



BRISBANE CITY COUNCIL

ACTION MINUTES

DRAFT

SPECIAL MEETING AGENDA

MONDAY, DECEMBER 8, 2014

BRISBANE CITY HALL COMMUNITY ROOM, 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

Councilmembers present:	Lentz, Liu, Miller, O'Connell, and Mayor Conway
Councilmembers absent:	None
Staff present:	City Manager Holstine, City Clerk Spediacci, Legal Counsel Ivan Delventhal, Community Development Director Swiecki

PUBLIC HEARING

- A. Consider Appeal of the Planning Commission's approval of the Design Permit for the renovation of the existing building at 7000 Marina Boulevard (APN No. 007-165-120)**
Applicant: Westport Capital Partners, LLC
Owner: Marina Boulevard Property, LLC

Community Development Director Swiecki reviewed the background of the application for the proposed renovation at 7000 Marina Boulevard and the Planning Commission's approval of that application on August 7, 2014 by a vote of 3 ayes and 1 no. He said that an appeal of the Planning Commission's decision was filed by CM Miller and CM O'Connell on August 22, 2014 and that following the appeal, the City Council authorized staff to hire an architect to review the proposal and offer an independent third party analysis. He said that Nichols Booth Architects (Nichols/Booth) was subsequently retained by the City to perform these services and their report was made available to Council and the public as part of the materials for this meeting. He also indicated that a field trip to the subject site had been conducted during which Nichols/Booth reviewed their recommendations with City Councilmembers, City staff, the applicants, and interested members of the public.

Legal Counsel Delventhal then gave a statement regarding the quasi-judicial capacity of the hearing. He said the Council has the power to approve, deny, or modify the Planning Commission's decision. He advised that Councilmembers should not have prejudged the matter and be willing to keep an open mind during the hearing. He also advised that Councilmembers report any communications or contact with anyone regarding the subject matter of the hearing. Councilmembers all reported that they had visited the site and each Councilmembers reported any communications that they received or participated in.

Gary Nichols from Nichols/Booth Architects then reported on his independent analysis of the proposed renovations. His report supported the proposed changes to the building entry, the angled window systems and conference room bays, and the new deck off the atrium. He said that they did not support the proposed color changes and recommended that the current circular screen on the roof be maintained. He then answered questions from the Council on the reasons for his recommendations.

Legal Counsel Delventhal then outlined his recommendations for how the appeal hearing should be conducted, stating that the appellant should report first, then the applicant, followed by a rebuttal if desired, and then the public hearing should be opened.

CM Miller and O'CM Connell, as the appellants, then reviewed their reasons for filing the appeal, including insufficient attention to the historical and architectural significance of the building, some physical renovations being detrimental to the integrity of the original design, insufficient staff and Planning Commission time devoted to architectural alternatives, and the need for greater public involvement in reviewing the issue.

Eric Clapp with Marina Properties explained that before acquiring the property the applicant met with the Planning Commission, had a public site visit, and then a Planning Commission meeting where members of the public participated and spoke in favor of the project. He explained their desire to make the proposed modifications to make it more marketable to technology-based tenants. He said he thought the building was special but that the needs of businesses had changed over the years. He then answered questions from Councilmembers.

Mayor Conway then opened the public hearing.

David Needham indicated that he worked in the building when it was Walmart.com and expressed his support for the proposed modifications.

Tom Heinz thanked the Councilmembers who appealed the Planning Commission's decision. He urged the Council to protect the character of the building and overturn the Planning Commission's approval of the modifications.

Alex Wilson indicated that he was employed by a brokerage firm responsible for leasing the building and stated his belief that it would be much more marketable with the proposed modifications.

Mark Geisreiter spoke about tenant needs and the competitive nature of leasing to technology firms. He asked the Council to allow the proposed modifications.

Emmett Cunningham said that three Planning Commission meetings were held on the proposed modifications and that there were no members of the public opposed to the modifications. He questioned the appeal process and stated his desire that the City be more business-friendly.

Theodore Brown introduced himself as the original architect for the building in question. He said the design was meant to be for a corporate headquarters. He also explained the design features especially as they related to the angled windows and the problems with sunlight and nighttime views. He suggested that the Council think about other modifications, rather than the ones being proposed, including photovoltaic glass panels, vents in the wall, and wind generators. He then answered questions from Councilmembers.

Councilmembers thanked Mr. Brown for coming to the meeting and sharing his vision and giving background information about the design features.

Michele Salmon said how much she loved the building and its articulations. She asked that the Council preserve it.

Jameel Munir, Planning Commissioner, said that he viewed the building as iconic and said that inside changes could be made without altering the outside architectural elements.

Carolyn Parker, Planning Commissioner, spoke in favor of the appeal process and thanked the Council for re-considering this important issue.

Anja Miller pointed out that the General Plan specifically emphasizes preservation of historic buildings and asked that the Council not allow any modifications to the exterior of the artistically designed, award-winning, building.

Theodore Brown then answered further questions from the Council and spoke of how buildings are being renovated to include photovoltaic features.

Michael Barnes spoke in favor of the applicant making the necessary changes and expressed his desire that the building be LEED-certified.

Kevin Bassett, owner of 7000 Marina Boulevard, explained how he and his team had worked through the process, addressing issues as they were presented and making a direct effort to maintain and preserve the good features of the building.

Councilmembers then discussed the history of the building and its role in the community, the difference of opinion that the angles windows have to be removed to attract a good tenant, other ideas for renovation without destroying that distinctive feature of the building, the vacancy status at Sierra Point, economic development, and the need for a vision for that area.

After further Councilmember discussion, CM Liu made a motion, seconded by CM Lentz, to affirm the Planning Commission's decision without any modification. The motion carried 3-2, CM Miller and CM O'Connell opposed.

ADJOURNMENT

The meeting was adjourned at 11:24 p.m.

Sheri Marie Spediacci, City Clerk