

Draft

BRISBANE PLANNING COMMISSION
Minutes of May 14, 2009
Regular Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Hunter, Parker, and Chairperson Maturo
Arrived Late: Commissioner Lentz (arrived at 7:40 p.m.)
Absent: Commissioner Munir
Staff Present: Community Development Director Prince, Senior Planner Tune, Associate Planner Johnson

ADOPTION OF AGENDA

Commissioner Hunter moved to adopt the agenda as proposed. The motion was seconded by Commissioner Parker and approved, 3 - 0 (Commissioner Lentz absent during voting).

CONSENT CALENDAR

1. Approval of Draft Minutes of April 23, 2009 Regular Meeting

Commissioner Hunter moved to approve the April 23 minutes as presented. The motion was seconded by Commissioner Parker and approved, 3 - 0 (Commissioner Lentz absent during voting).

ORAL COMMUNICATIONS

There were no members of the public who wished to address the Planning Commission.

WRITTEN COMMUNICATIONS

Chairperson Maturo acknowledged receipt of a notice of an appeal of the Planning Commission's conditional approval of the 325 Valley Drive freight forwarding application, a letter from Terry O'Connell regarding the 325 Valley Drive project, several letters regarding Bayshore Boulevard zoning issues, and general correspondence.

NEW BUSINESS

1. **PUBLIC HEARING: 661 San Bruno Avenue;** Fence Exception FD-1-09, Design Permit DP-1-09, Use Permit UP-9-09 & Variance V-1-09; fence height exception for 8 ft. solid wood fence on north property line at garage; extension of previously approved Design Permit DP-4-04, Use Permit UP-3-07 and Variance V-2-07 for four-unit multi-family dwelling exceeding height limit to accommodate van-accessible garage parking space with reduced parking lot aisle width; J. Deal Associates, applicant; Steve Johnson, owner; APN 007-362-090

Senior Planner Tune noted that the Planning Commission approved a design permit four years ago for a four-unit building over a six-car garage to replace the existing house and garage on this almost 7,000-square foot site in the R- 3 district. The approved two-bedroom units ranged in size from 750 to 1,100 square feet, and the building was designed to step back from the front and sides. Due to subsequent changes in the building code, the height of the garage was increased to accommodate an accessible van, causing the building to exceed the 28-foot height limit by 1 foot, 2 ½ inches, and requiring the retaining wall for the garage parking aisle to be narrowed to less than the City's standard. Senior Planner Tune stated that the Planning Commission approved a height limit variance and use permit for a parking modification two years ago, with the condition that an 8-foot-tall solid wood fence be built to screen the garage and trash enclosure from the building next door. He added that the fence exception was required because the fence exceeded the 6-foot height limit.

Senior Planner Tune explained that the permits lapsed because construction was delayed due to the downturn in the economy, so the applicant is requesting renewal of those permits. He drew attention to the conditions detailed in the staff report and recommended approval.

Commissioner Lentz asked if any of the plans had changed since the Planning Commission approved the original permits. Senior Planner Tune said the only difference is that the applicant provided details for the 8-foot-tall fence within the side setback.

Chairperson Maturo opened the public hearing and invited comments from the applicant.

Melvin Johnson, property owner, requested an extension of the fence exception, design permit, use permit, and variance.

Commissioner Lentz said he understood the applicant was not ready to begin construction, and he questioned whether it would be better to request permits when the applicant was ready. Mr. Johnson confirmed that the applicant was not yet ready to start construction. He indicated that the permits need to be extended in order to preserve the applicant's right to build the project as proposed. Senior Planner Tune added that if the

permits are not extended, the applicant would have to reapply later, lengthening the processing time.

Commissioner Hunter asked how long the permits would remain in effect. Senior Planner Tune responded that the applicant would have one year to obtain a building permit, and construction would need to start within six months after that.

Commissioner Hunter noted that when the Planning Commission first heard about the projects, one of the neighbors requested a higher fence. Mr. Johnson expressed willingness to construct the 8-foot fence as requested.

Louise Busse, one of the owners of the neighboring property, said that when this project came before the Planning Commission, she objected to having open carports because of noise impacts and exhaust fumes. She commented that a solid wall would eliminate these problems, and she asked that her comments be included in the record.

Dennis Busse, the other owner of the neighboring property, indicated that the applicant had been very cooperative in agreeing to build an 8-foot wall to minimize impacts on the adjoining property. Referring to the aerial diagram in the meeting packet, he recommended replacing the wheel chocks shown with bollards to prevent cars from going past the parking area.

Commissioner Hunter pointed out that the plans call for a metal guardrail, and the north elevation shows a solid barrier where the stairway ascends.

Mr. Busse advised that a common sewer pipe runs along the property boundary. He reported that his house has been flooded five times due to pipe blockages, and he recommended having this problem fixed in conjunction with this project.

Chairperson Maturo asked the applicant to clarify the parking barriers. Steve Johnson, property owner, said he believed the guardrail was intended to address this issue.

Commissioner Hunter observed that the stairway will also help minimize sound impacts.

There being no other members of the public who wished to address the Planning Commission on this matter, Commissioner Hunter moved, seconded by Commissioner Lentz, to close the public hearing. The motion was unanimously approved and the public hearing was closed.

Commissioner Hunter stated that he had no objections to the proposed project, and noted that the applicant is proposing features such as a solid fence and a guardrail to address the sound and safety impacts.

Commissioner Parker indicated that she was not a member of the Commission when this

application was first presented. She asked the applicant if any changes had been made to the sewer system since then. Mr. Johnson replied that no changes had been made.

Commissioner Hunter moved to conditionally approve the fence exception, design permit, use permit, and variance as proposed. The motion was seconded by Commissioner Lentz and unanimously approved.

2. **325 Valley Drive;** Adoption of report to the City Council on the appeal of the Planning Commission's conditional approval of Design Permit DP-2-08 and Use Permit UP-11-08 with Mitigated Negative Declaration; design permit and use permit to replace existing 130,674 sq. ft. office/warehouse with 80,640+/-1 sq. ft. freight forwarder facility and 2,988 sq. ft. vehicle maintenance building for FedEx Express with 14,000+/- cu. yds. of cut/fill; Mitigated Negative Declaration; International Airport Centers, applicant; IAC 325 Valley LLC, owner; APN 005-190-010

Senior Planner Tune noted that two Councilmembers have appealed the Planning Commission's conditional approval of the 325 Valley Drive freight forwarding project. He drew attention to the background report prepared by staff.

Chairperson Maturo said the letter from Terry O'Connell requests that the Planning Commission refrain from acting on the report in light of new information. She clarified that the Commission's decision and the proposed report are based solely on the information presented previously.

Commissioner Hunter noted that the City Council has the ability to watch the DVD of the Planning Commission meetings in addition to reviewing the written meeting minutes.

Commissioner Parker asked if she could submit a letter articulating her own position. Community Development Director Prince said the Planning Commission does not normally provide dissenting opinions. He noted that any Commissioner can submit written comments in his or her capacity as a private citizen. Commissioner Hunter added that Commissioners can also attend the appeal hearing and make oral comments there. Director Prince clarified that such comments would not be made on behalf of the Planning Commission.

Commissioner Lentz asked if the Commission could make recommendations on issues going beyond the appeal, such as changing the 20 percent cap on freight forwarding. Director Prince explained that the appeal hearing is limited to the application under consideration. He suggested making recommendations to the City Council as a separately noticed matter.

Commissioner Hunter proposed taking comments from Terry O'Connell before acting on the report. Chairperson Maturo invited comments from members of the public.

Terry O'Connell stated that FedEx uses independent contractors as drivers, which she was concerned could increase the number of trips generated by the proposed FedEx Express project beyond those generated by its own fleet. She questioned FedEx Express's statements that no future growth or expansion of the facility was anticipated. She recommended clarifying the company's plans and reconsidering traffic impacts in light of this new information. She asked that her letter be added to the Planning Commission's report and forwarded to the City Council.

Commissioner Lentz expressed his appreciation to Ms. O'Connell for bringing this information to the Commission's attention. Ms. O'Connell clarified that all her information came directly from the FedEx Website.

Commissioner Lentz asked about an April 19th meeting referenced in the materials quoted by Ms. O'Connell. Director Prince cautioned the Commission against discussing matters outside the scope of the appeal. He noted that the City Council may entertain new information when it considers the appeal. He added that the Commission retains jurisdiction to revoke or modify the use permit if there are problems or changes in the future, and he drew attention to Condition MM.

Chairperson Maturo advised that the appeal will probably come before the City Council at its June 15 meeting.

Commissioner Lentz moved to adopt the report as proposed. The motion was seconded by Commissioner Hunter, with the understanding that Ms. O'Connell's letter would be forwarded to the City Council separately. The motion was unanimously approved.

STUDY SESSION

1. **Housing Element Update** -- Potential Zoning Alternatives in Response to the Regional Housing Needs Allocation and Changes in State Law

Community Development Director Prince noted that at the April 30 meeting, staff provided an overview of global warming issues, an update on State laws pertaining to the Housing Element, and an analysis of available housing sites in Brisbane. He said State law requires the City to conduct a land use inventory to verify that there is adequate capacity to meet the assigned Regional Housing Needs Allocation, and as part of that process, staff determined that certain zoning changes would be needed to achieve the target of 401 units. Director Prince advised that State law also requires affordable housing sites need to be zoned for a minimum density of 20 units per acre.

Director Prince clarified that the 401 housing units need not actually be constructed during the term of the Housing Element, but the capacity to accommodate that number of units must be shown. He drew attention to the charts in the staff report for a list of

potential housing sites, the number of units each site can accommodate under existing land use regulations, and a description of the density changes and zoning alternatives the City can consider to meet the 401-unit target. He said Table D identifies and describes parcels that could be rezoned to accommodate housing.

Senior Planner Tune discussed three possible alternatives for meeting the Regional Housing Needs Allocation. He said Alternative A focuses on in-fill development and calls for intensifying density in existing residential districts; Alternative B focuses on rezoning a few parcels on the edges of Crocker Park to allow multi-family housing, along with intensifying density in the existing R-3 District; and Alternative C is a combination of these options. He referred to the matrix listing applicable policies and programs in the General Plan Housing Element.

Community Development Director Prince said that in order to rezone commercial parcels for residential uses, the City would need to argue that existing zoning poses an impediment to meeting housing needs. He pointed out that each of the three alternatives would provide capacity for more than 401 units.

Commissioner Parker asked about the status of the Post Office in Alternatives B & C. Associate Planner Johnson said the Post Office building is not owned by the U.S. Postal Service and would remain as an existing nonconforming use.

Chairperson Maturo asked if the City's allocation would be increased later if a surplus capacity is provided now. Community Development Director Prince responded that the allocations are recalculated anew for each cycle, and each participating city is assigned a target representing its share of housing units at that time. He said that in the future, the Housing Element will need to be updated every eight years, while the General Plan is intended to cover a ten- to twenty-year horizon. He expressed his opinion that it would be best to demonstrate a capability for more than 401 units in case the State rejects the option of rezoning any particular parcel.

Commissioner Hunter commented that rezoning for extra capacity could lead to ideas for further community improvements. For example, he noted, if parcels near the Community Park are rezoned for housing, there might be opportunities to consider changes in other nearby sites. He also pointed out that intensifying residential density just in Central Brisbane could impact the small-town character of the town.

Senior Planner Tune said the owner of the Hilltop Market, who had been present at the meeting but left early, has had trouble finding commercial tenants and would like the City to consider rezoning the NCRO-2 District to allow residential uses without a storefront component.

Commissioner Lentz drew attention to the small parcel to the north of 125 Valley Drive and asked why that site was not proposed for rezoning. Community Development

Director Prince replied that the sewer lift station is located there, so it would not be suitable for housing.

Commissioner Lentz observed that allowing residential uses around or in the Brisbane Shopping Village could help revitalize the businesses in that location, and he suggested exploring this option. He remarked that the vacant portion of the Bank of America property might then be better utilized.

Commissioner Hunter said he had reservations about more development right at the gateway to town. He expressed his opinion that other locations close to the town center would be better. Commissioner Lentz clarified that he was thinking about a small-scale, mixed-use development that blended into the shopping center and still retained a feeling of openness. Commissioner Hunter recommended focusing on other parcels before changing the shopping center.

Commissioner Lentz talked about the new Sonoma Mountain development in Rohnert Park that reuses existing buildings, upgrades them with green technology, and changes some of their uses. He noted that Crocker Park has a number of older buildings that would benefit from upgrades, and people in the community might rather have housing there than freight forwarding or other uses. He suggested revisiting the uses in Crocker Park and thinking about ways to make better connections with the rest of Brisbane, create jobs, reopen creeks and add green space.

Director Prince noted the City Council has a subcommittee looking at the future of Crocker Park as a whole. He said that when updating the Land Use Element of the General Plan, the Council indicated a willingness to consider rezoning a few parcels in Crocker Park to allow housing. He welcomed feedback from the Commission regarding the alternatives presented in the staff report.

Commissioner Parker commented that she would rather see development in Central Brisbane than changing the contours of the mountain to accommodate more housing. She expressed support for Alternative B, which calls for rezoning the Crocker Park parcels for mixed-use development.

Commissioner Hunter observed that the TC-1 District probably has the highest potential for a profitable development because the land is flat and infrastructure is already present.

Commissioner Lentz asked about the 99 North Hill Drive site. Senior Planner Tune noted that the site could be converted from warehousing to residential use.

Commissioner Lentz said he understood the City Council had rejected the idea of residential uses for the Northwest Bayshore subarea. Director Prince confirmed that understanding. Commissioner Lentz commented that the industrial area on other side of Bayshore Boulevard would be a better site for a mixed-use development. He remarked

that he would rather see Northwest Bayshore preserved as open space.

Director Prince advised that the General Plan still prohibits residential uses in the Baylands subarea, and a slim majority of the Council supported the concept of a hotel/condo development at Sierra Point. He noted that for this reason, staff did not consider the Baylands or Sierra Point as potential sites in its analysis, and there are enough sites elsewhere in Brisbane to meet the Regional Housing Needs Allocation target.

Commissioner Hunter said he would like the Housing Element to focus on sites that would make the community more cohesive and sustainable. He acknowledged that the Baylands might be a possible residential site in the future, but recommended confining the discussion at this time to the central part of Brisbane.

Commissioner Hunter noted that the staff report talks about changing the definition of housing to include transitional housing, supportive housing, manufactured housing, and mobile homes, and he asked how prefabricated housing would fit in. Senior Planner Tune said State law treats prefabricated housing the same as other types of dwellings.

Commissioner Hunter asked if houseboats on the Lagoon could be considered manufactured housing. Senior Planner Tune responded that the General Plan prohibits housing on the Lagoon, and the Bay Conservation and Development Commission has discouraged that type of residential use. Director Prince added that the Brisbane Marina does not allow liveaboards.

Commissioner Hunter observed that the City might need to allow houseboats if sea levels rise.

Commissioner Hunter said he liked ideas to allow housing in areas that would make Brisbane more connected and cohesive rather than in outlying and separated areas.

Chairperson Maturo expressed discomfort with expanding residential uses in areas with private roads. She said she favored cleaning up inconsistencies in zoning boundaries and rezoning portions of Crocker Park. She noted that Alternative B seems to create a more vibrant central area at the gateway to town, and she indicated she preferred that option.

Other Commissioners agreed that Alternative B, rezoning certain parcels in the TC-1 District, would be the best option for meeting the allocation target.

Director Prince talked about the history of redevelopment in California and it can be used to remove blight and revitalize older communities.

Commissioner Hunter noted that there has been controversy about the use of eminent domain to seize residential property and convert it to commercial use, and he observed

that Brisbane is proposing the opposite by taking commercial properties and allowing residential uses.

Commissioner Lentz noted that the mixed-use zone in the alternatives would include a provision that 25 percent of the parcels be open space. Director Prince explained that Alternatives B & C assumed that 75 percent of each of these parcels would be developed and 25 percent would be left as open area.

Director Prince encouraged the Planning Commission to recommend adoption of a minimum density standard of 20 units per acre, approve the other actions described on Pages H1.6 and H1.7 of the staff report, and decide which particular Crocker Park parcels should be rezoned for mixed-use development.

The Commission took a brief recess, and Chairperson Maturo reconvened the meeting and drew attention to the programs described on Pages H1.6 and H1.7.

Senior Planner Tune explained that State law requires identification of suitable sites for emergency housing, supportive housing, and convalescent hospitals. He said Programs 27, 28, 29, 30, 52, and 53 address these State requirements and would designate the Southwest Bayshore subarea for these uses.

Commissioner Lentz observed that the rezoned portion of the TC-1 District might be better for these uses because of its proximity to police services. Senior Planner Tune advised that proximity to social services and transportation are considered more important, and Brisbane already has a group home in the Southwest Bayshore subarea.

Commissioners expressed support for adopting Programs 27, 28, 29, 30, 52, and 53 for the SCRO-1 district.

Senior Planner Tune reviewed the proposed programs on Page H1.7 pertaining to substandard lots, lot dimensions, residential parking standards, and dwelling groups. He observed that the purpose of these programs is to clean up inconsistencies and conform to State law. He added that these programs would apply to all districts in Brisbane. Commissioners agreed to recommend adoption of these items.

Commissioners recommended implementing Alternative B and rezoning the designated parcels in Crocker Park to mixed use. Director Prince clarified that 91 to 105 Park Lane would also be rezoned but to a residential district, and Commissioners confirmed that intent. He noted that this would result in a total potential capacity of 577 units, with 235 units available for low- and very-low income levels. He said this would satisfy Brisbane's Regional Housing Needs Allocation.

Community Development Director Prince proposed reviewing and discussing the matrix of Housing Element goals, policies, and programs. He said staff added new goals to

reflect changes since the last Housing Element was adopted; he drew attention to Goal D, regarding mixed-use development, and Goal E, regarding energy conservation.

Commissioner Hunter pointed out that a comma should be inserted in Goal A after the word "income."

Commissioner Parker asked if Goal H referred only to Brisbane governmental constraints. Director Prince replied that Goal H refers to any federal, state, or local provisions that constitute an impediment to developing housing. He said examples would be rezoning or streamlining the permit process, or even lobbying the State to change unreasonable laws. He added that Goal H is a restatement of a previous goal and is intended to provide direction and guidance. Commissioners expressed support for Goal H as proposed.

Commissioner Lentz proposed adding "improve efficiency" to Goal E. Commissioner Hunter recommended inserting "improve efficiency" after "conserve energy." Other Commissioners agreed.

Turning to the Housing Element policies, Director Prince noted that changes were shown in red next to the previous wording, deletions were shown with strike-outs, and additions were shown in green.

At 10:30 p.m., Commissioners agreed to extend the meeting to complete review of the matrix.

Director Prince reviewed the policies page by page and pointed out revisions.

Commissioner Parker recommended adding language to Program H8a about minimizing hilltop construction and maintaining the contours of the land. Director Prince suggested that the Land Use Element would be a more appropriate place to address this issue. Associate Planner Johnson noted that Councilmember Barnes had proposed a new policy regarding respecting the topography of the mountain in the Land Use Element. Director Prince said staff will make sure this issue is addressed.

Commissioner Hunter asked about the original intent of the language in the program. Senior Planner Tune said the City wanted to try to reduce grading through the Housing Element. Commissioner Hunter observed that the language seems contradictory to that intent. After some discussion, the Commission decided to keep the language as written.

Referring to Page 12, Commissioner Hunter noted that "improve efficiency" should be inserted in the program under Goal E to mirror the language added earlier.

Commissioner Parker questioned the development potential of Brisbane Acres, noting that based on previous discussion, the Commission did not seem to favor that intensifying

it. Director Prince said Program H18b on Page 14 reflects the existing development potential of that area and fine-tunes the density transfer program.

Commissioner Hunter recommended adding the word “size” after “mixed type” in Policy H4 on Page 15.

The Commission completed its review of the draft Housing Element, and Director Prince indicated that staff would incorporate the changes and forward the revised version to the City Council. He said that once the City Council conceptually approves the Housing Element, staff will compile the revisions into a single document for the Council’s review.

ITEMS INITIATED BY STAFF

There were no items brought to the Commission’s attention by staff.

ITEMS INITIATED BY THE COMMISSION

Commissioner Hunter noted the Commission received a letter from the owner of 99 Thomas Avenue requesting a rezoning of that lot, and he asked about the status of that issue. Senior Planner Tune indicated that the letter had been submitted over a year ago when the Land Use Element was being considered. He stated that there had been no further correspondence from the property owners in that area, and the Planning Commission did not seem interested in pursuing any changes there.

Commissioner Hunter also noted a letter from the same time regarding building another unit at 4000 Bayshore Boulevard. He asked if this might be an appropriate site for a dwelling group, and Senior Planner Tune said that might be a possibility.

Commissioner Parker said that the City purchases tree chips for use in the Community Garden. Given the expense of tree chips, she suggested establishing a site to store chips from tree-trimming so they can be recycled. Community Development Director Prince encouraged Commissioner Parker to discuss this possibility with City Engineer/Public Works Director Breault. Commissioner Hunter expressed support, noting that some cities store chips from private and public tree-trimming projects and make them available to the public.

ADJOURNMENT

There being no further business, Commissioner Hunter made a motion, seconded by Commissioner Lentz, to adjourn to the Regular Meeting of May 28, 2009. The motion was unanimously approved and the meeting was adjourned at 11:23 p.m.

William Prince, Director
Community Development Department

Theresa Maturo, Chairperson
Planning Commission