

draft  
BRISBANE PLANNING COMMISSION  
Action Minutes of May 12, 2011  
Regular Meeting

CALL TO ORDER

Chairman Munir called the meeting to order at 7:34 p.m., after the Commission had held a training workshop presented by the City Attorney at 6:30 p.m., attended by Commissioners Cunningham, Do and Parker and Chairman Munir

ROLL CALL

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

ADOPTION OF AGENDA

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

CONSENT CALENDAR

Chairman Munir removed both items from the Consent Calendar.

1. Approval of Draft Action Minutes of April 28, 2011 Regular Meeting

Commissioner Cunningham moved to approve the Minutes. The motion was seconded by Commissioner Parker and approved 3-0 (Commissioner Do abstained; Commissioner Reinhardt absent).

2. **6 San Diego Court**; Report on Mitigation Measures per Design Permit DP-3-09  
Condition of Approval M

The Commission accepted the report.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

No correspondence was received regarding items on the agenda.

OLD BUSINESS

1. **CONTINUED PUBLIC HEARING: 100 Old County Road;** Sign Review SR-2-11; Brisbane Village Shopping Center Sign Program Amendment; Judy Yuen Ng, applicant; United Ng's Limited Partnership, owner; APN 005-212-110

Associate Planner Johnson presented the agenda report.

Chairman Munir opened the public hearing.

Judy Ng, applicant and property manager for the shopping center, said that the proposal would result in a more unified background for the signs by prohibiting black as a background color, unless it is part of a company trademark.

In response to questions from Chairman Munir and Commissioner Cunningham, Associate Planner Johnson and Community Development Director Swiecki explained how Federal trademark law pre-empts the City from requiring alteration of a registered service mark.

Commissioner Cunningham expressed the opinion that all businesses should be treated the same, with no exceptions for franchises that use trademark signage. She said that the program provides a cohesive look through uniformity in the sign sizes and shapes without having to regulate the background color.

Commissioner Do noted that any business, not just franchises, can register its background color as a service mark.

Senior Planner Tune explained the history of ivory as a background color at the shopping center.

In response to a question from Commissioner Cunningham, Ms. Ng stated that she would comply with the adopted sign program, but she had no objections to any color as a background.

Commissioner Parker stated that the background for the shopping center's freestanding sign should remain a unified color.

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

Commissioner Do made the motion to approve the Sign Program as recommended, which was seconded by Commissioner Parker and approved 3-1 (Commissioner Cunningham opposed, Commissioner Reinhardt absent).

#### NEW BUSINESS

1. **PUBLIC HEARING: (55-B) Industrial Way;** Use Permit UP-5-11; Use Permit for Outside Storage of Trucks and Equipment on Middle Portion of Vacant Lot; Innovative

Communications, applicant; Brisbane Bayshore Properties, owner; APN 005-312-070 Ptn.

Senior Planner Tune presented the agenda report. He confirmed Chairman Munir's observation that only one condition of approval was being updated and that the nature of the new tenant was no different from the previous one.

Chairman Munir opened the public hearing. With no one wishing to speak, the public hearing was closed on a motion by Chairman Munir, seconded by Commissioner Cunningham and approved 4-0 (Commissioner Reinhardt absent).

Commissioner Parker made the motion to approve the Use Permit as recommended. The motion was seconded by Commissioner Parker and approved 4-0 (Commissioner Reinhardt absent).

2. **PUBLIC HEARING: 3708 Bayshore Boulevard;** Use Permit UP-6-11, Extension of Use Permit UP-5-10 (Previously UP-5-08, UP-6-07 & UP-3-06) for Contractor's Storage Yard; Joseph Gilmartin, Oro Holdings, LLC, applicant & owner; APN 007-350-100 & -110

Commissioner Cunningham recused herself, because she owns property within 500 ft. of the subject property, and left the room.

Senior Planner Tune presented the agenda report. He responded to questions from Chairman Munir regarding the recommended length of the extension and the Fire Department's review of the application.

Chairman Munir opened the public hearing.

Joseph Gilmartin, applicant, explained his efforts in the past year to comply with the Commission's conditions. He said he looked forward to redeveloping the property residentially when the economy improves.

A motion to close the public hearing made by Chairman Munir and seconded by Commissioner Do was approved 3-0 (Commissioner Cunningham abstaining and Commissioner Reinhardt absent).

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

### STUDY SESSION

Zoning Text/Map Amendment RZ-3-11: Study Session on R-BA Brisbane Acres Residential District Height Limit and Ridgeline Development

Once the Planning Commission had reassembled after a short break, Senior Planner Tune presented the agenda report.

None of the Commissioners had questions or further direction to provide. No one from the public requested to speak.

Commissioner Cunningham moved to adopt Resolution RZ-3-11-a to formally initiate the zoning text/map amendment process. Commissioner Do seconded the motion, which was adopted 4-0 (Commissioner Reinhardt absent).

### ITEMS INITIATED BY STAFF

Director Swiecki reported that the City Council would be considering ABAG's initial response to SB375 at its next meeting.

### ITEMS INITIATED BY THE COMMISSION

Commissioner Cunningham noted the impact to the City of the loss of VWR.

Chairman Munir commented on Brisbane's business climate, the condition of the intersections of Humboldt Road & Glen Parkway and San Bruno Avenue & Bayshore Boulevard, and LED glare from outdoor residential lighting.

Commissioner Parker inquired about the status of the SCRO-1 District rezoning.

### ADJOURNMENT

There being no further business, Commissioner Do made the motion, seconded by Commissioner Parker, to adjourn to the regular meeting of May 26, 2011. The motion was approved, 4-0 (Commissioner Reinhardt absent), and the meeting was adjourned at 8:55 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).