



Administrative Use Permits— Frequently Asked Questions

What are conditionally permitted uses?

In each zoning district, some land uses, or business types, are simply permitted by right; others are prohibited. Still other land uses fall into an intermediate category: they are evaluated on a case-by-case basis to determine if they are appropriate for the location and compatible with the surrounding area. These are referred to as “conditionally permitted uses.” The City must take a discretionary action to approve or deny these land uses.

What is an Administrative Use Permit?

A use permit is the process by which the City reviews requests for conditionally permitted uses. Administrative Use Permits are minor permits decided by the Zoning Administrator (instead of by the Planning Commission). They are for uses that are generally noncontroversial but nevertheless require special consideration to ensure that they can be designed, located, and operated in a way that will not interfere with the use and enjoyment of surrounding properties. If the Zoning Administrator believes that a proposed use might be controversial or has the potential to cause a substantial and detrimental impact on surrounding properties, they can require a public hearing. However, if the Zoning Administrator finds that the proposal has no possibility to negatively impact surrounding properties, they can approve the proposal without a public hearing. In either case, the Zoning Administrator has to consider certain criteria and make written findings.

What findings are required for approval?

When evaluating an application for an Administrative Use Permit, the Zoning Administrator will consider factors such as the characteristics of the proposed use, traffic generation and circulation, adequacy of parking, noise, hours of operation, and overall compatibility with nearby properties. The Zoning Administrator will review the required findings and impose any conditions that are necessary to ensure compatibility.

For projects within the San Pablo Avenue Specific Plan area (TOMIMU and TOHIMU zoning districts), Section 2.03.08.02.03 of the Plan requires that the Zoning Administrator find that all of the following statements are true:

1. The location, size, design, and operating characteristics of the proposed development and/or use will be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;

2. The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the city;
3. The proposal provides an over-arching public benefit; and
4. The proposal is consistent with the purposes of the Transect Zone where it is located and conforms in all significant respects with the Specific Plan, El Cerrito General Plan, and with any other applicable policy or plan adopted by the City Council.

For projects outside the San Pablo Avenue Specific Plan area, Section 19.34.040 of the El Cerrito Zoning Ordinance requires that the Zoning Administrator find that all of the following statements are true:

1. The location, size, design, and operating characteristics of the proposed development will be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
2. The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the city.
3. The proposal is consistent with the purposes of the district where it is located and conforms in all significant respects with the El Cerrito General Plan and with any other applicable plan adopted by the City Council.

What is the process?

After the Planning Department receives an application, staff reviews the application for completeness and notifies the applicant if anything is missing. Staff then sends a notice to all property owners within 300 feet of the project and schedules a hearing with the Zoning Administrator. The notices are mailed at least 21 days in advance of the hearing. At the hearing, members of the public and the applicant can comment on the proposal. At the conclusion of the hearing, the Zoning Administrator takes an action on the proposal: they can decide to approve (with or without conditions) or deny the proposal. In rare cases, the Zoning Administrator may continue the hearing if necessary to receive additional information. Any interested party can appeal the decision to the Planning Commission within 10 calendar days if they do not agree with it.