

CONDITIONAL USE PERMIT

In certain zoning districts, conditional uses are permitted subject to the granting of a Conditional Use Permit (CUP). Because of their unusual characteristics, conditional uses require special consideration so they may be located properly with respect to their effects on surrounding properties and uses. The Planning Commission analyzes land use, parking, noise, and other factors for conditional uses and ensures potential negative impacts on surrounding properties and uses are addressed by imposing reasonable conditions of approval. These conditions of approval aim to balance the request of the applicant with the public health, safety, and welfare of the surrounding properties and uses. Planning Commission determinations are subject to the right of appeal to the City Council or to review by the City Council.

REVIEW PROCESS OVERVIEW

The CUP review process takes approximately eight to twelve weeks. When your application is submitted it will be assigned to a staff planner. The information provided will be sent to the appropriate departments, divisions, and agencies for review against applicable standards and policies. Within 30 days from receipt of the application, the assigned staff planner will prepare and send the applicant a comment letter outlining the comments received, suggestions for project revisions to address any concerns and request any missing information.

Once the applicant responds to the comment letter, the staff planner will review the revised information and within 30 days either deem the application: (1) incomplete and advise the applicant of any missing information; or (2) complete and schedule the project for a public hearing with the Planning Commission. If scheduled for a public hearing, the staff planner will write a staff report which contains staff's recommendation for action to the Planning Commission. The recommendation can be to approve, deny, or approve the application with specific conditions of approval. The applicant will be provided with a copy of the staff report prior to the public hearing.

In compliance with State law, all property owners within a 1,000-foot-radius of the subject site will be notified of the CUP request and the time and location of the public hearing. It is at the public hearing the actual decision concerning the CUP application will be made. The Planning Commission will consider the information in the staff report and any testimony given at the public hearing. It is strongly recommended the applicant attend the public hearing to present the applicant's case and to answer any questions the Planning Commission may have. The applicant will be informed in writing of the Planning Commission's decision and of any conditions of approval attached to the approval. The Planning Commission must make the required CUP findings before they can conditionally approve the application.

The Planning Commissions' action on an application does not become effective until 15 days after the determination and/or subsequent to the next City Council public hearing, whichever is greater. During this time, the applicant or any concerned party may appeal the action to the City Council by submitting a written request and an appeal fee. An appeal will be scheduled for the first available City Council public hearing. The decision of the City Council is final.

After receiving approval for your application and after expiration of the appeal period, you have one year to submit your plans to the Building and Safety Division for a building permit, if applicable. Please contact the Building and Safety Division at (925) 931-5300 or visit www.pleasantonpermits.com for plan check submittal requirements.

WHAT ARE THE CRITERIA FOR GRANTING A CUP?

The Pleasanton Municipal Code (PMC) establishes the following standards to obtain a CUP:

- The facility shall adhere to all occupancy, Americans with Disabilities Act (ADA), California Building Code, and exiting requirements.
- Adequate parking is available for the use, and the proposal has an effective traffic circulation system including pick-up and drop-off for business patrons.
- The use meets the requirements of the Noise Ordinance.
- The proposed use is allowed subject to a CUP within the zoning district.
- The proposed use will not be detrimental to the public health, safety or welfare.
- The proposed use will comply with each of the applicable provisions of PMC Chapter 18.124.

SUBMITTAL REQUIREMENTS

Following is a comprehensive list of plans and documents required for a CUP application submittal. All CUP application fees are due at the time of submittal.

- Application:** An Application for Development Review form can be obtained online at www.pleasantonpermits.com or from the Planning Division at 200 Old Bernal Avenue. The property owner must sign the application form or provide a written letter of authorization upon submittal. The CUP application fee (located on the application and on the City's website) is due at the time of submittal.
- Owners Association Approval:** If the property is located in an Owners Association, one copy of an approval letter must be submitted with the application.
- Written Narrative:** Thirteen (13) copies of the letter which describes the proposed business operations. Please clearly state hours of operations, number of employees, impacts to parking, and if applicable, provide the number of students/patrons/attendees at any one time, including during peak and off-peak times, any vehicles stored on-site and their respective quantities and sizes and/or any other pertinent information related to the operations of the proposed use. State how the request conforms to the required CUP findings.
- Project Plans:** One digital copy in PDF format of the following plans (plans must be drawn to scale):
 - a. **Site Plan:** An exhibit which clearly shows the dimensions of the lot, the existing structure(s), setbacks, any proposed new construction, the subject tenant space, and parking areas.
 - b. **Floor Plans:** Existing and proposed floor plans which clearly show all building dimensions, all interior walls, doors, windows, description of each room/space.
 - c. Construction type (if applicable), and occupancy group