



BRISBANE CITY COUNCIL
ACTION MINUTES

DRAFT

MARCH 3, 2014

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

7:30 P.M. CALL TO ORDER – FLAG SALUTE

ROLL CALL

Councilmember's present: Lentz, Liu, Miller, O'Connell, and Mayor Conway
Councilmember's absent: None
Staff present: City Manager Holstine, City Clerk Spediacci, City Attorney Kahn, Community Development Director Swiecki, Police Chief Macias, Public Works Director Breault

ADOPTION OF AGENDA (Deletions, Additions, Changes and Adoption)

CM Miller made a motion, seconded by CM Liu, to adopt the agenda as proposed. The motion was carried unanimously by all present.

PRESENTATION

A. Emil Margolis from evolve – Reform of Proposition 13 for large business property owners

Mr. Emil Margolis introduced Mr. Ben Grieff, Campaign Director for evolve, who explained that the campaign mission was to support the funding of public education by reforming Proposition 13 rather than repeal it. He explained Proposition 13's history in relation to commercial properties. He said that the unintended consequences of the Proposition were that homeowners were paying a higher overall percentage of the tax burden. He asked that the City Council adopt a resolution at their next meeting in support of reassessing commercial property.

Councilmembers thanked him for his presentation and asked that staff put the adoption of the proposed resolution on their next meeting agenda.

ORAL COMMUNICATIONS NO. 1

Mark Nagales from the Office of Congresswoman Jackie Speier gave a quick update of the Women's Economic Event at Facebook and their work on veteran's issues. He encouraged the Council and residents to contact their office for any assistance they can provide.

Dana Dillworth asked that the Council create a tree planting list that was appropriate for Brisbane.

Andrew Torvik spoke about a sewer issue and a stairwell issue, both near his property. He said that he had brought both issues to City staff members and had not received a resolution. City Manager Holstine reported that staff was aware of his concerns and was looking into both issues.

CONSENT CALENDAR

CM Lentz asked to remove Items C & E. CM O'Connell asked to remove Item A.

B. Receive 2013 Annual Housing Element Progress Report

D. Approve Community Park Day Use Permit Application and Co-sponsorship Application for Zippy Race on April 19, 2014

CM Miller made a motion, seconded by CM O'Connell, to approve Items B & D as proposed. The motion carried unanimously by all present.

A. Approve City Council Minutes of January 13, 2014

CM O'Connell pointed out that the word "Zippy" should be "Zipcar" on page five of the minutes. With that correction, she made a motion, seconded by CM Lentz, to approve the minutes as amended. The motion carried unanimously by all present.

C. Appoint the following applicants to the following Commissions/Committees:

Karen Cunningham – Planning Commission

Jameel Munir – Planning Commission

Karen Lentz – Parks & Recreation Commission

Madison Davis – Parks & Recreation Commission

Michele Salmon – Open Space & Ecology

Yakim Hayuk – Open Space & Ecology

Michael Abney, Jr. – Open Space & Ecology

Linda Montenegro Dettmer – Complete Streets Safety Committee

After Councilmember discussion, CM Lentz made a motion, seconded by CM Miller, to reappoint Karen Cunningham and Jameel Munir to the Planning Commission, Karen Lentz to the Parks & Recreation Commission, and Michele Salmon and Yakim Hayuk to the Open Space and Ecology Committee. It was the consensus of the Council to interview the new applicants before their next City Council Meeting on March 17th.

E. Approve a supplemental appropriation of \$30,000 for the design of a wire mesh slope drapery for Ice House Hill Rock Slope Mitigation Project

After Councilmember questions and clarifications, CM Miller made a motion, seconded by CM Liu, to approve the supplemental appropriation as proposed. The motion carried unanimously by all present.

PUBLIC HEARING

A. Consider appeal of the Planning Commission's approval of the #8 Thomas Avenue Permits; Design Permit DP-1-13 and Grading Permit EX-1-13, for development of an approximately 5,110 square foot single family home with associated grading of approximately 1,850 cubic yards, on a Ridgeline Lot within the R-BA Brisbane Acres Zoning District; Mahn Quach, applicant/owner; APN 0007-350-340

City Attorney Kahn outlined the format of the proceedings. He said that staff would give a report on the factual background information, then a short statement would be made from the Councilmembers who filed the appeal, then the applicant would have an opportunity to speak, followed by the public hearing to take public testimony. After the public hearing, the Council would discuss and ask questions and then ultimately make a decision on the appeal.

Community Development Director Swiecki explained that the proposal involves a design permit and grading permit application to construct a 2-story 5,110 square foot residence at 8 Thomas Avenue. He said that the site is designated as a ridgeline lot within the R-BA – Brisbane Acres Zoning District and is therefore subject to a design permit. He said that the Planning Commission held public hearings regarding the project on October 10th and November 14th, 2013 and unanimously approved (4-0) the project on November 14th.

He further explained that the current proposal was not the first application processed by the City on this site, saying that a project was approved in 2006 but that the variance expired before a building permit was issued. He said that subsequent to the approval of the variance in 2006, the City adopted new Zoning Code provisions regulating ridgeline development and the current application is the first such application to be considered under these new provisions. He explained that under the updated ordinance no variance is required but that development is subject to a design permit which is the application now under review.

He further explained the ridgeline regulation history, the current ordinance provisions, and the issues relating directly to the appeal.

Councilmembers O'Connell and Miller each gave a brief statement about their reasons for bringing the appeal forward to the Council.

Mayor Conway opened the public hearing.

Kevin Trent, nephew of the applicant, stated that they had nothing new to add to the information that was presented at the Planning Commission Meetings.

Jeff Wexler expressed his concern over the proposed project blocking public views. He asked that a review be made of the building's height and bulk.

Ali Eseifan urged the Council to look objectively at the proposal and keep the ridge clear of these types of structures.

Dana Dillworth expressed her concern about the proposed interior courtyard and the importance of preserving as much land as possible around the structure instead.

Danny Ames said that the project was not in the spirit of the General Plan and asked that the Council save the mountain and preserve community-wide values

Storrs Hoen shared his concerns about preserving community values and the protection of vistas. He asked the Council to send this project back to the Planning Commission to work with the applicant to redesign the project.

David Schooley talked about the history of San Bruno Mountain and the importance of protecting it against development.

Michele Salmon read a letter submitted by Michael Wood regarding preserving public views. She asked that this project be sent back to the Planning Commission for further consideration.

Dan Carter supported the Planning Commission's decision and asked that the Council consider this project on its own merits.

Michael Glynn supported the Planning Commission's decision and expressed his opinion that it was unfair to ask the applicant to redesign their project.

Beth Grossman spoke against the project as currently designed. She stated her opinion that it was the responsibility of the applicant to design a project that fits in with the mountain and protects the vistas.

John Christopher Burr spoke against the project and in favor of protecting the Brisbane Acres and being in compliance with the Endangered Species Act.

Luc Brouhard spoke in support of the project and expressed his views that the current laws and regulations allow for this type of development.

Carolyn Parker thanked the Council for hearing this appeal. She said that she felt she needed guidance on the ridgeline protection issues and the intent of the ordinance. She also read a letter from Planning Commission Van Do.

Karen Cunningham showed photos of the property in question and asked for clarification of the intention of the ridgeline ordinance.

Joel Diaz spoke in favor of the project but expressed his opinion that there were flaws in the way the ordinance was written.

Ron Davis stated his view that the appeal process is wrong and requested that the City have better systems in place to prevent a sense of bias.

Dave Bostrom stated that he was speaking on behalf of his neighbors on Harold Road of which the majority were in favor of the project. He asked that the Council respect the hard work of the Planning Commission.

Linda Parker spoke in favor of the project and welcoming people to come into the community and build a home.

Jameel Munir said that the ordinance dealing with the ridgeline was difficult to interpret but that the Planning Commission thoughtfully and carefully reviewed the project and that further adjustments to the project would not be easy.

Dave Reinhardt said that he did the best job as a Planning Commissioner that he could to make a fair and reasonable decision to approve the project.

Alex Lau spoke in support of the Planning Commission's decision and having new families come to Brisbane and build a home. He stated his opinion that the City should spend their time working to improve other things that need it.

Michele Salmon asked the Council to make the right decision and protect the rare treasure of San Bruno Mountain.

Due to the late hour, CM O'Connell made a motion, seconded by CM Lentz, to continue the hearing to Monday, March 10th at which time the Council would take public testimony and limit speakers to 2 minutes each, and then begin Councilmember discussion of the appeal.

Councilmembers asked that they receive a list of the letters that they had received to date on the appeal.

**B. Consider adoption of Resolution No. 2014-03 amending the Master Fee Schedule regarding Swimming Pool Fees for Monthly Passes and Punch Passes
(Staff is recommending continuance of this item to March 27, 2014)**

This item was continued to the City Council Meeting of March 27, 2014.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine said that he had nothing to report.

MAYOR/COUNCIL MATTERS

A. County-wide Assignments/Subcommittee Reports

Councilmembers reported on recent meetings regarding the Library JPA and Airport Noise issues.

B. Written Communications

There were no written communications to report.

C. Consider March 10th or March 29th for Council Goal Setting Workshop & Re-opening celebration of the Community Center Park

After some discussion, Saturday, April 12th was chosen.

D. Re-set date for the Baylands Citizen's Committee recognition

After some discussion, Monday, March 17th was chosen.

E. Set April 5, 2014 for the Brisbane Fire Station Open House

It was the consensus of the Council to hold the open house on Saturday, April 5th.

ORAL COMMUNICATIONS 2

There were no members of the public wishing to speak.

ADJOURNMENT

The meeting was adjourned at 11:10 p.m.