

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 7/14/11

**FROM:** Tim Tune, Senior Planner, via John Swiecki, Community Development Director OAS

**SUBJECT:** **3000-3500 Marina Boulevard;** Adoption of Report to the City Council on the Appeal of the Planning Commission's Denial of 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

**Request:** The Planning Commission's denial of Design Permit DP-2-11, Use Permit UP-7-11 and Variance V-2-11 has been appealed to the City Council by the applicant per Brisbane Municipal Code Section 17.52.020.A. Per BMC Section 17.52.030 the Commission is required to prepare a report to the Council on the facts pertaining to its decision along with the reasons for the Commission's action. Per the attached procedures previously adopted by the Commission, the standard report is attached for the Commission's approval. Note that the draft minutes for the June 23<sup>rd</sup> meeting, which are on this agenda for approval, will be attached to the report.

**Recommendation:** Adopt the attached Report to the City Council.

# *City of Brisbane*

## *Report from the Planning Commission*

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

**DATE:** July 14, 2011

**SUBJECT:** **3000-3500 Marina Boulevard;** Appeal of the Planning Commission's Denial of 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 & appellant; Sierra Point LLC, owner; APN 007-165-020

This report, in response to the appeal of the Planning Commission's denial of the above referenced application, is hereby presented to the City Council as required by Brisbane Municipal Code Section 17.52.030.

The facts pertaining to the decision of the Planning Commission are as stated in the attached materials and testimony submitted to the Planning Commission at and prior to its meetings of May 26 and June 9 & 23, 2011.

The reasons for the Planning Commission's action are as stated in the attached Resolution DP-2-11/UP-7-11/V-2-11, including the findings, and as expressed in the attached Minutes.

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JAMEEL MUNIR  
Planning Commission Chairman

**Attachments:**

Resolution DP-2-11/UP-7-11/V-2-11  
Planning Commission Minutes (Excerpts) for the Meetings of 5/26/11, 6/9/11 & 6/23/11  
Planning Commission Agenda Reports for 5/26/11 & 6/23/11 Meetings

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Attachments (continued):

5/26/11 Email from Tim Tune

5/31/11 Email from Don Little

6/23/11 Letter from Dana Dillworth

Shadow Analysis Submitted by Tom Heinz 6/23/11

Photos of Staff's Model Presented 6/23/11

## PLANNING COMMISSION PROCEDURES PER B.M.C. SECTION 17.52.030

"Adoption of Report from the Planning Commission" shall be placed by staff on the next available Planning Commission agenda following the filing of any appeal of an action by the Planning Commission.

The standard format of the "Report from the Planning Commission" shall be as follows:

This report in response to the appeal of the Planning Commission's **approval/conditional approval/denial** of the above referenced application is hereby presented to the City Council as required by Brisbane Municipal Code Section 17.52.030. The facts pertaining to the decision of the Planning Commission are as stated in the attached materials and testimony submitted to the Planning Commission at and prior to its meeting of \_\_\_\_\_. The reasons for the Planning Commission's action are as stated in the attached Resolution \_\_\_\_, including the findings and conditions of approval, **if any**, and as expressed in the attached Minutes.

This standard format shall automatically be used in presenting the required report to the City Council, unless the Commission, by a majority vote of those members who voted on the item appealed, approves language amending the standard format. Amendments shall be limited to references to specific passages within the approved Minutes or adopted Resolution that express the Commission's reasons for its action on the item appealed. Accordingly, in instances where the Planning Commission's action differs significantly from staff's recommendation, the Commission should identify the key points in its decision prior to taking such action, continuing the item so that the appropriate resolution, reflecting those points, can be drafted by staff for adoption at the following meeting. If necessary, bullet items can be included in the resolution or as an attached exhibit to make clear the "reasons for the Commission's action." Due to the time constraints established by BMC Section 17.52.020.A, consideration of the report shall not be continued to a later meeting of the Planning Commission.

While individual members of the Commission may choose to independently testify in person or in writing to the City Council on the matter of the appeal, there shall be only one "Report from the Planning Commission" to be presented to the City Council.

The above shall not preclude the Planning Director from submitting a separate report from staff to the City Council.