

Guide

Applying for a Temporary Use Permit (TUP)

What is it?

Temporary Use Permits (TUPs) allow short term specified activities that may not be appropriate as permanent uses, but because of their temporary nature and potential to contribute to the objectives of the [Ashland and Cherryland Business Districts Specific Plan](#), are acceptable within that *Specific Plan* area.

When is a Temporary Use Permit required?

A TUP is required to allow the short-term activities specified in Section 6.2.5.6 (Temporary Uses) of the [Ashland and Cherryland Business Districts Specific Plan](#).

Where is the Temporary Use Permit Applicable?

The TUP is only appropriate *Ashland and Cherryland Business Districts Specific Plan* area.

Who approves it?

The application for a TUP will be reviewed and approved or denied by the Planning Director. The decision shall be final, subject to appeal in compliance with ACGOV 17.54.670 (Appeals).

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 application forms 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** – A public hearing is not required for a TUP decision.
6. **Notice** – Before a decision on a TUP, the department will provide a notice in compliance with ACGOV 17.54.830.D for application types that do not require a public hearing. The notice will state that the Planning Director will decide whether to approve or deny the TUP application on a date specified in the notice and the decision is appealable.
7. **Request for hearing** – Where the application does not require another planning permit or approval, any person may request that the Planning Director hold a public hearing on the TUP. This request must be made in writing to the planning director at least fifteen (15) business days prior to the notice of decision on a TUP application. If requested, the Planning Director will conduct a hearing on the application for the TUP within thirty (30) business days of the date of the notice of decision on the TUP application, at which reasonable evidence will be considered.
8. **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.
9. **Application Review Duration** – Most cases two-to-three-month review period, depending on the proposed use and the complexity of the project. Appeals will add around two months.

Alameda County Planning Department

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What are the Criteria for Approval?

The Planning Director may approve a Temporary Use Permit subject to making all of the following Findings:

- A. The location, operation and time period of the temporary use will not constitute a hazard to public interest, health safety or welfare.
- B. The operation of the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics.
- C. The proposed lot is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties in the vicinity of the subject lot.
- D. The proposed lot is adequately and safely served by streets having sufficient capacity to accommodate the quantity of traffic that the temporary use could reasonably be expected to generate.
- E. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on site or at an acceptable off-site location.
- F. The location of the Temporary Use is within private property as authorized by the property owner and will not occur within public right of way.

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 Temporary 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 must I submit?

- A complete **Standard Application** form signed by the property owner.
- A complete **Application Supplement Temporary 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 Temporary Use Permit** form.
- Any additional materials requested by the Planning Department.

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 Temporary Use Permit would be in the public interest.

You may include any additional 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 probably know more about your proposed project than anyone else. Let us know what you know. We also appreciate photos.

What conditions might be applied?

Conditions vary depending on the particular use and its proposed location. Possible conditions include restrictions on hours of operation, the type of structure, that may be used, and the length of time the permit is valid.

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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 Temporary Use Permit requires a concurrent Variance, the appeal goes directly to the Board of Supervisors.

Conditions of Approval if this Temporary Use Permit is approved.

Can a Temporary Use Permit condition be changed?

You may apply to modify a condition approved under a Temporary 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 appeal 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.

Is this the complete process?

No. You will most likely also need to obtain other ministerial permits, such as Building Permits and Fire Clearances, as part of a separate process once the Temporary Use Permit is complete. Look for the

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Temporary Use Permit

- For complete filing instructions, see the **Standard Application** form.
- For general procedures and guidelines, read the handout “*Applying for a Temporary Use Permit*”
- You must discuss your 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.

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 (Permit Center) 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:** *Temporary Use Permit* form.
- Filing Fee Deposit: \$1,000.** Either by Credit / Debit Card or by Check. If paying by check, please make the 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>

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TUP-

Temporary 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:**

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. 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.

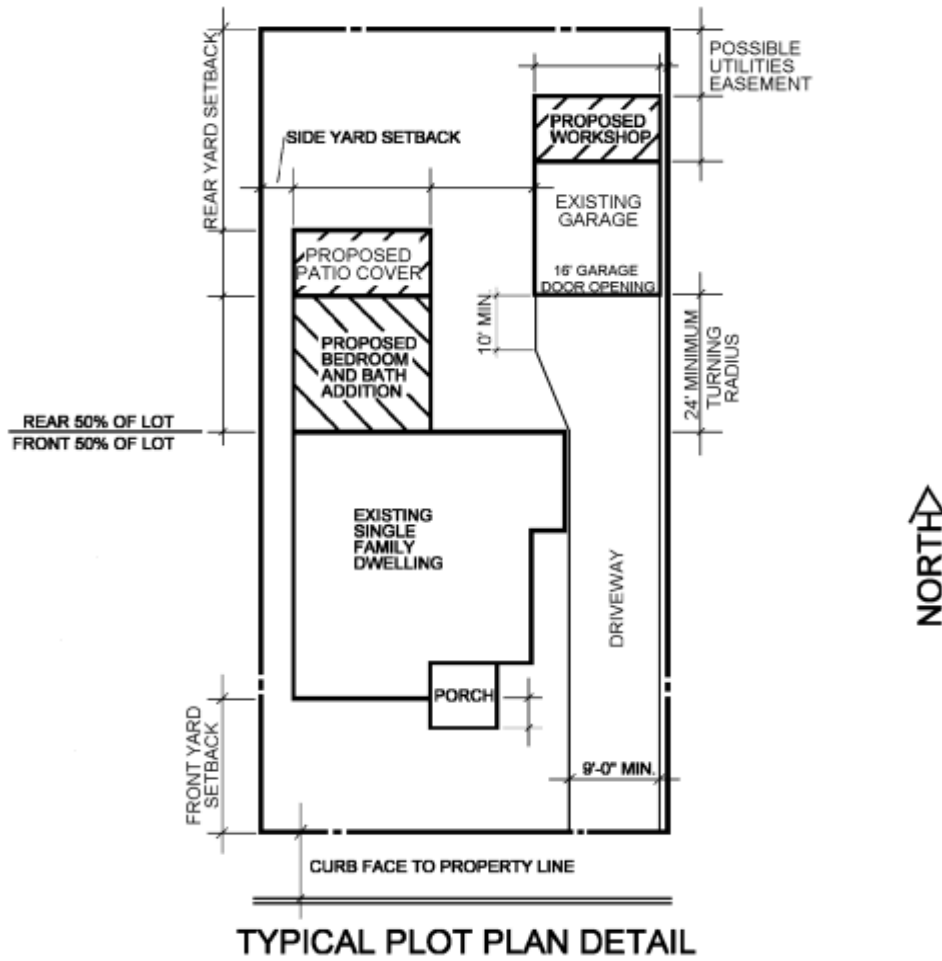
Note: A final landscaping plan, prepared by a licensed Landscape Architect, must be submitted and approved before a building permit can be issued.

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.



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