



City of Oakley
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Applicant's Guide to Procedures CONDITIONAL USE PERMIT

In each zoning district of the City's Zoning Ordinance, specific uses are permitted for property in that zone. Each zoning district also lists various "conditional uses" which are permitted subject to approval of a Conditional Use Permit (CUP). The CUP process provides the City sufficient flexibility to determine whether a specific land use with unusual characteristics will be compatible with its surrounding area, the General Plan, and the zoning on adjacent properties. In reviewing a use permit application the staff and City Council will evaluate such items as building placement and size, traffic generation, compatibility of the use with adjoining properties and other related development impacts. Conditions may be imposed as necessary to ensure the project's compatibility with surrounding neighborhoods and the Oakley General Plan.

A request for approval of a CUP requires at least one (1) public hearing before the City Council. Processing time is normally twelve weeks however; it is dependent on a complete application submittal and the number of applications before the City. Applications shall be reviewed for compliance with the submittal requirements. **Applications submitted without the required information are not required to be accepted for processing.** Please use the following checklist to ensure a complete application is submitted to the City.

Step 1 – Pre-Application Submittal (if requested)

The following items must be submitted for a pre-application review. It should be noted that the pre-application allows for one hour of staff time review in order to preliminarily review an application for completeness and to identify any major issues with the project. **Additional issues and/or project conditions may result in changes to the project by either the applicant or from requests from the City and/or other reviewing agencies such as the East Contra Costa County Fire Protection District, Diablo Water District, Ironhouse Sanitary District, Contra Costa Health Department, etc.**

- A) One (1) copy of the completed application form with all necessary signatures.
- B) Letter of Authorization from property owner(s) if represented by a third party.
- C) Environmental Information Form
- D) Signed Hazardous Waste Statement (new construction only)
- E) Preliminary Title Report not more than 6 months old. Report must include owners, legal description, and easements.
- F) One (1) 8.5" x 11" or 11" x 17" reduction of all exhibits for reproduction.
- G) **All plans must be collated, stapled, and folded in sets (site plan, building elevations, landscape plan, grading plan, and floor plan).**
- H) Three (3) hard copies and one (1) electronic copy of a fully dimensioned Site Plan drawn to scale indicating:
 - ___ Project name, north arrow, vicinity map, scale and date of preparation.
 - ___ Name, address, and phone number of owner/applicant and person preparing plans.
 - ___ Acreage, building square footage, percent of landscape coverage, parking requirements.
 - ___ Dimensions of each lot.
 - ___ Existing and proposed structures and/or features such as buildings, walls and trees. Show septic system and/or well if applicable.
 - ___ Names of adjoining landowners and existing land uses on adjoining properties.
 - ___ Easements, public right-of-ways, zoning designation, land use designation, and limits of 100 year floodplain (if applicable).
 - ___ Existing and proposed building dimensions, setbacks, footprints and lot coverage.
 - ___ Driveways, including width and distance to property lines and/or street corners.
 - ___ Parking layouts showing dimensions of stalls, drive aisles and planter areas. Show location of handicapped parking, ramps and pavement markers. All parking spaces shall be individually numbered.
 - ___ Location of trash enclosure and recycling area(s).
 - ___ Show location of all landscaping and dimensions of planters.
 - ___ Entrances, exits and walkways.
 - ___ Screens for ground mounted equipment, trash enclosures, etc.
 - ___ Fencing/wall details.
 - ___ Exterior lighting including type, location, height, photometrics.
- I) Three (3) hard copies and one (1) electronic copy of a Preliminary Grading and Drainage Plan drawn to scale indicating:
 - ___ Project name, north arrow and scale.
 - ___ All existing and proposed grades on site and on adjacent properties.

- Grades and slopes for all accessible paths of travel.
 - All cut/fill slopes.
 - Pad elevations of proposed buildings and existing/approved buildings on adjacent properties.
 - Location and elevations of proposed retaining walls.
 - All true elevations including contours, spot elevations, existing and post project elevations.
 - Method of drainage.
 - Drainage flow lines.
 - Water and sewer lines.
 - Grading quantities.
 - Any existing utility structures.
- J) Three (3) hard copies and one (1) electronic copy of a landscape plan drawn to scale indicating:
- Project name, north arrow, and scale.
 - Location of all existing and proposed trees and a tree legend indicating botanical and common names, quantity, size, spacing and water usage.
 - Location of proposed turf, shrubs and groundcover.
 - A plant legend including botanical and common names, size, quantity, spacing and water usage.
 - Shade calculations for parking areas.
 - Percentage of landscaping and parking noted on the plan.
 - Signature of Landscape Architect, Architect or Licensed Nursery Person.

If Applicable:

- A) Two (2) hard copies and one (1) electronic copy of a traffic study/VMT analysis. Please contact the Engineering Department for specific requirements.
- B) One (1) hard copy and one (1) electronic copy of the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan Application Form and Planning Survey Report. A copy of the Application and Planning Survey Report is available at:
<http://www.co.contra-costa.ca.us/depart/cd/water/HCP/project-permitting.html>
- C) One (1) hard copy and one (1) electronic copy of a Stormwater Control Plan for projects creating or replacing 10,000 sq. ft. of impervious area. A Stormwater C.3 Guidebook is available on the Clean Water Program's website at www.cccleanwater.org (Please see the Engineering Department for more information).
- D) Other information deemed necessary by the Planning Division.

Note: The Pre-Application does not require the submittal of an application fee. Any time worked on a project that results in the submittal of a formal application will be retroactively billed upon deposit account being set up.

Step 2 – Pre-Application Meeting

Approximately four (4) weeks from the date of the Pre-Application Submittal, a Pre-Application Meeting will be held at City Hall. Those attending the meeting include: representatives from the Planning, Building, and Engineering Departments and the applicant and/or applicant's representative. This will allow the Planning, Building, and Engineering staff to review the plans and to provide input to the applicant on possible environmental concerns, General Plan and zoning requirements, traffic, and site and design criteria. This will limit possible delays and plan revisions.

Step 3 – Formal Application Meeting

After the Pre-Application Meeting the applicants can make any changes (if any) that may have been requested or required by City staff. An appointment shall then be made with the assigned Project Planner, prior to formal submittal. The applicant should submit the completed formal application packet to the Planning Division. The Project Planner will review the materials to ensure that all of the required information is submitted.

The following items must be submitted at time of formal application:

- A) Item A through E and items K through N from Step 1 above.
- B) Application deposit fee for: Conditional Use Permit.
- C) Three (3) hard copies and one (1) electronic copy of the complete set of plans (site plan, grading plan, floor plan, cross sections, elevations, landscape plan) (**collated, stapled, and folded**). Additional plan sets will be requested after the project has been deemed complete (see Step 5 – Finalization of Plans).
- D) One (1) reduced reproducible set of plans (size 8.5" x 11" or 11" x 17").
- E) Public Notice Package as follows:
 - 1) One (1) set of Contra Costa County Assessor's map(s), prepared by a Title Company, marked up showing the entire property outlined in red with a green line encircling the property at a distance of 500 feet from the property line. Each parcel lying wholly or in-part within the 500 feet shall have its Assessor's number colored yellow with a "highlighter" pen or yellow colored pencil. Assessor's maps must be 11" x 17" (full size) at true scale **and not reduced**.

- 2) One (1) copy of mailing label list, prepared by a Title Company. A typed list of all affected property owners' parcels highlighted in yellow as above; by Assessor's Parcel Number with names and address. The mailing label list shall include the name and address of the subject property owner, applicant, and the agent or individual responsible for the request. Please ensure the mailing labels only include the mailing addresses of property owners. Site addresses for absentee owners are not required, and if included by the title company should be clearly labeled as "current resident" and not "absentee owner."
- F) Two (2) hard copies and one (1) electronic copy of the Geotechnical Study and Drainage Study.
- G) Two (2) hard copies and one (1) electronic copy of the Storm Water Control Plan from Step 1 above.
- H) Two (2) hard copies and one (1) electronic copy of the Traffic Impact Study (*This is only for projects generating more than 100 peak hour trips*), TIS Memo VMT Analysis. Staff will assist in verifying which type of analysis is required based on the specifics of the proposed project.
- I) Any additional material which was requested as a result of the pre-application meeting.

Step 4 – Environmental Review

After the application is submitted to the Planning Division, the plans will be sent to the appropriate public agencies and City Departments involved in the project for their review and comment. Once the application has been deemed complete it will be determined whether the project is subject to an Initial Study, pursuant to the California Environmental Quality Act (CEQA) or if it is statutorily or categorically exempt. If an Initial Study is conducted and finds no significant environmental impacts are anticipated, a Negative Declaration or Mitigated Negative Declaration (ND/MND) will be prepared. If it is determined that the project will have a significant environmental impact even after mitigation is implemented, an Environmental Impact Report (EIR) will be prepared and circulated for public review and comment. The ND/MND and EIR will result in additional processing time and costs, which will be determined after a scope of work is acquired for the analysis.

Step 5 – Finalization of Plans

If requested by the Project Planner, the applicant shall submit the following no less than three (3) weeks prior to the public hearing:

- A) One (1) full size complete set of plans.
- B) Three (3) complete sets of plans (**collated, stapled, and folded to 8.5" x 11" or 8.5" x 14" or 11" x 17"**).
- C) One (1) reduced (no larger than 8.5" x 11") complete set of plans, if not already submitted as requested above.
- D) One (1) electronic complete set of plans in full resolution and PDF format.

Step 6 – Notice of Planning Project Application and Public Hearing Board Installation

- A) No less than 21 days (3 weeks) prior to the scheduled public hearing date, the applicant shall install a Notice of Planning Project Application and Public Hearing Sign on the project site in a location highly visible to the public and outside of the public right of way. The sign shall be designed consistent with the template as shown on the City's website (<https://www.ci.oakley.ca.us/wp-content/uploads/2020/08/Project-Application-and-PHN-Board-Sign.pdf>) and meet the following design standards:
 - 1) Sign face shall be four feet (4') tall by eight feet (8') wide and consist of material that can withstand the weather for duration of the application and hearing process.
 - 2) Applicant is responsible to create and install the sign with all graphics and an 11" wide by 17" tall blank space for future placement of the Public Hearing Notice by City Staff.
 - 3) Posts shall be a minimum three feet (3') deep to ensure stability (Applicant is responsible for knowing locations of utilities prior to sign installation).

Step 7 – City Council Hearing

The City Council will consider the recommendation of the Planning Division and will, at a public hearing, either approve the Conditional Use Permit as submitted, approve with modifications and non-standard conditions of approval, or deny the project.

Step 8 – Post-Entitlement

- A) Schedule a Post Entitlement meeting with the Project Planner.
- B) Projects will be required to pay the County Clerk and California Department of Fish and Wildlife fees (State Law - AB3158). Country Clerk filing fees for CEQA documents are \$50 per project approval. Current California Department of Fish and Wildlife CEQA Environmental Document Filings Fees can be found at the following website: <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>

Applicant Acknowledgement

I certify that I (either the Applicant or Authorized Person) have read and understand all of the requirements detailed in the Applicant's Guide to Procedures. I further understand that there may be additional issues and/or project conditions placed on the project as a result in changes to the project by either the applicant or from requests from the City and/or other reviewing agencies such as the Fire District, Diablo Water District, Iron house Sanitary District, Contra Costa Health Department, etc.

Applicants Signature: _____ Date: _____