

BRISBANE PLANNING COMMISSION
Action Minutes of February 9, 2012
Regular Meeting

CALL TO ORDER

Chairman Munir called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Cunningham, Do, Parker and Reinhardt and Chair Munir

Absent:

Staff Present: Community Development Director Swiecki, Associate Planner Johnson and
Special Assistant Tune

ADOPTION OF AGENDA

Commissioner Parker moved and Commissioner Cunningham seconded to adopt the agenda, except that selection of the Chair and Vice Chair will be moved to the next meeting. The motion carried 5-0.

APPROVAL OF DRAFT ACTION MINUTES

December 8, 2011 Regular Meeting. Commissioner Parker moved and Commissioner Do seconded. The motioned carried 4-0. Chair Munir abstained since he was absent on December 8th.

ORAL COMMUNICATIONS

None

WRITTEN COMMUNICATIONS

Chair Munir acknowledged correspondence from Karen Lundin regarding application SE-2-11, 480 Monterey Street, from Dana Dilworth regarding Zoning Text Amendment RZ-5-11 and various communications not related to items on the agenda.

NEW BUSINESS

1. **PUBLIC HEARING: 480 Monterey Street; Setback Exception Modification SE-2-11;** to allow construction of an accessory structure within the side and rear setbacks, modifying the setback exception distance to the rear property line from 5 feet to approximately 3 feet and the setback exception height from 8 feet to approximately 8 feet 6 inches within the north side and rear setback areas; Alison Wilson, applicant/owner; APN 007-213-090

Associate Planner Johnson presented the agenda report and answered questions from the Commission regarding dimensions, potential future uses, the code enforcement process, and building code issues.

Chair Munir opened the public hearing.

Alison Wilson, the applicant, spoke regarding her property and answered a number of questions from the Commission regarding her plans for the structure and permit issues.

Mike Bovo, the contractor on the structure, answered questions from the Commission regarding construction details and permit issues.

Chair Munir read in a letter from Larry Golden, the owner of the adjoining property to the northwest, indicating he had no objection to the application.

Chair Munir read in a letter forwarded by Jerry Kuhel from Karen Lundin and a second letter directly from Ms. Lundin, owner to the rear of 480 Monterey Street, objecting to the application.

Chair Munir read in a petition, with eleven signatures, indicating that they did not object to the application.

Chair Munir acknowledged a letter from Dana Dilworth indicating no objections, as long as the neighbors didn't object, but stating concerns about whether structure would comply with fire codes.

Doug Caine, of 450 Monterey Street, indicated that, although he was not necessarily opposed to the project, his signature appears on the petition, however the document he signed did not have the text that now appears. He stated that part was added later.

Leslie Davis, 128 San Benito, read in a letter from Susan Frome, 416 Monterey Street, who couldn't attend the meeting. Ms. Fraune was opposed to the application. Ms. Davis also stated that she too was opposed to the application.

Lehla, 440 Monterey Street, stated that Alison came to her with the letter (with eleven signatures) and she was in agreement with Mr. Caine. She stated that she felt that the decision should be based on safety issues and not on cost.

Jerry Kuhel, 425 Mariposa Street, stated that he was opposed to the project.

Discussion ensued regarding the validity of the signed petition.

Director Swiecki noted that the Commission may weigh any documents or testimony entered into the record.

Dolores Gomez, 433 Monterey Street, expressed her concern that the work was done without permits.

Seeing no one else wanting to speak on the matter, Commissioner Munir moved to close the public hearing and Commissioner Do seconded. The motion carried 5-0.

After discussion and questions by the Commission regarding enforcement, precedents, building construction details for the structure, and clarification about setbacks and the rules and findings required for a setback exception modification, Commissioner Munir motioned and Commissioner Reinhardt seconded to approve the application. The motion carried 4-1, with Commissioner Cunningham opposed.

OLD BUSINESS

1. **CONTINUED PUBLIC HEARING: Zoning Text Amendment RZ-5-11** to Amend Brisbane Municipal Code Title 17; Chapter 17.06, R-1 Residential District; Chapter 17.08, R-2 Residential District; Chapter 17. 10, R-3 Residential District; Chapter 17.12, R-BA Brisbane Acres Residential District; Chapter 17.34, Off-Street Parking; and Chapter 17.38, Nonconforming Uses and Structures; City of Brisbane, applicant.

Special Assistant Tune presented the agenda report.

Chairman Munir opened the public hearing.

Barbara Ebel, 349 San Bruno Avenue, expressed her support for requiring less parking and entered a document (her study) into the record evaluating the needs and other approaches to considering the parking requirements.

Luc Bouchard, 242 Monterey Street, presented a Powerpoint presentation prepared by him along with Ron Davis, Mike Glynn and Jerry Kuhel, with input from others. He illustrated how increasing the parking requirements would tie up a large portion of a typical lot in Brisbane and would make it very costly to build on the few remaining lots. He opined that the proposed ordinance would not help to relieve on-street parking shortages. It would also result in loss of property values due to the cost for parking tied to needed improvements on older homes. He suggested a ratio of 1 space per 900 square feet of floor area.

At 10:30 p.m., Commissioner Parker motioned to extend the meeting another half hour and Commissioner Cunningham seconded. The motion carried 5-0.

Jerry Kuhel used the development at 138 Visitacion Avenue, currently under construction, as an example of why the number of bedrooms is a poor metric for parking. He stated that this (a mixed use project in the NCRO-2) is a 4,000 square foot residential addition onto a retail space, approved with 3 bedrooms and 2 offices in order to avoid the parking requirement that would have been imposed had those offices (without closets) been built as bedrooms (with closets). He

also reiterated Mr. Bouchard's points about the high cost and impracticality of developing steep lots with more parking.

Mike Glynn, Brisbane resident and contractor, stated that the parking requirements are strict enough as they are. He indicated that Mr. Bouchard's Powerpoint diagram, that represented a downhill lot, was realistic in that it was based on a real project in Brisbane. He expressed that a lot of people have existing homes that are small and the new regulations would kill their dreams of doing an addition by requiring demolition of their homes and starting from scratch in order to accommodate parking. The unintended consequence would be leaving a large number of homes that should be improved (since they are currently unsafe) in their existing condition due to the cost of accommodating parking. He stated that placing the burden on those home sites that are left to build is not a fair approach. Use of the right-of-way for parking should also be further explored.

Ron Davis, a Brisbane Real Estate Broker and resident, indicated that the logic of changing the code on the few remaining lots is as (il)logical as tying the standard to the number of bedrooms. He indicated that tying the parking to the size of the home makes much more sense. We should be looking at encouraging building, whether a new house or room addition these projects support the local economy. He agreed that the parking issues could be alleviated by more proactive parking enforcement.

Don Persky, a San Francisco resident, stated that he was here on behalf of his 10 year old daughter. She (and he) is concerned about the planet that our generation will be leaving her. In SF they try to discourage parking/cars and increase public transportation. As the leadership the Planning Commission should send the right message to the community (and that would not be to require more parking). He didn't think there is a parking problem, but there is a transportation problem.

Being after 11 p.m. Chair Munir moved, seconded by Commissioner Cunningham, to continue the item to the next Regular Meeting of February 23, 2012. The motion carried 5-0.

2. **Zoning Text Amendment RZ-8-11** to Amend Brisbane Municipal Code Title 17; Chapter 17.08, R-2 Residential District; Chapter 17. 10, R-3 Residential District; and Chapter 17.32, General Regulations; City of Brisbane, applicant.

The Commission moved this item to the next regular meeting of February 23, 2012.

ITEMS INITIATED BY STAFF

None.

ITEMS INITIATED BY THE COMMISSION

None.

ADJOURNMENT

There being no further business, Chairman Munir made the motion seconded by Commissioner Cunningham to adjourn to the meeting of February 23, 2012. The motion was approved 5-0 and the meeting adjourned at 11:03 p.m.

Attest:

John Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at www.brisbaneca.org.