



City of Laguna Beach

Community Development
Department

INFORMATIONAL GUIDE FOR A:

CONDITIONAL USE PERMIT

Purpose

Most zoning districts have various permitted uses. Each zoning district also has various “conditional uses” which may be permitted subject to the granting of a “conditional use permit” by the Planning Commission.

The purpose of a “use permit” is to allow for special consideration of certain specified uses which may or may not be compatible with an area depending on the specifics of the particular project. Since a zoning ordinance cannot be drafted to deal equitably with every circumstance, the “use permit” process gives the City sufficient flexibility to determine whether a specific land use on a given site will be compatible with the neighborhood and the General Plan. In reviewing a “use permit” application, the staff and Planning Commission will evaluate such items as building placement and size, traffic generation, noise, hours of operation, adequacy of parking, circulation, proposed merchandise, landscaping and overall compatibility of the 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 the environment and surrounding neighborhood.

Process

Step 1 – Applicant Consideration of Project: Early in the consideration of a “use permit”, the applicant should determine the General Plan and Zoning Ordinance criteria for the site under consideration. It is important that the proposed use be consistent with the City’s General Plan and Zoning Ordinance. For all uses proposed in a Specific Plan area, the applicable provisions of the Specific Plan should be carefully evaluated.

Step 2 – Pre-Application Conference: Prior to submitting a formal application, the applicant is advised to make an appointment with a member of the Planning and Zoning staff to discuss the feasibility of the request. This will allow staff to review the request for compliance with the City’s General Plan, Zoning Ordinance, applicable Specific Plans and other applicable City standards. In addition, the Planning and Zoning staff may be able to provide guidance on possible environmental concerns, engineering requirements, and specific traffic, siting, landscaping and building design criteria.

Step 3 – Filing of Application: The applicant should submit the completed application, filing fee, and other required information to the Planning and Zoning staff. A staff planner will be assigned to review the material to make sure all the required information is provided. The applicant will be notified within 30 days after filing as to whether the application is complete or what additional information is required.

Step 4 – Environmental Review: All “use permit” requests are required to have an environmental assessment to determine whether there may be environmental impacts that would trigger preparation of an Environmental Impact Report (EIR). If an EIR is required, the applicant should request a meeting with a staff planner to determine the procedure for EIR adoption.

Step 5 – Staff Review for Planning Commission: The Planning staff will study the application by reviewing the relationship of the request with the City’s Zoning Ordinance, General Plan and any applicable Specific Plans, and analyze the environmental, land use, traffic, site plan and other concerns of the proposed project. A written staff report will be prepared for the Planning Commission which will include a description of the project and staff recommendations. A copy of this report will be available on the Friday prior to the Planning Commission hearing. Copies are also available to the public on the City’s website at www.lagunabeachcity.net.

Step 6 – Planning Commission Review: The Planning Commission is required to hold at least one public hearing on the “use permit” application. At least ten days prior to the meeting, **owners** of property within 300 feet of the subject property, and **tenants or residents** within 100 feet of the subject property will be notified by mail of the forthcoming hearing, and a notice of the public hearing will be posted at City Hall. The Planning Commission also considers any exterior changes proposed to buildings located in the Downtown Specific Plan area.

At the public hearing, staff will first present an oral report and recommendation. This presentation will be followed by a testimony from the applicant and then by any interested persons who may wish to comment on the application. The Planning Commission may then close the hearing and make a decision approving or conditionally approving the request, denying the request, postponing the decision to a later date, or the Commission may keep the public hearing open and continue it to a specified time, date and place. The Planning Commission’s decision is final, unless an appeal is filed as described below.

Step 7 – Design Review Board Approval (Building Modifications): All “use permit” applications involving changes to the exterior of the building are required to be reviewed by the Design Review Board for architectural integrity, quality of design, and overall compliance with community or neighborhood identity. Further information is available in “Applicant’s Guide for Design Review”.

Appeal to the City Council:

The applicant, property **owners** within 300 feet of the subject property, and **tenants or residents** within 100 feet of the subject property, or any member of the City Council may appeal the Commission’s decision to the City Council by filing an appeal notice with the City Clerk within fourteen calendar days after the date of the decision. After the filing of an appeal and appropriate fee, a public hearing will be scheduled for the City Council, and a notice of the time, date and place of the hearing will be mailed to the appellant, the applicant, **owners** of property within 300 feet of the subject property, and **tenants or residents** within 100 feet of the subject property, and to any other person requesting such notice. Following the public hearing on an appeal, the Council may refer the matter back to the Planning Commission for further consideration or may reverse, affirm or modify the decision of the Commission.

It is highly recommended that purchase agreements or leases not be signed until final approval of any required Conditional Use Permit has been obtained.

**For more information contact:
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