

City of SAN MARCOS

A helpful guide to the
conditional use
permit process



San Marcos



About the Conditional Use Permit Process

What is a Conditional Use Permit?

A conditional use permit (CUP) allows for flexibility with the City's zoning ordinance. The permit grants some special uses on land that is zoned differently than the proposed use.

A CUP is granted for a limited amount of time, usually one to five years. There are three types of CUPs, depending on the nature of the project: "major" CUP, "minor" CUP and director's permit.

Please note that the process outlined in this brochure does not apply to director's permits for large family child care facilities. Please contact the planning division for a specific application if you plan to seek that type of CUP.

What is the process to obtain a CUP?

The CUP process is generally a six-step process that culminates in either a public hearing (for a minor and major CUP) or an administrative decision (for a director's permit). City of San Marcos planning staff will help you through the process.

Six Steps to a Conditional Use Permit

Step 1: Confirm

The first step in the CUP process is to find out if the proposed project site is zoned for the type of use being proposed. If it is not zoned for the proposed use, the next step is to check to see if it qualifies for a CUP, which could provide temporary approval for the proposed use. Not all projects are eligible for a CUP.* **Advisory:** An applicant should not proceed with any business operations or tenant improvements related to the CUP until the CUP has been officially approved by the City.

** Planning staff may request a "letter of intent" at this stage in order to make a determination.*

Step 2: Meet

If the project both *requires* and *qualifies* for a CUP, an applicant may arrange for an informational meeting with planning staff. During this meeting, the applicant will outline the specifics of the project with City staff from the planning and engineering divisions. Staff will identify potential issues with the project and guide the applicant towards the proper permit (director's, minor or major CUP).

Note: This step is optional, but is strongly encouraged to make the CUP process more efficient. The informational meeting takes up to two weeks to schedule once the request is submitted.

Step 3: Submit

After the applicant has met with planning staff, the next step will be to prepare and submit all the necessary paperwork needed for the CUP application. This includes an application form, filing fee and other required information (see next page).

Once the application is received, a City planner will be assigned to the project. The application will be routed to appropriate City departments and outside agencies for review.

During this step, a public "notice of application" will be sent to all properties located within a 500-foot radius of the project, unless expanded by the director. The applicant will be required to post a public notice sign on the property and submit a photograph of the posted sign to the planning division.

The applicant will be notified by planning staff within 30 days as to whether the application is complete and ready for review, or whether it needs additional information.

Step 4: Environmental Review

All CUP projects are required to be analyzed for potential environmental impacts. This step is concurrent with processing of the application. Technical studies may be requested by staff.

Step 5: Staff Review

Once the environmental review is complete, the entire application package will be reviewed by planning staff for land use compatibility, environmental and traffic impacts, and other issues will be considered. Based on this analysis, planning staff will either recommend approval or denial of the project and list any recommended conditions related to the project. The project will then move into the next step, where a final decision will be made.

Step 6: Decision

If a director's permit is being issued, nearby property owners will be notified that a decision on the project will be made within 10 days. A legal advertisement will also be placed in the local newspaper.

If a public hearing is required (for major and minor CUPs) before a decision is made, notices and ads will also be placed to notify the public of the hearing date and time. During the public hearing, planning staff will provide a report on the project to the administrative hearing officer or the planning commission. The officer or commission may ask questions of staff and/or the applicant. Public comments will also be taken during the hearing. Then, the officer or commission will make a decision on the project. The decision is final unless appealed or if the decision is related to a legal action requiring an additional decision by the City Council.

Appeals

The decision of the administrative hearing officer (minor CUP) or the planning director (director's permit) may be appealed by the applicant, an individual with an interest in the property, or by the owner or person having an interest in any property located within the public notification radius (typically 500'). The appeal must be submitted in writing within 10 calendar days of the administrative hearing officer's decision, along with payment of appeal fees. The letter shall outline the grounds for the appeal. The planning commission shall hold a hearing on the appeal after giving due notice to the appellant and to the owners of property within 500 feet of the project site.

Any person dissatisfied with the decision of the planning commission may appeal to the City Council. The appeal must be submitted in writing within 10 calendar days of the planning commission's decision, along with payment of appeal fees. The letter shall outline the grounds for the appeal. The City Council shall consider the appeal and will either affirm the decision of the planning commission or hold a hearing de novo on the appeal. The decision of the City Council is final.

Details on the Application Pieces Needed

Application Pieces

There are several pieces to the application submittal portion of the CUP process. They are detailed below. Always remember that you may confer with a City planner at any time if you need assistance with your application.

Application Forms

Complete and sign the two-page application and all related items identified in the application checklist.

Public Notice Package

A public notice package fee of \$175 is required. Applicant must also provide a 500' radius map, list of assessor parcel numbers (APNs) with names and mailing addresses, and three (3) sets of gummed mailing labels. Additional postage and envelope fees will be invoiced and are due prior to hearing or approval. The 500' radius may be expanded at the planning director's discretion.

The individual or the company representative responsible for the preparation of the public notice package should complete and sign the public notice certification #1. Public notice certification #2 should be completed if the project is within 500' of a mobile home park or is in an existing commercial or industrial center.

Statement of Justification

This is needed only for a variance/grading variance request.

Fees

Application Fee	\$3,476 (Major CUP) \$2,433 (Minor CUP) \$1,000 (Director's Permit)*
Public Notice Fee	\$175
Environmental Initial Study (Negative Declaration) --- OR ---	\$3,720
Environmental Review Fee (CEQA Exemption)	\$200

Special Fee Notes:

CUP projects are subject to annexation into Community Facility Districts (CFD) 98-01, 98-02 and 2001-01. The estimated special taxes will be calculated during the processing of the application based on the proposed use. Contact the planning division for more information on CFDs.

The County of San Diego requires some fees be paid pursuant to state law requirements upon approval of the project by the City. A filing fee for a negative declaration is \$2,094. A filing fee for "no effect determination" for CEQA exemptions is \$50. These fees are payable to the County of San Diego and are paid *after* the project is approved. The applicant will be invoiced for the payment.

* Includes environmental review.

Materials Board

If your application requires submittal of a materials board, please follow the specifications outlined on the materials board form provided in the application packet.

Title Block

If your application requires the use of a title block, please follow the specifications outlined on the materials board form provided in the application packet.

Sign Posting

All applications require the posting of a sign with the information provided in the sample in the application packet. A photo of the posted sign must be submitted within 7 days after the application submittal and must be readable. Please remove the sign after action by the administrative officer, planning commission or city council. It is not necessary to keep it posted after that.

Utility Locations

On commercial and industrial site development plans/landscape plans, locate all utilities (including back flow prevention devices) and provide photos of the actual utility.

Additional Documents

Electronic documents will be requested when a project is ready for public review. These documents will include, but are not limited to, site plans/maps, architectural elevations, and landscape plans, and should be submitted in JPEG format on compact disks (CD).

More Info

For more information or assistance with your application, please contact the City of San Marcos Planning Division at (760) 744-1050, ext. 3204 or visit them at 1 Civic Center Drive, First Floor, San Marcos, CA 92069



Sample CUP Application Process

Step 1: Confirm

Decide which type of CUP permit is needed for your project. *The amount of time required to complete this step is up to the applicant.*



Step 2: Meet

Arrange for an information meeting with planning staff (*Optional -- info meeting takes up to two weeks to schedule*).



Step 3: Submit

Prepare and submit all the necessary paperwork. *The amount of time required to complete this step is up to the applicant.*



Step 4: Environmental Review

All projects are required to be analyzed. *This step happens concurrently with the staff review step.*



Step 5: Staff Review

During this step, the entire application will be reviewed by planning staff. *See information below for a time estimate for this step.*



Step 6: Decision

This is the final step of the process. Applicants will receive a set of conditions (called a resolution) after the decision is made.



Major CUPs take three to six months; minor CUPs take up to three-and-a-half months; director's permits take up to two months to process. These time frames assume the City receives a complete application with all required information. It also assumes limited public comment or issues during the application processing period. The time frames could be extended if there is public concern expressed during the review period. The graphic above is used for illustrative purposes only. Not all projects may be approved. More details about the process provided inside of this brochure.

Notes: