



CITY OF SAN LEANDRO

Community Development Department • Planning Services
835 East 14th Street • San Leandro, CA 94577
(510) 577-3325 • www.sanleandro.org

CONDITIONAL USE PERMIT FACT SHEET

General Information

A Conditional Use Permit is a permit issued by the Board of Zoning Adjustments allowing a particular use or activity not allowed as a matter of right within a zoning district. The purpose of a conditional use permit is to single out for special treatment those types or aspects of development which may not be compatible with development permitted as a matter of right by the zoning code.

The Board of Zoning Adjustments consists of six residents of San Leandro appointed by the City Council by District, with one additional member appointed at large, to serve as a review board for various land use proposals. The Board meets and holds public hearings on the first and third Thursdays of every month at 7:00 p.m. in the City Council Chambers of City Hall. The applicant or a designated representative must be present at the public hearing for their application.

Application Submittal Requirements

Please submit the following application material at the One-Stop Permit Center on the first floor of City Hall:

1. Completed application form, including all signatures.
2. Applicant's supporting statement (optional).
3. Application fee, or the completed "Agreement for Payment of Fees for Application Processing" with deposit, whichever is applicable. (Please refer to the most current fee schedule).
4. Twenty (20) sets of plans including accurate, scaled and dimensioned site plans, floor plans and elevations. If the plans are larger than 8 ½ " by 11", please fold each plan set to 8 ½ " by 11" and include one set of 8 ½ " by 11" photographically reduced drawings. (Xerox copies are acceptable if they are clear and legible). Fewer plans may be submitted with consent of staff.
5. Findings required for the Conditional Use Permit (See section "Findings").
6. Color and material board. Exceptions may apply.
7. Color photographs, or digital photograph, of the project site, which demonstrate the latest conditions on the site and in the area.

**** Failure to submit the items indicated above may affect scheduling of the application for a public hearing.**

Environmental Review

All applications must be reviewed to determine whether the California Environmental Quality Act (CEQA) will apply to the proposed development. It is recommended that, as early as possible, applicants discuss with the Planning Services Division staff how CEQA will affect their proposal.

Notice of Hearing

At least ten (10) days prior to the public hearing, the Planning Services Division will display the hearing notice in the following ways:

- Publish in a local newspaper,
- Mail notices to property owners within 300 feet of the property in question, and
- Posted on and about property in question.

Findings Necessary for Approval

After closing the public hearing, the Board of Zoning Adjustments may grant approval if it can make the following findings (Zoning Code Section 1-5-2212 A) based on the application, plans, materials and testimony presented at the meeting:

1. The proposed location of the project conforms to the objectives of the Zoning Code as well as the purposes of the district in which the site is located.

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2. The proposed location of the project and the proposed conditions under which it will be operated and maintained will be consistent with the General Plan; will not be harmful to the public health, safety or welfare of persons living or working in, or nearby, to the neighborhood of the proposed use; and will not be detrimental to properties or improvements in the area or to the general welfare of the City.
3. The proposed use will meet the requirements of the Zoning Code, including any specific condition required in the district in which it will be located.
4. The proposed use will not create negative impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be avoided or reduced.

**** Failure to make ALL the required findings shall require denial of the application.**

Conditions of Approval

The staff report for each Conditional Use Permit application includes a list of recommended conditions of approval. If the Conditional Use Permit is approved, the conditions must be recorded with the Alameda County Recorder. In order to record the conditions, the Community Development Department will need the following information:

1. The legal name of the property owner and/or applicant.
2. The type of entity the property owner and/or applicant represent, such as an individual, corporation (including the state), joint venture, or partnership (general or limited).
3. The person(s) responsible for signing the agreement to conditions.

Agreement to Conditions

The Conditions of Approval, along with the agreement to conditions, will be mailed to the property owner and/or applicant after the appeal period ends. The property owner must then sign, and have notarized, the agreement to conditions and return it to the Community Development Department.

Expiration of Conditions

The approval of the use permit shall lapse and become void if not exercised within one year from the date of issuance, except when a longer or shorter term of validity is specified as a condition. Obtaining a building permit and beginning construction, or obtaining a business license and commencing operation are examples of exercising Conditional Use Permit approval.

Appeal Procedure

The action of the Board of Zoning Adjustments is final unless appealed to the City Council within fifteen (15) calendar days from the date of the action. The appeal and appropriate fee must be filed in writing with the City Clerk. Appeal forms are available from the City Clerk's Office.

Other Required Permits

During the processing of a Conditional Use Permit application, the Planning Services Division routes plans to the Building & Safety Services Division, Fire Department, Engineering and Transportation Department, and other City/agency departments that may have purview over the project, for review. Based on the information the applicant gives, each Department/Division provides comments to the planner to advise the applicant of other City permit requirements.

For most development proposals, the applicant must submit to the Building & Safety Services Division:

- Construction drawings for plan check; and
- Building permits after receiving the Conditions of Approval.

Other examples of City permits are encroachment and grading permits issued by the Engineering Division. In addition to City approval, some development proposals require approval from county, regional, state, or federal agencies.