



MEMORANDUM

DATE: January 14, 2021
TO: Planning Commission
FROM: Associate Planner Robbins, via John Swiecki, Community Development Director
SUBJECT: **Resolution of Denial-Use Permit UP-8-20**

Background

On December 3, 2020, the Planning Commission considered and denied the above-referenced application. While the Commission discussed and outlined their basis for denial during deliberations as reflected in the meeting minutes, formal findings of denial were not adopted at the December 3, 2020 meeting. The revised resolution containing findings of denial is attached for the Commission's approval.

Recommendation

Adopt Resolution UP-8-20, containing the findings of denial for Use Permit UP-8-20 (Attachment A).

Attachments:

- A. Draft Resolution UP-8-20 with Findings of Denial
- B. December 3, 2020 Draft Meeting Minutes (included in agenda packet)

DRAFT RESOLUTION UP-8-20

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
DENYING USE PERMIT UP-8-20
TO ALLOW NIGHT OPERATIONS FOR FOOD PRODUCTION AT 470 VALLEY DRIVE

WHEREAS, Luke Vernon, the applicant, applied to the City of Brisbane for Use Permit approval to establish night operations (between 10:00 pm and 5:00 am) at 470 Valley Drive for food production, such application being identified as Use Permit UP-8-20; and

WHEREAS, on December 3, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the agenda report relating to said application, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission closed the public hearing and determined that the request would be detrimental to health, safety, and comfort of nearby residents due to the noise resulting from employees arriving and leaving the site and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of January 14, 2021 did resolve as follows:

Use Permit UP-8-20 is denied per the findings attached herein as Exhibit A.

ADOPTED this 14th day of January, 2021, by the following vote:

AYES: Gooding, Mackin, Patel, Sayasane

NOES: Gomes

ABSENT: None

PAMALA SAYASANE
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Deny Use Permit UP-8-20 per the staff memorandum with attachments, via adoption of Resolution UP-8-20.

Findings of Denial:

- A. The establishment, maintenance, or operation of the use applied for, under the circumstances of the particular case, would be detrimental to the health, safety, comfort, and general welfare of the persons residing in the residential condominiums located within 300 feet of the proposed use due to the noise generated by the requested night operations.
- B. The noise resulting from night operations conducted by the applicant, specifically vehicular activity in the outdoor parking lot for approximately thirty employees during nighttime hours, will create noise impacts that are likely to create a sleep disturbance for the occupants of neighboring residential properties.
- C. Anticipated noise related to the night operations will be caused by persons other than the applicant given that the applicant's application materials indicate approximately thirty employees would be congregating and leaving the site's parking lot at approximately 12:30 am and the applicant would not be able to effectively control and/or mitigate said impacts on a consistent and ongoing basis.