

DRAFT
BRISBANE PLANNING COMMISSION
Action Minutes of December 3, 2020
Virtual Special Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Gooding, Gomez, Mackin, Patel, and Sayasane.

Absent: None

Staff Present: Community Development Director Swiecki, Senior Planner Johnson, Senior Planner Ayres, and Associate Planner Robbins

ADOPTION OF AGENDA

Commissioner Gooding moved to adopt the agenda. Commissioner Gomez seconded the motion and it was approved 5-0.

CONSENT CALENDAR

Commissioner Mackin moved to adopt the consent calendar (agenda item A). Commissioner Gooding seconded the motion and it was approved 5-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledge one letter pertaining to the November 2020 draft feasibility remedial action for the Baylands, one communication in opposition of agenda item B, four communications in support and one opposed to agenda item C, and twelve communications in opposition and two in support of agenda item E.

OLD BUSINESS

- B. PUBLIC HEARING: 130 Sierra Point Road; Use Permit UP-1-20 and Grading Review EX-1-20;** R-1 Residential District; Use Permit modifying the parking regulations and grading review to allow two nonconforming covered parking spaces within an existing, detached garage, approximately 150 cubic yards of soil cut and export, and removal of six mature trees to allow construction of a new single-family home; Wilson Yu, applicant and owner.

Note: This item was continued from the October 22, 2020 Planning Commission meeting.

Associate Planner Robbins gave the presentation.

Senior Planner Ayres read a letter in opposition of the project from Terry O'Connell into the record.

The Planning Commission asked staff for clarification regarding conditions of approval pertaining to fire sprinklers and construction staking.

Wilson Yu, applicant, and Amy Adamson, project architect, answered questions about the project's overall grading plan and the quantities of soil cut required to accommodate a compliant garage, the relationship between the proposed home's foundation to that of the existing garage, and the engineer-of-record's opinion regarding the integrity of the nonconforming garage.

Chairperson Sayasane opened the public hearing.

Michelle Salmon spoke against the project.

Y.Y. Lee spoke against the project.

With no one else coming forward to address the Commission, Commissioner Mackin moved to close the public hearing. Commissioner Gomez seconded the motion and it was approved 5-0.

The Planning Commission discussed how the applicant's request for a use permit to modify the parking regulations related to the overall scope of the project which would construct a new and significantly larger home, particularly regarding whether the existing garage should be allowed to remain as nonconforming or be rebuilt to improve the general health, safety, and welfare of the neighborhood.

After deliberation, Commissioner Patel moved to deny the request for UP-1-20 and EX-1-20, determining that full compliance with parking regulations is reasonably feasible due to the overall scope of work proposed and the grading review is contingent upon approval of the request for the use permit. Commissioner Mackin seconded the motion and it was approved 5-0. (*Administrative note: while discussed and outlined during deliberation, no findings of denial were adopted; therefore, final action on this item must be continued to the next regular meeting.*)

- C. PUBLIC HEARING: 213 Visitacion Avenue; Use Permit UP-4-20 and Design Permit DP-2-20;** NCRO-2 Neighborhood Commercial District- Downtown Brisbane; Design Permit DP-2-20 and Use Permit UP-4-20 for a new 6,516 sq ft, three-story mixed-use building with four residential dwelling units, four on-site parking spaces in mechanical, and a 283 sq ft commercial storefront; Mark Topetcher, applicant; Arcus Housing LLC, owner.

Note: This item was continued from the August 27, 2020 Planning Commission meeting.

Senior Planner Ayres gave the presentation.

The Planning Commission asked staff whether the commercial space of the proposed live-work unit could be used as an additional residence, and how the City would enforce or regulate potential use violations.

Mark Topetcher, architect, answered questions about accessibility and functionality of the proposed mechanical parking lifts.

Chairperson Sayasane opened the public hearing.

Mary Rodgers, Brisbane resident, spoke against the project.

With no one else coming forward to address the Commission, Commissioner Mackin moved to close the public hearing. Commissioner Gooding seconded the motion and it was approved 5-0.

After deliberation, Commissioner Mackin moved to approve the application via adoption of Resolution UP-4-20 and DP-2-20. Commissioner Gomez seconded the motion and it was approved 5-0.

NEW BUSINESS

- D. PUBLIC HEARING: 515 Tunnel Avenue; Use Permit UP-7-20;** HC Heavy Commercial District; Use Permit to allow temporary storage of Christmas trees for recycling from December 13, 2020 through January 31, 2021; Brad Drda, applicant; Recology Properties, Inc., Sanitary Fill Company, owner.

Senior Planner Johnson gave the presentation.

Chairperson Sayasane opened the public hearing.

Brad Drda, the applicant, addressed the Commission in support of the application. He answered questions of the Commission regarding the timing of tree recycling activity on the site.

With no other members of the public wishing to address the Commission, Commissioner Gooding moved to close the public hearing. Commissioner Patel seconded the motion and it was approved 5-0.

Commissioner Gomez moved to approve the application via adoption of Resolution UP-7-20. Commissioner Patel seconded the motion and it was approved 5-0.

- E. PUBLIC HEARING: 470 Valley Drive; Use Permit UP-8-20;** TC-1 Trade Commercial District - Crocker Industrial Park; Use Permit to allow Night Operations within 300 feet of

residential uses, permitting food production in a new bakery from 10 pm until 3 am; Luke Vernon, applicant; CSHV Crocker LLC, owner.

Associate Planner Robbins gave the presentation.

The Planning Commission asked staff about the prior use at the subject location, the number of existing night operation use permits in the Crocker Park District, and the Brisbane Municipal Code's provisions for night operations within three hundred feet of residential areas.

Director Swiecki affirmed the Brisbane Municipal Code (BMC) allows for night operations within three hundred feet of a residential lot with the approval of a use permit.

Luke Vernon, the applicant, and his associates David Brogan and Taylor Keaton answered questions about the timing and number of employees arriving and leaving during night time hours and where the odor mitigation equipment would be located and how it would look.

Chairperson Sayasane opened the public hearing.

Kevin Fryer, board member of the Altamar at the Ridge Homeowners Association, spoke against the project.

Lynn Gifford, Brisbane resident, spoke against the project.

Michelle Salmon, Brisbane resident, spoke against the project

With no one else coming forward to address the Commission, Commissioner Mackin moved to close the public hearing. Commissioner Patel seconded the motion and it was approved 5-0.

The Planning Commission discussed the language within the BMC and how it relates to night operations within three hundred feet of residential uses and whether noise impacts from thirty-plus employees arriving and/or leaving during night time hours would be detrimental to health, safety, and comfort of nearby residents.

After deliberation, Commissioner Gooding moved to deny UP-8-20, determining that the request would be detrimental to health, safety, and comfort of nearby residents due to the noise resulting from employees arriving and leaving the site. Commissioner Patel seconded the motion and it was approved 4-1. *(Administrative note: while discussed and outlined during deliberation, no findings of denial were adopted; therefore, final action on this item must be continued to the next regular meeting.)*

ITEMS INITIATED BY STAFF

There were none.

ITEMS INITIATED BY THE COMMISSION

Chairperson Sayasane read a proclamation honoring and thanking Commissioner Mackin for her service on the Commission. Commissioner Mackin thanked staff and her fellow Commissioners.

ADJOURNMENT

Commissioner Patel moved to adjourn to the regular meeting of Thursday, January 14, 2021. Commissioner Gooding seconded the motion and it was approved 5-0. The meeting adjourned at 10:55 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at www.youtube.com/BrisbaneCA, on the City's website at <http://www.brisbaneca.org/meetings>, or on DVD (by request only) at City Hall.