



MEMORANDUM

DATE: January 14, 2021
TO: Planning Commission
FROM: Associate Planner Robbins, via John Swięcki, Community Development Director
SUBJECT: **Resolution of Denial - Use Permit UP-1-20 and Grading Permit EX-1-20**

Background

On December 3, 2020, the Planning Commission considered and denied the above-referenced applications. While the Commission's rationale for denial was articulated during the public hearing and reflected in the meeting minutes, a resolution for denial was not formally adopted. A resolution for denial reflecting the Commission's decision is attached for formal adoption.

Recommendation

Adopt Resolution UP-1-20/EX-1-20, containing the findings of denial for Use Permit UP-1-20 and Grading Permit EX-1-20 (Attachment A).

Attachments:

- A. Draft Resolution UP-1-20/EX-1-20 with Findings of Denial
- B. December 3, 2020 Draft Meeting Minutes (included in agenda packet)

DRAFT RESOLUTION UP-1-20/EX-1-20

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
DENYING USE PERMIT UP-1-20 AND GRADING PERMIT EX-1-20 TO MODIFY THE
PARKING REGULATIONS FOR A NEW SINGLE-FAMILY HOME WITH AN EXISTING
NONCONFORMING GARAGE AT 130 SIERRA POINT ROAD

WHEREAS, Wilson Yu applied to the City of Brisbane for a Use Permit to modify the parking regulations to allow nonconforming dimensions within an existing garage and Grading Permit review for construction of a new single-family dwelling at 130 Sierra Point Road that will require 150 cubic yards of soil export from the site, such application being identified as Use Permit UP-1-20 and Grading Permit EX-1-20; and

WHEREAS, on September 10, 2020, the Planning Commission continued the scheduled public hearing to a future meeting date at the request of the applicant; and

WHEREAS, on October 22, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with the Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission continued the October 22, 2020 public hearing to a future meeting date so the applicant could examine alternative designs and further evaluate potential safety impacts the proposed grading would have on the existing garage; and

WHEREAS, on December 3, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandums relating to said application of the October 22, 2020 and December 3, 2020 public hearings, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application at said public hearings; and

WHEREAS, the Planning Commission closed the December 3, 2020 public hearing and determined that full compliance with parking regulations is reasonably feasible due to the overall scope of work proposed and the proposed grading is contingent upon approval of the request for the use permit;; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested Use Permit and Grading Permit review;

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of January 14, 2021 did resolve as follows:

Use Permit UP-1-20 is denied per the findings attached herein as Exhibit A; and

Grading Permit review EX-1-20 is denied, and City Engineer issuance of the grading permit as proposed is not recommended.

ADOPTED this 14th day of January, 2021, by the following vote:

AYES: Gomez, Gooding, Mackin, Patel, Sayasane

NOES: None

ABSENT: None

PAMALA SAYASANE
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Denial of Use Permit UP-1-20 and Grading Permit EX-1-20

Findings of Denial:

Use Permit UP-1-20

- A. Approval of the use permit will, under the circumstance of this particular case, be detrimental to the health, safety, and general welfare of persons residing in the neighborhood in that it would perpetuate a substandard, nonconforming garage where a compliant parking facility would otherwise be required per the BMC.
- B. Full compliance with the parking requirements is reasonably feasible due to the grading required to prepare the site for the demolition of the existing 900 square foot home and construction of a new 3,101 square foot home on a 33% slope. Any additional grading required to construct a fully compliant garage per BMC §17.34.040.G would be incidental to the overall grading and construction activity at the site and would provide compliant off-street parking.

Grading Permit EX-1-20 Findings:

- C. The applicant's grading plan is intrinsically linked to approval of the use permit and with denial of said use permit, approval of the grading plan is not warranted.