ORDINANCE NO. 481

AN ORDINANCE OF THE CITY OF BRISBANE AMENDING THE ZONING ORDINANCE BY ADDING SECTION 17.02.515 TO DEFINE "MARINA" AND SECTION 17.02.655 TO DEFINE "PUBLIC UTILITY FACILITIES;" AMENDING SECTION 17.04.010 CONCERNING ESTABLISHMENT OF DISTRICTS; REPEALING CHAPTER 17.18 CONCERNING THE OFFICE DISTRICT AND ADOPTING A NEW CHAPTER 17.18 CONCERNING THE SIERRA POINT COMMERCIAL DISTRICT; REPEALING CHAPTER 17.22 CONCERNING THE INDUSTRIAL DISTRICT; AMENDING CHAPTER 17.24 CONCERNING THE MARSH LAGOON BAYFRONT DISTRICT; AMENDING SECTION 17.32.010 CONCERNING GENERAL USE REGULATIONS; AMENDING SECTION 17.32.030 CONCERNING PUBLIC UTILITIES; AND AMENDING THE ZONING MAP

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

SECTION 1: A new Section 17.02.515 is added to Chapter 17.02 of the Zoning Ordinance, to read as follows:

§17.02.515 Marina

"Marina" means a facility for the berthing and securing of boats, that may include boat servicing uses.

SECTION 2: A new Section 17.02.655 is added to Chapter 17.02 of the Zoning Ordinance, to read as follows:

§17.02.655 Public utility facilities

"Public utility facilities" means structures and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and other improvements relating to the furnishing of utility services to the public, such as electric, gas, water, sanitary sewer, storm sewer, telephone, telecommunications, and public transit, but not including offices, warehousing, retail sales or rental.

SECTION 3: Section 17.04.010 in Chapter 17.04 of the Zoning Ordinance is amended to read as follows:

§17.04.010 Establishment of Districts

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

A. R-1 Residential district
B. R-2 Residential district.
C. R-3 Residential district.
D. R-BA: Brisbane acres residential district.
E. C-1: .Commercial mixed use district.
F. NCRO: Central Brisbane commercial district.
G. C-3: Heavy commercial district.
H. SCRO-1: Southwest Bayfront commercial district.
I. SP-CRO: Sierra Point Commercial District.
J. TC-1: Crocker Park trade commercial district.
K. M-1: Manufacturing district.
L. MLB: Marsh Lagoon Bayfront District.
M. O-S: Open space district.
N. P-D: Planned development district.

SECTION 4: Chapter 17.18 of the Zoning Ordinance, entitled "O-A Office District," is repealed in its entirety and a new Chapter 17.18 is adopted, entitled "SP-CRO Sierra Point Commercial District," to read as follows:

CHAPTER 17.18
SP-CRO: SIERRA POINT COMMERCIAL DISTRICT

Sections:

17.18.010 Purposes of Chapter
17.18.020 Permitted uses
17.18.030 Conditional uses
17.18.040 Development regulations
17.18.050 Parking
17.18.060 Signs
17.18.070 Design Review

§17.18.010 Purposes of Chapter

In addition to the objectives set forth in Section 17.01.030, the SP-CRO Sierra Point Commercial District (hereinafter referred to as the "SP-CRO District") is included in the Zoning Ordinance to achieve the following purposes:

A. To establish a zoning district for the Sierra Point subarea that provides for orderly development consistent with the adopted master use permit UP-11-78, the Redevelopment Plan for Brisbane Community Redevelopment Project

§17.18.070 Design Review

The construction of any principal structure in the SP-CRO District shall be subject to the granting of a design permit in accordance with the provisions of Chapter 17.42 of this Title and shall comply with any applicable guidelines as set forth in the Combined Site and Architectural Design Guidelines for Sierra Point.

SECTION 5: Chapter 17.22 of the Zoning Ordinance, entitled "M-2 Industrial District" is repealed.

SECTION 6: Chapter 17.24 of the Zoning Ordinance is amended in its entirety to read as follows:

CHAPTER 17.24
MLB: MARSH LAGOON BAYFRONT DISTRICT

FYI: SF Bay Conservation and Development Commission 415.352.3600

Sections:

17.24.010	Purposes of Chapter
17.24.020	No permitted uses
17.24.030	Conditional uses
17.24.040	Development regulations
17.24.050	Application requirements
17.24.060	Offsite signs on vessels prohibited

§17.24.010 Purposes of Chapter

In addition to the objectives set forth in Section 17.01.030, the MLB: Marsh Lagoon Bayfront District (hereinafter referred to as the " MLB District") is included in the Zoning Ordinance to achieve the following purposes:

A. To protect areas identified in the General Plan as having unique aquatic resources and to distinguish uses that rely on adjacency and access to aquatic and riparian areas and are consistent with the Redevelopment Plans for Redevelopment Project Areas 1 and 2.

B. To establish application requirements to assure that proposed projects address the environmental goals for aquatic areas in the City as set forth in the City's General Plan.

§17.24.020 No permitted uses

Area Number One, and the Combined Site and Architectural Design Guidelines for Sierra Point.

B. To encourage a mix of office, commercial and recreational uses to best serve the residents and businesses of Brisbane and the businesses and employees in the Sierra Point subarea.

C. To ensure that development in the Sierra Point subarea occurs in compliance with the highest development and design standards and meets the goals and objectives set forth in the General Plan.

§17.18.020 Permitted uses

The following uses shall be allowed in the SP-CRO District:

A. Offices.

B. Hotels.

C. Retail sales and rental.

D. Restaurants.

E. Bars

F. Financial institutions.

G. Personal services.

H. Commercial gyms and health facilities.

I. Meeting halls.

J. Marinas.

§17.18.030 Conditional uses

The following conditional uses may be allowed in the SP-CRO District, upon the granting of a use permit pursuant to Chapter 17.40 of this Title:

A. Medical facilities.

B. Commercial recreation.

C. Transit/transportation facilities.

D. Temporary uses.

§17.18.040 Development regulations

Development regulations for the SP-CRO District are as follows:

A. **Lot area.** The minimum area of any lot in the SP-CRO District shall be one acre.

B. **Lot dimensions.** The minimum dimensions of any lot in the SP-CRO District shall be as follows:

Width	Depth
100 feet	No requirement

C. **Setbacks.** The minimum required setbacks for any lot in the SP-CRO District shall be as follows:

(1) Front setback: 25 feet.

(2) Side setbacks:

(i) Interior side yards: 15 feet.

(ii) Exterior side yards: 20 feet.

(3) Rear setbacks:

(i) Interior lots: 20 feet.

(ii) Corner lots: 15 feet.

D. **Location of structures.** The location of structures relative to the mean high tide line shall comply with the requirements set forth in the Combined Site and Architectural Design Guidelines for Sierra Point.

E. **Coverage.** The maximum coverage by all structures on any lot shall be forty percent (40%).

F. **Height.** The height of structures shall comply with the Combined Site and Architectural Design Guidelines for Sierra Point.

G. **Landscaping requirements.** A minimum of twenty-five percent (25%) of the total lot area shall be landscaped. Additional landscaping requirements are set forth in the Combined Site and Architectural Design Guidelines for Sierra Point.

§17.18.050 Parking

All uses in the SP-CRO District shall comply with the parking regulations set forth in Chapter 17.34 of this Title.

§17.18.060 Signs

All advertising signs in the SP-CRO District shall comply with the sign programs referenced in the Combined Site and Architectural Design Guidelines for Sierra Point. If the proposed advertising sign is not covered by such sign programs, it shall comply with the sign regulations set forth in Chapter 17.36 of this Title.

There are no permitted uses in the MLB District. Only those uses designated as conditional uses in Section 17.24.030 may be established, subject to the issuance of a use permit in accordance with the requirements of this Chapter.

§17.24.030 Conditional uses

The following conditional uses may be allowed in the MLB District, upon the granting of a use permit pursuant to Chapter 17.40 of this Title and subject to the additional requirement that such uses must be water-oriented and necessarily conducted within or adjacent to aquatic or riparian areas:

A. Commercial recreation.

B. Personal services.

C. Retail sales and rental.

D. Educational facilities.

E. Scientific research.

F. Habitat restoration and wildlife protection.

G. Transit/transportation facilities.

H. Marinas.

§17.24.040 Development regulations

Development regulations in the MLB District shall be determined by the use permit.

§17.24.050 Application requirements

In addition to the application requirements set forth in Chapter 17.40, the following information shall be submitted with any application for a use permit in the MLB District:

A. Identification of riparian and other aquatic vegetation that may be affected by the proposed use, especially that which provides habitat for native species.

B. A site plan showing the location of the proposed use and the jurisdictional boundaries within the site of any federal, state or regional agency having jurisdiction over the project.

C. Description of the manner in which public facilities, services and utilities will be provided to the site, if applicable, and whether wetland or riparian areas will be affected by service installations.

D. A visual impact analysis showing the enhancements or mitigation measures that are proposed to make the use compatible with the natural setting.

E. A statement explaining the relationship of the proposed use with the aquatic or riparian area in, or adjacent to which, it will be conducted.

17.24.060 Offsite signs on vessels prohibited

A. **Definitions.** As used in this section, the following terms shall have the meaning set forth below:

(1) "On-site sign" means (a) a sign which identifies or advertises a business, good, commodity, service, industry, or other activity which is sold, offered, or conducted, other than incidentally, on the vessel upon which the sign is displayed; or (b) a sign which identifies or advertises a good or commodity that is being transported on a vessel or identifies or advertises a container in which a good or commodity is being transported on a vessel, where the sign is displayed on the good, commodity or container.

(2) "Off-site sign" means a sign which identifies or advertises a business, good, commodity, service, industry, or other activity which is sold, offered, or conducted off the vessel upon which the sign is displayed, or which is sold, offered, or conducted on such vessel only incidentally, if at all.

(3) "Sailboat" means any watercraft designed to be capable of being propelled solely by wind power.

(4) "Sign" means any structure, part thereof, or device or inscription which is displayed on any vessel and which includes any alpha-numeric lettering, model, banner, trademark, emblem, insignia, symbol, device, light, ornamentation, picture or other representation which identifies or advertises any person, group, organization, place, commodity, product, business, service, profession, enterprise or industry.

(5) "Vessel" means any watercraft of any kind, including, but not limited to, motorized, towed, or sailing watercraft such as ships, boats, tugboats, barges, and sailboats.

B. **Off-site Signs Prohibited.** No off-site sign may be displayed on the outside of any vessel located or traveling upon any waters within the MLB District.

C. **Exemptions.** The prohibition in this section shall not apply to:

(1) Any on-site sign displayed on the outside of any vessel; or

(2) Any sign displayed on the hull or sails of a sailboat, provided that the sails are designed, and are being used, primarily for the propulsion of the sailboat.

SECTION 7: Section 17.32.010 in Chapter 17.32 of the Zoning Ordinance is amended to read as follows:

§17.32.010 Generally

All regulations in this Title pertaining to the districts established in Chapter 17.04 are subject to the general provisions, conditions, and exceptions contained in this Chapter.

SECTION 8: Section 17.32.030 in Chapter 17.32 of the Zoning Ordinance is amended to read as follows:

§17.32.030 Public utility facilities

A. **Conditional use in all districts.** Subject to obtaining a use permit pursuant to Chapter 17.40 of this Title, public utility facilities shall be allowed in all districts; *provided, however,* that no use permit shall be required in any of the following cases:

(1) Where the public utility facilities are owned and/or operated by the City;

(2) Where regulation of the public utility by the City is preempted by federal or state law;

(3) Where the public utility facilities are being operated pursuant to a franchise or other form of operating agreement between the City and the public utility.

B. **Height limit.** The maximum height of public utility facilities shall be 35 feet. The use permit may authorize this height to be exceeded when necessary to comply with clearance, safety, or operational requirements for utility lines and structures.

C. **Undergrounding of utilities.**

(1) As a condition to the granting of any permit or approval under this Title for a development project, the City Engineer may require that existing or proposed public utility facilities be placed underground, to the extent it is reasonably possible to do so. Where compliance with this subsection would cause

undue hardship, the City Engineer may waive the requirement for undergrounding but may require that facilities be installed in the building for future underground service.

(2) Public utility facilities that are not placed underground shall be screened from view with landscaping or fencing in a manner that will provide access to the facilities for meter reading, maintenance and repairs.

(3) Prior to the issuance of a building permit for construction of a new main structure which is not serviced by underground public utilities, the property owner shall execute a covenant running with the land, and enforceable by the City, whereby the owner waives the right to protest inclusion of the property within an underground utility district. Such agreement shall specifically reserve the right of the property owner to contest the nature or amount of assessments that may be levied by the underground utility district.

D. **Utility meters**. Public utility meters shall be enclosed or screened from view from any public area or adjacent properties, while preserving reasonable access for reading and maintenance by the utility company.

SECTION 9: The Zoning Map of the City of Brisbane is amended as follows:

A. The "O-A: Office District" shall be designated as the "SP-CRO: Sierra Point Commercial District."

B. The "A: Aqua District" shall be designated as the "MLB: Marsh Lagoon Bayfront District."

C. The parcel of land identified as SBE No. 135-41-28B, Parcel 4, located at 2900 Bayshore Boulevard, is rezoned from PD Planned Development to MLB Marsh Lagoon Bayfront District.

SECTION 10: 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 11: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

Cyril G. Bologoff, Mayor

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 21st day of July, 2003, by the following vote:

AYES: Councilmembers Barnes, Johnson, Panza, Richardson, and Mayor Bologoff
NOES: None
ABSENT: None
ABSTAIN: None

Sheri Marie Schroeder, City Clerk

CITY OF BRISBANE

CERTIFICATE OF POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN MATEO)

NOTICE IS HEREBY GIVEN that during the course of a regular meeting on Monday, June 21, 2003, the City Council of the City of Brisbane adopted Ordinance No. 481 entitled:

ORDINANCE NO. 481

AN ORDINANCE OF THE CITY OF BRISBANE AMENDING THE ZONING ORDINANCE BY ADDING SECTION 17.02.515 TO DEFINE "MARINA" AND SECTION 17.02.655 TO DEFINE "PUBLIC UTILITY FACILITIES;" AMENDING SECTION 17.04.010 CONCERNING ESTABLISHMENT OF DISTRICTS; REPEALING CHAPTER 17.18 CONCERNING THE OFFICE DISTRICT AND ADOPTING A NEW CHAPTER 17.18 CONCERNING THE SIERRA POINT COMMERCIAL DISTRICT; REPEALING CHAPTER 17.22 CONCERNING THE INDUSTRIAL DISTRICT; AMENDING CHAPTER 17.24 CONCERNING THE MARSH LAGOON BAYFRONT DISTRICT; AMENDING SECTION 17.32.010 CONCERNING GENERAL USE REGULATIONS; AMENDING SECTION 17.32.030 CONCERNING PUBLIC UTILITIES; AND AMENDING THE ZONING MAP

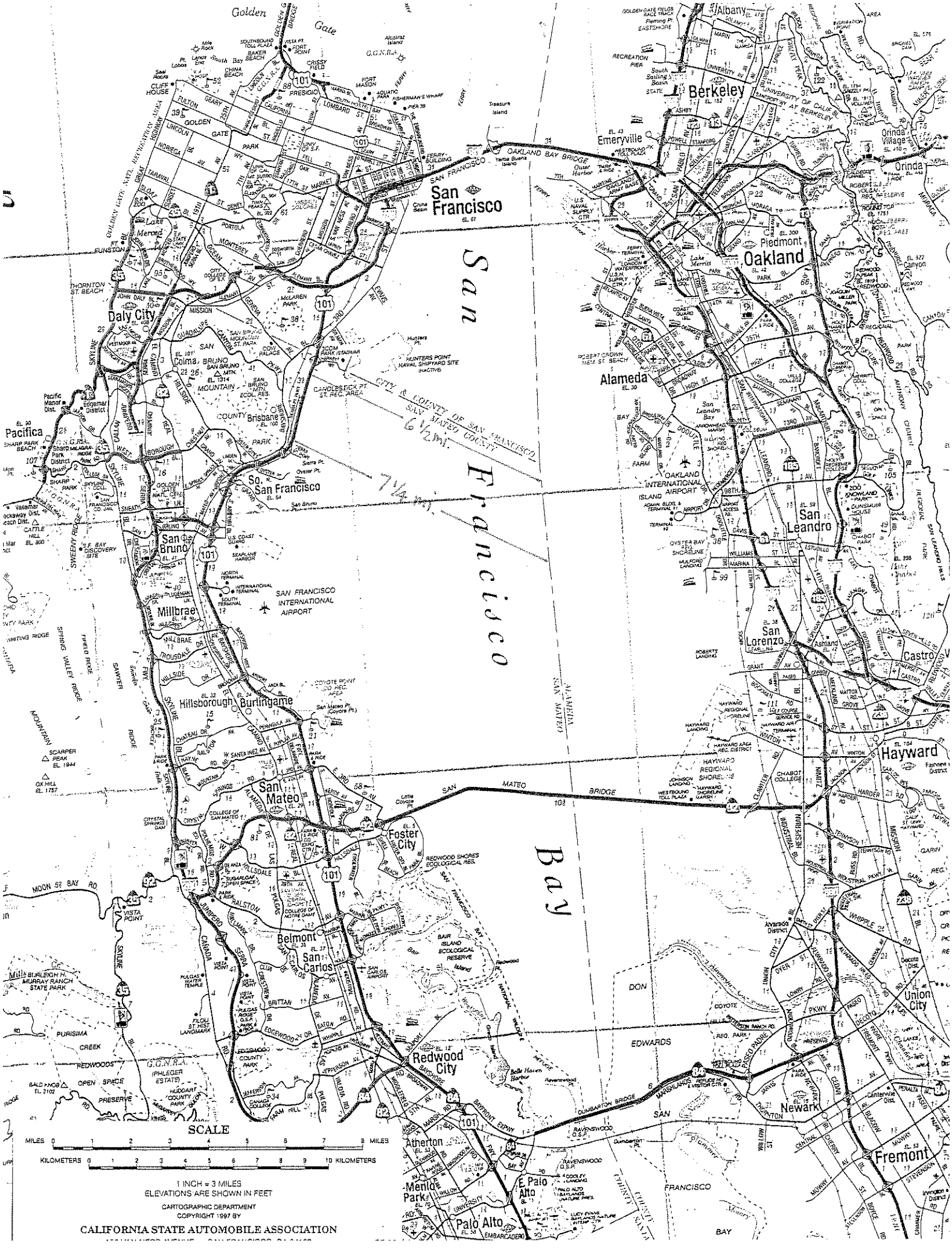
The undersigned, for and on behalf of the Brisbane City Clerk, caused a copy of this Ordinance to be posted in the following places in the City of Brisbane:

Brisbane City Hall Offices, 50 Park Place
Brisbane Community Center/Library, 250 Visitacion Avenue
Mission Blue Park Tennis Courts, 475 Mission Blue Drive

Dated July 25, 2003. Said posting was completed on July 25, 2003.

I declare under penalty of perjury the foregoing is true and correct.

Sheri Marie Schroeder
City Clerk


Golden Gate
San Francisco
Berkeley
Emeryville
Albany
Orinda Village
Orinda
Piedmont
Oakland
Alameda
San Leandro
San Lorenzo
Castro
Hayward
Daly City
Colma
Brisbane
Pacifica
So. San Francisco
San Bruno
Millbrae
Hillsborough
Burlingame
San Mateo
Foster City
Belmont
San Carlos
Redwood City
Atherton
Menlo Park
E. Palo Alto
Palo Alto
Newark
Union City
Fremont
San Francisco Bay
OAKLAND BAY BRIDGE
SAN MATEO BRIDGE
DUMBARTON BRIDGE
SAN FRANCISCO INTERNATIONAL AIRPORT
OAKLAND INTERNATIONAL AIRPORT
CITY & COUNTY OF SAN FRANCISCO
SAN MATEO COUNTY
6 1/2 mi.
7 1/4 mi.
SCALE
MILES 0 1 2 3 4 5 6 7 8 MILES
KILOMETERS 0 1 2 3 4 5 6 7 8 9 10 KILOMETERS
1 INCH = 3 MILES
ELEVATIONS ARE SHOWN IN FEET
CARTOGRAPHIC DEPARTMENT
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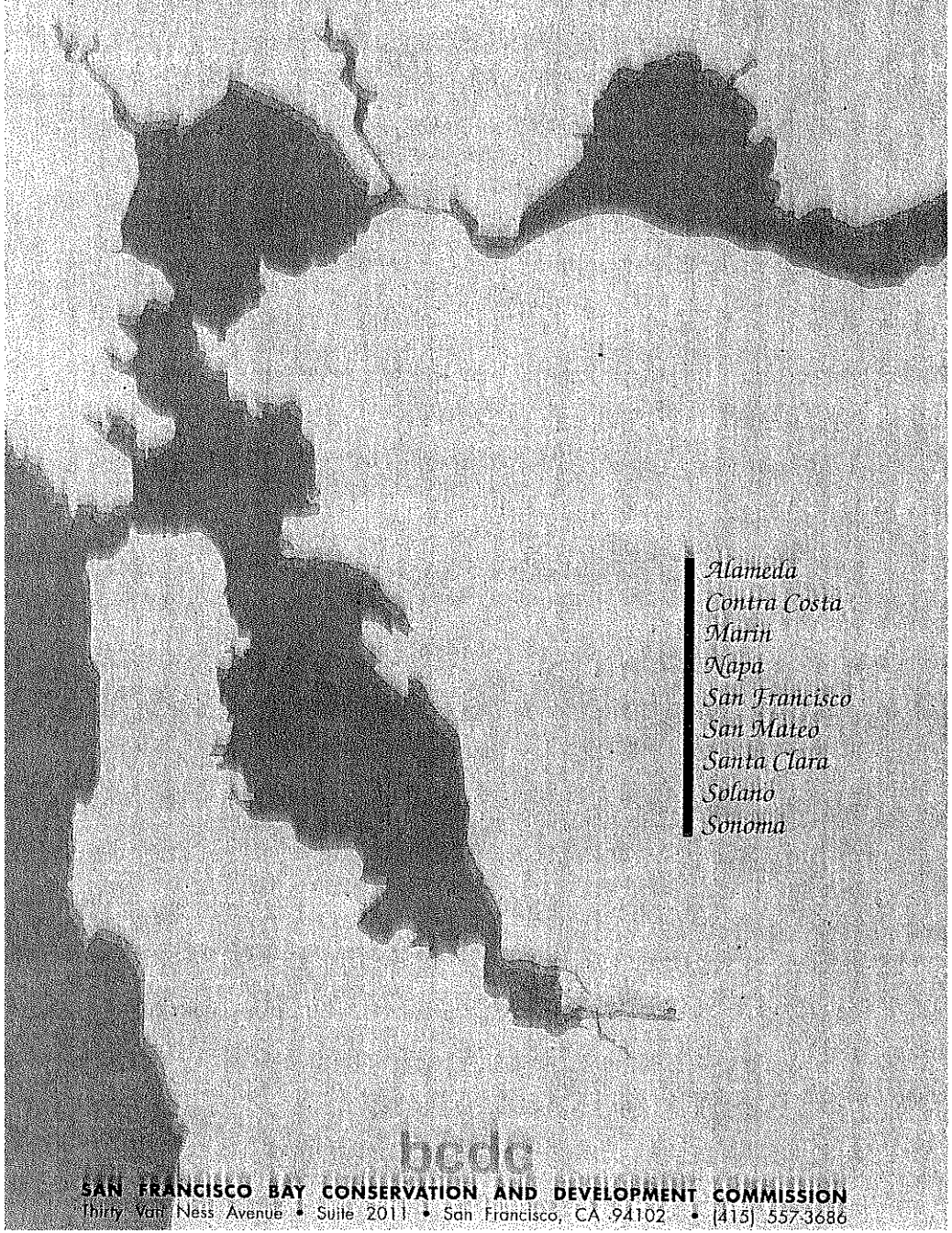
CALIFORNIA STATE AUTOMOBILE ASSOCIATION

You probably need a state permit if you are planning a project along the shoreline of San Francisco Bay in the following Bay Area counties:



Alameda
Contra Costa
Marin
Napa
San Francisco
San Mateo
Santa Clara
Solano
Sonoma

bcdc

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Thirty Van Ness Avenue • Suite 2011 • San Francisco, CA 94102 • (415) 557-3686

BCDC Permit

If you are planning to do work in or along the shoreline of San Francisco Bay, in addition to getting local approval, you may need to get a state permit for your project from the San Francisco Bay Conservation and Development Commission (BCDC).

What Is BCDC?

BCDC is a California state agency that has jurisdiction over:

- The open water, marshes and mudflats of greater San Francisco Bay, including Suisun, San Pablo, Honker, Richardson, San Rafael, San Leandro and Grizzly Bays and the Carquinez Strait.
- The first 100 feet inland from the shoreline around San Francisco Bay.
- The portion of the Suisun Marsh-including levees, waterways, marshes and grasslands-below the ten-foot contour line.
- Portions of most creeks, rivers, sloughs and other tributaries that flow into San Francisco Bay.
- Salt ponds, duck hunting preserves, game refuges and other managed wetlands that have been diked off from San Francisco Bay.

Do You Need a BCDC Permit?

BCDC approval must be obtained before you do any of the following things within BCDC's jurisdiction:

- Place solid material, build or repair docks, pile-supported or cantilevered structures, dispose of material or moor a vessel for a long period in San Francisco Bay or in certain tributaries that flow into the Bay.
- Dredge or extract material from the Bay bottom.
- Substantially change the use of any structure or area.
- Construct, remodel or repair a structure.
- Subdivide property or grade land.

bcdc

The easiest way to find out whether you need a BCDC permit is to call the Commission's staff and describe the location of your project and the work you want to do. The earlier you do this the better.

Contacting BCDC

You can contact the Commission's staff by mail at:

San Francisco Bay Conservation
and Development Commission
Thirty Van Ness Avenue, Suite 2011
San Francisco, CA 94102-6080

or by phone at (415) 557-3686
or by facsimile at (415) 557-3767
or by e-mail at info@bcdc.ca.gov

Application forms and instructions, information describing the Commission's permit review process and other documents that may be helpful to you will be sent to you upon request at no charge. This material can also be picked up at the Commission's office. During office hours, a staff member is always available to answer questions.

Applying for a BCDC Permit

To get a BCDC permit, you need to complete an application form (which requires detailed project information and plans) and pay a processing fee that ranges from $50 for a pre-authorized project to $10,000 for a project costing more than ten million dollars. The application must be submitted by the owner of the project site or the owner's representative (architect, attorney, contractor, etc.).

Once you submit a complete application, by law the Commission must grant or deny your permit within 90 days unless you agree to extend this period. Most applications are processed within five to eight weeks.

bcdc

Local Approval Is Needed First

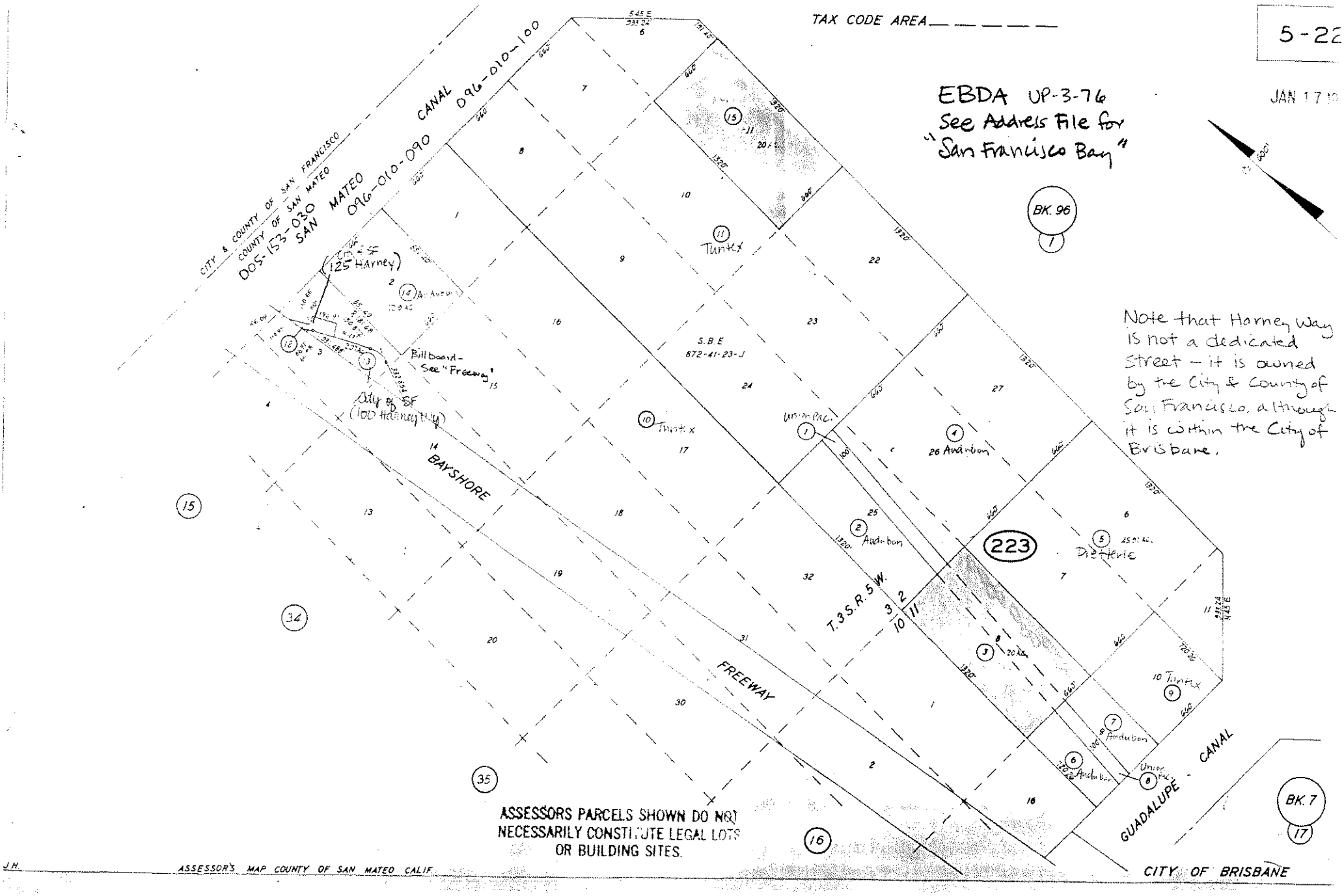
BCDC cannot file your application as complete until you have received all discretionary local permits (i.e., variances, zoning changes, excavation or fill permits, planned unit development and tentative subdivision map approvals and all other local approvals except ministerial permits, such as building permits). However, do not wait until you have your local permits to contact BCDC. By discussing your project with the Commission's staff before you have completed your plans, you can avoid having to go through the local review process a second time to gain approval for design changes that are needed to meet BCDC requirements. BCDC encourages applicants to file draft applications to make it easier for the staff to assist you. In addition, projects that require BCDC permits often must receive authorization from the California Regional Water Quality Control Board, San Francisco Bay Region, and the U.S. Army Corps of Engineers.

WARNING! There Are Penalties for Not Getting a BCDC Permit

BCDC operates an active enforcement program to detect and prosecute violators who do not get required BCDC permits or do not carry out permitted activities properly. The owner of the property on which a violation takes place is legally responsible for the violation. Unintentional, technical violations can be handled with after-the-fact permits (at double the normal processing fee) if the unpermitted work otherwise complies with state law. The Commission handles other violations by issuing cease and desist orders, which can require that work be stopped, unpermitted structures be removed, and other remedies. In addition, the Commission can impose civil penalties of $10 to $1,000 a day (to a maximum of $20,000 for each violation). Serious violations are referred to the California Attorney General for prosecution. Under state law, these violations are subject of civil penalties of up to $5,000 a day or more.

bcdc

Dedicated to making San Francisco Bay better.


TAX CODE AREA
5-22
JAN 17 19
EBDA UP-3-76
See Address File for
"San Francisco Bay"
Note that Harney Way is not a dedicated street – it is owned by the City & County of San Francisco, although it is within the City of Brisbane.
CITY & COUNTY OF SAN FRANCISCO
COUNTY OF SAN MATEO
005-153-030
SAN MATEO CANAL
096-010-090
096-010-100
BK. 96
1
S.B.E
872-41-23-J
Tuntex
Union Pac.
Audubon
Dietterle
223
T.3 S.R.5 W.
BAYSHORE
FREEWAY
GUADALUPE CANAL
BK. 7
17
CITY OF BRISBANE
ASSESSORS PARCELS SHOWN DO NOT NECESSARILY CONSTITUTE LEGAL LOTS OR BUILDING SITES.
J.H.
ASSESSOR'S MAP COUNTY OF SAN MATEO CALIF.