

TOWN OF PORTOLA VALLEY

CONDITIONAL USE PERMITS

What Is A Conditional Use Permit?

The Town is divided into different zoning districts. Each District includes uses that are permitted more or less as a matter of course. In addition, each district has certain uses that are considered acceptable under specific conditions. These are the uses for which a conditional use permit (i.e., "CUP") is required. Uses not specifically listed in the Zoning Ordinance as a "permitted" or "conditional" use are considered inappropriate for the district and are not permitted.

Do I Need A CUP?

Planning staff will help you determine if you need a CUP. Typically, a CUP is not necessary in association with the development of a single house on a separate parcel in an R-1, R-E or M-R zoning district. However, certain uses (e.g., a church or a nursery) are permitted in R-1, R-E and M-R districts subject to the granting of a CUP. COMMERCIAL and OFFICE uses are permitted in the C-C and A-P districts but in all cases will require a CUP.

How Do I Apply and How Much Does It Cost?

Application forms and filing information are available at Town Hall, 765 Portola Road, at the Building Counter. An application requires a filing fee and a deposit for professional services. The filing fee is \$4,150 and the deposit for services is \$7,500. Please refer to the separate schedule of fees and deposits.

How Are CUPs Reviewed and Decided?

CUPs are decided at a public hearing before the Planning Commission. Prior to the hearing, the application is reviewed by the Town Planner for conformance with the provisions of the General Plan and Zoning Ordinance and, as appropriate, is circulated to other staff members and volunteer committees for review and comment. The Town Planner then prepares a report on the request and at least five days prior to the public hearing, submits it to the applicant and Planning Commission with a recommendation for action.

The Planning Department will fix a time and place for the use permit hearing and will mail notice of the hearing to the applicant and all property owners within 300 feet of the exterior boundaries of the property upon which the application has been made.

The Zoning Ordinance states that a use permit may be granted if the Planning Commission makes all of the following findings (§ 18.72.130A of the Municipal Code):

1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and service facilities in the vicinity.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other

features as may be required by this title (Zoning) or in the opinion of the Commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residents.

3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.
5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.
6. The proposed use will be in harmony with the general purpose and intent of this title (Zoning) and the General Plan.
7. When this title (Zoning) of the Town's General Plan specifies that a proposed use shall serve primarily the Town and its spheres of influence, the applicant shall have demonstrated that a majority of business of the proposed use will come from the area immediately or within a reasonable period of time. In making such a demonstration, all similar uses in the Town and its sphere of influence shall explicitly be taken into consideration by the applicant.

How Long Does It Take and When Does A CUP Become Effective?

It usually takes between 2 and 4 months from the time an application is filed to the time the Planning Commission completes its review and action on a CUP. Some more complicated applications may take longer, especially if there is significant public reaction to the proposal.

Unless appealed or taken up for review by the Town Council, a CUP becomes effective on the 15th day after approval by the Planning Commission. Further, unless otherwise specified in the CUP, the permit must be exercised within one year of its effective date.

What Happens If My Request Is Denied?

If the Planning Commission denies a CUP request, the decision may be appealed to the Town Council as described in the next section. If the denial is not appealed, then no application for a CUP for the same or substantially the same conditional use on the same or substantially the same site may be filed within one year of the date of denial.

Appeals

Any person dissatisfied with the decision of the Planning Commission may appeal to the Town Council. The appeal must be filed with the Town Clerk AND the Planning Commission within 15 days of the Planning Commission decision by completing appropriate forms and paying a required filing fee and deposit. The deposit will be used by the Town to prepare a report to the Town Council on the appeal. Within a reasonable period of time, the Town Council will hold a noticed public hearing and render a decision on the appeal.

Are There Any Special Concerns I Should Be Aware Of?

Yes. In acting on a CUP request, the Planning Commission will have to make specific determinations with respect to the application's compliance with the California Environmental Quality Act (CEQA). Whenever a controversial use is proposed that has potential adverse effects on adjoining properties, the CEQA determination is more complicated and can result in a longer review process. It is highly recommended that you carefully review any unusual use proposal with the Town Planner PRIOR to actually filing an application.

The Town has very special and important geologic hazard mapping and application review policies and procedures. These affect all applications to varying degrees. Further, you may have to file more than one application in support of your request. Please check with the Planning Department at Town Hall regarding these matters PRIOR to preparing any development plans.

Further Information

For further information contact the Planning Department at (650) 851-1700 Monday through Friday between 8:00 a.m. and 12:00 p.m., or between 1:00 p.m. and 3:00 p.m.