

BRISBANE PLANNING COMMISSION  
Action Minutes of May 9, 2019  
Regular Meeting  
DRAFT

A. CALL TO ORDER

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

B. ROLL CALL

Present: Commissioners Gomez, Mackin, Patel and Sayasane.

Absent: Commissioner Gooding.

Staff Present: Senior Planner Johnson, Associate Planner Ayres.

C. ADOPTION OF AGENDA

Commissioner Gomez moved adoption of the agenda. Commissioner Mackin seconded the motion and it was approved 4-0.

D. CONSENT CALENDAR

Commissioner Mackin moved approval of the consent calendar. Commissioner Patel seconded the motion and it was approved 4-0.

E. ORAL COMMUNICATIONS

There were none.

F. WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged written communications from the API Caucus.

G. OLD BUSINESS

1. **CONTINUED PUBLIC HEARING: 296 San Benito Road; R-1 Residential District; Variance V-1-19 and Grading Review EX-1-19;** Variance and Grading Review to allow demolition of an existing single-family home and construction of a new 1794.5 sq ft single-family home on a 2300 sq ft lot, exceeding the maximum permitted floor area ratio by approximately 138.5 sq ft. and requiring export of 95 cubic yards of soil from the site; Jerry Kuhel, Kuhel Design, applicant; Paul M. and Glenda M. Jimenez, owners. [The applicant has requested continuance of this item to the meeting of May 23, 2019.]

Commissioner Patel moved to continue the application to the May 23, 2019 meeting. Commissioner Gomez seconded the motion and it was approved 4-0.

H. NEW BUSINESS

1. **PUBLIC HEARING: SW Corner Hwy 101 and Beatty Avenue; C-1 Commercial Mixed-Use District; Interim Use Permit UP-1-19;** Interim Use Permit to allow existing billboard to remain for 5 additional years; Clear Channel Outdoor, applicant; Oyster Point Properties, Inc., owner.

Senior Planner Johnson gave the staff report and answered Commissioner questions regarding taxation rates for the billboard.

Chairperson Sayasane opened the public hearing.

Patrick Powers, representing the applicant Clear Channel, addressed the Commission in support of the application.

Seeing no others wishing to speak, Commissioner Gomez moved to close the public hearing.

Commissioner Mackin seconded the motion and it was approved 4-0.

After discussion, Commissioner Patel moved approval of the application via adoption of Resolution UP-1-19, with a modification to Condition B to remove the wording “that require use of the site” and “interfere or obstruct,” substituting the latter deleted wording with “if the City determines that the sign will no longer be compatible with the City’s plans for the neighborhood.” Commissioner Gomez seconded the motion and it was approved 4-0.

2. **PUBLIC HEARING: TC-1 Crocker Park Trade Commercial District; Zoning Text Amendment RZ-3-18;** Proposed zoning text amendment to the TC-1 District regulations contained in BMC Chapter 17.19 to establish an Exception Permit process subject to approval by the Zoning Administrator to allow limited outdoor storage of flammable materials; City of Brisbane, applicant

Associate Planner Ayres gave the staff report and answered Commissioner questions regarding the proposed exception permit review process by the zoning administrator (ZA), the types of materials that could be permitted to be stored outdoors under the proposed permit process, and the proposed noticing requirements.

Chairperson Sayasane opened the public hearing. Seeing no one wishing to speak, Commissioner Patel moved to close the public hearing. Commissioner Gomez seconded the motion and it was approved 4-0.

Commissioner Patel stated the public should receive notice of such an application and voice their concerns during the application review process, due to the proximity of the Crocker Park Recreational Trail which is heavily used by the public.

Senior Planner Johnson noted that the draft zoning text amendments would prohibit any materials permitted to be stored outdoors to be located within required setbacks, and additionally would require screening such as with fencing or walls. He suggested a performance standard requiring signage to notify the public consistent with the Fire Code.

Commissioner Patel stated the draft ordinance should be modified to require posting of the application notice in public posting locations and the City’s website.

Senior Planner Johnson noted that under the draft ordinance language as written, written comments could be submitted over a period of three weeks and would be considered with the same weight by the ZA as in-person comments made at any public hearing.

Associate Planner Ayres indicated that the draft ordinance as written would also require all individuals who provided written comment to the ZA to be notified of the ZA's decision on an application and their right to appeal that decision to the Planning Commission. All ZA decisions may be appealed to the Commission. Additionally, the ZA may choose to refer applications directly to the Commission without acting on them.

Commissioner Patel requested that written comments on such applications be posted on the City's website for public review. He asked where that would be housed on the City's website.

Associate Planner Ayres stated the City website does not currently accommodate the type of sharing of public comments received on applications that Commissioner Patel was asking for, but it could be accomplished as an administrative function to implement the ordinance.

Commissioner Mackin requested that the ordinance language be modified to clarify that only specified and approved materials by the North County Fire Authority would be permitted to be stored to prevent storage of "fuel" adjacent to flammable materials.

Commissioner Patel moved to recommend City Council approval of the draft ordinance as modified by the Commission's discussion. Commissioner Gomez seconded the motion and it was approved 4-0.

Chairperson Sayasane read the appeal procedure.

#### I. ITEMS INITIATED BY STAFF

Senior Planner Johnson stated the City Council considered the draft tree ordinance and referred the matter to an ad hoc subcommittee to gather more feedback from the Commission and OSEC subcommittee members. He stated the second community conversation was held on May 4. He stated a Planning Commission training was held on April 30 by 21 Elements.

#### J. ITEMS INITIATED BY THE COMMISSION

Chairperson Sayasane reported positively on the April 30 Planning Commission training and requested staff to pursue hosting a future accessory dwelling unit (ADU) workshop in Brisbane.

#### K. ADJOURNMENT

Commissioner Mackin moved to adjourn to the regular meeting of Thursday, May 23, 2019. Commissioner Gomez seconded the motion and it was approved 4-0. The meeting adjourned at 8:57 p.m.

Attest:

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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](http://www.brisbaneca.org).