

# *City of Brisbane*

## *Agenda Report*

**TO:** Honorable Mayor and City Council

**FROM:** Community Development Director via City Manager

**SUBJECT:** **Zoning Text/Map Amendment Case RZ-3-16/Ordinance No. 618** to Amend Brisbane Municipal Code Title 17 by Adding Chapter 17.21, TC-2 Southeast Bayshore Trade Commercial District and to Amend the Zoning Map by applying the TC-2 zoning to the Southeast Bayshore properties, from 3745 to 3795 Bayshore Boulevard, and the applying O-S Open Space zoning to an adjacent City Right-of-Way property, replacing the M-1 Manufacturing Zoning.

**DATE:** Meeting of April 27, 2017

**City Council Goals:**

To provide for effective and efficient delivery of City services (Goal #1)

**Purpose:**

To achieve General Plan and Zoning consistency by amending the zoning ordinance to add a new TC-2 Southeast Bayshore Trade Commercial Zoning District, rezone the Southeast Bayshore General Plan subarea from M-1 Manufacturing M-1 to TC-2, and rezone excess City right of way designated OS- Open Space under the General Plan from M-1 to Open Space- OS.

**Recommendation:**

That the City Council approve Case RZ-3-16 and introduce Ordinance No. 618.

**Background:**

In 2015, the City Council approved Ordinance No. 599 to amend the permitted and conditionally permitted uses section of the M-1 zone in response to an application by a property owner of M-1 zoned property in the Southeast Bayshore subarea (former VWR site). In conjunction with adopting Ordinance 599, the City Council noted that the 1994 General Plan eliminated the 'Industrial' land use category from the General Plan and adopted Resolution of Intention No. 2015-47 directing that the M-1 Manufacturing zoning district be renamed to provide consistent terminology between the zoning ordinance and the 1994 General Plan.

In moving forward to implement the City Council's direction, the Planning Commission recognized that the existing M-1 Zone is applied to geographically disparate areas within different General Plan subareas which have distinctly different physical forms, characteristics, and land use patterns. As such, the Planning Commission is addressing resolution of the M-1 zone issue on a subarea-by subarea basis.

The draft ordinance before the Council tonight addresses the M-1 zoned areas in Southwest and Southeast Bayshore subareas only. M-1 zoning issues in the Northwest Bayshore subarea are undergoing separate review by the Planning Commission, and it is anticipated the Commission's recommendations will be brought forward to the City Council later this spring. M-1 zoned properties in the Northeast Bayshore Subarea are being addressed through the Baylands planning process.

**Discussion:**

A detailed analysis of the proposal is included in the attached Planning Commission report dated March 9, 2017.

In summary, Ordinance No. 618 proposes to:

A) amend Title 17 of the Municipal Code by:

- 1) adding Chapter 17.21 to create the TC-2 Southeast Bayshore Trade Commercial District, including medical cannabis uses;
- 2) rezoning properties within the Southeast Bayshore Trade Commercial General Plan Subarea from M-1 Manufacturing District to TC-2; and
- 3) rezoning City right-of-way (located along the west side of Bayshore Boulevard at the south end of the Southwest Bayshore subarea) that is currently designated under the General Plan as OS- Open Space from M-1 to O-S Open Space: and

B) amend the City's Official Zoning Map to reflect the changes described above.

See the attached exhibits which show existing general plan designations and existing and proposed zoning. The Planning Commission considered and unanimously (4-0) recommended approval of the proposal on March 9, 2017.

As a matter of information, the substantive content of the new TC-2 Zone (permitted uses, development standards, etc.) is the same as the current M-1 zone, with the exception of provisions for medical cannabis uses. As is discussed in draft Ordinance 617, a separate action item which is also on tonight's City Council agenda, the Planning Commission has recommended amendments to the zoning ordinance recommended provisions to permit either by right or conditionally allow a range of medical-cannabis related businesses (such as research and development, testing, processing,) in Trade Commercial Zones. The provisions of the recommended TC-2 zone are consistent with the Planning Commission's recommendations regarding Ordinance 617.

### **Environmental Determination**

The proposed rezoning is consistent with the General Plan per State CEQA Guidelines Section 15183(a)--this proposal falls within a class of projects which are consistent with existing zoning or general plan policies for which an EIR was certified and shall therefore not require further review. The exception to this section requiring environmental review as might be necessary to examine project specific significant effects does not apply.

### **Fiscal Impact:**

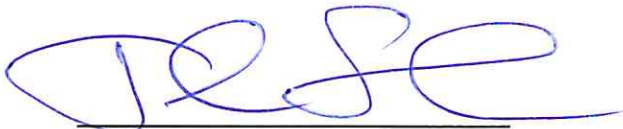
None.

### **Measures of Success:**

Achieving a higher degree of consistency between the City's adopted 1994 General Plan and the zoning ordinance.

### **Attachments:**

- A. Draft Ordinance No. 618
- B. "Redline" Version of Ordinance (M-1 to TC-2 changes)
- C. 1994 General Plan Land Use Map
- D. Current Zoning Map
- E. Planning Commission Resolution RZ-3-16
- F. Planning Commission Minutes, March 9, 2017
- G. Planning Commission Agenda Report, March 9, 2017
- H. City Council's Resolution of Intention No. 2015-47



John Swiecki, Community Development Director



Clay Holstine, City Manager

# ATTACHMENT A

## DRAFT ORDINANCE NO. 618

**AN ORDINANCE OF THE CITY OF BRISBANE TO AMEND TITLE 17 OF THE MUNICIPAL CODE TO ADD THE TC-2 SOUTHEAST BAYSHORE TRADE COMMERCIAL DISTRICT, CHAPTER 17.21, AND TO DESIGNATE ON THE ZONING MAP CERTAIN PROPERTIES AS TC-2 COMMERCIAL DISTRICT AND CERTAIN OTHER PROPERTIES AS O-S OPEN SPACE.**

**WHEREAS**, following 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 to ensure consistency in terminology between the 1994 General Plan and the zoning ordinance and zoning map; and

**WHEREAS**, the General Plan designates as “TC Trade Commercial” lands identified by San Mateo County Assessor Parcel Numbers 007-150-020, -030, -040, -060, -070, and -999 (por) within the Southeast Bayshore subarea and TC-2 Commercial zoning is consistent with that General Plan designation; and

**WHEREAS**, the General Plan designates as “OS Open Space” an area at the south end of the Southwest Bayshore subarea that is within the Bayshore Boulevard public right-of-way, and O-S Open Space zoning is consistent with that General Plan designation; and

**WHEREAS**, the permitted and conditional uses currently designated within the M-1 zoning district are consistent with the City’s General Plan and such uses and other development standards may be applied to a new TC-2 Commercial District, as well as to any medical cannabis research and development and medical cannabis businesses that would locate in the TC-2 Commercial District; and

**WHEREAS**, the Zoning Map of the City of Brisbane designates San Mateo County Assessor Parcel Numbers 007-150-020, -030, -040, -060, -070, and -999 (por) and the area of Bayshore Boulevard public right-of-way as M-1 Manufacturing, which designation is inconsistent with the land use designations (TC Trade Commercial and OS Open Space, respectively) on the General Plan; and

**WHEREAS**, on March 9<sup>th</sup>, 2017, the Brisbane Planning Commission held a duly noticed public hearing and recommended that the City Council approve the proposed Zoning Text and Map Amendment RZ-3-16; and

**WHEREAS**, there is a certified EIR for the 1994 General Plan and the proposed amendments to the Zoning Ordinance and the Zoning Map are consistent with the above referenced General Plan Land Use Element and General Plan Map; and

**WHEREAS**, since the proposed amendments to the Zoning Ordinance and the Zoning Map are consistent with the City’s General Plan, 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 proposed TC-2 AND O-S zoning districts, per BMC Section 17.54.020 prior to the Planning Commission and City Council hearings; and

**WHEREAS**, on April 27<sup>th</sup>, 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 17.21 is added to Title 17 to read as follows:**

**Chapter 17.21 - TC-2 SOUTHEAST BAYSHORE TRADE COMMERCIAL DISTRICT (“TC-2 COMMERCIAL DISTRICT”)**

Sections:

**17.21.010 - Permitted uses**

The following uses are permitted in the TC-2 Commercial 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, including for medical cannabis subject to the requirements of Chapter 17.33;
- I. Retail sales and rental; and
- J. Warehousing.

**17.21.020 - Conditional uses**

Conditional uses allowed in the TC-2 Commercial 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. Medical cannabis businesses as defined in Chapter 17.33;
- F. Outside storage of trucks and equipment, when properly screened; and
- G. Restaurant and bars connected with restaurant use.

**17.21.030 - Development regulations.**

Development regulations in the TC-2 Commercial District are as follows:

- A. Minimum building site required, ten thousand (10,000) square feet;
- B. Minimum lot dimensions; one hundred (100) feet width;
- C. Required minimum yards:
  - 1. Front yard, twenty-five (25) feet;
  - 2. Side yards, ten (10) feet;
  - 3. Rear yard, ten (10) feet;
- D. Maximum coverage by all structures, sixty percent (60%);
- E. Maximum allowable height for all structures, fifty (50) feet, provided gross floor area ratio to land may not exceed two (2) to one (1);
- F. Landscaping Requirements.
  - 1. Not less than fifteen percent (15%) of the gross lot area shall be improved with landscaping;
  - 2. 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:
    - 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.
- G. 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.

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

**17.21.040 - Exceptions.**

Exceptions are as specified in [Chapter 17.32](#).

**17.21.050 - Parking.**

The parking requirements in the TC-2 Commercial District are as specified in [Chapter 17.34](#).

**17.21.060 - Signs.**

Signs allowed in the TC-2 Commercial district are as specified in [Chapter 17.36](#).

**17.21.070 - Design review.**

Design review in the TC-2 Commercial District is as specified in [Chapter 17.42](#).

**SECTION 2. 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 Southeast Bayshore subarea identified as County of San Mateo's Assessor Parcel Numbers 007-150-030, 007-150-040, 007-150-070 and the southern portions of discontinuous City-owned land identified as County of San Mateo's Assessor Parcel Number 007-150-999 shall be designated on the Zoning Map of the City of Brisbane as TC-2 Southeast Bayshore Trade Commercial District.

The public right-of-way located immediately west of Bayshore Boulevard and at the south end of the Southwest Bayshore subarea, being that land area between the Bayshore Boulevard road-cut and the eastern edges of San Mateo County Assessor Parcel Numbers 007-570-010, 007-570-020 and 007-560-010 and the southeast edge of San Mateo County Assessor Parcel Number 007-560-020 shall be designated on the Zoning Map of the City of Brisbane as O-S Open Space.

**SECTION 3: 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

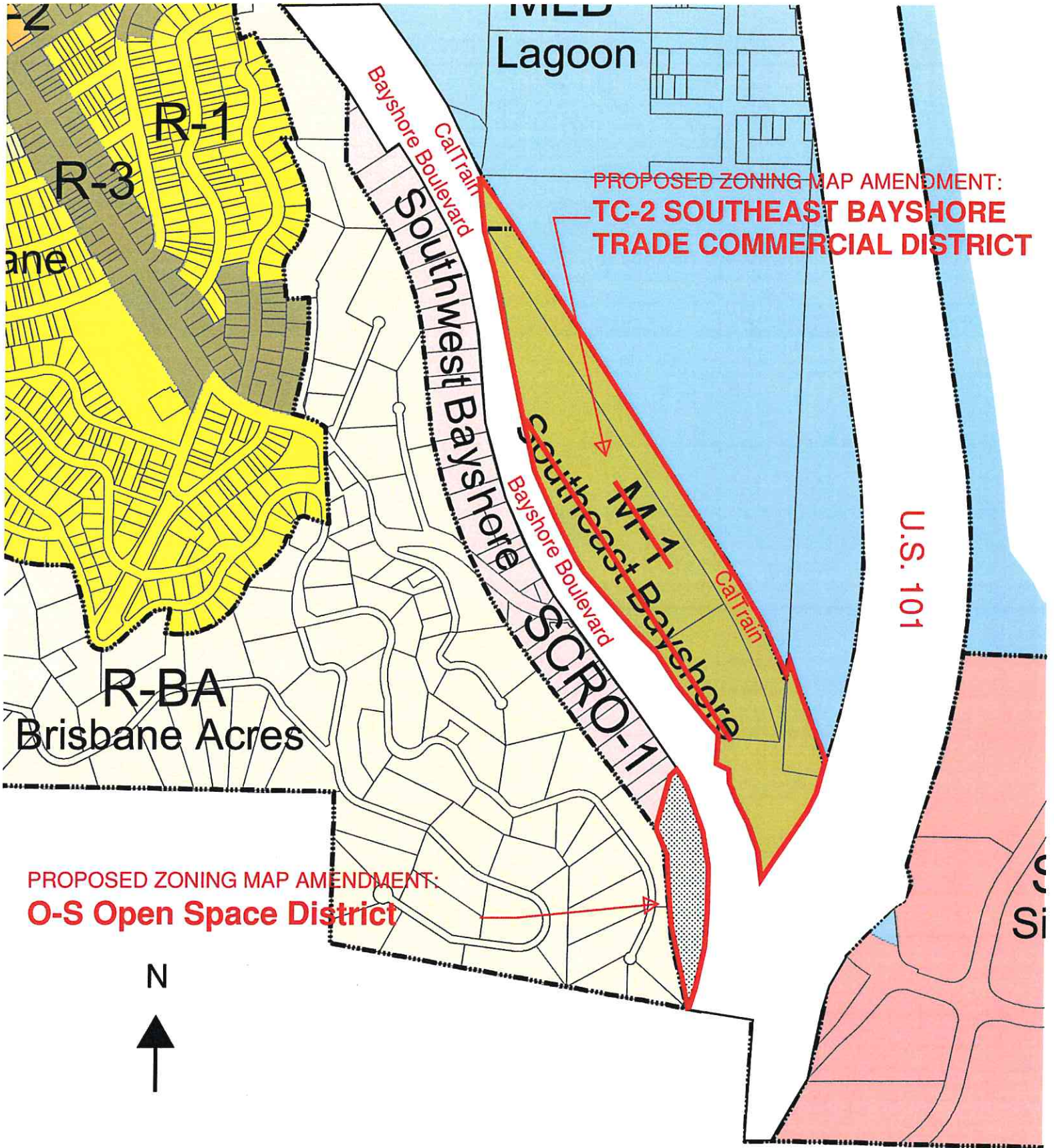
ATTEST:

\_\_\_\_\_  
INGRID PADILLA, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael Rouse, City Attorney





**PROPOSED ZONING MAP AMENDMENTS  
TC-2 SOUTHEAST BAYSHORE  
TRADE COMMERCIAL DISTRICT &  
O-S OPEN SPACE DISTRICT**



# ATTACHMENT B

**Note:** Chapter 17.21 - TC-2 Southeast Bayshore Trade Commercial District (“TC-2 Commercial District”), is based on Chapter 17.20 M-1 Manufacturing District Zoning Text. Substantive differences between the M-1 and proposed TC-2 are to the permitted and conditional uses only and are shown in red. All other sections were carried over directly from the M-1 to TC-2 in the draft ordinance.

## DRAFT ORDINANCE NO. 618 (Redlined Sections Only)

### Chapter 17.21 - TC-2 SOUTHEAST BAYSHORE TRADE COMMERCIAL DISTRICT (“TC-2 COMMERCIAL DISTRICT”)

#### Sections:

#### 17.21.010 - Permitted uses

The following uses are permitted in the TC-2 Commercial 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:

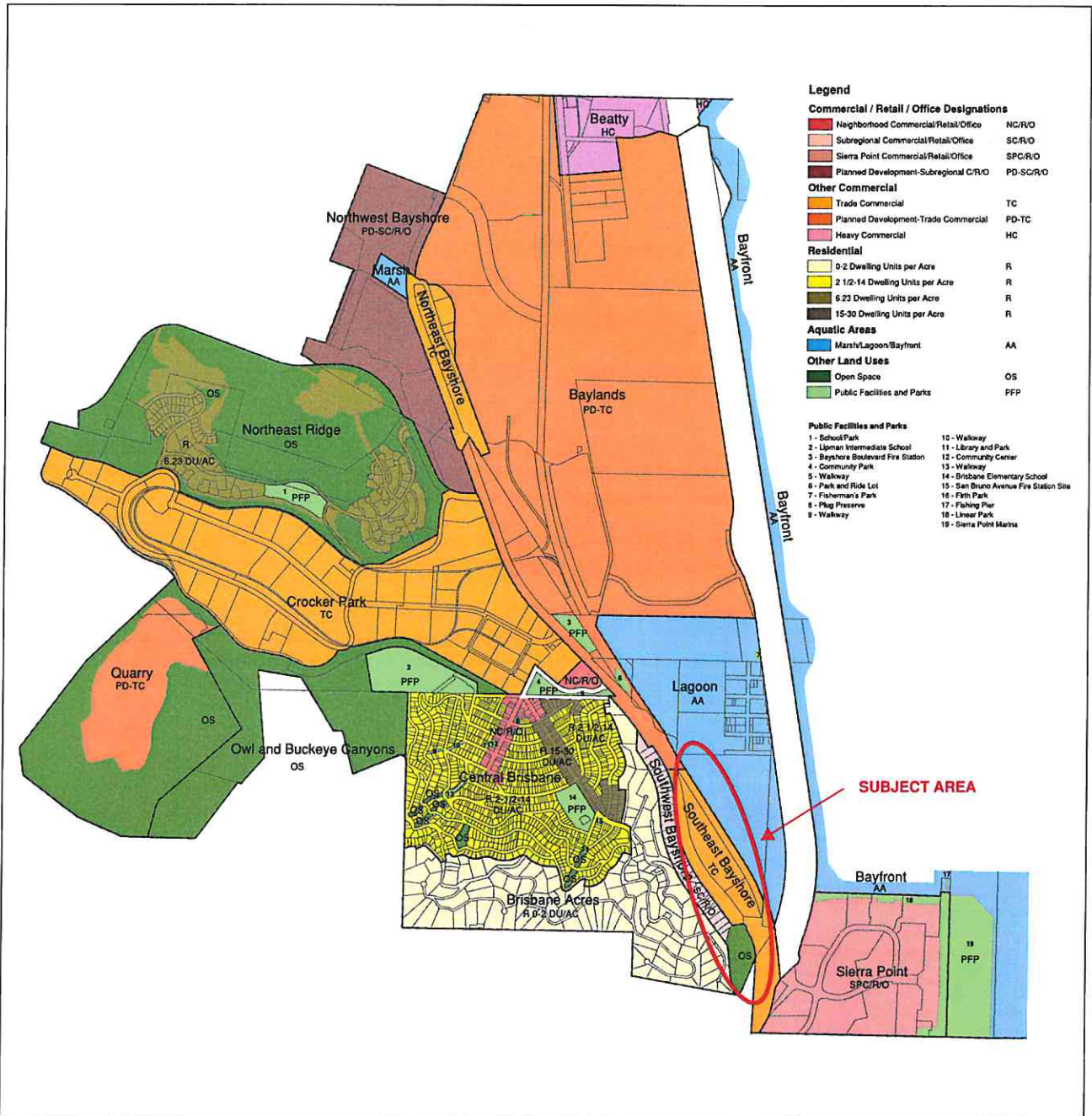
- A. Commercial gyms and health facilities;
- B. Data centers;
- C. Food production and distribution, provided that odors from such use shall not be generally or distinctly detectable from any off-site location;
- D. Freight forwarding;
- E. Light manufacturing, assembling, processing;
- F. Offices;
- G. Printing;
- H. Research and development, including for medical cannabis subject to the requirements of Chapter 17.33;
- I. Retail sales and rental; and
- J. Warehousing.

#### 17.21.020 - Conditional uses

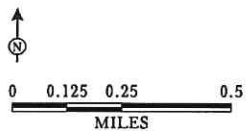
Conditional uses allowed in the TC-2 Commercial District, subject to obtaining a use permit, are as follows:

- 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. Medical cannabis businesses as defined in Chapter 17.33;
- F. Outside storage of trucks and equipment, when properly screened; and
- G. Restaurant and bars connected with restaurant use.

# 1994 General Plan Land Use Diagram City of Brisbane

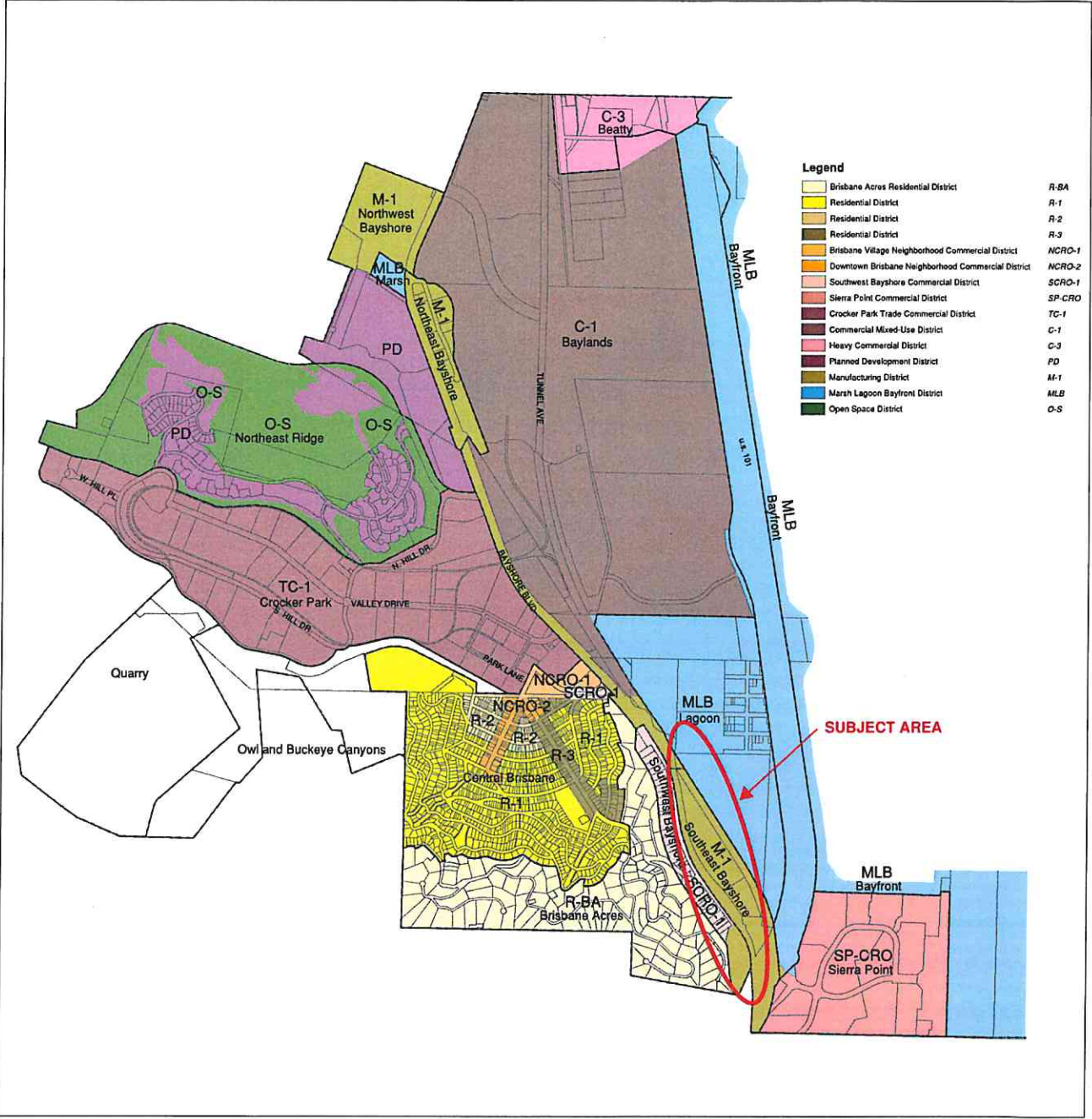


LSA



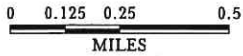


# Zoning Map City of Brisbane



- Legend**
- |  |  |        |
|--|--|--------|
|  | Brisbane Acres Residential District                | R-BA   |
|  | Residential District                               | R-1    |
|  | Residential District                               | R-2    |
|  | Residential District                               | R-3    |
|  | Residential District                               | R-4    |
|  | Brisbane Village Neighborhood Commercial District  | NCRO-1 |
|  | Downtown Brisbane Neighborhood Commercial District | NCRO-2 |
|  | Southwest Bayshore Commercial District             | SCRO-1 |
|  | Sierra Point Commercial District                   | SP-CRO |
|  | Crocker Park Trade Commercial District             | TC-1   |
|  | Commercial Mixed-Use District                      | C-1    |
|  | Heavy Commercial District                          | C-3    |
|  | Planned Development District                       | PD     |
|  | Manufacturing District                             | M-1    |
|  | Marsh Lagoon Bayfront District                     | MLB    |
|  | Open Space District                                | O-S    |

LSA



Revised: May 15, 1988  
 Revised: May 23, 1992  
 Revised: April 1996  
 Revised: February 2000  
 Revised: February 2002  
 Revised: July 2003



**RESOLUTION NO. RZ-3-16**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE  
RECOMMENDING ZONING TEXT AND MAP AMENDMENT RZ-3-16  
TO THE CITY COUNCIL, SUCH TEXT AMENDMENTS BEING TO ADD THE TC-2  
SOUTHEAST BAYSHORE TRADE COMMERCIAL DISTRICT, CHAPTER 17.21, AND TO  
DESIGNATE ON THE ZONING MAP CERTAIN PROPERTIES AS TC-2 COMMERCIAL  
DISTRICT AND CERTAIN OTHER PROPERTIES AS O-S OPEN SPACE

**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 General Plan designates as "TC Trade Commercial" lands identified by San Mateo County Assessor Parcel Numbers 007-150-020, -030, -040, -060, -070, and -999 (por) within the Southeast Bayshore subarea and TC-2 Commercial zoning is consistent with that General Plan designation; and

**WHEREAS**, the General Plan designates as "OS Open Space" an area at the south end of the Southwest Bayshore subarea that is within the Bayshore Boulevard public right-of-way, and O-S Open Space zoning is consistent with that General Plan designation; and

**WHEREAS**, the permitted and conditional uses currently designated within the M-1 zoning district are consistent with the City's General Plan and such uses and other development standards may be applied to a new TC-2 Commercial District, as well as to any medical cannabis research and development and medical cannabis businesses that would locate in the TC-2 Commercial District; and

**WHEREAS**, the Zoning Map of the City of Brisbane designates San Mateo County Assessor Parcel Numbers 007-150-020, -030, -040, -060, -070, and -999 (por) and the area of Bayshore Boulevard public right-of-way as M-1 Manufacturing, which designation is inconsistent with the land use designations (TC Trade Commercial and OS Open Space, respectively) on the General Plan; and

**WHEREAS**, on March 9, 2017, the Planning Commission held a duly noticed public hearing on the draft ordinance; and

**WHEREAS**, since the proposed amendments to the Zoning Ordinance and the Zoning Map are consistent with the City's General Plan, 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



**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 ordinance.

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

 13 Apr 2017  
\_\_\_\_\_  
Greg Anderson  
Chair Pro-tem

ATTEST:

  
\_\_\_\_\_  
John A. Swiecki  
Community Development Director

## ATTACHMENT F

Brisbane Planning Commission Minutes  
March 9, 2017  
Page 2

- 2. PUBLIC HEARING: 3745-3795 Bayshore Boulevard and adjacent City and Caltrain right-of-way properties; Zoning Text & Map Amendment RZ-3-16;** Amend Title 17 of the Brisbane Municipal Code to add the TC-2 Southeast Bayshore Trade Commercial District and apply the TC-2 to the Zoning Map and rezone the subject property from M-1 Manufacturing District to TC-2 and O-S Open Space; City of Brisbane, applicant; M&L Associates, 150 Spear Street Associates, and City of Brisbane, owners; APNs: Various, including 007-150-020, -030, -040, -060, -070, and -999 (por).

Senior Planner Johnson gave the staff presentation.

Commissioner Mackin asked about the status and ownership of the parcels that are adjacent to the open space designated site along Bayshore Boulevard. Senior Planner Johnson indicated that those properties were vacant and are in private ownership. He also indicated that the rezoning of the City's right-of-way to open space would not impede future development rights on those adjacent parcels.

Commissioner Cunningham confirmed with staff that the City had not received any comments from public on this item and asked if there would be an impact to the properties. Senior Planner Johnson confirmed that no public comments had been received. He added the only substantive change was the addition of medical cannabis under permitted and conditional uses, consistent with the Commission's recent recommendation to City Council on the medical cannabis ordinance. That addition would broaden the field of potential tenants for the properties.

Commissioner Munir asked about the other M-1 zoned properties in the northern subareas and requested a table in a future meeting outlining which areas are to be rezoned due to General Plan inconsistencies. Director Swiecki indicated that staff could prepare a table.


Acting Chairperson Anderson opened the public hearing. Seeing no persons wishing to address the Commission, Commissioner Cunningham moved and Commissioner Munir seconded to close the public hearing. The motion was approved 4-0.

Commissioner Munir moved and Commissioner Cunningham seconded to adopt Resolution RZ-3-16, recommending approval of the Title 17 amendments and the Zoning Map amendments to the City Council as drafted. The motion was approved 4-0.

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 3/9/17

**FROM:** Ken Johnson, Senior Planner, via  John A. Swiecki, Community Development Director

**SUBJECT:** **Zoning Text/Map Amendment RZ-3-16**, Amending Title 17 of the Municipal Code to add the TC-2 Southeast Bayshore Trade Commercial District, Chapter 17.21, and apply the TC-2 to the zoning map and rezone the Southeast Bayshore General Plan Subarea from M-1 Manufacturing District to TC-2, and rezone the adjacent site designated Open Space from M-1 to O-S Open Space; City of Brisbane, applicant; M&L Associates, 150 Spear Street Associates, and City of Brisbane, owners; APN Various, including 007-150-020, -030, -040, -060, -070, and -999 (por).

### **Request**

To:

A) amend Title 17 of the Municipal Code by:

- 1) adding Chapter 17.21 to create the TC-2 Southeast Bayshore Trade Commercial District;
- 2) rezoning properties within the Southeast Bayshore Trade Commercial General Plan Subarea from M-1 Manufacturing District to TC-2; and
- 3) rezoning City right-of-way (located along the west side of Bayshore Boulevard at the south end of the Southwest Bayshore subarea) that is currently designated OS- Open Space from M-1 to O-S Open Space: and

B) amend the City's Official Zoning Map to reflect the changes described above.

See the attached exhibits which show existing general plan designations and existing and proposed zoning.

### **Recommendation**

Recommend that the City Council adopt the ordinance amending Title 17 of the Brisbane Municipal Code (BMC) to add Chapter 17.21 TC-2 Southeast Bayshore Trade Commercial District and to amend the Zoning Map to rezone the subject properties to TC-2 and O-S Open Space, based on the discussion and analysis presented in the agenda report, via adoption of RZ-3-16.

## **Background**

In 2015, the City Council approved Ordinance No. 599 to amend the permitted and conditionally permitted uses section of the M-1 zone in response to an application by a property owner of M-1 zoned property in the Southeast Bayshore subarea. In considering this application, the City Council noted that the 1994 General Plan eliminated the ‘Industrial’ land use category from the General Plan and directed through the adoption of Resolution of Intention No. 2015-47 that the “M-1” zoning district be renamed to provide consistent terminology between the zoning ordinance and the 1994 General Plan.

In moving forward to implement the City Council’s direction, it became clear that renaming the M-1 zone was not an optimal solution. As was discussed at the Planning Commission study session on January 12, 2017 (see attached report), the areas of Brisbane currently zoned M-1 are physically separated from each other, lie within different General Plan subareas, and have distinctly different physical forms, characteristics, and land use patterns. Based on these factors, the work program to implement Resolution of Intention No. 2015-47 is structured to address each unique subarea now zoned M-1, recognizing that there is not a “one size fits all” solution. This application addresses the southerly-most area of M-1 zoned property within Brisbane, comprised primarily of the Southeast Bayshore General Plan subarea.

## **Staff Analysis**

*Proposed Trade Commercial TC-2 District:* As noted above, this application primarily addresses the approximately 26 acre, Southeast Bayshore General Plan Subarea, which was historically occupied by VWR. The northern building in that district is currently undergoing tenant improvements for The RealReal, an internet based consignment retailer. The southern warehouse area has ongoing soil and groundwater investigations, being conducted with oversight by the Regional Water Quality Control Board, and is currently unoccupied. Other properties include a vacant, former railroad tunnel parcel and City-owned CalTrain right-of-way parcels.

The 1994 General Plan designates the Southeast Bayshore Subarea as TC Trade Commercial. Per the General Plan Land Use element, the TC Trade Commercial land use designation:

“Represents a mix of commercial uses including warehouses, distribution facilities, office, retail uses, restaurants, commercial recreation, personal services, as well as light industrial, research and development, and uses of a similar character. Public and semi-public facilities and educational institutions may be located under this designation. Repair and maintenance services, such as auto body repair shops, may be conditionally permitted in the implementing zoning districts.”

As presented and discussed during the hearings regarding Ordinance 599 in 2015, the permitted uses and development standards for the M-1 Zone are consistent with the 1994 General Plan and appropriate for the Southeast Bayshore subarea. The current M-1 zoning provisions are provided for reference as an attachment with this report.

Since the substance of the M-1 zone is consistent with the General Plan and appropriate for the Southeast Bayshore subarea, the primary objective of this zoning amendment is to bring the title of the zoning district into conformity with the General Plan. As such, staff recommends that a new Trade Commercial (TC-2) zoning designation be created and that the Southeast Bayshore subarea be rezoned from M-1 to TC-2. The new TC-2 zone will incorporate the substantive provisions of the existing M-1 Zone.

The only substantive change proposed in the new TC-2 zone is to address medical cannabis uses. On February 9<sup>th</sup>, the Planning Commission recommended approval of a zoning ordinance amendment to regulate a range of medical cannabis businesses in specific zoning districts. Consistent with that Planning Commission recommendation, it is recommended that the new TC-2 zone include medical cannabis research and development as a permitted use with other medical cannabis businesses included as conditionally permitted uses. Proposed revisions are shown in red in the attached draft ordinance. Such uses are consistent with the warehouse, research and development and light industrial uses permitted under the General Plan's trade commercial land use designation. Inclusion of medical cannabis business uses in the proposed TC-2 zoning district assumes that the City Council approves the medical cannabis ordinance as recommended.

*Proposed O-S Open Space District:* In researching this application staff identified an inconsistency between the General Plan and City adopted zoning map. Specifically, an approximately 3 acre section of unimproved Bayshore Boulevard right-of-way, owned by the City of Brisbane and situated westerly of Bayshore Boulevard at the south end of the Southeast Bayshore subarea, is designated as Open Space under the General Plan but zoned M-1. The General Plan states that Open Space designation is for

“...properties that have been purchased, given or offered for dedication to a public agency for open space use or conservation purposes and are essentially unimproved by urban structures.”

The subject property is already in City ownership and would include that unimproved area of the City's right-of-way that extends beyond the road-cut area, to the west of Bayshore Boulevard. While it is not altogether clear why this City-owned right of way was designated as Open Space, it would be appropriate to eliminate the General Plan/zoning inconsistency by rezoning this right of way remnant to O-S Open Space. Since the subject area is already in public ownership as City right-of-way, there would be no loss of land development rights incurred by private owners and no loss of rights for adjacent property owners.

*Amendment to City Zoning Map:* The final component of this zoning amendment application is to amend the City's Official zoning map to reflect the mapping changes described herein. These changes are shown as Exhibit B of Draft Resolution RZ-3-16.



## Attachments

- A. 1994 General Plan Land Use Map
  - B. Current Zoning Map
  - C. Draft Resolution RZ-3-16 with Draft Ordinance and Proposed Zoning Map
  - D. Chapter 17.20 - M-1 Manufacturing District Zoning Text
  - E. Chapter 17.26 - O-S Open Space District Zoning Text
  - F. M-1 Study Session Memorandum to the Planning Commission, dated January 12, 2017 (including the City Council's Resolution of Intention No. 2015-47)
- See separately*

# *City of Brisbane*

## *Agenda Report*

**TO:** Honorable Mayor and City Council

**FROM:** Community Development Director via City Manager

**SUBJECT:** **RESOLUTION NO. 2015-47** Resolution of Intent to amend zoning ordinance provisions pertaining to the M-1 Zone

**DATE:** Meeting of November 19, 2015

**City Council Goals:**

To provide for effective and efficient delivery of City services. (Goal #1)

**Purpose:**

For the City Council to initiate a zoning code text amendment to bring the terminology used in the Zoning Ordinance for the existing M-1 Zone into conformity with the terminology used in the General Plan and to consider appropriate zoning categories for the multiple geographic areas now zoned M-1.

**Recommendation:**

That the City Council adopt attached Resolution 2015-47.

**Background/Discussion:**

In conjunction with introducing Ordinance 599 on November 5, 2015 to revise the list of permitted and conditionally permitted uses in the M-1 Zone, the City Council further directed staff to come back with a Resolution of Intention to initiate a zoning code text amendment.

The two specific issues to be addressed in the text amendment include the following:


1. **General Plan Consistency.** It was pointed out that the terminology the Zoning Ordinance uses for the M-1 zone predates and is different from the terminology used in the 1994 General Plan. In particular, the Zoning Ordinance calls the zoning district "Manufacturing", while the General Plan labels the same geographic area "TC-Trade Commercial land use." Although the particular land uses set forth in the Zoning Ordinance for this zone are fully consistent with land uses designated for the same

geographic area in the General Plan, the difference in terminology has created some confusion. It would be appropriate to amend the title and text of the current M-1 zone as needed to ensure that the Zoning Ordinance uses the same terminology for that zone that is used in the General Plan.

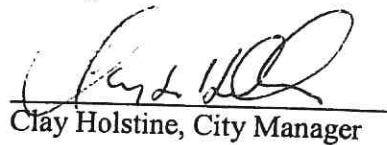
2. **Geographic Applicability.** It was brought up that the existing M-1 zone applies to multiple geographic areas (Northwest Bayshore, Northeast Bayshore, and Southeast Bayshore) and concerns were raised about whether a single zoning category is appropriate for all three of these distinct geographic areas. This issue will be evaluated in the forthcoming zoning text amendment if initiated by the City Council.

**Attachment:**

Resolution 2015-47



John A Swiecki, Community Development Director



Clay Holstine, City Manager

**RESOLUTION NO. 2015-47**

**A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE TO INITIATE AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF BRISBANE TO AMEND THE M-1 ZONE AS APPROPRIATE TO ENSURE CONSISTENCY IN TERMINOLOGY BETWEEN THE ZONING ORDINANCE AND THE ADOPTED 1994 GENERAL PLAN AND TO CREATE DISTINCT GEOGRAPHIC DISTRICTS AS NEEDED**

**WHEREAS**, Section 17.50.010 of the Brisbane Municipal Code provides in part that the process to initiate an amendment to the Zoning Ordinance whereby a new regulation would be imposed on property is by the filing of a resolution of intention by the City Council; and

**WHEREAS**, on November 5, 2015 the City Council by a vote of 4 ayes and 1 no introduced Ordinance No. 599 amending the 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

**WHEREAS**, the City Council in its deliberations on Ordinance 599 expressed its concern that the terminology used in the current title and text of the M-1 Zone is different than the terminology used in the adopted 1994 General Plan, which unlike the Zoning Ordinance, does not recognize the term "Industrial" as a distinct General Plan land use designation; and

**WHEREAS**, the City Council in its deliberations on Ordinance 599 expressed its concern that the existing M-1 zone covers multiple distinct geographic districts, and the appropriateness of the zoning category for these multiple geographic districts should be re-evaluated and modified as needed.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISBANE AS FOLLOWS:**

1. The City Council files this Resolution of Intention to initiate the process by which the City's Zoning Ordinance may be amended by bring the terminology used in the existing M-1 zone title and text into conformance with the terminology used in the General Plan, and to establish zoning designations as appropriate for areas now zoned M-1 to ensure the adopted zoning designations are suitable and appropriate for the affected geographic areas.
2. This Resolution of Intention is referred to City staff to prepare and present to the Planning Commission for its consideration and recommendation to the City Council a report and proposed amendments to the Zoning Ordinance as described herein.
3. This resolution of intention is effective immediately upon its adoption.

  
Terry O'Connell, Mayor

I hereby certify that the foregoing Resolution No. 2015-47 was duly and regularly adopted at the regular meeting of the Brisbane City Council on November 19, 2015 by the following vote:

AYES: Councilmembers Conway, Lentz, Liu, Miller, and Mayor O'Connell

NOES: None

ABSENT: None

  
Sheri Marie Spediacci, City Clerk