

CITY OF BRISBANE

USE PERMIT APPLICATION INFORMATION FOR NIGHT OPERATIONS AS A CONDITIONAL USE IN THE NCRO-1, NCRO-2, SCRO-1 & TC-1 DISTRICTS

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;

[] Map of any proposed truck traffic routing to/from site and maneuvering on site during the hours of night operations.

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, detailing the activities that would take place during the hours of 10:00 p.m. to 5:00 a.m., including proposed hours of operation for each day of the week, proposed number of employees during the hours of night operations, projected number of trucks to/from site during the hours of night operations.

[] SUPPORTING STATEMENTS--To approve your application, the Planning Commission must make the findings required by Sections 17.02.060 and

17.40.060 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;
- [] FEES—See Line P1 in the current Master Fee Schedule.

Note: Planning fees are non-refundable.

CODE REFERENCES: For information regarding night operations within the NCRO-1 Brisbane Village Neighborhood Commercial District or the NCRO-2 Downtown Brisbane Neighborhood Commercial District, please refer to Brisbane Municipal Code Section 17.14.080. For the SCRO-1 Southwest Bayshore Commercial District, please refer to BMC Section 17.16.070. For the TC-1 Crocker Park Trade Commercial District, please refer to BMC Sections 17.19.060. Please refer to Brisbane Municipal Code Sections 17.40.060.A & B. 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) is 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.

NIGHT OPERATIONS
Brisbane Municipal Code

Chapter 17.14 NCRO NEIGHBORHOOD COMMERCIAL DISTRICTS: NCRO-1 BRISBANE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT AND THE NCRO-2 DOWNTOWN BRISBANE NEIGHBORHOOD COMMERCIAL DISTRICT

17.14.080 Night operations.

A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as set forth below:

1. "Existing business" means a business or other use that is legally operating within the neighborhood commercial district as of February 25, 2002, in accordance with all zoning regulations applicable thereto, and pursuant to a business license duly issued by the city.

2. "Night operations" means any activity conducted between the hours of ten (10:00) p.m. and five (5:00) a.m. of the following day.

B. Requirement for Use Permit to Conduct Night Operations. Except as otherwise provided in Paragraph (c) of this section, no business or other use, with the exception of residential uses, shall engage in the conduct of night operations at any location within the neighborhood commercial district unless a use permit for such night operations has been granted pursuant to this chapter.

C. Continuation of Night Operations by Existing Businesses. An existing business which has lawfully been conducting night operations prior to February 25, 2002, may continue to conduct such night operations on the same site and shall be exempted from the requirement to obtain a use permit pursuant to this Section 17.14.070. This exemption shall not apply to any relocation of the night operations to a different site, nor may the exemption be assigned or transferred by the existing business to a different business establishment or use, whether conducted on the same site or elsewhere.

D. Approving Authority. Applications for a use permit to conduct night operations shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by this Section 17.14.070.

E. Findings for Use Permit Approval. In addition to the findings required for approval of a use permit, as set forth in Section 17.40.060 and elsewhere in this chapter, no use permit shall be granted for the conduct of night operations in the neighborhood commercial district unless the planning commission also finds and determines that the night operations conducted by the applicant will not create noise, glare or other effects that are likely to create a sleep disturbance for the occupants of neighboring residential properties:

F. Use Permit Conditions. Without limiting the authority of the planning commission to impose conditions on the granting of a use permit pursuant to Section 17.40.070, a use permit authorizing the conduct of night operations in the neighborhood commercial district may contain limitations on the days and hours of operation, restrictions on the nightly volume of vehicle trips, restrictions on the type of vehicles or equipment that may be operated at night, requirements for special devices and measures for abatement of noise and glare, and requirements for mitigation monitoring and periodic mandatory review. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit. (Ord. 462 §2(part), 2002).

Chapter 17.16 SCRO-1 SOUTHWEST BAYSHORE COMMERCIAL DISTRICT

17.16.070 Night operations.

A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as set forth below:

1. "Existing business" means a business or other use that is legally operating within the Southwest Bayshore district as of February 9, 2000, in accordance with all zoning regulations applicable thereto, and pursuant to a business license duly issued by the city.

2. "Night operations" means any activity conducted between the hours of ten (10:00) p.m. and five (5:00) a.m. of the following day.

B. Requirement for Use Permit to Conduct Night Operations. Except as otherwise provided in subsection C of this section, no business or other use, with the exception of residential uses, shall engage in the conduct of night operations at any location within the Southwest Bayshore district unless a use permit for such night operations has been granted pursuant to this chapter.

C. Continuation of Night Operations by Existing Businesses. An existing business which has lawfully been conducting night operations prior to February 9, 2000, may continue to conduct such night operations on the same site and shall be exempted from the requirement to obtain a use permit pursuant to this section. This exemption shall not apply to any relocation of the night operations to a different site, nor may the exemption be assigned or transferred by the existing business to a different business establishment or use, whether conducted on the same site or elsewhere.

D. Approving Authority. Applications for a use permit to conduct night operations shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by this section.

E. Findings for Use Permit Approval. In addition to the findings required for approval of a use permit, as set forth in Section 17.40.060 and elsewhere in this section, no use permit shall be granted for the conduct of night operations in the Southwest Bayshore district unless the planning commission also finds and determines that the night operations conducted by the applicant will not create noise, glare or other effects that are likely to create a sleep disturbance for the occupants of neighboring residential properties.

F. Use Permit Conditions. Without limiting the authority of the Planning Commission to impose conditions on the granting of a use permit pursuant to Section 17.40.070, a use permit authorizing the conduct of night operations in the Southwest Bayshore district may contain limitations on the days and hours of operation, restrictions on the nightly volume of vehicle trips, restrictions on the type of vehicles or equipment that may be operated at night, requirements for special devices and measures for abatement of noise and glare, and requirements for mitigation monitoring and periodic mandatory review. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance of the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit. (Ord. 443 §2(part), 2000).

Chapter 17.19 TC-1 CROCKER PARK TRADE COMMERCIAL DISTRICT

17.19.060 Night operations in certain areas.

A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as set forth below, unless the context or the provision clearly require otherwise:

1. "Existing business" means a business or other use that is legally operating within the Crocker Park district as of February 8, 1999, in accordance with all zoning regulations applicable thereto, and pursuant to a business license duly issued by the city.

2. "Night operations" means any activity conducted between the hours of ten (10:00) p.m. and five (5:00) a.m. of the following day.

3. "Residential property" means any site zoned for residential use.

B. Requirement for Use Permit to Conduct Night Operations. Except as otherwise provided in subsection C of this section, no business or other use shall engage in the conduct of night operations within the Crocker Park district where the location on the site where such night operations will be conducted is within three hundred (300) feet from the nearest lot line of a residential property. The planning director shall have authority to adopt administrative interpretations and guidelines for measurement of the distance between the night operations and the nearest residential property.

C. Continuation of Night Operations by Existing Businesses. An existing business which has lawfully been conducting night operations without a use permit prior to February 8, 1999, may continue to conduct night operations on the same site and shall be exempted from the provisions of subsection A of this section, if applicable to such night operations. This exemption shall not apply to any relocation of the night operations to a different site, nor may the exemption be assigned or transferred by the existing business to a different business establishment or use, whether conducted on the same site or elsewhere.

D. Approving Authority. Applications for a use permit to conduct night operations shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by this Section 17.19.060.

E. Findings for Use Permit Approval. In addition to the findings required by Section 17.40.060, no use permit shall be granted for the conduct of night operations in the Crocker Park district unless the planning commission also finds and determines that:

1. The night operations conducted by the applicant will not create noise, glare or other effects that are likely to create a sleep disturbance for the occupants of neighboring residential properties; and
2. To the extent that any noise, glare or other impacts related to the night operations are caused by persons other than the applicant, the applicant has the ability to effectively control and mitigate such impacts.

F. Use Permit Conditions. Without limiting the authority of the planning commission to impose conditions on the granting of a use permit pursuant to Section 17.40.070, a use permit authorizing the conduct of night operations in the Crocker Park district may contain limitations on the days and hours of operation, restrictions on the nightly volume of vehicle trips, restrictions on the type of vehicles or equipment that may be operated at night, requirements for special devices and measures for abatement of noise and glare, and requirements for mitigation monitoring and periodic mandatory review. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance for the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit. (Ord. 434 §3, 1999; Ord. 403 §25(part), 1996).

Chapter 17.40 USE PERMITS

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).