



City of Sebastopol

Use Permits and Variances

This handout is intended to provide applicants with information regarding the requirements and procedures for Use Permits and Variances. Both permits require a hearing and decision by the Planning Commission.

The first step in the permit process is to review the development regulations of the zone in which the property is located. Each zoning district has different development standards. In addition, some types of Use Permits have Special Use Permit Criteria in the Zoning Ordinance.

Once the specific regulations and procedures applicable to the project are identified, a permit application can be picked up at the Planning Department public counter at 714 Johnson Street in Sebastopol. Depending on the type of project, you may also be advised to contract the Public Works Department to determine if public improvements will be required as part of the project, and if there are other permits and fees applicable to the project.

If the project involves construction or remodeling, applicants should also contract the Building Department to determine building permit requirements and procedures.

Within the application, and in any supplemental materials, the applicant is encouraged to explain in detail what is proposed and to list reasons why it should be approved.

Use Permits

A Use Permit is intended to ensure that the proposed use is compatible with the project area. Use Permits are discretionary. The Planning Commission will evaluate whether the proposed use should be permitted by weighing the public need and benefit of the use together with possible adverse impacts.

Variances

A Variance allows for exceptions from the physical development standards of the Zoning Ordinance for special circumstances. Under State law, a Variance may only be granted if the Planning Commission finds that the applicant would otherwise suffer a "unique hardship" under the normal zoning regulations because his or her parcel is different in terms of its size, shape, topography, or location. The applicant has the burden of proof in requesting a Variance. For these reasons, applicants should generally make every effort to abide by the City's development standards rather than requesting a Variance. Typical types of Variances include a reduction in the number of required parking spaces or a change to required minimum setbacks for structures.

Neighbor Consultation

Applicants are encouraged to talk with neighbors of the project site to let them know of the proposed project and to ascertain any special concerns about the project. Early consultation will generally assist the process for all concerned.

Application Process

The application for Use Permits and Variances is identical. The process begins with consulting with the City Planning Department staff concerning the project and the types of approvals which may be necessary for it to go forward. After this consultation, if the applicant wishes to proceed, all required application forms must be submitted to the Planning Department along with the required application fee.

Following submittal of the necessary applications, Planning staff will review the application materials to ensure that they are complete. If they are not complete, staff will notify the applicant. Processing of incomplete applications cannot proceed until the applicant supplies all needed information. If needed information is not supplied within 30 days from the Planning Department's request, then the application may be deemed withdrawn. After needed information or materials are supplied and the application is complete, processing and analysis of the application may proceed.

Some projects are also subject to review under the California Environmental Quality Act (CEQA), which will involve preparation of an Initial Study and Negative Declaration or an Environmental Impact Report (EIR). The cost of environmental review, including any consultants determined necessary by the City, is paid by the applicant. In addition, preparation of environmental reports and the required public review process will add to the project time line. The environmental document may recommend mitigation measures for the project which generally will become conditions of approval.

Depending on the type of project, the Planning Department may also refer the application to other city departments, or other agencies for their review, comment and recommendations.

The planner assigned to the project is responsible for analysis of the application for completeness, review for consistency with Zoning Ordinance and other standards, and preparation of a staff report to the Planning Commission. This report includes a description of the project, an analysis of whether it complies with City codes and policies, and a recommendation for approval, denial, approval with conditions, or continuance. Generally, reports recommending approval will include a number of recommended conditions of approval including conditions from other City departments and other agencies. If a Negative Declaration or an EIR has been prepared for the project, the staff report will summarize the findings of the environmental review.

Public Hearing Process

Use Permits and Variances require a hearing before the Planning Commission. Planning staff will advise applicants of the hearing schedule for the project.

Under the Zoning Ordinance, public notice of the project hearing is provided by mailed legal notices sent by the City to all property owners within 600 feet of the project site. This notice must be mailed at least 10 days in advance of the public hearing on the project. In addition, a legal notice must be published in the local newspaper at least 10 days before the public hearing, and the notice must be posted in the project area at least 10 days before the hearing. All legal notices are prepared and issued by City staff.

At the public hearing, the Planning staff presents their report and recommendations, followed by questions of the staff by the Planning Commissioners. Next, the applicant or his/her

representative must appear before the Commission in order to make a presentation regarding the project and why it should be approved, and to answer any questions that the Planning Commission or public might have. At this time also, the applicant should indicate whether he or she wishes changes in the recommended conditions of approval.

Following the applicant's presentation, members of the public may speak regarding the application. After the public has spoken, the Commission may ask the applicant to respond to issues raised by members of the public. The Planning Commission then closes the public hearing, discusses the project, and makes a decision on the project. The applicant and public may not participate in these deliberations.

Generally, within a week of the Planning Commission action, the Planning Department will send out an action letter to the applicant, setting forth the decision of the Planning Commission and listing conditions of approval.

Other Approvals

Projects obtaining Use Permits or Variances will generally need other city approvals, such as Design Review Board approvals for new buildings, additions, signs and new landscaping. Tree Board permits may be needed if a project necessitates removal of trees protected by Sebastopol's Tree Ordinance. Building permits are needed for virtually all types of construction. An Encroachment permit is needed for projects involving any construction within a public right of way. Where a State Highway is involved, Caltrans must also approve plans and issue a separate encroachment permit before the City of Sebastopol will issue their encroachment permit. Applicants should consult with the Planning staff to determine other approval requirements.