Use Permit

Community Development Department
Division of Planning

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. 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 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 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 (ZA) while others will require the consideration of the seven-member Planning Commission (PC). In general, smaller residential projects, minor changes in use, and other minor projects may be reviewed by the ZA. More complex projects will require PC 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 vary 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 environmental impact. The conclusions of this environmental review will be forwarded to the ZA or PC 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 review. Complete project applications are scheduled for hearing on a first-come, first-served basis. At hearing, the ZA or PC 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 ZA, it may be appealed to the PC. If denied by the PC, the decision may be appealed to the City Council. A 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 ZA or the PC 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 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.

1 Monterey Municipal Code Section 38-156
**Fees (see current fee schedule)**
- Conditional Use Permits – Planning Commission Major
- Conditional Use Permits – Planning Commission Minor
- Conditional Use Permits – Zoning Administrator

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**TYPICAL USE PERMIT REVIEW PROCESS**

<table>
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<tr>
<th>APPLICANT</th>
<th>STAFF</th>
<th>ZA or PC</th>
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| **START HERE**
Submit Application | Review Application for Completeness | Continuation for Redesign, etc. |
| Make Corrections to Application | Development Review Committee (staff review) | Zoning Administrator or Planning Commission Hearing |
| Architectural Review (if necessary) | Incomplete Complete | Approve Denied |
| Building Permits | Environmental Review (CEQA) | |
| Appeal to Planning Commission or City Council | | |
SUBMITTAL CHECKLIST

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

APPLICATION FORMS

1. Project Application Form
   - Available online at: https://monterey.org/Document%20Center/CommDev/Building%20Safety/PermitProcedures/Planning%20Permits/Planning-Project-Application.pdf

PART I – CHANGE IN USE

2. 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

3. General Requirements
   - Electronic copy of plans in PDF form
     Use a minimum 1/8”=1’ scale for site plans and ¼”=1’ scale for all others

4. Cover Sheet
   - Project address and APN
   - 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.

5. Site Plan
   - Show adjacent properties on all sides and across the street
   - 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.

6. Floor plan - Identify the following:
   - The various rooms (restroom, kitchen, retail area, seating area, etc.)
   - Table, equipment, or other furniture layout
   - Windows and doors with sizes and operation
   - Patio areas and storage areas, if applicable
   - Adjacent land uses (retail, residential, etc.)

7. Recycling and Waste Enclosure Requirements

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\(^2\) At the discretion of the Community Development Director or designee, submittal of any checklist items may be waived if the project can be sufficiently described and considered without such information. Please inquire prior to submittal of an application.
8. **Other Information:** *Please provide any other information that helps describe the use.*

**PART II - NEW CONSTRUCTION**

9. **General Requirements**
   - Electronic copy of plans in PDF form
   - Use a minimum 1/8"=1’ scale for site plans and ¼” =1’ scale for all others

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.
    - Calculate all applicable project data relative the project being considered
    - Include a summary of all proposed demolition, if applicable, including the exterior linear feet and the percentage of area involved in the demolition.
    - 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.
    - Demonstrate conformance with Post-Construction Storm Water Design Regulations (PCRs) for new and redevelopment projects adding and/or replacing impervious surface(s) on the site. This includes providing a calculation of total impervious surface area across the project site.
    - 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 adjacent properties on all sides and across the street.
    - Show the following site features and indicate their status (to be added, removed, relocated, or unchanged).
      - All existing structures (house, garage, shed, gazebo, hot tub, patio cover, trellis, etc.)
      - Impervious surfaces calculation (driveways, parking areas, walkways, or patios), including calculating total impervious surface area for the entire site in Project Data Sheet
      - Adjacent off-site improvements (sidewalk, curb, gutter, or street trees)
      - All landscape areas, fences, retaining walls, and manufactured slopes
      - On-site trees and large shrubs (over 6” in diameter as measured 4.5’ above the ground), indicate their status (to be preserved, removed, or relocated), and their approximate drip-lines. If property is vacant, show all trees over 2” in diameter as measured 4.5’ above the ground.
    - Existing and/or proposed floor elevation of the first floor and garage
    - A 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. A topographic survey may be required, which includes 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%.
    - Illustrate all drainage across, into, and leaving the site. Include all applicable easements.
    - Illustrate all proposed grading, including cut/fill, etc.
    - Identify all proposed on-site and immediate off-site stormwater drainage facilities.
    - As applicable, submit Landscape Documentation Package to comply with Water Efficient Landscape Ordinance.

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.
    - Shade the walls and windows to be removed or demolished as part of the project
    - 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 – As applicable, new and redevelopment projects are required to comply with the Post-Construction Storm Water Design Requirements (PCRs), and may include a requirement that property owners enter into a legal agreement or covenant with the City to provide verification of maintenance of any necessary stormwater facilities. The applicant may be required to submit a Storm Water Control Plan (SWCP) in support of the proposed project. Technical guidance, templates, and calculation information for design may be found online at montereysea.org/post-construction-requirements/.

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,
❑ Noise and Vibration study,
❑ Storm Water Management Plan,
❑ Traffic study, and
❑ Other reports/analyses, as necessary.

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.

If you have any questions regarding the above submittal requirements, please contact the Planning Division at (831) 646-3885.