



CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS

Planning Division

Revised: May 5, 2024

Overview

In general terms, a use permit is formal permission by the City following review of a discretionary activity, function, or operation on a site, or in a building or facility. A use permit may be issued with various conditions of approval.

Conditional use permits are the most common type, and are issued for land uses that may be approved under the zoning ordinance, but only upon meeting specific conditions. The conditional use permit allows the City to more closely review individual projects that could negatively affect surrounding properties, by nature of special operating characteristics, site layout, or design. Staff and the Planning Commission have the ability to develop a set of conditions to minimize any impacts before authorizing the development. Common conditions of approval include limited hours of operation, road improvements, soundproofing, additional landscaping, and additional parking. The permit is granted on the land, not to the property owner, and will remain valid even if the property changes owners, but may be limited following discontinuance of a use. A conditional use permit may also be revoked for noncompliance or other reasons cited in the permit, subject to notice and a hearing. See Chapter 17.830 of the Brentwood Municipal Code for more information related to conditional use permits.

Planning Review Process

Within 30 calendar days of an application being received (meaning all required materials have been submitted and all fees/deposits have been paid), the City will determine if the application is “complete” or “incomplete” for further processing. The review period shall be extended to the following business day if it ends on a weekend or City holiday. Typically, an “incomplete” application will require revisions and/or additional materials. Staff has 30 calendar days to review each subsequent submittal. Once an application is deemed “complete” it may continue to be processed for consideration by the appropriate decision-making body, including the appropriate level of CEQA review.

Within those 30 days your plans will be routed to departments and divisions within the City and to applicable outside agencies for review and comment. Your assigned project planner will contact you with a summary of the comments that are received.

Your plans may also be sent to one or more consultants hired by the City for the purpose of conducting peer review. The cost for peer review is paid by the applicant in accordance with the City’s Cost Allocation Plan.

California Environmental Quality Act (CEQA)

CEQA review will commence once the application is deemed complete. State law requires that all applications processed by the City be in compliance with CEQA. Your assigned project planner can give you preliminary information about what type of CEQA document is expected to be required for your project.

Copyrighted Material

The City is committed to ensuring that architectural drawings containing “protected” information, as defined in Senate Bill 1214, are made available to the public in a manner that does not facilitate a copyright infringement. When official copies of architectural drawings containing “protected” information are submitted to the City, the City will not allow a member of the public to copy the drawings and the City will not post the drawings on the internet without permission from the copyright owner. However, the City may display an official copy containing “protected” information on the internet and a physical copy on premise during a public hearing when the project is being considered by the decision-making body.

When submitting an official copy of architectural drawings to the City, it is the responsibility of the applicant/design professional to ensure the drawings are protected by the federal Copyright Act of 1976 (as amended by the federal Architectural Works Copyright Protection Act of 1990) and that the drawings contain a copyright annotation indicating it is protected by the federal Copyright Act of 1976. In addition, upon submission of an official copy of architectural drawings to the City, the applicant/design professional must submit a site plan or massing diagram for the purposes of posting online or for distribution to the public. If a site plan or massing diagram is not submitted upon submission of an official copy of architectural drawings, then permission is deemed granted to post the official drawings online and to distribute the drawings, upon request, to members of the public.

Submittal Requirements

The following submittal requirements, as specified below, are required for a development application to be accepted. If the required materials are missing, clearly inadequate, or in an incorrect format, the application will not be accepted. Further, all submission of application materials must be provided in a singular submittal (i.e., items shall not be submitted piecemeal).

Electronic Processing

All materials are required to be submitted electronically by e-mail directly to Planning@brentwoodca.gov (note that there is a 20 MB limit on e-mails) or via e-mail of a shared file link containing the complete submittal package. Physical copies of the submittal requirements will not be accepted.

Data to Accompany CUP Application

All CUP applications shall be accompanied, when applicable, by the following data.

1. Completed [Universal Application](#)
2. Environmental Questionnaire
3. Statement of Understanding, signed by the property owner. Alternatively, a letter of authorization from the property owner will suffice. Include contact information for the legal property owner, applicant or authorized agent, Civil Engineer, Architect, and Landscape Architect on the Universal Application form.
4. Applicable filing deposit(s). **Note:** that charges for materials and staff time spent processing this application will be billed against this deposit. Application processing includes but is not limited to plan checking and processing, meetings, phone calls, research, email, and staff report preparation. Additional funds may be required if the cost of processing the application exceeds the initial deposit amount. All costs incurred in processing the application are required to be paid in full.
5. A detailed project description (on a separate sheet and attached to the application). This information is critical for staff to fully understand your project and how you wish to operate. Much of this information will be used to explain the project to the approving body and the general public. In a narrative form, provide the following information (if applicable) in as much detail as possible.
 - a) **Project Title:** *Name of the proposed project/business.*
 - b) **Project Site Context:** *Address and APN. General Plan Land Use designation. Zoning district. Acreage of property. Major roads. Current condition of the site (i.e. vacant, developed).*

- c) **Site Development:** *Onsite circulation. Ingress/egress. Interaction with abutting uses/right-of-way (i.e. shared parking, continuation of public trail, etc.) Outdoor storage areas, loading/unloading areas.*
 - d) **Use:** *Proposed use. Hours/days of operation. Number of employees. Number of customers/guests. Other licenses/approvals required (i.e. liquor license, etc.). Surrounding uses. Compatibility with surrounding uses.*
 - e) **Findings:** The Planning Commission needs to make specific findings in order to approve a CUP application. Provide a narrative as to how the project's location, size, design and operating characteristics are compatible with and don't adversely affect the livability of abutting properties and the surrounding neighborhood. Consideration will be given, but shall not be limited to the following findings:
 - (a) Harmony in scale, bulk, coverage and density;
 - (b) The availability of public facilities and utilities;
 - (c) The harmful effect, if any, upon desirable neighborhood character or the planned specialization of retail, commercial or community service areas;
 - (d) Generation of traffic and the capacity of surrounding streets;
 - (e) Any of other relevant impact of the development.
6. Location map indicating the project site, adjacent properties, and adjacent streets.
 7. Site plan of the subject property, including all existing and proposed buildings, drawn to scale.
 8. Floor plan of the existing or proposed building, drawn to scale.
 9. Preliminary title report for the subject property, no more than 6 months old at the time of submittal.
 10. Other information which is pertinent and/or which the Community Development Director may require all applicants to furnish, by general policy.

Public Hearings Required

Conditional use permits require noticed public hearings before the Planning Commission.

- The City is responsible for providing applicable notices to all property owners within 300 feet of the project site, as well as publication in the local newspaper, no less than 10 days from the date of the hearing.
- The applicant is required to install an on-site notification sign for the public hearing. A template for the site notification sign can be found [here](#). The project description for the site notification sign will be provided to the property owner/developer by City staff, after the application has been deemed complete.



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Appeal Process

Decisions made by either the Zoning Administrator or Planning Commission are subject to appeal, in accordance with Chapter 17.880 of the BMC. In general, decisions of the Zoning Administrator become effective 10 calendar days after they are made. Any affected party may appeal a decision of the Zoning Administrator to the Planning Commission by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the Planning Commission also become effective 10 calendar days after they are made. Any affected party may appeal a decision of the Planning Commission to the City Council by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the City Council are final.