



BRISBANE CITY COUNCIL

ACTION MINUTES

MARCH 10, 2014

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

7:30 P.M. CALL TO ORDER – FLAG SALUTE

Mayor Conway called the meeting to order at 7:32 p.m.

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, Deputy Fire Chief Johnson

With advice from the City Attorney, Councilmembers agreed to remove Item B from the agenda and consider it at a future meeting.

CONTINUED 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**

Mayor Conway noted this matter had been continued from the City Council meeting of March 3, 2014 and then asked the City Attorney to reiterate the appeal process.

City Attorney Kahn said that the appeal process included a background report from staff, a short summary by the appellants, a time for the applicant to speak, a public hearing, and then Council deliberation and an eventual decision. He said that there were four options for the Council in making a decision. The first would be to affirm the permit and the planning commission's findings. The second would be to reverse the approval and deny

the permit. The third would be to modify the Planning Commission's approval of the permit. The fourth would be to discuss with the applicant a voluntary re-design of the project.

After initial Councilmember clarifications, Mayor Conway opened the Public Hearing to take further testimony before the Council deliberations.

Michael Woods expressed his opinion that the proposed design of the project was not in compliance with the Ridgeline Ordinance. He asked that the Council send the project back to the Planning Commission for further review and consideration.

Ken McIntire of San Bruno Mountain Watch said that Mountain Watch is not against all development but rather about preserving and expanding the habitat on San Bruno Mountain. He said that he believed that the ordinance was designed to protect everyone.

Jeff Wexler asked the Council to fully reject the recommended approval and require a better architectural plan that would preserve views.

Luc Bouchard asked that the Council clear the confusion and set a precedence that was clear, legal and fair. He said he was eager to hear what the Council would decide.

Dana Dillworth expressed her concern about the Habitat Contribution requirement and questioned the height limits listed in the staff report. She suggested the Council deny the project because it was not in the spirit of the General Plan and other City laws and regulations.

Storrs Hoen thanked the Council for considering the thoughtful remarks at the last meeting. He said the design for the project blocks views of the mountain and asked that it be sent back to the Planning Commission for a proper design review.

Jameel Munir talked about the definition of the community views and the definition of personal views. He expressed his opinion that the ordinance was meant to protect community views.

Kevin Tran, nephew of the applicant said that the Planning Commission approved the project and many neighbors have also supported them because the project is within the boundaries of the law.

Emmett Cunningham supported the Planning Commission's approval in following the laws and regulations that were currently in place. He expressed his view that too much time was being spent on this issue instead of the more important Baylands project.

Danny Ames referred to General Plan Policy 17 and 19 and asked that the Council not compromise on the view of the mountain from the Lagoon. He said the project design was not good enough and asked that the Council refer it back to the Planning Commission to step down the roofline.

Michael Schumann said that he was afraid of the precedence approval of this project would set. He asked that a clear ordinance be adopted and that this project be sent back to the Planning Commission for further design review.

Dan Carter asked that the Council support the Planning Commission and how thoroughly they worked on the eventual approval of the project.

Beth Grossman said that it is not a right but a privilege to build on the mountain. She asked that the Council set up clear protection of the mountain and the views and send this project back to the Planning Commission to do a proper design review.

Michele Salmon expressed her view that Commissioners don't always make the proper decision. She said that the laws had changed before the applicant bought the property and that the decision on this issue would be precedence setting.

Carolyn Parker expressed her support of the appeal process on any contentious decisions in the community.

Karen Cunningham stated the significant amount of time that she had given to this issue and the need to modify the Ridgeline ordinance to make it more clear on its intent.

Joel Diaz questioned the personal biases of the opponents of the project and the violation of the laws of social justice. He asked that the applicant be allowed to build.

Barbara Ebel said that the issue is very complicated and charged. She advocated for the reduction of the size of houses and for sustainability.

Dolores Gomez asked that the Council give the Planning Commission credit for working hard on their decision. She also advocated for putting the decision up for a vote of the people.

David Schooley expressed his love for Brisbane and asked the Council to remember that preservation is never easy but that growth is.

David Carroll expressed his view that the proposal is not in compliance with Ridgeline ordinance. He said that the language of the ordinance leaves a lot open to interpretation.

There being no other members of the public wishing to speak, CM Lentz made a motion, seconded by CM O'Connell to close PH. The motion passed unanimously by all present.

Councilmembers asked questions of staff and discussed various issues and concerns with the project, the Ridgeline ordinance, and landscaping and its maintenance around the proposed home.

After Councilmembers questioned the applicant about his willingness to consider modifications to his project CM Liu made a motion, seconded by CM Lentz, to continue the matter to the City Council meeting of March 17th to allow time for the applicant to meet with the Planning Department to consider whether there were modifications that might be made to the project to address the concerns raised during the hearings. The motion passed 4-1, Mayor Conway opposed.

NEW BUSINESS

A. Discussion of the Ridgeline Ordinance and relevant General Plan Policies

Mayor Conway indicated that this issue would be discussed at a future Council meeting.

ADJOURNMENT

The meeting was adjourned at 11:17.


Sheri Marie Spediacci, City Clerk