



## CONDITIONAL USE PERMIT

## Information Summary

### WHAT IS A CONDITIONAL USE PERMIT?

Some uses of property require a Conditional Use Permit so that the effects of those uses do not negatively impact other properties in the area. A Conditional Use Permit is a discretionary permit that may or may not be allowed according to the intent of the Zoning District. For a use that is not designated either permitted or conditional, a Planned Unit Development (PUD) may be permitted or conditionally permitted, provided once again that the use does not negatively impact other properties in the area.

### HOW CAN I FIND OUT IF I NEED A CONDITIONAL USE PERMIT?

Look in the City of Newark Municipal Code to determine if what you are proposing is a permitted use or if it is a conditional use. If your use is listed as a conditional use, a Conditional Use Permit is required. The Newark Planning Division can also help interpret the Code.

### HOW DOES THE CITY DECIDE WHETHER TO APPROVE A USE PERMIT?

Conditional Use Permit requests are reviewed by the Planning Commission and City Council at a public hearing. The final decision by the City Council must be based on findings supported by factual evidence that the use would:

- Be required by the public need.
- Be properly related to other uses of property and services in the area.
- Not adversely affect the health or safety of persons living or working in the neighborhood.
- Meet the standards established for the particular Zoning District in which the property is located.

### WHAT IS INVOLVED IN PROCESSING A CONDITIONAL USE PERMIT?

1. We suggest that you set up a meeting with a City Planner to discuss your project before preparing detailed plans. It is best if you can bring a rough draft of your plan to this meeting, so that you can explain your project to the planner. At this meeting, the Planner will be able to tell you whether or not your request will be supported by staff, or if modifications are necessary before further processing.

The City also has an optional review process known as Preliminary Plan Review (PPR) which is available for all commercial and industrial projects. This is a staff review designed to outline requirements that each department will request as conditions of approval by the Planning Commission and City Council; and/or prior to obtaining a building permit. There is no fee for the first two PPR's; the third and subsequent PPR's will require a fee. If you are interested in a PPR, submit six site plans, six floor plans, and six elevations. The estimated review time for a PPR is 30 days.

2. Obtain an "Application Requirements" sheet from the Planning Division which outlines all of the necessary fees and exhibits for a formal application. Your explanation of how this project meets the required findings is very important. This portion should describe your Use Permit request and should provide factual evidence to support each of the mandatory findings which the Planning Commission and City Council must make in order to approve your request. Submit the application package to the Planning Division.

3. The Planning Division will determine whether or not the application is complete. If it is complete, it will be referred to other City departments (Police, Fire, Engineering, Landscape/Parks, and Building) for review and conditions. If it is incomplete, processing will be delayed until you submit the necessary documents. Staff will also determine whether you need an environmental review. Upon completion of staff review, a Planning Commission hearing will be scheduled and you will be informed of a tentative hearing date.

4. State Law requires that at least ten days prior to the hearing, notices will be sent to you and all property owners within 300 feet of the property. During the public hearing, the Planning Commission will accept testimony from you, the public, and City staff. At this hearing the Planning Commission will recommend that the City Council either approve, deny, or continue your request.

The mailing radius may be increased if it is determined that the project may have a wider impact.

### **WHAT DO I DO AFTER THE PLANNING COMMISSION AND CITY COUNCIL MEETINGS?**

1. If your request is approved by the Planning Commission, the item will be set for a public hearing before the City Council. This typically will take place one month following the date of the Planning Commission hearing. The decision of the City Council is final; if approved by the City Council, you may submit plans to the Building Division to initiate the building permit process.

2. If your item is denied by the Planning Commission, an appeal to the decision may be made to the City Council by filing a written Notice of Appeal with the City Clerk within seven days after the date of the Planning Commission's decision. This notice of appeal should clearly and concisely set forth the grounds upon which the appeal is based and it shall be accompanied by a fee.

### **HOW LONG WILL IT TAKE TO PROCESS A CONDITIONAL USE PERMIT?**

Total time for processing is about 3 to 4 months. A tentative date will be set for Planning Commission consideration of your request when a complete application has been received. Staff requires that an application be made and found complete at least 30 days prior to the Planning Commission meeting at which you wish your item to be presented. Staff review, interagency coordination, and discussions with the applicant and general public will take two weeks. One month following the Planning Commission meeting, the item will then be presented to the City Council. An environmental assessment or appeal will lengthen the processing time. Public notice will be given at least ten days prior to the Planning Commission and City Council public hearings.

### **CAN A USE PERMIT EXPIRE?**

A Use Permit shall become void one year following the date on which it is approved by the City Council, unless prior to the expiration date, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward the completion of the development which was the subject of the Use Permit application. A Use Permit may be renewed for an additional period of not-to-exceed one year. A Use Permit for a proposed residential subdivision shall lapse and become void two years following the date on which the Use Permit became effective. If any portion of a project requiring a Conditional Use Permit is not completed within four years of the date of City Council approval, continuation of the project will require review by the Planning Commission and City Council.

### **WHOM DO I CALL FOR ADDITIONAL INFORMATION?**

Visit the City of Newark Planning Division at 37101 Newark Boulevard, or call (510) 578-4215.