

BRISBANE PLANNING COMMISSION  
Action Minutes of June 9, 2011  
Regular Meeting

CALL TO ORDER

Chairman Munir called the meeting to order at 7:35 p.m.

ROLL CALL

Present: Commissioners Cunningham, Do and Parker and Chairman Munir  
Absent: Commissioner Reinhardt  
Staff Present: Community Development Director Swiecki, Senior Planner Tune,  
Associate Planner Johnson

ADOPTION OF AGENDA

The motion to adopt the agenda made by Chairman Munir was seconded by Commissioner Parker and approved 4-0 (Commissioner Reinhardt absent).

CONSENT CALENDAR

1. Approval of Draft Action Minutes of May 26, 2011 Regular Meeting

Commissioner Cunningham moved to approve the Minutes. The motion was seconded by Commissioner Do and approved 4-0 (Commissioner Reinhardt absent).

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

Correspondence from Jamie Dunn and John Reiter/Carol Burns regarding the second item of new business were acknowledged.

OLD BUSINESS

1. **PUBLIC HEARING: 3000-3500 Marina Boulevard;** Design Permit DP-2-11, Use Permit UP-7-11 and Variance V-2-11; Time Extensions for Design Permit DP-5-07 Approving Two Office Buildings and a Parking Structure with Related Site Grading, Use Permit UP-3-08 Accepting 1,373 Parking Spaces Including 1,175 “Universal” Spaces Located Off Site within the Parking Structure, and Variance V-1-08 for the Parking Structure’s Lot Coverage and East Side Setback; Don Little, Don Little Group, applicant; Sierra Point LLC, owner; APN 007-165-020

The Commission granted the applicant’s written request that the item be continued to the meeting of June 23, 2011.

NEW BUSINESS

1. **PUBLIC HEARING: 106B Old County Road, Brisbane Village Shopping Center;** Use Permit UP-10-11, Use Permit for a Casino School; Stephanie Chiem, applicant; United Ng's Limited Partnership, owner; APN 005-212-110

Commissioner Do recused herself, because she lives within 500 ft. of the subject property. She left the room.

Associate Planner Johnson presented the agenda report and responded to questions.

Chairman Munir opened the public hearing.

Stephanie Chiem, applicant, explained that she had enjoyed classes she had taken in various card games and wanted to teach others. She noted that she had previously operated a nail salon in Brisbane.

There being no one else wishing to speak, the public hearing was closed on a motion by Chairman Munir, seconded by Commissioner Parker and approved 3-0 (Commissioner Do abstained, Commissioner Reinhardt absent).

In response to comments from the Commission, Community Development Director Swiecki noted the condition of approval regarding revocation procedures.

Commissioner Parker made the motion to approve the Use Permit as recommended. The motion was seconded by Commissioner Cunningham and approved 3-0 (Commissioner Do abstained, Commissioner Reinhardt absent).

2. **PUBLIC HEARING: Zoning Text/Map Amendment RZ-3-11** to Amend Brisbane Municipal Code Title 17, Section 17.02.695, Ridgeline Definition, and Chapter 17.12, R-BA Brisbane Acres Residential District, and to Rezone Assessor's Parcel No. 007-560-120 from the SCRO-1 Southwest Bayshore Commercial District to the R-BA Brisbane Acres Residential District; City of Brisbane, applicant.

Commissioner Do returned to the chambers. Chairman Munir noted that, although he lives in the district, he did not have a conflict of interest regarding this item, based upon the City Attorney's opinion. Commissioner Cunningham noted that her property abutted and partially extended into the district, but she, too, did not have a conflict of interest, according to the City Attorney. Commissioner Do noted that she lives within 500 ft. of the subject property, but did not have a conflict of interest regarding the item.

Senior Planner Tune presented the agenda report. He responded to questions from Chairman Munir regarding the proposed change in the downslope height limit within the

front 20 ft. of the property. He also responded to questions regarding street standards and the development potential remaining in the R-BA District.

Chairman Munir opened the public hearing.

Michele Salmon expressed concerns regarding how views from the Mountain could be blocked by development. She noted potential problems in enforcing habitat easements and CC&Rs in regards to fencing, landscaping, fire management and funding. She questioned why the proposed ordinance did not expand upon the existing provisions regarding watercourses, wetlands, canyons and trails.

Terry O'Connell cautioned that the ridgeline restrictions should not be relaxed just to limit the City's legal exposure. She pointed out shortcomings in the habitat protections at the Northeast Ridge in terms of maintenance, enforcement and long-range funding.

Tom Heinz said that 5 ft. setbacks would jam buildings together.

Tami Quan opposed further development in the canyons.

A motion to close the public hearing made by Chairman Munir and seconded by Commissioner Cunningham was approved 4-0 (Commissioner Reinhardt absent).

Chairman Munir noted for the record the correspondence received from Jamie Dunn and Carol Burns/John Reiter.

In response to comments from the Commission, staff agreed to clarify the definition of "ridgeline" by referencing the figure by name and including on it the rest of Central Brisbane with streets identified by name.

Commissioner Parker requested that Section 17.12.040.A.1 identify the density transfer and clustered development provisions by name.

In response to comments from Ms. Salmon, Senior Planner Tune noted that the design review approach in the ridgeline provisions would give the Planning Commission more authority to regulate development. He explained that the basic intent was to preserve public views of San Bruno Mountain State and County Park, but not necessarily views from the Park. He also pointed out that recorded habitat conservation easements would give the City more control than CC&Rs, with the details being worked out at the Use Permit/Design Permit/HCP stage of the project.

In response to concerns expressed by Commissioner Parker, Senior Planner Tune pointed out that the minimum lot width and depth for density transfer and clustered development proposals would be subject to compliance with the 5,000 sq. ft. minimum lot size.

Commissioner Cunningham requested additional information regarding watercourses and trails in the Brisbane Acres.

Chairman Munir made the motion to continue the public hearing to the meeting of June 23rd. The motion was seconded by Commissioner Cunningham and approved 4-0 (Commissioner Reinhardt absent).

#### ITEMS INITIATED BY STAFF

None.

#### ITEMS INITIATED BY THE COMMISSION

Commissioner Cunningham indicated that she would not be present for the August 11<sup>th</sup> meeting. The Commissioners agreed to inform staff of their summer vacation schedules. Director Swiecki provided an update on the status of the Baylands project. The Commission discussed further training sessions with the City Attorney.

#### ADJOURNMENT

There being no further business, Chairman Munir made the motion, seconded by Commissioner Do, to adjourn to the regular meeting of June 23, 2011. The motion was approved, 4-0 (Commissioner Reinhardt absent), and the meeting was adjourned at 9:15 p.m.

ATTEST:

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John Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and on the City's website at [www.brisbaneca.org](http://www.brisbaneca.org).