

SLOPE USE PERMIT PROCEDURES

What is a Slope Use Permit (SUP)?

A Slope Use Permit is an effort by the City to control development on hillside land (land that has an average slope of 10% or greater) and ensure that grading is minimized in such areas (see Section 18.34.060 of the Slope and Hillside Ordinance for applicable projects). This is to assure that any lands with unstable soils are identified early, and that any development on such lands be in keeping with the best engineering practices to avoid erosion, slides or flooding and, to have as minimal an effect on the environment as possible. The Planning Commission reviews the Slope Use Permit and their decision is based on required findings, which are listed under item #5 below.

What are the necessary steps to obtain a Slope Use Permit?

1) Consult with the Planning Department: File an application form, drawings, supportive materials, and a deposit at the Customer Service Counter (2nd Floor) of the Larkspur City Hall. The application form should describe the requested proposal, and it must be signed by the property owner and representative, if different. The deposit is required to cover the city's time and expenses involved in processing the Slope Use Permit. The deposit will typically cover all expenses, and the applicant will usually receive a refund of a portion of the deposit; however, additional monies may be requested if the case is protracted or if consultant services are required. Six (6) copies of plans must be submitted for review along with the required materials listed on the opposite side of the page.

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, it will be scheduled on an upcoming Planning Commission agenda; if it is incomplete, you will be so notified in writing and 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 and once to post a public notice.**3) Environmental Review:** Within 30 days of determining the application to be complete, staff will determine the environmental status of the project pursuant to the California Environmental Quality Act (CEQA).

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4) Noticing & Staff Report: Local law requires public notice for Slope Use Permit hearings. At least 10 days before the hearing, a notice will be posted on the property, mailed to all property owners within 300 feet, and posted on three official bulletin boards.

5) Public Hearing: The Planning Commission hearing begins with a staff presentation, then the applicant's presentation and subsequent public comment. The public hearing is then closed and the Planning Commission deliberates the project and comes to a decision based on the required findings from Section 18.34.060(C), which are listed below:

1. Off-site and on-site views of the ridges will not be substantially impaired.
2. The proposed project takes into account the environmental characteristics of that property, including but not limited to prominent geological features, natural drainage ways, and significant tree cover, and limits grading to only what is necessary to allow reasonable development of the site.
3. The project incorporates adequate construction management measures to address staging of materials, parking of workers' vehicles, traffic control, and maintenance of public infrastructure.
4. The project is designed in keeping with the best engineering practices as determined by the City Engineer to avoid erosion, slides or flooding, in order to have as minimal an effect on said environment as possible.
5. Adequate fire safety measures have been incorporated into the design of the project.
6. The proposed project will not be detrimental to the health, safety, morals, comfort, convenience, or general welfare of the public or persons residing or working in the neighborhood of such proposed use.
7. The project is consistent with the General Plan of the City and all other provisions of the Municipal Code.

Can the public or the applicant appeal the decision of the Planning Commission?

Yes, anyone disagreeing with the Commission decision may file an appeal with the City Clerk within 10 calendar days of the date of the meeting at which the decision was made. A filing fee is charged. The City Council then will hold a new hearing.

When does the Slope Use Permit expire?

The use permit must be acted upon (commencement or construction) within two years of the approval or the Slope Use Permit would be rendered invalid. Applicants unable to meet this schedule should apply for an extension before the two-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.