

Guide

Applying for a Administrative Minor Use Permit

What is it?

Administrative Minor Use Permit is designed to provide regulatory relief for our businesses and to help with their recovery efforts. Highlights include:

- Provide a transition from temporary registration to permanent outdoor dining, retail, and signage;
- Add an Administrative Minor Use Permit process that staff can process internally without public hearings that add time and expense for applicants;
- Authorizes the Planning Director to approve new entertainment options for restaurants; and
- Allows for more permanent outdoor improvements (e.g., use of parking lots for outdoor activities, allow coffee-type vendors, etc.).

Where is an Administrative Minor Use Permit applicable?

An Administrative Minor Use Permit is applicable in all Zoning Districts and Specific Plan land use designations where the affected commercial and civic land uses are considered Permitted or Conditionally Permitted.

Types of Uses and Activities.

An Administrative Minor Use Permit may be issued for the following types of uses and activities that are operating in conjunction with a permitted or conditionally permitted facility:

1. Outdoor Commercial, including but not limited to the uses described in (a) through (e) below. Outdoor Commercial uses shall be subject to any applicable County Specific Plan, which may prohibit or otherwise regulate such uses. Outdoor Commercial uses shall not be allowed for a “Microenterprise Home Kitchen Operation” (MEHKO) pursuant to Assembly Bill 626 (AB 626) (2018).

This category includes, among other uses:

- a. Outdoor seating for dining purposes;
- b. Outdoor seating and meal service for on-site alcohol service with on-site meal service as defined by the California Department of Alcoholic Beverage Control (ABC) and in

compliance with all applicable ABC licenses and requirements;

- c. Outdoor personal services (cosmetologists, barber shops, beauty salons, and other similar personal grooming services);
 - d. Outdoor retail including merchandise display areas; and
 - e. Outdoor fitness classes or training.
2. Outdoor community facilities as defined by the Alameda County Zoning Ordinance, section 17.04.010.
 3. Pop-up spaces and uses for food preparation and service or for retail.
 4. Mobile food, beverage or retail uses (e.g. food trucks) located at specified private property locations.
 5. Musical performances (including amplified music) accessory to an existing use.
 6. Minor façade changes including signage.

Who approves it?

Applications for the AMUP Permit will be filed with the Planning Department, together with information to support the required findings and collect a nominal fee. To approve an application, the Planning Director must make findings that the project is consistent with zoning and compatible with uses in the vicinity, that the site is suitable in terms of time, place of manner of the activity, and that the improvements are of a high quality. See attached ordinance for precise wording of the findings.

Like other discretionary permits there may be conditions of approval, as necessary, to ensure an applicant’s proposed project meets expectations. While no hearing will be required, adjacent neighbors will be notified of a pending decision and there is an appeal process. If not used within 12 months of its effective date, an AMUP permit will become null and void. Should a permitted use be abandoned for 6 months, the permit will expire. However, an applicant may apply for a new AMUP permit any time after the expiration.

Alameda County Planning Department

224 West Winton Avenue, Room 111, Hayward, CA 94544

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Finally, the Planning Director may revoke or modify the AMUP permit after determining that conditions of approval have been or are being violated, along with a written notice of revocation. If a permittee then requests a hearing within ten (10) days, the Planning Director will schedule a hearing before the Planning Commission.

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, and send out notifications about this application to neighbors and interested parties.
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** – No hearing is required and applicants will receive notice that the Planning Director's approval or denial will occur on the date specified in the notice and that the decision is appealable. The Director's decisions are final, subject to appeal in compliance with 17.54.670 (Appeals).

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 Administrative Minor Use Permit** form.
- A deposit of **\$500**.
- 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 Administrative Minor Use Permit** form.
- Project description describing the size, hours and days of operation, number of employees, lighting, number of customers, noise generation, traffic and parking issues the project may generate.
- A brief written statement explaining how your proposed use generally would be in the public interest and would not have a negative impact on the surrounding area or the environment.
- Any additional materials requested by the Planning Department.

What information should I include in my written statement?

You may include any information that you believe will support your application. You must include the noted above. Common sense, factual information is very useful. You may also submit any drawings or other materials that would support your statement/description.

Be sure the drawings clearly show all relevant views of any structures. Remember, you as the applicant

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probably know more about your proposed project than anyone else. Let us know what you know. We also appreciate photos.

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 Administrative Minor Use Permit would be in the public interest.

How long is the process?

In most cases, the Planning Director will make a decision within three weeks, upon receipt of a completed application. An appeal will add approximately two months to the processing time.

The filing fee?

The filing fee of \$500 covers the cost of processing the Administrative Conditional Use Permit request.

Is there a public hearing?

No. A public hearing is not required for an Administrative Minor Use Permit.

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.

Can an Administrative Minor Use Permit condition be changed?

You may apply to modify a condition approved under an Administrative 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.

Administrative Minor Use Permit

- For complete filing instructions, see the **Standard Application** form.
- For general procedures and guidelines, read the handout "*Applying for an Administrative Minor Use Permit*"
- You must discuss the project 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.

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AMUP-**Administrative Minor Use Permit Application
Supplement**

1. Applicant Name: _____
2. Contact the Planning Department at (510) 670-5400 to discuss your project with a Planner to submit the following materials to the Alameda County Planning Department at planninginfo@acgov.org. **Incomplete applications will not be accepted.** Please use the following checklist to ensure the application is complete.

Required

- Standard Application** form.
- Application Supplement: Administrative Minor Use Permit** form.
- Filing Fee: \$500.** Make check payable to “**Treasurer, County of Alameda.**”
(**Note:** No refunds will be given on this fee.)
- 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 Landscape Plan (including color 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>
- 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 an approved Private road, or are not utilizing a County road or an approved Private 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 to better assess the visual impact.
- Other Information requested by planner:** _____
- Applicant Signature verifying that the applicant understands the application process:**

Applicant Signature

Date

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- 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. 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.

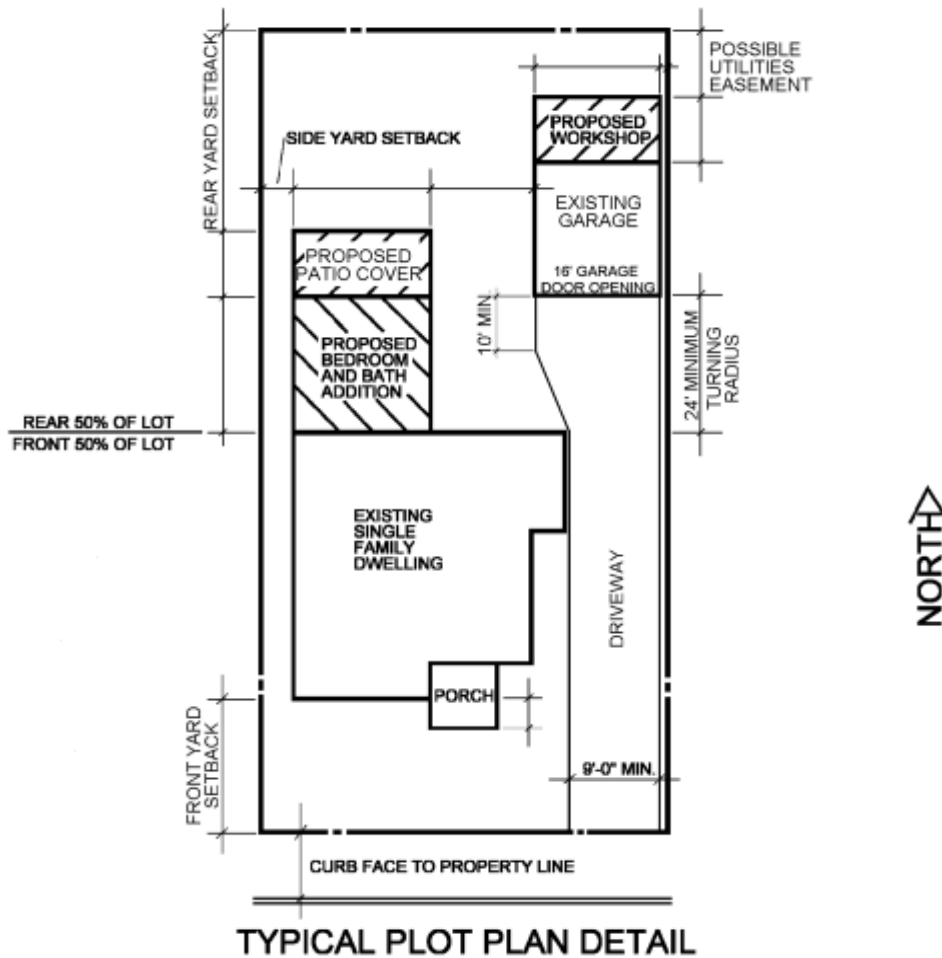
4. Building Elevations

- 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.



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