

City of Brisbane

Agenda Report

TO: City Council via the City Manager

FROM: Community Development Director

SUBJECT: Ordinance No. 548 Modifying Title 17 Landscaping Provisions

DATE: Meeting of October 18, 2010

City Council Goals:

To develop plans and pursue opportunities to protect natural resources. (Goal #8)

Purpose:

To provide for consistency between the Water Conservation in Landscaping Ordinance, Brisbane Municipal Code (BMC) Chapter 15.70 and the various landscaping provisions in BMC Title 17; and to provide for clarity and consistency in the BMC Title 17 landscape review provisions.

Recommendation:

That the City Council introduce Ordinance 548, modifying BMC Title 17 landscaping provisions.

Background:

On June 21st, Council adopted the Water Conservation in Landscaping Ordinance No. 544, which amended BMC Chapter 15.70. Ordinance No. 544 was adopted to comply with the provisions of the California Water Conservation in Landscaping Act to reduce outdoor water use associated with irrigation. The proposed Title 17 amendments are intended to make the Zoning Code provisions for landscaping consistent with the newly adopted BMC Chapter 15.70. The proposed amendment also clarifies landscape plan review procedures. The attached Planning Commission report, dated August 26th, describes and analyzes the specific changes proposed under this amendment.

Discussion:

BMC, Title 17 includes a number of provisions requiring the installation of “irrigated landscaping” which were to ensure that landscaping is installed in conjunction with

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development to provide aesthetic and environmental benefits. However, the requirement for *irrigated* landscapes would be inconsistent with the intent of new BMC 15.70 and could subject projects to unnecessary and expensive compliance measures. The proposed amendment is intended to make the provisions of Title 17 consistent with BMC 15.70.

The proposed amendments were considered by the Planning Commission on August 26th and the Planning Commission unanimously recommended approval of the proposed amendment. Planning Commission minutes are attached.

Fiscal Impact:

None.

Measures of Success:


This ordinance will ensure that the Brisbane Municipal Code remains internally consistent in regard to landscaping requirements.

Attachments:

Draft Ordinance 548
Draft Ordinance 548 - redlined
Planning Commission Resolution RZ-1-10
Planning Commission Minutes 8/26/10
Planning Commission Agenda Report 8/26/10



Department Head


City Manager

DRAFT ORDINANCE NO. 548

**AN ORDINANCE OF THE CITY OF BRISBANE AMENDING
SECTIONS 17.06.040, 17.08.040, 17.10.040, 17.12.040,
17.14.050, 17.16.040, 17.18.040, 17.19.040, AND 17.20.030 OF
THE MUNICIPAL CODE MODIFYING THE LANDSCAPING
PROVISIONS**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Section 17.06.040 of Chapter 17.06, R-1 Residential District, is amended to read as follows:

§17.06.040 Development regulations. The following development regulations shall apply to any lot in the R-1 district:

A. Lot Area.

1. The minimum area of any lot shall be five thousand (5,000) square feet.
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. Not more than one dwelling unit shall be located on each lot in the R-1 district, except for a secondary dwelling unit authorized by a use permit granted pursuant to Chapter 17.43 of this title.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet.
2. Side setback: Five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater.
3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be forty percent (40%).

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72. Where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be

excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or
 - b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title and so long as the total height of the garage and any permitted living area underneath does not exceed thirty (30) feet from finish grade.

H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:

1. Front outside wall: Thirty percent (30%) articulation.
2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

I. Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.

J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

SECTION 2: Section 17.08.040 of Chapter 17.08, R-2 Residential District, is amended to read as follows:

§17.08.040 – Development regulations. The following development regulations shall apply to any lot in the R-2 district:

A. Lot area.

1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in Section 17.08.040(B).
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. The minimum lot area for each dwelling unit on the site shall be two thousand five hundred (2,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of two (2) units.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, duplexes or multiple-family dwellings, or any combination thereof, the minimum front setback for single-family dwellings may be the average distance of the front outside wall of the residential structures from the front lot line, if less than fifteen (15) feet.
2. Side Setbacks: Side setbacks shall be five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater.
3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be fifty percent (50%).

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:

1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.
2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or
 - b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
 2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title and so long as the total height of the garage and any permitted living area underneath does not exceed thirty (30) feet from finish grade.
- H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
1. Front outside wall: Thirty percent (30%) articulation.
 2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
 3. Rear outside wall: Thirty percent (30%) articulation.
 4. Exemptions: Single story two car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.
- I. Landscaping Requirements.
1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
 2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
 3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
 4. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.
- J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

SECTION 3: Section 17.10.040 of Chapter 17.10, R-3 Residential District, is amended to read as follows:

§17.10.040 – Development regulations. The following development regulations shall apply to any lot in the R-3 district:

A. Lot Area.

1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B of this section.
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. The minimum lot area for each dwelling unit on the site shall be one thousand (1,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of three (3) units.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, duplexes or multiple-family dwellings, or any combination thereof, the minimum front setback for single-family dwellings may be the average distance of the front outside wall of the residential structures from the front lot line, if less than fifteen (15) feet.
2. Side setbacks: Side setbacks shall be five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater.
3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%).

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:

1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.
2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site, shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or

- b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
 - 2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title and so long as the total height of the garage and any permitted living area underneath does not exceed thirty (30) feet from finish grade.
- H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
 - 1. Front outside wall: Thirty percent (30%) articulation.
 - 2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
 - 3. Rear outside wall: Thirty percent (30%) articulation.
 - 4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.
- I. Landscaping Requirements.
 - 1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
 - 2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
 - 3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
 - 4. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.
- J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

SECTION 4: Section 17.12.040 of Chapter 17.12, R-BA Residential District, is amended to read as follows:

§17.12.040 – Development regulations. The following development regulations shall apply to any lot in the R-BA district:

- A. Lot Area.
 - 1. The minimum area of any lot shall be twenty thousand (20,000) square feet, except as otherwise provided in Section 17.12.050 of this chapter.

2. A single-family dwelling may be constructed on a lot of record with an area of less than twenty thousand (20,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. Not more than one dwelling unit shall be located on each lot in the R-BA district, except for a secondary dwelling unit authorized by a use permit granted pursuant to Chapter 17.43 of this title, or one or more additional dwelling units in connection with a density transfer authorized by a use permit granted pursuant to Section 17.12.050 of this chapter.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
110 feet	140 feet

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: Twenty (20) feet, with the exception that where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.

2. Side setback: Fifteen (15) feet, with the exception that a lot having a width of less than one hundred ten (110) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than ten (10) feet or the minimum setback required by the Uniform Building Code, whichever is greater.

3. Rear setback: Twenty (20) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be twenty-five percent (25%).

F. Floor Area Ratio. The maximum floor area ratio of all buildings on a lot shall be 0.72; provided, however, that in no event shall the floor area of all buildings on a lot exceed five thousand five hundred (5,500) square feet. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio and the five thousand five hundred (5,500) maximum square footage specified herein; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be thirty-five (35) feet.

2. For a distance of twenty (20) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title and so long as the total height of the garage and any permitted living area underneath does not exceed thirty-five (35) feet from finish grade.

H. Wildland Interface. The development shall incorporate such measures as the fire chief may deem necessary to protect against the spread of fire between the site and the adjacent wildland.

I. HCP Compliance. All development within the R-BA district shall comply with the requirements of the San Bruno Mountain Area Habitat Conservation Plan.

J. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:

1. Front outside wall: Thirty percent (30%) articulation.
2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

K. Landscaping Requirements:

1. Landscape Plan. All development proposals shall include a landscape plan to be approved by the planning director. The plan shall show all proposed landscaping and the location of all protected trees and rare plants. The landscape plan shall be consistent with all of the following objectives:
 - a. Preservation of protected trees and rare plants to the greatest extent possible;
 - b. Use of plants that are compatible with the natural flora and are not invasive to the HCP area;
 - c. Use of water conserving plants;
 - d. Use of plants that will effectively screen structures and blend with the natural landscape; and
 - e. Use of landscaping that is fire resistant.
2. Irrigated Landscapes. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.

L. Ridgeline. Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park.

M. Watercourses, Wetlands and Canyons. Development of the site shall be setback from all watercourses, wetlands and canyons consistent with the sensitivity of the resource.

N. Trails. The development shall incorporate public access trails to the extent feasible given the environmental sensitivities of the site.

O. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

SECTION 5: Section 17.14.050 of Chapter 17.14, NCRO Neighborhood Commercial District, is amended to read as follows:

§17.14.050 – Development regulations for the NCRO-1 district. Development regulations for the NCRO-1 district are as follows:

- A. Lot Area. The minimum area of any lot in the NCRO-1 district shall be twenty thousand (20,000) square feet.
- B. Lot Dimensions. The minimum dimensions of any lot in the NCRO-1 district shall be as follows:

Frontage	Width and Depth
100 feet	No requirement

C. Setbacks. There shall be no minimum required front, side or rear setback for any lot in the NCRO-1 district, except that a twenty (20) foot setback shall be required from any property line that is contiguous to a public right-of-way.

D. Lot Coverage. The maximum coverage by all structures on any lot in the NCRO-1 district shall be sixty percent (60%).

E. Height of Structures. The maximum height of any structure in the NCRO-1 district shall be thirty-five (35) feet.

F. Landscaping requirements:

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - c. Use of water conserving plants; and
 - d. Use of plants and other landscape features that are appropriate to the context.
3. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70

SECTION 6: Section 17.16.040 of Chapter 17.16, SCRO-1 Southwest Bayshore Commercial District, is amended to read as follows:

§17.16.040 – Development regulations. Development regulations in the Southwest Bayshore district are as follows:

- A. Lot Area. The minimum area of any lot shall be seven thousand five hundred (7,500) feet.
- B. Density of Development. The minimum lot area for each dwelling unit on a site shall be as follows:
1. Single-family dwellings: seven thousand five hundred (7,500) square feet;
 2. Duplex dwellings: three thousand seven hundred fifty (3,750) square feet;
 3. Multiple-family dwellings: one thousand five hundred (1,500) square feet;
 4. Mixed use or live/work development: dwelling unit density shall be determined by the use permit.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	No requirement

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: five (5) feet.
2. Side setback: None, except a ten (10) foot setback shall be required when the site is adjacent to any residential use.
3. Rear setback: ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%).

F. Height of Structures. The maximum height of any structure shall be thirty-five (35) feet.

G. Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
2. Plant materials shall be drought resistant and non-invasive as required by the planning director. Where landscaping is located adjacent to unimproved hillside areas, a fire break shall be provided as approved by the city's fire chief.
3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - c. Use of water conserving plants; and
 - d. Use of plants and other landscape features that are appropriate to the context.
4. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.

H. Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.
2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.
3. The screening requirements set forth in subsections 1 and 2 of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

SECTION 7: Section 17.18.040 of Chapter 17.18, SP-CRO Sierra Point Commercial District, is amended to read as follows:

§17.18.040 – Development regulations. Development regulations for the SP-CRO district are as follows:

- A. Lot area. The minimum area of any lot in the SP-CRO district shall be one acre.
- B. Lot dimensions. The minimum dimensions of any lot in the SP-CRO district shall be as follows:

Width	Depth
100 feet	No requirement

C. Setbacks. The minimum required setback for any lot in the SP-CRO district shall be as follows, except as otherwise established in the combined site and architectural guidelines for Sierra Point:

1. Front setback: twenty-five (25) feet;
2. Side setbacks:
 - a. Interior side yards: fifteen (15) feet.
 - b. Exterior side yards: twenty (20) feet.
3. Rear setbacks:
 - a. Interior lots: twenty (20) feet.
 - b. Corner lots: fifteen (15) feet.

D. Location of structures. The location of structures relative to the mean high tide line shall comply with the requirements set forth in the combined site and architectural design guidelines for Sierra Point.

E. Coverage. The maximum coverage by all structures on any lot shall be forty percent (40%).

F. Height. The height of structures shall comply with the combined site and architectural design guidelines for Sierra Point.

G. Landscaping requirements.

1. A minimum of twenty-five percent (25%) of the total lot area shall be landscaped. Additional landscaping requirements are set forth in the combined site and architectural design guidelines for Sierra Point.
2. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.

SECTION 8: Section 17.19.040 of Chapter 17.19, TC-1 Crocker Park Trade Commercial District, is amended to read as follows:

§17.19.040 – Development regulations. Development regulations in the Crocker Park district are as follows:

- A. Minimum building site required: ten thousand (10,000) square feet;
- B. Minimum lot dimensions: one hundred (100) feet width;
- C. Required minimum yards:
 1. Front yard: twenty-five (25) feet,
 2. Side yards: ten (10) feet,
 3. Rear yard: ten (10) feet;
- D. Maximum coverage by all structures: sixty percent (60%);
- E. Maximum allowable height for all structures: fifty (50) feet, and floor area ratio (FAR) shall not exceed 2.0;
- F. Landscaping requirements:
 1. Not less than fifteen percent (15%) of the gross lot area shall be improved with landscaping;

2. Landscaping required under this section, including replacement landscaping, shall be subject to approval of the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - c. Use of water conserving plants; and
 - d. Use of plants and other landscape features that are appropriate to the context.
 3. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70;
- G. Screening requirements:
1. Outside storage of pallets or containers used for the transportation and delivery of items related to the interior use shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonably possible to do so,
 2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting or landscaping, or any combination of the foregoing;
- H. In the case of conditional uses, additional regulations may be required.

SECTION 9: Section 17.20.030 of Chapter 17.20, M-1 Manufacturing District, is amended to read as follows:

§17.20.030 – Development regulations. Development regulations in the M-1 district are as follows:

- A. Minimum building site required, ten thousand (10,000) square feet;
- B. Minimum lot dimensions; one hundred (100) feet width;
- C. Required minimum yards:
 1. Front yard, twenty-five (25) feet;
 2. Side yards, ten (10) feet;
 3. Rear yard, ten (10) feet;
- D. Maximum coverage by all structures, sixty percent (60%);
- E. Maximum allowable height for all structures, fifty (50) feet, provided gross floor area ratio to land may not exceed two (2) to one (1);
- F. Landscaping requirements:
 1. Not less than fifteen percent (15%) of the gross lot area shall be improved with landscaping;
 2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - c. Use of water conserving plants; and
 - d. Use of plants and other landscape features that are appropriate to the context.
 3. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70;
- G. In the case of conditional uses, additional regulations may be required.

SECTION 10: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 11: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2010, by the following vote:

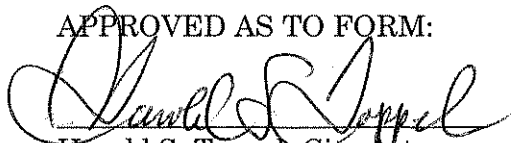
AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Harold S. Toppel, City Attorney

REDLINED
DRAFT ORDINANCE NO. 548

**AN ORDINANCE OF THE CITY OF BRISBANE AMENDING
SECTIONS 17.06.040, 17.08.040, 17.10.040, 17.12.040,
17.14.050, 17.16.040, 17.18.040, 17.19.040, AND 17.20.030 OF
THE MUNICIPAL CODE MODIFYING THE LANDSCAPING
PROVISIONS**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Section 17.06.040 of Chapter 17.06, R-1 Residential District, is amended to read as follows:

§17.06.040 Development regulations. The following development regulations shall apply to any lot in the R-1 district:

A. Lot Area.

1. The minimum area of any lot shall be five thousand (5,000) square feet.
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. Not more than one dwelling unit shall be located on each lot in the R-1 district, except for a secondary dwelling unit authorized by a use permit granted pursuant to Chapter 17.43 of this title.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet.
2. Side setback: Five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater.
3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be forty percent (40%).

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72. Where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be

excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or
 - b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title and so long as the total height of the garage and any permitted living area underneath does not exceed thirty (30) feet from finish grade.

H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:

1. Front outside wall: Thirty percent (30%) articulation.
2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

I. Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.

J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

SECTION 2: Section 17.08.040 of Chapter 17.08, R-2 Residential District, is amended to read as follows:

§17.08.040 – Development regulations. The following development regulations shall apply to any lot in the R-2 district:

A. Lot area.

1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in Section 17.08.040(B).
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. The minimum lot area for each dwelling unit on the site shall be two thousand five hundred (2,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of two (2) units.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, duplexes or multiple-family dwellings, or any combination thereof, the minimum front setback for single-family dwellings may be the average distance of the front outside wall of the residential structures from the front lot line, if less than fifteen (15) feet.
2. Side Setbacks: Side setbacks shall be five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater.
3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be fifty percent (50%).

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:

1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.
2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or
 - b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
 2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title and so long as the total height of the garage and any permitted living area underneath does not exceed thirty (30) feet from finish grade.
- H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
1. Front outside wall: Thirty percent (30%) articulation.
 2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
 3. Rear outside wall: Thirty percent (30%) articulation.
 4. Exemptions: Single story two car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.
- I. Landscaping Requirements.
1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
 2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
 3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with irrigated landscaping where three (3) or more dwelling units are located on the same site.
 4. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.
- J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

SECTION 3: Section 17.10.040 of Chapter 17.10, R-3 Residential District, is amended to read as follows:

§17.10.040 – Development regulations. The following development regulations shall apply to any lot in the R-3 district:

A. Lot Area.

1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B of this section.
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. The minimum lot area for each dwelling unit on the site shall be one thousand (1,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of three (3) units.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, duplexes or multiple-family dwellings, or any combination thereof, the minimum front setback for single-family dwellings may be the average distance of the front outside wall of the residential structures from the front lot line, if less than fifteen (15) feet.
2. Side setbacks: Side setbacks shall be five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater.
3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%).

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:

1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.
2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site, shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or

- b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
 - 2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title and so long as the total height of the garage and any permitted living area underneath does not exceed thirty (30) feet from finish grade.
- H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
 - 1. Front outside wall: Thirty percent (30%) articulation.
 - 2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
 - 3. Rear outside wall: Thirty percent (30%) articulation.
 - 4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.
- I. Landscaping Requirements.
 - 1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
 - 2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
 - 3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with irrigated-landscaping where three (3) or more dwelling units are located on the same site.
 - 4. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.
- J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

SECTION 4: Section 17.12.040 of Chapter 17.12, R-BA Residential District, is amended to read as follows:

§17.12.040 – Development regulations. The following development regulations shall apply to any lot in the R-BA district:

- A. Lot Area.
 - 1. The minimum area of any lot shall be twenty thousand (20,000) square feet, except as otherwise provided in Section 17.12.050 of this chapter.

2. A single-family dwelling may be constructed on a lot of record with an area of less than twenty thousand (20,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. Not more than one dwelling unit shall be located on each lot in the R-BA district, except for a secondary dwelling unit authorized by a use permit granted pursuant to Chapter 17.43 of this title, or one or more additional dwelling units in connection with a density transfer authorized by a use permit granted pursuant to Section 17.12.050 of this chapter.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
110 feet	140 feet

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: Twenty (20) feet, with the exception that where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.

2. Side setback: Fifteen (15) feet, with the exception that a lot having a width of less than one hundred ten (110) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than ten (10) feet or the minimum setback required by the Uniform Building Code, whichever is greater.

3. Rear setback: Twenty (20) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be twenty-five percent (25%).

F. Floor Area Ratio. The maximum floor area ratio of all buildings on a lot shall be 0.72; provided, however, that in no event shall the floor area of all buildings on a lot exceed five thousand five hundred (5,500) square feet. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio and the five thousand five hundred (5,500) maximum square footage specified herein; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be thirty-five (35) feet.

2. For a distance of twenty (20) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title and so long as the total height of the garage and any permitted living area underneath does not exceed thirty-five (35) feet from finish grade.

H. Wildland Interface. The development shall incorporate such measures as the fire chief may deem necessary to protect against the spread of fire between the site and the adjacent wildland.

I. HCP Compliance. All development within the R-BA district shall comply with the requirements of the San Bruno Mountain Area Habitat Conservation Plan.

J. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:

1. Front outside wall: Thirty percent (30%) articulation.
2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

K. Landscaping Requirements—:

1. Landscape Plan. All development proposals shall include a landscape plan to be approved by the planning director. The plan shall show all proposed landscaping and the location of all protected trees and rare plants. The landscape plan shall be consistent with all of the following objectives:

- 1a. Preservation of protected trees and rare plants to the greatest extent possible;
- 2b. Use of plants that are compatible with the natural flora and are not invasive to the HCP area;
- 3c. Use of water conserving plants and irrigation systems;
- 4d. Use of plants that will effectively screen structures and blend with the natural landscape; and
- 5e. Use of landscaping that is fire resistant.

2. Irrigated Landscapes. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.

L. Ridgeline. Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park.

M. Watercourses, Wetlands and Canyons. Development of the site shall be setback from all watercourses, wetlands and canyons consistent with the sensitivity of the resource.

N. Trails. The development shall incorporate public access trails to the extent feasible given the environmental sensitivities of the site.

O. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

SECTION 5: Section 17.14.050 of Chapter 17.14, NCRO Neighborhood Commercial District, is amended to read as follows:

§17.14.050 – Development regulations for the NCRO-1 district. Development regulations for the NCRO-1 district are as follows:

- A. Lot Area. The minimum area of any lot in the NCRO-1 district shall be twenty thousand (20,000) square feet.
- B. Lot Dimensions. The minimum dimensions of any lot in the NCRO-1 district shall be as follows:

Frontage	Width and Depth
100 feet	No requirement

C. Setbacks. There shall be no minimum required front, side or rear setback for any lot in the NCRO-1 district, except that a twenty (20) foot setback shall be required from any property line that is contiguous to a public right-of-way.

D. Lot Coverage. The maximum coverage by all structures on any lot in the NCRO-1 district shall be sixty percent (60%).

E. Height of Structures. The maximum height of any structure in the NCRO-1 district shall be thirty-five (35) feet.

F. Landscaping requirements:

1. Not less than ten percent (10%) of the lot area shall be in-irrigated landscape improved with landscaping.
2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - c. Use of water conserving plants; and
 - d. Use of plants and other landscape features that are appropriate to the context.
3. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70

SECTION 6: Section 17.16.040 of Chapter 17.16, SCRO-1 Southwest Bayshore Commercial District, is amended to read as follows:

§17.16.040 – Development regulations. Development regulations in the Southwest Bayshore district are as follows:

- A. Lot Area. The minimum area of any lot shall be seven thousand five hundred (7,500) feet.
- B. Density of Development. The minimum lot area for each dwelling unit on a site shall be as follows:
1. Single-family dwellings: seven thousand five hundred (7,500) square feet;
 2. Duplex dwellings: three thousand seven hundred fifty (3,750) square feet;
 3. Multiple-family dwellings: one thousand five hundred (1,500) square feet;
 4. Mixed use or live/work development: dwelling unit density shall be determined by the use permit.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	No requirement

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: five (5) feet.
2. Side setback: None, except a ten (10) foot setback shall be required when the site is adjacent to any residential use.
3. Rear setback: ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%).

F. Height of Structures. The maximum height of any structure shall be thirty-five (35) feet.

G. Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be in irrigated lawn, shrubs, trees, or other improved with landscaping.
2. Plant materials shall be drought resistant and non-invasive as required by the planning director. Where landscaping is located adjacent to unimproved hillside areas, a fire break shall be provided as approved by the city's fire chief.
3. Landscaping required under this section, including replacement landscaping, shall be provided with adequate water conserving irrigation systems and be installed according to detailed plans approved by the planning director; non-irrigated alternatives may be permitted, subject to approval of the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - c. Use of water conserving plants; and
 - d. Use of plants and other landscape features that are appropriate to the context.
4. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.

H. Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.
2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.
3. The screening requirements set forth in subsections 1 and 2 of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

SECTION 7: Section 17.18.040 of Chapter 17.18, SP-CRO Sierra Point Commercial District, is amended to read as follows:

§17.18.040 – Development regulations. Development regulations for the SP-CRO district are as follows:

- A. Lot area. The minimum area of any lot in the SP-CRO district shall be one acre.
- B. Lot dimensions. The minimum dimensions of any lot in the SP-CRO district shall be as follows:

Width	Depth
100 feet	No requirement

C. Setbacks. The minimum required setback for any lot in the SP-CRO district shall be as follows, except as otherwise established in the combined site and architectural guidelines for Sierra Point:

- 1. Front setback: twenty-five (25) feet;
- 2. Side setbacks:
 - a. Interior side yards: fifteen (15) feet.
 - b. Exterior side yards: twenty (20) feet.
- 3. Rear setbacks:
 - a. Interior lots: twenty (20) feet.
 - b. Corner lots: fifteen (15) feet.

D. Location of structures. The location of structures relative to the mean high tide line shall comply with the requirements set forth in the combined site and architectural design guidelines for Sierra Point.

E. Coverage. The maximum coverage by all structures on any lot shall be forty percent (40%).

F. Height. The height of structures shall comply with the combined site and architectural design guidelines for Sierra Point.

G. Landscaping requirements.

- 1. A minimum of twenty-five percent (25%) of the total lot area shall be landscaped. Additional landscaping requirements are set forth in the combined site and architectural design guidelines for Sierra Point.
- 2. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.

SECTION 8: Section 17.19.040 of Chapter 17.19, TC-1 Crocker Park Trade Commercial District, is amended to read as follows:

§17.19.040 – Development regulations. Development regulations in the Crocker Park district are as follows:

- A. Minimum building site required: ten thousand (10,000) square feet;
- B. Minimum lot dimensions: one hundred (100) feet width;
- C. Required minimum yards:
 - 1. Front yard: twenty-five (25) feet,
 - 2. Side yards: ten (10) feet,
 - 3. Rear yard: ten (10) feet;
- D. Maximum coverage by all structures: sixty percent (60%);
- E. Maximum allowable height for all structures: fifty (50) feet, and floor area ratio (FAR) shall not exceed 2.0;
- F. Landscaping requirements:

1. Not less than fifteen percent (15%) of the gross lot area shall be in-irrigated lawns, shrubs, or trees, improved with landscaping;
2. Landscaping required under this section, including replacement landscaping, shall be provided with adequate water conserving irrigation systems and shall be installed according to detailed plans. Nonirrigated alternatives may be permitted subject to approval of the planning director;. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - c. Use of water conserving plants; and
 - d. Use of plants and other landscape features that are appropriate to the context.
3. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70;

G. Screening requirements:

1. Outside storage of pallets or containers used for the transportation and delivery of items related to the interior use shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonably possible to do so,
2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting or landscaping, or any combination of the foregoing;

H. In the case of conditional uses, additional regulations may be required.

SECTION 9: Section 17.20.030 of Chapter 17.20, M-1 Manufacturing District, is amended to read as follows:

§17.20.030 – Development regulations. Development regulations in the M-1 district are as follows:

- A. Minimum building site required, ten thousand (10,000) square feet;
- B. Minimum lot dimensions; one hundred (100) feet width;
- C. Required minimum yards:
 1. Front yard, twenty-five (25) feet;
 2. Side yards, ten (10) feet;
 3. Rear yard, ten (10) feet;
- D. Maximum coverage by all structures, sixty percent (60%);
- E. Maximum allowable height for all structures, fifty (50) feet, provided gross floor area ratio to land may not exceed two (2) to one (1);
- F. Landscaping requirements;:
 1. Not less than fifteen percent (15%) of the gross lot area shall be in-irrigated lawns, shrubs, or trees improved with landscaping;
 2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - c. Use of water conserving plants; and
 - d. Use of plants and other landscape features that are appropriate to the context.

3. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70;

G. In the case of conditional uses, additional regulations may be required.

SECTION 10: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 11: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. RZ-1-10

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE
RECOMMENDING ZONING TEXT AMENDMENT RZ-1-10
TO THE CITY COUNCIL,
SUCH AMENDMENTS PERTAINING TO
LANDSCAPING REQUIREMENTS

WHEREAS, on June 21, 1994, the City Council of the City of Brisbane adopted Resolution 94-24, adopting the 1994 General Plan for the City of Brisbane; and

WHEREAS, the 1994 General Plan contains policies and programs regarding landscaping (Land Use Element Policy 28 and Conservation Element Policy 127 and 128), providing clear performance standards in the Municipal Code for the physical character of all land use developments (Land Use Element Policy 22) and regarding water conservation (Conservation Element Policy 138); and

WHEREAS, the State of California has recently established legislation, including AB 1881, with the goal of reducing per capita water consumption statewide; and

WHEREAS, the Brisbane City Council has adopted the Water Conservation in Landscaping Ordinance No. 544 which places specific requirements on new and replacement irrigated landscapes, to reduce water consumption; and


WHEREAS, requiring irrigation systems on landscaping is not consistent with either state or local goals of reducing water consumption; and

WHEREAS, amendment of Title 17, Zoning, of the Brisbane Municipal is necessary to modify landscaping requirements to be consistent with the aim of reducing water consumption and will help to meet the City's community character goals, by including two additional commercial subareas for which planning director approval of landscape plans will be required and indicating the objectives to be met with such landscape plans; and

WHEREAS, the Planning Commission duly noticed and held a public hearing on the proposed amendments on August 26, 2010, at which time oral and written comments were considered; and

WHEREAS, the Planning Commission finds that the proposed amendments are categorically exempt from the California Environmental Quality Act per Sections 15307 and 15308 of the State CEQA Guidelines.

NOW, THEREFORE BE IT RESOLVED, that based on the above findings, the Planning Commission hereby recommends adoption of Zoning Text Amendment RZ-1-10, attached as Exhibit A, to the City Council.



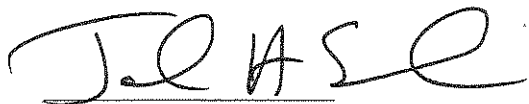
Jameel Munir
Chairman

I hereby certify that the foregoing Resolution No. RZ-1-10 was duly and regularly passed and adopted by the Brisbane Planning Commission at a regular meeting thereof held on August 26, 2010, by the following roll call vote:

AYES:

NOES:

ABSENT:



John A. Swiecki, AICP
Interim Community Development Director

2. **PUBLIC HEARING: Zoning Text Amendment RZ-1-10;** Amend Title 17 of the Brisbane Municipal Code to Modify the Landscaping Development Standards in the R-1, R-2, R-3 and R-BA Residential Districts, NCRO-1, SCRO-1, SP-CRO, TC-1 Commercial Districts and M-1 Manufacturing District; to be Consistent with the Newly Adopted Water Conservation in Landscaping Ordinance No. 544 and to Expand the Planning Director Review of Landscape Plans in the Commercial Districts.

Associate Planner Johnson summarized the agenda report, explaining that the proposed ordinance would revise references to landscaping in the various zoning district regulations, so as to be consistent with the recently adopted Water Conservation in Landscaping Ordinance (No. 544). Commissioner Maturo arrived during the presentation.

Commissioner Cunningham asked about what types of plants would be allowed, noting that some native species may not be attractive year-round and that some water-conserving species do not fit Brisbane's natural setting. Associate Planner Johnson explained that a list of water conserving plants was provided with the State model ordinance. He said that the Community Development Director would be able to approve plants appropriate to each site, not limited to native species. Interim Community Development Director Swiecki added that it would be problematic to mandate a list of plants that would be acceptable in all situations. In response to a suggestion from Commissioner Cunningham, he said that public input on proposed landscaping could be solicited by the Planning Commission during the public hearings on larger projects.

To answer a question from Commissioner Parker, Associate Planner Johnson and Director Swiecki described the audit process referenced in proposed Section 15.70.120 as a discretionary investigation of cases of high water users, most likely on large commercial sites.

Chairman Munir opened the public hearing. There being no one present to speak, the public hearing was closed.

The Commission discussed the review process for private and public landscape plans. The Commission urged the City Council to assure a process for public review of City landscaping projects. It was also suggested that an ad hoc committee, including local professionals, be formed to prepare a plant list suitable for Brisbane.

Commissioner Maturo made a motion to recommend that the City Council adopt the draft ordinance as presented, which was seconded by Commissioner Parker and approved 5-0.

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission
FROM: Ken Johnson, Associate Planner, via John A. Swiecki, AICP, Interim Community Development Director

For the Meeting of 8/26/10

JS

SUBJECT: RZ-1-10 Zoning Text Amendment to Modify the Title 17 Landscaping Development Standards to be Consistent with the Newly Adopted Water Conservation in Landscaping Ordinance No. 544 and to Expand Planning Director Review of Landscape Plans in Commercial Districts.

Request: The request is to revise the various landscaping requirements in the Brisbane Municipal Code (BMC), Title 17, to be consistent with the new Water Conservation in Landscaping Ordinance (No. 544), which amended BMC Chapter 15.70 consistent with the requirements of state law. It also adds provisions for planning director review of landscape plans in the NCRO-1 Neighborhood Commercial and M-1 Manufacturing districts and clarifies the purpose of the requirement for landscape plans in the SCRO-1 and TC-1 commercial districts. The proposed amendment revises the following sections of Title 17:

1. R-1 Residential District: BMC Section 17.06.040.I
2. R-2 Residential District: BMC Section 17.08.040.I
3. R-3 Residential District: BMC Section 17.10.040.I
4. R-BA Brisbane Acres Residential District: BMC Section 17.12.040.K
5. NCRO-1 Neighborhood Commercial District: BMC Section 17.14.050.F
6. SCRO-1 Southwest Bayshore Commercial District: BMC Section 17.16.040.G
7. SP-CRO Sierra Point Commercial District : BMC Section 17.18.040.G
8. TC-1 Crocker Park Trade Commercial District: BMC Section 17.19.040.F
9. M-1 Manufacturing District: BMC Section 17.20.030.F

Recommended revisions are shown in redline/strike-out form in the draft ordinance.

Recommendation: Recommend that the City Council adopt the draft ordinance, amending the landscape development sections of Title 17, via adoption of Resolution RZ-1-10.

Environmental Determination: Actions taken by regulatory agencies, as authorized by state law or local ordinance to assure the protection of natural resources and the environment are categorically exempt from the provisions of the California Environmental Quality Act, per Sections 15307 & 15308 of the State CEQA Guidelines. The exceptions to these categorical exemptions, referenced in Section 15300.2, do not apply.

August 26, 2010
Page 2

Background:

On June 21, 2010, City Council adopted the Water Conservation in Landscaping Ordinance No. 544, which amended BMC Chapter 15.70. This ordinance was adopted to comply with the provisions of the California Water Conservation in Landscaping Act, which became operative on January 1, 2010, pursuant to Assembly Bill (AB) 1881 and is intended to reduce outdoor water use associated with irrigation. Ordinance No. 544 places specific requirements for low water use plantings and irrigation systems on new and replacement irrigated landscapes of 1,000 sq ft or more. The proposed Title 17 amendments are intended to make the Zoning Code requirements for landscaping consistent with the changes to newly adopted BMC Chapter 15.70. For further information on the Water Conservation in Landscaping Ordinance, see the attached City Council report.

Discussion:

BMC, Title 17 includes a number of provisions requiring the installation of "irrigated landscaping" which warrant revision for consistency with Ordinance 544. These provisions are intended to ensure that landscaping is installed in conjunction with development to provide aesthetic and environmental benefits. However, the requirement for *irrigated* landscapes would be inconsistent with the intent of new BMC Chapter 15.70 and could subject projects to unnecessary and expensive compliance measures. It is recommended that references within Title 17 to "irrigated landscaping" be changed to "landscaping". Landscaping is defined in BMC Section 17.02.475, "Landscaping' means plants and incidental ornamental materials, including wood chips, rocks and statuary." This change would be consistent with Chapter 15.70 while still achieving the intended environmental/aesthetic benefits of the original code provisions.

A reference to the new Water Conservation in Landscaping Ordinance, BMC Chapter 15.70, has also been added to the zoning text.

Review of Landscape Plans: While Chapter 15.70 requires landscape plans for irrigated landscapes over 1,000 sq ft, it does not address other design concerns. Certain development projects or zoning districts currently require planning director approval of landscape plans to address potential concerns outside the realm of water use, including ecological protection and preservation/enhancement of community character. The provision for planning director approval of landscape plans is currently included in the zoning text for Southwest Bayshore SCRO-1 and Crocker Park TC-1 districts (BMC Sections 17.16.040.G and 17.19.040.F). It is recommended that it be required in the NCRO-1 Neighborhood Commercial District and the M-1 Manufacturing District (BMC Sections 17.14.050.F and 17.20.030.F). This would provide a consistent requirement among commercial districts with large areas of landscaping, are highly visible to the community, and may have aesthetic and/or ecological concerns warranting planning director approval of plans. The objectives of this provision would be outlined for all four of these commercial zoning districts and would include the use of non-invasive and water conserving plants, and that the use of plants and other landscape features are appropriate to the context. This provision would apply to both new developments and replacement landscapes. It would not be added to the SP-CRO Sierra Point Commercial District, since landscaping requirements in this subarea are addressed in the Sierra Point Design Guidelines.

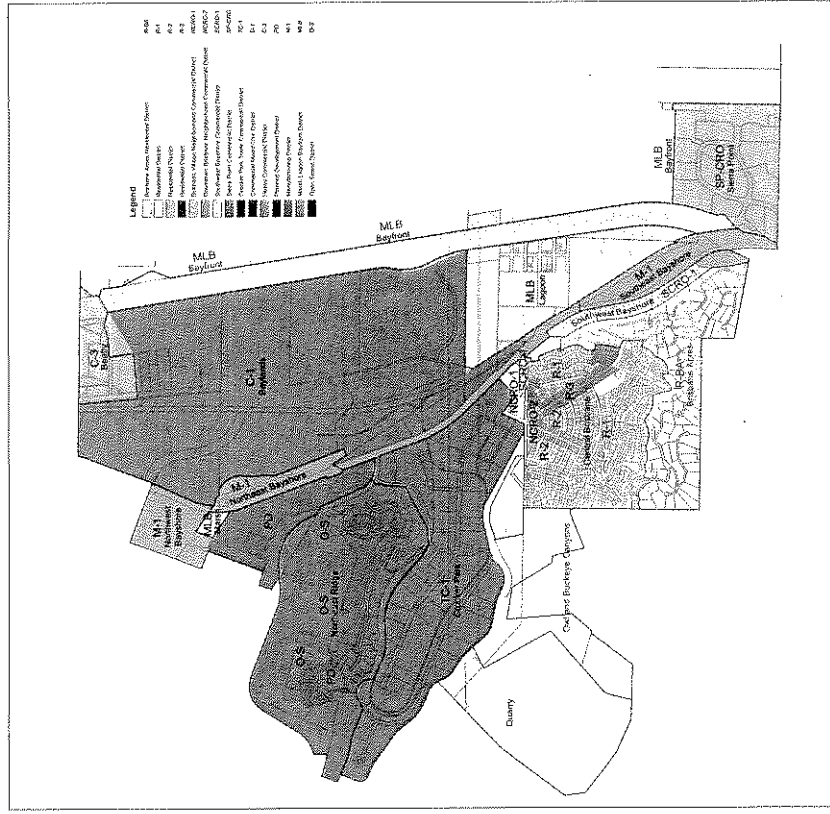
G.2.2

G.2.2.1

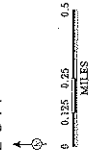
Attachments:

- Zoning Map
- ~~Draft Resolution RZ-1-10 and Exhibit A-1 Draft Ordinance~~ *provided*
- ~~Redlined Draft Ordinance to Modify the Title 17 Landscaping Development Standards~~ *separately*
- ~~City Council Report of May 17th 2010~~
- ~~Ordinance 544 Water Conservation in Landscaping~~ *previously provided*

Zoning Map City of Brisbane



LSA



Revised: May 18, 2010
Revised: May 18, 2010
Revised: May 18, 2010
Revised: May 18, 2010

