

**draft  
ORDINANCE NO. 630**

**AN ORDINANCE OF THE CITY OF BRISBANE  
AMENDING TITLE 17, ZONING, OF THE BRISBANE MUNICIPAL CODE AND  
THE ZONING MAP  
TO ESTABLISH A NEW RESIDENTIAL MOBILE HOME PARK ZONING DISTRICT  
AND TO APPLY THE DESIGNATION TO THE SIERRA POINT MOBILE HOME  
PARK**

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

**SECTION 1:** Section 17.04.010 in Chapter 17.04 – Establishment of Zoning Districts of the Municipal Code is amended to read as follows:

17.04.010 - Establishment of districts.

The districts into which the city is divided are hereby established and designated as follows:

- A. R-1 Residential district.
- B. R-2 Residential district.
- C. R-3 Residential district.
- D. R-BA: Brisbane acres residential district.
- E. C-1: Commercial mixed use district.
- F. NCRO: Central Brisbane commercial district.
- G. HC: Beatty heavy commercial district.
- H. SCRO-1: Southwest Bayshore commercial district.
- I. SP-CRO: Sierra Point commercial district.
- J.TC-1: Crocker Park trade commercial district.
- K. TC-2: Southeast Bayshore trade commercial district.
- L.MLB: Marsh Lagoon Bayfront district.
- M. O-S: Open space district.
- N. P-D: Planned development district.
- P. PAOZ: Parkside overlay district
- P. R-MHP: Residential mobile home park district

**SECTION 2:** A new Chapter 17.11- R-MHP Residential Mobile Home Park District is added to Title 17 of the Municipal Code to read as follows:

CHAPTER 17.11 – R-MHP RESIDENTIAL MOBILE HOME PARK DISTRICT

**17.11.11 Purpose of chapter**

In addition to the objectives set forth in Section 17.01.030, the R-MHP (Mobile Home Park Residential District (hereinafter referred to as the "R-MHP district")) is included in the Zoning Ordinance to achieve the following purposes:

- A. To provide a district for mobile home parks to facilitate the retention of mobile home housing stock.
- B. To ensure that mobile home park development is compatible with surrounding residential and non-residential uses.
- C. To ensure adequate light, air, space, fire safety, quiet, and privacy for mobile home park residents.
- D. To implement and promote the goals and policies of the Housing Element of the General Plan so as to guide and manage mobile home park developments in the city in accordance with such plan.

**17.11.020 Permitted uses**

The following permitted uses shall be allowed in the R-MHP district:

- A. Mobile home parks.
- B. Mobile homes.
- C. Accessory structures, including structures used for administration, maintenance or other community services.
- D. Small day care homes.
- E. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- F. Accessory dwelling units, when authorized by a permit granted pursuant to Chapter 17.43 of this title.

**17.11.030 Conditional Uses**

There are no conditional uses in the R-MHP district.

**17.11.040 Development Regulations**

The following development regulations shall apply to the R-MHP district:

- A. Park Area. There is no minimum area for a mobile home park in the R-MHP District.
- B. Density of Development. The maximum density of a mobile home park shall be one (1) mobile home per each one thousand five hundred (1,500) square feet of park area.
- C. Setbacks. Setbacks in the R-MHP District shall be as required by the California Code of Regulations, Title 25, as may be amended.
- D. Lot Coverage. Lot coverage maximums in the R-MHP district be as required by the California Code of Regulations, Title 25, as may be amended..
- E. Floor Area Ratio. There is no floor area maximum in the R-MHP district.
- F. Height of Structures. The maximum height of any accessory structure shall be 20 feet.
- G. Fencing and Screening Requirements.
  - 1. Fencing. All fencing in the R-MHP District shall comply with the regulations set forth in Section 17.32.050 of this title.
  - 2. Screening. A combination of landscaping, fencing, and/or screening consistent with all applicable provisions of this Chapter and Title shall buffer mobile home parks from adjacent arterial or collector roadways.
- H. Vehicular Access. Vehicular access shall be as required by the California Code of Regulations, Title 25, as may be amended.
- I. Landscaping requirements.
  - 1. Plant materials shall be drought resistant and non-invasive as required by the planning director.
  - 2. 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;
    - b. Use of water conserving plants; and

- c. Use of plants and other landscape features that are appropriate to the context.
- 3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.
- J. Pedestrian access. Pedestrian access to and within a mobile home park shall be provided by a connected interior pedestrian pathway network or sidewalks located in the rights-of-way of perimeter streets.
- K. Trash Enclosures. All receptacles for collection and recycling shall be completely screened from view at street level.
- L. Title 25 Compliance. Mobile home park design, layout, development, maintenance and management shall be governed by and subject to the California Code of Regulations Title 25, or successor regulations.

**17.11.050 Administrative Design Review**

- A. Any request to modify the physical conditions of a mobile home park, including the following, are subject to granting of an administrative design permit by the Community Development Director in accordance with the provisions of subsection B of this section and any applicable design guidelines adopted by the city:
  - 1. The construction of any permanently constructed accessory structure of two (2) or more stories in height;
  - 2. Revisions to the park’s circulation design which impact any public street system or reduce the number of existing designated parking spaces.
- B. In order to grant an administrative design permit to modify the physical conditions of a mobile home park, the Community Development Director must make the following findings, as applicable:
  - 1. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.
  - 2. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.

**17.11.060 Parking.**

All uses in the R-MHP District shall comply with the parking regulations set forth in Chapter 17.34 of this title and all applicable provisions of Title 25 of the California Code of Regulations, as may be amended.

**17.11.070 Signs.**

All signs in the R-MHP district shall comply with the sign regulations set forth in Chapter 17.36 of this Title. Signage identifying the mobile home park, community buildings, and other necessary informational and directional signs are permitted.

**17.11.080 Construction & Operation**

All construction, installation, management, and operation procedures within the premises of a mobile home park in this district shall be in accordance with the provisions of all applicable State and local laws and regulations, including those laws and regulations specified below, and as may be amended over time:

- A. [California Health and Safety Code Section 18000](#) et seq., “Manufactured Housing”.
- B. [California Health and Safety Code, Division 13 \(entitled “Housing”\), Part 2](#) (entitled “Mobile Homes – Manufactured Housing), Section 18000 et seq.
- C. [California Code of Regulations, Title 25, Division 1, Chapter 2](#), “Mobile home Parks and Installations.”
- D. [California Code of Regulations, Title 25, Division 1, Chapter 3](#), “Factory-Built Housing, Mobile homes, and Manufactured Homes.”
- E. [California Civil Code Section 798](#) et seq.

**17.11.090 Mobile Home Park Conversion, Closure, or Cessation.**

The conversion of a mobile home park to another use, the closure of a mobile home park or the cessation of use of land as a mobile home park shall be subject to the granting of a use permit pursuant to [Chapter 17.40](#) of this title. Closure or cessation of use of a mobile home park resulting from an adjudication of bankruptcy shall be exempt from this requirement.

- A. The application for a use permit shall be accompanied by:
  - 1. Proof of compliance with the notification requirements of [California Government Code Sections 65863.7\(b\) and 65863.8](#) and [California Civil Code Section 798.56\(g\)\(1\)](#), as may be amended, via certified mail to the residents of each mobile home in the mobile home park.

2. A report on the impact of the conversion/closure/cessation upon the displaced residents of the mobile home park consistent with the requirements of California Government Code Section 65863.7, as may be amended, addressing the availability of adequate replacement housing in mobile home parks and the potential costs of relocation, and proposing steps to mitigate the identified impacts.

B. In addition to the findings for granting a use permit set forth in Chapter 17.40, the Planning Commission shall find that the cessation or closure of the park shall be subject to the conditions to mitigate its impacts upon the residents of the mobile home park, consistent with the requirements of Government Code Section 65863.7, as may be amended.

**SECTION 3:** Section 17.16.040 in 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 and dwelling groups: 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:
  1. Width: Fifty (50) feet;
  2. Depth: No requirement.
- D. Setbacks. The minimum required setbacks for any lot shall be as follows:
  1. Front setback;
    - a. Residential/Mixed Use: Ten (10) feet;
    - b. Commercial Uses: Twenty-five (25) feet for commercial uses;

c. Exception: The setbacks may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.

2. Side setback:

a. Residential/ Mixed Use: Five (5) feet;

b. Commercial Uses: Fifteen (15) feet;

c. Exception: The planning commission may approve exceptions to the side setback regulations through the granting of a use permit.

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.

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;

b. Use of water conserving plants; and

c. Use of plants and other landscape features that are appropriate to the context.

4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

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 (H)(1) and (H)(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.

#### I. Recycling Area Requirements.

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

J. Emergency Shelters. Development standards for emergency shelters shall be the same as for residential development in the district, except density of development regulations, and emergency shelters that meet the following requirements are exempt from the requirement of a design permit and use permit:

1. No emergency shelter shall be allowed to be located within three hundred (300) feet of another emergency shelter.
2. The required setbacks for new development shall be:
  - a. Front setback: Ten (10) feet; except that the front setback may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
  - b. Side setback: Five (5) feet; except that the planning commission may approve exceptions to the side setback regulations through the granting of a use permit.



- c. Rear setback: Ten (10) feet.
3. A maximum of twelve (12) persons (twelve (12) beds) to be served nightly.
4. Each resident shall be provided personal living space.
5. Bathrooms and bathing facilities shall be provided, adequate for the number of residents.
6. Laundry facilities or services shall be provided on site, adequate for the number of residents.
7. The length of stay for individual clients shall not exceed six months, or as allowed by state law.
8. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
9. For security, the facility shall provide outdoor lighting of common areas, entries, parking areas, pathways, in compliance with BMC [Section 17.16.050\(E\)](#).
10. For security, the shelter shall be adequately staffed twenty-four (24) hours a day, seven (7) days a week.
11. Parking shall be as specified in BMC [Chapter 17.34](#).
12. Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility, between the hours of five (5:00) a.m. and ten (10:00) p.m. A night operations use permit is required for outdoor activities between the hours of ten (10:00) p.m. and five (5:00) a.m., as provided for in BMC [Section 17.16.070](#).
13. The facility may provide the following:
  - a. Kitchen facilities;
  - b. Dining area;
  - c. Recreation room;
  - d. Training and counseling support services;
  - e. Child care facilities;
  - f. Other facilities or services that are accessory to an emergency shelter.
14. Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be provided to the planning director. The management plan must include provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, provisions for residents' meals (including special dietary needs), medical care, mental health care, dental care, temporary storage of residents' personal belongings, safety and security, provisions in case of area-wide emergencies, screening of residents to

ensure compatibility with services provided at the facility, plans to help secure other provisions for those who may not be part of the shelter's target population, computer access for residents, and training, counseling and social service programs for residents, as applicable.

**K. Mobile home parks.**

1. Mobile home parks in the SCRO-1 district shall be subject to the development and parking standards established in Chapter 17.11 of this Title.
2. Conversion, closure, or cessation of a mobile home park in the SCRO-1 district shall be subject to the procedures established in Section 17.11.090 of this Title.

**SECTION 4:** Section 17.32.110 - Mobile home parks in Chapter 17.32 – General Use Regulations is deleted.

**SECTION 5:** Section 17.32.050 – Fences, hedges, and walls in Chapter 17.32 – General Use Regulations is amended as follows:

**A. General Regulations.** Fences, hedges and walls may be erected subject to the following conditions:

1. Unless otherwise provided elsewhere in this title, fences, hedges and walls not exceeding six (6) feet in height may be constructed in any district within any required setback area, except as follows:
  - a. Where the director of public works determines that visibility would be affected, the height of fences, hedges and walls shall be reduced to not less than three (3) feet.
  - b. Chain-link fences shall not be constructed in or adjoining any R residential district, except as provided in subsections (B)(4) and (B)(5).
  - c. Razor wire, barbed wire and similar materials with sharp edges or points shall not be used for fencing in any district, except as provided in subsection (B)(5). Other non-standard fencing materials may be similarly restricted per guidelines approved by the planning commission.
  - d. As a condition of approval for properties subject to the San Bruno Mountain Area Habitat Conservation Plan, the planning commission shall restrict the height, location and/or design of fencing to maintain sufficient openness to allow passage of butterflies while remaining consistent with building code requirements.
2. Where a fence is proposed to be constructed, or has been constructed, adjacent to city property, a boundary survey or other evidence of the location of the fence shall be submitted to the director of public works upon request if the director determines that a question exists as to whether the fence encroaches on public property.
3. When construction of a fence impairs the visibility of address numbers on a house, such numbers shall be relocated with approval of the fire prevention officer.

B. Exceptions.

1. The community development director may approve retaining walls located in any required setback area having a height (as defined in [Section 17.02.400](#)) in excess of six (6) feet and falling within any one of the following categories:
  - a. The surface of the retaining wall is treated with coloring, texture, architectural features, trelliswork, or other means that will visually divide the height of the retaining wall into horizontal sections of no more than six (6) feet.
  - b. Water-conserving, non-invasive landscaping of sufficient size at maturity will be planted and maintained to provide screening so that no more than six (6) feet of the height of the retaining wall would remain visible.
  - c. The retaining wall is located on a cut slope so that it is not readily visible from off the site.
2. Fence heights may exceed six (6) feet through the addition of up to two (2) feet of wooden lattice on top within the required side and rear setbacks in the R-1, R-2, R-3, R-BA and NCRO-2 districts, but not within the front setback required per the district's development regulations.
3. Metal rail-and-picket fences and black or dark green vinyl-coated chain-link fences not exceeding eight (8) feet in height may be constructed in the C-1, TC-1 and M-1 districts.
4. Temporary chain-link demolition/construction barricades not exceeding eight (8) feet in height are permitted in all districts, subject to removal prior to final inspection.
5. In the R-MHP district, fence heights may be constructed up to eight (8) feet along the mobile home park perimeter, except that fence heights may be constructed up to ten (10) feet along the mobile home park perimeter abutting a public right-of-way.
6. All other exceptions to the general regulations set forth in subsection [17.32.050\(A\)](#) shall require approval by the planning commission. Application for such exception shall be filed with the community development director and shall be accompanied by payment of a processing fee in such amount as established from time to time by resolution of the city council. The planning commission may grant the exception upon making all of the following findings:
  - a. The exception is necessary by reason of unusual or special circumstances or conditions relating to the property in order to gain full use and enjoyment of the property.
  - b. The proposed fence, hedge or wall will not create a safety hazard for pedestrians or vehicular traffic.
  - c. The appearance of the fence, hedge or wall is compatible with the design, appearance and scale of the existing buildings and structures in the neighboring area.

**SECTION 6:** The Zoning Map of the City of Brisbane is amended per the attached Exhibit A, as follows:

The parcels of land within the General Plan’s Southwest Bayshore subarea identified as County of San Mateo’s Assessor Parcel Numbers 134-041-490, 007-350-010, 007-553-010, 007-553-020, 007-350-030, and 007-350-020 shall be designated on the Zoning Map of the City of Brisbane as R-MHP Residential Mobile Home Park District.

**SECTION 7:** 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 8:** 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 9:** 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 \_\_\_\_\_, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor W. Clarke Conway

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

