

CITY OF BRISBANE

USE PERMIT APPLICATION INFORMATION FOR CONDITIONAL USES IN ALL ZONING DISTRICTS PER BMC SECTION 17.32.020 & 17.32.030

SUBMITTAL REQUIREMENTS. For the Planning Commission to thoroughly review a proposal, certain information is required from you, the applicant. You should be aware that incomplete applications will not be placed on the Planning Commission agenda.

- [] SIGNATURE OF THE LEGAL OWNER OF THE PROPERTY either on the application or on a separate written document authorizing the "APPLICANT" to submit the application on the owner's behalf. The person who is most knowledgeable about the proposal and who can answer questions by phone during daytime working hours should be designated as the "APPLICANT."

- [] SITE DEVELOPMENT PLANS--Two (2) full-size legible sets and one (1) reduced (to 8 1/2" x 11" or 11" x 17"), legible and reproducible set of completely dimensioned, scaled site development plans, with bar scales, showing:
 - [] Existing and/or proposed structures with dimensioned floor plans (with the use of each room/space labeled);
 - [] Accurately dimensioned property lines, adjacent properties (and their uses), streets and easements; existing and proposed utilities, landscaping and bike/pedestrian paths; a small scaled vicinity map;
 - [] Existing and/or proposed parking, paving details, improved street width (curb-to-curb), sidewalks, and driveway cuts; for non-residential applications, identify compact and handicapped spaces and include a calculation of the required parking per the Brisbane Municipal Code;

Note: Plans submitted as part of an application are retained by the City of Brisbane.

- [] PROJECT DESCRIPTION--An explanation of the proposal, comparing it to existing conditions; for non-residential applications, detail the operations of the proposal, including numbers of existing and proposed employees broken down by type of use (office/warehouse/industrial) and include a listing of any potentially hazardous chemical materials used or stored on the site or any noise/odor generators associated with the proposed use;

- [] SUPPORTING STATEMENTS--To approve your application, the Planning Commission must make the findings required by Sections 17.40.060 and Section 17.32.020.A (as applicable) of the Brisbane Municipal Code (see separate sheet). A written statement from the applicant addressing each of these points is required (please use complete sentences, as your statements may be quoted in the Staff Memorandum to the Planning Commission);

- [] PHOTOGRAPHS of the site; (CONTINUED)

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APPLICATION CHECKLIST

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[] ENVIRONMENTAL INFORMATION FORM (see separate sheet)--for larger projects;
and

[] FEES--Refer to current Master Fee Schedule:

New construction of uses in BMC Section 17.32.020.B.1 & 3 Line P7/P9

Uses in BMC Section 17.32.020.B.1 & 3 without new construction Line P7/P9

Hospitals Line P8

Temporary uses of not more than 45 days duration Line P11

Please make a check or money order payable to the "City of Brisbane". An additional Environmental Determination fee (Line P49) may also be required. Note: Planning fees are non-refundable.

CODE REFERENCES: Please refer to Brisbane Municipal Code Section 17.32.020 for the specific requirements applying to these uses. Please also refer to Brisbane Municipal Code Section 17.40.060 for the findings which must be made to approve any Use Permit application.

NOTIFICATION OF MEETINGS AND HEARINGS. You will receive confirmation of the date of the public hearing by mail or email via copies of the agenda and staff report. Copies are also available at the Planning Department before noon on the Friday before the hearing and on the City's website at www.brisbaneca.org under "CITY GOVERNMENT"—"ALL MEETINGS". Please call if you have not received a copy prior to the meeting. Applicants should attend all hearings to present their case and respond to any questions or comments.

NOTIFICATION OF ACTION. You will be notified by mail within one week following the hearing of the action taken. Please contact the Planning Department if you do not receive such notification.

USE PERMIT APPEALS. Anyone may appeal the action of the Planning Commission to the City Council not later than 15 calendar days after the Commission's action. An application form and fee (Line P47) are required to make a formal appeal.

FOR FURTHER INFORMATION, PLEASE CONTACT THE PLANNING DEPARTMENT, CITY OF BRISBANE, 50 PARK PLACE, BRISBANE, CA 94005, (415) 508-2120. MON-THURS: 8 A.M.-5 P.M. (TO 8 P.M. WED), FRI: 8 A.M.-1 P.M. TO ASSURE THAT SOMEONE WILL BE AVAILABLE TO HELP YOU, YOU MAY CALL AHEAD TO MAKE AN APPOINTMENT.

Chapter 17.40 USE PERMITS

17.40.010 Purpose.

The purpose of the use permit is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed or arranged on the site in a particular manner. (Ord. 298 §10.1(part), 1984).

17.40.020 Conditions of issuance.

Use permits may be issued as provided in this chapter for any of the uses or purposes for which such permits are required or permitted by the terms of this title upon conditions designated by the planning commission. (Ord. 298 §10.1(part), 1984).

17.40.030 Application -- Form -- Fees and plans.

Application for a use permit shall be made in writing by the owners of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the city. The application shall be accompanied by a fee, set by the city council, and plans showing the details of the proposed use. (Ord. 298 §10.3(part), 1984).

17.40.040 Application -- Public hearing -- Notice.

Upon receipt of an application for a use permit, the secretary of the planning commission shall set a date for a public hearing on such application; such hearing shall be held within forty-five (45) days after the filing of the application. Notice of such hearing shall be given as set forth in Chapter 17.54. (Ord. 417 §4, 1997: Ord. 298 §10.2(part), 1984).

17.40.050 Action on application.

The planning commission shall act as the approving authority for all use permit applications. The planning commission may grant the use permit as applied for or in modified form if, on the basis of the application and the evidence submitted, the commission is able to make all of the findings prescribed in Section 17.40.060 of this chapter. (Ord. 417 §5, 1997: Ord. 298 §10.1(part), 1984).

17.40.060 Granting.

A. In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.

B. The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the planning commission finds that the aforementioned conditions will not result from the particular use applied for, it may grant the use permit.

C. A use permit shall be effective the seventh day after planning commission approval unless the action is appealed to the city council, in which case the permit shall not be effective until a final decision on the appeal has been made by the city council. (Ord. 417 §6, 1997: Ord. 298 §10.4, 1984).

17.40.070 Conditions imposed.

The planning commission may impose such conditions as it deems necessary to secure the purposes of this title and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the use permit as it deems necessary for the protection of adjacent properties and the public interest and may require tangible guarantees such as cash or surety bonds or evidence that such conditions are being or will be complied with. (Ord. 417 §7, 1997: Ord. 298 §10.1(part), 1984).

Brisbane Municipal Code Section 17.32.020 Conditional uses in all districts.

A. All uses listed in this section, and all matters directly related thereto are declared to be uses possessing characteristics of unique and special form as to make their use acceptable in any district under certain specific conditions, and therefore the authority for the location and operation of the uses designated herein shall be subject to the issuance of a use permit in accordance with the provisions of Chapter 17.40. The planning commission shall consider the following additional factors to determine that the characteristics of the listed uses will not be unreasonably incompatible with the uses in surrounding areas:

1. Damage or nuisance from noise, smoke, odor, dust, or vibration;
2. Hazard from explosion, contamination or fire;
3. Hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles;
4. Danger to public safety.

B. The uses referred to in this section are as follows:

1. Public buildings, schools, parks and other public recreational facilities, churches, and other semipublic uses. Public and private uses of school district property when the uses are, in the opinion of the planning commission, compatible with and not detrimental to the neighborhood in which the school district property is located;
2. Hospitals, convalescent hospitals;
3. Institutions of a philanthropic or charitable nature;
4. Temporary uses of not more than forty-five days duration.

C. Exceptions. Short-term fundraising events conducted by nonprofit organizations in private or public areas such as schools and parks, for not more than two (2) consecutive days and which could be constructed to be ancillary to the basic use of the area, are exempt from the requirement of a use permit.

(Ord. 298 §6.2, 1984).

ORDINANCE NO. 481

§17.02.655 Public utility facilities

"Public utility facilities" means structures and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and other improvements relating to the furnishing of utility services to the public, such as electric, gas, water, sanitary sewer, storm sewer, telephone, telecommunications, and public transit, but not including offices, warehousing, retail sales or rental.

§17.32.030 Public utility facilities

A. **Conditional use in all districts.** Subject to obtaining a use permit pursuant to Chapter 17.40 of this Title, public utility facilities shall be allowed in all districts; *provided, however*, that no use permit shall be required in any of the following cases:

- (1) Where the public utility facilities are owned and/or operated by the City;
- (2) Where regulation of the public utility by the City is preempted by federal or state law;
- (3) Where the public utility facilities are being operated pursuant to a franchise or other form of operating agreement between the City and the public utility.

B. **Height limit.** The maximum height of public utility facilities shall be 35 feet. The use permit may authorize this height to be exceeded when necessary to comply with clearance, safety, or operational requirements for utility lines and structures.

C. **Undergrounding of utilities.**

- (1) As a condition to the granting of any permit or approval under this Title for a development project, the City Engineer may require that existing or proposed public utility facilities be placed underground, to the extent it is reasonably possible to do so. Where compliance with this subsection would cause undue hardship, the City Engineer may waive the requirement for undergrounding but may require that facilities be installed in the building for future underground service.
- (2) Public utility facilities that are not placed underground shall be screened from view with landscaping or fencing in a manner that will provide access to the facilities for meter reading, maintenance and repairs.
- (3) Prior to the issuance of a building permit for construction of a new main structure which is not serviced by underground public utilities, the property owner shall execute a covenant running with the land, and enforceable by the City, whereby the owner waives the right to protest inclusion of the property within an underground utility district. Such agreement shall specifically reserve the right of the property owner to contest the nature or amount of assessments that may be levied by the underground utility district.

D. **Utility meters.** Public utility meters shall be enclosed or screened from view from any public area or adjacent properties, while preserving reasonable access for reading and maintenance by the utility company.