

Guide

Applying for a Rezoning

What is it?

A Rezoning (or Planned Development) is a procedure to change a property to one Zoning District to another.

What is a Zoning District?

All land in unincorporated Alameda County is classified in one of several Zoning Districts. Each District is established to encourage and regulate specific land uses, as set forth in the County General Plan. Some areas are zoned for residential uses, while others are zoned for commercial, agricultural or industrial uses. Examples include:

“A” (Agricultural) District – promotes and protects agricultural and non-urban uses.

“R-1” (Single-Family Residence) District – intended primarily for one-family dwellings.

“C-2” (General Commercial) District – to permit a wide variety of business and commercial uses in large areas and to limit unsuitable industrial uses.

When is a Rezoning required?

Check with the Planning Department to determine the zoning district in which your property is located. A planner will tell you if you need to rezone your property to do what you wish.

Generally, a Rezoning is required to allow a use that is prohibited in the current zoning district. To change the use, the owner or other party (such as a prospective buyer) must apply for a Rezoning. By law, any Rezoning must be consistent with the County’s General Plan and be in the public interest.

Who approves it?

A Rezoning is a legislative act amending the Zoning Ordinance. By law, any rezoning must be approved by the Board of Supervisors.

What is the process?

1. **Pre-Application** – Talk to a Planning Department staff member to determine what materials you need to prepare.
2. **Application Filing** – Submit the required applications and materials to the Planning Department. You must contact the Planning Department and set up an appointment with a Senior Planner to review the proposed application prior to filing it.
3. **Staff Review** – Planning Department staff will review the materials to ensure that the proposed project meets the minimum zoning requirements, then refer your application to public agencies such as school, park, and fire districts. Staff may ask you to provide additional material to supplement or clarify issues that might arise, such as Traffic, Grading or Operations. We may do this at any point in the review process. Staff will visit your property and write a report and make a recommendation to the Planning Commission. You will be notified of the public hearing date and receive a copy of the staff report. Notices about the public hearing will be mailed and posted in your neighborhood.
4. **CEQA Review** – Generally applications of this type are **not** exempt from the California Environmental Quality Act (CEQA). Most projects will have either a negative declaration, or a mitigated negative declaration, depending on the specific of the project.
5. **Castro Valley Municipal Advisory Council** – For proposed rezoning in Castro Valley only: A public hearing is held before the CVMAC, which will make a recommendation to the Planning Commission and Board of Supervisors.

Alameda County Planning Department

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

Phone: (510) 670-5400 Fax: (510) 785-8793 Web: <http://www.acgov.org/cda/planning>

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6. **Planning Commission Hearing** – At the hearing, a Planning Department staff member will present a staff report and recommendations to the Planning Commission. The Commission will consider your testimony as well as that from any other interested person. At the hearing, the Commission may vote to continue the matter to a future date if more information is required. At the last public hearing, the Planning Commission makes a recommendation to the Board of Supervisors.
7. **Board of Supervisors Hearing** – At the hearing, the Board reviews the Planning Commission's recommendation and takes public testimony. The board may take an action then or at a later date. At the final hearing, the Board will approve, deny or modify the Rezoning. The action is effective after 30 calendar days.
8. **Appeal Period** – There is no appeal, except to the courts.

What must I submit?

- A complete **Standard Application** form signed by the property owner.
- A complete **Rezoning Supplement**
- A deposit of **\$4,000**.
- Twenty (20) copies of plot plan drawn to a reasonable (legible) scale. A sample plot plan is included at the back of the **Application Supplement Rezoning** form.
- 1 copy and 1 transparency of the Plot Plan reduced to 8.5" x 11".
- Any additional materials requested by the Planning Department.

How long is the process?

In many cases, four to six months, depending on the proposed use and the complexity of the project. Some applications will require much more time to process.

What is the filing fee?

The deposit covers the costs of processing the Rezoning application. The deposit is \$4,000. It is based on Planning Department and Public Works Agency costs plus the cost of an environmental review, if required. Your required fee deposit may be more or less than this amount, depending on the complexity or magnitude of the proposed Rezoning. If the deposit is depleted, additional money must be deposited for application processing to continue. Any excess funds will be refunded to you.

What information or material might be requested?

By law, any Rezoning must be consistent with the County plans and in the public interest. Amendments to the pertinent county plan(s) are not readily granted, you must justify the plan amendment. Be prepared to substantiate this requirement. 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 Rezoning would be in the public interest.

Is there a public hearing?

Yes. A public hearing is required for all Rezonings. The Planning Commission and the Board of Supervisors will both hold a public hearing on your application. If the project is located in Castro Valley, the Castro Valley Municipal Advisory Council will hold a hearing as well.

What if my application is denied?

The decision by the Board of Supervisors is final unless the courts overturn it. In most cases, you may file a new application for Rezoning one year after the date the application was denied.

Where are public hearings held?

Castro Valley Municipal Advisory Council hearings are held on the 2nd and 4th Mondays of the month at 6:30 p.m. The Council meets in the Boardroom of the Castro Valley Unified School District offices at 4400 Alma Avenue in Castro Valley.

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The Alameda County Planning Commission hearings are held on the 1st and 3rd Mondays of the month at 6:00 p.m. (1st Monday) and 1:30 p.m. (3rd Monday). The Commission meets in room 160 of the Alameda County Community Development Agency offices at 224 West Winton Avenue in Hayward.

The Alameda County Board of Supervisors generally holds hearings on planning and zoning matters on the 1st Thursday of the month at 9:00 a.m. in the Board of Supervisors chambers, 5th floor, 1221 Oak Street in Oakland.

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Rezoning

- For complete filing instructions, see the **Standard Application** form.
- For general procedures and guidelines, read the handout “*Applying for a Rezoning*”
- 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 Rezoning involves new construction or additions, then submit information required per Site Development Review Supplemental forms.
- If you have any questions, please call (510) 670-5410.

1. Applicant Name: _____
2. Contact the Planning Department at (510) 670-5410 to make an appointment with a Senior Planner to submit the following materials to the Alameda County Planning Department (Zoning Counter) at 399 Elmhurst Street, Hayward, California. **We will not accept incomplete applications.** Please use the following checklist to ensure the application is complete.

Required

Standard Application form.

Application Supplement: *Rezoning* form.

Filing Fee: \$4,000. 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.)

Plot plan: 20 Copies. Show all information as shown on the **Sample Plot Plan** on the back of this form. Larger plans shall be folded to 8½ x 11 inches.

Reduced Plot Plan: (1 copy and transparency, both 8.5” x 11”)

Supporting Documents: Other documents to support the project may include elevations, floor plan, applicable permits from other County, State or Federal agencies.

Written Statement: On an attached sheet of paper, briefly set forth the reasons for the proposed Rezoning and explain how it would be in the public interest.

Other Information requested by planner: _____

If Rezoning involves new construction or additions, then submit information required per Site Development Review Supplemental forms.

Call for appointment to meet with a Senior Planner for submittal.

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Applicant Signature verifying that the applicant understands the application process:

Applicant Signature

Date

Revised 1/09

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.

