CITY OF SAN BRUNO

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STAFF

Terry Jackson, *Interim Community Development Director*
Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Lorraine Weiss, *Contract Planner*
Pamela Thompson, *City Attorney*
Adam Finestone, *Interim Recording Secretary*

PLANNING COMMISSIONERS

Perry Petersen, *Chair*
Joe Sammut, *Vice-Chair*
Mary Lou Johnson
Bob Marshall Jr.
Kevin Chase
Sujendra Mishra
Rick Biasooti

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES
November 16, 2004
San Bruno Senior Center
1555 Crystal Springs Blvd.
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:04pm.

ROLL CALL

	Present	Absent
Chair Petersen	X	
Vice Chair Sammut	X	
Commissioner Johnson	X	
Commissioner Marshall		X
Commissioner Chase	X	
Commissioner Mishra	X	
Commissioner Biasotti	X	

STAFF PRESENT:

Planning Division:	Interim Community Development Director: Terry Jackson Housing and Redevelopment Manager: Mark Sullivan Contract Planner: Lorraine Weiss Interim Department Secretary: Adam Finestone
City Attorney:	Pamela Thompson
City Manager:	Connie Jackson
City Clerk:	Ed Simon

Pledge of Allegiance **Commissioner Johnson**

1. Approval of Minutes **October**
Commissioner Chase/Biasotti

2. Communication

None

3. Public Comment

None

4. Swearing In of Planning Commissioners

Chair Petersen turns the meeting over to City Manager Connie Jackson to introduce the new Interim Community Development Director, Terry Jackson (no relation), who serves as the Library Services Director in her current position, with over 30 years of experience working for the City of San Bruno. City Manager Jackson believes that Interim Community Development Director Jackson has strong knowledge of the interests of the City, and the know-how to get things done in the City. She will replace the former Community Development Director, Tom Williams, who resigned last week. City Manager Jackson stated that Interim Community Development Director Jackson will serve in this capacity for the short term, until a longer-term Interim Community Development Director can be found to serve in this role while a statewide recruitment effort is undertaken to find a permanent Community Development Director. City Manager Jackson expects that process to take 4-5 months.

City Manager Jackson also stated that Interim Community Development Director Jackson will be assisted by a few contract employees in the Community Development Department, one of whom is here tonight. City Manager Jackson introduced Lorraine Weiss, a contract planner who came to the City last week and will be with the City two days a week for a period of at least 2-3 months during which time recruitment of planners at the associate level will take place.

City Manager Jackson turned the meeting over to City Clerk Ed Simon for the introduction and swearing in of new and reappointed Planning Commissioners.

City Clerk Ed Simon administered the Oath of Office to two new planning commissioners and two reappointed commissioners appointed by the City Council on October 26, 2004: Commissioners Mary Johnson and Joe Sammut reappointed to four year terms, new Commissioner Sujendra Mishra to replace Robert Schindler (four-year term), and new Commissioner Rick Biassotti to replace Mark Tobin (two-year term). City Clerk Simon also presented the Commissioners with Certificates of Appointment.

Chair Petersen welcomed the new Commissioners, and thanked them for their upcoming service. He also stated that the City has ordered a Planning Commissioners handbook, published by the League of Cities, which will be available to all Commissioner soon.

5. 465 Poplar Avenue

Request for a use permit and parking exception to allow construction of a new residence that would exceed the .55 FAR guideline, where the second story front plane is not setback 5' from

the first story, proposes a 10' x 10' front second story front deck, and tandem parking, per Section 12.200.030.A.1, 12.200.040.B.3, 12.200,040.2, & 12.200.080.3.C, of the San Bruno Zoning Ordinance. (Continued from October 19, 2004 Planning Commission meeting)

Housing and Redevelopment Manager Sullivan entered staff report.

Staff recommends that the Planning Commission **approve** Use Permit 04-46 and Parking Exception 04-12 based on Findings of Fact (1-8) and Conditions of Approval (1-19).

Public Hearing Opened

Mr. Lahane, 834 Green (the applicant), made himself available for questions from the Commissioners. He stated that he was present at the previous meeting to discuss his application, but that there was not a quorum in order to hear this item.

Commissioner Johnson asked the applicant about the windows on the north and south elevations. She asked if the applicant would be willing to create a more uniform window pattern on these elevations. The applicant stated that he would.

Public Hearing Closed

Chair Petersen stated that the same applicant presented almost the same design for a different property at the previous Planning Commission Meeting.

Motion for approval based on Findings of Fact 1-8 and Conditions of Approval 1-20 Johnson/Chase

Vice-Chair Sammut stated that Planning Commission Condition 20 should be left to the discretion of the building department as there may be some ingress/egress issues. Commissioner Johnson stated that she had no issue with that, and that she would amend condition 20 to state that it would be contingent upon meeting all safety factors as set forth by the City Building and Fire departments. This amendment satisfied Vice-Chair Sammut, and was agreed upon by the second, Commissioner Chase.

VOTE:	6-0
AYES:	all commissioners present
NOES:	
ABSTAIN:	

(Chair Petersen advised of 10-day appeal period.)

FINDINGS OF FACT

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, October 9, 2004 and notices were mailed to property owners within 300 feet of the project site on October 8, 2004.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: In-fill Development Projects.

5. The general appearance of the new home is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.

6. The proposed new home will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

7. The construction of the new home is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.

8. The off-street parking will be adequate for the residence. This is achieved through a covered two-car tandem parking garage and driveway area with curb cuts that can accommodate one vehicle.

CONDITIONS OF APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-9):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-46 and Parking Exception 04-12 shall not be valid for any purpose. Use Permit 04-46 and Parking Exception 04-12 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings

3. The request for a Use Permit for a new home shall be built according to plans approved by the Planning Commission on October 19, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.

7. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

8. A landscape plan shall be submitted with the building division set of drawings. This landscape plan shall be approved by the Planning Division prior to issuance of a building permit. All landscaping shall be installed prior to final approval of the home.

9. No combustible construction within 3 feet of the property line unless fire rated.

FIRE DEPARTMENT CONDITIONS (10-12)

10. Provide NFPA 13D fire sprinkler system throughout the entire residence to the satisfaction of the Fire Chief due to lack of fire access between buildings.

11. Provide hardwire smoke detectors that interconnect.

12. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

PUBLIC WORKS CONDITIONS (13-19)

13. No fence, retaining wall, or other permanent structure shall be placed within 2.0' from the back of the sidewalk.

14. An encroachment permit shall be obtained through the Public Works Department prior to issuance of the Building Permit.

15. Install a sanitary sewer lateral clean-out at property line per City standards.

16. Storm water from new roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter per City standards.

17. Replace all broken or raise concrete sidewalk and install driveway approach as marked.

18. Permit from Parks Department required for planting of one 36-inch box size tree or payment of equal value to tree fund for tree installation.

19. City-approved backflow required for fire line. Include calculations showing new meter size that will be sufficient for require flow. Show location of backflow unit(s) on plans.

PLANNING COMMISSION CONDITION (20)

20. All windows on the north and south elevations are to be of uniform style (open sideways), provided there are no ingress/egress issues identified by the City building and/or fire department.

6. 190 Tehama Court

Request for a use permit to allow construction of an addition which proposes to exceed the .55 FAR guideline per section 12.200.030.B.2 of the San Bruno Zoning Ordinance. – Mr. & Mrs. Cortez (Owner), Tony Acuna (Architect/Applicant)

Contract Planner Weiss entered staff report.

Staff recommends that the Planning Commission **approve** Use Permit 04-44 based on Findings of Fact (1-8) and Conditions of Approval (1-14).

Public Hearing Opened

Architect Acuna, the applicant, introduced his client to discuss the reason for the large size of the project.

Mr. Cortez, 190 Tehama Ct., stated that the reason for the large size of the project was in order to accommodate his growing family.

Commissioner Johnson stated that she had previously discussed with the applicant that the rear deck stairs come straight down in front of the sliding glass door on the first floor. She asked the applicant to comment on this. Mr. Cortez stated that although the elevation appears to show the stairs directly in front of the door, there is actually quite a decent amount of space between the sliding door and the stairs. Commissioner Johnson stated that she believed the applicant's property value could be increased if he were to change the design of the deck stairs so that residents could look out the sliding glass door onto a garden instead of a stairway, but that she acknowledges this is just a matter of taste. She also stated that the stairs could be seen from Monterey Dr. heading west. The applicant stated he would be open to discussing a change in the deck/stairs with his architect.

Vice-Chair Sammut questioned why the windows on the front and east elevations don't match those on the rest of the house. Architect Acuna stated that he could not find the file in his CAD program with windows to match those existing, but that they will be of the same style as the rest of the windows.

Commissioner Biasotti stated that he likes the exterior of the structure but has an issue with the interior on the second floor. He stated that by simply putting up a door or other object to block a single 3 foot gap, the structure could be made into a second dwelling unit. He stated that he understood the applicant has a growing family, but that he might be able to come up with a different interior plan. The applicant stated that his family really liked this design and would be hesitant to change it. Chair Petersen pointed to Condition for Approval 6 which states that the structure is to be used only for a single family residence. Commissioner Biasotti stated that he was hoping to have the interior space redesigned in some way that would prevent any future owner from attempting to create a second dwelling unit. Chair Petersen stated that he did not see any way to access the second unit if the 3 foot gap were to be closed off. Commissioner Biasotti pointed out that the deck and stairs could be used as an exclusive private entrance.

City Attorney Thompson stated that second dwelling units are not illegal in San Bruno, but that an application would have to be made to the Community Development Department, and that it would have to meet all the conditions for approval of a second dwelling unit.

Public Hearing Closed

Motion for approval based on Findings of Fact 1-8 and conditions of approval 1-14 Sammut/Chase

VOTE:	5-1
AYES:	Petersen, Sammut, Johnson, Chase, Mishra
NOES:	Biasotti
ABSTAIN:	

(Chair Petersen advised of 10-day appeal period.)

FINDINGS OF FACT

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, November 6, 2004, and notices were mailed to property owners within 300 feet of the project site on November 5, 2004.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.

5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.

6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single family residential purposes.

8. The off-street parking will be adequate for the residence.

CONDITIONS OF APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and

Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-48 shall not be valid for any purpose. Use Permit 04-48 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.

3. The request for a Use Permit an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on November 16, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.

7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

8. A 4" sewer line shall be required at the fourth toilet to the street connection.

9. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

10. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through an undersidewalk curb drain to the gutter.

11. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.

12. A permit shall be required from Parks Department for planting one 36-inch box size tree or payment of equal value to tree fund for tree(s) and installation.

13. A sprinkler system has been installed within the City right-of-way. In accordance with San Bruno City Code Chapter 8.08, Section 8.08.010, this structure is not permitted and shall be removed. If an emergency does arise that requires City or approved contractor crews to access this utility, the City and or contractor, will not be responsible for any costs associated with the removal or repair of the structure.

14. No fence, retaining wall, or other permanent structure shall be placed within 4.5 from the back of the sidewalk.

7. City Staff Discussion

City Attorney presented a Power Point presentation on meeting etiquette, The Brown Act and The Public Records Act, and decorum and ethics. City Manager Jackson stated that the reason for this presentation was to allow for an efficient and effective flow of information.

The December Architectural Review Committee (December 16) was selected. Chair Petersen, Vice-Chair Sammut and Commissioner Chase volunteered to attend.

Housing and Redevelopment Manager Sullivan stated that the December Planning Commission meeting would be on December 7 as scheduled due to holiday conflicts with the usual date (third Tuesday of the month). Commissioner Johnson will not be present.

Chair Petersen invited the new commissioners to attend the December 16 Architectural Review Committee meeting.

Commissioner Chase thanked City Attorney Thompson for her presentation.

8. Planning Commission Discussion

Commissioner Johnson thanked Interim Community Development Director Jackson for stepping up to fill this role. She praised the choice of Jackson and stated that Jackson has a reputation for following through and not missing deadlines.

Terry Jackson,
Interim Secretary to the Planning Commission
City of San Bruno

Perry Petersen, Chair
Planning Commission
City of San Bruno

NEXT MEETING: December 7, 2004

TCW/tb

Meeting was adjourned at 8:23 pm.