885 to speak with a planner to determine your property's zoning designation and the specific requirements for your property.

Zoning Administrator vs. Planning Commission Review
Certain Use Permit applications may be reviewed at a public hearing before the Zoning Administrator while others will require the consideration of the seven-member Planning Commission. In general, smaller residential projects, minor changes in use, and other minor projects may be reviewed by the Zoning Administrator. More complex projects will require Planning Commission review.

Environmental Review
The California Environmental Quality Act (CEQA) requires that the City review all projects for their potential impact on the environment. The required level of review and accompanying reports varies greatly by the type of project, its location, and other criteria. While some projects may be exempt from formal environmental review, others may require extensive study and the production of an Environmental Impact Report (EIR). Following a cursory review of an application, City staff will notify the applicant of the level of environmental review that will be required. Depending on the level of review required, an applicant may be asked for various technical studies such as traffic reports, archaeology reports, arborist reports, storm water plans, etc. Or, you may be asked for more specific information on the plans to clarify, reveal, or eliminate a potential environment impact. The conclusions of this environmental review will be forwarded to the Planning Commission for final action along with the project.

Process
Prior to Use Permit review or decision, City staff must determine that the submitted application is complete. Once an application is deemed to be complete, the project application may be scheduled for discretionary review. Complete project applications are scheduled for hearing on a first-come, first-served basis. At hearing, the Zoning Administrator or Planning Commission may choose to approve the project, approve it with conditions, deny the project, or continue it for redesign. If the project is denied by the Zoning Administrator, it may be appealed to the Planning Commission. If denied by the Planning Commission, the decision may be appealed to the City Council. A nominal fee applies to appeal applications. If the hearing is continued for redesign, the resubmittal will be reviewed by staff for completeness prior to being rescheduled for a future hearing. If not appealed, all decisions are final ten days after the hearing.

Findings
The Zoning Administrator or the Planning Commission must make clear and substantive findings when approving a Use Permit. These findings are as follows:

1. That the proposed use is in accord with the objectives of [the Zoning Ordinance] and the purposes of the zone;
2. That the proposed use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, or welfare of persons residing or working in

[1] Monterey Municipal Code Section 38-156

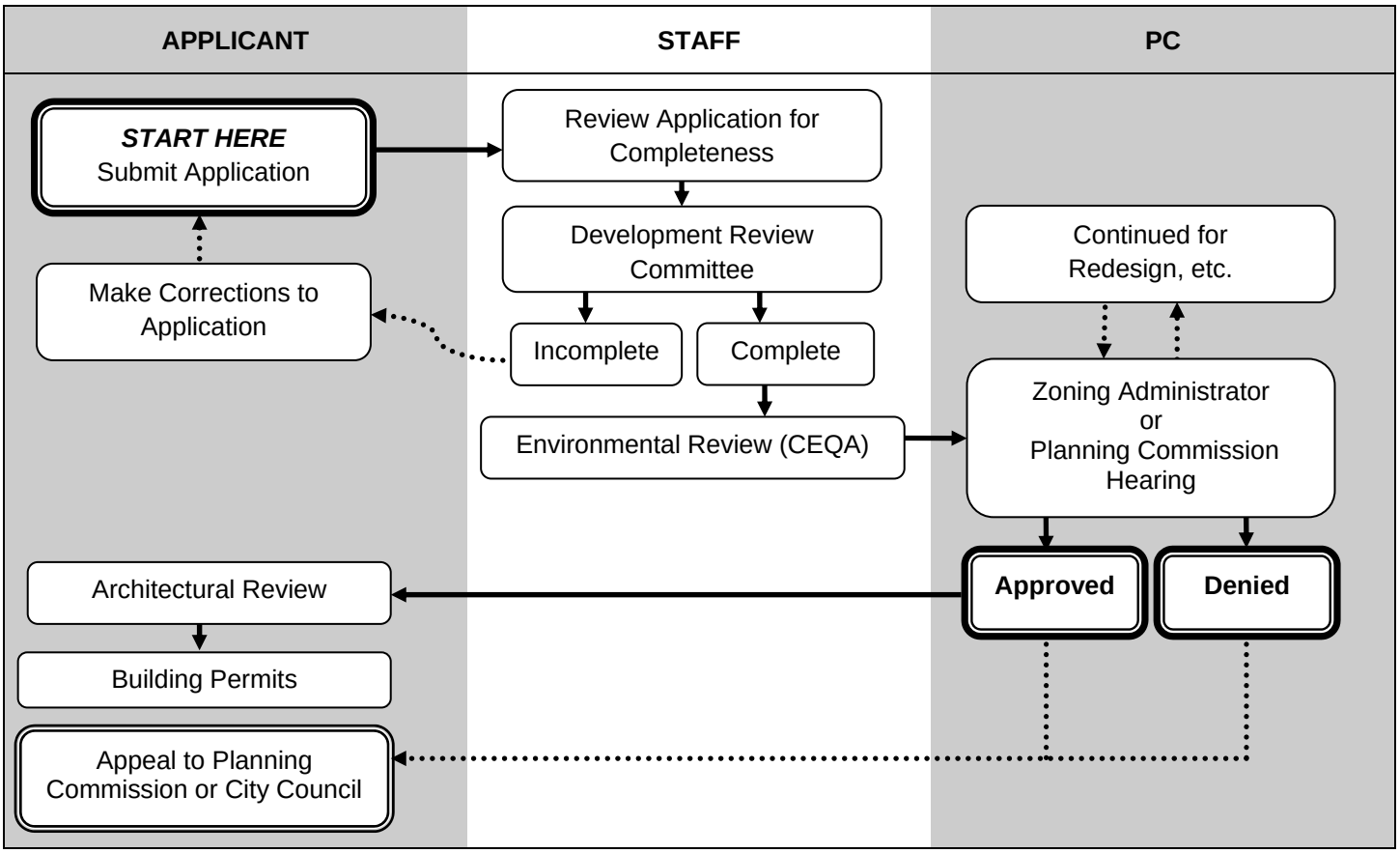
or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city; and

3. That the proposed use will comply with any specific condition required for that use.

Fees[2]

❑ Master (projects requiring environmental review and/or multiple permits, including PUDs)	$4,000 deposit + hourly fee[3]
❑ Major	$2,990
❑ Minor	$820

TYPICAL USE PERMIT REVIEW PROCESS



[2] Fees are current per City Council Resolution 09-019.
[3] Applicant is responsible for full cost to process the application that may exceed the deposit amount.

SUBMITTAL CHECKLIST

Every application must include both Application Forms and Plans.
The specific requirements are described below[4].

APPLICATION FORMS

1. Project Application Form
   - ❑ The wet signature of the owner is required.
   - ❑ This form is two-sided. Complete both sides with necessary signatures.
   - ❑ Available online at http://www.monterey.org/commdevelop/planning/projectapplic.pdf

2. Draft Green Building Program Schedule -
   - ❑ Forms available online at http://www.monterey.org/building/greenbuilding/. Please contact the Permits and Inspection Services Division at (831) 646-3891 if you have any questions.

PART I – CHANGE IN USE

3. Detailed description of use (in letter form).Please *describe the following:*
   - ❑ Type of land use (retail, restaurant, service station, etc.),
   - ❑ Products and services offered (provide menus for restaurant or bar uses),
   - ❑ Hours of operation,
   - ❑ Number of employees on a typical shift,
   - ❑ Any provisions for security,
   - ❑ Number of restaurant or theater seats,
   - ❑ Describe the typical operation of the business.
   - ❑ Describe where employees will park – and how many parking spaces are needed.

ONLY PART I IS REQUIRED FOR APPLICATIONS THAT ONLY INCLUDE A CHANGE IN USE

4. General Requirements
   - ❑ Two (2) full-sized plan sets (24" x 36"); One (1) reduced-size set (11"x17").
   - ❑ Use a minimum 1/8"=1' scale for Site Plans and 1/4" = 1' scale for all others.
   - ❑ Electronic files – Plans may be submitted electronically in PDF form. Please contact a Planner for specific information at (831) 646-3886.

5. Cover Sheet
   - ❑ Project address and Assessor's Parcel Number.
   - ❑ Applicant's name, address, and daytime telephone number.
   - ❑ Owner's name, address, and daytime telephone number.
   - ❑ Architect/Designer/Engineer's name, address, telephone number, and stamp (if necessary).
   - ❑ Project description - Provide a brief narrative of the proposed scope-of-work and describe the type of development proposed (commercial addition, remodel, core and shell, condominium, mixed-use, etc.).
   - ❑ Project location/vicinity map with North arrow.
   - ❑ Sheet index with sheet number and sheet titles.
   - ❑ Employee and/or Resident Parking Plan – If full parking is not provided on site, please describe any provisions for off-site parking of employees or residents.

6. Site Plan
   - ❑ Include parking lot with dimensioned spaces and driveway aisles.
   - ❑ Describe all recorded on or off-site easements affecting the project site and include a supporting title report,
   - ❑ Show landscaped areas, walkways, patios, etc.
   - ❑ Show trash enclosure, sheds, fences, walls, and other structures. For the City's trash enclosure standard, please contact Angela Brantley, Solid Waste Program Manager, at 646-5662.

7. Floor plan - *Identify the following:*
   - ❑ The various rooms (restroom, kitchen, retail area, seating area, etc.).
   - ❑ Table, equipment, or other furniture layout.

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[4] At the discretion of the Chief of Planning, Engineering and Environmental Compliance, submittal of any submittal items may be waived if the project can be sufficiently described and considered without such information. Please inquire prior to submittal of an application.

- ❑ Windows and doors with sizes and operation.
- ❑ Patio areas and storage areas, if applicable.
- ❑ Adjacent land uses (retail, residential, etc.).

8. Other Information: *Please provide any other information that would help describe the use.*

PART II - NEW CONSTRUCTION

9. General Requirements
   - ❑ Five (5) full-sized plan sets (24" x 36"); One (1) reduced-size set (11"x17").
   - ❑ Electronic files – In addition to hard copies, plans may be submitted electronically in PDF form on either a CD or by e-mail.

10. Project Data Sheet – *Calculate project data and place data on the plans.*
    - ❑ Complete Project Data Sheet for the project and copy data table on the cover sheet of the plans.
      - o Calculate all applicable project data relative the project being considered
      - o Include a summary of all proposed demolition, if applicable, including the exterior linear feet and the percentage of area involved in the demolition.
      - o Demonstrate conformance, or lack thereof, with the applicable land use regulations and development standards as noted in the Zoning Code, such as but not limited to minimum yards, gross floor area, height of structure(s), lot coverage, minimum site landscaping, and size, type, and number of off-street parking stalls.
    - ❑ Calculate existing building areas to be demolished as well as all linear feet of demolition proposed.

11. Site plans – *Provide existing and proposed site plans.*
    - ❑ Show and dimension all property lines and required yard setbacks Show the following site features and indicate their status (to be added, removed, relocated, or unchanged).
      - o All existing structures (house, garage, shed, gazebo, hot tub, patio cover, trellis, etc.),
      - o Impervious surfaces (driveways, parking areas, walkways, or patios),
      - o Adjacent off-site improvements (sidewalk, curb, gutter, or street trees),
      - o All landscape areas, fences, retaining walls, and manufactured slopes,
      - o On-site trees and large shrubs (over 6" in diameter as measured 4.5' above the ground) and indicate their status (to be preserved, removed, or relocated). If property is vacant, show all trees over 2" in diameter as measured 4.5' above the ground;
      - o Existing and/or proposed floor elevation of the first floor and garage.
    - ❑ A Topographic Survey prepared by a licensed surveyor is required for all projects that involve new work within 3 feet of a required front, rear, or side yard setback, or within 3' of the maximum height. Include spot elevations at property corners, at building corners, and at driveway corners, and include slope contours, as appropriate.
    - ❑ Shade all areas of slope on the property greater than 25%.
    - ❑ Identify all on-site and immediate off-site stormwater drainage facilities.

12. Floor plans – *Provide existing and proposed floor plans.*
    - ❑ Label and identify the use of each room.
    - ❑ Doors and windows – show operation and size.
    - ❑ Fixtures - all plumbing fixtures, appliances, ranges, water heaters, etc.
    - ❑ Show second-story outline on first story.
    - ❑ Show finish floor elevations at each floor level change.

13. Roof plan
    - ❑ Show roof slope and overhangs.
    - ❑ Show all rooftop equipment and note type – mechanical, HVAC, solar, etc.
    - ❑ Identify roof material.

14. Elevations – *Provide existing and proposed elevations.*
    - ❑ Show all exterior finish materials
    - ❑ Identify roof slopes
    - ❑ Doors and windows – show operation and size
    - ❑ Show the following spot elevations:
      - o Base of foundation at each corner
      - o Finish floor of first and second floor
      - o Plate height of first and second floor
      - o Fascia
      - o Ridge of roof
      - o Rooftop equipment height
      - o Maximum height and elevation of structure

15. Stormwater Facilities – New development projects are required to comply with Monterey Regional Storm Water Management Program, including a requirement that property owners enter into a legal agreement or covenant with the City to provide verification of maintenance of any necessary storm water facilities. The following information is required to determine compliance with stormwater standards:
    - ❑ Provide a separate site plan identified as a "Stormwater/Drainage Plan".
        - o Describe all drainage across, into, and leaving the site. Include all applicable easements.
        - o Describe all proposed grading, including cut/fill, etc.
        - o Include documentation of pre- and post-development stormwater flows.
        - o Identify all on-site and off-site retention/detention ponds and include their capacity, flow rates, etc.
        - o Include a narrative of proposed *Best Management Practices* to be employed during construction.

    For additional information and/or clarification, please contact the Engineering Office at (831) 646-3921.

16. Environmental documentation – Environmental documentation may be necessary to examine potential environmental impacts of a proposed project, and may include, but not be limited to, the following typical reports and analyses:
    - ❑ Air quality report,
    - ❑ Arborist report,
    - ❑ Archaeology report,
    - ❑ Biological report,
    - ❑ Storm Water Management Plan,
    - ❑ Traffic study, and,
    - ❑ Other reports/analyses, as necessary.

    For additional information and/or clarification, please contact the Planning Office at (831) 646-3886.

17. Other information – The following information may be required:
    - ❑ Building Sections – a minimum of two are required for two-story additions.
    - ❑ Engineer Verification Letter: If the project includes a new second-story over an existing one-story building and the plan does not include demolition of the existing building, a signed letter from a licensed Civil or Structural Engineer must be submitted that clearly states that the existing building is structurally able to support the second story without demolition.

    For additional information and/or clarification, please contact the Planning Office at (831) 646-3886.

If you have any questions regarding the above submittal requirements or the Use Permit process, please contact the Planning, Engineering, and Environmental Compliance Division (PEEC) at (831) 646-3886.