

Brisbane Planning Commission Minutes

February 26, 2015

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I. NEW BUSINESS

- 1. PUBLIC HEARING: 875 Humboldt Road; Variance V-4-14, Use Permit UP-5-14 & Setback Exception Modification SE-2-14;** Variance, Use Permit, and Setback Exception Modification to allow construction of a new home approximately 35 feet in height, where 30 feet is the maximum height permitted; to provide 3 on-site parking spaces, where 4 spaces are required; and to allow construction of a stairway within the front yard setback approximately 24 feet in height, where 20 feet is the maximum height permitted; Jerry Kuhel, applicant; KMI Development, owner; APN 007-441-250.

Chairperson Cunningham and Commissioner Reinhardt returned to the dais. Associate Planner Capasso gave the agenda report and presentation, and answered questions of Commissioners.

Chairperson Cunningham opened the public hearing. Jerry Kuhel, applicant, answered questions of the Commissioners. There being no further members of the public to address the Commission, Chairperson Cunningham moved and Vice Chairperson Do seconded to close the public hearing. The motion carried 5-0. After deliberation, Commissioner Munir moved to approve the application subject to the findings and conditions of approval in the agenda report. Commissioner Parker seconded the motion and it carried 5-0.

- 2. PUBLIC HEARING: Draft 2015-2022 Housing Element; General Plan Amendment GPA-1-14 and Negative Declaration; City of Brisbane, applicant; citywide.**

Senior Planner Johnson gave the agenda report and presentation. Chair Cunningham opened the public hearing.

Ray Miller, City Council member, spoke as a member of the public and not as a City Council representative. Mr. Miller requested that the Planning Commission reconsider the proposed housing site at 145 Park Lane and consider a reconfigured alternative utilizing 125 Valley Drive. He noted the current proposed site would result in the potential exposure of future residents to pollution from truck emissions. He noted the alternative configuration was also considered by the City Council, and that the draft Housing Element was only recommended for approval by a 3-2 vote.

Dave Hogan, of DCT, asked for a map to be displayed showing the alternative location addressed by Council member Miller, and a brief discussion ensued regarding the parameters of the alternative.

Director Swiecki indicated staff was not prepared to substantively discuss the proposed alternative at tonight's meeting. He expressed concerns regarding the implications of re-opening this issue on the City's ability to adopt the Housing Element by the state-mandated deadline.

There being no other members of the public to address the Commission, Chairperson Cunningham closed the public hearing. Commissioner Munir moved to continue discussion of the item to the March 12, 2015 Planning Commission meeting, with additional information from

staff regarding Council member Miller's request. The motion was seconded by Commissioner Parker and carried 5-0.

J. ITEMS INITIATED BY STAFF

None.

K. ITEMS INITIATED BY THE COMMISSION

Commissioner Munir expressed his concerns regarding the City's lack of responsiveness to public inquiries. Commissioner Reinhardt reported that the Green Building Ordinance subcommittee would be reconvening in the near future.

L. SELECTION OF PLANNING COMMISSION OFFICERS

Motion by Commissioner Cunningham seconded by Commissioner Parker to elect Commissioner Do as Chairperson and Commissioner Reinhardt as Vice Chairperson. The motion carried 5-0.

M. ADJOURNMENT to the Regular Meeting of March 12, 2015 at 7:30 pm.

There being no further business, Commissioner Cunningham moved and Commissioner Parker seconded to adjourn to the meeting of March 12, 2015. The motion carried 5-0 and the meeting adjourned at 10:45 p.m.

Attest:


John A. 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.

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 2/26/15

FROM: Ken Johnson, Senior Planner, and Tim Tune, Special Assistant, via John Swiecki, Community Development Director 

SUBJECT: **Draft 2015-2022 Housing Element;** General Plan Amendment GPA-1-14 and Negative Declaration; City of Brisbane, applicant; citywide

REQUEST: The draft 2015-2022 Housing Element (one of the mandatory elements of the City's General Plan) has been prepared to address, among various housing issues as required by State law, the City's share of the Regional Housing Need Allocation (RHNA) set by the Association of Bay Area Governments (ABAG) for the January 31, 2015-January 31, 2023 planning period.

RECOMMENDATION: Recommend that the City Council adopt the Negative Declaration and draft 2015-2022 Housing Element, via adoption of Resolution GPA-1-14.

ENVIRONMENTAL DETERMINATION: An Environmental Initial Study (State Clearinghouse No. 2015012053) has been prepared (attached), which finds that the draft 2015-2022 Housing Element would not have a significant effect on the environment and that a Negative Declaration should be adopted. As detailed in Table F.2 of Appendix F in the draft Housing Element (attached), a number of programs integral to the Housing Element act to pre-mitigate potential impacts. Note that Sections XVII d) and XVII e) have been revised since the preliminary draft Environmental Initial Study was presented to the Planning Commission last year.

San Francisco Water Power Sewer (SFPUC), in its comments on the proposed Negative Declaration (see attached January 16, 2015 letter), explained that it must retain its ability to access its water pipelines which run within a right-of-way running across the rear 60 ft. of 145 Park Lane and then narrowing across the rear of 105-115 and 91-99 Park Lane. Accordingly, SFPUC requested that the proponent of any development project adjacent to or on SFPUC easement areas participate in SFPUC's Project Review process. Note that Program H.D.1.c references public easements among the items to be addressed in the zoning regulations to implement the affordable housing overlays.

The California Department of Transportation (Caltrans), in its comments (see attached February 3, 2015 letter), identified resources to refer to adopting appropriate mitigation

measures, including traffic impact fees, for future development projects under the Housing Element.

APPLICABLE CODE SECTIONS: State law contains a number of requirements applicable to Housing Elements. These have been summarized and arranged in an order roughly corresponding to the chapters of the City's Housing Element for this agenda report (see attached Housing Element Components Required by State Law). Staff's analysis of the draft Housing Element's compliance with the Government Code requirements is included in the Housing Element as Appendix D.

UPDATE: After the Planning Commission on September 11, 2014 unanimously recommended that City Council accept the preliminary draft 2015-2022 Housing Element for submission to the California Department of Housing and Community Development (HCD) for review, the City Council held three workshops and meetings to take further public comment and to review the goals and the potential new housing sites for meeting the RHNA requirements (see attached agenda reports). The preliminary draft Housing Element with revisions (see attached City Council Resolution 2014-40 Exhibit A) was approved by the City Council on November 20, 2014, for submittal to HCD for review and comment prior to adoption.

Among the revisions were the following:

- The possibility of allowing secondary dwelling units at Landmark at the Ridge was eliminated from Program H.B.1.e (page VI-6);
- Program H.B.3.j to grant priority water and sewer service to affordable housing units was made more specific in reference to the requirements of the California Government and Water Codes (page VI-9);
- The portion of the ongoing year-over-year bump to property taxes that might be considered to replace the City's Redevelopment Low and Moderate Income Housing Fund per Policy H.B.9 was specified as being equivalent to the 20% tax increment set-aside that had been generated through redevelopment (page VI-11);
- The subsidy that might be considered for affordable housing projects per Program H.B.9.k was specified as a reduction or waiver of application development fees (page VI-13);
- Policy H.G.1 was revised to call for participation in regional efforts to reduce greenhouse gas emission (page VI-18);
- Program H.H.2.a was revised to include contaminated lands and areas subject to sea level rise, while deleting visually prominent or sensitive areas, among those environmentally sensitive and hazardous lands where development should be regulated to assure the mitigation of significant impacts (page VI-19); and
- A new Policy H.I.3 was added, calling for the City to work with County, Regional, State and Federal agencies to mitigate social equity issues that result in low incomes (page VI-21).

At the November 17, 2014 City Council meeting, staff had proposed to clarify Program H.D.1.c as shown below to recognize that new residential development also has an

obligation to promote land use compatibility with adjoining industrial areas by requiring the new overlay zone to incorporate appropriate design features:

For the new affordable housing overlays intended to accommodate affordable housing, adopt appropriate zoning regulations consistent with Government Code Section 65583.2(i) that allow at least three-story development and 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 in compliance with Government Code Sections 65589.5(d), (i) & (j). To encourage connectivity between sites and neighboring districts, require shared public access easements (such as walkways and fire lanes) as appropriate. Incorporate design components which promote compatibility with existing adjacent non-residentially zoned and developed properties. Include appropriate measures to mitigate any potentially significant environmental impacts.

This clarification was inadvertently not included in the draft of the Housing Element reviewed by HCD. Staff recommends that it be included in the draft to be forwarded to the City Council for adoption per the attached draft Resolution No. GPA-1-14.

Through subsequent telephone conversations and emails, HCD staff discussed with City staff items in the draft Housing Element for which clarification was requested. In response to these comments from HCD, further revisions were incorporated into the draft and approved by HCD (see attached January 15, 2015 Edits and January 23, 2015 HCD Letter).

Among the clarifications were the following:

- A description of how the current inclusionary housing requirements coordinate with the current density bonus provisions was added to Section IV.1.1.1 (page IV-3);
- Further explanation of how the park and recreational in-lieu fees have been calculated was included in Section IV.1.1.4 (page IV-10);
- The process by which the Zoning Administrator grants reasonable accommodation exceptions was described in greater detail (page IV-14);
- Program H.B.1.f was expanded to include amendment of the definition of “dwelling” in the Municipal Code to include employee housing for six or fewer persons per the California Health and Safety Code (pages VI-6 & VI-7);
- The previously proposed “ongoing” time frames for a number of programs were made more specific (pages VI-6, VI-7, VI-9, VI-10, VI-11, VI-12, VI-13, VI-16 & VI-19).

The revised draft Housing Element is now before the Planning Commission for a formal recommendation of adoption by the City Council.

Attachments:

- A. ~~Draft Resolution GPA-1-14~~ See adopted Resolution
- B. Housing Element Components Required by State Law
- C. ~~City Council Agenda Report for October 2, 2014 Meeting~~
- D. ~~City Council Agenda Report for November 17, 2014 Meeting~~
- E. ~~City Council Resolution 2014-40 Exhibit A~~
- F. Edits in Response to Housing and Community Development Department Comments (1/12/15)
- G. January 23, 2015 Letter from California Department of Housing and Community Development
- H. Environmental Initial Study/Draft Negative Declaration
- I. January 16, 2015 Letter from San Francisco Water Power Sewer (SFPUC)
- J. February 3, 2015 Letter from California Department of Transportation (Caltrans)
- K. ~~Draft 2015-2022 Housing Element~~ Attached separately

Attached with
3/12/15 report