



# Use Permit Information and Checklist

**USE PERMITS.** The City is divided into various zoning districts, each of which allow certain property uses without prior approval. Other uses require a Use Permit or Minor Use permit. These are “conditional” permits, meaning certain requirements need to be met to make the permit valid.

**The Process.** After submission of an application and deposit a planner reviews the request against requirements of the Land Use Code and the California Environmental Quality Act (CEQA). Referrals are made to other City departments and external agencies as appropriate. The Planning Commission is approval authority for Use Permits. This permit process requires a public hearing.

**CHECKLIST.** (Submit electronic copies of any plans. Provide three hard copies of large scale plans. Electronic copies of all documents are helpful.)

- Application form and deposit
- Project Description, including a Plan of Operation with the following information at a minimum:
  - Days and hours of operations
  - Total number of employees, including the number on the largest shift
  - Estimated maximum number of customers per day and hour
  - Estimated number of pickups and deliveries per day
  - Floor area to be used in square feet (include outside area if applicable)
  - Number of on-site parking spaces (existing and proposed)
  - Business growth projections
  - Type of project (seasonal, permanent, temporary)
  - Detailed information about:
    - Waste (including by-products) and method of disposal
    - Whether the projects will generate noise, glare, dust, or odor, or involve toxic substances
    - Public facility use, such as roads, water, and sewer systems
  - Any other aspects that may affect the neighborhood and community
- Existing and proposed floor plans and elevations, as applicable
- Site Plan clearly drawn on one sheet, containing required information (see Site Plan Checklist)
- For projects not exempt from CEQA, submit a CEQA checklist (see a planner if you have questions).
- Additional information and supporting documentation necessary to assist with permit processing (LUC §9.72.080.F will help ensure application materials fall within the LUC requirements):
  - How design, location, size and operations are compatible with current and potential land use in the area
  - How the site is suitable, considering the type, density, and intensity of proposed use
  - How the site is suitable, considering access, utilities, and absence of physical constraints
  - How the project will not be detrimental to public interest, health, safety, and welfare of people and property

Technical studies (1 hard copy and 1 electronic copy) may be required including a cultural/historic resource report, geologic/soils report, wetland delineation, noise study, transportation study, solar access, etc.

For more information on Use Permits, see [Chapter 9.72.080](#) of the Arcata Land Use Code. If you have further questions, speak with a Planner by calling #707-822-5955.

**9.72.080 Use Permit and Minor Use Permit**

**A. Purpose.** A Use Permit or Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose effects on site and surroundings cannot be determined before being proposed for a specific site.

**B. Applicability.** A Use Permit or Minor Use Permit is required to authorize a proposed land use identified by Article 2 (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a Use Permit or Minor Use Permit.

Where a Minor Use Permit is required for modifications of site standards only, the Zoning Administrator shall review the project's proposed modifications and exceptions in accordance with the Review Authority, standards and process identified in Land Use Code Section 9.72.040 (Design Review).

**C. Review Authority.**

1. **Use Permit.** A Use Permit shall be approved or disapproved by the Planning Commission.

2. **Minor Use Permit.** A Minor Use Permit shall be approved or disapproved by the Zoning Administrator; provided, that:

a. The Zoning Administrator may choose to defer action and refer any Minor Use Permit application to the Planning Commission for hearing and decision; and

b. A Minor Use Permit for modification of site standards may be issued by the Zoning Administrator for projects that require up to a Mitigated Negative Declaration environmental review, as established by Council, and to meet Section 9.72.040 (Design Review).

**D. Application Filing and Processing.** An application for a Use Permit or Minor Use Permit shall be completed, filed, and processed in compliance with Chapter 9.70 (Permit Application Filing and Processing). The application shall include the information identified in the Department handout for Use Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection (F) of this section.

**E. Project Review, Notice, and Hearing.** Each application shall be reviewed by the Zoning Administrator to ensure that the proposal complies with all applicable requirements of this Land Use Code.

1. **Use Permit.** The Planning Commission shall conduct a public hearing on an application for a Use Permit before reaching a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 9.74 (Public Hearings).

**2. Minor Use Permit.** The Zoning Administrator or Planning Commission, consistent with Subsection (C) of this Section, shall conduct a public hearing on an application for a Minor Use Permit before reaching a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 9.74 (Public Hearings).

**a. Content of Public Notice.** The notice shall state that the Zoning Administrator or Planning Commission, consistent with Subsection (C) of this Section, will conduct a public hearing to approve or disapprove the Minor Use Permit application on a date specified in the notice.

**b. Report to the Planning Commission.** The Zoning Administrator decision on a Minor Use Permit shall be reported to the Planning Commission at the next available Planning Commission hearing within the appeal period of the decision on a Minor Use Permit.

**F. Findings and Decision.** The review authority may approve a Use Permit or Minor Use Permit only after first finding all of the following:

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Land Use Code and the Municipal Code or is a nonconforming use in compliance with Subsection 9.90.020(A)(1);
2. The proposed use is consistent with the General Plan, Local Coastal Program, and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and potential future land uses in the vicinity;
4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
5. Granting the permit will not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

**G. Conditions of Approval.** In approving a Use Permit or Minor Use Permit, the review authority shall impose any conditions (e.g., the placement, height, nature and extent of the use; buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, time limits, etc.) deemed reasonable and necessary to carry out the purposes of this Section and ensure that the approval will comply with the findings required by Subsection F. (Findings and decision), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

**H. Coastal Permit Required.** A Coastal Permit shall be required for all Use Permits located in the Coastal

Zone except those specifically excluded from Coastal Permit requirements by Section 9.72.030 (Coastal Permit).

**I. Post Decision Procedures.** The procedures and requirements in Chapters 9.76 (Appeals) and 9.79 (Permit Implementation, Time Limits, and Extensions), and those related to revocation in Article 9 (Land Use Code Administration), shall apply following the decision on an application for Use Permit or Minor Use Permit approval. (Ord. 1419, eff. 10/5/2012; Ord. 1513, eff. 3/8/2019)