

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: **Ordinance No. 599, Zoning Text Amendment RZ-2-15 to Amend City's M-1 Manufacturing District zoning text**, Brisbane Municipal Code (BMC) Chapter 17.20 to expand the permitted uses and the uses which may be allowed subject to conditional use permit and amendment of the Definitions text, BMC Chapter 17.02 to include a definition for "Data Center"; Spear Street Associates, LP and FHS, applicant; owners, various; Locations: Northwest Bayshore, Northeast Bayshore and Southeast Bayshore Subareas.

DATE: Meeting of November 19, 2015

Ordinance No. 599 is on the agenda for consideration of adoption, following its introduction by Council on November 5th. As directed by Council in its vote to introduce the ordinance, staff has made the following changes to the ordinance:

- "Data centers", "food production and distribution" and "freight forwarding" were moved from conditional uses, Brisbane Municipal Code (BMC) Section 17.20.020, to permitted uses, BMC Section 17.20.010.
- A performance standard has been added to food production and distribution as a permitted use, "provided that odors from such use shall not be generally or distinctly detectable from any off-site location."

These changes are reflected in the attached ordinance.



John Swiecki, Community Development Director



Clay Holstine, City Manager

ORDINANCE NO. 599

AN ORDINANCE OF THE CITY OF BRISBANE AMENDING THE CITY OF BRISBANE MUNICIPAL CODE TITLE 17, ZONING TEXT; CHAPTER 17.02 - DEFINITIONS AND CHAPTER 17.20 - M-1 MANUFACTURING DISTRICT

WHEREAS, On June 26, 2015, Spear Streets Associates, applied to the City of Brisbane to Amend City's M-1 Manufacturing District zoning text, Brisbane Municipal Code (BMC) Chapter 17.20 to expand the permitted uses and the uses that may be allowed subject to conditional use permit and to amend the Definitions text, BMC Chapter 17.02 to include a definition for "Data Center"; and

WHEREAS, The City determined that the zoning text application was consistent with the General Plan designated uses for which there is a certified EIR, with certain modifications to the applicant's proposed amendment for clarity; and

WHEREAS, Since the project is consistent with the City's General Plan, per State CEQA Guidelines Section 15183(a), this proposal falls within a class of projects that does not require further review and the exception to this section requiring environmental review as might be necessary to examine project specific significant effects does not apply; and

WHEREAS, The notice of public hearing was posted and mailed to property owners within 300 feet of the boundaries of the M-1 zoning districts, per BMC Section 17.54.020, prior to Planning Commission and City Council hearings; and

WHEREAS, on August 13, 2015, the Brisbane Planning Commission recommended that the City Council approve the proposed Zoning Text Amendment RZ-2-15; and

WHEREAS, on September 17, 2015 and November 5, 2015, the City Council conducted hearings on the application, at which time any person interested in the matter was given opportunity to be heard; and

THE CITY COUNCIL OF THE CITY OF BRISBANE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Section 17.02.251 is enacted and added to Chapter 17.02 of the Municipal Code as follows:

17.02.187 – Data Center. "Data Center" means a business providing for the storage of computer systems and associated components.

SECTION 2: Section 17.20.010 in Chapter 17.20 of the Municipal Code is amended to read as follows:

17.20.010 – Permitted uses.

The following uses are permitted in the M-1 district, all within a building, except for limited outside storage of vehicles and equipment related to the interior use, and all submitting evidence of safe, clean, quiet operation:

- A. Commercial gyms and health facilities;
- B. Data centers;
- C. Food production and distribution, provided that odors from such use shall not be generally or distinctly detectable from any off-site location;
- D. Freight forwarding;
- E. Light manufacturing, assembling, processing;
- F. Offices;
- G. Printing;
- H. Research and development;
- I. Retail sales and rental; and
- J. Warehousing.

SECTION 3: Section 17.20.020 in Chapter 17.20 of the Municipal Code is amended to read as follows:

17.20.020 – Conditional uses. Conditional uses allowed in the M-1 district, subject to obtaining a use permit, are as follows:

- A. As specified in [Chapter 17.32](#);
- B. Commercial recreation;
- C. Gasoline service stations;
- D. Heavy equipment repair and automotive repair shop (both automobile light repair and automobile heavy repair, including for vehicle fleets), including EPA-compliant fueling facilities accessory to such operations;
- E. Outside storage of trucks and equipment, when properly screened; and
- F. Restaurant and bars connected with restaurant use.

SECTION 4: Where a use permit, design permit or variance approval has been issued through final action by the City prior to the effective date of this Ordinance, or where such planning permit approval is not required and a complete building permit application has been submitted prior to the effective date of this Ordinance, the holder of such use permit, design permit or variance approval or complete building permit application may proceed to construct the improvements or establish the use authorized by such permit or approval and the same shall be exempted from any conflicting regulations that may be contained in this Ordinance.

SECTION 5: 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 6: 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 nineteenth day of November, 2015, by the following vote:

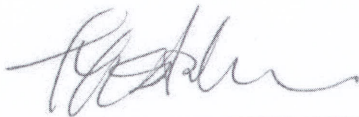
AYES:
NOES:
ABSENT:
ABSTAIN:

Terry O'Connell, Mayor

ATTEST:

Sheri Marie Spediacci, City Clerk

APPROVED AS TO FORM:



Teresa Stricker, Deputy City Attorney