

## **Certificate of Nonconforming Use**

Form ID: PER-003

A **Certificate of Nonconforming Use** is required to allow the continuation of certain nonconforming use of land or buildings beyond the date they become non-conforming, subject to standards and required findings provided in Chapter 1.9 of the Zoning Code.

To apply for a Certificate of Nonconforming Use, please email a completed application packet along with required exhibits to [planning-applications@sacounty.gov](mailto:planning-applications@sacounty.gov).

### **What To Know Before Submitting**

#### **What is an acceptable signature?**

Signatures must either be electronic certified signatures (i.e. Adobe and DocuSign) or scanned wet signatures. Signatures using a cursive typeface are not acceptable.

#### **Who can sign for the owner if the owner is a corporation or organization?**

If the owner is an organization, an owner or authorized agent must provide their electronic or wet signature on this form or on a Letter of Authorization. Authorized agents are checked against the Secretary of State's records. If the person signing is not listed as an authorized agent, proof must also be provided that the person signing is permitted to act on behalf of the organization through organizational documents, a corporate resolution, or other declaration.

#### **What file types and sizes are acceptable?**

PDF documents are the only acceptable file format for submittal. If you have any files that are in excess of 10MB or have total exhibits exceeding 20MB, errors sending in files may occur. Please let us know in an email that you wish to submit large files and we can send you a link for a submission portal.

#### **What do I name files sent for submittal?**

Please name your files with the project name, followed by an underscore, and the name of the application or exhibit being attached. For example, for NCS applications, you would need to submit at least three PDF files:

- 1) "ProjectName\_ApplicationPacket.pdf"
- 2) "ProjectName\_SitePlan.pdf"
- 3) "ProjectName\_FloorPlan.pdf"
- 4) *If needed:* "ProjectName\_CopiesofBusinessLicenses.pdf"
- 5) *If needed:* "ProjectName\_LetterofAuthorization.pdf"

**Project and Contact Information:**

Project Name: \_\_\_\_\_

Project Site Address(es): \_\_\_\_\_

Project Assessor Parcel Number(s): \_\_\_\_\_

**Assessor Parcel Number (APN).** To find the APN for your property, visit the Assessor’s Parcel Viewer at [assessorparcelviewer.sacounty.gov](http://assessorparcelviewer.sacounty.gov).

**Applicant Information:**

Applicant Name (first and last name): \_\_\_\_\_

Applicant Company (if applicable): \_\_\_\_\_

Applicant Address (Street number, street name, city, and ZIP code):  
\_\_\_\_\_

Applicant Phone Number: \_\_\_\_\_

Applicant Email Address: \_\_\_\_\_

**Owner or Agent of Owner’s Information:**

Owner or Agent of Owner’s Name (first and last name): \_\_\_\_\_

Owner or Agent of Owner’s Company (if applicable): \_\_\_\_\_

Owner or Agent of Owner’s Address (Street number, street name, city, and ZIP code):  
\_\_\_\_\_

Owner or Agent of Owner’s Phone Number: \_\_\_\_\_

Owner or Agent of Owner’s Email Address: \_\_\_\_\_

**Other Contact #1 Information (Optional):**

Other Contact #1 Relation to Project: \_\_\_\_\_

Other Contact #1 Name (first and last name): \_\_\_\_\_

Other Contact #1 Company (if applicable): \_\_\_\_\_

Other Contact #1 Address (Street number, street name, city, and ZIP code):  
\_\_\_\_\_

Other Contact #1 Phone Number: \_\_\_\_\_

Other Contact #1 Email Address: \_\_\_\_\_

**Other Contact #2 Information (Optional):**

Other Contact #2 Relation to Project: \_\_\_\_\_

Other Contact #2 Name (first and last name): \_\_\_\_\_

Other Contact #2 Company (if applicable): \_\_\_\_\_

Other Contact #2 Address (Street number, street name, city, and ZIP code):  
\_\_\_\_\_

Other Contact #2 Phone Number: \_\_\_\_\_

Other Contact #2 Email Address: \_\_\_\_\_

**Billing Party**

Select **one** Billing Party:

- Applicant    Owner or Agent of Owner    Other Contact #1    Other Contact #2

## **Legal Authority and Consent to File Application**

An initial below indicates that you understand and agree to the item. **All statements must be initialed by the applicant (i.e. John Smith initials as JS). "X" marks are not acceptable.** If you do not understand an item, please ask the intake planner for an explanation.

- \_\_\_\_\_ I understand that if the initial entitlement fee is a deposit, actual costs will be based on set hourly rates and actual time and materials used. Please refer to the [Planning Fee Schedule](#) to determine if your selected entitlements will be subject to a flat fee or time and materials.
- \_\_\_\_\_ I understand that if actual costs exceed the amount of the deposit I will be billed for the additional costs based on time and materials used.
- \_\_\_\_\_ I understand that additional fees for the preparation of an environmental document, which is required pursuant to the California Environmental Quality Act (CEQA), may be required.
- \_\_\_\_\_ I understand that if necessary, I will receive a separate letter requesting a deposit for the environmental document. The typical range for an environmental document for small maps and use permits is **\$6,000 – \$12,000** depending on the specifics of the site and the complexity of the project. For projects with complex environmental issues the deposit amount could be substantially higher.
- \_\_\_\_\_ I agree to pay all fees required to complete processing of this application. I understand that my application will not be deemed complete until the environmental document deposit has been received.
- \_\_\_\_\_ I hereby give permission to County staff and other authorized personnel to conduct site inspections and post public notification signs on my property during the processing of this application. I consent to the posting of the address and contact information of all parties to this application on any website maintained by the County of Sacramento (the County).
- \_\_\_\_\_ I agree not to alter the physical condition of the property during the processing of this application; such as, but not limited to removing trees, constructing or demolishing structures, altering streams, and/or grading or filling. I understand that such alteration of the property may result in the imposition of criminal, civil or administrative fines or penalties, or delay or denial of the project.

\_\_\_\_\_ Applicant shall defend, indemnify and hold harmless the County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, including any claim for private attorney general fees claimed by or awarded to any party against the County, and shall also include the County's costs incurred in preparing the administrative record which are not paid by the petitioner. The County shall promptly notify the applicant of any claim, action or proceeding. Notwithstanding the foregoing, the County shall control the defense of any such claim, action or proceeding unless the settlement is approved by the applicant and that the applicant may act in its own stead as the real party in interest in any such claim, action or proceeding.

\_\_\_\_\_ I have checked the current Hazardous Waste and Substances Sites List (<https://www.envirostor.dtsc.ca.gov/public/>) pursuant to Government Code Section 65962.5(f). The proposed project site is not included on the most recent list.

\_\_\_\_\_ I understand that pursuant to State Fish and Games Code Section 711.4, a filing fee is required for all projects processed with a Negative Declaration or Environmental Impact Report unless it has been determined by the California Department of Fish and Wildlife (CDFW) that the project will have no effect on fish and wildlife. The fees are collected by the County Office of Planning and Environmental Review (PER) for payment to the State. I understand that I will be notified of the fee amount upon release of the environmental document for the project.

\_\_\_\_\_ I understand that all applicants are required to provide a Neighborhood Outreach Plan. I will include my neighborhood outreach plan in my Project Description.

\_\_\_\_\_ I hereby agree that any drainage studies and/or drainage models that are provided to the County as part of the technical studies for this entitlement process will be provided with a license or other satisfactory release allowing the County to duplicate, distribute, and/or publish the studies and models to the general public without restriction. I understand that failure to provide such license or release to the satisfaction of the County may result in comment that the study and or model is inadequate to support the entitlement request.

**Authorizations**

Applications will **not be accepted** without signature(s) of legal property ownership or official agent / authority to file.

For a signature by an owner’s agent, an attached Letter of Authorization, Power of Attorney, or Contract to Purchase is required to be attached to this application. Signatures must either be electronic certified signatures (i.e. Adobe and DocuSign) or scanned wet signatures. Signatures using a cursive typeface are not acceptable.

The signature below signifies legal authority and consent to file an application in accordance with the information above and on the preceding pages. The signature also signifies that the submitted information and accompanying documents are true and accurate, and that the items initialed above have been read and agreed to.

Owner or Owner’s Agent’s Name: \_\_\_\_\_

Owner or Owner’s Agent’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner #2’s Name (if applicable): \_\_\_\_\_

Owner #2’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner #3’s Name (if applicable): \_\_\_\_\_

Owner #3’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Statement of County Responsibility**

Please read the following statement outlining your responsibilities in the application hearing process.

An amendment to California Law (AB 884), adopted in 1977 and effective January 1, 1978, requires the County and all other jurisdictions in the state to take final action to approve or disapprove a request like yours within one year of the County's acceptance of your application as complete. In most cases, the County has approved requests like yours in significantly less time. However, the legislation now requires the County to "count down" the days so that requests are not inadvertently approved without approval by the Board of Supervisors or a designated body.

The law requires the County to inform you within 30 days after the application is submitted if your application is incomplete for our needs. If the application is complete and has all the information we need, the processing will be initiated immediately. If additional data is needed, a letter will be sent to you specifically stating the information needed. The staff will not certify that the application is complete until all the requested items have been submitted to the County and the required fees have been paid.

Your application will be heard in a public hearing. The County is required by law to notify all those property owners within 500 feet with a minimum of 30 property owners as shown on the latest assessment roll. This provides an opportunity for those most affected by a proposed use to provide input to the hearing body.

**PLEASE BE ADVISED THAT THIS APPLICATION IS NOT APPROVED UNTIL THE ULTIMATE HEARING BODY HAS TAKEN ITS FINAL ACTION AND ALL APPEALS EXHAUSTED. ANY RECOMMENDATIONS OR COMMENTS BY STAFF OR ACTIONS BY INTERMEDIATE HEARING BODIES ARE ONLY ADVISORY AND SHOULD NOT BE RELIED ON FOR THE PURPOSES OF MAKING FINANCIAL COMMITMENTS.**

## **Part 1a: Required Exhibits**

In addition to filling out this form, the following exhibits are required as a part of a Certificate of Nonconforming Use application. Please provide each listed item as a separate PDF file.

- ✓ **Scaled Site Plan** containing the following information:  
*Drawn site plans are preferred, however, annotated aerials from the Sacramento County General Map ([generalmap.gis.sacounty.gov](http://generalmap.gis.sacounty.gov)) may be acceptable depending on the scale of your nonconforming use. If your nonconforming use is in a commercial center, your landlord may have a site plan available that you can annotate.*
  - Address of property
  - Date of the drawing
  - Property lines for all abutting properties (including those opposite a public or private street)
  - All existing structures on the property
  - North arrow and legend
  - To scale drawing of property lines, building outlines, and setbacks
- ✓ **Scaled Floor Plan** containing the following information:
  - Address of property, including suite numbers/letters
  - Date of the drawing
  - Total area occupied by use
  - Labeled use of each room
  - Labeled square footage and dimensions of each room
  - *If a tobacco outlet/retail establishment:* Label the products/use of all shelves
  - North arrow and legend
- ✓ If applicable, **Copies of Business Licenses**, as described in Step 2a.

## **Part 1b: Design Review Requirements**

Please be aware that if any exterior modifications, such as façade improvements, are proposed for a nonconforming use or structure, Design Review will be required. This entails a separate application and detailed exhibits as outlined on our [Design Review webpage](#).

- If applying for a Certificate of Nonconforming Use to the Planning Commission (NCP), the design review will be “bundled” with the NCP as Discretionary Minor Design Review.
- If applying for a Staff-Level Certificate of Nonconforming Use (NCS), it will be evaluated as a separate Minor Nondiscretionary Design Review.

**Check if any exterior modifications are proposed, thus requiring Design Review.**

If no exterior modifications are proposed, the NCS or NCP is exempt from Design Review and no additional applications or exhibits are needed.



**Part 1c: Expansions**

***PLEASE READ!* Any expansion or intensification of the nonconforming structure or use (increase in building size/lease area/outdoor use area/beds/students/residents/guests/other criteria) beyond what was originally permitted by the Zoning Code at the time of establishment and/or as conditioned in an issued business license is not permitted as a part of an NCS or NCP application. Any expansion or intensification of a nonconforming use is subject to the requirements of the current applicable Zoning Code.**

\_\_\_\_ By initialing, I certify that the nonconforming structure or use has **not** expanded or intensified since the date the use or structure became nonconforming with the Zoning Code. I also understand that if any expansion occurs of the nonconforming use or structure beyond what was originally permitted, it will be subject to current Zoning Code standards and, if applicable, the NCS or NCP will be invalidated.

**Part 2a: Uses Requiring Business Licenses**

Does your use require a General Business License, Special Business License, or Tobacco Retailers License from the Sacramento County Department of Finance?

Yes  No

If **yes**, please write in your license number below and attach a copy of the latest copy of your General Business License. If applicable, please also attach the latest copy of your Special Business License and/or Tobacco Retailer License. To request a copy of your license, please email the Business Licensing Unit at [FinanceOBLA@sacounty.gov](mailto:FinanceOBLA@sacounty.gov). Once done, go to Step 3. If **no**, skip to 2b.

Business Name (as listed on license): \_\_\_\_\_

If applicable, doing business as (d.b.a.): \_\_\_\_\_

Description of Business Activities:

Check and provide license numbers of issued licenses, as applicable:

General Business License Number (GNB3): \_\_\_\_\_

Special Business License Number (SPB1): \_\_\_\_\_

Tobacco Retailer's License Number (TRB1): \_\_\_\_\_

**Part 2b: All Other Nonconforming Use and Structures**

Describe the nonconforming use or structure: \_\_\_\_\_

Date structure or use was established: \_\_\_\_\_

Has this structure or use been continually in operation since the date established?

Yes  No

If not, when and how long was the use or business not been in operation?

**Part 3: Level of Review**

Additional allowances for nonconforming uses are provided in certain Special Planning Areas (SPAs). If your business or use is in the following SPAs and your business license has expired or use has ceased for a time **less than** the provided vacancy period, you may not need a Certificate of Nonconforming Use. Please review the exact standards of referenced SPA ordinances for further details. If you are unsure if you are within an SPA with additional time allowances, please email [sacplan@saccounty.gov](mailto:sacplan@saccounty.gov).

<b>Special Planning Area</b>	<b>Vacancy Period</b>	<b>After the Vacancy Period, the following is required:</b>
North Watt Avenue Corridor Plan	12 months	Certificate of Nonconforming Use to the Planning Commission (NCP)
Fair Oaks Boulevard Main Street	12 months	Certificate of Nonconforming Use to the Planning Commission (NCP)
Fair Oaks Boulevard Corridor Plan (all areas outside of the Main Street SPA)	18 months	Certificate of Nonconforming Use to the Planning Commission (NCP)
Locke & Walnut Grove (uses existing as of March 10, 1983)	12 months	If use is now prohibited, Conditional Use Permit to the Zoning Administrator (UPZ)
Courtland (uses existing as of February 8, 2008)	12 months	If use is now prohibited, Conditional Use Permit to the Zoning Administrator (UPZ)
Old Florin Town (uses existing as of July 20, 2011)	12 months	If use is now prohibited, Conditional Use Permit to the Planning Commission (UPP)
Lower Andrus Island (uses existing as of March 10, 1983)	12 months	Minor Use Permit (UPM)

**All Other Areas.** For all other areas of the unincorporated County, provisions provided in Section 1.9.3.A apply.

90 Days or Less: For any nonconforming use that has been discontinued for 90 days or less, a staff-level Certificate of Nonconforming Use (NCS) is required.

91 Days or More: If your use has been discontinued for greater than 90 days, a certificate of Nonconforming Use to the Planning Commission (NCP) is required.

Based on the information provided, select the certificate being applied for:

**Certificate of Nonconforming Use, Staff-Level (NCS)**

Add Community Planning Advisory Council (CPAC) Review – Required for an NCS for Recycling Facilities, Massage Businesses, and Nonconforming Dwellings

**Certificate of Nonconforming Use to the Planning Commission (NCP)**

*If reestablishment of your use requires a Conditional Use Permit (UPM, UPZ, UPP, UPB), stop completing this form and instead complete the General Application Form (PER-001).*

**Part 4: General Information**

Please provide information, as applicable, about your nonconforming use or structure. Information provided should be consistent with what is depicted on your site and floor plans.

Total floor area of entire building (square feet): \_\_\_\_\_

Floor area occupied by business or use (square feet): \_\_\_\_\_

*Complete one of the following two sections as appropriate.*

**Nonconforming Commercial/Nonresidential Uses Only**

Suite #s/Letters occupied by business: \_\_\_\_\_

Occupancy of area occupied by use (persons): \_\_\_\_\_

Seating occupancy of area occupied by use (seats): \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

**Nonconforming Residential Uses Only**

Number of Bedrooms: \_\_\_\_\_ Number of Bathrooms: \_\_\_\_\_

**Part 5: Required Narratives**

If you would like to provide a narrative that takes up more space than the boxes provided below, feel free to attach a separate typed letter.

**Required Narrative for NCS & NCP**

**Compatibility Narrative** - Per Section 6.5.2.D.1, provide a **detailed** narrative describing how the nonconforming use is compatible with the surrounding area.

**Additional Required Narrative for NCP Applications Only**

**Public Convenience or Benefit Narrative** - Per Section 6.5.2.D.2.b, the Planning Commission may only issue an NCP if a finding of public convenience or benefit can be made. Provide a **detailed** narrative describing how the nonconforming use provides a public convenience or benefit to the surrounding community.