

**FOURTH AMENDMENT TO THE REDEVELOPMENT PLAN  
FOR BRISBANE COMMUNITY REDEVELOPMENT  
PROJECT AREA NUMBER TWO**

**Adopted July 22, 2002  
Ordinance No. 471**

**I. INTRODUCTION**

The City Council of the City of Brisbane has adopted the Redevelopment Plan for the Brisbane Community Redevelopment Project Area Number Two (the "Original Plan") by Ordinance No. 284 on June 14, 1982, as amended by Ordinance No. 342 on October 12, 1988, as further amended by Ordinance No. 397 on January 9, 1995 and as further amended by Ordinance No. 442 on November 8, 1999 (collectively, the "Redevelopment Plan" or "Plan"). The Plan established the Brisbane Community Redevelopment Project Area Number Two (the "Project Area"), as shown on the attached project area boundary map (Exhibit A) and as described in the attached Exhibit B. The Plan contains a time limit of October 12, 2000, for commencement by the Agency of eminent domain proceedings with respect to property within the Project Area. This Fourth Amendment extends the Agency's power of eminent domain for an additional twelve (12) years. Additionally, the Plan contains a limit on bonded indebtedness. This Fourth Amendment increases the limit on bonded indebtedness. Finally, the Plan established certain land uses and development standards for the Project Area. This Fourth Amendment establishes the General Plan land uses and development standards as the land uses and development standards for the Project Area.

**II. AMENDMENTS TO PLAN**

A. Section II. GENERAL DEFINITIONS D. "General Plan" in the Original Plan shall be revised to read as follows:

"D. "General Plan" means the City of Brisbane General Plan, as it now exists or may hereafter be amended, and any specific plan(s) applicable to all or portions of the Project Area as they now exist, may hereafter be amended or that may hereafter be in effect from time to time."

B. Section II. GENERAL DEFINITIONS P. "Zoning Ordinance" in the Original Plan shall be revised to read as follows:

"P. "Zoning Ordinance" means the City of Brisbane Zoning Ordinance, as it now exists or may hereafter be amended."

C. Section VI. LAND USES, CONTROLS AND PROCESSING in the Original Plan and Sections 8, 9 and 10 of the First Amendment shall be revised to read as follows:

"VI. LAND USE REGULATIONS

A. OVERVIEW OF REGULATIONS

The City has adopted a General Plan, which is in full conformance with the State requirements for general plans.

The permitted land uses, land use standards, development goals, objectives and policies, and other evaluation guidelines of the Redevelopment Plan shall be those set forth in the General Plan, together with the specific redevelopment objectives outlined in Section IV of the Redevelopment Plan (which are consistent with and serve to implement the more general goals and objectives of the General Plan). It is further intended that all provisions of the Zoning Ordinance, as it now exists or hereafter be amended, shall be applicable to developments in the Project Area, and that all development in the Project Area shall comply with all applicable state and local laws, codes and ordinances in effect from time to time in the City, in addition to any requirements of the Agency imposed pursuant to the Redevelopment Plan.

Finally, the applicable City zoning and planning processes (including any moratoria or temporary development restrictions imposed by the City) shall continue to have full effect and shall continue to serve as the primary determinant for land use decisions in the Project Area. Without limiting the generality of the foregoing, and subject to the following paragraph, the Planning Commission, the City Council, City departments, and other City officials shall perform the same functions for consideration and approval or disapproval of development applications, permits and other entitlements for properties within the Project Area that are subject to the Redevelopment Plan, as for properties outside the Project Area that are not subject to the Redevelopment Plan.

The City Council may, in its discretion through appropriate future legislation, amend applicable City planning or building codes and standards to provide for modified or streamlined processing of development applications within redevelopment project areas or other special zones. Any such amendment of City planning and building codes and standards shall thereafter apply to the processing of development applications in the Project Area in accordance with the terms of such amendment.

B. PERMITTED LAND USES

As noted in the overview to this Section, the Redevelopment Plan adopts the land uses set forth in the General Plan as the permitted uses within the Project Area. It is intended that the land uses set forth in the General Plan now, or as they may hereafter be amended, shall be the land uses governing the Redevelopment Plan.

C. LAND USE MAP; PUBLIC RIGHTS OF WAY

1. Land Use Map

The land use map (Exhibit C of this Amendment) shows the current General Plan land uses, major circulation routes and street layout, and the property proposed to be devoted to public purposes within the Project Area. The specific types of uses and activities (including size, height, and number of buildings and dwelling units) permitted or conditionally permitted in each land use category mapped on the land use map are those types of uses and activities (including size, height and number of buildings and dwelling units) described in the General Plan for the relevant land use category. The land uses shown on the land use map are drawn from the Land Use Element of the General Plan and shall be deemed to be automatically modified as the Land Use Element of the General Plan may be revised from time to time in order to maintain conformance of this Redevelopment Plan with the General Plan, as provided in Sections A and B above.

2. Public Streets and Rights-of Way

All streets within the Project Area may be widened, altered, or vacated for purposes of development of the Project. New streets may be created as appropriate, consistent with the General Plan. The anticipated configuration of streets and public rights-of-way within the Project Area (including existing streets to be retained and their relationship to major public facilities) is shown on the land use map (Exhibit C of this Amendment). These public rights-of-way may be used for vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

Additional public streets, alleys and easements may be created in the Project Area as appropriate for proper development. Existing streets, alleys and easements may be abandoned, closed or modified as necessary for proper development of the Project.

Any changes in the existing interior or exterior street layout shall be in accordance with the General Plan, the objectives of the

Redevelopment Plan, and the City's design standards, and shall be effectuated in the manner prescribed by state and local law.

D. GENERAL CONTROLS AND LIMITATIONS

All real property in the Project Area is hereby subject to the goals, objectives, policies, controls and requirements of the Redevelopment Plan (which expressly incorporates the goals, objectives, policies, controls and requirements of the General Plan and the Zoning Ordinance). No real property shall be developed, rehabilitated, or otherwise changed after the date of adoption of the Redevelopment Plan except in conformance with the provisions of the Redevelopment Plan, the General Plan, the Zoning Ordinance, and all other applicable State and local laws and standards in effect from time to time.

1. New Construction

All new construction shall comply with all applicable State and local laws and standards in effect from time to time. Parking facilities shall be provided in accordance with the criteria set forth in the General Plan and the Zoning Ordinance, as they now exist or may hereafter be amended, and any additional standards adopted by the Agency pursuant to Section E below. All parking shall be paved and drained so that storm and surface water drainage from parcels will not cross public sidewalks. All parking spaces visible from the street shall be landscaped as necessary to prevent unsightly barren appearances. Off-street loading facilities, trash areas and any outdoor storage of materials approved by the City and/or Agency shall be adequately enclosed or screened by walls, landscaping, or other such enclosure consistent with the applicable City ordinances.

2. Non-Conforming Uses

The existence, continuation, renovation, repair, expansion, and replacement of nonconforming uses, if any, in the Project Area shall be governed by the applicable City land use regulations in effect from time to time.

3. Rehabilitation

Any structure within the Project Area which will be retained as part of the Redevelopment Plan shall not be altered, constructed, or rehabilitated unless it is done so in conformance with the General Plan, the Zoning Ordinance, all applicable codes, and any guidelines which may be adopted by the Agency to assist in the implementation of the Redevelopment Plan. This conformity shall extend to the architectural

character, the public spaces and other elements as required by the City and/or Agency.

4. Open Spaces and Landscaping

The standards for open space to be provided within the Project Area are set forth in the General Plan and the Zoning Ordinance, as they now exist and may hereafter be amended, and are included as part of the goals and objectives of the Redevelopment Plan. The precise amount of open space, if any, to be provided in the Project Area will depend on the particular plans for development submitted by developers of private property in the Project Area and approved by the City. Landscaping plans for development projects shall be submitted to the City for review and approval.

5. Height and Bulk

The height and bulk of structures shall be regulated as provided in the General Plan and the Zoning Ordinance, as they now exist or as they may hereafter be amended, and such additional standards as may be adopted by the Agency pursuant to Section E below.

6. Density

The maximum permitted density of development on any building site shall be regulated as provided in the General Plan and the Zoning Ordinance, as they now exist or may hereafter be amended, and such additional standards as may be adopted by the Agency pursuant to Section E below.

7. Signs

Exterior signs necessary for the identification of buildings and premises shall be as permitted by the General Plan and the Zoning Ordinance, as they now exist or may hereafter be amended, provided that they comply with any design criteria established for the Project Area. The Agency may require that the complete sign program for a development and such additional standards as may be adopted by the Agency pursuant to Section E below be reviewed by the Agency staff, as well as the Planning Commission, prior to the erection or installation of signs in any part of the Project Area.

8. Nondiscrimination and Nonsegregation

As set forth in more detail in Section V.I. of the Redevelopment Plan, there shall be no discrimination or segregation based on race, color,

creed, religion, sex, sexual orientation, marital status, national origin, mental or physical disability, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

9. Resubdivision of Parcels

After rehabilitation and development pursuant to the Redevelopment Plan, no parcel in the Project Area, including any parcel retained by a conforming owner or participant shall be subdivided without the approval of the City.

10. Variances

In the event the City grants a variance from applicable City land use regulations for development of a parcel within the Project Area, such grant of variance shall be deemed to constitute a comparable variance from the land use standards of the Redevelopment Plan without additional action by the Agency.

In addition, the Agency is authorized to permit variances from any development standards adopted by the Agency pursuant to Section E below or any affordable housing regulations or policy guidelines adopted by the Agency pursuant to Section H below. In order to permit such a variance the Agency must determine that:

a. The application of one or more of the provisions of such Agency development standards, regulations or policy guidelines would result in unnecessary hardship to the property owner;

b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions and controls;

c. Permitting a variance from the limits, restrictions, or controls of such Agency development standards, regulations or policy guidelines will not be materially detrimental to the public welfare or injurious to property or improvements in the area;

d. Permitting a variance from the limits, restrictions or controls of such Agency development standards, regulations or policy guidelines will not be contrary to the objectives of the Redevelopment Plan; and

e. The grant of variance by the Agency will not result in development that conflicts with applicable City land use standards.

No such variance shall be granted which changes a basic land use pursuant to the Redevelopment Plan or which permits other than a minor departure from the provisions of the Redevelopment Plan. In permitting any variance, the Agency shall impose such conditions as are necessary to protect the public health, safety, and welfare and to assure compliance with the objectives of the Redevelopment Plan.

E. ADOPTION OF ADDITIONAL STANDARDS FOR DEVELOPMENT

Within the limits, restrictions and controls established in the General Plan, the Zoning Ordinance, and the Redevelopment Plan, the Agency is authorized to establish and adopt, by appropriate resolution, specific guidelines and/or standards for building heights, building coverage, design criteria, architectural character, landscaping character, sign character, traffic circulation ingress and egress, parking, and any other development and design control necessary to implement the Redevelopment Plan. Such guidelines and/or standards may relate to both private and public areas within the Project Area. No new development shall be constructed and no existing improvements shall be substantially modified, altered, repaired, or rehabilitated except in accordance with such adopted guidelines and/or standards for development. The Agency shall not approve plans which do not comply with any adopted guidelines and/or standards for development.

F. BUILDING PERMITS

No permit shall be issued for the construction of any new building or for any construction on an existing building in the Project Area from the date of adoption of the Redevelopment Plan until the application for such permit has been made and processed in a manner consistent with all City requirements.

The Agency is authorized to establish permit procedures and approvals in addition to those set forth above where required for the purposes of the Redevelopment Plan. Where such additional procedures and approvals are established, a building permit shall be issued only after the applicant for same has been granted all approvals required by the City and the Agency at the time of application.

G. DWELLING UNITS

In compliance with the Health and Safety Code Section 33333(c), the maximum number of dwelling units in the Project Area shall be regulated as provided in the General Plan and the Zoning Ordinance, as they now exist or may hereafter be amended.

H. AFFORDABLE HOUSING

Currently, residential uses are limited in the Project Area. To the extent residential development or substantial rehabilitation of residential structures occurs in the Project Area as permitted by applicable General Plan and Zoning Ordinance provisions, then by regulation or policy guideline adopted by the Agency from time to time, the Agency shall ensure compliance with the provisions of Health and Safety Code Section 33413(b) requiring that specified percentages of all new or rehabilitated dwelling units developed in the Project Area (if any) be available at affordable housing cost to households in specified income categories. Such adopted Agency regulations and/or policy guidelines shall be applicable and enforceable by the City and the Agency under the Redevelopment Plan with respect to parcels developed with new or rehabilitated residential structures in the Project Area regardless of whether such parcels are developed with Agency assistance or participation."

D. Section VIII.D.3. LIMITATIONS ON FINANCING. Time Limit for Commencement of Eminent Domain Proceedings of the Original Plan and Section 12 of the First Amendment are hereby amended in their entireties to read as follows:

"The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire by not later than twelve (12) years after the date of adoption of the Ordinance adopting this Fourth Amendment. This time limit for commencement of eminent domain proceedings may be extended only by amendment of the Plan."

E. Section VII.D.4. LIMITATIONS ON FINANCING. Limit on Amount of Bonded Indebtedness of the Original Plan and Section 14 of the First Amendment are hereby amended in their entireties as follows:

"The amount of bonded indebtedness to be repaid from tax increment revenue allocated to the Agency pursuant to this Plan ("Tax Increment Revenue") which can be outstanding at one time shall not exceed Seventy-Five Million Dollars (\$75,000,000), without an amendment of this Plan. For purposes of determining the amount of

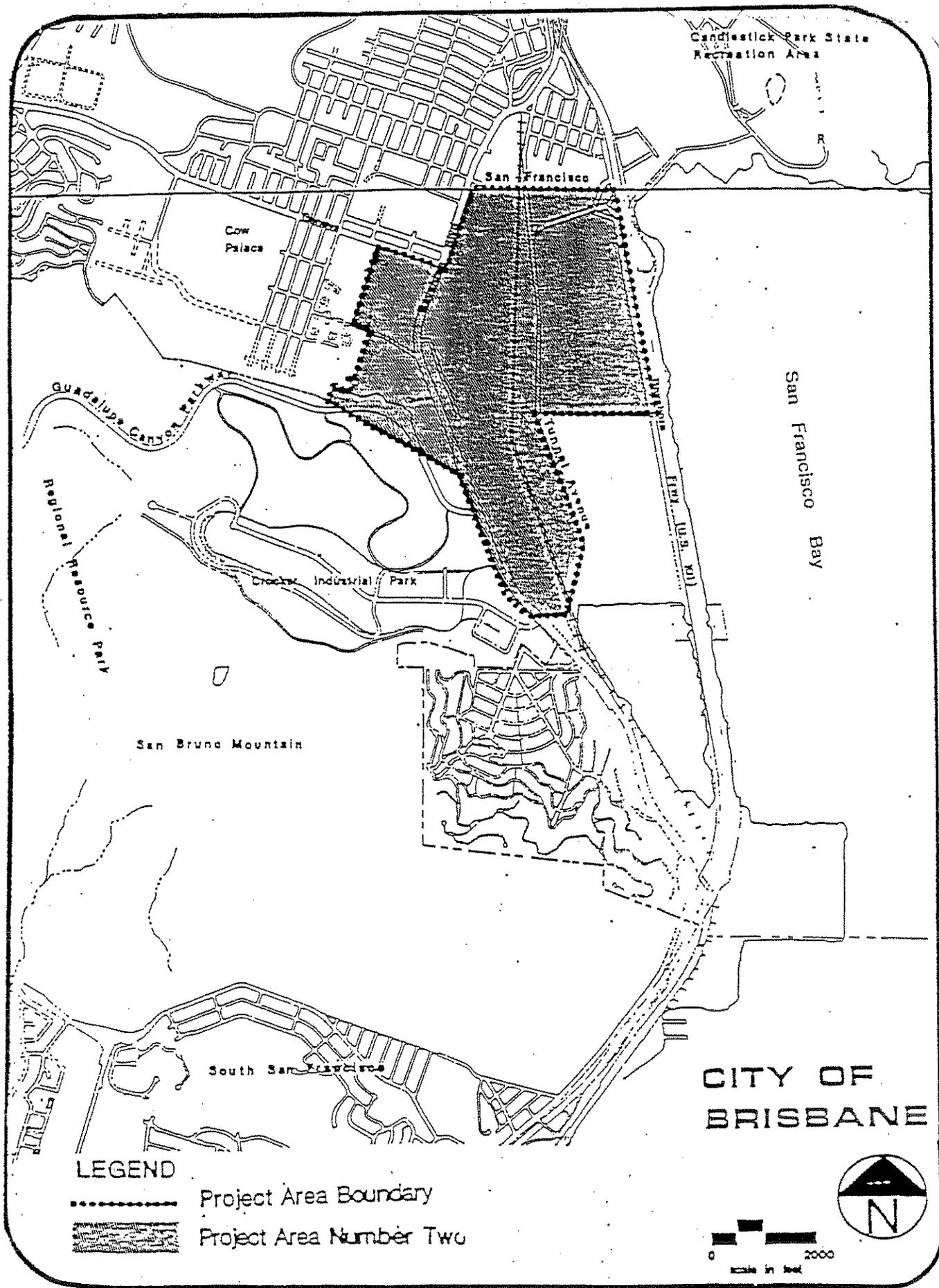
bonded indebtedness outstanding at any one time, only bonded indebtedness that is to be actually repaid from Tax Increment Revenue shall be considered outstanding bonded indebtedness and further, to the extent any bonded indebtedness is to be repaid from Tax Increment Revenue and from other sources of revenue, whether such revenue is allocated to the Agency or not, only the portion of the bonded indebtedness that is reasonably expected to be repaid from Tax Increment Revenue shall be included within the limitations established in this paragraph."

### III. EFFECT OF AMENDMENT

All provisions of the Plan not specifically amended or repealed in this Fourth Amendment shall continue in full force and effect.



EXHIBIT A  
PROJECT AREA BOUNDARY MAP



**BOUNDARY MAP**

Brisbane Community Redevelopment  
 Project Area Number Two

Ironside & Associates  
 Planning Consultants

## EXHIBIT B

### PROJECT AREA LEGAL DESCRIPTION

The Brisbane Community Redevelopment Project Area Number Two is more particularly described as follows:

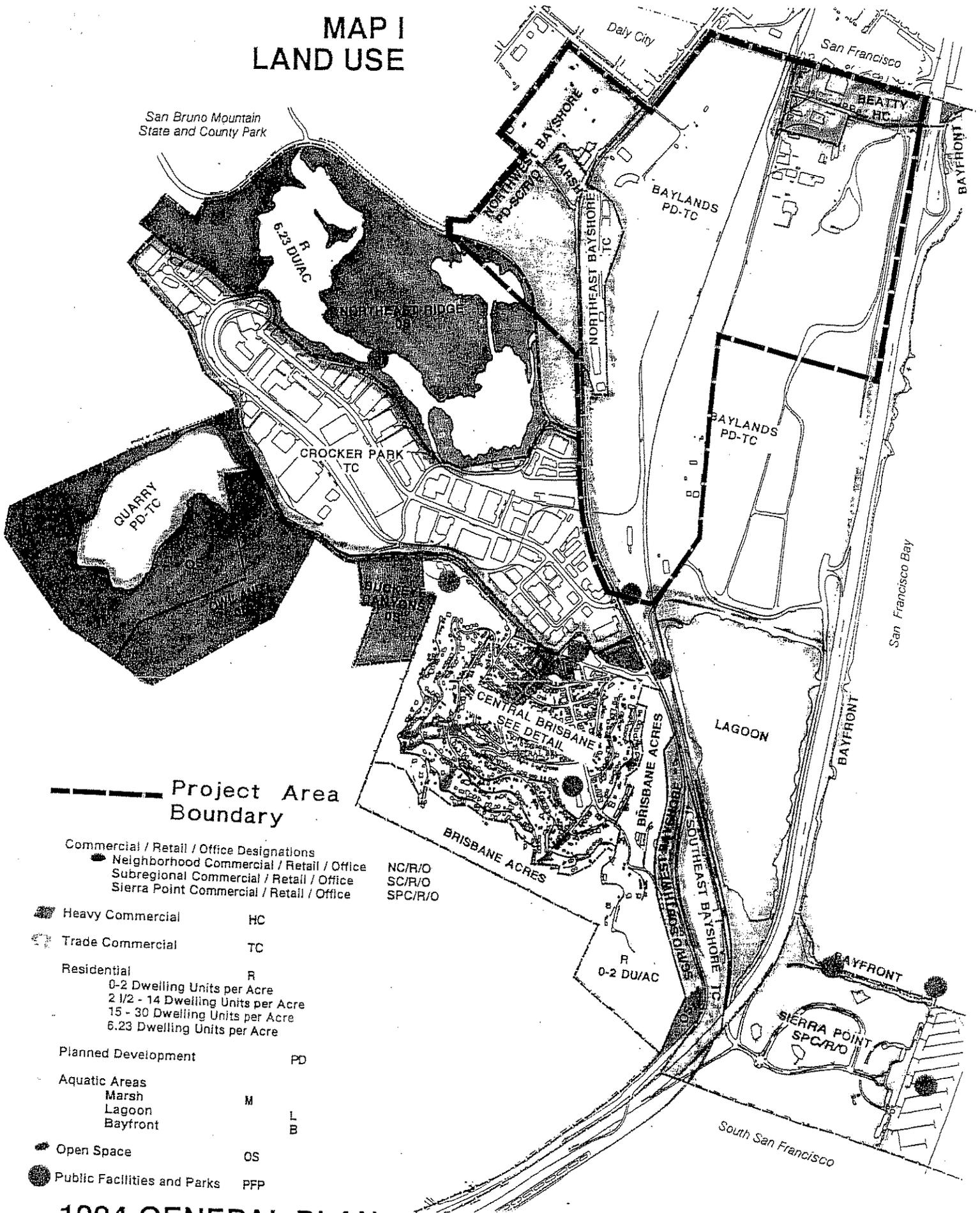
Parcel A:

BEGINNING at the intersection of the northerly line of Tide Lot 30 in Section 3, Township 3 South, Range 5 West, Mount Diablo Meridian, as said Tide Lot is shown on that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands situate in the County of San Mateo, State of California", said map having been approved September 25, 1871, with the westerly line of Bayshore Freeway (U.S. Highway 101) as said Freeway is shown on the State of California Right-of-Way Record Map R-27.2; thence from said POINT OF BEGINNING along said westerly line N 10° 09' 20" W 4,100 feet, more or less, to a point on the corporate limits line of the City of Brisbane and a point on the corporate limits line of the City and County of San Francisco; thence along the said corporate limits line S 89° 52' 40" W 2,800 feet, more or less, to the easterly line of Bayshore Boulevard, as said Boulevard is shown on the State of California Right-of-Way Record Map R-517.1; thence leaving the corporate limits line of the City and County of San Francisco along the corporate limits line of the City of Brisbane the following courses: S 19° 28' W 1,451.38 feet, tangent to the preceding course along the arc of a curve to the right having a radius of 5,062.50 feet an arc distance of 85 feet, more or less, N 70° 34' W 125 feet, more or less, northerly along the arc of a curve to the left having a radius of 4,937.50 feet an arc distance of 23 feet, more or less, N 70° 34' W 1,145.87 feet, more or less, S 19° 35' W 1,480.00 feet, more or less, S 70° 25' E 373.3 feet, S 15° 46' W 30.07 feet, S 19° 35' W 860.6 feet, N 70° 25' W 60.00 feet, S 19° 35' W 75.00 feet, S 70° 25' E 60.00 feet, S 19° 35' W 160.00 feet, N 74° 26' W 299.77 feet, S 19° 35' W 256.2 feet, S 60° 22' E 2,302.4 feet, S 60° 41' E 424.62 feet, N 33° 43' 30" E 3.66 feet to a point on the corporate limits line of the City of Brisbane and a point on the general westerly line of Bayshore Boulevard as said Boulevard is shown on the State of California Right-of-Way Record Maps R-517.2; thence along said corporate limits line and its southerly prolongation and along the said general westerly line S 21° 31' E 1,572 feet, more or less, to a point of curvature; thence continuing along said general westerly line tangent to the preceding curve along the arc of a curve to the left having a radius of 2,562.50 feet and a central angle of 24° 11' 55", an arc distance of 1,082.26 feet, more or less, to a point on the northerly line of Guadalupe Canal as said canal is shown on the aforesaid Map No. 1 of Salt Marsh and Tide Lands situate in the County of San Mateo, State of California; thence along last said line S 89° 50' 59" E 740 feet, more or less, to the westerly line of a proposed 80 foot wide street known as Tunnel Avenue extension; thence along last said line N 13° 44' 35" E 80.00 feet; thence leaving last said line S 76° 15' 25" E 80.00 feet to a point on the easterly line of said Tunnel Avenue; thence along last said line the following courses: N 13° 44' 35" E 747.00 feet, tangent to the preceding course along the arc of a curve to the left having a radius of 550 feet and a central angle of 28° 06' 26", an arc distance of 269.81 feet and tangent to the preceding curve N 14° 21' 51" W 2,430 feet, more or less, to the

intersection thereof with the northerly line of Tide Lot 27 in Section 3, Township 3 South, Range 5 West, Mount Diablo Meridian, as said Tide Lot is shown on the aforesaid Map No. 1 of Salt Marsh and Tide Lands situate in San Mateo County, State of California; thence along the northerly line of Tide Lots 27, 28, 29 and 30 as said Tide Lots are shown on last said map S 89° 50' 59" E 2,037.13 feet, more or less, to the POINT OF BEGINNING.

EXHIBIT C  
PROJECT AREA LAND USE MAP

# MAP I LAND USE



## 1994 GENERAL PLAN City of Brisbane