

DRAFT
BRISBANE PLANNING COMMISSION
Action Minutes of January 8, 2014
Regular Meeting

A. CALL TO ORDER

Chairperson Cunningham called the meeting to order at 7:32 p.m.

B. ROLL CALL

Present: Commissioners Do, Munir, Parker, Reinhardt, and Chairperson
Cunningham
Absent: None.
Staff Present: Community Development Director Swiecki, Senior Planner Johnson, and
Associate Planner Capasso.

C. ADOPTION OF AGENDA

Commissioner Do moved to adopt the agenda. The motion was seconded by
Commissioner Reinhardt. The motion carried 5-0.

D. ORAL COMMUNICATIONS

None.

E. WRITTEN COMMUNICATIONS

Chair Cunningham acknowledged publications received that are not on the agenda.

F. NEW BUSINESS

- 1. PUBLIC HEARING: 223 Tulare Street; Setback Exception Modification SE-1-14 to allow construction of a 172 square-foot deck within the rear yard setback, modifying the setback exception distance to the rear property line from 5 feet to 8 inches, and the setback exception coverage of 15% of the rear setback area to 52% of the rear setback area; Jerry Kuhel, applicant; Leslie Townsend, owner; APN 007-361-110.**

Associate Planner Capasso presented the agenda report. Chair Cunningham opened the public hearing.

Dana Dillworth, Brisbane resident, shared her concern with emergency access to the rear of the property in the event of a fire. She believed the deck should be defined as lot coverage. She did not think that tall trees to the north side could be used in a finding of

approval as trees are not permanent features. She suggested the Commission require the portion of the deck in the setback to be nonflammable and for screening to be installed if privacy is an issue.

The property owner and applicant addressed the Commission and explained the request is driven by the lack of useable space in the steeply sloped back yard. They engaged in a discussion with the Commission regarding the deck materials, screening options, emergency access, and consultation with the neighboring property owners.

There being no other members of the public to speak on the matter, Commissioner Munir moved and Commissioner Do seconded to close the public hearing. The motion carried 5-0.

Associate Planner Capasso answered the Commission's questions regarding the definition of lot coverage, the location of the deck, and the precedent of Commission action on this type of application. Following a discussion regarding the significance of the privacy impacts and potential screening opportunities, it was the consensus of the Commission that privacy impacts could be mitigated by installing screening material to obscure views from the deck of the adjacent property 225 Tulare Street to the south.

Commissioner Munir moved and Commissioner Parker seconded to approve the application, based on the draft conditions of approval provided by staff as amended by the Commission to require installation of either lattice or vegetative fire-resistant screening. The motion carried 5-0.

2. PUBLIC HEARING: 950 Tunnel Ave; Interim Use Permit UP-6-14 for use of an approximately 1.6 acre vacant portion of the Kinder Morgan site as a temporary construction storage/staging yard; Joseph Spurlin on behalf of Golden State Utility Co.; SFPP, owner; APN 005-162-370

Senior Planner Johnson presented the agenda report. He noted that a City Council member had contacted staff after preparation of the agenda report to share concerns with views of the property from the roadway and suggested that a privacy fence be installed. The applicant was agreeable to this request. Staff suggested an additional condition of approval to address the matter as follows:

"Within one week of the close of the appeal period, a woven or mesh privacy fencing material shall be installed along the frontage of the site and adjacent to the driveway entrance of the city's corporate yard to screen views into the yard. The height, color, and pattern shall be subject to approval by Planning Director prior to installation."

Senior Planner Johnson answered the Commission's questions regarding the involvement of the property owner Kinder-Morgan, the equipment proposed to be used at the site, whether excavation would occur at the site, and whether imported materials would be tested for contamination prior to being contained on-site.

Chair Cunningham opened the public hearing. The applicant's representative, operations manager Michael Stoner, explained the intended use of the site as a staging and containment facility during work on the Caltrain Positive Train Control system improvements, to end by March 1, 2015. The yard would be retained as a satellite yard for other projects throughout the Peninsula and San Francisco through November 2015.

Mr. Stoner answered questions of the Commission regarding the depth of drilling along the Caltrain corridor, characteristics of the containment area at the site, method and turnaround time to deposit excavation slurry and transport it off-site, and expectation of the applicant not to renew the lease. Commissioner Reinhardt recommended that the applicant install signage warning bicyclists and other motorists of truck activity on the roadway.

Dana Dillworth, Brisbane resident, shared her concern with the yard's blighted condition, potential overflow of the containment area during the rainy season, and potential groundwater contamination. She requested that construction activities be limited on weekends and disagreed with staff's environmental determination. She supported a requirement for testing imported materials for contamination. She recommended an on-site Porta Potty for employees.

There being no other members of the public to speak on the matter, Commissioner Munir moved and Commissioner Parker seconded to close the public hearing. The motion carried 5-0. An extensive discussion ensued regarding how the City could ensure the site was returned to its existing state after the applicant vacated the site, how to ensure contaminated materials were not imported, and screening site activity from public view.

Following this discussion, Commissioner Parker moved and Commissioner Do seconded to approve the application, with modifications to the conditions of approval as follows:

- Eliminate Condition of Approval I.
- Add a condition of approval requiring the berm height to be maintained at the proposed height throughout its use and limiting the volume contained in the containment area to no more than 70% of capacity at any time.
- Add a condition of approval to require installation and maintenance of fencing in an orderly manner.
- Add a condition of approval that no known hazardous materials will be brought onto the site.
- Add a condition of approval that imported material will be transported from the containment area within 48 hours of entering the site.
- Add a condition of approval to require installation of signage along Tunnel Avenue and adjacent intersections to alert road users of truck activity to and from the site.

The motion carried 4-1, with Chair Cunningham dissenting.

G. ITEMS INITIATED BY THE COMMISSION

Commissioner Munir asked the status of the Final EIR for the Baylands project. Director Swiecki stated a reviewed schedule was expected from the consultants within the week and he would provide an update to the Commission at the earliest opportunity.

H. ADJOURNMENT

There being no further business, Commissioner Munir moved and Commissioner Parker seconded to adjourn to the next regular meeting of January 22, 2015. The motion carried 5-0 and the meeting adjourned at 9:47 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.