

BRISBANE PLANNING COMMISSION
Action Minutes of June 23, 2011
Regular Meeting

CALL TO ORDER

Chairman Munir called the meeting to order at 7:30 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 Do and approved 4-0 (Commissioner Reinhardt absent).

CONSENT CALENDAR

1. Approval of Draft Action Minutes of June 9, 2011 Regular Meeting

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

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

Correspondence from Dana Dillworth regarding the first item of old business was 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

Senior Planner Tune presented the agenda report.

In response to questions from Chairman Munir, Senior Planner Tune and Community Development Director Swiecki explained the City Attorney's advice regarding attempting to impose more requirements upon the project than provided for in the Municipal Code. Chairman Munir and Commissioner Cunningham expressed dissatisfaction with the City's current standards regarding on-site energy generation.

Chairman Munir reopened the public hearing.

Don Little, applicant, noted that no changes in the previously approved project were being proposed and thus requested extension of those approvals.

Michele Salmon recommended denial of the request, in which case a reapplication could be subject to new requirements.

Dana Dillworth noted the changes in circumstances she had referenced in her correspondence to the Commission were dying trees at Sierra Point and global climate change.

Tom Heinz spoke in opposition to the requested extension. He presented the Commission his shadow study to show how the project would impact the adjoining wetlands. He recommended that the project be redesigned with smaller buildings that would better fit the site.

Terry O'Connell stated that the freeway visibility of this site demanded more of this project.

Mike Durkee, as attorney for the applicant, said that the Commission must comply with the rule of law. He noted that his client had already agreed to more than what the City's ordinances require, and the City cannot force him to agree to a development agreement.

Andrew Diamond spoke in favor of the project, saying that it would be an improvement over the existing eyesore of a vacant lot and would bring new business to Sierra Point. He acknowledged the concerns raised by others, but asked them to consider the bigger picture.

Ms. Salmon reminded the Commission that it had the right to deny the project.

There being no one else 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).

Chairman Munir wanted stronger language in the condition of approval regarding emergency vehicular access to Sierra Point.

Commissioner Do reviewed the changes in circumstances raised by Ms. Dillworth. Director Swiecki noted that the project had been previously reviewed by the Department of Fish & Game, which noted no significant impacts to the adjoining wetlands.

Commissioner Parker expressed concerns about the size of the parking garage. She said that providing more renewable energy would make the project more competitive, given the precedent set by the Sierra Point biotech project.

Commissioner Cunningham characterized the proposed extension as a step backwards in time. Commissioner Do added that the changing times are a change in circumstance

Commissioner Parker made the motion to deny the proposal. The motion was seconded by Commissioner Cunningham and approved 4-0 (Commissioner Reinhardt absent). It was clarified that the inability to find that the project would not be detrimental to health, safety and general welfare of the public was the rationale for the denial.

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.

Senior Planner Tune presented the agenda report.

Chairman Munir reopened the public hearing.

Dana Dillworth objected to changing the setback standards district-wide, rather than just for density transfer and clustered development projects. She said that each site should be evaluated to determine its habitat value.

In response, Senior Planner Tune explained that the recommended setbacks were the same as in all of the other residential districts. He noted that habitat value is addressed on a parcel-by-parcel basis through the Habitat Conservation Plan process, as stated in BMC Section 17.12.040.I.

Commissioner Cunningham requested that Section 17.12.040.I be expanded to include a brief description of the HCP's purpose and its review process.

Michele Salmon suggested that the proposed setback from waterways be specified to apply in each both directions from the centerline. She noted that new springs reveal themselves, so Section 17.12.040.M should not be limited to wetlands identified in the Open Space Plan. She recommended that no disturbances, including temporary, should be permitted within 20 ft. of a wetland.

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

At the direction of the Commission, staff said that it will revise Sections 17.12.040.I & M of the draft ordinance as suggested.

Commissioner Parker made the motion to recommend that the City Council adopt the proposed zoning text/map amendment with the noted revisions. The motion was seconded by Commissioner Do and approved 4-0 (Commissioner Reinhardt absent).

ITEMS INITIATED BY STAFF

Director Swiecki noted that the City Council would not be meeting in August.

ITEMS INITIATED BY THE COMMISSION

In response to a suggestion by Michele Salmon, Chairman Munir requested that discussion of renewable energy generation requirements be agendaized for the next meeting.

ADJOURNMENT

There being no further business, Chairman Munir made the motion, seconded by Commissioner Cunningham, to adjourn to the regular meeting of July 14, 2011. The motion was approved, 4-0 (Commissioner Reinhardt absent), and the meeting was adjourned at 9:03 p.m.

ATTEST:

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.