

RESOLUTION NO. RZ-2-05

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE
RECOMMENDING ZONING TEXT AMENDMENT RZ-2-05 TO THE CITY COUNCIL,
SUCH AMENDMENTS TO THE CITY OF BRISBANE MUNICIPAL CODE TITLE 17,
ZONING, PERTAINING TO THE SIERRA POINT COMMERCIAL-SP-CRO ZONING
DISTRICT

WHEREAS on November 29 and December 13, 2007 and January 24, 2008, the Planning Commission conducted hearings on a proposal by HCP LS Brisbane to develop an biotech office complex totaling approximately 540,185 square feet in 5 buildings 15,000 square feet of retail and a 5-level, 961-space parking structure and 840 surface parking spaces on approximately 22.8 vacant acres southerly of Sierra Point Parkway and easterly of Shore Line Court, in the Sierra Point Commercial- SP-CRO District (“the Project”) at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS a component of the Project includes Zoning Text Amendment RZ-2-05 to permit research and development uses in the SP-CRO District, including performance standards for and limitations on animal testing for research purposes as shown on the attached Exhibit;

WHEREAS, the Planning Commission reviewed and considered the staff memoranda relating to said application, the written and oral evidence presented to the Planning Commission in support of and in opposition to the Project; and

WHEREAS, the Planning Commission has reviewed an Environmental Impact Report (EIR) for the Project and recommends the City Council certify the EIR and adopt the appropriate CEQA findings; and

WHEREAS, the Planning Commission determines that the proposed amendment is consistent with the intent of the SP-CRO District by facilitating orderly development that encourages a mix of uses to best serve the residents and businesses of Brisbane and the businesses and employees in the Sierra Point subarea.

NOW, THEREFORE BE IT RESOLVED, that based on the above findings, the Planning Commission hereby recommends adoption of Zoning Text Amendment RZ-2-05 to the City Council.

JAMES HUNTER Chairman

I hereby certify that the foregoing Resolution No. RZ-2-05 was duly and regularly passed and adopted by the Brisbane Planning Commission at a regular meeting thereof held on January 24, 2008, by the following roll call vote:

AYES:
NOES:
ABSENT:

WILLIAM PRINCE
Community Development Director

Proposed Zoning Text Amendment

SP –CRO SIERRA POINT COMMERCIAL DISTRICT

Sections:

- 17.18.030 Conditional uses.
- 17.18.040 Development regulations.
- 17.18.045 Performance standards.
- 17.18.050 Parking.

17.18.020 Permitted uses.

J. Marinas

K. Research and development, including the use of live insects, rodents, rabbits, fish, and amphibians subject to the performance standards set forth in Section 17.18.045. Research and development involving the use of live dogs (*Canis* genus) cats (*Felis* genus), or non-human primates is prohibited. Research and development involving the use of other live animals may be permitted upon the granting of a conditional use pursuant to Section 17.18.030.

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:

E. Research and development where: (i) the use of hazardous materials will constitute a major component of the activities to be conducted on the site, as determined by the planning director based upon a risk analysis of all hazardous materials to be utilized on the site; (ii) live animals not otherwise approved or prohibited pursuant to section 17.18.020.K. will be used in the conduct of research, or (iii) biological agents exceeding Risk Group 3 or Bio Safety Level 3 classifications as defined by the National Institute of Health or the Center for Disease Control are proposed to be utilized.

17.18.040 Development regulations.

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:

17.18.045 Research and Development performance standards.

A. All research and development uses shall submit to the Planning Department a risk analysis specifying all hazardous materials to be utilized and methods of safe handling and disposal prior to building permit issuance.

B. Research and development involving the use of live animals shall be conducted in compliance with the Institute of Laboratory Animals Resources' Guide for the Care and Use of Laboratory Animals, and in compliance with all applicable federal, state and local laws and regulations as most recently amended and such other conditions as may be imposed by the City.