

## CITY OF BRISBANE

### ZONING MAP/TEXT AMENDMENT APPLICATION INFORMATION

**SUBMITTAL REQUIREMENTS.** For the Planning Commission and City Council 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 for recommendation to the City Council.

➤ **ELECTRONIC SUBMITTAL REQUIRED:**

- Please submit all required items as PDF, Microsoft Office (Word, Excel, etc.), or JPG/TIF/PNG file types, as appropriate to the items listed below. You may compress or archive multiple file types into a single folder and upload the compressed (zipped) folder to our [electronic planning application](#). (Max 125 MB per file or folder.)
- Development plans MUST be submitted in PDF format;** CAD or other drafting file types will not be accepted. Development plan pages must be contained in one single PDF file; PDF files of individual plan pages will not be accepted. Please see the [Plan Preparation Guidelines](#) for digital file submittal standards.

#### **ALL ZONING PLAN MAP/TEXT AMENDMENT APPLICATIONS:**

The following information and documents are required for all zoning map/text amendment applications, unless specifically waived by staff:

- APPLICATION – A completed electronic planning application. Applications may be electronically signed and may require a [Property Owner Authorization Form](#).
- APPLICATION FEE – Refer to the [Master Fee Schedule](#). Fee may be paid by Visa or MasterCard (please note 2% additional processing fee), or by check.

Zoning Map Amendment: See Line P30

Zoning Ordinance Amendment: See Line P31

Following application review, an additional Environmental Determination fee (Line P49) may also be required, as determined by the project planner.

Note: Planning fees are non-refundable.

- SUPPORTING MATERIALS – The below documents and plans must be electronically submitted with any use permit application.
  - PROJECT DESCRIPTION – A written description of the proposed map and/or text changes with applicable supporting information as appropriate.
  - ENVIRONMENTAL INFORMATION FORM (see separate sheet);
  - METES AND BOUNDS LEGAL DESCRIPTION – For map amendments, a metes and bounds legal description of the area to be rezoned may be required prior to adoption of any enacting resolution.

**CODE REFERENCES.** Please refer to Brisbane Municipal Code Chapter [17.50](#) regarding procedures for amending the Zoning Map and Zoning Ordinance.

**NOTIFICATION OF MEETINGS AND HEARINGS.** Applicants must attend all hearings to present their case and respond to any questions or comments. The project planner will notify you of the date of the public hearing via the notice of public hearing, and will provide the meeting agenda and a copy of the agenda report the Friday before the scheduled hearing. Copies of the agenda and agenda report are also available at the Planning Department and on the City's website, [www.brisbaneca.org](http://www.brisbaneca.org) by noon on the Friday before the scheduled hearing. Please contact the project planner if you have not received a copy prior to the meeting.

**NOTIFICATION OF ACTION.** The project planner will notify you by mail to confirm the action taken. Contact the project planner if you do not receive such notification.

**APPEALS.** The action of the Planning Commission is a recommendation to the City Council. No appeal is necessary for Zoning Text/Map Amendment applications to be heard by the City Council, whose approval is required for such amendments.

FOR FURTHER INFORMATION, PLEASE CONTACT THE COMMUNITY  
DEVELOPMENT DEPARTMENT  
[planning@brisbaneca.org](mailto:planning@brisbaneca.org)

Community Development Department Hours:  
8 A.M - 5 P.M. Mondays, Tuesdays & Thursdays  
8 A.M. – 8 P.M. Wednesdays  
8 A.M. - 1 P.M. Fridays

Please call ahead to make an appointment.



## Chapter [17.50](#) AMENDMENTS

### **17.50.010 Initiation.**

A. Except as otherwise provided in this chapter, any amendment to this title shall be adopted as other ordinances are adopted.

B. Any amendment to this title which changes any property from one district to another district or imposes any regulation upon property not theretofore imposed, or removes or modifies any such regulation, shall be initiated as follows:

1. The filing with the city planning commission of a resolution of intention of the city council;
2. Passage of a resolution of intention by the planning commission; or
3. Filing with the planning commission of a petition of one (1) or more record owners of property, which is the subject of a proposed amendment, or their authorized agents. A petition for amendment shall be on a form designated by the planning commission and shall be accompanied by a fee, as set by the city council.

### **17.50.020 Public hearing requirement.**

A. Upon a receipt of a petition or resolution of intention of amendment the planning commission secretary shall set a date for a public hearing thereon, but not later than sixty (60) days after the receipt of such petition or resolution.

B. If the proposed amendment consists of a change in the boundaries of any district, the planning commission shall give notice of the time and place of such hearing, and the purpose thereof, in the manner designated in Section 17.54.020. If the proposed amendment is of a matter of general or citywide scope, notice thereof shall be given as provided in Section 17.54.030.

### **17.50.030 Planning commission action.**

After the close of the public hearing or continuations thereof, the planning commission shall make a report of its findings and its recommendations with respect to the proposed amendment. The commission report shall include a list of persons who testified at the hearing, a summary of the facts adduced at the hearing, the findings of the commission, and copies of any maps or other data or documentary evidence submitted in connection with the proposed amendment. A copy of such report and recommendation shall be transmitted to the city council within ninety (90) days after the first notice of hearing thereon; provided, however, that such time may be extended with the consent of the city council or the petitioner for such amendment. In the event the planning commission fails to report to the city council within the aforesaid ninety (90) days or within the agreed extension of time, the amendment shall be deemed approved by the planning commission. The recommendations of the planning commission on proposed amendments shall be adopted by a majority vote of the voting members of the planning commission.

### **17.50.040 City council action.**

Upon receipt of the recommendation of the planning commission on the expiration of the aforesaid ninety (90) days or agreed upon extended period, the city council shall hold a public hearing thereon, giving notice thereof as provided in Chapter 17.54; provided, however, that if the matter under consideration is an amendment that would change property from one (1) district to another, and the planning commission has recommended against the adoption of such amendment, the city council shall not be required to take further action unless the planning commission action is appealed. After the conclusion of such hearing, the city council may, within one (1) year, adopt by ordinance the proposed amendment or any part thereof set forth in the petition or resolution of intention in such form as the council deems desirable; provided, that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the council, shall be deemed to be approval of the proposed modification.

## CALIFORNIA GOVERNMENT CODE

### §65358- 65359

#### **65358.**

(a) If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan. An amendment to the general plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the general plan may require that an amount equal to the estimated cost of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment.

(b) Except as otherwise provided in subdivision (c) or (d), no mandatory element of a general plan shall be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time, as determined by the legislative body. Each amendment may include more than one change to the general plan.

(c) The limitation on the frequency of amendments to a general plan contained in subdivision (b) does not apply to amendments of the general plan requested and necessary for a single development of residential units, at least 25 percent of which will be occupied by or available to persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code. The specified percentage of low- or moderate-income housing may be developed on the same site as the other residential units proposed for development, or on another site or sites encompassed by the general plan, in which case the combined total number of residential units shall be considered a single development proposal for purposes of this section.

(d) This section does not apply to the adoption of any element of a general plan or to the amendment of any element of a general plan in order to comply with any of the following:

- (1) A court decision made pursuant to Article 14 (commencing with Section 65750).
- (2) Subdivision (b) of Section 65302.3.
- (3) Subdivision (b) of Section 30500 of the Public Resources Code.

#### **65359.**

Any specific plan or other plan of the city or county that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the general plan.

