

# Guide

## *Applying for a Minor Use Permit*

### *What is it?*

Minor Use Permit ensures that new buildings or land uses are compatible with their sites and with the surrounding environment, other development, and traffic circulation.

### *When is a Minor Use Permit required?*

A Minor Use Permit is required to authorize land uses identified by Table 6.2.2 of the *Ashland and Cherryland Business Districts Specific Plan* as being allowed subject to the approval of a MUP in the applicable zone.

### *Who approves it?*

The application for a Minor Use Permit shall be reviewed and approved or denied by the Planning Director. The decision shall be final, subject to appeal in compliance with ACGOC 17.54.670 (Appeals). The Planning Director may choose to refer any Minor Use Permit application to the Planning Commission for review and final decision.

### *What is the process?*

1. **Prior to application submittal** – Talk to a Planning Department staff member and relevant County Agencies to determine what materials you need to prepare.
2. **Application Filing** – Submit the required applications and materials to the Planning Department. Contact the Planning Department to discuss the application materials to be submitted (these are listed at the end of this Supplement).
3. **Staff Review** – Planning Department staff will review the materials to ensure that the proposed project meets the minimum zoning requirements, and then refer your application to public agencies such as Building Department, Public Works Agency, Environmental Health Department, and Fire Department. Staff will visit your property, send out notifications about this application to neighbors and interested

parties, and notify you if a public hearing will be held, and if so, will prepare a staff report for that hearing.

4. **CEQA Review** – Many applications of this type are exempt from the California Environmental Quality Act (CEQA). However, some projects may require either a negative declaration or a mitigated negative declaration, depending on the specific of the project.
5. **Public Hearing** – If there is a hearing, staff will present a staff report with a recommendation and take public comments. After the hearing, the Planning Director makes a decision on your project. The action is effective after ten days, unless a written appeal is filed.
6. **Appeal Period** – There is a 10-day appeal period. After this time the Planning Director's action will be final unless a written appeal has been filed with the Planning Commission.

### *What must I submit?*

- A complete **Standard Application** form signed by the property owner.
- A complete **Application Supplement Minor Use Permit** form.
- A deposit of **\$1,000**.
- Project drawings drawn to a standard legible scale. A list of the required drawings and a sample plot plan is included at the back of the **Application Supplement Minor Use Permit** form.
- Any additional materials requested by the Planning Department.

### *How long is the process?*

In most cases two to three months, depending on the proposed use and the complexity of the project. Some

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applications will require much more time to process. Appeals will add approximately two months.

### ***What is the cost?***

The County charges the cost of processing the application. You must submit a deposit when you file your application. The amount of the deposit (\$1,000) is based on Planning Department costs. The the cost of an environmental review, if required, would be extra. The actual cost may be more or less than this amount, depending on the complexity or magnitude of the proposed Minor Use Permit. If the deposit is depleted, additional money must be deposited for application processing to continue. Any excess funds will be refunded after the final action on your application.

### ***What information or material might be requested?***

You may provide maps, photographs, exhibits, studies, factual data, or other information depicting the property, its location and its relationship to surrounding uses in order to demonstrate that the Minor Use Permit would be in the public interest.

### ***Is there a public hearing?***

A hearing may be held, if warranted based on the specific application. The Planning Department will formally notify you and all adjacent property owners when and where it will be held. At the hearing, a staff member will present the application, written agency and public comments, and staff recommendations. No action will be taken at the meeting. Usually within two weeks after the hearing, the Planning Director will decide to approve, deny or require changes or conditions to the proposed project.

### ***What if my application is denied?***

You or any other person may appeal the Planning Director's action by filing a written appeal and paying the required fee (at cost charge against staff time for and appeal by the applicant; \$250 fee for an appeal by other interested parties) within 10 calendar days. Consult with the Planning Department to determine the appropriate fee. Usually the Planning Commission hears the appeal.

If the appeal is denied you may re-appeal to the Board of Supervisors. However, if your Minor Use Permit requires a concurrent Variance, the appeal goes directly to the Board of Supervisors.

### ***Can a Minor Use Permit condition be changed?***

You may apply to modify a condition approved under a Minor Use Permit. The procedure and requirement are the same as in the original application, and there is no guarantee that they will be approved.

### ***Where are public hearings held?***

**Municipal Advisory Council (MAC)** hearings are held at various locations, depending on which MAC body has jurisdiction: Castro Valley MAC, Eden MAC, Fairview MAC, or Sunol MAC. Staff will let you know the place and time of the public hearing, if one is held.

**The Alameda County Planning Commission** hearings are held on the 1st and 3rd Mondays of the month. Times vary; we will let you know the time of the public hearing, prior to the hearing date.

**The Alameda County Board of Supervisors** holds hearings on planning and zoning matters on the 2nd Tuesdays of the month at 1:00 p.m.

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**Minor Use Permit**

- For complete filing instructions, see the **Standard Application** form.
- For general procedures and guidelines, read the handout “*Applying for a Minor Use Permit*”
- You must make an appointment with a Planning Department staff member to determine if materials or information (in addition to those listed below) are needed to evaluate your project.
- If you have any questions, please call (510) 670-5400.

1. Applicant Name: \_\_\_\_\_
2. Contact the Planning Department at (510) 670-5400 to make an appointment with a Planner to submit the following materials to the Alameda County Planning Department (Permit Center) at 399 Elmhurst Street, Room 141, Hayward, California. **Incomplete applications will not be accepted.** Please use the following checklist to ensure the application is complete.

**Required**

- Standard Application** form.
- Application Supplement:** *Minor Use Permit* form.
- Filing Fee Deposit: \$1,000.** Make check payable to “**Treasurer, County of Alameda.**”  
(**Note:** If fee deposit is depleted, additional funds must be deposited to continue application processing. Any remaining money will be refunded.)
- Project Drawings:** Show all information as shown on the **Sample Plot Plan** on the back of this form.

To start the submittal process:

- Electronic files of the drawings, .pdf formatted.
  - Site Plans
  - Floor Plans
  - Building Elevations (including color drawings)
  - Preliminary Grading Plan
  - Preliminary Landscape Plan (including color drawings)
  - If on a Hillside: Building Section Drawings

During the project review phase:

- Paper drawings in the quantity and paper size as requested by Planning Department staff.
- Materials and Color Board
- Landscape Plan:** Landscape plan that is Water Efficient Landscape Ordinance compliant. For more information please consult the California Department of Water Resources web-page: <https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance>

**S-**

**Minor Use Permit Application Supplement**

- Statement from Environmental Health Department:** Regarding feasibility of septic tank system, including Percolation test and water supply, specifying quantity and quality.
- Statement Regarding Access Easements:** If parcels do not have direct frontage on a County road or are not utilizing a County road for access, applicant should submit copies of any pertinent access easements.
- Visual Analysis:** When necessary, a visual analysis of the impact of the proposed dwelling from critical vantage points, such as open space areas, highway and nearby residential development may be required. The analysis may be done graphically using drawings and maps, or by creating a scale photomontage of the proposed structure(s) on the site. In rare cases, the applicant may be required to simulate the building massing on the site in order to better assess the visual impact.
- Other Information requested by planner:** \_\_\_\_\_
- Applicant Signature verifying that the applicant understands the application process:**

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Applicant Signature

Date

**S-**

# Minor Use Permit Application Supplement

- The following preliminary plans must be prepared and signed by a registered Civil Engineer or a licensed Land Surveyor, Architect, Landscape Architect, or Building Designer
- Graphic Information must be drawn to scale and must be legible on originals and reductions.
- The Planning Department may request more information as needed to fully review the project.
- The Planning Department may allow certain site Development Plan requirements to be consolidated, reduced or deleted depending on the size, nature and complexity of the proposed project.

## 1. Site Plan

- Title Block** showing:      **Applicant** name, address, signature and phone number;  
   **Property Owner** name, address, signature and phone number  
   **Plan Preparer** name address and phone number  
   **Project Address**  
   **Assessor's Parcel Number(s)**  
   **Note** (if applicable) "Proposed modifications to approved S- \_\_\_\_\_"

**Statement by Plan Preparer**

"I, \_\_\_\_\_, certify that this Site Plan has been prepared by me or under my direction and do attest to the accuracy of all information indicated hereon. Signature \_\_\_\_\_  
Title \_\_\_\_\_ Reg no. \_\_\_\_\_ Date \_\_\_\_\_"

- North Arrow and Scale:** Minimum scale is 1" = 20".
- Boundaries:** show parcel dimensions in distance and bearing. Show distance from parcel to nearest street intersection and distance from parcel to centerline of street.
- Buildings and Structures (existing and proposed):** Show dimensions, location and proposed uses. Delineate each residential unit or space.
- Adjacent Properties:** State use of all abutting properties. Show location, height and number of stories of buildings.
- Building Appurtenances:** Show location and dimensions of balconies, exterior corridors, steps, stairs, and roof lines.
- Access:** Show driveways, pedestrian walks, access, internal circulation, location and access of service areas (including trash enclosures), and all points of entry to all structures.
- Yards and Open Space between Buildings:** Show dimensions between structures. Indicate ground material such as paving, lawn, ground cover or other landscaping. Show signs, mailboxes, and trash enclosures.
- Statistical Data:** Indicate total square footage of site area, building coverage and Usable Open space (as defined by the Alameda County Zoning Ordinance) on project site. Indicate number of parking spaces. Indicate number of bedrooms and floor area of each residential unit.
- Utilities:** Show the location and type of all existing and proposed utility systems, including fire hydrants, PG&E transformers, meter boxes, water pumps, and underground lines.

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**2. Floor Plan**

- Floor Area:** Show dimensions, size, height, conceptual floor plan, and total square footage of floor area in existing and proposed buildings.
- Use:** Indicate use of each room. Indicate occupancy load and all publicly accessible rooms (such as restaurants, meeting halls, retail floor areas, etc.) if applicable.

**3. Grading Plan**

- Topography:** Indicate existing and proposed contour lines extending 60 feet beyond project site boundaries. Use one (1) foot contours for slopes of less than 5% and two (2) foot contours for slopes in excess thereof.
- Grading:** Show finished grades, uniform cut and fill slopes, and finished floor elevations. Quantify the amount of cut and fill and off-haul off materials required. Show finished ground elevations at all corners of buildings, basements, grade breaks, lot corners and all drainage connection points.
- Retaining Walls:** Indicate location, height and materials used for all retaining walls. Indicate finished ground elevations at top and bottom.
- Storm Drainage:** Indicate storm water disposal plan. Show all catch basin elevations, pipe type, and size.

**4. Landscape Plan**

- Landscape Structures:** Show location and dimensions of major landscape structures such as fences, walls, walks, pools and trellises.
- Paving Materials:** Indicate paving materials to be used.
- Planting Plan:** Show proposed generalized planting plan.
- Existing Trees:** Indicate location and size of all trees four (4) inches in diameter or larger.

**Note:** A final landscaping plan, prepared by a licensed Landscape Architect, must be submitted and approved before a building permit can be issued.

**5. Building Elevations**

- Building Exterior:** Show front, rear and side views of existing and proposed buildings, including color finishes.
- Materials and Color Board:** Indicate colors and materials for proposed building facades.
- Section Details:** Indicate the detailing of fenestration (windows and doors) to show whether fenestration is recessed from the face of the building exterior, and/or there is framing around the fenestration.
- Context:** Show exterior building elevations of residential buildings within abutting parcels. County staff will check the residential proposal against the buildings at residential parcels on the same side of the street and within 300 feet of the subject parcel and those directly opposite these lots, to review if the prevailing buildings (60% of those surveyed) on residential lots are single story. If so, then the second story of the proposed residential building is to be stepped back at least 12 feet from the exterior front façade.

## Sample Site Plan

*Site Plan should include the following:*

1. North direction arrow.
2. Scale. You must use 1 inch = an even number of feet (i.e. 20 feet, 40 feet, 100 feet, or 600 feet depending on the size of your property).
3. Boundaries of the parcel, including dimensions (you may need a plot map of your property).
4. Location, dimensions, and purpose of rights-of way and easements within the property.
5. Location, dimensions, and use of all existing and proposed structures.
6. Distances of existing and proposed structures from all property lines, from rights-of way, easements, and other structures.
7. Location of all utilities labeled existing or proposed, including septic tank and drainfield, water, power, phone etc.
8. Location and dimensions of all proposed and existing roads, driveways, parking areas, patios, decks, walkways, and other impervious (paved) area(s).
9. Location of any surface water (streams, culverts, drainage ways), or any distinguishing land features such as slopes within or adjacent to the parcel.
10. Extent of area which will be disturbed by construction activity, clearing, digging, or earth moving.
11. On the back of your site plan, please provide detailed directions to the site.
12. Vicinity map.

