

ABOUT CONDITIONAL USE PERMITS

This explains 1) what a "conditional use permit" is, 2) how such permits fit into our efforts to shape our surroundings, and 3) how you can participate in the decision-making process.

What is a Conditional Use Permit?

A key goal of land use rules is for nearby land uses to be compatible with one another. One way cities and counties do this is to say that certain kinds of uses are allowed only under certain conditions.

If someone wants to make such a use of property, he or she must get a conditional use permit. Sometimes planners call this a "CUP." Other names include "special use permit" or just "use permit." Zoning rules usually explain when someone needs a conditional use permit.

The permit process allows decision-makers to create requirements to avoid problems. These requirements must relate to the expected problems a use will create. The relationship must be backed up with facts presented to decision-makers.

Decision-makers must explain their decision with findings. Such findings explain why the decision-maker decided that the permit is or is not justified under the circumstances.

Example

An example is a bar. Such a use can have negative impacts on neighbors. Common restrictions include limited hours of operation, soundproofing and noise limits, security guards and parking requirements.

Decision-Making Process

Decision-makers want to hear from those who have opinions or information about whether to approve a conditional use permit. If you want to share your thoughts, see "Preparing for Public Hearings" on the back of this sheet for some tips.

To Learn More

- *Planner's Training Series, The Conditional Use Permit, 2007* (available at www.ceres.ca.gov/planning/cup/condition.htm#what_is_anchor)
- Government Code Section 65901

Key Questions

- Is the permit consistent with the general plan, specific plan (if any) and zoning ordinance?
- Does the proposed use make sense for the site?
- Is the proposed use compatible with surrounding uses?
- If not, are there things that can be done to make it more compatible?
- Will the project have any environmental effects? What will those effects be? What level of environmental review must occur?
- Can the proposed use adequately be served by existing public facilities and services (for example, police and fire protection, parking and roads)?
- How will the use, as restricted, affect the community as a whole?

PREPARING FOR PUBLIC HEARINGS

Opportunities for Input: Meetings and Letters

There are a number of ways to share your views with decision-makers. One is to participate in public hearings or other kinds of gatherings during which public input is sought. Another is to send letters and other written materials in advance of a meeting.

General Communications Tips

- Focus Your Message

You may have lots of concerns. See if they can be grouped into categories or themes. Choose two or three of your most important themes or concerns to emphasize. Otherwise, you risk overloading your listeners and possibly diminishing your effectiveness. It's not how much you say, it's how well you say it.

Start with your basic position (for example, "I support the proposed specific plan"). Then explain your connection to the issue (for example, "I live in the neighborhood covered by the plan"). Then explain the reasons for your position. It can be persuasive to think about the values underlying these reasons. ("I believe the plan fairly balances the need for affordable housing with the need for urban open space.") Tie your position to larger community interests. ("For our businesses to thrive, we need workforce housing.")

- Organize Supporting Materials

You may have written materials you want to share with decision-makers. Make sure that you have at least enough copies for each member of the decision-making body plus one for staff. If you have a lot of documentation, think about submitting it in advance. A page explaining what a larger packet contains can be helpful.

To Participate in a Meeting

- Get the Agenda and Other Information

The meeting agenda explains what issues are up for discussion and provides other useful information. Agendas usually are prepared three days (72 hours) in advance of a meeting. Many agencies post agendas on their websites. Another option is to ask that an agenda be sent to you. You can also pick up a copy. Staff reports are another helpful source of information.

A Note about Civility

Your goal is to persuade decision-makers to see the issue your way. Focus on the merits of your position. Even if you disagree about what's best for the community in this situation, it doesn't mean someone is a bad person. Questioning others' motives or intelligence, being hostile, engaging in name-calling or making threats will not reflect well on you or the position you are urging.

No matter how passionate you are about an issue, conduct yourself in a way that will add to your credibility and standing as a thoughtful member of your community.

Staff may be able to tell you at what point public input will be sought at the meeting and what you need to do to be recognized to speak. Be prepared to wait until the item you are interested in is called.

- Indicate You Want to Speak

The presiding official will generally ask for people who want to speak to come forward. Some agencies use a speakers list to help the presiding official manage the meeting better (for example, if lots of people want to speak, there may be time limits for each speaker).

- Make Smart Use of Your Time

Listen carefully to what others say. Try to find common interests and values. Try to not repeat their comments (although you may want say if you agree what someone else said). If you are part of a group, coordinate your remarks to avoid repeating each other.

- Be Prepared for Questions

Answer as best as you can. It's okay to say that you don't know or that a given question would be a good one to research.

About Public Hearings

A public hearing is a relatively formal proceeding. A typical one involves:

- A report to decision-makers, given by a staff member or consultant who has been working on the item;
- A statement by the project applicant or proponent (the person asking for the decision); and
- Statements from members of the public who may 1) support the proposed action, 2) have concerns that they would like decision-makers to address, and 3) oppose the action under any circumstances.

The decision-making body will then decide what to do by voting. If it needs more time to get more information or think about the issues raised at the hearing, the body may postpone a decision until another meeting.