


## MEMORANDUM

**Date:** January 9, 2026

**To:** Mayor and City Council

**From:** Gerry Beaudin, City Manager   
Dan Sodergren, City Attorney  
Ellen Clark, Director of Community and Economic Development

**Subject:** Land Use Approvals Process and Authority

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### Executive Summary

This memorandum summarizes the processes by which various land-use-related actions and approvals are enacted within and by the City of Pleasanton.

The Pleasanton Municipal Code (PMC) establishes the principal authority and the specific local procedures for various types of land use decisions within the City. However, California state law provides the overarching specific authority for local jurisdictions to enact land use decisions, including the ability to create a local planning agency and delegate various powers to a planning commission.

In general, land use decisions of the City are either ministerial (non-discretionary) or discretionary in nature. Decision-making authority for discretionary action is assigned to different reviewing/approving bodies, in accordance with procedures established by the PMC. Most land use actions subject to City Council review are taken first to the Planning Commission for a recommendation. While the action of the designated approval body is considered final action, the PMC also establishes procedures for appeal of decisions.

### Ministerial and Discretionary Actions

#### Ministerial Actions

Ministerial actions are those where the City has limited or no discretion with respect to the approval, typically based on a determination of compliance with a checklist or set of defined requirements, codes or standards. Such approvals are made based on an administrative determination, at the staff level, involving little or no personal or subjective judgment by staff. While building permits are the most common type of ministerial approval issued by the City, other ministerial approvals include encroachment permits (e.g., for construction within City right-of-way), grading permits, zoning certificates (e.g. to certify that a proposed business or use is consistent/allowable under the zoning for a site or property), and issuance of business licenses.

In recent years, State law has also dictated that certain other types of approvals, particularly for housing projects, be treated ministerially. Common examples include ADUs, eligible projects

under SB 35 (residential and mixed-use projects with at least 50% affordable units), SB 9 eligible two-unit residential developments and lot splits, SB 684 small sites residential development, and SB 4 affordable housing projects on faith lands, among others.

Separately, as a matter of policy, the City has determined that certain types of projects are also to be processed ministerially, without separate or additional planning approval. For example, many small residential and commercial projects (additions and renovations), or tenant improvements and occupancy of existing space by a use deemed “permitted” in a particular zoning district, do not require planning approval, although will be reviewed for conformance with planning requirements before a building permit or zoning certificate is issued. The City Council’s recent adoption of changes to Design Review procedures placed a broader set of project types into this ministerial review status, allowing for more efficient processing of these applications.

#### Discretionary or Non-Ministerial Action

Discretionary actions or approvals allow for a degree of discretion on the part of the approval authority as to whether and how the project should proceed. The discretion applied by the City can involve a decision whether to approve or deny a project in general, as well as the ability to impose conditions or require project modifications to meet policy or other objectives. Such policy considerations can include the balancing or weighing of different, and sometimes competing policy objectives, as articulated in the General Plan and other key regulatory documents.

Per the PMC, and as outlined below, non-Ministerial project approvals or decisions can be made at a number of different levels, including by the Zoning Administrator, Planning Commission, or City Council.

#### **Review and Approval Authorities**

The PMC assigns decision-making authority for various types of land-use decisions to different entities or bodies, as described below. Attachment 1 provides a summary matrix of key land use approvals, and the responsible approving body.

#### Zoning Administrator

The Zoning Administrator (ZA) authority is established by PMC Section 18.12.020, which provides the zoning administrator and chief building official as the officials responsible for enforcement of the Zoning Code (PMC Title 18). The PMC designates the Community and Economic Development Director or designee as the Zoning Administrator. (PMC, section 18.08.010.)

Examples of approvals/actions assigned to the ZA include:

- Most Design Review, including Sign Design Review
- Minor Conditional Use Permits
- Minor Subdivisions and Lot Line Adjustments
- Temporary Use Permits
- Variances

The ZA is also assigned the authority to make certain other determinations and interpretations, such as the determination of legal non-conforming status, or determination of a land use classification for a proposed use.

### Planning Commission

The Planning Commission's authority is primarily derived from the California Government Code, including Sections 65100-65107 which authorizes cities to create planning agencies, including planning commissions, and delegate land use authority to them (Section 65100). Government Code section 65101 allows the City Council, as the legislative body, to delegate any or all of its planning powers to the Planning Commission.

These delegated powers are articulated in the PMC, specifically in Chapter 2.30, which defines the duties of the Planning Commission, including those matters upon which the Commission is assigned an advisory role, those for which it acts as a recommending body (i.e. making formal recommendations to the City Council), and those for which it is in a decision-making role. The list called out in Chapter 2.30 is not exhaustive, however, and in many cases the PMC describes or assigns roles and responsibilities within the approval procedures for particular applications and permits, with the Planning Commission identified as the "reviewing authority" (i.e. final decision-maker) for a number of such permits.<sup>1</sup> As described below, the Planning Commission is also the appellate body for appeals of decisions made by the ZA.

Examples of project approvals/actions assigned to the Planning Commission by the PMC include:

- Conditional Use Permits
- Design Review approvals, other than those assigned to the ZA
- Subdivision Maps

### City Council

The City Council is the legislative body of the City and retains responsibility for decision-making involving adoption of new or modified local laws and regulations (including zoning requirements), and any land use decisions for which it has reserved authority or has not otherwise delegated such authority to the Planning Commission or another entity. In most instances, land use decisions made by the City Council will be informed or guided by a recommendation from the Planning Commission. The City Council is also the appellate body for appeals of decisions made by the Planning Commission

Examples of land use/planning approvals assigned to the City Council by the PMC include:

- Planned Unit Developments
- Zoning/Re-Zoning of Property
- General Plan and Specific Plan Adoptions and Amendments

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<sup>1</sup> In addition, the Government Code assigns the Planning Commission the authority to "prepare, review and recommend" the General Plan and General Plan amendments; review and make recommendations on Zoning ordinances, map amendments, and development standards,

## **Appeals and City Council Review**

The PMC establishes procedures for appeal and City Council review of decisions made by the ZA or by the Planning Commission – these procedures were recently updated and clarified by the City Council with the adoption of Ordinance No. 2303 in December, 2025.

Specifically, discretionary land use decisions are made by the designated reviewing authority, for each of which the PMC provides appeal procedures:

- For Zoning Administrator decisions, appeals referred to the Planning Commission
- For Planning Commission decisions, appeals are referred to the City Council, which retains final authority

The City Council may elect to review decisions of the ZA or the Planning Commission. Pursuant to the updated procedures, the Council will receive a regular notification of recent actions of the ZA and Planning Commission, and can, within 10 days, of such action, advise that they wish for a review of the action to be considered, which would then allow for such request to be made an agenda item at a City Council meeting, and then scheduled for a future public hearing ([PMC §18.144.040](#)).

These procedures are necessary and important because they ensure every land use decision is thoroughly vetted, and an affected party can pursue administrative solutions or remedies, before legal or judicial relief is sought. The doctrine, known as the exhaustion of administrative remedies, is rooted in California common law and codified in statutes such as Government Code section 65009, and ensures that local agencies and decision-making bodies are given the initial opportunity to apply their expertise, interpret their own regulations, and correct any alleged errors, while also creating a complete administrative record for potential court review.

## **Conclusion**

State law and the Municipal Code provide clear and well-developed authority for land use decision-making in Pleasanton, with review assigned to either the ZA, Planning Commission, or City Council based on the nature and magnitude of the approval in question.

The City's appeal and review procedures also provide opportunities for interested parties and City Council Members to appeal or request review of a decision. While this opportunity exists, it is in fact quite rare for decisions of either the ZA or Planning Commission to be appealed or requested to be reviewed by the City Council, indicating that the City's project review process is effective in vetting issues and concerns prior to formal action being taken. As such, the City's procedures balance efficient and predictable processing of applications, with the opportunity for the public and decision-makers to see and consider all the factors under consideration in often complex project approvals.

Attachment 1: Summary Matrix of Land Use Approval Authority

Summary of Pleasanton Municipal Code Land Use Approval Authority

Attachment 1

Land Use Permit or Application Type	PMC Reference (Chapter)	Reviewing / Approving Authority
Affordable Housing Agreement (Alternative Compliance)	17.44	City Council
Affordable Housing Agreement (Fully Compliant w/ IZO)	17.44	Same body as underlying approval
Annexation/Pre-Zoning	18.136	City Council
Appeal of Decision of Planning Commission	18.144	City Council
Appeal of Decision of Zoning Administrator	18.144	Planning Commission
Beekeeping	18.103	Zoning Administrator
Conditional Use	18.124	Planning Commission
Conditional Use – Minor	18.124	Zoning Administrator
Condominium Conversion	17.04	City Council
Cottage Foods	18.105	Zoning Administrator
Design Review – Administrative	18.20	Zoning Administrator
Design Review – Signs	18.20, 18.96	Zoning Administrator
Design Review -Other	18.20	Planning Commission
Development Agreement	NA	City Council
General Plan Amendment	NA	City Council
Home Occupation	18.104	Zoning Administrator
Housing Site Compliance Review (51 or more units)	18.22	Planning Commission
Housing Site Compliance Review (up to 50 units)	18.22	Zoning Administrator
Lot Line Adjustment/Lot Merger	19.16	Zoning Administrator
Minor Subdivision (Parcel Map)	19.16	Zoning Administrator
Out of Area Service Agreement	NA	City Council
Outdoor Dining Permit	13.04	Zoning Administrator
Planned Unit Development/PUD Development Plan	18.68	City Council
Temporary Uses	18.116	Zoning Administrator
Tentative Subdivision Map/Subdivision Map	19.20	Planning Commission
Variance	18.132	Zoning Administrator
Wireless Facilities	18.110	Zoning Administrator
Zoning Map Amendments	18.136	City Council
Zoning Ordinance Amendment	NA	City Council