

BRISBANE PLANNING COMMISSION
Action Minutes of December 9, 2010
Regular Meeting

CALL TO ORDER

Chairman Munir called the meeting to order at 7:40 p.m.

ROLL CALL

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

ADOPTION OF AGENDA

Commissioner Parker moved to adopt the agenda. The motion was seconded by Commissioner Cunningham and approved 3-0 (Commissioner Reinhardt absent).

CONSENT CALENDAR

1. Approval of Draft Action Minutes of November 18, 2010 Special Meeting

Commissioner Parker moved to approve the Minutes. The motion was seconded by Commissioner Cunningham and approved 3-0 (Commissioner Reinhardt absent).

WRITTEN COMMUNICATIONS

Chairman Munir acknowledged receipt of staff's recommended revisions to draft Housing Element Program H.B.1.b.

NEW BUSINESS

1. **PUBLIC HEARING:** General Plan Amendment GPA-1-10, Housing Element Update and Proposed Negative Declaration

Associate Planner Johnson presented the item. He noted that the Housing and Community Development Department (HCD) had indicated in his latest conversation that the draft would be in compliance with State law.

Staff responded to questions from the Commission regarding form-based codes for the new zoning districts proposed in the Crocker Park and Southwest Bayshore subareas. Concerns were expressed that the codes be flexible enough to allow for creativity, as well as changes as needed over time.

In response to questions from Commissioner Parker, Senior Planner Tune explained the

potential measures to address traffic impacts from additional housing on Bayshore Boulevard, and that the high-speed rail project would be responsible for mitigating its noise impact to existing housing along Bayshore Boulevard.

Chairman Munir opened the public hearing.

Terry O'Connell expressed concerns about any vested rights that might be claimed under form-based codes. She noted the effort that would be needed to assure that the form-based codes produced the desired results.

A motion by Commissioner Parker and seconded by Commissioner Cunningham to close the public hearing was approved 3-0.

At Chairman Munir's request, Director Swiecki and Associate Planner Johnson responded to Ms. O'Connell's comments.

Commissioner Cunningham asked what would happen if the City did not adopt the form-based codes proposed in the Housing Element. Director Swiecki explained that HCD would not recognize the new zoning districts as complying with State requirements to provide the potential capacity for housing affordable to lower income households, if they were subject to the current discretionary design permit process.

Commissioner Cunningham stated that the Commission did not want to dictate design and wanted to avoid monotony. Commissioner Parker supported a proactive approach to guiding design in the new districts.

With the Commission's consent, Chairman Munir reopened the public hearing to allow Ms. O'Connell to comment further. She said that zoning for increased density to get credit for potential lower income housing without form-based codes would allow cell blocks to be built without discretion. Ms. O'Connell did not want to limit innovation and suggested having a community architect brought in to advise the City on developing the form-based codes.

The public hearing was then closed via a motion made by Commissioner Cunningham and seconded by Commissioner Parker.

The Commission discussed the resources that would be required for the City to take an proactive role in the design process through adoption of form-based codes.

Commissioner Cunningham moved to recommend that the City Council adopt the Negative Declaration and 2007-2014 Housing Element via Resolution GPA-1-10, with the recognition that adequate resources, expertise and public participation will be required to implement the Housing Element's programs regarding form-based codes for the new zoning districts to ensure they reflect the expectations and needs of the community, and thus the request that

the City Council provide adequate resources as needed to facilitate successful implementation of the form-based codes. The motion was seconded by Commissioner Parker and approved 3-0 (Commissioner Reinhardt absent).

ORAL COMMUNICATIONS (out of order)

Chairman Munir noted that there was no one present who wished to speak on items not on the agenda.

NEW BUSINESS (continued)

2. **PUBLIC HEARING: 515 Tunnel Avenue;** Use Permit UP-16-10; Temporary Christmas Tree Storage for Recycling; Brad Drda, Recology Properties, Inc., applicant; Sanitary Fill Company, owner; APN 005-152-330

Senior Planner Tune summarized the agenda report, recommending that the application be approved subject to conditions updated from the previous year's permit.

Chairman Munir opened the public hearing.

Brad Drda stated that nothing had changed from the year before.

There being no one else who wished to speak, Commissioner Parker moved to close the public hearing. The motion was seconded by Commissioner Cunningham and approved, 3-0.

The motion to approve the Use Permit as recommended was made by Commissioner Cunningham, seconded by Commissioner Parker and approved, 3-0 (Commissioner Reinhardt absent).

ITEMS INITIATED BY STAFF

Director Swiecki advised that as a follow-up to the previous meeting's study session, a survey of public opinion on fences was being conducted on the City's website. He also noted that the City Council would be interviewing one candidate for the vacant Planning Commissioner position. Director Swiecki also reported that the Notice of Preparation for the Baylands Environmental Impact Report would be released.

ITEMS INITIATED BY THE COMMISSION

Commissioners Cunningham and Parker recommended that the fence survey be publicized and made available off-line.

ADJOURNMENT

There being no further business, Commissioner Cunningham made the motion, seconded by Commissioner Parker, to cancel the regular meeting of December 23rd and adjourn to the regular meeting on January 13, 2011. The motion was approved, 3-0 (Commissioner Reinhardt absent), and the meeting was adjourned at 9:05 p.m.

ATTEST:

John Swiecki, Director
Community Development Department

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.