ATTACHMENT 9

Draft Ordinance 623

(Revised for November 16th, 2017)

DRAFT ORDINANCE NO. 623

AN ORDINANCE OF THE CITY OF BRISBANE TO AMEND TITLE 17 OF THE MUNICIPAL CODE TO ADD THE C/P-U COMMERCIAL/PUBLIC-UTILITIES DISTRICT, CHAPTER 17.23, TO MOVE 3240-3280 BAYSHORE PROPERTIES TO THE CROCKER PARK TC-1 TRADE COMMERCIAL DISTRICT, TO AMEND THE ZONING MAP TO APPLY THESE DISTRICTS TO IT, AND TO AMEND ESTABLISHMENT OF ZONING DISTRICTS, CHAPTER 17.04 TO ADD THE SCRO-2 AND C/P-U ZONING DISTRICTS.

WHEREAS, following City Council's adoption of Ordinance 599 in 2015 amending the allowable permitted and conditionally permitted uses in the M-1 Manufacturing District , City Council adopted a resolution of intent, Resolution No. 2015-47, to initiate an amendment to the zoning ordinance and zoning map to replace references to M-1 Manufacturing in the zoning ordinance and on the zoning map in the southeastern part of the City to other zoning district designations a to ensure consistency in terminology between the 1994 General Plan and the zoning ordinance and zoning map; and

WHEREAS, the 1994 General Plan's Northwest Bayshore subarea also contains M-1 Manufacturing zoning, which is also inconsistent with the General Plan's PD-SCRO Planned Development Subregional Commercial Retail Office land use designation, which prompted a holistic review of the subareas General Plan designations and zoning; and

WHEREAS, following City Council's adoption of Resolution 2017-51 on _____2017 amending the 1994 General Plan's Northwest Bayshore Subarea, to be divided between the newly defined Northwest Bayshore subarea, the new Guadalupe Hills subarea and a northern extension of Crocker Park, zoning consistency is needed; and

WHEREAS, the new northern extension of Crocker Park, also known as the "Technology Park", has been built consistent with the Crocker Park TC-1 Trade Commercial zoning district; and

WHEREAS, the newly defined Northwest Bayshore subarea has previously been developed with the PG&E substation and 7 Mile House commercial site, consistent with the C/P-U Commercial/Public-Utilities General Plan land use designation and C/P-U zoning is appropriate for General Plan consistency and to provide clear provisions for potential future infill development or building modifications on these sites; and

WHEREAS, since the proposed amendments to the Zoning Ordinance and the Zoning Map are consistent with the City's adopted 1994 General Plan, in terms of both the previously designated types of uses and intensity of development in the certified and adopted 1994 General Plan, with no added uses or increases in intensity of uses, adoption of this Ordinance falls within a class of projects which does not require further environmental review (CEQA Guidelines, Section 15183 (a)) and the exception to Section 15183 (a) of the CEQA Guidelines requiring environmental review as might be necessary to examine project specific significant effects does not apply; and

WHEREAS, a notice of public hearing was posted and mailed to property owners of the subject properties and within 300 feet of the boundaries of the subject properties, per BMC Section17.54.020 prior to the Planning Commission and City Council hearings; and

WHEREAS, on November 16, 2017, the City Council conducted a public hearing on the proposed changes to the zoning ordinance and zoning map, at which time any person interested in the matter was given the opportunity to be heard; and

THE CITY COUNCIL OF THE CITY OF BRISBANE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 17.04 of Title 17 is amended to read as follows:

Chapter 17.04 - ESTABLISHMENT OF ZONING DISTRICTS

Sections:

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. C/P-U Northwest Bayshore Commercial/Public Utilities district
G. NCRO: Central Brisbane commercial district.
H. HC: Beatty heavy commercial district.
I. SCRO-1: Southwest Bayshore commercial district.
J. SP-CRO: Sierra Point commercial district.
K. TC-1: Crocker Park trade commercial district.
L. TC-2: Southeast Bayshore trade commercial district.
M. TC-3: Northeast Bayshore trade commercial district.
N. MLB: Marsh Lagoon Bayfront district.
O. O-S: Open space district.
P. P-D: Planned development district.

17.04.020 - Zoning map and district boundaries.

A. The zoning map referred to in Section 17.01.010, and all amendments and changes thereto, and all legends, symbols, notations, references, and other matters shown thereon, is incorporated herein by reference and constitutes a part of this title.

B. The boundaries of the districts established by this chapter shall be as shown on the zoning map. All territory within the city is hereby classified into the districts as shown on said map, subject to the specific regulations established by this title for each such district, and all other regulations of this title applicable thereto.

C. The zoning map, as currently effective, and a record of all amendments and changes thereto, shall be kept on file and maintained as a public record in the office of the planning director.

17.04.030 - Use and interpretation of zoning map.

A. Whenever any uncertainty exists as to the boundary of a district as shown on the zoning map, the following rules shall be applied:
B. Where a boundary line is indicated as approximately following a street or alley, it shall be construed as following the right-of-way line thereof.
C. Where a boundary line follows or coincides approximately with a lot line, it shall be construed as following the lot line.
D. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line, the boundary line shall be determined by the use of the scale designated on the zoning map.
E. A symbol, or symbols, indicating the classification of property on the zoning map shall in each instance apply to the whole of the area within the district boundaries.
F. Where a public street, alley, or right-of-way is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to each half of such vacated or abandoned street, alley, or right-of-way.
G. Should any uncertainty remain as to the location or meaning of a boundary or other feature indicated on the zoning map, said location or meaning shall be determined by the planning commission, giving due consideration to the purposes of this title and the district regulations.

17.04.040 - Change of zoning map.

All changes in district boundaries or reclassification of territory from one district to another shall be by ordinance, adopted in accordance with Chapter 17.50 of this title, which ordinance shall by its terms amend the zoning map by adoption of a sectional district map.

SECTION 2. Chapter 17.22 is added to Title 17 to read as follows:

Chapter 17.22 - C/P-U NORTHWEST BAYSHORE COMMERCIAL/PUBLIC UTILITIES DISTRICT

Sections:

17.22.010 - Permitted uses.

The following uses are permitted in the C/P-U district:

A. Public Utilities:
   1. Essential public utility facilities, as defined in state law.
   2. Offices, warehousing and light fabrication associated with public utilities.
   3. Outdoor storage of trucks and equipment associated with public utilities, when screened from public views.
   4. Vehicle service and repair.

B. Commercial Uses:
   1. Restaurants and bars;

17.22.020 - Conditional uses.

A. Public Utilities:
   1. Non-essential public utility facilities or buildings, when not screened from views along Bayshore Boulevard or Geneva Avenue.

B. Commercial Uses:
   1. Vehicle service and repair.

17.22.030 - Development regulations.

Development regulations in the C/P-U district are as follows:

A. Public utilities. The following development regulations shall apply to public utility lots and structures, except as exempted by state law pertaining to essential utility structures:
   1. Lot Area. The minimum area of any public utility lot in the C/P-U district shall be ten thousand (10,000) square feet
   2. Setbacks. The minimum setbacks from any lot line shall be fifty (50) feet.
   3. Height. The maximum height of any structure shall be fifty (50) feet.
   4. Lot Coverage. The maximum lot coverage shall be sixty percent (60%)

B. Commercial:
   1. Lot Area. The minimum area for any commercial lot shall be four thousand, five hundred (4,500) square feet.
   2. Setbacks. NA
   3. Height. The maximum height of any structure shall be twenty-eight (28) feet.
   4. Lot Coverage. The maximum lot coverage shall be ninety percent (90%)
   5. Landscaping Requirements.
      a. Not less than five percent (5%) of the gross lot area shall be improved with landscaping;
      b. 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:
         i. Use of plants that are not invasive;
         ii. Use of water conserving plants; and
         iii. Use of plants and other landscape features that are appropriate to the context.
      c. 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.

C. 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, industrial, or institutional buildings, 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 (12) 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 applications for one or more building permits for a single or multiple alterations submitted by any tenant within a twelve (12) 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.

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

17.22.040 – Parking.

Off-street parking facilities shall be provided for each use on the site in accordance with the requirements set forth in Chapter 17.34 of this title; provided however, that no off-street parking shall be required for commercial uses in the C/P-U district.

17.22.050 – Signs.

Signs allowed in the C/P-U district are as specified in Chapter 17.36.

17.22.060 - Design review

A. Public utility structures. Non-essential public utility structures in the C/P-U district that are not screened from public views, along the frontages of Bayshore Boulevard or Geneva Avenue, shall be subject to the granting of a design permit in accordance with the provisions of Chapter 17.42 of this title. The Planning Director shall have the authority to refer any project to the Planning Commission for design review that does not appear to be screened, or based on other unusual circumstances.

B. Commercial structures. The construction of any principal commercial structure in the C/P-U district shall be subject to the granting of a design permit in accordance with the provisions of Chapter 17.42 of this title.

SECTION 3. 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 Northwest Bayshore subarea identified below shall be designated on the Zoning Map of the City of Brisbane as follows:

- **TC-1 CROCKER PARK TRADE COMMERCIAL DISTRICT**: 3240 TO 3280 Bayshore Boulevard (APNS: 005-260-430, 060 AND 240)

- **C/P-U NORTHWEST BAYSHORE COMMERCIAL/PUBLIC UTILITIES DISTRICT**: 2800 to 2850 Bayshore Boulevard (APN: 005-141-010 and Parcel 3 of PG&E SBE Map 135-41-28B)

SECTION 4: 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 _____, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
LORI S. LIU, Mayor

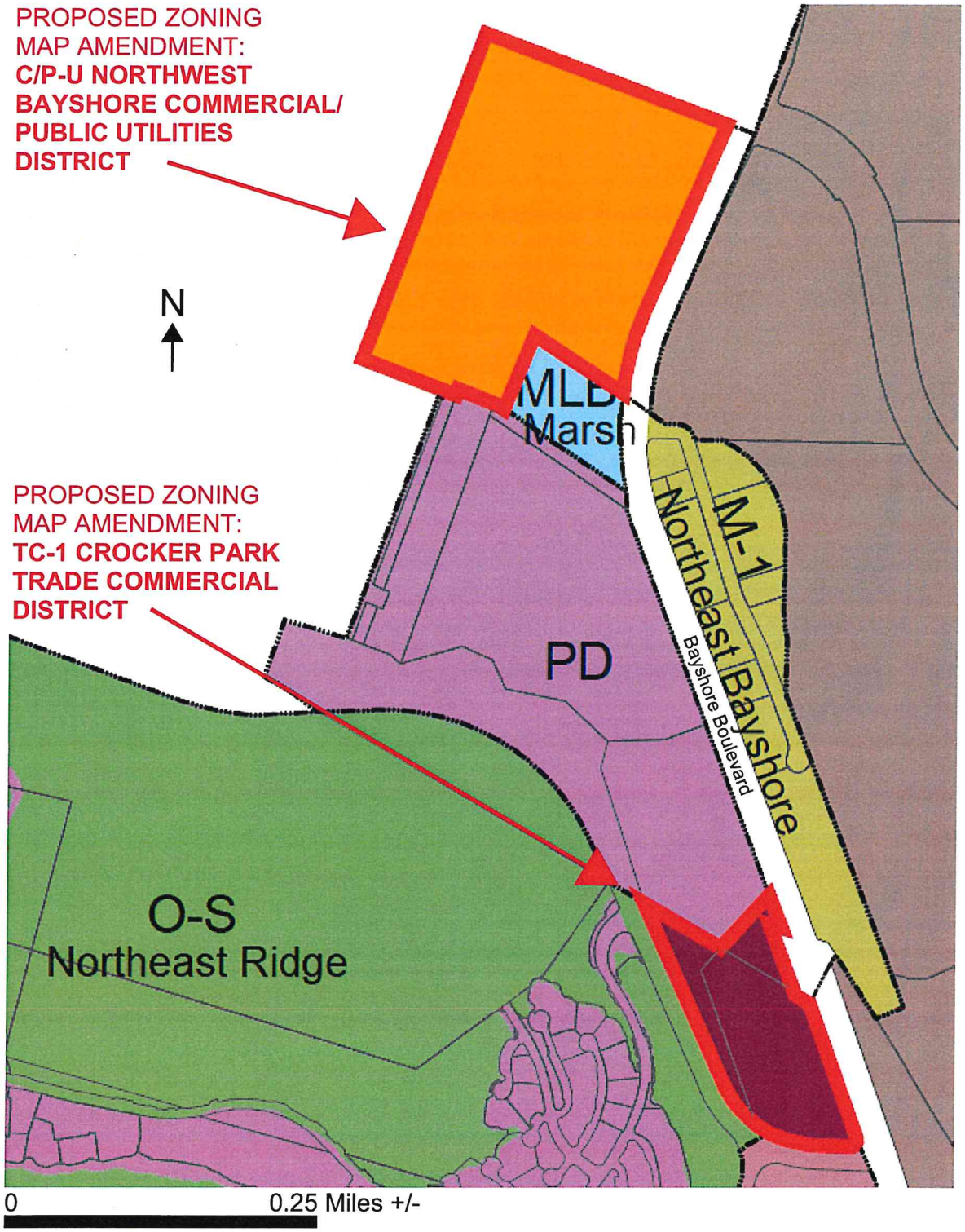
ATTEST:

_____
INGRID PADILLA, City Clerk

APPROVED AS TO FORM:

_____
Michael Roush, City Attorney

EXHIBIT A



PROPOSED ZONING MAP AMENDMENTS
TC-1 CROCKER PARK TRADE COMMERCIAL DISTRICT
C/P-U NORTHWEST BAYSHORE COMMERCIAL/PUBLIC UTILITIES DISTRICT

ATTACHMENT 10

Planning Commission Resolution
GPA-1-17/RZ-1-17

RESOLUTION GPA-1-17/RZ-1-17
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BRISBANE
RECOMMENDING THAT THE CITY COUNCIL
ADOPT THE AMENDMENT UPDATING THE LAND USE ELEMENT
PERTAINING TO THAT AREA CURRENTLY DEFINED AS THE
NORTHWEST BAYSHORE SUBAREA
OF THE 1994 GENERAL PLAN
AND RELATED ZONING CONSISTENCY AMENDMENTS

WHEREAS, following City Council's adoption of Ordinance 599 in 2015 amending the allowable permitted and conditionally permitted uses in the M-1 Manufacturing District , City Council adopted a resolution of intent, Resolution No. 2015-47, to initiate an amendment to the zoning ordinance and zoning map to replace references to M-1 Manufacturing in the zoning ordinance and on the zoning map of the City to other zoning district designations to ensure consistency in terminology between the 1994 General Plan and the zoning ordinance and zoning map; and

WHEREAS, the 1994 General Plan's Northwest Bayshore subarea includes one of the areas with M-1 Manufacturing zoning, inconsistent with the General Plan's PD-SCRO Planned Development Subregional Commercial Retail Office land use designation; and

WHEREAS, the M-1 zoning inconsistency in the Northwest Bayshore subarea prompted the Planning Commission's holistic review of the subarea's General Plan designations and zoning; and

WHEREAS, based on the geographic and development character the Northwest Bayshore Subarea, may be divided between smaller, newly defined subareas with their own implementing zoning districts, those subareas being Northwest Bayshore, the new Guadalupe Hills and the southern-most property, the Technology Park being moved to Crocker Park; and

WHEREAS, the proposed Northwest Bayshore subarea has previously been developed with the PG&E substation and 7 Mile House commercial site, consistent with a new C/P-U Commercial/Public-Utilities General Plan land use designation and with implementing C/P-U zoning, to provide clear provisions for potential future infill development or building modifications on these sites; and

WHEREAS, the new proposed Guadalupe Hills General Plan subarea is comprised largely of the vacant parcels of 3000 to 3500 Bayshore Boulevard, also referred to as "Levinson" and "Peking Handicraft", with a current SCRO Subregional Commercial Retail Office land use designation along with a PD Planned Development designation, also with a Specific Plan requirement; and

WHEREAS, the Planning Commission recommends maintaining the existing land use designations and development permitting requirements, per the adopted 1994 General Plan, on the Guadalupe Hills subarea; and

WHEREAS, the Planning Commission recommends that the question of potentially allowing for residential uses in the Guadalupe Hills subarea should be considered further with the next comprehensive update of the Land Use Element or the Housing Element, whichever occurs first; and

WHEREAS, the proposed northern extension of Crocker Park, also known as the "Technology Park" (3240-3280 Bayshore Boulevard), has been built through a PD permit consistent with the Crocker Park TC-1 Trade Commercial zoning district and this property may be moved to the Crocker Park subarea and TC-1 zoning district without making these properties non-conforming; and

WHEREAS, since the proposed amendments to the General Plan (**Exhibit A**) Zoning Ordinance and the Zoning Map (**Exhibits B and C**) are consistent with the City's adopted 1994 General Plan, in terms of both the previously designated types of uses and intensity of development in the certified and adopted 1994 General Plan, with no added uses or increases in intensity of uses, adoption of this Ordinance falls within a class of projects which does not require further environmental review (CEQA Guidelines, Section 15183 (a)) and the exception to Section 15183 (a) of the CEQA Guidelines requiring environmental review as might be necessary to examine project specific significant effects does not apply; and

WHEREAS, notices of public hearings were posted and mailed to property owners of the subject properties and within 300 feet of the boundaries of the subject properties, per BMC Section17.54.020 prior to the Planning Commission and City Council hearings; and

WHEREAS, on April 13th, 2017 and June 8th, 2017, the Planning Commission conducted public hearings on the proposed changes to the zoning ordinance and zoning map, at which time any person interested in the matter was given the opportunity to be heard; and

NOW, THEREFORE, based upon the evidence presented, both written and oral, the Planning Commission of the City of Brisbane hereby RECOMMENDS that the City Council adopt the attached update to the Land Use Element of the 1994 General Plan and the attached implementing zoning amendments.

ADOPTED this eighth day of June, 2017, by the following vote:

AYES: Anderson, Cunningham, Munir and Mackin
NOES: None
ABSENT: None

Jameel Munir
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director