



## CONDITIONAL USE PERMIT INFO SHEET

Hours: Monday, Tuesday, Thursday 8 am–4 pm and Wednesday 8 am–3 pm

**CITY OF SAN LEANDRO**  
Community Development Department  
835 East 14th Street  
San Leandro, CA 94577

Email [planner@sanleandro.org](mailto:planner@sanleandro.org)  
Leave a Message (510) 577-3325

### General Information

A Conditional Use is a use that is not permitted as a matter of right in a particular Zoning District. Conditional Uses require a Board of Zoning Adjustments (BZA) hearing in order to determine if the proposed use meets ALL of the required findings necessary for approval.

If a Conditional Use Permit is required, you must apply through our Planning Division before submitting for a Building Permit. A Conditional Use Permit is an entitlement that runs with the property.

### Application Process

Depending on the complexity and completeness of the project, the process generally takes about 3 to 6 months from date of application submittal. Approval is not guaranteed and you may be required to modify your proposal. The Board of Zoning Adjustments will make a decision at an formal public hearing. All property owners and businesses within 500 feet are notified of the meeting by mail.

### WHEN IS A CONDITIONAL USE PERMIT (CUP) REQUIRED? [§5.08.108 >](#)

For each Zoning District, the Zoning Code lists types of uses that are either Permitted, Conditionally Permitted, or require Administrative Review. Uses that are not listed are not permitted within the Zoning District.

**Contact a Planner** to find out if the business or development you are proposing requires a Conditional Use Permit.

### OTHER REQUIRED PERMITS OR FEES

During the processing of a Conditional Use Permit, the application is routed to other divisions for review, including Building, Fire, Engineering and Transportation, Public Works, and other agencies that may have purview over the project. Based on the information the applicant gives, each Division provides comments to advise on other City permit requirements.

**Building Permit:** Following BZA approval, most development proposals must submit to the Building Division, including: [BUILDING >](#)

- Construction drawings for plan check and building permits
- Sign Permit, showing the design, location, and dimensions of all proposed signage
- Engineering and Transportation Impact Fees, which are collected to offset impacts associated with additional traffic volume generation, help fund the City's plan to underground utilities, and contribute to park and recreation facilities.

### THE APPLICATION MUST MEET ALL OF THE REQUIRED FINDINGS. [§5.08.124 >](#)

- Complies with the Zoning District.** 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.
- Complies with the General Plan.** 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 in 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.
- Meet the Requirements of the Zoning Code.** 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.
- No Negative Public Service and Facility Impacts.** The proposed use will not create negative impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

Conditions of Approval may be crafted to address issues that may arise in order to meet all of the required findings for approval.

### DOES A CONDITIONAL USE PERMIT EXPIRE?

Yes, the approval of the use permit becomes void if it is not exercised **within two years from the date of issuance**, except when a longer or shorter term of validity is specified as a condition or a one-year extension is granted by the ZEO.

[§5.08.136 >](#)

Obtaining a Building Permit and starting construction, or obtaining a Business License and commencing operation are ways to exercise a Conditional Use Permit approval.

Zoning Code and map available online:

[www.sanleandro.org/zoning >](http://www.sanleandro.org/zoning)

[§#.#.# >](#) Refers to relevant Zoning Code Section.



# CONDITIONAL USE PERMIT INFO SHEET

## HOW DOES THE CUP PROCESS WORK?

1. **Read through this handout.** Contact a Planner if you have any questions on the required application materials or process.
2. **Submit all required materials (see right).** The Planner on duty will take in your application and issue you a receipt. Your application materials will then be assigned to a specific Planner, who will review your application and distribute the plans to other City Staff for comment during the initial 30-day review period.
3. **Environmental Review.** All applications are reviewed to determine whether the California Environmental Quality Act (CEQA) applies to the proposed development.
4. **Schedule and Notice of Public Hearing date.** If your application is deemed complete, the Planner will coordinate with you to set a public hearing date with the Board of Zoning Adjustments (BZA). At least 10 days prior to the hearing, the Planner will: (1) Publish the hearing in a local newspaper; (2) Mail notices to property owners and businesses within 500 feet of the proposed property, and; (3) Post a notice on the proposed property.
5. **Conditions of Approval.** If staff recommends approval, the staff report includes a list of recommended Conditions of Approval.
6. **Public BZA Hearing.** The BZA meets the first Thursday of each month. All public comments will be attached in a staff report that is presented at the BZA hearing, along with the Planning Staff's recommendation for approval or denial of the proposed conditional use permit.  
After closing the public hearing, the BZA may grant approval with conditions if the proposed use meets all of the required findings for approval. The action is final unless appealed to the City Council within 15 days from the date of the action.
7. **Recorded Agreement to Conditions.** Following a 15 day appeal period, the conditions will be mailed to the property owner and/or applicant after the appeal period ends. The returned signed and notarized copy must then be recorded with the Alameda County Recorder.

## CONDITIONAL USE PERMIT SUBMITTAL MATERIALS

Please bring these materials when submitting your Conditional Use Permit application:

APPLICATION MATERIALS CHECKLIST	
<input type="checkbox"/>	1. <b>Complete the Direct Cost Planning Application Form (including signatures).</b> <a href="http://www.sanleandro.org/planningforms">www.sanleandro.org/planningforms</a>
<input type="checkbox"/>	2. <b>Bring a check/credit card to pay the required Permit Fee(s).</b> Check made payable to "City of San Leandro" <a href="http://www.sanleandro.org/planningfees">www.sanleandro.org/planningfees</a>
<input type="checkbox"/>	3. <b>Project Scope and Summary.</b> Describe the proposed project. <ul style="list-style-type: none"> <li><input type="checkbox"/> Include total existing square footage (livable area and garage noted separately); total proposed additional square footage; existing and proposed open space square footage; landscaping square footage, lot coverage calculations; floor area ratio (FAR); average roof height(s); parking calculations; and existing and proposed storage space.</li> <li><input type="checkbox"/> Include operation plan, business hours, number of staff, trip generation (traffic); and occupancy load (if applicable).</li> <li><input type="checkbox"/> Address how the proposed use complies with the findings necessary for approval (see Page 1)</li> <li><input type="checkbox"/> Provide color photographs of the project site. Demonstrate the latest conditions on the site and in the adjacent area.</li> </ul>
Where the size or use of the site and/or floor plan is material to the case, please provide the following:	
<input type="checkbox"/>	4. <b>Bring 10 sets of plans + a Digital Copy on a Flash Drive or CD 5 full-size (24"x36") + 5 (11"x17")</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Existing and Proposed Site Plan.</b> Show, label, and dimension the property lines, sidewalks, curbs, all structures with a roof, the outline of buildings and window placement on adjacent lots, landscaping and trees, parking, walls/fences, trash enclosure, and contours (where relevant).</li> <li><input type="checkbox"/> <b>Existing and Proposed Floor Plans.</b> Show, label, and dimension all rooms and spaces (incl. closets and laundry), walls, doors, window sizes, mechanical equipment, and screening for outdoor storage.</li> <li><input type="checkbox"/> <b>Existing and Proposed Elevations.</b> Show, label, and dimension all details for window type, trim, eaves, roof materials, exterior materials, fencing, trash enclosures, mechanical equipment, and screening.</li> <li><input type="checkbox"/> <b>Streetscape.</b> Elevation drawing of proposed project and two adjacent neighbors. (May be waived by staff for single-story additions in the rear of an existing home).</li> <li><input type="checkbox"/> <b>Cross-Section.</b> For 2-story applications / hillside lots</li> <li><input type="checkbox"/> <b>Daylight Plan.</b> For additions and new homes</li> <li><input type="checkbox"/> <b>Conceptual Sign Plan or Master Sign Program.</b> Show and dimension the colors, constructions, materials of all signs, including wall and monument.</li> </ul>
<input type="checkbox"/>	5. <b>Provide a Color and Material Board.</b> Include proposed materials, color swatches, and window and trim details. Renderings are encouraged.