

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: Draft Ordinance No. 534, Zoning Text Amendment RZ-2-08 to Amend the SP-CRO Sierra Point Commercial District Regulations to Permit Child Care Centers; Courtney McCrane, Walmart.com, applicant; APN 007-164-010 & -020, 007-165-110 & -120

DATE: February 17, 2009

City Council Goals:

To provide public service that assures the safety of property and citizens residing, working or visiting in Brisbane.

To provide for a workplace that encourages growth of individual employees and a quality work environment.

To preserve and enhance livability and diversity of neighborhoods.

Purpose:

To amend the Zoning Ordinance to require Use Permits for child care centers in the SP-CRO Sierra Point Commercial District, subject to compliance with new parking requirements.

Recommendation:

Consider waiving second reading and approving adoption of Ordinance No. 534, amending Title 17, Zoning, of the Brisbane Municipal Code regarding the SP-CRO Sierra Point Commercial District Regulations to Permit Child Care Centers

Background and Discussion:

Ordinance No. 534 was introduced by the City Council at its meeting on February 2, 2009, at which time the Mitigated Negative Declaration was approved. No changes have been made to the Ordinance.

Fiscal Impact:

None.

Measure of Success:

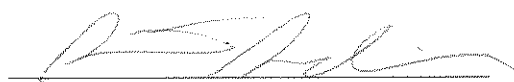
Development of at least one child care center to safely meet the needs of employees at Sierra Point.

Attachments:

Draft Ordinance No. 534



Community Development Director



City Manager

A copy of supporting materials provided to the City Manager and City Council for this agenda item is available for public inspection and copying at 50 Park Place, City of Brisbane Community Development Department, Brisbane, CA, 94005, Telephone: (415) 508-2120.

draft
ORDINANCE NO. 534

AN ORDINANCE OF THE CITY OF BRISBANE AMENDING
CHAPTER 17.02 OF THE ZONING REGULATIONS PERTAINING TO
DEFINITIONS,
CHAPTER 17.18 OF THE ZONING REGULATIONS PERTAINING TO
THE SIERRA POINT COMMERCIAL SP-CRO ZONING DISTRICT
AND CHAPTER 17.34 OF THE ZONING REGULATIONS PERTAINING TO
OFF-STREET PARKING

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

SECTION 1: Section 17.02.190 of Chapter 17.02 of Title 17 of the Brisbane Municipal Code is amended to read as follows:

17.02.190 Day care center. “Day care center,” also known as “Child care center,” means an establishment licensed by the state, not located in the licensee’s own home, where non-medical care and supervision are provided for children in a group setting for periods of less than 24 hours. The term includes nurseries, nursery schools, preschools, play groups, and after school group care, but does not include a family day care home operated in the provider’s own home.

SECTION 2: Section 17.18.030 of Chapter 17.18 of Title 17 of the Brisbane Municipal Code is amended to read as follows:

17.18.030 Conditional uses. The following conditional uses may be allowed in the SP-CRO district, upon the granting of a use permit pursuant to Chapter 17.40 of this title:

A. Child care centers when:

1. Located more than 500 ft. from the edge of the eastern-most lane of the Bayshore Freeway (U.S. 101);

2. Located within an area with a Community Noise Equivalent Level (CNEL) of not more than 60 dB as determined by a professionally-prepared acoustical analysis report; or located within an area with a Community Noise Equivalent Level (CNEL) of 60-80 dB and designed with the noise insulation features identified in a professionally-prepared acoustical analysis report so as to comply with Figure 2 in Appendix C of the State of California General Plan Guidelines 2003; and

3. Designed and operated so to comply with the noise levels specified in Brisbane Municipal Code Section 8.28.040, as per the recommendations of a professionally-prepared acoustical analysis report.

B. Medical facilities.

- C. Commercial recreation.
- D. Transit/transportation facilities.
- E. Temporary uses.

SECTION 3: Section 17.34.010 of Chapter 17.34 of Title 17 of the Brisbane Municipal Code is amended to include the following:

Uses	Parking Requirements
Child care centers, day care centers	1 parking space for each 300 square feet of gross floor area, but not less than 1 parking space per employee plus 1 parking space per 5 children

SECTION 4: 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 5: 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 ___, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

A. Sepi Richardson, Mayor

ATTEST:

Wendy Ricks, Acting City Clerk

APPROVED AS TO FORM:

Harold S. Toppel, City Attorney