



PURPOSE

Conditional Use Permits may be revocable, conditional, and / or valid for a stated time period, and shall be issued only as provided in the Millbrae Municipal Code. The Planning Commission may impose such conditions as it deems necessary to enforce the intent of the zoning code and may require evidence that such conditions are being or will be complied with. A Conditional Use Permit is approved for a particular property and is therefore not transferable to another location. A Conditional Use Permit can also be made to be non-transferable between parties. Justification for a Conditional Use Permit requires a clear and detailed written statement justifying the request and must meet the following two findings for approval:

- 1) The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use; and
- 2) The establishment, maintenance, or operational of the use applied for will not, under the circumstances of the particular case, be detrimental to property and improvements in the neighborhood of such proposed use.

PROCEDURE

- Meet with planning staff to determine if a *Conditional Use Permit* is required
- Complete an Application for Planning Action - *must be signed by all property owner(s)*
- Prepare items on project submittal requirements checklist
- Pay fees
- Submit all the required information showing existing conditions, proposed changes, and any other data in support of the request including a written justification for findings.

Environmental Review may require submittal of additional information to determine if the Conditional Use Permit warrants a Categorical Exemption, Negative Declaration, or an Environmental Impact Report. Information on timing and sequence of this process should be discussed with Planning staff.

Architectural, landscaping, and site plan review may also be required for a proposed Conditional Use Permit per Section 10-1.814, of the Millbrae Municipal Code. Planning staff can assist the applicant with this process as it may relate to the Use Permit request.

COMMISSION REVIEW

The Planning Commission is required to hold a public hearing on each Conditional Use Permit application. The public hearing notice, paid for by the applicant and performed by the City, shall be given in one or more of the following manners:

- Publication of the hearing notice in a newspaper of general circulation in the City at least once and not less than ten days prior to such hearing
- Posting of the hearing notice in at least three locations not less than ten days prior to such hearing. The affidavit of the person who posted the notices shall establish conclusively that such posting was accomplished
- Mailing of the hearing notice to all recorded owners of property within 300 feet of the subject property. Action is taken after all testimony and discussion is concluded. Planning Commission decisions are final, but may be appealed to the City Council

August 2017