



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** October 3, 2019

**From:** John Swiecki, Community Development Director

**Subject:** Introduction of Draft Ordinance 642

### Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Community Building - Brisbane will honor the rich diversity of our city (residents, organizations, businesses) through community engagement and participation

Economic Development - Brisbane will work with the businesses and residents to provide for economic vitality/diversity

### Purpose

Adopt regulations to allow for safe and Code-compliant outdoor storage of specified flammable materials in Crocker Industrial Park.

### Recommendation

Introduce Ordinance 642.

### Background

In May 2019, the Planning Commission considered a draft ordinance to establish a new Exception Permit process subject to approval by the Zoning Administrator to allow limited outdoor storage of specifically defined flammable materials, such as propane stored in portable containers, in the Crocker Industrial Park (TC-1 District), when appropriately screened from off-site view and in compliance with all applicable health and safety standards under the Brisbane Municipal Code (BMC) and State building and fire codes. Currently, BMC §17.19.050 prohibits any outdoor storage of materials and products in the TC-1 Crocker Park District, with some discrete exceptions related to product loading and off-loading. The Planning Commission voted 4-0-1 (Gooding absent) to recommend City Council approval of the draft ordinance as modified (see Attachment 1).

Additional details on the origination and background of the zoning text amendment are provided in the May 9, 2019 Planning Commission agenda report, attached (Attachment 2).

### Discussion

The proposed ordinance would allow businesses in the Crocker Industrial Park to apply for an Exception Permit from the Zoning Administrator to store outdoors only flammable materials specifically authorized by the North County Fire Authority (NCFA). The application would be

reviewed by the NCFA in conjunction with the Planning, Building, and Public Works Departments to ensure the requested material types are appropriate and authorized to be stored outdoors, and ensure the materials will be screened and protected from unauthorized access consistent with all applicable health and safety codes.

Before granting or denying the exception permit, the Zoning Administrator will provide written notice to property owners and occupants adjacent to the property. The notice will also be posted at the official posting locations established in Chapter 1.12 and provided as a courtesy posting on the City's website. Notice recipients and any interested member of the public can submit written comments on the application within twenty-one days from the date of mailing and posting of the notice. An application would not be able to be approved without finding that the proposed storage would not impact the public health and safety.

The zoning text amendments are supported by the NCFA, which has indicated to Planning and Building staff their concerns with the safety of storing certain flammable materials such as propane indoors due to strict California Building and Fire Code requirements for ventilation, spacing, and volume of materials when stored indoors. NCFA staff has indicated that outdoor storage of such materials, in appropriate locations and when properly housed, is preferable from a public safety standpoint to indoor storage of such materials.

#### **Fiscal Impact**

None. Should the Ordinance be adopted, an application fee for the Exception Permit will be proposed to be added to the master fee schedule to cover the costs of processing the application by City departments.

#### **Measure of Success**

Zoning regulations for businesses in Crocker Industrial Park that protect the public health and safety and allow for businesses to operate in a safe and orderly manner.

#### **Attachments**

1. Draft Ordinance 642
2. May 9, 2019 Planning Commission agenda report and meeting minutes

  
\_\_\_\_\_  
John Swiecki, Community Development Director

  
\_\_\_\_\_  
Clay Holstine, City Manager

**ORDINANCE NO. 642**

**AN ORDINANCE OF THE CITY OF BRISBANE  
AMENDING CHAPTER 17.19 OF THE BRISBANE MUNICIPAL CODE  
CONCERNING OUTDOOR STORAGE OF CERTAIN MATERIALS IN  
THE CROCKER PARK TRADE COMMERCIAL ZONING DISTRICT**

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

**SECTION 1: Section 17.19.040 - Development regulations of Chapter 17.19 of the Zoning Ordinance is amended to read as follows:**

17.19.040 - Development regulations.

Development regulations in the Crocker Park 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, and floor area ratio (FAR) shall not exceed 2.0.
- 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 subject to approval of 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. Screening Requirements.
  - 1. Outside storage of pallets or containers used for the transportation and delivery of items related to the interior use shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonably possible to do so, including but not limited to the installation of fencing, landscaping, painting, or any combination thereof.
  - 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. Outdoor storage of approved flammable materials as permitted per Section 17.19.050.A.4 shall not be located in any required setback from a street, or displace required parking spaces, and shall be screened from off-site view through installation of fencing, landscaping, painting, or any combination thereof.

H. 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-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-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.

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

**SECTION 2: Section 17.19.050 - Performance standards of Chapter 17.19 of the Zoning Ordinance is amended to read as follows:**

17.19.050 - Performance standards.

All uses in the Crocker Park district shall be conducted in accordance with the following performance standards:

A. All routine aspects of the day-to-day operations of a business, including all storage of materials and products, shall take place entirely within a building, with the following exceptions:

1. Commercial recreation;
2. Parking of operable vehicles related to the interior use;
3. Shipments and deliveries incidental to the primary use.
4. Approved flammable materials as specified by the North County Fire Authority may be stored outdoors through approval of an exception permit by the zoning administrator in compliance with subsection 17.19.055 of this Chapter.

B. The site shall be kept free of trash and debris and all receptacles for collection and recycling shall be completely screened from view at street level.

- C. Sound insulation, housing or baffles, or other reasonable measures, shall be installed in conjunction with machinery, heating and ventilating equipment when necessary to effectively mitigate sound emissions distinctly detectable from any off-site location.
- D. Odors from any use shall not be generally or distinctly detectable from any off-site location.
- E. Lighting shall be designed to avoid excessive glare at night as viewed from off-site locations, in compliance with the California Green Building Standards Code.

**SECTION 3: A new Section 17.19.055 – Exception Permit for Outdoor Storage of Approved Flammable Materials is added to Chapter 17.19 of the Zoning Ordinance to read as follows:**

17.19.055 – Exception Permit for Outdoor Storage of Approved Flammable Materials

- A. Requirement for an Exception Permit. Except as provided in this section, no business or other use shall conduct outdoor storage of approved flammable materials as specified by the North County Fire Authority within the TC-1 district.
- B. Authority. The Zoning Administrator shall have the authority to grant or deny an application for an exception permit for outdoor storage of approved flammable materials as specified by the North County Fire Authority under this Section.
- C. Findings to Grant an Exception Permit. The Zoning Administrator shall not grant an exception permit for the outdoor storage of approved flammable materials in the TC-1 district unless the Zoning Administrator finds that the granting of the permit would not result in a specific adverse impact upon the public health and safety and that the application will comply with the screening requirements of Section 17.19.040.G.3 of this Chapter.
- D. Notification of Application. Prior to granting or denying an exception permit, the Zoning Administrator shall give written notice of the application for an exception permit to property owners and occupants on both sides of, to the rear of and directly across from the property on which the approved materials are proposed to be stored. The notice shall also be posted at the official posting locations established in Chapter 1.12. The notice shall generally describe the nature, design and location of the proposed approved materials storage and advise the recipients that they may submit written comments on the application by a certain date, which shall be not less than twenty-one (21) days from the date of mailing and posting of the notice.

The Zoning Administrator shall notify the applicant and each person who has submitted written comments on the application of the Zoning Administrator’s decision to grant or deny the application. The notice shall advise the applicant and the recipients of the right to appeal the Zoning Administrator’s decision to the Planning Commission.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor Madison Davis

ATTEST:

APPROVED AS TO FORM:

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

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

# City of Brisbane Planning Commission Agenda Report

**TO:** Planning Commission

For the Meeting of 5/9/2019

**SUBJECT:** **Zoning Text Amendment RZ-3-18;** TC-1 District; Zoning text amendment to the TC-1 District regulations contained in BMC Chapter 17.19 to establish an Exception Permit process subject to approval by the Zoning Administrator to allow limited outdoor storage of flammable materials; City of Brisbane, applicant.

**REQUEST:** The proposed zoning text amendments would amend the TC-1 District regulations contained in BMC Chapter 17.19 to establish an Exception Permit process subject to approval by the Zoning Administrator to allow limited outdoor storage of flammable materials when appropriately screened from off-site view and in compliance with all applicable health and safety standards under the Brisbane Municipal Code and State building and fire codes.

**RECOMMENDATION:** Recommend City Council approval of the draft zoning text amendments via adoption of Resolution RZ-3-18.

**ENVIRONMENTAL DETERMINATION:** Categorically exempt per State CEQA Guidelines Section 15308. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

**APPLICABLE REGULATIONS:** The TC-1 Crocker Park Trade Commercial District regulations are contained in BMC Chapter 17.19. The prohibition against outdoor storage in Crocker Park is contained in BMC §17.19.050. The General Plan contains policies specific to the Crocker Park subarea in Chapter XII, Policies and Programs by Subarea.

#### **BACKGROUND:**

BMC §17.19.050 prohibits outdoor storage of materials and products, with some discrete exceptions, in the TC-1 Crocker Park District. The proposed draft zoning text amendments would establish a new Exception Permit process subject to approval by the Zoning Administrator to allow limited outdoor storage of flammable materials when appropriately screened from off-site view and in compliance with all applicable health and safety standards under the Brisbane Municipal Code and State building and fire codes.

The zoning text amendments are supported by the North County Fire Authority (NCFA), which has indicated to staff their concerns with the safety of storing flammable materials such as propane indoors due to strict California Building and Fire Code requirements for ventilation, spacing, and volume of materials when stored indoors. NCFA staff has indicated that outdoor storage of such materials, in appropriate locations and when properly housed, is preferable from a public safety standpoint to indoor storage of such materials.

RZ-3-18  
May 9, 2019 Meeting  
Page 2

#### Private Application for Zoning Text Amendment

In March 2018, Susan Kidwell of Hensley Event Resources (180 West Hill Place, Brisbane) applied for a zoning text amendment to allow outdoor storage with approval of a Use Permit in Crocker Park. The requested amendment related to the applicant's desire to store portable propane tanks as well as other items related to their business outdoors, due to safety concerns for indoor storage of flammable materials as well as indoor storage constraints. The application did not contain proposed zoning language.

In evaluating the applicant's request, discussions with NCFA led to substantial alterations to the text amendment as compared to what the applicant originally brought forward. As such, the zoning text amendments presented for the Commission's review tonight in the attached Resolution is characterized as a City-initiated request due to the significant difference in the scope of the requested amendments in the private application versus what is now under consideration. Additionally, subsequent to submittal of the original zoning text amendment application and to the noticing of this public hearing, on May 1, 2019 Ms. Kidwell notified staff in writing that she wished to modify her original request to be consistent with staff's proposal.

#### **ANALYSIS:**

##### Proposed Zoning Text Amendments

The proposed zoning text amendments would modify Chapter 17.19 by adding a new Section 17.19.055 describing an exception permit process to allow outdoor storage of moveable containers containing flammable materials, subject to approval by the Zoning Administrator. The procedure would be similar to the height exception procedure described in Section 17.32.060.C, where the Zoning Administrator reviews an application for compliance with certain performance and health and safety standards and notifies adjacent property owners of the intent to approve the application. Adjacent property owners would then have 21 days to provide written comments to the Zoning Administrator. As with any Zoning Administrator-reviewed application, the Zoning Administrator retains the discretion to refer an application to the Planning Commission as warranted.

The amendments would also amend §17.19.040.G to insert a cross reference to the exception permit process and to add screening and setback requirements for moveable containers containing flammable materials. Amendments to the performance standards of §17.19.050.A are also proposed to cross reference the exception permit process for outdoor storage of such containers.

##### General Plan Consistency

The Planning Commission held a workshop on outdoor storage in Crocker Park on February 28, 2019 to review the applicable General Plan policies and Zoning Ordinance regulations pertaining to Crocker Park and specific to the regulation of outdoor storage in the Park. The staff memorandum for that meeting is attached for the Commission's reference (Attachment C).

Draft  
RESOLUTION RZ-3-18

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE  
RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT RZ-3-18  
AMENDING CHAPTER 17.19 OF THE BRISBANE MUNICIPAL CODE  
CONCERNING OUTDOOR STORAGE OF CERTAIN MATERIALS  
IN CROCKER INDUSTRIAL PARK

California planning law requires zoning ordinances to be compliant with the adopted General Plan. Chapter XII of the General Plan, Policies and Programs by Subarea, requires properties in Crocker Park to "contain major business activities inside buildings" (Policy CP.24) and "retain the garden-industrial park landscape concept" (Policy CP.14) envisioned by designer Lawrence Halprin. Finally, Policy CP.28 directs the City to "work closely with responsible agencies to monitor the use and storage of hazardous materials in accordance with State law."

To implement these General Plan policies, BMC Section 17.19.050.A requires storage of materials and products to take place entirely within a building, with discrete exceptions for shipments and deliveries "incidental to the primary use." This is consistent with the General Plan's direction to conduct "major business activities" indoors, as the materials to be stored are relatively transient in nature and are incidental to the permitted use of the interior of the structure. Per BMC Section 17.19.040.G, these materials generally are limited to pallets or containers used for the transportation and delivery of items related to the interior use, which must be located outside any required setback and screened from off-site view.

As described previously, NCFa has raised concerns with planning staff regarding the potential health and safety conflicts of storing certain flammable materials outdoors. The proposed language is intended to strike a balance between General Plan goals promoting health and safety and those promoting a high quality industrial park by maintaining indoor uses. The materials allowed to be stored outdoors in the TC-1 District under the proposed exception permit process are similar to the materials already allowed to be stored outdoors per BMC Section 17.19.050.A, in that they are transitory in nature and are incidental to the permitted use. The exception permit process would safeguard public health and safety and avoid potential visual impacts, consistent with the applicable General Plan policies for uses within Crocker Park.

**ATTACHMENTS:**

- A. Draft Resolution RZ-3-18 with draft ordinance
- B. Redline zoning text amendments
- C. February 28, 2019 Planning Commission workshop memorandum



Julia Ayres, Associate Planner



John Swiecki, Community Development Director

WHEREAS, the proposed zoning text amendment would allow outdoor storage of containers used to store flammable materials in the TC-1 Crocker Park Trade Commercial District, subject to an exception permit approval by the Zoning Administrator and compliance with performance standards and health and safety standards as specified in the zoning text amendments, such application being identified as Zoning Text Amendment RZ-3-18; and

WHEREAS, on May 9, 2019, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

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

WHEREAS, the proposed zoning text amendments are consistent with the applicable General Plan policies for the Crocker Park subarea, including Policy CP.3, Policy CP.14, Policy CP.24, and Policy CP.28; and

WHEREAS, the proposed zoning text amendments are categorically exempt from the California Environmental Quality Act per State CEQA Guidelines Section 15308;

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 contained in Exhibit A to this Resolution.

ADOPTED this 9<sup>th</sup> day of May, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

PAMALA SAYASANE  
Chairperson

JOHN A. SWIECKI, Community Development Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BRISBANE  
AMENDING CHAPTER 17.19 OF THE BRISBANE MUNICIPAL CODE  
CONCERNING OUTDOOR STORAGE OF CERTAIN MATERIALS IN  
THE CROCKER PARK TRADE COMMERCIAL ZONING DISTRICT

do so, including but not limited to the installation of fencing, landscaping, painting, or any combination thereof.

- 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. Outside storage of moveable containers used to store flammable materials as permitted per Section 17.19.050.A shall not be located in any required setback from a street, or displace required parking spaces, and shall be screened from off-site view through installation of fencing, landscaping, painting, or any combination thereof.

H. 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-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-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.

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

**SECTION 2: Section 17.19.050 - Performance standards of Chapter 17.19 of the Zoning Ordinance is amended to read as follows:**

17.19.050 - Performance standards.

All uses in the Crocker Park district shall be conducted in accordance with the following performance standards:

- A. All routine aspects of the day-to-day operations of a business, including all storage of materials and products, shall take place entirely within a building, with the following exceptions:
  - 1. Commercial recreation;

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

**SECTION 1: Section 17.19.040 - Development regulations of Chapter 17.19 of the Zoning Ordinance is amended to read as follows:**

17.19.040 - Development regulations.

Development regulations in the Crocker Park 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, and floor area ratio (FAR) shall not exceed 2.0.
- 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 subject to approval of 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.
- G. Screening Requirements.
  - 1. Outside storage of pallets or containers used for the transportation and delivery of items related to the interior use shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonably possible to

Exhibit A  
Reso. RZ-3-18

- 2. Parking of operable vehicles related to the interior use;
- 3. Shipments and deliveries incidental to the primary use.
- 4. Moveable containers containing flammable materials may be stored outdoors through approval of an exception permit by the zoning administrator in compliance with subsection 17.19.055 of this Chapter.
- B. The site shall be kept free of trash and debris and all receptacles for collection and recycling shall be completely screened from view at street level.
- C. Sound insulation, housing or baffles, or other reasonable measures, shall be installed in conjunction with machinery, heating and ventilating equipment when necessary to effectively mitigate sound emissions distinctly detectable from any off-site location.
- D. Odors from any use shall not be generally or distinctly detectable from any off-site location.
- E. Lighting shall be designed to avoid excessive glare at night as viewed from off-site locations, in compliance with the California Green Building Standards Code.

**SECTION 3: A new Section 17.19.055 – Exception Permit for Outdoor Storage of Moveable Flammable Materials is added to Chapter 17.19 of the Zoning Ordinance to read as follows:**

17.19.055 – Exception Permit for Outdoor Storage of Moveable Flammable Materials

- A. Requirement for an Exception Permit. Except as provided in this section, no business or other use shall conduct outdoor storage of moveable containers used to store flammable materials within the TC-1 district.
- B. Authority. The Zoning Administrator shall have the authority to grant or deny an application for an exception permit under this Section.
- C. Findings to Grant an Exception Permit. The Zoning Administrator shall not grant an exception permit for the outdoor storage of moveable containers used to store flammable materials in the TC-1 district unless the Zoning Administrator finds that the granting of the permit would not result in a specific adverse impact upon the public health and safety and that the application will comply with the screening requirements of Section 17.19.040.G.3 of this Chapter.
- D. Notification to Neighboring Property Owners. Prior to granting or deny an exception permit, the Zoning Administrator shall give written notice of the application for an exception permit to property owners and occupants on both sides of, to the rear of and directly across the street from the property on which the materials are proposed to be stored. The notice shall generally describe the nature, design and location of the proposed materials storage and advise the recipients that they may submit written comments on the application by a certain date, which shall be not less than twenty-one (21) days from the date of mailing the notice.
- E. The Zoning Administrator shall notify the applicant and each person who has submitted written comments on the application of the Zoning Administrator's decision to grant or deny the

Exhibit A  
Reso. RZ-3-18

application. The notice shall advise the applicant and the recipients of the right to appeal the Zoning Administrator's decision to the Planning Commission.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor Madison Davis

ATTEST: APPROVED AS TO FORM:

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

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

## Chapter 17.19 - TC-1 CROCKER PARK TRADE COMMERCIAL DISTRICT

## 17.19.040 - Development regulations.

Development regulations in the Crocker Park 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;
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  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, and floor area ratio (FAR) shall not exceed 2.0.
- 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 subject to approval of 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. Screening Requirements.

1. Outside storage of pallets or containers used for the transportation and delivery of items related to the interior use shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonably possible to do so, including, but not limited to, the installation of fencing, landscaping, painting, or any combination thereof.
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. Outside storage of moveable containers used to store flammable materials as permitted per Section 17.19.050.A shall not be located in any required setback

from a street, or displace required parking spaces, and shall be screened from off-site view through installation of fencing, landscaping, painting, or any combination thereof.

*[Remaining part of section not included for brevity]*

## 17.19.050 - Performance standards.

All uses in the Crocker Park district shall be conducted in accordance with the following performance standards:

- A. All routine aspects of the day-to-day operations of a business, including all storage of materials and products, shall take place entirely within a building, with the following exceptions:
  1. Commercial recreation;
  2. Parking of operable vehicles related to the interior use;
  3. Shipments and deliveries incidental to the primary use.
  4. Moveable containers used to store flammable materials may be stored outdoors if the zoning administrator has granted an exception permit as set forth in Section 17.19.055 of this Chapter.
- B. The site shall be kept free of trash and debris and all receptacles for collection and recycling shall be completely screened from view at street level.
- C. Sound insulation, housing or baffles, or other reasonable measures, shall be installed in conjunction with machinery, heating and ventilating equipment when necessary to effectively mitigate sound emissions distinctly detectable from any off-site location.
- D. Odors from any use shall not be generally or distinctly detectable from any off-site location.
- E. Lighting shall be designed to avoid excessive glare at night as viewed from off-site locations, in compliance with the California Green Building Standards Code.

17.19.055 – Exception Permit for Outdoor Storage of Moveable Flammable Materials

- A. Requirement for an Exception Permit. Except as provided in this section, no business or other use shall conduct outdoor storage of moveable containers containing flammable materials within the TC-1 district.
- B. Authority. The Zoning Administrator shall have the authority to grant or deny an application for an exception permit under this Section.
- C. Findings to Grant an Exception – Permit. The Zoning Administrator shall not grant an exception permit for the outdoor storage of moveable containers used to store flammable materials in the TC-1 district unless the Zoning Administrator finds that the granting of the permit would not result in a specific adverse impact upon the public health and safety and that the application will comply with the screening requirements of Section 17.19.040.G.3 of this Chapter.
- D. Notification to Neighboring Property Owners. Prior to granting or deny an exception permit, the Zoning Administrator shall give written notice of the application for an exception permit to property owners and occupants on both sides of, to the rear of and directly across the street

**Attachment B**

from the property on which the materials are proposed to be stored. The notice shall generally describe the nature, design and location of the proposed materials storage and advise the recipients that they may submit written comments on the application by a certain date, which shall be not less than twenty-one (21) days from the date of mailing the notice.

E. The Zoning Administrator shall notify the applicant and each person who has submitted written comments on the application of the Zoning Administrator's decision to grant or deny the application. The notice shall advise the applicant and the recipients of the right to appeal the Zoning Administrator's decision to the Planning Commission.



# MEMORANDUM

DATE: 2/28/2019  
 TO: Planning Commission  
 FROM: Julia Ayres, Associate Planner, via John Swiecki, Community Development Director  
 SUBJECT: **Workshop: Outdoor storage regulations in Crocker Park**

### Background

A business in Crocker Industrial Park has submitted a zoning text amendment application to eliminate the prohibition against outdoor storage in the Crocker Industrial Park (Crocker Park Trade Commercial Zoning District, TC-1). Specifically, the application proposes allowing screened outdoor storage areas with fencing and tarpaulin coverings at the business location on West Hill Drive. Because the TC-1 zoning district regulations prohibit outdoor storage of materials related to the interior operations of a business, a zoning text amendment is required in order to allow the applicant to store materials outdoors as proposed.

### Discussion

This workshop is intended to allow the Commission to understand and consider the facts and policies relevant to the applicant's zoning text amendment application ahead of a formal public hearing. Staff will review the land use regulations applicable to Crocker Industrial Park, including General Plan policies specific to the subarea, as well as the implementing zoning regulations for the TC-1 zoning district, that give context to the intended land use character of Crocker Park. Relevant General Plan policies specific to Crocker Park and the TC-1 zoning district regulations are attached to this memo for the Commission's reference. Staff will also review the occurrence of outdoor storage throughout Crocker Park and code enforcement issues that have occurred over time.

Following this evening's workshop, staff will schedule a formal public hearing for the zoning text amendment.

  
 John Swiecki, Community Development Director

### **Attachments:**

- A. General Plan policies and programs for Crocker Park
- B. TC-1 zoning district regulations

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Includes Updates Adopted by City Council in October 2017 and January 2018  
Resolutions 2017-50 and 2018-01

## CHAPTER V

# LAND USE

### GOALS:

*The City of Brisbane will...*

*Preserve the Mountain for its own sake and as the symbol of the unique character and identity of the City;*

*Incorporate and reflect the natural environment as an integral part of land use;*

*Celebrate diversity as essential to the physical character of the City;*

*Incorporate a mix of land uses to best serve its citizens; and*

*Design infrastructure and public facilities to be efficient, cost-effective and to contribute to the cohesion and character of the community.*

The 1930s also saw an intensification of garbage dumping into the Bay in the portion of the Baylands subarea east of the Southern Pacific railroad tracks. Starting from the north, dumping continued southward until it was finally stopped in the 1960s at the edge of what is now the Brisbane Lagoon. The Norcal/Sanitary Fill Company complex of refuse transport and recycling facilities, located in the Beauty Subarea at the Brisbane-San Francisco border, is an active successor to this past use. Since the 1940s, a variety of uses has developed atop the oldest part of the landfill, including lumber yards and warehouse buildings.

Although Bayshore Boulevard was a major thoroughfare connecting San Francisco with points south until Highway 101 was constructed in 1954, only limited development occurred along its frontages. In the 1940s, a small amount of residential development occurred along the west side of southern Bayshore Boulevard in the subarea now known as Southwest Bayshore. In the decades that followed, some commercial uses, such as retail, service and warehousing, intermixed with the residential uses, including a mobile home park.

The 1960s saw a flurry of industrial development, which continued into the early 1980s. In 1959, construction of Crocker Park began on the grazing lands of the floor of the Guadalupe Valley and adjacent wetlands, just north of Central Brisbane; the final phase of construction in Crocker Park was completed in the early 1980s, and Crocker Park was annexed to the City in 1983. In the 1960s, VWR Scientific first occupied a large office/warehouse building on the east side of southern Bayshore Boulevard; a second office/warehouse complex was added in the Southeast Bayshore subarea in 1981. First subdivided in 1969, the Brisbane Industrial Park, consisting mostly of metal buildings for warehouse, office and manufacturing uses, was constructed along Industrial Way in what is now called the Northeast Bayshore subarea. The late 1960s also saw the development on the Baylands of the Southern Pacific Pipelines Brisbane Terminal, located on the leveled portion of Visitacion Point, with a privately constructed extension of Tunnel Avenue including an overcrossing connecting to Bayshore Boulevard. Commonly referred to as the "Tank Farm," the facility and adjacent buildings provide fuel distribution services for the Peninsula.

Office and commercial development increased in the 1980s. Construction of the Brisbane Village shopping center began in 1979 at the entrance to Central Brisbane. This single structure shopping center contains approximately 20 storefronts and office spaces occupied mostly by retail businesses and professional offices. East of Highway 101 at Sierra Point, the Koll Center Office Park and the Brisbane Marina were constructed during the 1980s on a peninsula of engineered landfill that was begun by the San Francisco Scavenger Companies in the mid 1960s and completed by 1972.

Central Brisbane. In 1908, the American Realty Company subdivided the area that is now Central Brisbane into small residential lots. These lots were typically 25 feet wide and 100 feet deep, but in many instances lot dimensions were adjusted to fit the subarea's bowl-like terrain. Many of the lots were subsequently developed in pairs, some as three or more lots combined, and a few as one and a half lots. The current regulations requiring 5,000 sq. ft. minimum lot size for residential districts and 2,500 sq. ft. minimum for non-residential date back at least as far as the City's original Zoning Ordinance, adopted in 1969.

Parkside Area. The Parkside Area is an approximately 25-acre area located between Crocker Industrial Park and Central Brisbane subareas. The Parkside Area is comprised of 11 properties developed with neighborhood commercial, retail, and office, public facilities and parks, and trade commercial uses. Vital community assets in the Parkside Area include the City's two primary entrances via Valley Drive and Old County Road, as well as the Brisbane Village Shopping Center, Community Park, Brisbane Skate Park, and public basketball courts. The Parkside Area was established by the Parkside at Brisbane Village Precise Plan, the culmination of two-year community visioning and planning process from 2015-2017 to implement the City's 2015-2022 Housing Element, which designated sites within the Parkside Area subarea for potential residential development.

Owl and Buckeye Canons. The Owl and Buckeye Canyons subarea consists of four parcels of land sold by the owners of the Quarry to the California Department of Fish and Game in 1989.

The Quarry. The Quarry subarea is divided into four parcels ranging in size from approximately 1.5 to 135 acres.

Crocker Park. Most of the Crocker Park subarea was subdivided in three phases of the Park's development, recorded in 1959, 1965 and 1968. The subdivision of North Hill Drive followed in 1980. Subsequent parcel splits and mergers have resulted in lots ranging in size from 0.56 to 13.23 acres. The Technology Park, north of Guadalupe Canyon Parkway, was moved from the Northwest Bayshore subarea to Crocker Park in 2018. Current regulations require a 10,000 sq. ft. minimum lot size.

Northeast Ridge. The Northeast Ridge remained unsubdivided until it was recorded as a single parcel in 1975. The vesting tentative subdivision map for the planned development approved in 1989 divides the subarea into single-family residential lots (an average of 7,400 sq. ft. each), clusters of condominiums and townhouses (totaling approximately 39 acres), and large tracts of open space.

Northwest Bayshore. The existing irregular pattern of large parcels in the Northwest Bayshore subarea can be traced back to subdivision maps recorded as early as 1915. The subarea is built out with the PG&E Martin substation and 7 Mile House properties.

Guadalupe Hills. The Guadalupe Hills subarea was part of the Northwest Bayshore subarea until 2018, at which time it was designated as a separate General Plan subarea to reflect its different character, as vacant sites, separate from the PG&E substation to the north. It shares the same early subdivision history with Northwest Bayshore.

V-5

G.17

Public Facilities and Parks (PFP) are outdoor spaces and buildings owned or leased by public agencies, including City parks, police and fire stations, schools and libraries. This designation does not include infrastructure.

The following subareas contain Public Facilities and Parks:

Sierra Point: Marina, Fishing Pier, Linear Park  
 Central Brisbane: Brisbane Elementary School and grounds, Lipman Intermediate School and grounds, Firth Park, San Bruno Avenue Fire Station Site, Community Center, Library and Park, Bicentennial and other Walkways, Plug Preserve  
 Parkside Area: Community Park, skate park, basketball courts  
 Northeast Ridge: School/ Park Site  
 Baylands: Bayshore Boulevard Fire Station, Park and Ride Lot, Fisherman's Park

Residential (R) includes single- and multi-family areas and planned residential developments.

The subareas designated residential and the range of residential densities in the 1994 General Plan are:

Brisbane Acres:	0 - 2 units per acre
Central Brisbane:	2 1/2 - 14 units per acre and 15 - 30 units per acre
Northeast Ridge:	6.23 units per acre

For the Northeast Ridge, a planned residential development, the density represents an average of the 97 single family residential units, 214 condominiums and 268 townhouses approved on 93 acres. Also see Parkside Residential and Trade Commercial designation.

Commercial/Public Utilities (C/P-U) represents a mix of commercial and public utility uses. It includes uses such as utility substation facilities and associated warehouse, maintenance and office uses as well as private commercial uses.

Trade Commercial (TC) represents a mix of commercial uses including warehouses, distribution facilities, offices, 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. In such districts, certain individual or groups of uses may predominate, thus distinguishing the districts one from the other. In the 1994 General Plan Crocker Park, Northwest Bayshore and Southeast Bayshore are designated TC. Also see Planned Development and Parkside Residential and Trade Commercial designations.

Figure V-A illustrates the land use designations in the 1980 General Plan as amended in 1991 and Figure V-B illustrates the general location of existing land uses at the time of the preparation of the 1994 General Plan (see reference maps at the end of this chapter).

V-11

G.18

## LAND USE ALTERNATIVES

A number of land use alternatives were considered in choosing the land use designations shown in Map I, the 1994 General Plan land use map for each of the 13 subareas that comprise the planning area for the City's General Plan. These alternatives, which were the subject of environmental analysis in the General Plan EIR, were established by means of the following process:

The range of land use alternatives of interest to the community were identified by means of a series of communications with Brisbane voters and businesses through public participation in surveys and workshops. Perspectives on appropriate land uses were obtained first through a mail survey of registered voters that took place in April 1992 and then at "Have Your Say Day" in May 1992. For several subareas, where consensus on land use was not clear from the information already received, an interview survey administered in February 1993 provided the opportunity to ask each respondent for an opinion on a number of land use options. For each potential use, the respondent was asked to indicate whether he/she would "tend to support" or "tend to oppose" it and to identify the uses that would be the first and second priority for these lands. The data from the interviews, mail surveys and workshop records were then used to establish the land use alternatives to be analyzed for environmental impacts according to the following methodology: All land uses supported by 60% or more of the respondents to the voter interview survey were included in Alternative I; all land uses supported by 50-60% of the respondents to the voter survey were included in Alternative II; and all land uses supported by 40-50% of the respondents to the voter survey, and for which substantial interest was exhibited in the mail survey and at "Have Your Say Day," were included in Alternative III. When any major land use contained diverse components, these were identified in the respective alternative.

Table 4 illustrates the range of alternatives by subarea that were considered by the City. Subareas that were already developed or where conditions have remained essentially unchanged have retained land use designations and uses that are the same as or similar to those in the prior General Plan.

For four subareas a broad range of alternatives were considered.

### Crocker Park

The 1980 General Plan land use designation for this subarea was Industrial. Specific policies were not established and the types of uses anticipated under an Industrial designation were not identified in the Plan, but references are made in the text to "light industrial" and "warehousing and distribution centers." The assumption was that light industrial uses would be generally beneficial and provide revenues to the City.

Crocker Park was annexed to the City in July 1983 and proved to be a generator of revenues. However, the source is sales tax rather than property tax and is commonly associated with a distribution point as a "point of sale" rather than resulting from a manufacturing activity.

V-16

G.1.9

The Background Report on Crocker Park (LEA-3) identified the following types of land uses operating within the Park in March 1992: 38% warehousing, storage, transportation, distribution; 20% contractors, construction trades, repair and maintenance services; 14% professional, administrative, headquarters offices; 10% manufacturing.

Both the business and voter surveys conducted in preparation for the General Plan update identified an interest in a greater mix of uses in Crocker Park than currently exists, especially uses that could provide services to the residents and businesses in Brisbane, including retail sales, personal services, factory outlets, restaurants and health clubs. Although there are structures on all but one of the parcels in Crocker Park, the alternatives analysis focused on encouraging a mixture that includes a greater number of retail, commercial, and manufacturing uses in the subarea.

The new land use designation for the district, *Trade Commercial*, provides for a greater mix of uses, especially retail uses, restaurants, commercial recreation and personal services. Manufacturing and research and development uses, which have the potential to generate industrial impacts in terms of noise and hazardous materials, could be permitted in the zoning district as conditional uses.

### Northwest Bayshore

The Northwest Bayshore subarea is composed of several large parcels. Four were designated Commercial/Retail/Office in the 1980 General Plan. The fifth parcel, which contains a PG&E substation, was designated Industrial. Portions of each of these parcels fall within the jurisdiction of the San Bruno Mountain Area Habitat Conservation Plan.

There was not much policy direction for the Northwest Bayshore subarea in the 1980 General Plan. Under the general heading "Industrial and Commercial," policy #3 referred to the area as follows: "Undeveloped lands west of the Southern Pacific Switch yard (Franciscan Heights) should be developed for retail and office uses." In the subarea descriptions the land was called "Northwest Industrial" and was included with the Southern Pacific Railroad yards. The text raised an issue of "the possibility of establishing a non-contiguous residential neighborhood away from Central Brisbane" in terms of "creating new and extended service requirements and in changing the traditional pattern of a compact, contiguous residential community." It also stated that public sentiment at that time favored a "revenue-producing development."

The parcel at the corner of Bayshore Boulevard and Guadalupe Canyon Parkway was considered as a part of the Northeast Ridge Development application. Under the 1982 Specific Plan, the following uses were given as permitted there: professional offices, restaurants, coffee shops, financial services, health or fitness clubs or spas and special dwelling groups, such as senior citizen housing.

The alternatives considered for this largely vacant subarea were based on the following combinations of open space and specific urban land uses, which were identified as desirable by voters in recent surveys (open space in all alternatives would consist primarily, but not exclusively, of lands under the jurisdiction of the Habitat Conservation Plan):

V-17

G.1.10

**Policy LU.25** Respect the historic pattern of open areas in Central Brisbane and retain this character in conjunction with the rehabilitation of existing structures when consistent with good planning and safety practices.

*Program LU.25.a: Review the Zoning Ordinance for opportunities to retain certain parking and setback nonconformities that contribute to the historic pattern of open areas in Central Brisbane.*

*Program LU.25.b: Review the parking and setback requirements in the Zoning Ordinance to ascertain how the requirements affect the pattern of open areas and whether amendments to the Code could provide more open areas and landscape along the street right-of-way.*

*Program LU.25.c: Underground utilities in conjunction with all new development.*

*Program LU.25.d: If economically feasible, underground utilities in conjunction with street reconstruction.*

**Policy LU.26** Keep open areas and opportunities for landscaping along arterial and collector streets by establishing setbacks from the right-of-way.

*Program LU.26.a: Examine district regulations to ascertain whether amendments to the Code are necessary to provide adequate setbacks to establish open areas along the right-of-way.*

### Streets

Streets serve to bridge the various parts of the community. They are important both in their function and in their physical expression. In Brisbane, residential streets have a unique character based on their relationship to the topography and their historical development. Likewise, some streets serving non-residential areas still reflect their origins as early highways and haul roads.

In cities, with the passage of years, streets require repair and reconstruction as well as modification to meet current safety standards. As vacant lands develop, new streets may be constructed. The following policies address the desired physical character of both new and existing streets in Brisbane (see the chapters on Transportation and Circulation, and Community Health and Safety for additional policies on streets):

**Policy LU.27** In conjunction with safety improvements to existing streets, retain the historic character of the City to the greatest extent feasible.

*Program LU.27.a: If safety standards are met, retain and enhance unique features such as rock escarpments, retaining walls, "gateways" (such as the entry to Crocker Park) and historic, aged trees.*

## CHAPTER XII

# POLICIES AND PROGRAMS BY SUBAREA

*Sierra Point*  
*Southeast Bayshore*  
*Southwest Bayshore*  
*Brisbane Acres*  
*Central Brisbane*  
*Parkside Area*  
*Owl and Buckeye Canyons*  
*The Quarry*  
*Crocker Park*  
*Northwest Ridge*  
*Northwest Bayshore*  
*Guadalupe Hills*  
*Northwest Bayshore*  
*Baylands*  
*Beatty Subarea*

## XII.9 CROCKER PARK

### Local Economic Development

- Policy CP.1 Strengthen communications with and within the business community.
- Policy CP.2 Develop ties with the residential community through such activities as:
- developing directories and a map of businesses in cooperation with the Chamber of Commerce;
  - patronizing local businesses;
  - developing cooperative efforts on safety programs and emergency preparedness; and
  - encouraging business involvement in youth and educational programs.

### Land Use

- Policy CP.3 Encourage uses that benefit the community, providing jobs, revenues and services.

- Policy CP.4 Encourage attractive new construction and the remodel of existing buildings to respect the architectural character of the Park through the development of design guidelines.

*Program CP.4.a: In developing design guidelines, study options for the use of color and materials, the screening of mechanical equipment, and the use of landscape to make rooftops more attractive when seen from above.*

*Program CP.4.b: In developing design guidelines, study the impacts of the relationship of structure parking to building design, land coverage and floor area ratio.*

*Program CP.4.c: Develop and implement a sign program.*

- Policy CP.5 Encourage employers to provide outdoor spaces for employees.
- Policy CP.6 Retain heavy landscape screening along Bayshore Boulevard to provide noise attenuation and to screen structures.

### Transportation and Circulation

- Policy CP.7 Improve the streets to City standards and dedicate them to the City as set forth in the conditions of approval for the Northeast Ridge Development Project.

- Policy CP.8 Improve pedestrian access through the development of sidewalks and trails, including but not limited to those set forth in the conditions of approval for the Northeast Ridge Development Project.

- Policy CP.9 Add bike paths to the circulation system.

- Policy CP.10 Connect Crocker Park to the rest of the City and the San Bruno Mountain State and County Park through pedestrian and vehicular circulation improvements.

- Policy CP.11 Review development plans to assure adequate parking/loading on site.

- Policy CP.12 Retain adequate street width for movement of large vehicles.

- Policy CP.13 Investigate opportunities to change rails to trails, fire access, parking, or landscaping when rail spurs are abandoned.

### Conservation

- Policy CP.14 Retain the garden-industrial park landscape concept and upgrade plant materials as landscape materials age.

- Policy CP.15 Provide appropriate non-invasive landscape planting at interfaces with habitat lands.

- Policy CP.16 In any upgrade of the landscape and entrance signage, reflect the historic architectural character of the Park, the first garden-style industrial park designed by Lawrence Halprin.

- Policy CP.17 Review landscape plans and irrigation programs to encourage efficient use of water.

- Policy CP.18 Promote participation in recycling programs.

- Policy CP.19 Require plans for new construction to incorporate energy and water conserving features and maximize solar access.

### Community Health and Safety

- Policy CP.20 Provide the opportunity for a property owner to request police review of plans for new construction and remodeling to provide suggestions for the control of vandalism and theft.

- Policy CP.21 Retain emergency access to Central Brisbane.

XII-12

G.1.13

XII-13

G.1.14

Policy CP.22 Require sound insulation, as appropriate, in conjunction with the installation of industrial equipment.

Policy CP.23 Monitor truck activity and maintain routes that minimize noise impacts.

Policy CP.24 Contain major business activities inside buildings.

Policy CP.25 Upgrade and maintain existing infrastructure, including water, sewer and storm drains.

Policy CP.26 Require the upgrade and maintenance of street lights, as set forth in the conditions of approval for the Northeast Ridge.

Policy CP.27 Study fire water storage requirements and investigate opportunities to upgrade storage if necessary.

Policy CP.28 Continue to work closely with responsible agencies to monitor the use and storage of hazardous materials in accordance with State law.

#### XII.10 NORTHEAST RIDGE

##### Land Use/Open Space

Policy NER.1 Development of the land and conservation of open space shall be in accordance with the 1989 approvals for the Northeast Ridge Development Project and amended Habitat Conservation Plan.

##### Recreation and Community Services

Policy NER.2 Ongoing efforts should be made to bring the Northeast Ridge and Central Brisbane residential community together so as to recognize and build upon common interests in the well-being of their families and the welfare of the City.

##### Community Health and Safety

Policy NER.3 Attention should be given to noise attenuation in the development of construction plans for the new units, especially those facing North Hill Drive and Bayshore Boulevard. All units should be insulated against aircraft noise.

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### Chapter 17.19 - TC-1 CROCKER PARK TRADE COMMERCIAL DISTRICT

#### 17.19.010 - Purposes of chapter.

The TC-1 Crocker Park trade commercial district (hereinafter referred to as the "Crocker Park District") is included in the zoning title to achieve the following purposes:

- A. To create a zoning district for Crocker Park that serves to protect and enhance its character and provide for orderly development consistent with the direction in the city's general plan;
- B. To encourage uses that provide economic benefit to the city through the generation of jobs and tax revenues;
- C. To provide for a mix of uses typical of a contemporary business park, including light fabrication, printing and warehousing, with retail uses, restaurants and services for the residents and workforce in the community;
- D. To respect the historical architectural and landscape character of the park;
- E. To protect the community health and safety by establishing permit requirements and performance standards that address potential impacts of trade commercial activity.

#### 17.19.020 - Permitted uses.

The following uses are permitted uses in the Crocker Park district, if conducted in accordance with the performance standards set forth in Section 17.19.050 of this chapter:

- A. Commercial gyms and health facilities;
- B. Food production;
- C. Light fabrication;
- D. Media studios;
- E. Offices;
- F. Personal services;
- G. Printing;
- H. Research and development, unless the use is classified as a conditional use pursuant to Section 17.19.030(J);
- I. Restaurants;
- J. Retail sales and rental;
- K. Warehousing (excluding freight forwarders).

#### 17.19.030 - Conditional uses.

Conditional uses allowed in the Crocker Park district, subject to obtaining a use permit and if conducted in accordance with the performance standards set forth in Section 17.19.050 of this chapter, are as follows:

- A. Active records management services;

- B. Cannabis businesses subject to compliance with Chapter 17.33;

C. Commercial recreation;

D. Cultural facilities;

E. Day care centers when ancillary to other operation of another use;

F. Educational facilities;

G. Freight forwarders, subject to compliance with the provisions of Section 17.19.065 of this chapter;

H. Gasoline service stations;

I. Medical facilities;

J. Meeting halls;

K. Night operations, when subject to the provisions of Section 17.19.060 of this chapter;

L. Places of worship;

M. Research and development where the planning director determines, as a result of the risk analysis performed in accordance with Policy No. 166.1 of the general plan, that the use of hazardous materials will constitute a major component of the research and development activities to be conducted on the site. Research and development involving cannabis is additionally subject to the requirements in Chapter 17.33;

N. Temporary uses;

O. Veterinary clinics.

#### 17.19.040 - Development regulations.

Development regulations in the Crocker Park 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, and floor area ratio (FAR) shall not exceed 2.0.
- 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 subject to approval of 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. Screening Requirements.

- 1. Outside storage of pallets or containers used for the transportation and delivery of items related to the interior use shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonably possible 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.

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

17.19.050 - Performance standards.

All uses in the Crocker Park district shall be conducted in accordance with the following performance standards:

A. All routine aspects of the day-to-day operations of a business, including all storage of materials and products, shall take place entirely within a building, with the following exceptions:

- 1. Commercial recreation;
  - 2. Parking of operable vehicles related to the interior use;
  - 3. Shipments and deliveries incidental to the primary use.
- B. The site shall be kept free of trash and debris and all receptacles for collection and recycling shall be completely screened from view at street level.
- C. Sound insulation, housing or baffles, or other reasonable measures, shall be installed in conjunction with machinery, heating and ventilating equipment when necessary to effectively mitigate sound emissions distinctly detectable from any off-site location.
- D. Odors from any use shall not be generally or distinctly detectable from any off-site location.
- E. Lighting shall be designed to avoid excessive glare at night as viewed from off-site locations, in compliance with the California Green Building Standards Code.

17.19.060 - Night operations in certain areas.

A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as set forth below, unless the context or the provision clearly require otherwise:

- 1. "Existing business" means a business or other use that is legally operating within the Crocker Park district as of February 8, 1999, in accordance with all zoning regulations applicable thereto, and pursuant to a business license duly issued by the city.
  - 2. "Night operations" means any activity conducted between the hours of ten (10:00) p.m. and five (5:00) a.m. of the following day.
  - 3. "Residential property" means any site zoned for residential use.
- B. Requirement for Use Permit to Conduct Night Operations. Except as otherwise provided in subsection C of this section, no business or other use shall engage in the conduct of night operations within the Crocker Park district where the location on the site where such night operations will be conducted is within three hundred (300) feet from the nearest lot line of a residential property. The planning director shall have authority to adopt administrative interpretations and guidelines for measurement of the distance between the night operations and the nearest residential property.
- C. Continuation of Night Operations by Existing Businesses. An existing business which has lawfully been conducting night operations without a use permit prior to February 8, 1999, may continue to conduct night operations on the same site and shall be exempted from the provisions of subsection A of this section, if applicable to such night operations. This exemption shall not apply to any relocation of the night operations to a different site, nor may the exemption be assigned or transferred by the existing business to a different business establishment or use, whether conducted on the same site or elsewhere.

- D. Approving Authority. Applications for a use permit to conduct night operations shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by this Section 17.19.060.
- E. Findings for Use Permit Approval. In addition to the findings required by Section 17.40.060, no use permit shall be granted for the conduct of night operations in the Crocker Park district unless the planning commission also finds and determines that:
  1. The night operations conducted by the applicant will not create noise, glare or other effects that are likely to create a sleep disturbance for the occupants of neighboring residential properties; and
  2. To the extent that any noise, glare or other impacts related to the night operations are caused by persons other than the applicant, the applicant has the ability to effectively control and mitigate such impacts.
- F. Use Permit Conditions. Without limiting the authority of the planning commission to impose conditions on the granting of a use permit pursuant to Section 17.40.070, a use permit authorizing the conduct of night operations in the Crocker Park district may contain limitations on the days and hours of operation, restrictions on the nightly volume of vehicle trips, restrictions on the type of vehicles or equipment that may be operated at night, requirements for special devices and measures for abatement of noise and glare, and requirements for mitigation monitoring and periodic mandatory review. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance for the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit.

**17.19.065 - Regulation of freight forwarders.**

- A. Findings and Determinations. The city council finds and determines that an increased number of freight forwarders are seeking to relocate in the Crocker Park district. This demand has been created by limitations on available space for freight forwarding businesses in neighboring cities and at the San Francisco Airport. Freight forwarders already comprise a significant portion of all businesses operating within the Crocker Park district. Unless a restriction on the establishment of additional businesses is adopted, the increased demand for space could result in an excessive concentration of freight forwarders in Crocker Park, contrary to the objective of maintaining a mixture of different land uses, as prescribed by the general plan. In addition, freight forwarders typically operate at night, utilizing large trucks and equipment that may disturb the occupants of adjacent residential neighborhoods. Special regulations are therefore required in order to mitigate and avoid the potential adverse impacts caused by freight forwarders.

**B. Exemption for Existing Freight Forwarders.**

1. A freight forwarder that was legally operating within the Crocker Park district as of February 8, 1999, in accordance with all zoning regulations applicable to such use and pursuant to a business license duly issued by the city, shall be deemed to be a conforming use and no use permit or other approval shall be required for the continued operation of such business on the same site. This exemption shall remain in effect for so long as a freight forwarding use is being conducted on the site, notwithstanding any change in the identity of the freight forwarder occupying the property or any change of ownership of the property on which the use is being conducted. However, the

- exemption shall conclusively be deemed to have been voluntarily relinquished if the site formerly occupied by a freight forwarder is occupied by any other use. No change of use shall be deemed to have occurred solely by reason of the fact that the property is vacant.
- 2. The exemption provided by Section 17.19.065(B)(1) applies only to the site on which the existing freight forwarding use is being conducted and may not be relocated, assigned, or transferred to any other site within the Crocker Park district. In addition, the exemption from the requirement to obtain a use permit for the conduct of a freight forwarding business shall not exempt such freight forwarder from the requirement to obtain a use permit for night operations pursuant to Section 17.19.060 where such freight forwarder was not engaged in the conduct of night operations prior to February 8, 1999 and desires to commence night operations after such date at a location within three hundred (300) feet from the nearest lot line of a residential property.
- C. Limitation on the Number of Freight Forwarders. No use permit shall be granted for the establishment of any new freight forwarder use in the Crocker Park district where the gross square footage to be occupied by such use, when added to the gross square footage then occupied by all other freight forwarders in the Crocker Park district, would exceed twenty percent (20%) of the total gross square footage of all buildings in the Crocker Park district. The determinations of square footage referred to herein shall be made by the Planning Director, based upon building plans and business license records on file with the city and such other information as the planning director may deem appropriate to consider.
- D. Approving Authority. Applications for a use permit for a freight forwarder shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by this Section 17.19.065.
- E. Findings for Use Permit Approval. In addition to the findings required by Section 17.40.060, no use permit shall be granted for establishment of a freight forwarder in the Crocker Park district unless the planning commission finds and determines that the improvements on the site comply with all applicable design and building standards for the proposed freight forwarding use and such additional requirements as may be determined by the city engineer, including, but not limited to, size and layout of parking and loading areas, dock height and clearance, traffic circulation, and method of ingress to and egress from the site. If the freight forwarder intends to engage in night operations, a separate use permit for such activity must be obtained pursuant to Section 17.19.060.
- F. Continuing Jurisdiction of Planning Commission. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance of the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit.
- G. Administrative Guidelines. The planning director is authorized to adopt administrative interpretations and guidelines for implementation of this section, including, but not limited to, the determination of exemptions for existing freight forwarders under subsection B of this section and the determinations of square footage areas under subsection C of this section.

**17.19.070 - 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. No off-street parking shall be allowed within

the front yard setback as prescribed in Section 17.19.040(C) of this chapter; provided, however, the planning director is authorized to grant exceptions from this restriction for handicapped parking spaces where the planning director determines that placement of a handicapped parking space within the front yard setback is the most suitable location on the site.

**17.19.080 - Signs.**

Signs allowed in the Crocker Park district are as specified in Chapter 17.36.

**17.19.090 - Design review.**

The construction of any building in the Crocker Park district shall be subject to the granting of a design permit in accordance with the provisions of Chapter 17.42 of this title and any applicable design guidelines adopted by the city.



Senior Planner Johnson gave the staff report and answered Commissioner questions regarding taxation rates for the billboard.

Chairperson Sayasane opened the public hearing.

Patrick Powers, representing the applicant Clear Channel, addressed the Commission in support of the application.

Seeing no others wishing to speak, Commissioner Gomez moved to close the public hearing. Commissioner Mackin seconded the motion and it was approved 4-0.

After discussion, Commissioner Patel moved approval of the application via adoption of Resolution UP-1-19, with a modification to Condition B to remove the wording "that require use of the site" and "interfere or obstruct," substituting the latter deleted wording with "if the City determines that the sign will no longer be compatible with the City's plans for the neighborhood." Commissioner Gomez seconded the motion and it was approved 4-0.

2. **PUBLIC HEARING; TC-1 Crocker Park Trade Commercial District; Zoning Text Amendment RZ-3-18;** Proposed zoning text amendment to the TC-1 District regulations contained in BMC Chapter 17.19 to establish an Exception Permit process subject to approval by the Zoning Administrator to allow limited outdoor storage of flammable materials; City of Brisbane, applicant

Associate Planner Ayres gave the staff report and answered Commissioner questions regarding the proposed exception permit review process by the zoning administrator (ZA), the types of materials that could be permitted to be stored outdoors under the proposed permit process, and the proposed noticing requirements.

Chairperson Sayasane opened the public hearing. Seeing no one wishing to speak, Commissioner Patel moved to close the public hearing. Commissioner Gomez seconded the motion and it was approved 4-0.

Commissioner Patel stated the public should receive notice of such an application and voice their concerns during the application review process, due to the proximity of the Crocker Park Recreational Trail which is heavily used by the public.

Senior Planner Johnson noted that the draft zoning text amendments would prohibit any materials permitted to be stored outdoors to be located within required setbacks, and additionally would require screening such as with fencing or walls. He suggested a performance standard requiring signage to notify the public consistent with the Fire Code.

Commissioner Patel stated the draft ordinance should be modified to require posting of the application notice in public posting locations and the City's website.

Senior Planner Johnson noted that under the draft ordinance language as written, written comments could be submitted over a period of three weeks and would be considered with the same weight by the ZA as in-person comments made at any public hearing.

Associate Planner Ayres indicated that the draft ordinance as written would also require all individuals who provided written comment to the ZA to be notified of the ZA's decision on an application and

BRISBANE PLANNING COMMISSION  
Action Minutes of May 9, 2019  
Regular Meeting

A. CALL TO ORDER

Chairperson Sayasane called the meeting to order at 7:30 p.m.

B. ROLL CALL

Present: Commissioners Gomez, Mackin, Patel and Sayasane.  
Absent: Commissioner Gooding.  
Staff Present: Senior Planner Johnson, Associate Planner Ayres.

C. ADOPTION OF AGENDA

Commissioner Gomez moved adoption of the agenda. Commissioner Mackin seconded the motion and it was approved 4-0.

D. CONSENT CALENDAR

Commissioner Mackin moved approval of the consent calendar. Commissioner Patel seconded the motion and it was approved 4-0.

E. ORAL COMMUNICATIONS

There were none.

F. WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged written communications from the API Caucus.

G. OLD BUSINESS

1. **CONTINUED PUBLIC HEARING; 296 San Benito Road; R-1 Residential District; Variance V-1-19 and Grading Review EX-1-19;** Variance and Grading Review to allow demolition of an existing single-family home and construction of a new 1794.5 sq ft single-family home on a 2300 sq ft lot, exceeding the maximum permitted floor area ratio by approximately 138.5 sq ft. and requiring export of 95 cubic yards of soil from the site; Jerry Kuhel, Kuhel Design, applicant; Paul M. and Glenda M. Jimenez, owners. [The applicant has requested continuance of this item to the meeting of May 23, 2019.]

Commissioner Patel moved to continue the application to the May 23, 2019 meeting. Commissioner Gomez seconded the motion and it was approved 4-0.

H. NEW BUSINESS

1. **PUBLIC HEARING; SW Corner Hwy 101 and Beatty Avenue; C-1 Commercial Mixed-Use District; Interim Use Permit UP-1-19;** Interim Use Permit to allow existing billboard to remain for 5 additional years; Clear Channel Outdoor, applicant; Oyster Point Properties, Inc., owner.

their right to appeal that decision to the Planning Commission. All ZA decisions may be appealed to the Commission. Additionally, the ZA may choose to refer applications directly to the Commission without acting on them.

Commissioner Patel requested that written comments on such applications be posted on the City's website for public review. He asked where that would be housed on the City's website.

Associate Planner Ayres stated the City website does not currently accommodate the type of sharing of public comments received on applications that Commissioner Patel was asking for, but it could be accomplished as an administrative function to implement the ordinance.

Commissioner Mackin requested that the ordinance language be modified to clarify that only specified and approved materials by the North County Fire Authority would be permitted to be stored to prevent storage of "fuel" adjacent to flammable materials.

Commissioner Patel moved to recommend City Council approval of the draft ordinance as modified by the Commission's discussion. Commissioner Gomez seconded the motion and it was approved 4-0.

Chairperson Sayasane read the appeal procedure.

#### I. ITEMS INITIATED BY STAFF

Senior Planner Johnson stated the City Council considered the draft tree ordinance and referred the matter to an ad hoc subcommittee to gather more feedback from the Commission and OSEC subcommittee members. He stated the second community conversation was held on May 4. He stated a Planning Commission training was held on April 30 by 21 Elements.

#### J. ITEMS INITIATED BY THE COMMISSION

Chairperson Sayasane reported positively on the April 30 Planning Commission training and requested staff to pursue hosting a future accessory dwelling unit (ADU) workshop in Brisbane.

#### K. ADJOURNMENT

Commissioner Mackin moved to adjourn to the regular meeting of Thursday, May 23, 2019. Commissioner Gomez seconded the motion and it was approved 4-0. The meeting adjourned at 8:57 p.m.

Attest:



John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at [www.brisbanecb.org](http://www.brisbanecb.org).