



CITY OF HERCULES

Conditional Use Permit Application

CUP No. _____

111 Civic Drive, Hercules, CA 94547

Phone: 510-799-8200

www.ci.hercules.ca.us

Conditional Use Permits are issued by the Planning Commission for conditional uses allowed within a district. The conditional use permits will usually include conditions of approval, mandatory review periods, and expiration periods as required at the discretion of the Planning Commission. In granting conditional approval, the Planning Commission may impose requirements and conditions with respect to location, siting, construction, maintenance, operation, duration, and overall development as deemed reasonable and necessary for the protection of adjacent properties and the public interest. [Hercules Municipal Code Chapter 13-50](#).

SUBMITTAL REQUIREMENTS

- | | | |
|--------------------------|--|--|
| <input type="checkbox"/> | Conditional Use Permit Application | Please complete this application form thoroughly and submit all required information (see below). Otherwise, it will be deemed incomplete and interrupt your processing. |
| <input type="checkbox"/> | Filing Fee | See Planning Fee Schedule |
| <input type="checkbox"/> | Project Description or Written Statement | Please provide a detailed description of the proposed use for your project. This should include the days and hours of operation, specifying the days of the week and hours each day. Indicate the anticipated number of employees and, if applicable, describe the duration and schedule of work shifts. Detail what products or services are offered and describe the anticipated customer base and the nature of their visits. Additionally, state whether alcohol will be provided or served. Finally, identify where the activities will occur, specifying whether they are indoors or outdoors. If classes are offered, describe the size and schedule. |
| <input type="checkbox"/> | Site Plan & Building Floor Plan | See detailed submittal requirements below |
| <input type="checkbox"/> | Signage | <input type="checkbox"/> Yes <input type="checkbox"/> No |

If yes, please also submit an [Administrative Design Review Permit](#) for new commercial signage.

DETAILED PLAN SUBMITTAL REQUIREMENTS

Plans submitted for review shall include the following details, as applicable. Planning staff reserves the right to require additional information plans as needed.

ALL PLANS

- Digital Portable Document Format (PDF) Plan Set
- Include north arrow, date prepared and scale. Acceptable scales are: 1" = 10', 1" = 20', 1/4" = 1', 1/8" = 1". Other scales may be appropriate but should be discussed with Planning staff before filing.
- Name and phone number of person preparing the plan. Stamp of licensed architect, landscape architect and/or civil engineer required on final plans as appropriate or required.

SITE PLAN (required) Include:

- Accurate scale drawing of the site with property lines.
- Existing and proposed uses and structures.
- Existing and proposed locations of streets, utilities, drainage facilities, driveways, pedestrian walkways, off-street parking, and off-street loading facilities.
- Location, dimensions and description of any easements.
- Existing and proposed landscaped areas.
- Vicinity map indicating site in relationship to neighborhood.

FLOOR PLAN (required) Include:

- Show all existing and proposed construction and/or alterations, fully dimensioned and prepared to appropriate scale.
- Delineate area of each use (i.e. office, warehouse, outdoor setting, storage)

GENERAL DATA REQUIRED

Property Address or Location: _____

Applicant Name: _____

Applicant Address: _____

Applicant Phone: _____

Email Address: _____

Assessor's Parcel Number: _____

Site Area (Acers/SQ. FT.): _____

General Plan Land Use: _____

Zoning District: _____

Existing or Previous Use of Property: _____

Description of Surrounding Uses: _____

PROPERTY OWNER OR MANAGER TO COMPLETE THIS SECTION

Name: _____

Address: _____

Phone Number: _____

Property Owner Signature: _____

Property Manager Signature: _____

APPLICANT CERTIFICATION

I understand that submission of this application does not constitute approval for any administrative review, conditional use, variance, map approval or exception for any other City regulations, which are not specifically the subject of this application. I understand further that I remain responsible for satisfying requirements of any private restrictions or covenants appurtenant to the property.

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the Community Development Director. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission.

I certify that statements made to me about the time it takes to review and process this application are general. The City has attempted to request everything necessary for an accurate and complete review of your proposal; however, after the City has taken in your application and reviewed it further, it may be necessary to request additional information and clarification.

Signature of Owner or Authorized Agent

Date



City of Hercules COPYRIGHT RELEASE FORM

Building Department/Permit Services, 111 Civic Drive, Hercules CA 94547

Telephone: (510) 799-8244 Fax: (510) 799-8244

Web: www.ci.hercules.ca.us/government/building/

I certify by signing below that I own the copyright on or have a license (or other express legal authority) to use all text, drawings, photographs, graphics, plans, or other copyrightable material (the "Project Plans") submitted to the City of Hercules by me, my agents, or representatives in connection with:

PROJECT INFORMATION

PROJECT NAME:

STREET ADDRESS/LOCATION:

ASSESSOR'S PARCEL NUMBER(S):

COPYRIGHT AUTHORIZATION

I hereby grant permission to the City of Hercules to use, modify, or reproduce, in whole or in part, Project Plans and all other materials submitted by me, my agents, or representatives. This grant of permission extends to all copies needed for administration of the City's regulatory, administrative and legal functions, including sharing of information with other governmental entities; copies for the general public shall be subject to California Public Records laws and any applicable exemptions in state or federal law.

COPYRIGHT OWNER/ AUTHORIZED AGENT SIGNATURE :

DATE:

COPYRIGHT OWNER/AGENT NAME:

STREET ADDRESS:

CITY / STATE / ZIP:

COPYRIGHT OWNER/AGENT TITLE:

BUSINESS PHONE:

EMAIL:

()

FOR CITY USE ONLY

RECEIVED BY:

DATE RECEIVED:

ASSOCIATED PROJECT NOS.

PLANNER ASSIGNED:



City of Hercules COPYRIGHT RELEASE FORM (CONT.) FREQUENTLY ASK QUESTIONS

The City of Hercules maintains a record of approved architectural drawings as a reference. The architectural drawings are available for review; however, copyright law protects the duplication of these drawings without the owner's consent.

Q: What is a copyright?

A: Copyright is a form of protection provided by federal law to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works; including architectural works. This protection is available to both published and unpublished works. Copyright protection affords the creator the right to control the display, publication, reproduction and creation of derivative works.

Q: Why is the City treating architectural works (plans and drawings) differently than other types of documentation?

A: While many types of work may be eligible for copyright protection, architectural works are given specific protection under U.S. Copyright law. (An architectural work is "the design of a building as embodied in any tangible medium of expression, including a building, architectural plans or drawings. The work includes the overall form as well as the arrangement and composition of spaces and elements in the design, but does not include individual standard features.")

Q: Why is the City saying architectural plans are copyrighted if I don't see the © symbol on it?

A: There are a few reasons. Federal law no longer requires copyright holders to place the symbol on a work for it to have copyright protection. Also, architectural works are given specific protection under U.S. Copyright law.

Q: Doesn't California Public Records Law mean the City has to give copies to the public?

A: No. Federal copyright law supersedes California Public Records law. Requestors still do have the right to view copyrighted material under the Public Records law, but may not make copies of the material without the copyright owner's consent.

Q: Who is the "owner" of a copyright?

A: The "owner" is the party that holds the copyright and has the exclusive right to allow copies of the work. For architectural works such as plans and drawings, this may be either the architectural firm that drew the plans, or the party that hired the architectural firm as "work for hire," such as a builder or individual homeowner.

Q: How can a customer determine who holds the copyright on plans or drawings?

A: The customer should view the plans/drawings and investigate who owns the plans/drawings by contacting the architect or owner represented on the plans. The City accepts that the customer has done their due diligence in investigating ownership and obtaining the proper release or making a determination that their use qualifies as "fair use." (See, e.g. Title 17 U.S.C. Section 107.)

Q: How do I know if I'm qualified to copy under fair use?

A: This is not an easy question to answer, but in general, it is acceptable to copy if it is for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. It is also generally acceptable to copy small portions of a plan for limited, non-commercial use, such as a copy of a particular section in order to locate electrical or a support wall, etc. It is not acceptable to copy a full set of plans or drawings to avoid having to pay the owner for copies of those plans. It is not fair use if the purpose is to gain commercial advantage. IF THERE IS ANY DOUBT, IT IS ADVISEABLE TO CONSULT AN ATTORNEY. OUR STAFF CAN NEITHER DETERMINE NOR ADVISE YOU ON IF A CERTAIN USE MAY BE CONSIDERED FAIR USE.