

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission DK For the Meeting of 6/9/11
FROM: Ken Johnson, Associate Planner, via John A. Swiecki, Community Development Director

SUBJECT: 106B Old County Road, Brisbane Village Shopping Center; Use Permit UP-10-11, Use Permit for a Casino School; Stephanie Chiem, applicant; United Ng's Limited Partnership, owner; APN 005-212-110

Request: The applicant proposes to establish a casino school within a second floor unit of the Brisbane Village Shopping Center, at 106B Old County Road. The applicant proposes to have one classroom with one instructor and three to six students at a time. Hours of operation are proposed from 10 am to 8 pm six days per week, with either Saturday or Sunday off.

The objective of the school would be to prepare students to become casino card dealers.

Recommendation: Conditionally approve Use Permit UP-10-11 per the staff memorandum, via adoption of Resolution UP-10-11 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: Operations within an existing structure are considered categorically exempt from the provisions of the California Environmental Quality Act per Section 15301 of the State CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

Applicable Code Sections: Per Brisbane Municipal Code Section 17.14.030, educational facilities are a conditional use in the NCRO-1 District, within which the subject property is located. The standard findings required for approval of Use Permits are contained in BMC Section 17.40.060.

Analysis and Findings: In order to approve the proposed casino school, the Planning Commission must determine whether the proposal is consistent with the general plan and whether the use applied for, under the circumstances, will not be detrimental to the health, safety, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City.

General/Specific Plan Consistency--The 1994 General Plan land use designation for the Brisbane Village Shopping Center is Neighborhood Commercial/Retail/Office. This designation allows for a range of local retail and service uses, including shops, restaurants, medical, professional and

administrative offices and other uses of the same general character. The proposed use is consistent with this designation in that it would have the same general character as the offices uses.

Not Detrimental or Injurious to Neighborhood or City—A potential concern regarding the proposed use on the other surrounding uses would be the potential impact on parking.

The Municipal Code requires 1 on-site parking space for each classroom and office for commercial schools, which would result in a requirement of 1 space. The proposed use is part of the Brisbane Village Shopping Center and according to the City's records there are 126 parking spaces at the shopping center. The applicant has indicated up to 6 students and 1 instructor at a time, which would result in up to 7 off-street parking spaces being used by the facility. Parking counts at the shopping center on Wednesday, May 18th, and Tuesday, May 24th, showed that between 35 percent and 73 percent of the parking spaces were occupied by vehicles, with the highest parking rates occurring during the lunch hour on both days. At the peak there were still 34 spaces available, which would be more than adequate to meet the demand presented by the proposed use. However, the use is proposed to operate all day (10 am to 8 pm) six days a week, and it would occupy a fairly high percentage of parking relative to its small floor area.

The floor area for the shopping center is 30,375 sq ft and the floor area for unit 106B is approximately 311 sq ft, approximately 1 percent of the total floor area. The parking demand, assuming 7 spaces occupied by this use, would be approximately 5.5 percent of the total parking. During most hours and days a surplus of parking is anticipated. However, this use may contribute to parking shortages during the lunch hour on peak usage days if the occupancy rates for the shopping center increases over time. To help address this, staff has included Condition of Approval B, which would require that the school provide information to incoming students outlining public transportation options and indicating that dining options are within walking distance of the school.

Attachments:

- Draft Resolution UP-10-11 with Findings and Conditions of Approval
- Applicant's statement and site drawings
- Staff photos
- Parking Counts from May 18th and May 24th, 2011

Draft
RESOLUTION UP-10-11

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-10-11
TO PERMIT A CASINO SCHOOL
AT 106b OLD COUNTY ROAD

WHEREAS, Stephanie Chiem, the applicant, applied to the City of Brisbane for Use Permit approval for a casino school at 180 Industrial Way, such application being identified as Use Permit UP-10-11; and

WHEREAS, on June 9, 2011, the Planning Commission conducted a hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of June 9, 2011, did resolve as follows:

Use Permit Application UP-10-11 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this ninth day of June, 2011, by the following vote:

AYES:
NOES:
ABSENT:

Jameel Munir
Chairman

ATTEST:

JOHN A. SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Conditionally approved Use Permit UP-10-11 per the staff memorandum with attachments, via adoption of Resolution UP-10-11.

Findings:

1. Approval of the use permit is consistent with the 1994 General Plan adopted by the City Council, specifically the General Plan's Neighborhood Commercial/Retail/Office (NCRO) land use designation, which allows for a range of local retail uses, personal services, restaurants, medical, professional and administrative offices and other uses of the same general character. The proposed use will have the same general character as the offices uses.
2. The establishment, maintenance and operation of the use applied for, under the circumstances, will not be detrimental to the health, safety, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City

Conditions of Approval:

- A. Casino school activities shall take place within the building.
- B. The school shall supply incoming students with information, via website and/or brochures, outlining public transportation options and indicating that dining options are within walking distance of the school.
- C. Hours of operation shall not occur between the hours of 10 pm and 5 am without first obtaining a use permit for "night operations", per BMC Section 17.14.080.
- D. Prior to opening the casino school, the applicant shall obtain a City business license.
- E. No signage is approved as part of this permit. A Sign Permit shall be obtained prior to the installation of any signs not otherwise exempt by the Brisbane Village Shopping Center Sign Program.
- F. The application shall obtain a building permit for any tenant improvements.
- G. Minor modifications may be approved by the Planning Director in conformance will all requirements of the Municipal Code.
- H. This Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.48 should the use not comply with its conditions of approval or in any way prove to be a nuisance, injurious or detrimental to property or improvements in the neighborhood or to the general welfare of the City.

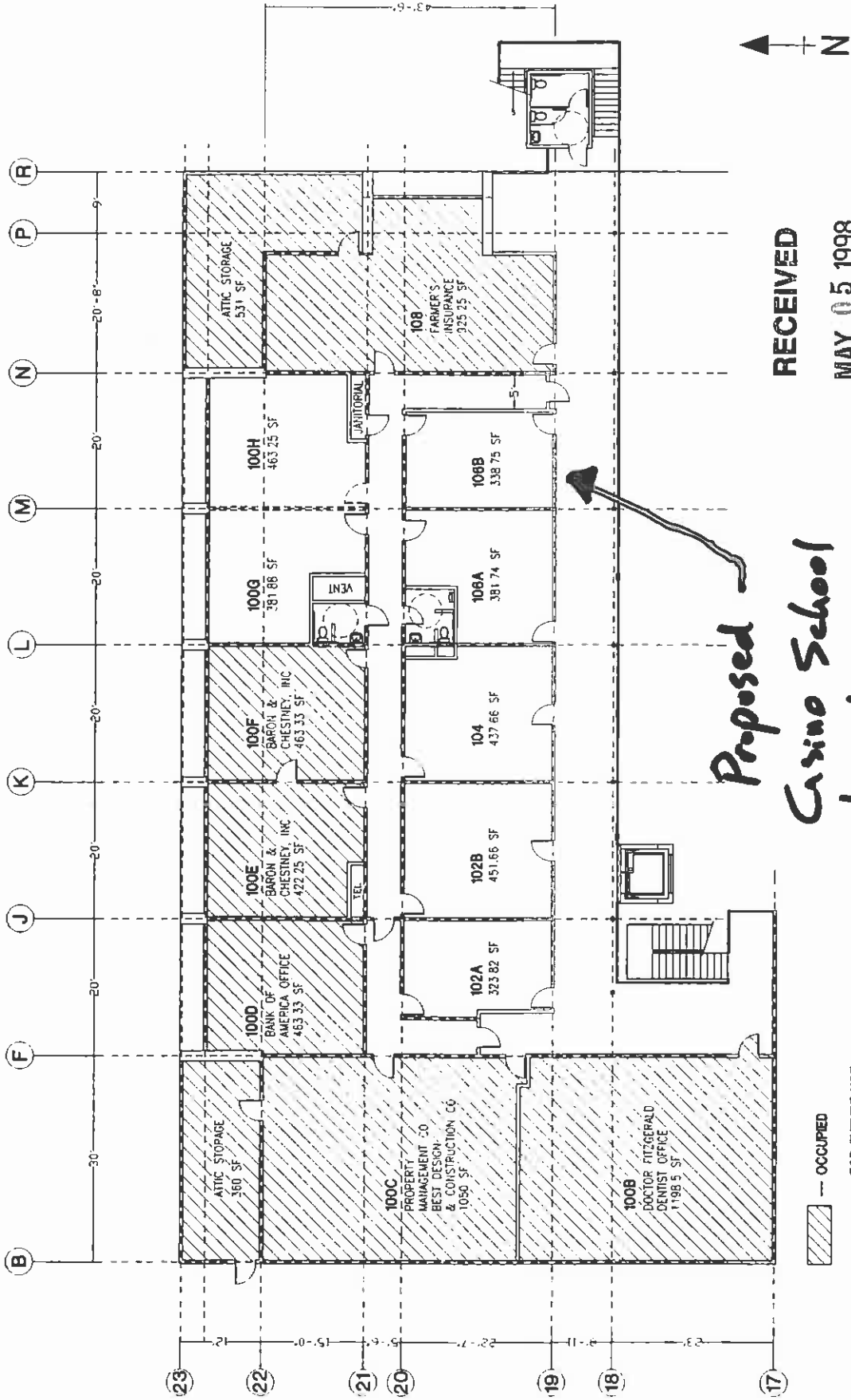
Requested Action:

5/18/11

Establishment of a Casino School.
One teacher and three to six students
in the morning from 10 AM - 12 noon. Some
students comes in for 2 to 3 hours then
they leave. A few students stay for full
8 hrs. Students seems to come in more
between 2pm to 8pm, with ten the
most at one time. Hours of operation
would be from 10 AM to 8pm. Objective
is to teach students how to become
Casino/Cards Dealers. To operate 6 days
per wk with Sat. or Sunday off. To
be one classroom.

BEST DESIGN AND CONSTRUCTION COMPANY

100 OLD COUNTY ROAD, STE. 100C
BRISBANE SHOPPING CENTER
BRISBANE, CA 94005
TEL. 415-656-3528
FAX 415-656-4416



*Proposed
Casino School
Location*

RECEIVED
MAY 05 1998

Bldg./Planning Dept. Brisbane

--- OCCUPIED
--- FOR FUTURE USE

SECOND FLOOR RETAIL/ OFFICE LAYOUT

D:\98200\2ND FLOOR.DWG
DATE 3-30-1998

Approved by Paul Rusca 5-5-98

H.1.6.

Total sq ft : 311 sq ft.

Length 22.23 ft

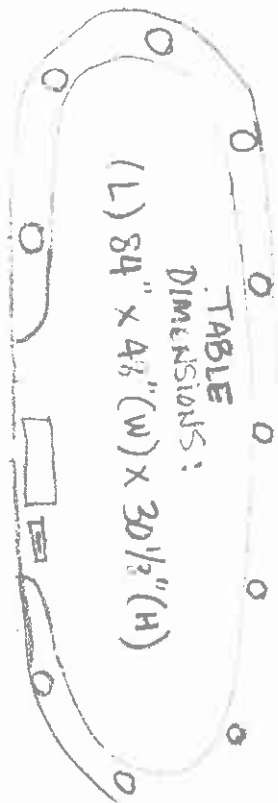
Width - 14 ft

RECEIVED
MAY 18 2011
Comm. Dev. Dept. Brisbane

CASINO DEALER SCHOOL
STORE FRONT

106 B

H.1.7



POKER TABLE

RECEIVED

MAY 18 2011

Comm. Dev. Dept. Brisbane

CASINO DEALER SCHOOL

STOREFRONT

106B

H.I. 8.

Proposed Casino School



**Table
Parking Counts
for the
Brisbane Village Shopping Center**

Day/Date	Time	Number of Occupied Parking Spaces	Occupied Spaces as a Percentage of Total Spaces*	Spaces Available
Wed/5/18	11:40 am	48	38%	78
Wed/5/18	12:40 pm	92	73%	34
Tues/5/24	11:20 am	44	35%	82
Tues/5/24	12:15 pm	83	66%	43
Tues/5/24	12:30 pm	84	67%	42
Tues/5/24	1:40 pm	56	44%	70

Note:

*Based on a total of 126 parking spaces for the Brisbane Village Shopping Center.