

# *City of Brisbane*

## *Planning Commission Agenda Report*

TO: Planning Commission For the Meeting of 2/28/13

FROM: Ken Johnson, Senior Planner, via <sup>DMJ</sup> John Swiecki, Community Development Director

SUBJECT: **STUDY SESSION: Process for Future Development Application for the southern portion of Southwest Bayshore subarea** planned for rezoning to multi-family residential (R-SWB) using Form-Based Codes

### **PURPOSE**

The purpose of this study session is to discuss the process for a future development application anticipated for the vacant site at 4070 Bayshore Boulevard and how it relates to the City's obligation pursuant to the Housing Element, to rezone the southern end of the Southwest Bayshore Subarea, south of the Mobilehome Park, to multi-family residential (R-SWB) using Form-Based Codes.

This study session further provides the Planning Commission an opportunity to start the discussion regarding the subarea and to provide a basis for considering design concepts that the owner of 4070 Bayshore Boulevard will be providing. It is anticipated that preliminary design concepts for 4070 Bayshore, prepared by the applicant, will be presented to the Planning Commission at a subsequent study session in March.

### **BACKGROUND**

The adopted Housing Element requires rezoning of the southern portion of the SCRO-1 Southwest Bayshore Commercial District to multi-family residential by October 2012 as one of the steps in meeting the City's share of the regional housing needs allocation (RHNA), including meeting the needs for low and very low income households. State law has certain requirements on the potential development sites that are identified by Cities as meeting the RHNA. For Brisbane, this includes a certain number of sites that will be zoned for residential only (distinct from mixed use) at a minimum of 20 units per acre and a minimum site size that would accommodate at least 16 units. The identified sites must also be allowed to be developed with minimal discretionary review. Form-Based Codes were identified by the City as a planning tool that could be used to meet the State's requirements while retaining the City's control of how future development will fit into the fabric of the City.

Two introductory study sessions were held on Form-based Codes in late 2011 and those complete agenda reports are included for reference as web-links, via the Planning Commission

Agenda webpage for this February 28, 2013 meeting: <http://www.brisbaneca.org/city-government/commissions/planning>. Agenda report excerpts (text only) from these two sessions are also attached here-in. The first session provided a general overview of Form-based Codes, technical elements and examples, while the second session focused on a review of the Placemaking Workshop results and the implications on the proposed rezoning. Further progress was delayed due to the City's budgetary constraints.

In the meantime a prospective applicant has approached the City with a proposal to develop the approximately one acre site at 4070 Bayshore Boulevard to multi-family residential. Although the district has not yet been rezoned from SCRO-1 to R-SWB, the City has an obligation to process the application pursuant to current zoning regulations, which allows for multi-family residential development subject to a conditional use permit and design permit. The prospective applicant has indicated a desire to develop the property to multi-family residential at a density that would be in the density range consistent with both the current regulations and the Housing Element requirements. Current zoning allows for a housing density of up to 29 units per acre and the Housing Element calls for a minimum density of 20 units per acre and a maximum of 29 units per acre.

## DISCUSSION

The forthcoming application at 4070 Bayshore Boulevard presents an opportunity to define district character, evaluate district design options and establish development standards that could apply to the entire new R-SWB district.

**Opportunities & Constraints:** In considering the application as well as the future development within the larger district, staff has identified the following opportunities and constraints:

1. Parcels with steep topography, providing design opportunities;
2. Geotechnical and grading constraints associated with the steep topography;
3. Highly visible nature of the district, comprising a gateway district along the Bayshore Boulevard highway;
4. Potential water views;
5. Location of the proposed district within the San Bruno Mountain Habitat Conservation Plan (HCP) area;
6. Allowing for pedestrian and bicycle connections;
7. The need to aggregate parcels to comply with the minimum development size specified in the housing element (20 to 29 units per acre, with a minimum development size of 16 units);
8. Traffic impacts of the project on Bayshore Boulevard and driveway design implications;
9. Noise and air impacts on the residences along this "highway" district;
10. Existing mix of development; and the
11. Potential redevelopment of the VWR site, across the street, in the Southeast Bayshore district.

These opportunities and constraints are offered for preliminary consideration at this time and are not intended for detailed review as part of this study session. Each of the opportunities and constraints outlined above will be addressed in detail in considering any forthcoming application for 4070 Bayshore Boulevard. Staff intends to use the results of this effort to initiate further study sessions/workshops for rezoning the district as a whole.

**Form-Based Code Elements:** As indicated above, Form-Based Codes were identified in the Housing Element as the tool for rezoning. This was to help the City retain control over future development. Form-Based Codes may be used as strictly defined by the Form-Based Codes Institute (FBCI) and as outlined in the September 8, 2011 study session, or a hybrid of Form-Based Codes may be used, at the City's discretion. For example, given the absence of public space within the proposed R-SWB district it may not be necessary to include Public Space regulations, which are a standard element in Form-Based Codes, but the Bayshore Boulevard roadway/sidewalk design could continue to be at the discretion of the City as needs dictate. On the other hand, one of the elements for this district may include landscaping on the private sites, considered by the FBCI as optional, to address how the landscaping of the sites will relate to the street and to the biological requirements dictated by the HCP. The technical elements of Form-Based Codes that are most relevant to this district include the following:

- Hybrid of a Regulating Plan – A Regulating Plan for FBCs is usually a map or set of maps that shows the assignment of the various regulations to actual physical locations. The Regulating Plan often shows how the regulations are applied over multiple districts. In this case, as a single district, it will include a district location map and possibly a parcel aggregation map.
- Building Form Standards – Regulations controlling the configuration, functions and features of the buildings
- Architectural Standards - Regulations controlling the physical character and quality of buildings.
- Landscape Standards - Control of the character and quality of the improved landscaping within private spaces.
- Environmental Resource Standards - A Habitat Conservation Plan (HCP) Compliance component would be developed to ensure that new development is consistent with the HCP. Also, the code may include acknowledgement of the requirement for compliance with State stormwater regulations.
- Administration - Regulations for the project application and review process.
- Glossary

## NEXT STEPS

Staff's recommended next steps for the Planning Commission are as follows:

- Begin to consider the proposed area designated for rezoning to R-SWB multi-family residential as a whole. It is suggested that the Commissioners drive, bike or walk by the

district with the aim of visualizing the district and consider the constraints and opportunities there.

- Prepare for offering preliminary feedback to the owner of 4070 Bayshore Boulevard in a future study session. It is anticipated that the owner of 4070 Bayshore Boulevard will be presenting pre-application design alternatives for preliminary Planning Commission feedback as part of a regular meeting study session as early as March. Once the owner has the Planning Commission's feedback they will need to further detail their design work and undertake the technical studies that will be required as part of the formal application process.

Note, please do not walk on the interior of the 4070 Bayshore Boulevard site (immediately south of the residence at 4050 Bayshore Boulevard), since this site is part of the San Bruno Mountain Habitat Conservation Plan area and the presence of potential butterfly habitat is not known at this time and is pending further study.

## ATTACHMENTS

- Aerial photo of the district and vicinity
- Photos of the proposed R-SWB residential district property frontages
- Housing Element Excerpts (Figures HE.2 and HE.5, Table 34, Table F.12 and selected Policies and Programs)
- Agenda Report Excerpts (text only) from 8/8/11 and 12/8/11 Study Sessions

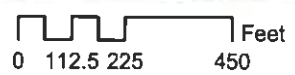


Proposed R-SUB District

4070 Bayshore Blvd

Southwest Bayshore

H.1.5



H.1.6



South Edge  
of Proposed  
R-SWB district

4070 Bayshire  
Blvd

H.1.7



H.1.8





4.19



107/105 McLean

01.1.10

105/107 San Bruno  
Ave.  
(green house)

3890 Bayshore Blvd



H-1.11



3860/3070 Bayshore Blvd

3860

H.1.12



H.1.13



H114

North  
Edge of Proposed  
R-swB District






3832 Bayside Blvd

A Mobile Home  
Park  
(Not Included)

# Figure HE.2 CITY OF BRISBANE POTENTIAL HOUSING REZONING AREAS

## LEGEND

-  NCR0-3 Mixed Use 24 Units/Acre Minimum and 29 Units/Acre Maximum, after 25 percent land dedication to public/open space or right-of-way (Sites are conforming for the minimum of 16 units per site)
-  R-SWB Residential 20 Units/Acre Minimum and 29 Units/Acre Maximum (Minimum of 16 units per site and minimum lot size to be 23,800 sq ft. See assumed aggregation of sites on Table F.12 and Figure HE.5.)
-  R-MHP Mobile Home Park 19.3 Units/Acre Minimum (Set at the existing density to preserve this use)

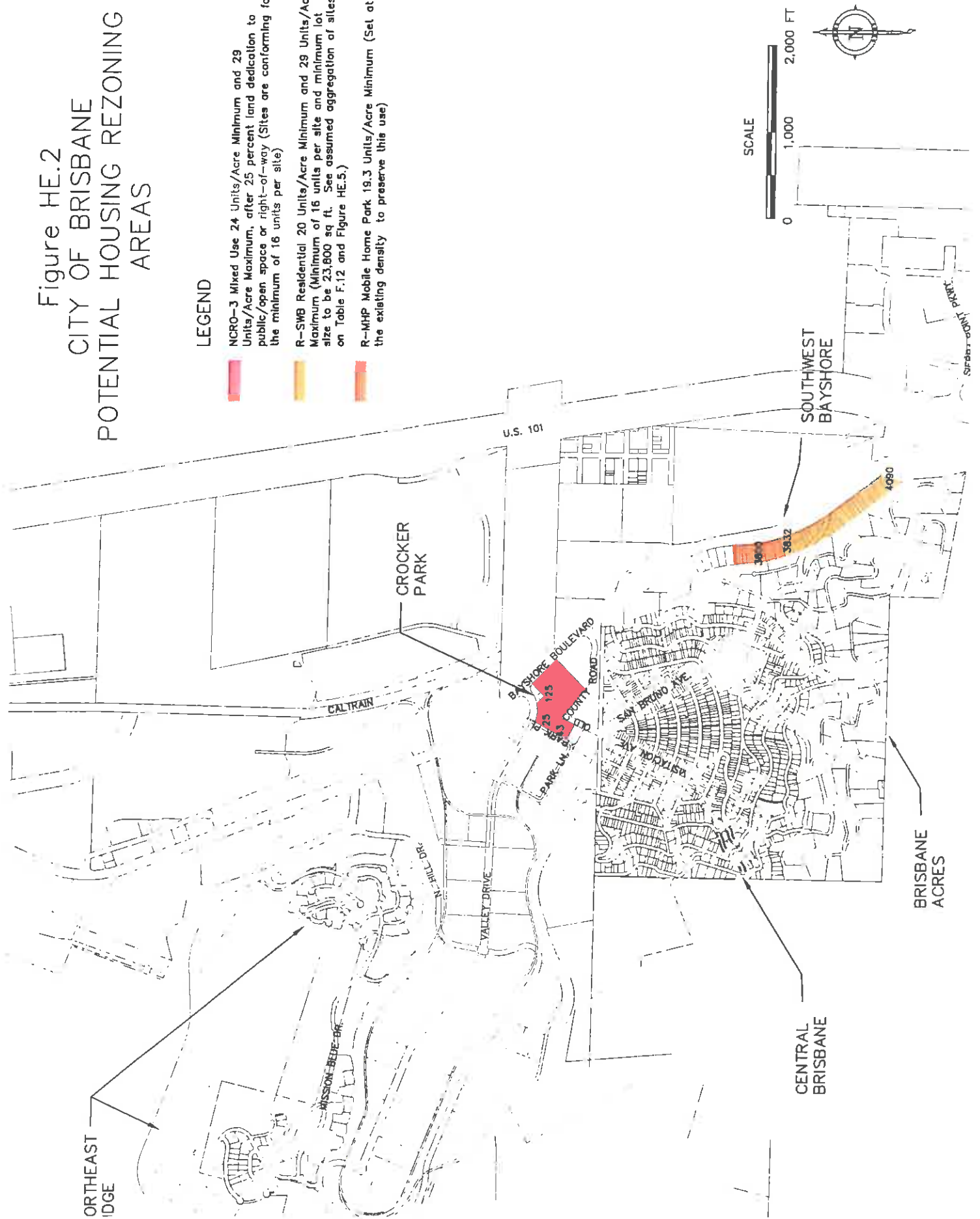






Figure HE.5  
 CITY OF BRISBANE  
 POTENTIAL AGGREGATION OF SITES  
 SOUTHWEST BAYSHORE R-SWB DISTRICT

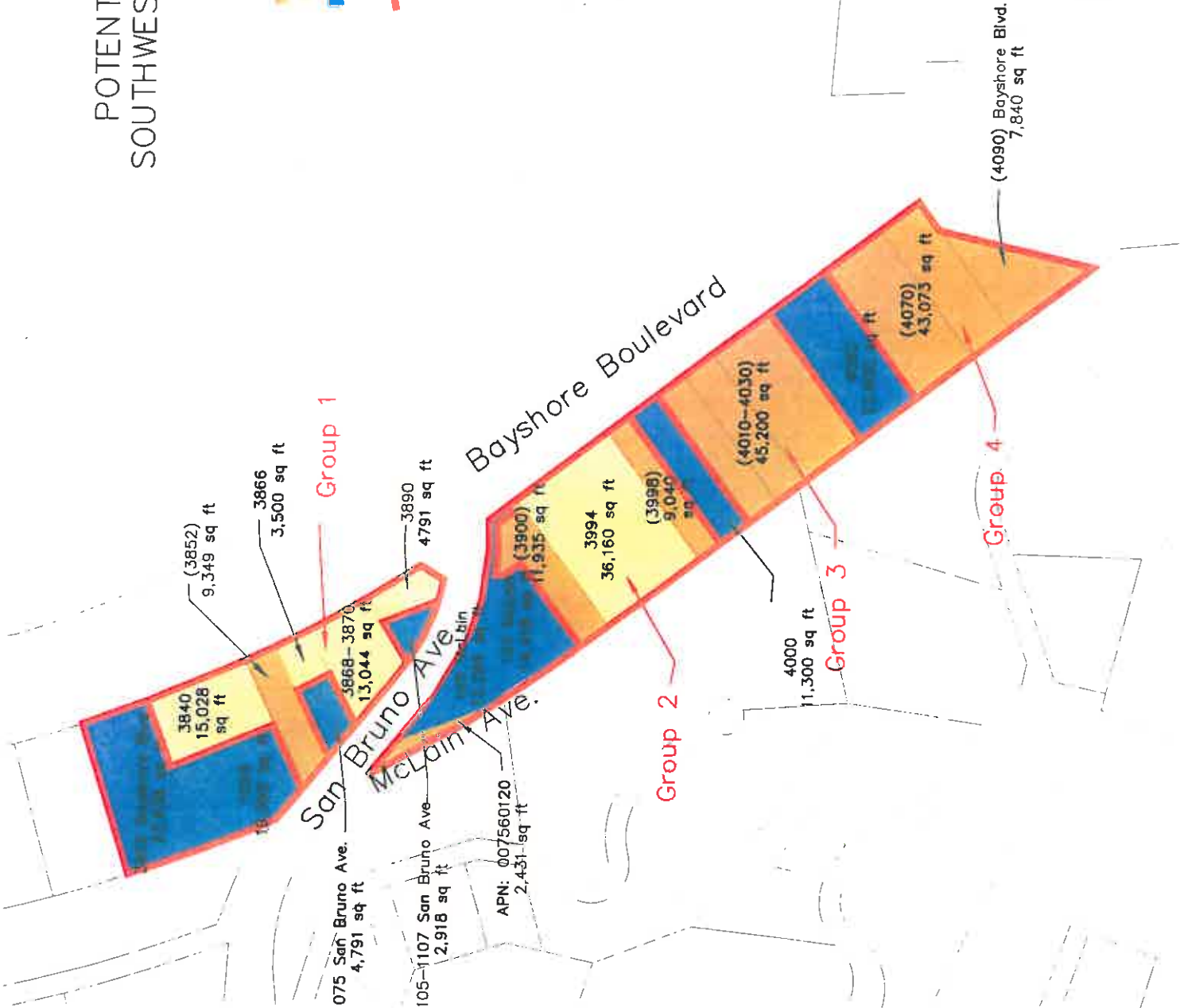
LEGEND

-  Vacant Site
-  Site With Existing Commercial Development
-  Site with Existing Residential, Single Family or Duplex (Redevelopment is not assumed in the RHNA for this plan period)
-  Aggregation Group Boundary

Notes:  
 The highlighted sites are all within the proposed rezoning area, R-SWB; which would be to Residential Only at 20 Units/Acre Minimum, 29 Units/Acre Maximum and 16 units per site minimum. (Also see Appendix F, Table F-12.)

Aggregation of certain sites would be required for redevelopment to meet the minimum lot size of 23,800 sq ft, for 16 units per development site as a minimum. Assumed aggregations for the plan period are shown as Groups 1 - 4. Redevelopment of existing housing sites may also occur in this plan period, but are not included for the purposes of meeting the RHNA requirements.

Addresses are Bayshore Boulevard, except where noted otherwise. Vacant site addresses are shown in brackets.



H.1.16



**2007-2014  
Housing Element  
City of Brisbane**

**City of Brisbane  
50 Park Place  
Brisbane, CA 94005**



**Adopted by the City Council on January 18, 2011, by Resolution 2011-01.**

### VI.1.3 Housing Policies and Programs

The policies and programs are tied directly to the City's goals and are as follows:

**Goal H.A Provide housing opportunities for all persons, regardless of age, sex, race, ethnic background, income marital status, disability, family composition, national origin, or sexual orientation.**

#### Policy H.A.1 Promote equal housing opportunities.

*Program H.A.1.a Continue to provide information on discriminatory and unfair housing practices (from the California Department of Fair Employment and Housing) and housing related services and industries to the public through the City's website.*

*Time Frame: Ongoing*

*Responsibility: Community Development Department*

*Funding Source: City funds*

*Program H.A.1.b Continue to inform Brisbane residents and businesses, developers, non-profit housing development organizations and other groups about housing policies and opportunities in Brisbane. Use local publications such as the Brisbane Star and the Chamber of Commerce newsletter, bulk mailing, flyers, the City's website and other means of distributing information on City housing policies, the City's inventory of potential housing development sites, local achievements, programs of other agencies, housing information and counseling programs, and State housing laws.*

*Time Frame: Ongoing*

*Responsibility: Community Development Department*

*Funding Source: City funds*

**Goal H.B Maintain a diverse population by responding to the housing needs of all individuals and households, especially seniors and those with income constraints or special needs.**

#### Policy H.B.1 Require a balance of housing types, sizes (bedrooms), tenure and the inclusion of affordable, senior and special needs dwelling units in multi-family developments.

*Program H.B.1.a Maintain existing zoning and complete necessary rezoning to provide adequate sites to accommodate the Regional Housing Needs Allocation, as referenced in Sections III.1 and III.2, no later than 3 years and 120 days of the statutory deadline for adoption of the Housing Element [per Government Code Section 65583(c)(1)(A)].*

*Time Frame: October 2012*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.B.1.b For the new 6.9 acre NCRO-3 and the new 7.03 acre R-SWB zoning districts, adopt development regulations (including public space standards as appropriate) that permit owner-occupied and rental multifamily uses by right (without discretionary review), require a minimum of 16 units per site, require a minimum density of 20 units per acre in the R-SWB district and 24 units per acre in the NCRO-3 district, and allow three-story development via a 35 ft. height limit, as referenced in Figure HE.2, Tables 37, F.11 and F.12, and Section III.1.3.*

*Time Frame: October 2012 (see Program H.B.1.a)*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.B.1.c Amend the Design Permits chapter of the Municipal Code to include the findings required by Government Code Section 65589.5(d), (i) & (j) & Section 65583.2(i) regarding proposed housing developments for very low, low or moderate-income households and emergency shelters; and clarify in the Design Permit subsections under the applicable zoning district chapters that any design review for those districts intended to accommodate affordable housing would comply with the restrictions set by AB 2348 (also see Program H.D.1.d). Also amend the Design Permits chapter to provide more certainty in the permitting process by eliminating any vague phrasing in the findings.*

*Time Frame: Within 1 year [Government Code Section 65583(a)(4)]*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.B.1.d Revise the General Plan's applicable land use designations to reflect the net acre density (excluding land area devoted to public rights-of-way for streets and utilities) to be consistent with all zoning districts to be revised per the Housing Element. Revise the Land Use Element's policies and programs so as to be consistent with Government Code Section 65583.2 regarding affordable housing.*

*Time Frame: As part of the General Plan update, but no later than October 2012 (see Program H.B.1.a)*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.B.1.e Monitor market-rate rents for secondary dwelling units to determine whether they remain affordable; if not, consider what actions may be legally taken to make the primary or secondary unit affordable for occupancy by a low- or moderate-income household.*

*Time Frame: Ongoing*

*Responsibility: Community Development Department*

*Funding Source: City funds*

*Program H.B.1.f Amend the definition of "dwelling" in BMC Section 17.02.235 to specifically include "transitional housing" and "supportive housing" as examples (per SB*

*Time Frame: Ongoing*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.C.1.d Encourage maintenance of existing units in the NCRO-2 Downtown Brisbane Neighborhood Commercial District through the use of County, State and Federal rehabilitation funds.*

*Time Frame: Ongoing*

*Responsibility: Community Development Department, City Manager's Office*

*Funding Source: Outside agencies, as indicated*

**Goal H.D Ensure that new residential development is compatible with existing development and reflects the diversity of the community.**

**Policy H.D.1 Retain the small town character of existing residential neighborhoods, while allowing for increased housing density appropriate to the multi-family residential districts.**

*Program H.D.1.a Continue to develop master plans to maintain and upgrade public infrastructure in residential neighborhoods. Seek grants and other special funds to supplement utility and gas tax funds to implement improvement projects.*

*Time Frame: Ongoing*

*Responsibility: Public Works Department*

*Funding Source: City funds*

*Program H.D.1.b Amend the R-2 and R-3 Districts regulations to allow dwelling groups (as defined by Brisbane Municipal Code Section 17.02.240) as a permitted use (instead of a conditional use). Also allow dwelling groups in the R-SWB District.*

*Time Frame: October 2012 (see Program H.B.1.a)*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.D.1.c Revise the SCRO-1 District setback requirements to be similar to the R-3 District standards for residential uses, while specifying appropriate setbacks for commercial uses similar to those for the TC-1 District, with exceptions possible through Use Permit approval.*

*Time Frame: October 2012 (see Program H.B.1.a)*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.D.1.d For the new zoning districts intended to accommodate affordable housing,*

*adopt form-based codes that provide objective, quantifiable development standards including, but not limited to, building form, architecture, public space and landscaping in the applicable districts to non-subjectively address concerns that would otherwise be taken care of through discretionary design review approval (also see Program H.B.1.c).*

*Time Frame: October 2012 (see Program H.B.1.a)*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

**Goal H.E Encourage compact, in-fill, mixed use and transit oriented development to reduce vehicle miles traveled and greenhouse gas emissions.**

**Policy H.E.1 Encourage housing that supports transit oriented development (TOD) and smart growth to minimize automobile trips, and reduce greenhouse gases.**

*Program H.E.1.a Consider revisions to the Zoning regulations to include mixed-use and live-work housing where appropriate.*

*Time Frame: Ongoing*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.E.1.b Continue to allow residential uses above or behind storefront uses in the NCRO-2 Downtown Brisbane Neighborhood Commercial District and encourage residential uses in new mixed-use developments in designated zoning districts.*

*Time Frame: Ongoing*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.E.1.c Replace the General Plan's Subregional/ Commercial/ Retail/ Office land use designation for the southern portion of the Southwest Bayshore subarea, including the mobilehome park, with the appropriate residential designations.*

*Time Frame: As part of the General Plan update, but no later than October 2012 (see Program H.B.1.a)*

*Responsibility: Community Development Department, Planning Commission, City Council*

*Funding Source: City funds*

*Program H.E.1.d Consider changes to the zoning ordinance for multifamily housing as part of transit oriented development (within ¼ mile of a transit stop), such as:*

- *Reduce parking minimums and establish parking caps*
- *Increase building height limits to 35 ft. to allow three-story development*
- *Provide for flexible setbacks and increased lot coverage*

Table 34.  
Summary of Housing Sites Inventory

Current Land Use Area ((E) Zoning District)	Sites*	Proposed Rezoning of Specified Sites	Size (Acres)	V. Low Income Units	Low Income Units	Mod. Income Units	Above Mod. Income Units	Total Units	Notes
CURRENT ZONING	Mixed Use								
	Central Brisbane (NCRO-2)	Various sites	0.81	2 <sup>B</sup>	2 <sup>B</sup>	-	13	17	Includes units permitted since 1/1/07
	Southwest Bayshore (SCRO-1), North End	3700, 3708 & 3710-3760 Bayshore Blvd	5.01	-	2 <sup>B</sup>	3	45	50	
	Residential Only								
	Northeast Ridge (PD)	Various sites	17.66	-	-	-	77	77	Includes units permitted since 1/1/07
CURRENT ZONING	Central Brisbane (R-1, R-2 and R-3)	Various sites	8.95*	-	8	7	68	83	Includes units permitted since 1/1/07 * SDU's based on trends, so average not included
	Bishbane Acres (R-BA)	Various sites	See App. F	-	-	-	4	4	Based on trends
	Mixed Use								
	Crocker Park (TC-1)	25 Park Place	1.25	-	23 <sup>B</sup>	-	-	23	2.5% dedication to public space
REZONE		41-43 Park Place	1.11	-	20 <sup>D</sup>	-	-	20	(Subtotal for this area is 23 + 20 + 82 = 125 potential units)
		125 Valley Drive	4.54	-	82 <sup>B</sup>	-	-	82	
	Residential Only								
Southwest Bayshore (SCRO-1), South End	3832 to 4090 Bayshore Blvd (Includes all properties south of the mobilehome park)	R-SWB (20 units/acre min.)	7.03	-	93	-	-	93	Based on aggregation of commercial and vacant sites (See Appendix F, Table F 12) Redevelopment of existing residential is not included in the inventory for this plan period
<b>INVENTORY TOTALS</b>				91	232 <sup>AC</sup>	10 <sup>L</sup>	207	449	
<b>RHNA REQUIREMENTS</b>				66	77	167	401		
ALSO CONSIDERED <sup>B</sup>	Mixed Use (Not included in totals)								
	Crocker Park (TC-1)	280 Old County Road	1.46	-	22 <sup>B,D</sup>	-	-	22 <sup>D</sup>	25% dedication Post Office location
	Residential Only (Not included in totals)								
	Crocker Park (TC-1)	99 North Hill Drive	R-4 (20 units/acre min.)	1.69	-	34 <sup>D</sup>	-	34 <sup>D</sup>	Adjacent to Northeast Ridge
		91 Park Lane	R-4 (20 units/acre min.)	1.85	-	38 <sup>D</sup>	-	38 <sup>D</sup>	
	105 Park Lane	R-4 (20 units/acre min.)	2.13	-	43 <sup>D</sup>	-	43 <sup>D</sup>		

NOTES. A See also, Table 35 for further breakdown of the Current Zoning inventory, by New Permitted Units since January 1, 2007 and Potential Units, and Appendices E & F for the detailed Sites Inventory  
 B Housing units in mixed use developments may count toward the lower income RHNA, however at least half of the very low and low income housing need must be designated for residential uses only See Table 39, Footnote A  
 C Housing units affordable to the very low and low income, as defined by the state, are also affordable to moderate income households  
 D A number of other alternatives were considered for potential new housing units. Not all of these are shown here, but rather just the final group of sites that may be considered should the City determine that additional site(s) are needed. These units are not included in the totals

Subarea: Southwest Bayshore

Current General Plan Land Use Designation: Subregional Commercial/Retail/Office (SC/RO), 2.8 Floor Area Ratio

General Notes on Infrastructure, Capacity & Site Constraints: All sites are infill and have existing infrastructure for City services and are close to bus lines, which run on Bayshore Boulevard already with stops within approximately 1/4 mile of the sites listed. A constraint applicable to all of these sites is that they are within the Habitat Conservation Plan (HCP) area. Although this area of the HCP has generally been found to be of lower habitat value than the upper slopes of San Bruno Mountain, if dedications of land area are necessary for habitat preservation, that would reduce the potential number of units below the state's RHNA requirement, the losses will be required to be made up through increased density on that portion remaining. A minimum of 16 units will be required per site upon redevelopment (i.e. 23,800 sq ft minimum lot size will be required to accommodate 16 units at the maximum density of 29 units per acre). The minimum density will be 20 units per acre. Redevelopment will necessitate aggregation of some lots to accommodate 16 units. Aggregation is consistent with the General Plan Program 239a, "Discourage multiple individual driveways onto Bayshore Boulevard". The few, current commercial uses struggle with the small size and resulting lack of easy access from Bayshore Boulevard. Aggregation of lots north of San Bruno Avenue will allow for frontage along Bayshore Boulevard and San Bruno Avenue and potentially provide for access from San Bruno Avenue and thereby reduce the need for driveways onto Bayshore Boulevard. Also, see Chapter III for further discussion and Program H.B.1.h will provide for development of an outreach program to encourage private redevelopment of existing developed sites.

\*The "Alternative Aggregation demonstrates that aggregation may occur in more than one pattern; if the pattern for the "Realistic Potential" were to be continued for the sites beyond the plan period, the maximum yield is the same, although aggregation of certain sites will be required for redevelopment, the site specific capacity is shown to reflect the minimum requirement for individual sites despite aggregation requirements. This is to address Gov't Code Section 65863, in the potential event of the City reducing the residential density for any parcel.

Address	APN	Land Area		Existing Use (Year Built)	Current Zoning/Proposed Zoning	Proposed General Plan Density (units/acre)		Capacity (Potential Units)			Site Specific Notes			
		Sq. Ft.	Acres			Min	Max	Site Specific** at 20 units/acre minimum	Alternative Aggregation* (Max.) 16 units/acre min. and 29 units/acre (23,800 sq ft min.)	Realistic Potential 2007-2014 (16 un./site min. & 20 un./ac min. to 29 un./ac (23,800 sq ft min.))		Aggregation		
4050 Bayshore Blvd	007560040	22,600	0.518	SFR	SCRO-1/ R-SWB	20	29	11	All: Group 7 22,600 + 43,073 + 7,840 = 73,513 sq ft; 49 units - 1 (e) = 48 new units @ 29 un/acre	0	0	Steep site. Newer single family residence is not assumed for redevelopment in this plan period May aggregate north or south		
4070 Bayshore Blvd	007560020	20,473	0.47	Vacant	SCRO-1/ R-SWB	20	29	9	Group 4 20,473 + 22,600 + 7,840 = 50,913 sq ft 24 units @ 20 un/acre	9	0	Steep site. Two parcels are in common ownership with Bayshore Boulevard frontage		
	007560030	22,600	0.519					11						
4090 Bayshore Blvd	007560010	7,840	0.179	Vacant	SCRO-1/ R-SWB	20	29	4		4		Steep site with no direct street access. Aggregation with 4070 Bayshore Boulevard is required for development for both access and size requirements		
<b>Totals</b>														
								147 - 9(c) = 138	206 - 9 (e) = 197	93**	93		Minimum Density at Buildout	Minimum Density at Partial Buildout

H.I. 23

# *City of Brisbane*

## *Planning Commission Agenda Report*

TO: Planning Commission For the Meeting of 9/8/11

FROM: Ken Johnson, Associate Planner, via John Swiecki, Community Development Director

SUBJECT: STUDY SESSION: Introduction to Form-Based Codes

**Purpose:** This study session is to provide an introduction to Form-Based Codes, to address rezoning programs that were adopted with the 2007-2014 Housing Element. These programs are to establish the new R-SWB Southwest Bayshore Residential District and the new Crocker Park NCRO-3 Neighborhood Commercial District, in order to accommodate the State mandated Regional Housing Needs Allocation (RHNA). Included with this agenda report are a couple short articles and excerpts of other Cities' codes to provide a framework for understanding Form-Based Codes. Staff understands this is a new concept and it is not our intent to cover all the attached materials in one study session. The intent of tonight's study session is to provide a broad overview. Additional study sessions will be scheduled as needed.

**Introduction to Form-Based Codes:** Land use zoning in the United States largely began following the Industrial Revolution, in the early part of the 20<sup>th</sup> Century, and has been characterized by separation of uses, with the aim of protecting human habitations from dirty industry. This was coined Euclidean Zoning in 1926 (also called Conventional Zoning). In brief, Euclidean Zoning tends to be characterized by the following:

- Segregation of uses with the intent of human protection
- Emphasis on the definition of the upper limits of what may be developed (floor area ratios, lot coverage, height, etc.), or minimum development standards (setbacks, required parking, etc.)
- Uncertainty in the permitting process
- Ubiquitous suburban sprawl and associated concerns:
  - Automobile scaled places
  - Public realm as an incidental byproduct of development
  - Difficult to walk or bicycle between uses
  - Monotonous Places
  - Decline of public transportation
  - Decline of urban centers
  - Consumption of land
  - Global warming

While there are plenty of examples where Euclidean Zoning is still appropriate for human protection, the primary unintended consequence of ubiquitous Euclidean Zoning has been suburban sprawl. Homes, work, shopping and recreation all tend to be separated. The result is auto-centric, oversized places that tend to be monotonous, and unsafe or unattractive for pedestrians and bicyclists (either by sheer distance or design). Shopping malls and suburban housing tracts are classic examples of Euclidean Zoning.



One can find exceptions of enjoyable town centers where people can walk from home to work, to shopping and so forth, but these tend to be older (traditional) town centers that evolved to meet local needs prior to Euclidean Zoning.

Euclidean Zoning is predominant in Brisbane, although Visitacion Avenue is an example of a traditional neighborhood. Most of its development was completed by the 1940's as a result of local needs, and prior to its current zoning. Crocker Park, on the other hand, is a classic example of Euclidean Zoning, where the uses are trade commercial; that, combined with the building envelope limits established in the code, has resulted in a district entirely composed of warehouses and offices.

### Form-Based Code Principals

Although Form-Based Codes are a relatively new tool for city planning, they hearken back to pre-Industrial Revolution traditional development, which evolved over long periods in response to the needs of the local communities. The key concepts behind Form-Based Codes are the following:

- Emphasis on physical form, not land use, as an organizing principal
- Proactively defines a community vision
  - Translates the community vision into a regulating code which defines physical form
  - Provides certainty for community and property owners – clear rules and standards developed up front
  - Enables incremental growth
- Focused on revitalization or creation of urban centers to result in:
  - Human scaled places
  - Easy to walk or bicycle between uses
  - Focus on public transportation
  - Suited to parcel by parcel re-development of land
  - Higher quality public realm

As previously indicated, Form-Based Codes are not for all cases. However, in the case of the proposed Crocker Park NCRO-3 District, Form-Based Codes have been identified as a tool to complete the village by providing zoning to allow for development of a key connection between the Brisbane Village Shopping Center, Visitacion Avenue the Community Park and City Hall. For the proposed Southwest Bayshore R-SWB District rezoning to allow for redevelopment to residential uses would improve the overall appearance of the built environment at this southern gateway of the City. In both cases, Form-Based Codes will also afford the City control over future development while responding the State's mandate that cities include zoning to accommodate their share of the regional housing need without discretionary permits.

### Form-Based Code Technical Elements

The technical elements of Form-Based Codes are divided into “minimum components” and “optional components”. The City may develop any of the components it chooses as part of its code. If any of the so called minimum components are not included, the code would simply be considered a hybrid Form-Based Code. The components are as follows:

#### “Minimum Components”

- Regulating Plan – Map(s) that shows the assignment of the codes various regulations to actual physical locations.

- Public Space and Street Standards - Regulations for elements within the public realm
- Building Form Standards – Regulations controlling the configuration, functions and features of the buildings
- Administration - Regulations for the project application and review process.
- Glossary

“Optional Components”:

- Block Standards - Division of larger sites into walkable streets.
- Building Type Standards - Definitions of the forms and functions of the buildings, such as detached single family homes versus live/work units.
- Architectural Standards - Regulations controlling the physical character and quality of buildings.
- Landscape Standards - Control of the character and quality of the improved landscaping within private spaces.
- Green Building Standards - Regulations regarding the quality of the development with regards to its impacts on the environment.
- Other Standards - A Habitat Conservation Plan (HCP) Compliance component would be developed specifically for the proposed R-SWB District, to ensure that new development is consistent with the HCP.

Examples

Excerpts from the City of Benicia Downtown Mixed Use Master Plan, City of Livermore Development Code, and the Hercules Bayfront, LLC Waterfront District Master Plan are provided as examples of Form-Based Codes. Note that Hercules was added since the meeting of August 22<sup>nd</sup> to provide an example of a code that includes architectural styles. A common thread in the presentation style of each of these three codes can be seen in the standards, especially in the use of graphics and photographs to illustrate the standards.

**Attachments:**

- “Form-Based Codes – New Approach to Zoning”, smart Growth Tactics, Michigan Association of Planning, Issue 28, 1/16/07
- “Conventional Zoning vs Form Based Coding”, an excerpt from “An Introduction to Sustainable Form-Based Codes”, by Steve Coyle
- “A New Theory of Urbanism”, Scientific American Volume 283, by Andres Duany, 12/2000
- “What Are Form-Based Codes?” Form-Based Codes Institute webpage
- “Checklist for Identifying and Evaluating Form-Based Codes”, Form-Based Codes Institute webpage
- City of Benicia Form-Based Code Excerpts, September 2007
- City of Livermore Form-Based Code Excerpts, May 1, 2010
- Hercules Bayfront, LLC, Waterfront District Master Plan, May 27, 2008

# *City of Brisbane*

## *Planning Commission Agenda Report*

TO: Planning Commission For the Meeting of 12/8/2011

FROM: Ken Johnson, Associate Planner, via John Swiecki, Community Development Director

SUBJECT: STUDY SESSION- Introduction to Form-Based Codes (Session 2), Placemaking Review

**Purpose:** During the Planning Commission's study session of September 8<sup>th</sup>, the Commission expressed a desire to review the results from the City's two day, Placemaking workshop, conducted by Project for Public Spaces (PPS), since the results from this workshop directly relate to the proposed rezoning of the southeast corner of Crocker Park. As provided for in the 2007-2014 Housing Element the three Crocker Park sites, totally approximately 6.9 acres, north of the Community Park, are to be rezoned from TC-1 Trade Commercial to NCRO-3 Neighborhood Commercial by October 2012. The full report from the workshop is included as an attachment to this agenda report, with the sections highlighted that relate to the proposed NCRO-3 District and its immediate surroundings.

**Background:** In brief, the workshop was held over the course of two days, in the fall of 2005, with approximately 35 to 40 participants, including local citizens, public officials, and City staff. The primary goals were to strengthen Central Brisbane and enrich the downtown, and so participants were charged with creating a vision for what a revitalized and place-focused downtown Brisbane would look like.

In facilitating its workshops, PPS uses the guiding principal of the power of 10. That is that every city needs 10 great places, every place has to have 10 special places within it and every special place needs 10 reasons to be there or things to do in that place. PPS emphasizes that often it is not a grand sweeping plan that is needed, but rather a series of small incremental changes that can make for a great place (benches, game tables, newspaper kiosks, etc). However, given the opportunity for positive change in this area of Brisbane, much of what came out of the workshop tended to be grand sweeping changes. Also, PPS's emphasis is on community discovery and brainstorming. This has served Brisbane well in the initial imagining of the center of Brisbane as a more complete town center. So the ideas taken from this two day workshop will become a starting point for the more detailed community visioning of the new NCRO-3 District and in the creation of the Form-Based Code that will drive the future design and build-out of this district.

**Placemaking Results:** The community comments and recommendations from the workshops that pertain to the proposed NCRO-3 District are highlighted in the attached report. In summary, the key comments and recommendations were to create a more engaging, active and walk-able center for the community and the following ideas should be considered in the future development of the NCRO-3 District and for this area as a whole:

- The buildings within the proposed NCRO-3 District could be repurposed or replaced and the entire area may be redone to create a new "piazza" type of civic plaza. Mixed uses (including retail and residential), a new library, community center and charter high school were all suggested

as potential uses to help elevate this area in importance and functional use to the community. See Concept Sketches A & B (pages 53 & 54) in the attached report.

- The buildings in and around this district should be configured to be outwardly oriented and engage the public at the street. Street parking is recommended, since it adds to the level of activity at these places and the ease of coming and going, but parking lots should be largely hidden from street view since they detract from human engagement and the sense of place.
- Use traffic calming tools on the surrounding streets. Both Old County Road and Bayshore Boulevard were re-imagined to be more pedestrian oriented and to enhance the civic plaza/mixed use district. The changes to these streets could include providing on-street parking and narrowing of both of these streets. The section of Bayshore Boulevard between Old County Road and Valley Drive might be reduced to two travel lanes. This section of Bayshore Boulevard might also be developed to expand Brisbane's shopping district, with retail space on both the east and west sides (the property on the east side is owned by the City). Median plantings, instead of paint, and unit pavers in the roadway might be another alternative to calm traffic on Old County Road. Consideration may also be given to reconfiguring Old County Road to effectively enlarge the park. Ideas for other roadways internal to the NCRO-3 district were also suggested as possibilities.
- The number of businesses should be increased to better meet the needs of the community and the presence (their placement and design in relation to the streetscape) should be improved upon. The reconfiguration of Bayshore Boulevard could also serve to help support the retail businesses.
- The number of recreation facilities/opportunities in this area, especially for teens, should be increased and the skate park enhanced.
- More, safer and attractive pedestrian connections between the various uses in this area should be provided. City Hall, the Community Park, Brisbane Village Shopping Center, Visitacion Avenue and the new NCRO-3 District should all feel better connected.
- Landscaping should be used in various ways to create different types of places for people to be, to provide traffic calming, to provide protected places, to open up connections between places, etc.

The results from the Placemaking workshop provided a basis for the 2007-2014 Housing Element to designate the subject area for rezoning to NCRO-3. The intent is that many of the ideas that came out of the workshop will be realized, the details of which will be vetted through further visioning of this area and development of the Form-Based Code.