

draft
BRISBANE PLANNING COMMISSION
Action Minutes of October 27, 2011
Regular Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Do, Parker and Reinhardt and Chairman Munir.
Absent: Commissioner Cunningham.
Staff Present: Community Development Director Swiecki, Senior Planner Tune,
Associate Planner Johnson.

ADOPTION OF AGENDA

Chairman Munir moved to adopt the agenda. Commissioner Reinhardt seconded the motion, which was approved, 4-0 (Commissioner Cunningham absent).

CONSENT CALENDAR

1. Approval of Draft Action Minutes of October 13, 2011 Regular Meeting

Chairman Munir moved to approve the Minutes. The motion was seconded by Commissioner Parker and approved, 2-0 (Commissioners Do and Reinhardt abstaining and Commissioner Cunningham absent).

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

Chairman Munir acknowledged receipt of an emailed report from staff regarding the first study session.

NEW BUSINESS

1. **PUBLIC HEARING: 88 Thomas Avenue;** Variance V-5-11, 5-Year Extension of Planning Commission's Conditional Approval of Variance V-2-09 Permitted Conversion of Existing Single-Family Residence into a Secondary Dwelling Unit and Construction of New Single-Family Residence on Property Located Atop Ridgeline; Thomas Chan, applicant; Gladys Chan, owner; APN 007-350-310

Senior Planner Tune presented the agenda report, recommending a 3-year extension.

Chairman Munir questioned whether the recommended conditions regarding code compliance were written so as to refer to those codes in effect when application is made for a Building Permit, rather than the current codes. He then opened the public hearing.

Lydia Chan, representing the applicant, explained the rationale behind the request for a 5-year extension.

There being no one else wishing to speak, the public hearing was closed on a motion by Chairman Munir, seconded by Commissioner Do and passed, 4-0 (Commissioner Cunningham absent).

Chairman Munir, having noted the study session regarding permit extensions later on the agenda, stated that a 3-year extension would be reasonable and moved approval as recommended by staff, subject to clarification regarding applicable codes. The motion was seconded by Commissioner Parker and adopted, 4-0 (Commissioner Cunningham absent).

STUDY SESSIONS

1. Implementation of Housing Element Programs H.B.3.b, H.B.3.i, HI.1.b & H.I.1.c, Regarding Parking Requirements

Senior Planner Tune presented the item, including staff's alternative to the parking standard based upon the number of bedrooms suggested by the Commission at the previous meeting, which he noted most of the single-family residences surveyed would not be able to meet.

Chairman Munir commented that if the ordinance contains an exception for existing residences that would not render them nonconforming, then staff's concern was unwarranted. He continued to support the Commission's previously suggested approach.

In response to a question from Commissioner Parker, Senior Planner Tune explained that staff's alternative was based upon the existing parking standard for multi-family residences, which requires 1 ½ parking spaces for 1-to-2-bedroom units. He explained that the fractional requirement would be rounded up to 2 for a single-family dwelling.

Commissioner Parker pointed out that the units at Altamar were limited to 2 spaces per unit, with the remainder of the provided parking being for guests. She said she preferred the originally recommended approach based upon floor area, because it would address the potential use of other rooms as bedrooms in larger houses.

Chairman Munir noted that that approach was incorporated into the Commission's suggested standards for smaller and larger units.

Commissioners Reinhardt and Do stated that they agreed with the suggested standard of 2 spaces for 1-bedroom unit plus 1 space for each additional bedroom.

Chairman Munir moved adoption of the resolution of intention to consider amendments to the Municipal Code regarding off-street parking. The motion was seconded by Commissioner Parker and adopted, 4-0 (Commissioner Cunningham absent).

2. Planning and Subdivision Permit Expirations, Extensions and Revocations; Appeal Periods; Hearing Deadlines; and Notification Requirements

Senior Planner Tune presented the item, including an alternative approach to processing extensions for projects that were exempt from CEQA.

Chairman Munir observed that CEQA may not address changes in technology that may have occurred since a project's original approval, warranting a fresh look by the Commission at the conditions of that approval.

Community Development Director Swiecki explained that staff was attempting to responsive to the Commission's original concern regarding the number of permit extensions it was having to hear.

Senior Planner Tune offered a second alternative that would establish a process for review of extensions by the Zoning Administrator, which the Commission could then choose as an option when it first approves a project.

Chairman Munir said that he continued to support a 3-year standard term for most planning permits, but agreed that their expirations should coincide with any concurrent subdivision approvals.

In response to a question from Commissioner Do, Director Swiecki noted that with economic cycles, 3 years may be sufficient in good times, but not long enough in recessionary times for an approved project to obtain financing and commence construction.

Chairman Munir commented that technology is continuously changing, just within a span of 3 years.

Chairman Munir moved adoption of the resolution of intention to consider amendments to the Municipal Code regarding planning permit expirations, extensions and revocations; appeal periods; hearing deadlines; and notification requirements. The motion was seconded by Commissioner Do and adopted, 4-0 (Commissioner Cunningham absent).

3. Implementation of Housing Element Program H.3.a Regarding Condominium Conversions

Senior Planner Tune presented the item.

Commissioner Parker expressed concern regarding whether the Building Code's requirement for noiseproofing between condominium units above and below would be sufficient.

Chairman Munir said the ordinance could specify a decibel level standard, allowing the developer options for compliance.

The Commission discussed whether 4.5% or 5% should be set as the vacancy rate threshold for permitting conversions, whether the vacancy rate should take surrounding cities into consideration, or whether the City should follow the approach taken by Foster City and Half Moon Bay that pegs the number of conversions allowed to the number of new rental units constructed. Concerns were raised that tying conversions to vacancy rates could be restrictive.

Director Swiecki pointed out that the intent of the Housing Element policy discouraging condominium conversions is to preserve Brisbane's affordable rental stock.

Commissioner Parker noted that it may not be feasible to accommodate trash and recycling storage for each unit in denser developments. She also questioned the assumptions behind requiring a security alarm system for the entire building, as opposed to separate systems for each unit.

Chairman Munir suggested simply requiring appropriate security measures.

In response to a question from Commissioner Parker, Senior Planner Tune reviewed the parkland dedication and in-lieu fee process. Commissioner Parker recommended an exception for affordable condominium projects that provide the required amount of outdoor common area. Chairman Munir suggested that it include senior housing, too.

Commissioner Do questioned why two-unit buildings are exempt from design review. She said that inspections should be a standard requirement for all condominiums. She added that it would make sense to have consistent appeal periods for the condominium Use Permits and tentative subdivision maps.

Chairman Munir recommended requiring separate sewer lines for condominium conversions. Senior Planner Tune suggested that exceptions then be permitted as approved by the City Engineer.

Chairman Munir also recommended that the list of items required to be inspected not be considered all inclusive. He urged that deficiencies identified in regards to seismic and fire safety codes be required to be corrected as a condition of approval.

Chairman Munir moved adoption of the resolution of intention to consider amendments to the Municipal Code regarding condominiums. The motion was seconded by Commissioner Do and adopted, 4-0 (Commissioner Cunningham absent).

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 Do, to adjourn to the regular meeting of November 10, 2011. The motion was approved, 4-0, (Commissioner Cunningham absent) and the meeting was adjourned at 9:10 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 on the City's website at www.brisbaneca.org.