



# CITY OF LARKSPUR

Planning Department  
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Larkspur, CA 94939

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## Submittal Requirements for a *Nonconforming Exception* *Permit (EXC)*

Within 30 days of application submittal, the Planning Department will review each application for completeness of required information and applicable fees. A Notice of Incomplete Submittal will be mailed to those applicants whose submittal is incomplete. Applications cannot be noticed for public hearing until accepted as complete.

**Project Site Address** \_\_\_\_\_

**Applicant/Owner** \_\_\_\_\_

The following items must accompany all applications unless specifically waived by Planning Department staff<sup>1</sup>. Upon submittal of the application, please include this sheet with the appropriate boxes checked, to assure our receipt of all submittal requirements.

Office Use

- |  |                                |
|--|--------------------------------|
| <input type="checkbox"/> <b>Application</b> - completed and signed by applicant and property owner. (NOTE: property owner may be different from applicant)   | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>Fee</b> - as established by resolution of the City Council.  | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>Statement of required findings</b> - (Section 18.68.040.F, Larkspur Municipal Code [LMC]) describing how the application satisfies these findings. (See back of form)            | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>Three (3) sets of plans including the following:</b>   | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>Location map</b> – showing the general location of the parcel.   | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>Site Plan</b> –  | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>(a)</b> shall be properly drawn to scale (minimum 1/8" = 1') & dimension.  | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>(b)</b> shall have a graphic bar scale, a statement of scale, a north arrow, title block & date.   | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>(c)</b> shall indicate property lines and show all structures, parking spaces, and driveways on the site. Indicate setback distances from structures to the property line        | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>(d)</b> shall show the location of the proposed fence(s), adjacent streets & driveways. (The sight line for drivers is a key consideration) The fence height shall be indicated. | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>Floor Plans</b> - showing existing floor area & proposed floor area at 1" = 1/4" scale. Both shall be dimensioned at exterior walls.   | <input type="checkbox"/> _____ |
| <input type="checkbox"/> <b>Architectural Elevations</b> - showing exterior materials & colors at 1"=1/4" scale.   | <input type="checkbox"/> _____ |

<sup>1</sup> **NOTE:** Depending on the nature of the application, additional information may be required.

**CITY OF LARKSPUR**  
***Nonconforming Exception Permit***

➤ **What is a Nonconforming Exception Permit (EXC)?**

A Nonconforming Exception Permit (EXC) allows a property owner to make changes to the exterior of a structure that does not meet the requirements of the Larkspur Municipal Code. Planning Department staff may grant a Nonconforming Exception Permit only if the applicable findings can be made (the findings are listed under item #4 of this sheet), and provided that written protest of the application is not submitted within 10 days of public noticing.

➤ **What are the steps to apply for a Nonconforming Exception Permit?**

**1.) Consult with the Planning Department Staff:** File an **application** form & the required fee at the Customer Service Counter (2<sup>nd</sup> Floor) of the Larkspur City Hall. The application form should describe the requested proposal, and must be signed by both the property owner & applicant, if different. The **fee** is required to cover the city's time & expenses involved in processing the Nonconforming Exception Permit. Three copies of **plans** must be submitted for review along with the required materials listed on the opposite side of this page. Further, the applicant should consider any possible impacts of the proposed construction & provide a written description of how they would be mitigated.

**2.) Staff Review:** Within 30 days of submittal of an application, the City will evaluate it for **completeness**. If it is found to be **complete**, processing will begin; if it is **incomplete**, you will be so notified in writing & provided with a list of the items needed to render it complete. During processing, the property will be **visited** at least twice by City staff, once to investigate the site & once to post a public notice.

**3.) Noticing & Public Hearing:** Local law requires that public notice be given of Nonconforming Exception Permit determinations. After making a determination that the findings listed below can be made in the affirmative, Planning Staff will post a notice on the property and on three official bulletin boards, and will mail a copy to all property owners within 300 feet. If no written objections to the application are received within 10 days, staff will approve the application.

**4.) Findings for approval:** The decision of the Planning Department is based on the required findings from Section 18.68.040(F), which are listed below:

1. The exception will not increase the existing nonconformity.
2. The proposed project otherwise conforms to the standards and regulations of the Larkspur Municipal Code.
3. The proposed project will not be detrimental to the health, safety, welfare, comfort, or convenience of persons working or residing in the neighborhood of the proposed structure, nor be detrimental to the general welfare.

➤ **Can the public or applicant appeal the decision of the Planning Department?**

Yes, anyone disagreeing with the Planning Department decision may file a written protest with the Planning Department within 10 calendar days of the date of the public notice. In this case, a public hearing shall be set before the Planning Commission. The decision of the Planning Commission may be appealed to the City Council.

➤ **When does the Nonconforming Exception Permit expire?**

The Nonconforming Exception Permit must be acted upon (commencement of construction) **within one year** of the approval or it will be rendered invalid. Applicants unable to meet this schedule should apply for an extension before the one-year period expires.

**NOTE: The City strongly encourages the applicant/property owner to consult with the neighboring property owners regarding the proposed project before submittal.**