

BRISBANE PLANNING COMMISSION
Action Minutes of February 11, 2016
Regular Meeting

A. CALL TO ORDER

Chairperson Do called the meeting to order at 7:34 p.m.

B. ROLL CALL

Present: Commissioners Munir, Parker, Vice Chairperson Reinhardt, and Chairperson Do.
Absent: Commissioner Anderson.
Staff Present: Community Development Director John Swiecki, Senior Planner Ken Johnson,
Associate Planner Julia Capasso.

C. ADOPTION OF AGENDA

Commissioner Reinhardt moved and Commission Parker seconded to adopt the agenda. The motion was approved 4-0.

D. CONSENT CALENDAR

1. Approval of Draft Action Minutes
 - i. December 10, 2015 regular meeting
 - ii. January 14, 2016 regular meeting

Chairperson Do requested several edits to the December 10, 2015 regular meeting minutes: on page 17, paragraph six, remove the extra “the”; page 25, add that the Chairperson requested to review similarly situated cases, that the Chairperson’s job was to facilitate and not dominate the conversation, and that the applicant’s presentation was primarily for clarification and review; and that she suggested the audience review Chapter 4, especially the mitigation matrix. Commissioner Reinhardt moved and Commissioner Parker seconded to adopt the consent calendar with the edits to the December 10, 2015 minutes noted by Chairperson Do.

E. ORAL COMMUNICATIONS (limit to a total of 15 minutes)

None.

F. WRITTEN COMMUNICATIONS

Chairperson Do acknowledged a letter from Dr. Robin Fross regarding item G.1, 166 San Benito Road.

G. NEW BUSINESS

1. **PUBLIC HEARING: 166 San Benito Road; Variance V-5-15;** Variance to allow an elevated wooden deck approximately 315 square feet in size attached to the dwelling to maintain a 9.9 inch (0.826 foot) setback from the side property line where a minimum setback of three feet is required.; Patrick Mora, applicant; Jose Acuchi, owner; APN 007-393-010.

Commissioner Reinhardt recused himself as he lived within 500 feet of the subject property and exited the meeting room.

Associate Planner Capasso gave the agenda report presentation. She answered Commissioners' questions regarding secondary dwelling unit regulations in the Municipal Code, fire access, and fire and building code compliance of the structure.

Chairperson Do opened the public hearing.

Patrick Mora, applicant, addressed the Commission regarding the purpose of the deck to provide additional outdoor space, and reviewed the floor plan and photos of the unpermitted secondary dwelling unit. He noted that complying with the three-foot setback would result in a gap between the retaining wall and deck that would pose a safety issue.

Dr. Robin Fross, next door neighbor to the property at 164 San Benito Road, shared her support for the project.

Commissioner Munir moved and Commissioner Parker seconded to close the public hearing. The motion passed 3-0.

Commissioner Munir asked how a covered parking space may be provided under the deck. Associate Planner Capasso explained the minimum parking dimension requirements of the Municipal Code and the definition of covered parking that together prevented the deck from being considered to provide covered parking. She clarified the parking pad provides two compact, uncovered parking spaces.

After brief discussion, Commissioner Munir moved and Commissioner Parker seconded to adopt Resolution V-5-15 approving the Variance request. The motion passed 3-0, with Commissioner Reinhardt recused.

2. **PUBLIC HEARING: Zoning Text Amendment RZ-3-15;** Amend Title 17 of the Brisbane Municipal Code to Modify the Landscaping Development Standards to be Consistent with the State's requirements for when irrigated landscapes are subject to the Water Conservation in Landscaping Ordinance, BMC Chapter 15.70; City of Brisbane, applicant.

Senior Planner Johnson gave the agenda report. He answered Commissioners' questions regarding the new threshold under which the Water Conservation in Landscaping Ordinance would apply to a project and how the ordinance would be implemented.

There being no one present in the audience, the public hearing was closed and the Commission moved on to consider adoption of the ordinance. Commissioner Munir moved approval of Resolution RZ-3-15, seconded by Commissioner Reinhardt and approved 4-0.

3. **PUBLIC HEARING: Zoning Text Amendment RZ-1-16;** Amend Title 17 of the Brisbane Municipal Code to implement Housing Element Program H.B.1.f amending the

definition of “Single-family dwelling,” modify existing regulations to achieve internal consistency within the Municipal Code, and to amend the appeals process for Planning Commission decisions. Chapters to be amended include Chapter 17.02, Definitions, Chapter 17.32, General Use Regulations, and Chapter 17.52, Appeals; City of Brisbane, applicant.

Associate Planner Capasso gave the agenda report. She answered questions of the Commissioners’ regarding residential television satellite receivers, floodplain administration regulations in the Municipal Code, recent projects that involved City Council appeals, and how the proposed amendments to Chapter 17.52, Appeals would be implemented.

There being no one present in the audience, the Commission moved on to consider adoption of the ordinance. Commissioner Munir moved adoption of Resolution RZ-1-16 recommending City Council approval of the draft ordinance. The motion was seconded by Commissioner Reinhardt and approved 4-0.

H. ITEMS INITIATED BY STAFF

Director Swiecki announced the next Baylands deliberation meeting was scheduled for the regular meeting of February 25, 2016.

I. ITEMS INITIATED BY THE COMMISSION

The Commission shared their appreciation of the Get Healthy San Mateo County information pamphlets distributed by staff. Commissioner Munir inquired about the Community Choice Energy (CCE) countywide proposal and Director Swiecki replied that the City Council would be voting on a resolution to join the CCE program at their February 18, 2016 meeting. Chairperson Do read the appeals process.

J. ADJOURNMENT to the Regular Meeting of February 25, 2016 at 7:30 p.m.

Commissioner Munir moved and Commissioner Parker seconded to adjourn to the regular meeting of February 25, 2016 at 7:30 p.m. The motion passed 4-0 and the meeting adjourned at 9:38 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.