



CITY of BRISBANE

Planning Commission Meeting Agenda

Thursday, July 10, 2025 at 7:30 PM • Hybrid Meeting
• Brisbane City Hall 50 Park Place, Brisbane CA

The public may observe/participate in Planning Commission meetings using remote public comment options or attending in person. Planning Commissioners shall attend in person unless remote participation is permitted by law. The Commission may take action on any item listed on the agenda.

TO ADDRESS THE COMMISSION

In Person:

Location: 50 Park Place, Brisbane, CA 94005, Community Meeting Room

Masks are no longer required but are highly recommended in accordance with California Department of Health Guidelines. To maintain public health and safety, please do not attend in person if you are experiencing symptoms associated with COVID-19 or respiratory illness.

To address the Planning Commission on any item on or not on the posted agenda, fill out a Request of Speak Form located in the Community Meeting Room Lobby and submit it to the City staff.

Remote Participation:

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The agenda materials may be viewed online at brisbaneca.org/meetings at least 24 hours prior to Special Meetings, and at least 72 hours prior to a Regular Meeting.

Remote Public Comments:

Meeting participants are encouraged to submit public comments in writing in advance of the meeting to jswiecki@brisbaneca.org. Remote meeting participants may address the Planning Commission via Zoom Webinar using the link or the call in number listed below. Note, the above email will not be monitored during the meeting and emails received during the meeting will not be responded to or brought to the attention of the Planning Commission during the meeting.

Zoom Webinar: (please use the latest version: zoom.us/download)
brisbaneca.org/pc-zoom

Webinar ID: 970 0458 3387

Call In Number: +1 (669) 900-9128

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the Community Development Department at (415) 508-2120 in advance of the meeting. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

All written communications are provided to the Planning Commission. Any written communication that is received after the agenda has been posted but before 4 p.m. of the day of the meeting will be available for public inspection at the front lobby in City Hall and online at brisbaneca.org/meetings. Any writings that are received after 4 p.m. of the day of the meeting will be distributed to the Planning Commission and made available for public inspection at the front lobby and on the internet the day after the meeting (brisbaneca.org/meetings).

Commissioners: Funke, Gooding, Lau, Patel, and Sayasane

CALL TO ORDER

ROLL CALL

ADOPTION OF AGENDA

CONSENT CALENDAR

Please Note: Items listed here as Consent Calendar Items are considered routine and will be acted upon collectively by one motion adopting the Planning Department's recommendation unless a member of the public, the Commission, or its staff asks to remove an item to discuss it. Prior to the motion, the Chairperson will ask if anyone wishes to remove an item from the Consent Calendar.

None

ORAL COMMUNICATIONS (Limited to a total of 15 minutes)

WRITTEN COMMUNICATIONS

OLD BUSINESS

None

NEW BUSINESS

- A. [**PUBLIC HEARING: 2000 Sierra Point Parkway; Sign Review 2025-SR-02 and Variance 2025-V-01; SP-CRO District; Sign Review and Variance to allow a new building-mounted, internally-illuminated sign that exceeds the maximum dimensions and sign area standards of the Sierra Point Building-Mounted Signage Standards; and finding that this project is categorically exempt from environmental review under CEQA Guidelines Section 15311; David Ford, applicant; HCP Life Science REIT Inc., owner.**](#)

- B. [General Plan Conformity 2025-GPC-1; Brisbane Acres Residential Subarea; General Plan conformity review of the City of Brisbane’s proposed acquisition of five certain real properties within the Brisbane Acres totaling approximately 4.76 acres; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15313.](#)

ITEMS INITIATED BY STAFF

ITEMS INITIATED BY THE COMMISSION

- C. [Minor Modifications of single-family Homes at the Northeast Ridge](#)
D. [Brisbane Municipal Code Violations and Code Enforcement](#)

ADJOURNMENT

- E. Adjournment to the regular meeting of July 24, 2025.

APPEALS PROCESS

Anyone may appeal the action of the Planning Commission to the City Council. Except where specified otherwise, appeals shall be filed with the City Clerk not later than 15 calendar days following the Planning Commission’s decision. Exceptions to the 15-day filing period include the following: appeals shall be filed with the City Clerk within 6 calendar days of the Planning Commission’s action for use permits and variances and 10 calendar days for tentative maps and advertising sign applications. An application form and fee are required to make a formal appeal. For additional information, please contact the City Clerk at 415-508-2110.

File Attachments for Item:

A. PUBLIC HEARING: 2000 Sierra Point Parkway; Sign Review 2025-SR-02 and Variance 2025-V-01; SP-CRO District; Sign Review and Variance to allow a new building-mounted, internally-illuminated sign that exceeds the maximum dimensions and sign area standards of the Sierra Point Building-Mounted Signage Standards; and finding that this project is categorically exempt from environmental review under CEQA Guidelines Section 15311; David Ford, applicant; HCP Life Science REIT Inc., owner.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: July 10, 2025

From: Julia Ayres, Principal Planner

Subject: 2000 Sierra Point Parkway; 2025-SR-02 and Variance 2025-V-01; SP-CRO District; Sign Review and Variance to allow a new building-mounted, internally-illuminated sign that exceeds the maximum dimensions and sign area standards of the Sierra Point Building-Mounted Signage Standards; and finding that this project is categorically exempt from environmental review under CEQA Guidelines Section 15311; David Ford, applicant; HCP Life Science REIT Inc., owner.

REQUEST

The applicant requests approval of Sign Review and a Variance to the sign standards established in the Koll Center Sierra Point Building-Mounted Signage Standards (Sign Program) to install a building-mounted, internally illuminated sign that exceeds the maximum vertical dimension, sign area, and limit on lines of text established by the Sign Program.

RECOMMENDATION

Conditionally approve Sign Review 2025-SR-02 and Variance 2025-V-01 via adoption of Resolution 2025-SR-02/2025-V-01, subject to the findings and conditions of approval contained in the Resolution (See Attachment 1).

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15311 - this project falls within a class of projects which the State has determined not to have a significant effect on the environment. The exceptions to this categorical exemption referenced in Section 15300.2 of the CEQA Guidelines do not apply.

APPLICABLE CODE SECTIONS

Advertising sign regulations are established in [Chapter 17.36 of the Brisbane Municipal Code](#). Variances are regulated in [Chapter 17.46 of the Brisbane Municipal Code](#). Signage at 2000 Sierra Point Parkway is regulated by the Sign Program (Attachment 3).

ANALYSIS AND FINDINGS

Project Description

The application (see Attachment 2) consists of one illuminated, wall-mounted sign reading "Vera Therapeutics" in two lines of text, located on the southeasterly side of the building at 2000 Sierra Point Parkway. The maximum vertical height of the sign measurement from the bottom of the second line of text to the top of the first line of text is 9 feet, and the maximum horizontal length of the sign is 34 feet, 9 inches, for a total

sign area of 312.75 sq ft. The internally illuminated sign will consist of 5 inch aluminum channel letters, with white acrylic facing overlayed with perforated two shades of blue vinyl. The proposed sign would replace the existing illuminated “BioMarin” sign on the southeasterly portion of the mechanical penthouse screen.

The Sign Program establishes design requirements for all properties in Sierra Point except 1000-3500 Marina Boulevard (Genesis Marina Sign Program) and 1000-1800 Sierra Point Parkway (the Shore at Sierra Point Sign Program). Standards for sign size, vertical and horizontal sign dimensions vary between three geographic Zones, shown in Diagram 6 in the Sign Program, the purpose of which is to ensure signs appear roughly uniform in size as seen from Highway 101 regardless of how close the building is to the Highway/viewer. The subject property is located in Zone 2.

Most deviations from the Sign Program require approval of a Variance by the Planning Commission; however, hotel uses may apply for Exceptions to exceed the maximum sign size, vertical dimensions, and to allow two lines of text. The table below shows the proposed signage details and how the signage conforms to or deviates from the standards, with Variance requests highlighted in yellow:

Sign Standard	Requirement	Proposal
Max. Lines of Text	1	2
Max. Vertical (Zone 2)	6'	9'
Max. Horizontal (Zone 2)	41.6'	34.75'
Area	249 square feet	312.75 square feet
Can letter depth	9" from fascia	5" from fascia

Analysis

Brisbane Municipal Code Section 17.46.010 contains two findings required for the granting of Variances and three sign review findings, detailed as follows.

Variance Findings

1. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located;

The application meets this finding. The combination of the distance from the building to the Highway and the two-line company logo warrant special circumstances to justify granting the Variance, discussed further below, and as such, approving the Variance would not constitute a grant of special privilege. The recommended conditions of approval contained in the approving Resolution include the requirement to obtain a building permit, which plans shall demonstrate compliance with the City’s Dark Sky Ordinance in regards to curfew and maximum sitewide illumination.

2. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The application meets this finding. Due to the site's distance from the Highway and the business's two-line logo, strict application of the maximum vertical dimension and total sign area established in the Sign Program would deprive the business owner the privilege of having its company logo clearly legible from view corridors on Highway 101 enjoyed by others in the vicinity. While the subject business has not provided evidence that its logo is trademarked, its logo is stylized in its public-facing communications (including its website <https://veratx.com>) with two lines of text, identical to its proposed configuration in the application materials and the two lines of text are clearly integral to its corporate identity.

While the sign could be redesigned as a single line of text, in order to comply with the maximum horizontal dimension of 41.6 ft, the size of the letters would have to be reduced significantly below the maximum permissible 6 ft vertical dimension, resulting in a distinct difference in scale compared to other building-mounted signs in Sierra Point and impeding legibility from the Highway. This would also contradict the overall purpose of the Sign Program's to ensure "that the apparent scale of signage is approximately the same from freeway view corridors" throughout Sierra Point (Section 6.1.1 of the Sign Program).

The Planning Commission has previously granted similar variances to the maximum vertical dimension standard provided in the Sign Program, including SR-18-03 for Wiley Technology at 8000 Marina Boulevard, adjacent to the subject property, for two 11 ft., 3 in. tall signs. At least three Variance requests were approved to accommodate signage with two-line logos (V-2-14 for You Technology and V-6-05 for Alliance Bancorp at 1000 Marina Boulevard, and SR-18-03 for Wiley Technologies at 8000 Marina Boulevard).

Sign Review Findings:

3. All advertising signs must conform to the requirements of Table 17.36.020 and Figure 17.36.020A, unless specifically exempted in this chapter.

This finding is inapplicable as BMC Section 17.36.050.B specifically exempts sign programs from the requirements of the figure and table.

4. For all advertising signs subject to permit approval by the zoning administrator or the planning commission, it must also be found that:

a. The sign complies with all applicable city ordinances; and

b. The sign does not conflict with the building scale, colors, materials, architectural details and styles found in the specific neighborhood or area of the city in which the sign is proposed to be located.

The application meets this finding. Per the conditions of approval, the sign would comply with the applicable City ordinances, including the requirement to obtain a building permit and comply with the Dark Sky Ordinance and for sign maintenance and upkeep over time.

The signs would not conflict with the building or the Sierra Point neighborhood. The colors represent the company's logo and are consistent with the color palette permitted by the Sign Program. Additionally, the two shades of blue overlain on the channel letters will contrast attractively against the white mechanical penthouse screen. The first line of text "Vera" would measure at 5.4 feet in height, and the secondary line of text "therapeutics" would measure 2.7 feet in height, appropriately scaled to the 13 ft, 3 in high penthouse screen. At night, both lines of text will appear as solid white.

5. For illuminated or kinetic signs, it must also be found that:

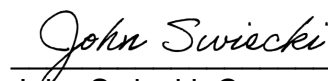
- a. The sign does not produce glare; and*
- b. The sign does not present a distraction or hazard to pedestrians, motorists, or the occupants of other neighboring properties; and*
- c. The sign does not otherwise cause a public nuisance.*

The application meets this finding. The signs will be internally illuminated and will not produce a glare or distraction or otherwise cause a public nuisance. The conditions of approval will require that the plans submitted with the building permit demonstrate compliance with the Dark Sky Ordinance, which for signs includes installation of timers to comply with curfew and to comply with maximum sitewide illumination standards. The applicant has indicated that at 25,280 lumens, the sign brightness will be similar to the existing sign which it will replace (27,810 lumens).

ATTACHMENTS

1. Draft Resolution 2025-SR-02/2025-V-01
2. Applicant's plans
3. Koll Center Sierra Point Building-Mounted Signage Standards


 Julia Ayres, Principal Planner


 John Swiecki, Community Development Director

draft

RESOLUTION 2025-SR-02/2025-V-01

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING
SIGN REVIEW PERMIT 2025-SR-02 & VARIANCE 2025-V-01
TO ALLOW ONE WALL SIGN LARGER THAN OTHERWISE PERMITTED
AT 2000 SIERRA POINT PARKWAY

WHEREAS, David Ford, All Sign Services, the applicant, applied to the City of Brisbane for Sign Review and Variance approval to allow an internally illuminated building-mounted sign for Vera Therapeutics to exceed the maximum vertical dimension and sign area permitted by the Koll Center Sierra Point Building-Mounted Signage Standards by allowing two lines of text, at 2000 Sierra Point Parkway, such applications being identified as 2025-SR-02 and 2025-V-01; and

WHEREAS, on July 10, 2025, the Planning Commission conducted a public hearing on the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, 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 applications, the application materials, the written and oral evidence presented to the Planning Commission in support of and in opposition to the applications; and

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of July 10th, 2025, did resolve as follows:

Sign Review Application 2025-SR-02 and Variance Application 2025-V-01 are approved per the findings and conditions of approval attached herein as Exhibit A and the sign details provided in Exhibit B.

ADOPTED this tenth day of July, 2025, by the following vote:

AYES:

NOES:

ABSENT:

Pamala Sayasane
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Conditionally approve Sign Review 2025-SR-02 and Variance 2025-V-01 per the staff memorandum with attachments, via adoption of Resolution 2025-SR-02/2025-V-01.

Findings:

1. The approval shall be subject to such conditions as will assure that the adjustment hereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district within which the subject property is located, such condition being the standard requirement for a building permit and to maintain the sign in good working order over time.
2. Because of special circumstances applicable to subject property, specifically its location from the freeway, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, specifically business signage reasonably legible from the freeway.
3. The proposed signage is exempt from the requirements of Table 1 and Figure 1 since it is regulated under a sign program, per Brisbane Municipal Code Section 17.36.050.B.
4. The proposed signage complies with all applicable City ordinances, in that per BMC Section 17.36.030.F.1, a building permit will be required to install the sign, such permit demonstrating compliance with all applicable requirements of the Dark Sky Ordinance in BMC Chapter 15.88.
5. The proposed signage will not conflict with the building scale, colors, materials, architectural details and styles found in the specific neighborhood or area of the City in which the sign is proposed to be located, in that colors, size and details of construction are consistent with the intent of the Koll Center Sierra Point Building-Mounted Signage Standards except where modified as part of this approval.
6. The illuminated signs will not produce glare, will not present a distraction or hazard to pedestrians, motorists, or the occupants of other neighboring properties, and will not otherwise cause a public nuisance, because they will be internally illuminated and will comply with all applicable provisions of the Dark Sky Ordinance in BMC Chapter 15.88.

Conditions of Approval:

- A. A building permit shall be obtained prior to sign installation. Building permit plans and details shall demonstrate compliance with all applicable provisions of the Dark Sky Ordinance, including:
 - a. Sign illumination shall be extinguished at the applicable curfew of 10 PM or close of business, whichever is later, per BMC Section 15.88.060. Programmable timers and dimmers shall be shown in the permit plans to allow for automated dimming and extinguishing of sign illumination in conformance with the curfew. Evidence of installation shall be provided prior to final sign off of any building permits.
 - b. The maximum lumens of the installed signs shall not exceed 25,820 lumens.

ATTACHMENT 1

- B. The signage shall be maintained in good condition per Brisbane Municipal Code Section 17.36.030.F.4.
- C. The Sign Review approval shall expire one year from the date of approval unless the signage has been installed consistent with this permit.



PRO SIGNS INC.
A CUSTOM SIGN & DESIGN COMPANY

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This layout is exactly what your sign will look like. This proof may not represent the true color of your sign. Please confirm with your salesperson on picking colors prior to confirming.
BY YOUR SIGNATURE, YOU ARE APPROVING CONTENT, COLORS, SPELLING, SIZE, ETC...

COMPANY: Vera Therapeutics

APPROVED: X

DATE:



PRO SIGNS INC.
A CUSTOM SIGN & DESIGN COMPANY

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PLEASE REVIEW CAREFULLY.

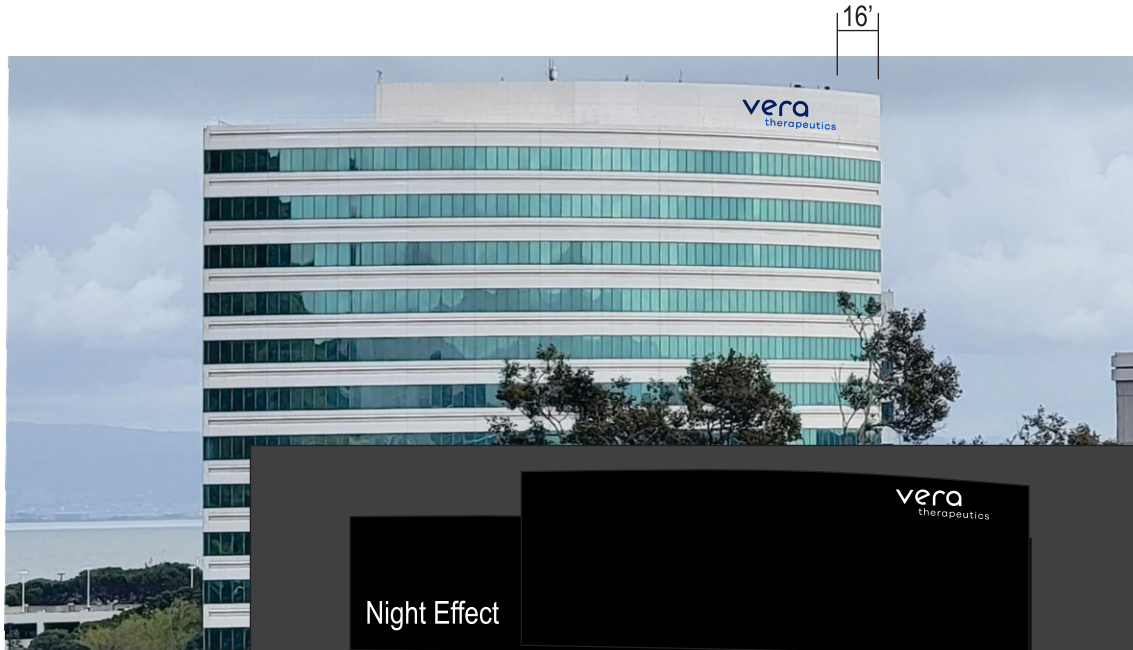
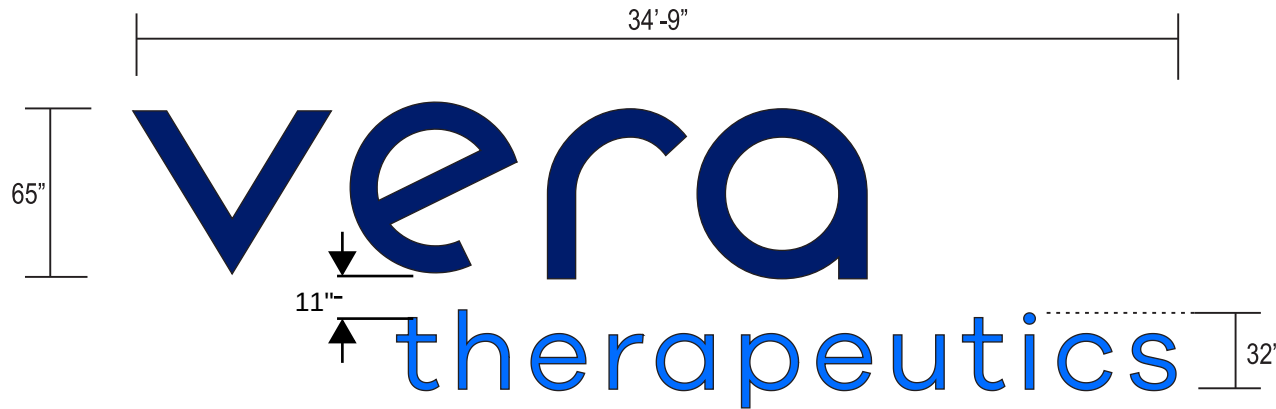
This layout is exactly what your sign will look like. This proof may not represent the true color of your sign. Please confirm with your salesperson on picking colors prior to confirming.
BY YOUR SIGNATURE, YOU ARE APPROVING CONTENT, COLORS, SPELLING, SIZE, ETC....

COMPANY: Vera Therapeutics

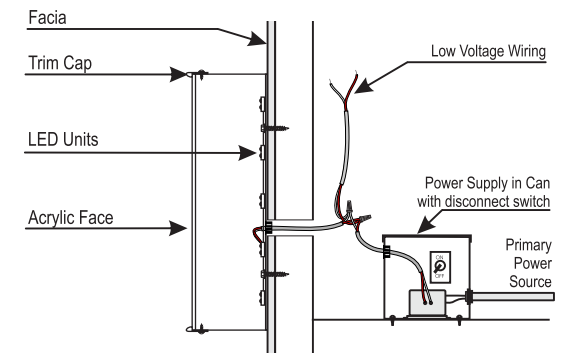
APPROVED: X

DATE:

OPTION E

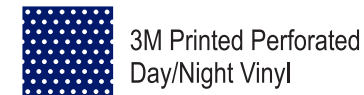


Section Detail



SPECIFICATIONS:

- * 5" Aluminum Returns
- * 1" Trim Cap
- * White Acrylic Faces with Day/Night Printed Vinyl Overlays
- * White LED Illumination.
- * Remote Power Supplies (in Can with Switch).



ILLUMINATION DETAILS

BiOMARIN sign - 27,810 lumens
 Vera Therapeutics signs - 25,280 lumens
 (160' of LEDs in sign x 158 lm/ft.)

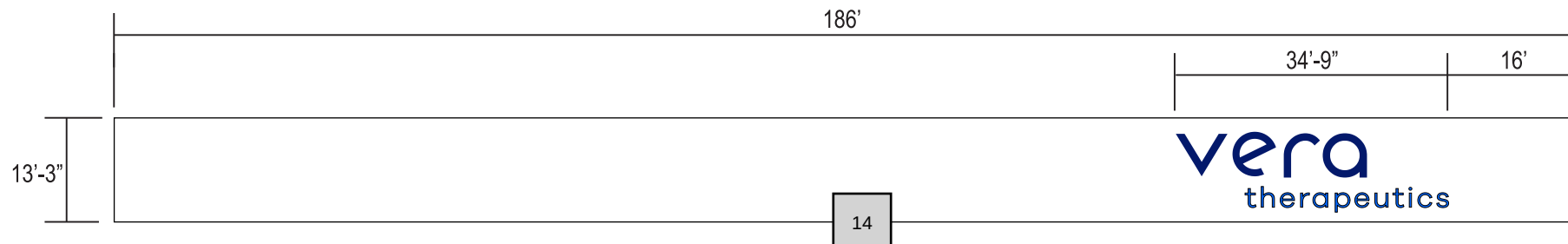


EXHIBIT A

Sierra Point Sign Program Standards for
Building and Ground-Mounted Signage

5/27/2021

Koll Center

Sierra Point

Building-Mounted

Signage

Standards

City of Brisbane

Brisbane, CA



Table of Contents

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- II. Review Procedure & Submittal Requirements
- III. Elements
- IV. Quantity
- V. Placement
- VI. Scale
- VII. Color
- VIII. Materials
- IX. Owners Installation Criteria

Applicant

Tenant who desires a building-mounted sign.

Owner

Owner of building on which applicant wishes to have sign installed.

Developer

Koll Center
Sierra Point
Mr. Doug Thomas
1000 Marina Blvd.
Brisbane, CA
415-952-5335

City

The City of Brisbane
Building and Planning
Department
440 Visitacion Ave.
Brisbane, CA
415-467-4180

Design Consultant

Colophon Inc.
Planners & Designers
900 North Point Street
San Francisco
California 94109
414-775-8899

**Building Mounted
Signage Standards**

I. Purpose:

The purpose of the signage standards is to provide standards to safeguard life, health, property and the public welfare, and to provide the means for adequate identification of buildings and businesses by regulating and controlling the design, location and maintenance of all signs on office and hotel buildings within Koll Center Sierra Point that are located in Brisbane. Therefore, these standards do not apply to the Brisbane portion of the site that pertains to the retail area nor do they pertain to the South San Francisco portion of the site. The "Revised General Sign Standards" dated June 23, 1984 and amended November 17, 1986 pertain to all signage standards at Koll Center Sierra Point, excluding building-mounted signage.

The intent of this program is to establish specific standards for all exterior building-mounted signage that will ensure continuity, consistency, and harmony with the master-planned architectural quality of Koll Center Sierra Point.

**II. Review Procedure
Submittal Requirements:**

Permits are required

All signs which fall under the control of these standards require permits issued by the City of Brisbane. The following review process is specifically pertinent to owner review and approval..

A sign review permit, issued by the City of Brisbane, is required for all building mounted signage. The permit application must first be approved by the building Owner, then by the Developer of Koll Center Sierra Point. The application is then submitted to the City Planning Department for an approval if it is determined to be consistent with these signage standards. Signage that is determined to be inconsistent can only be allowed through approval of a variance by the City of Brisbane Planning Commission.

The necessary submittal steps for review and approval are as follows:

1. For Preliminary Approval by Developer

- Exact photostat of symbol and/or logotype
- Sample of color and material
- Drawings showing proposed placement and scale
- Completion of request form
- Notations of proposed materials, finishes, and color

2. For Sign Review Approval by City Planning Department

- Completed sign review application with Owner's signature and fee.
- One reproducible and legible site plan (maximum size: 11" x 17") to an appropriate scale showing the location of all proposed and any existing signs on the subject building.

- One set of reproducible and legible elevation (Maximum size: 11" x 17") showing the location and appearance of the sign(s) on the building (including side views where necessary) to an appropriate scale as an exact representation of the proposal.
- Description of materials and methods of finishing and installation (thicknesses, treatment of edges, details of framing, type of lighting, if any, etc.). This information can be placed on the elevations as appropriate.
- One set of color samples (minimum size: 1" x 1"), showing exact shades and keyed to sign elevations.
- One set of color photographs showing the proposed location of the sign(s).

3. For Variance Consideration

Sign proposals which do not meet these standards must be reviewed by the City's Planning Commission. Contact the City's Planning Department for submission requirements. There are specific legal requirements for the approval of any variance and there is no guarantee of approval once a variance application is submitted.

4. For Final Approval by Developer

- Final drawings for placement and scale
- Electrical and Structural specifications
- Final materials, finishes and colors
- Schedule for installation
- Proof of insurance by contractors
- Installation and Weatherproofing details

5. Building permit application submittal requirements

- Three sets of plans as described in section 1.2.1 of Owner's Installation Criteria.
- State worker's compensation certificate made out to the City of Brisbane.
- State contractor's license number
- City of Brisbane contractor's business license

SONY

Diagram 1:

Acceptable Logotype Only

A B C D E F G H I J K L M N O
P Q R S T U V W X Y Z

a b c d e f g h i j k l m n o
p q r s t u v w x y z

Diagram 2:

Standard Building Font is Franklin Gothic Bold



Diagram 3:

Acceptable Symbol Only

III. Elements

3.1. Logotypes (*Diagram 1*)

3.1.1. Primary company logotype/symbol, acceptable

The Applicant shall use its primary corporate identity (i.e.: corporate logotype or symbol as applied to business papers or products, etc.) to form the basis for its building signage. Special case identification, product names and other variations of the corporate signature shall be excluded.

3.1.2. In lieu of Applicant supplied standard, Building typography standard takes precedence

(Diagram 2)

If the Applicant lacks a characteristic logotype/symbol and requests that its corporate name be applied in building signage, the corporate name shall conform to typographic standards outlined in these guidelines.

3.2. Symbols *(Diagram 3)*

3.2.1. Primary company symbol acceptable

Symbols may be used alone without a supporting logotype. The use of a wordmark (IBM) rather than a complete spelling of a corporate name (International Business Machines) is preferred for use as signage.



Diagram 4:

Acceptable Symbol + Logotype

3.3. Logotypes and Symbols together *(Diagram 4)*

3.3.1. Combined logotypes and symbols will be allowed. Preference will be for Logotype application alone

Combined symbols and logotypes shall be allowed only if the elements can be contained as a single sign element mounted to the building. Multiple and separate sign structures are disallowed.

3.4. Exclusions

3.4.1. Not allowed are secondary lines of information, advertising by-lines, or Subsidiary identification *(Diagram 5)*

Secondary lines of text in or around the company identity, including subsidiary organization identification, advertising slogans, bylines or statements of any kind shall not be permitted, except as approved by the Planning Commission specifically in order to describe hotels and restaurants.



Diagram 5:

Acceptable Symbol + Logotype
with unacceptable secondary line of text.

IV. Quantity**4.1. Maximum of 2 different tenants' signs**

A maximum of 2 different tenants' signs may occupy a given side of any building within Koll Center Sierra Point.

4.2. Maximum of 4 signs per building

A maximum of four tenant identification signs may be placed on any building within Sierra Point, excluding signs permitted for the sides of hotels not visible from Highway 101 per Section 4.4.

4.3. No more than 2 signs applied to any side

On any specific building side no more than two tenant identification signs shall be placed.

4.4. Clearly visible signage from highway

Signage on any one side of a given building shall be clearly visible from northbound or southbound traffic on Highway 101, *except that hotels may be permitted signage on sides of the building not visible from Highway 101 as determined by the Planning Commission per Section 5.1.*

V. Placement**5.1. Location to be determined by the Developer and the City**

For any new building subject to these guidelines, the sides of the building on which signage is permitted per the preceding section shall be determined by the Planning Commission at the time of Design Review.

The Developer shall determine the appropriate height and location for all tenant identification signs placed on the building prior to submission to the City's Planning Department for final approval. Due to the variable nature of each building's architectural design and the freeway site-line (view) corridor, the location of signage of each building shall be assessed on a project-by-project basis by the Developer and Planning Department of the City of Brisbane.

VI. Scale

6.1. Scale shall be determined by the relative "zone" that the building occupies (**Diagram 6**)

6.1.1. Sign scale from freeway view corridors

Signs shall conform to a maximum x height in three zones so that the apparent scale of signage is approximately the same from freeway view corridors.

6.1.2. Site shall be defined in 3 zones from freeway plane

The site shall be organized into lateral zones which parallel the 101 freeway is outlined in 6.1.3, below. Signage scale shall be controlled by the location of buildings within these zones.

6.1.3. Size Regulations

The maximum size (vertical and horizontal) for each zone is outlined below. However, the intent is to have a sign that is in scale with the size of the building, so these maximum sizes may not always be permitted. The size shall be approved by the Developer prior to submittal to the City of Brisbane for approval by its Planning Department.

7

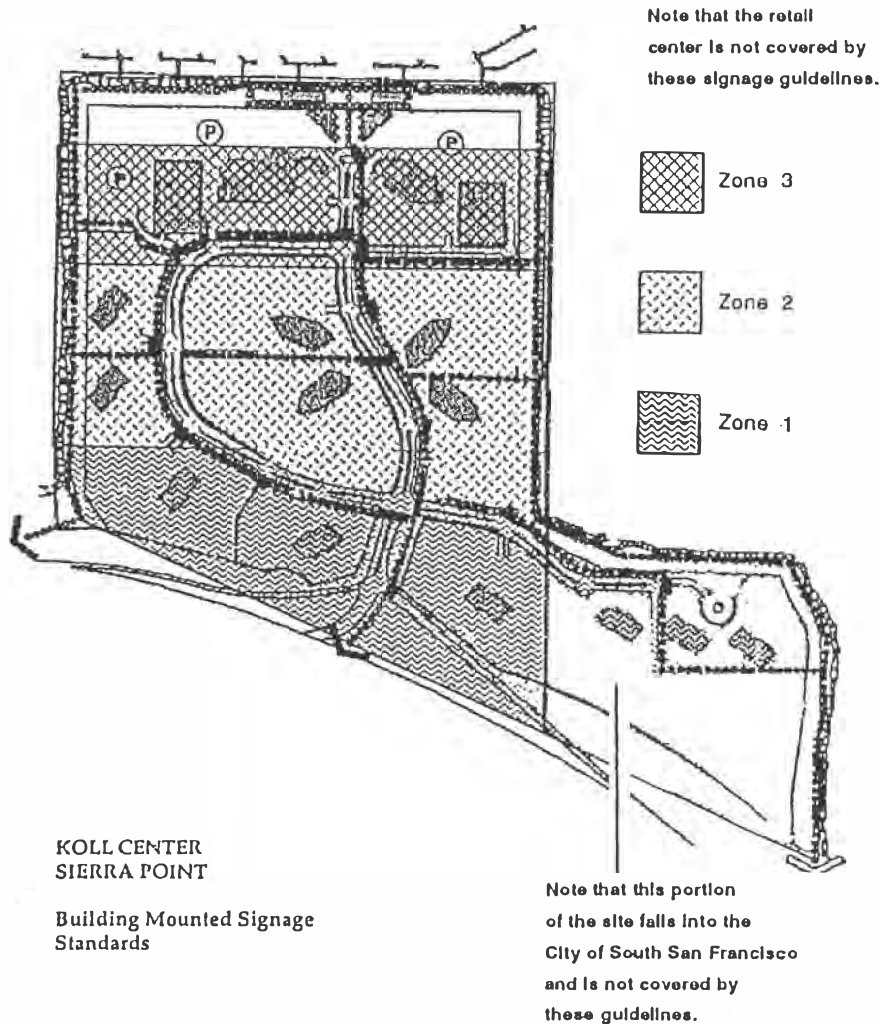


Diagram 6:
Building "zones"

Note that the maximum area permitted for the sides of hotels not visible from Highway 101 per Section 4.4 shall be not more than one-half (1/2) that permitted above.

The Planning Commission may approve exceptions to the maximum dimensions and area permitted above for hotel signage, if the Planning Commission determines that:

The larger size is necessary to provide adequate legibility of the signage; and

The signage is designed so as to substantially fit within the building's architectural elements or details.

Also note that, in permitting a secondary line of identification for hotels and restaurants, the Planning Commission may approve exceptions to the maximum vertical dimension permitted, subject to the following:

The sign fits within the building's architectural elements or details.

The sign complies with the maximum horizontal dimension and area permitted above.

Champion

X = Maximum Vertical

Y = Maximum Horizontal

International Paper Company

X = Maximum Vertical

Y = Maximum Horizontal

Diagram 7:

Method for Measuring Sign Dimensions

Zone Location	Max Vertical	Max Horizontal	Area
Zone One	5'0"	35'3"	176.25'
Zone Two	6'0"	41'6"	249.00'
Zone Three	7'0"	48'0"	336.00'

ATTACHMENT 3

Item A.

6.1.4. Views clear from all floors

All signs shall fit within the architectural features so that the letters do not extend above or below the spandrel glass so as to block views from any floor.

6.1.5. Method for measuring scale correctly

The vertical, horizontal and area standards set by section 6.1 shall be measured as follows: The vertical dimension shall be measured at the maximum height of any letter, excluding descenders or symbol (see **Diagram 7**). The horizontal dimension shall be measured at the maximum horizontal length

encompassing all pictorial and typographic elements (see **Diagram 7**). The area shall be measured as the product of the vertical and horizontal dimensions as measured above.

VII. Color

7.1. Review Authority

7.1.1. Consistent with established guidelines

Color shall be regulated by these standards, but shall be subject to the Owners' approval prior to submission to the Developer and City for review and approval of the color to insure conformance with those guidelines and other existing approval requirements.

7.2. Color shall be allowed under the following conditions

7.2.1. Tenant color standards

Color of sign elements shall be confined to a palette of red, blue, green, white and black. The City's Planning Department may refer sign permits to the City's Planning Commission for approval if the requested sign color is one other than those listed above. A final determination on the use of color shall be made by the Developer and the City of Brisbane consistent with the architectural design finishes of each building and the tenant's corporate identity program.

7.2.2. As appropriate to building surface coloration

In the event that the tenant identity program does not embrace specific color requirements, a color standard appropriate to the surface coloration of the building shall be developed and applied to the tenant sign in question. Such color standards shall be approved by the Developer and City of Brisbane.



Diagram 8:

3-D Characters Mounted to Building Surface

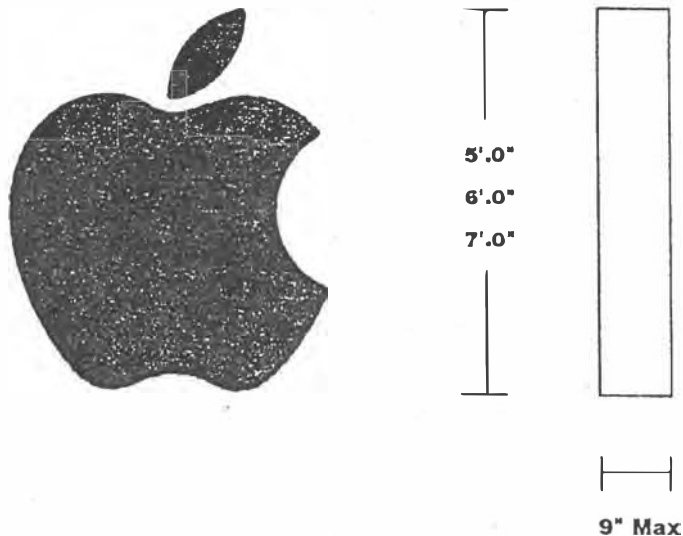


Diagram 9:

Maximum Symbol/Logotype Thickness

VIII. Materials

8.1. Sign Type

8.1.1. Internally illuminated "can" characters. Plexiglass character faces Electrically illuminated for night visibility. Sheet metal with neutral anodized finishes

Signs shall be fabricated of anodized sheet aluminum in two finish specifications: clear or grey

anodizing for light colored building surfaces and dark bronze anodizing for dark colored building surfaces. Characters and/or elements shall be three dimensional and shall conform to a maximum depth of 9 inches from face of sign to building surface. Signs may be internally illuminated and shall have acrylic faces which are reflective during the day and translucent at night. However, no flashing signs are permitted. Please see **(Diagram 8 & 9)** for further details.

8.1.2. Unacceptable sign types (Diagram 10)

Illuminated fields upon which characters rest. Under no condition will fields or areas be allowed as "buffers" upon which signage may be applied. Only the outline characters of the tenant identity are allowed.

Neon or exposed fluorescent elements

No exposed lighting fixtures, tubes, ballasts, wiring or other equipment shall be allowed.

Chrome or metallic characters

No metallic, polished or highly reflective characters shall be allowed.

Ancillary structures or features to support sign

(Diagram 11)

Frames, posts or any kind of structures which serve to elevate or project the sign from the building surface shall not be allowed.

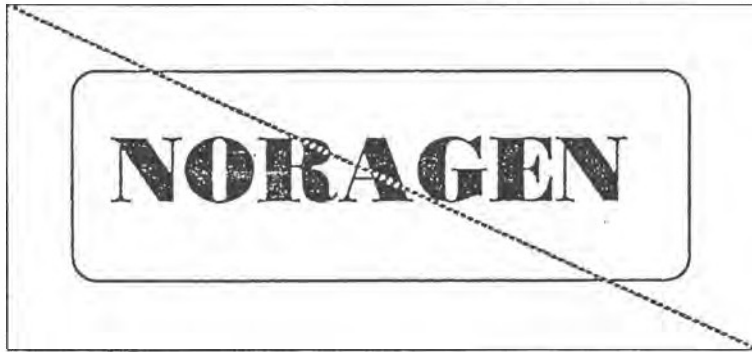


Diagram 10:

Fields Not Allowed

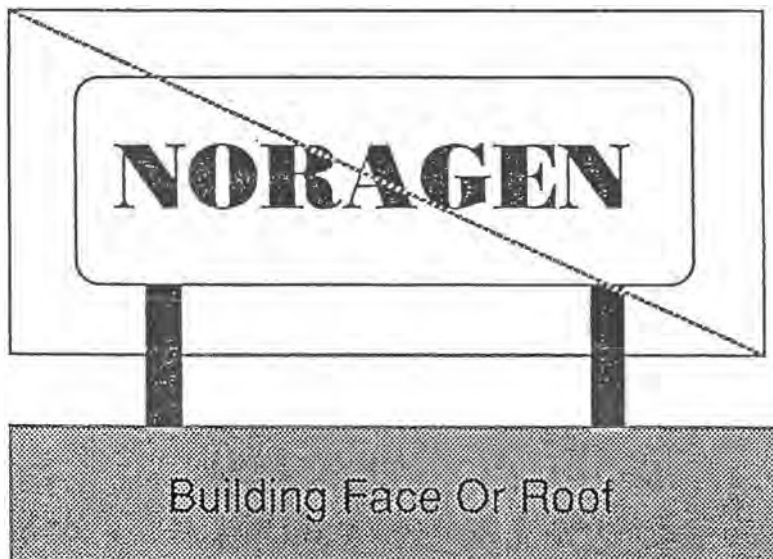


Diagram 11:

Ancillary Structures Not Allowed

Owners Installation

Criteria

1.1 Introduction

The owner installation criteria which follow have been provided as guidelines for signage installation. However, signs should be examined on an individual basis to determine how these guidelines apply to specific sign requirements, given the unique nature of each building structure.

1.2. Fabrication

1.2.1 Accepted standards and practices

Contractors, fabricators and installers shall submit 3 copies of shop drawings, finish specifications, structural and electrical details and installation plans to the building owner for approval before any work can proceed. Furthermore, the Tenant and/or the tenants' contractors shall maintain a minimum of \$1,000,000.00 in liability and \$500,000.00 incidental property damage insurance while installation of signage is underway on the building premises.

Proof of insurance and indemnification of the respective building owner against any claims, liens or legal actions resulting from the fabrication and installation shall be filed with the building owner before any installation work begins. Sign review and building permits must be approved by the City of Brisbane and filed with the Owner before any work can begin.

1.2.2 Electrical code requirements

Electrified signs shall meet all UBC, ULL and local building ordinances. All electrical components must be capable of sustained weathering and temperature extremes. Electrical component servicing must be accessible from a crane or lowered stage without penetrating curtain wall or fascia of building.

*1.2.3 Other requirements and restrictions***Wind load factors**

All building signage shall be capable of sustaining 85 mph winds without risk of damage or demounting of sign. Any damage or personal injuries caused as a result of damaged or lost signage shall be the responsibility of the contractor.

Weight limitations

Tenant's contractor shall submit for Owner's approval the weight and structural load calculations indicating the mounting method and loading factors before any signage is mounted to the building. The sign shall be designed to be as light as possible.

Engineering Specifications

The Tenant shall secure the services of a qualified structural engineer to verify that the proposed sign shall meet the conditions contained within this Installation Criteria and shall be structurally sound. Verification of wind load, weight and installation factors shall be made available to the building owner at the time the Tenant submits a permit application.

1.3 Installation

1.3.1 Installation methods acceptable

The Tenant and its contractors shall provide drawings to the Owner which indicate the method of installation prior to submission for permits. The Owner reserves the right to reject installation methods when those methods have a derogatory effect upon either the structural soundness or the appearance of the building.

1.4. Maintenance

1.4.1 Access for maintenance requirement

Periodic maintenance of signage shall be accommodated from the exterior of the building. Except for electrical feeds, all maintenance and repair shall be conducted from either a crane or a stage. All signs shall be maintained in a neat and orderly fashion. Periodic inspections shall be made by the Developer. Prompt correction of any deficiencies shall be made by the responsible party for the maintenance of the sign(s).

1.4.2 Acceptable response time for damage repair

Damaged signs shall be repaired within 30 working days from the date of the damage, or be removed entirely from the building facade within 60 days. Should removal become necessary, the Tenant shall repair the building surface where signage has affected either structural conditions or visual appearance.

1.4.3 Responsibility for damage

Damage to Tenant signage is entirely and solely the responsibility of the Tenant.

File Attachments for Item:

B. General Plan Conformity 2025-GPC-1; Brisbane Acres Residential Subarea; General Plan conformity review of the City of Brisbane's proposed acquisition of five certain real properties within the Brisbane Acres totaling approximately 4.76 acres; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15313.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: July 10, 2025

From: Ken Johnson, Senior Planner

Subject: General Plan Conformity 2025-GPC-1; Brisbane Acres Residential Subarea; General Plan conformity review of the City of Brisbane's proposed acquisition of five certain real properties within the Brisbane Acres totaling approximately 4.76 acres; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15313.

REQUEST

That the Planning Commission adopt the attached General Plan conformity resolution (Attachment A), declaring that the City's proposed acquisition of the following properties within the Brisbane Acres Subarea, identified by unrecorded lot numbers and Assessor's Parcel Numbers (APN), is in conformance with the City's General Plan:

- Lot 96, APN 007-502-090
- Lot 58, APN 007-530-040
- Lot 59, APN 007-530-050
- Lot 19, APN 007-560-160
- Lot 20, APN 007-560-170

The site locations are shown on Attachment B.

RECOMMENDATION

Adopt General Plan Conformity Resolution 2025-GPC-1, provided as Attachment A, finding that:

- The subject properties General Plan Land Use designation is Brisbane Acres Residential, with a goal of at least 40 percent of the lands being dedicated to open space; and
- The subject properties are within the San Bruno Mountain Habitat Conservation Plan (HCP) area, which was established for protection of endangered butterfly species; and
- The City's acquisition would allow for establishment of open space to further protection of the endangered butterfly species habitat, consistent with the General Plan and the HCP.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15313 - this project falls within a class of projects which is for public

2025-GPC-1
7/10/2025 Meeting

agency acquisition of lands for wildlife preservation purposes. The exceptions to this categorical exemption referenced in Section 15300.2 of the CEQA Guidelines do not apply.

APPLICABLE CODE SECTIONS

As required in the State Government Code Section [65402](#)(a), the Planning Commission must make the finding that the subject property conforms to the General Plan prior to the City's acquisition of the five parcels.

BACKGROUND

Since adoption of the General Plan in 1994, the City has been making efforts, on an ongoing basis, to acquire properties within the upper Brisbane Acres for habitat protection. To date, 48 sites within the Brisbane Acres have been acquired for the establishment of open space. A map showing the City-owned sites within the Brisbane Acres is provided on Attachment C.

The General Plan Land Use Element states that, *"The Brisbane Acres subarea originated as an unrecorded subdivision in the 1930s. As the name implies, unrecorded lots were typically an acre in size. Subsequent land transfers by deed description resulted in individual ownerships, some with areas of less than 5,000 sq. ft. In 1980, regulations were adopted that set a 20,000 sq. ft. minimum lot size. Parcel maps have been recorded for some of the previously unrecorded lots to allow for development. These are in the lower Brisbane Acres areas, close to public infrastructure."* The General Plan Land Use Element also designates a minimum of 40 percent of the land area to be in open space, consistent with the San Bruno Mountain Habitat Conservation Plan (HCP). The HCP was established in 1982, to address preservation of habitat for protection of endangered butterfly species, consistent with the Endangered Species Act (1973). The area of the HCP includes the entirety of the Brisbane Acres and extends beyond the Brisbane city limits into the San Bruno Mountain State and County Park and wraps around Brisbane to its northern areas.

The City's acquisition of parcels in the Brisbane Acres in recent years and the proposed acquisitions of the subject parcels for establishment of open space is consistent with the following General Plan policies:

- *Policy 81 "The City Shall conduct an on-going effort to identify sites or portions of sites having particular value as open space, wildlife habitat, wetlands, or other environmental qualities that should be preserved and protected. In such cases, the City shall explore the feasibility of acquisition of these areas by the City or by other public or private agencies that are engaged in the ownership and preservation of open space, and, when legally*

2025-GPC-1
7/10/2025 Meeting

possible, imposing a requirement that such areas be dedicated by the owner to the public for open space purposes.”

- *Policy 90 “On an ongoing basis, aggressively seek opportunities to preserve open space.”*
- *Policy 91 “Explore the widest range of options for preserving open space lands, including acquisition, dedication, and exactions on development projects.”*

The adopted and certified 2023-2031 Housing Element has goals, policies and programs for development of a significant number of homes during the plan period. However, none of the five subject parcels were included in the inventory of anticipated development sites in the Housing Element.

Although the City Council has not made a final determination to acquire these parcels (four would be purchased and one donated), it has indicated an intent to do so. Council will consider these acquisitions at its regular meeting on July 17th.

DISCUSSION

The City’s proposed acquisition of the five lots in question is consistent with the General Plan in that it would further the City’s open space holdings in the Brisbane Acres, for the protection of endangered species habitat, per General Plan Policies 81, 90 and 91. It is also consistent with General Plan Land Use element goal of preserving a minimum of 40 percent of the lands within the Brisbane Acres as open space.

While the Brisbane Acres has a residential land use designation, with a range of zero to 2 units per acre, the General Plan also states the intent to preserve significant lands in open space. As indicated above, none of the lots were specifically designated in the adopted Housing Element’s sites inventory. This is due to the very low likelihood for development of these lots to housing due to various constraints, including lack of nearby City infrastructure (roads and utilities), steep slopes, and the location of these lots within the HCP.

In summary, the proposed acquisition of the property by the City would conform to the General Plan. The draft resolution affirming this consistency is provided as Attachment A.

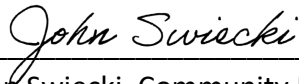
ATTACHMENTS

- Draft General Plan Conformity Resolution 2025-GPC-1
- Sites Location Map
- Map of City Owned Parcels in the Brisbane Acres
- General Plan Land Use Diagram (weblink): [Land Use Diagram](#)

2025-GPC-1
7/10/2025 Meeting



Ken Johnson, Senior Planner



John Swiecki, Community Development Director

Draft
RESOLUTION 2025-GPC-1
A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF BRISBANE
FINDING THE ACQUISITION OF CERTAIN REAL PROPERTY
BY THE CITY OF BRISBANE WITHIN THE BRISBANE ACRES
CONFORMS TO THE CITY'S GENERAL PLAN

WHEREAS, Five lots in private ownership, as indicated below, are being offered to the City for acquisition, with the estate or interest in the land, vested as follows:

- Lot 96, APN 007-502-090, vested in Jagdish Dayal.
- Lot 58, APN 007-530-040, vested in Benito A. Ouano and Eva E. Ouano.
- Lot 59, APN 007-530-050, vested in Benito A. Ouano and Eva E. Ouano.
- Lot 19, APN 007-560-160, vested in Deanna M. P. Cheung, as to an undivided 38% interest; and Deanna M. P. Cheung, Trustee of the Deanna M. P. Cheung Revocable Trust.
- Lot 20, APN 007-560-170, vested in Deanna M. P. Cheung, as to an undivided 38% interest; and Deanna M. P. Cheung, Trustee of the Deanna M. P. Cheung Revocable Trust; and

WHEREAS, California Government Code Section 65402(a), provides that the Planning Commission must make the finding that the subject property conforms to the General Plan prior to acquisition by the City of Brisbane; and

WHEREAS, the Planning Commission has considered the agenda report and supporting documents concerning the proposed acquisition of lands by the City of Brisbane; and

WHEREAS, the subject properties are within the San Bruno Mountain Habitat Conservation Plan (HCP) area, which was established for protection of endangered butterfly species; and

WHEREAS, the City's acquisition of the properties would allow for establishment of open space to further protection of the endangered butterfly species habitat, consistent with the General Plan and the San Bruno Mountain Habitat Conservation Plan (HCP); and

WHEREAS, such acquisition is consistent with the City of Brisbane's General Plan, specifically with the land use element which designates this property as Brisbane Acres residential, for low density residential uses, with the aim that at least 40 percent of the lands in the subarea are to be preserved in open space, consistent with General Plan policies 81, 90 and 91; and

WHEREAS, the proposed resolution is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15313 - Acquisition of Lands for Wildlife Conservation Purposes,

of the CEQA Guidelines and the exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds, in accordance with Government Code section 65402(a), that the location, purpose, and extent of the above-described acquisition of real property by the City of Brisbane conforms to the Brisbane General Plan.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Commission of the City of Brisbane during the Regular Meeting of the Planning Commission on the tenth day of July 2025, by the following vote:

AYES:

NOES:

ABSENT:

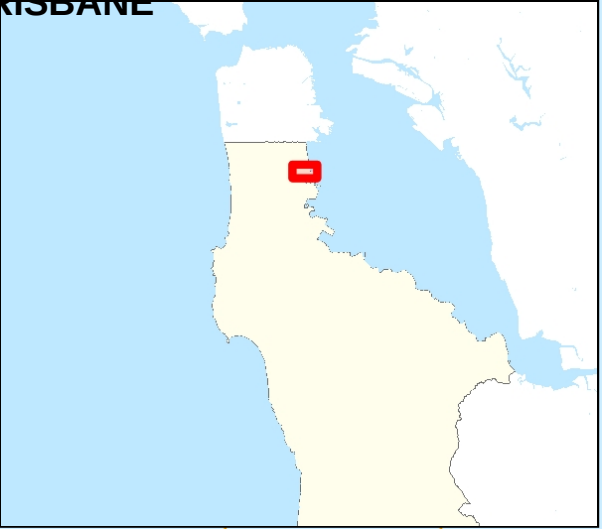
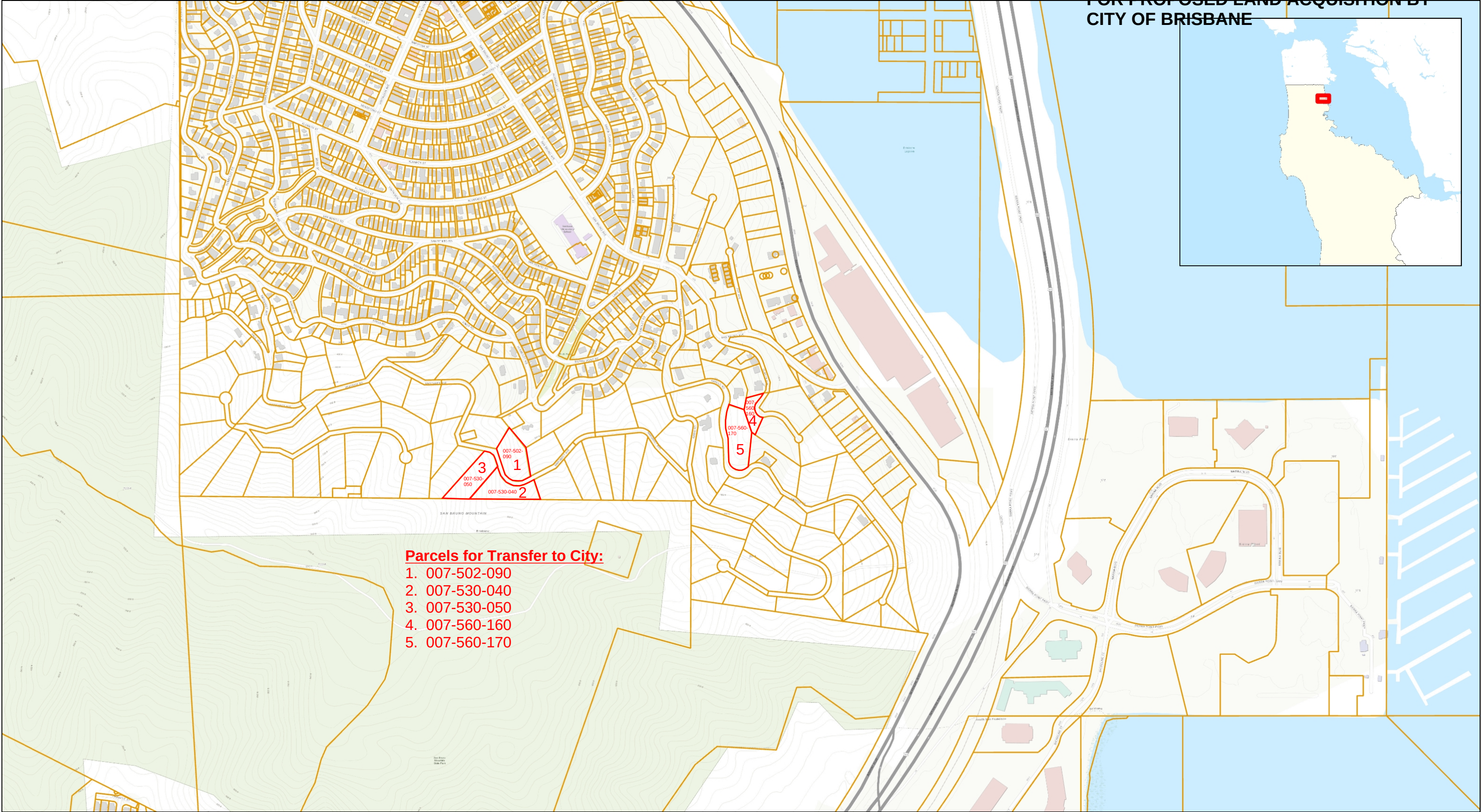
Pamala Sayasane
Chairperson

ATTEST:

JOHN A SWIECKI, Community Development Director



ATTACHMENT B
LOCATION MAP
FOR PROPOSED LAND ACQUISITION BY
CITY OF BRISBANE



Parcels for Transfer to City:
1. 007-502-090
2. 007-530-040
3. 007-530-050
4. 007-560-160
5. 007-560-170

0.28 0 0.14 0.28 Miles

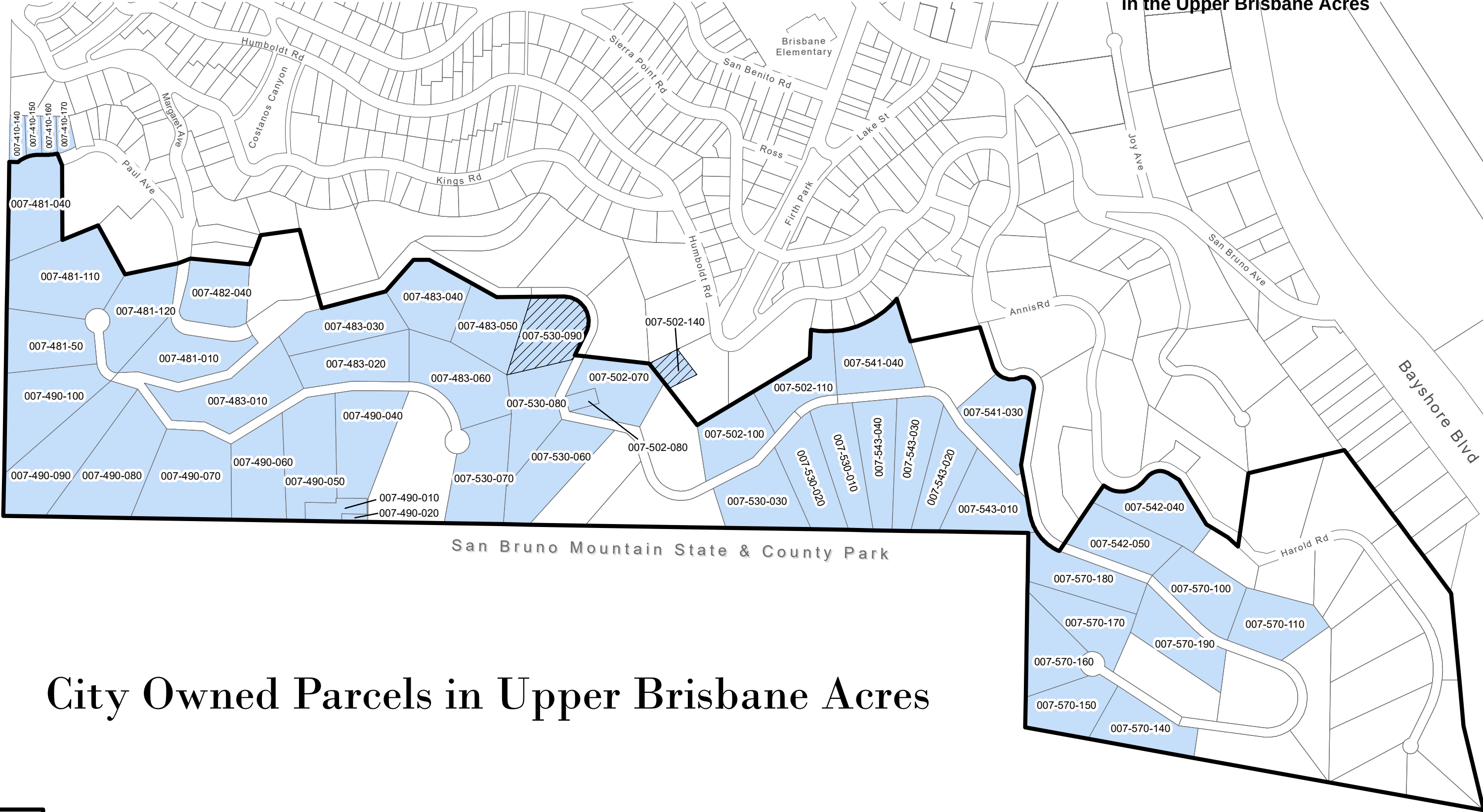
WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1: 8,853

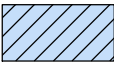
38

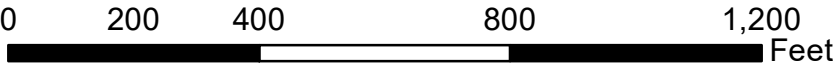
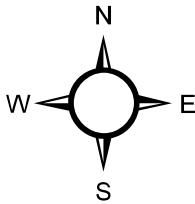
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ATTACHMENT C
City Owned Properties
in the Upper Brisbane Acres



City Owned Parcels in Upper Brisbane Acres

-  Priority Preservation Area per 2001 Open Space Plan
-  City Owned Property
-  Water Tank Property
-  Parcel Lines



File Attachments for Item:

C. Minor Modifications of single-family Homes at the Northeast Ridge



MEMORANDUM

DATE: July 10, 2025
 TO: Planning Commission
 FROM: Ken Johnson, Senior Planner
 SUBJECT: Item Initiated by the Planning Commission – Minor Modifications of Single-family Homes at the Northeast Ridge

BACKGROUND

The Northeast Ridge (NER) is a planned development and is located within the San Bruno Mountain Habitat Conservation Plan (HCP) area. It was approved for development through the City's approval of planned development, design and vesting tentative map permits. It consists of 499 housing units, developed from the 1990's to 2015. There are three areas of the NER, each developed as common interest developments, with a home-owners association (HOA) for each. The final phase of development was the single-family homes at "Landmark at the Ridge", which totaled 88 units. The other two areas are town-home style condominiums of "Viewpoint at the Ridge" and stacked flats at "Altamar at the Ridge". The area where applications for minor modifications have been filed are within the Landmark area.

A Brisbane resident has raised concerns about the Zoning Administrator's approval of minor modifications to the Northeast Ridge design, most recently during oral communications at the Planning Commission's meeting of April 10, 2025. These concerns appear to stem from the Zoning Administrator's approvals of applications for certain "U" shaped homes to enclose the interior courtyards, the area inside the U, adding floor area to the homes. The assertion has been made that the Declaration of Covenants, Conditions and Restrictions (CC&R's) do not allow for expansion of the homes and that such additions alter the stormwater flow, such that it creates hazardous soil conditions. She's also indicated her concern about potential impacts to the endangered butterfly species in the area.

The Commission then requested that staff include this matter on their agenda under Items Initiated by the Commission.

DISCUSSION

Minor Modification Review Authority: Minor modification approvals to design permits by the Zoning Administrator are permitted per BMC Section 17.42.070.A. Additionally, per BMC Section 17.28.120, the Planning Commission or the Zoning Administrator shall have authority to approve any items which, under the terms of the PD permit, have been specifically delegated to either of them for approval, either as a condition for issuance of the permit or at any time thereafter. Likewise, the authority of the Zoning Administrator (a role filled by the Planning Director) to approve minor modifications is provided in the conditions of approval for the Northeast Ridge development. As stated in the "Northeast Ridge Project Vesting Tentative Map Conditions of Approval", Planning & Building Condition of Approval I.j *"Minor modifications in any of the approved plans may be approved by the Planning Director..."*

Permit History: Dating back to 2007, three applications have been approved for expansion of the floor area for U-shaped homes and one for covering part of a patio. The first was for infill of the U –shaped house at 10 Huckleberry Ct and it was appealed by a Brisbane resident. The Zoning Administrator’s decision to approve the proposed infill of the home was upheld by the Planning Commission. The subsequent applications, for 56 Golden Aster Ct, 77 Golden Aster Ct and 80 Lily Court were approved by the Zoning Administrator in 2010, 2023 and 2024, respectively, and no appeal was filed for these three permits.

A copy of the report to the Planning Commission for 10 Huckleberry Ct is provided in the attachments. Although the owner of this property did not ultimately build the proposed addition, the report details the facts of the case. Additionally, the minutes provide a summary of the Planning Commission’s discussion prior to upholding the Zoning Administrator’s decision.

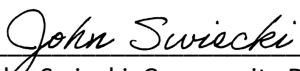
There are a few key items to note from the 10 Huckleberry case. These same items apply to all four of the applications:

- Regarding the Northeast Ridge development being located within the HCP, all four of the modification applications were on already developed sites, with no expansion beyond the property boundary and therefore would have no impact to adjacent conserved HCP habitat.
- Minor modifications are permitted at the Northeast Ridge as further described in the attached 2007 agenda report.
- The CC&Rs do not prohibit the expansion of floor area and while the HOA has authority for enforcing the CC&Rs, the City also reviews the CC&Rs in conjunction with permit applications, to ensure compliance. Proof of HOA approval was provided to the City for each application prior to minor modification approval.
- Regarding stormwater flow, the applications were reviewed by the Director of Public Works/City Engineer and no objections were raised.

ATTACHMENTS

- A. Planning Commission Agenda Report on Appeal of 10 Huckleberry Ct, dated December 13, 2007
- B. Planning Commission Minutes of December 13, 2007
- C. Landmark at the Ridge CC&Rs


 Ken Johnson, Senior Planner


 John Swiecki, Community Development Director

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission

FROM: William Prince, Community Development Director 

DATE: Meeting of December 13, 2007

SUBJECT: Appeal of Planning Administrator Decision for 10 Huckleberry Court

RECOMMENDATION:

Deny appeal and uphold the Zoning Administrator's decision.

BACKGROUND:

The attached staff report to the Zoning Administrator, from the Associate Planner, explains the details of the request for approval of a Minor Modification to the Design Permit, for a residence at 10 Huckleberry Court, on the Northeast Ridge. As the report indicates, the project includes the enclosure of an existing 195 square foot deck (surrounded by two wings of the house) and the addition of a new 156 square foot deck, at the rear of the structure. The property owners, Jess and Yolanda Aquino, hired the services of Scott Weiss, Architect, to design the changes. A minor modification to the design permit was necessary and the Zoning Administrator approved with the request with appropriate conditions and required findings on September 11, 2007.

Pursuant to the Brisbane Municipal Code (BMC Section 17.42.070A) the Planning Director (Community Development Director) is authorized to grant minor modifications such as that requested by the applicants, in this case. According to the City Attorney this section has been in the BMC since, at least, 1984.

At the public hearing, the appellant made various claims that are not substantiated by the record including: that the Community Development Director had no authority to approve the request, that the conditions of approval for the NER project prohibited any changes to the residences, that the CC&R's prohibited such changes and that the project would be detrimental to the HCP.

ANALYSIS

As cited above, the Brisbane Municipal Code provides that the Community Development Director (aka Planning Director) can act in the capacity of a Zoning Administrator. Section 17.56.010 states that, "There is created the function of the zoning administrator which shall be carried out by the planning director." Section 17.56.020 of the BMU states that, "The Zoning

Administrator shall have all the powers and duties of a board of zoning administration as set forth in Section 65900 through 65909 of the Government Code.” Additional sections of the BMC go on to describe the responsibilities of the zoning administrator to act on applications, to report decisions to the planning commission, as well as the procedure and findings to be followed when making decisions on both variances or minor modifications. As an alternative, the code also provides that the Zoning Administrator may refer any application to the Planning Commission without holding a hearing or making a decision. Typically, variances in Brisbane have been referred to the Planning Commission, although the ordinance does provide for approval by the Planning Director, acting as the Zoning Administrator.

The establishment of a Zoning Administrator position and the delegation of authority to such a position for routine minor permit requests is a common practice, in jurisdictions throughout the state. The provision in the government code for this delegation of authority allows for greater efficiency in the administration of minor planning applications and provides greater time for the Planning Commission to deal with more significant matters.

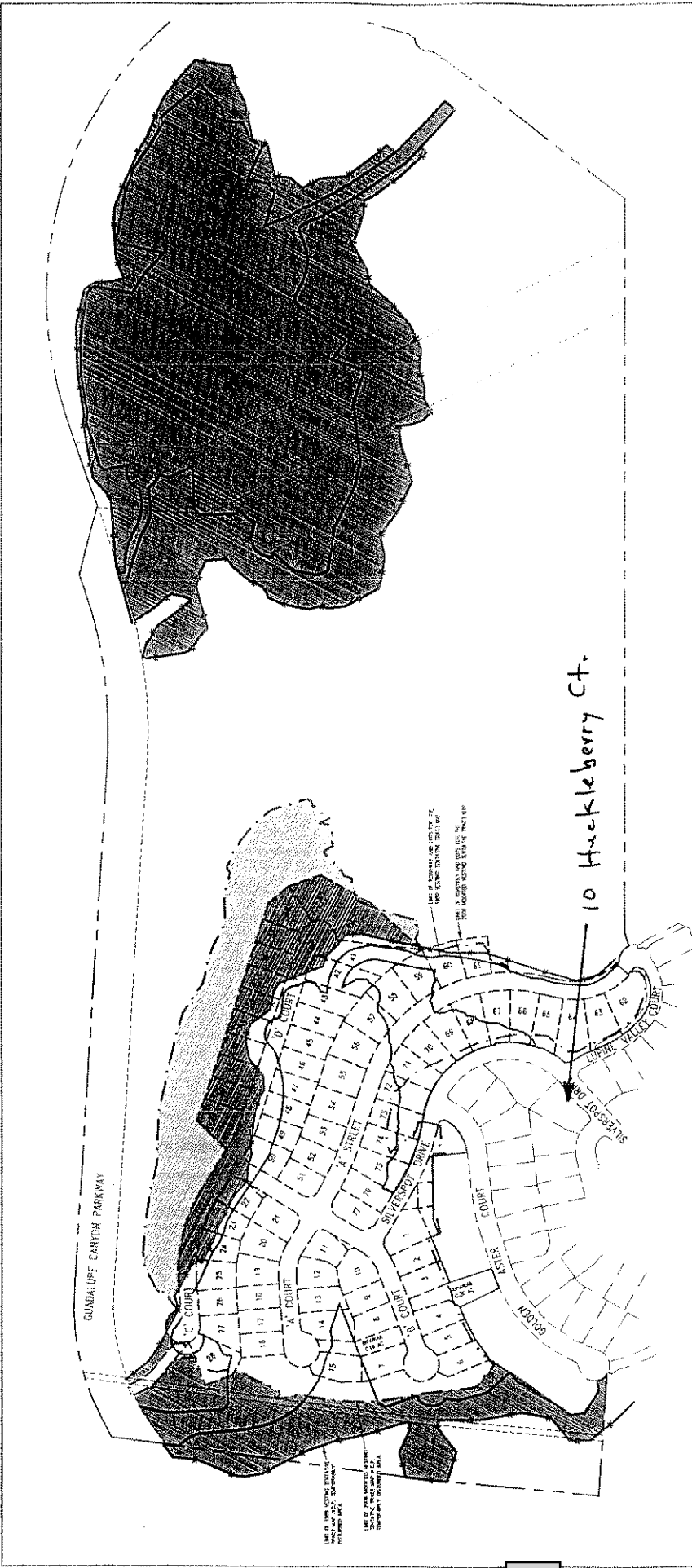
Condition C,I,j of the 1989 final conditions for the Northeast Ridge Project specifically delegates authority to the Planning Director to approve Minor Modifications for the project. While there is a concern that any approvals be in compliance with the HCP, the subject property is not contiguous with the HCP boundary and the proposed improvements are well within the confines of the lot, so there could be no possible impact on the HCP. The condition was not meant to prevent property owners from the reasonable enjoyment of their property by adding deck additions to the back yard. The creation of the new covered floor area (dining room) is more of an infill of the existing footprint than an expansion of the footprint. The architectural design is consistent with the existing design and represents only a minor change to the look of the rear elevation.

As a matter of standard practice, the CC&R’s for projects like the NER are reviewed and approved by the City (upon review by the City Attorney and other staff). This ensures, among other things that the CC&R’s do not conflict with the City’s conditions. However, CC&R’s are private deed restrictions agreed to by the buyers of property in common interest subdivision or planned developments. Because CC&R’s are private deed restrictions, their enforcement is primarily a matter of civil law between property owners. For the most part, it would not be an appropriate use of public funds for local government to enforce these private deed restrictions, however, most local governments try to avoid actions that would be in conflict with them, if they are aware of a conflict. In this case, staff required a letter from the Architectural Review Board of the Homeowner’s Association approving the proposed architectural changes, as part of the application submittal.

A review of the CC&R’s does not indicate said architectural changes or land use modifications are prohibited. In fact, one of the very purposes of an architectural review by the HOA is to allow the consideration of such changes.

The appeal is without merit.

H. Z. Z



2006 MODIFIED VESTING TENTATIVE
TRACT MAP COMPARISON
TO 1989 VESTING TENTATIVE TRACT MAP
NORTHEAST RIDGE
LANDMARK AT THE RIDGE
UNIT II - NEIGHBORHOODS 1 AND 2

CITY OF BRISBANE SAN MATEO COUNTY CALIFORNIA

LEGEND

---	BKF '89 PLAN (OUTER BOUNDARY OF TEMPORARILY DISTURBED AREA)		
---	CBG '96 PLAN (OUTER BOUNDARY OF TEMPORARILY DISTURBED AREA)		
---	BKF '89 PLAN (ROADWAY AND LOTS)		
---	CBG '96 PLAN (ROADWAY AND LOTS)		
[Pattern]	INCREASED TEMPORARILY DISTURBED AREA:	3.80± AC	
[Pattern]	INCREASED PERMANENT DEVELOPMENT AREA:	2.98± AC	
[Pattern]	TOTAL INCREASED DEVELOPMENT AREA:	6.78± AC	
[Pattern]	DECREASED PERMANENT AND TEMPORARILY DISTURBED AREA:	24.84± AC	
[Pattern]	NET DECREASE IN DISTURBED AREA	18.06± AC	

SHEET NO. **1**
OF 1 SHEETS

cbg
Carlson, Barton & Gibson, Inc.
1111 Market Street, Suite 100, San Francisco, CA 94102
415.774.2222 • FAX 415.774.2223
www.carlsonbartongibson.com

0' 100' 300' 400'
SCALE: 1" = 100'
DATE: JUNE 1, 2006
JOB NO.: 776-30



1 PROPOSED BACK ELEVATION

[illegible]

EXISTING BACK ELEVATION

EXISTING SECTION
THROUGH BACK BENT AND LOW BACK SECTION
1" = 12'

ATTACHMENT B
Excerpt of Planning Commission
Minutes 12/13/2007

Commissioner Maturo expressed support for the changes. She said she favored the previous proposal and was pleased to see the improvements.

Chairman Hunter thanked the applicant for providing a mock-up of the signs to give the Commission a better sense of how they would look. He noted the staff report refers to balancing the small building's need for visibility against the community's desire for an attractive entry to Central Brisbane. He agreed that the proposed landscaping would be a definite improvement. For the future, he suggested considering this prominent site for a community monument sign.

Commissioner Lentz said he liked the existing gray background better than white, and he proposed exploring B of A's willingness to keep some of the existing signage.

Mr. Alsop noted it might be possible to shift some of the signs back to create space for a city sign. He advised that the bank would probably not undertake the landscaping if the City insists on keeping the gray signs. The Commission discussed potential configurations to accommodate a community sign.

Commissioner Maturo said she would prefer moving the B of A sign north and creating an attractive entry sign.

Community Development Director Prince suggested continuing the matter to the next meeting to allow time for the applicant to check with the Bank of America regarding these possibilities.

Commissioner Jameel moved to continue this matter to the meeting of January 10, 2008. The motion was seconded by Commissioner Lentz and unanimously approved.

At 11:27 p.m., the Commission agreed to continue the meeting until 11:45 p.m.

2. **PUBLIC HEARING: 10 Huckleberry Court;** Minor Modification MM-1-07; appeal of the Zoning Administrator's Conditional Approval of Minor Modification to the Design Permit for enclosure of existing rear deck to add dining room and addition of new rear deck; Scott Weiss, applicant; Jess & Yolanda Aquino, owners; Linda Salmon, appellant; APN 005-401-570

Commissioner Maturo recused herself from participating in the discussion or voting on this item and departed from the dais.

Community Development Director Prince said this project involved enclosure of a small deck surrounded by two wings of the house and addition of another small deck at the rear of the structure. He noted that the applicant applied for a minor modification to the design permit for the Landmark neighborhood, which was

approved by the City's Zoning Administrator. At that public hearing, he said, the appellant, Linda Salmon, made various unsubstantiated claims and challenged the City's authority to approve the modification.

Director Prince explained that Brisbane's Municipal Code allows the Community Development Director to act in the capacity of Zoning Administrator to make decisions on routine, minor requests, a common practice throughout California and one which has been in effect in Brisbane for twenty years. He said the conditions of the Northeast Ridge project specifically delegate authority to the Zoning Administrator to make routine decisions. In this case, he noted, the new covered floor area is more an infill of an existing building footprint than an expansion. He reported that staff obtained a letter from the architectural review board of the homeowners association approving the proposed changes.

Chairman Hunter asked if any other owners of this model had requested similar modifications. Community Development Director Prince replied that he was aware of one other modification request at Landmark, pertaining to attic space, over the past five years. He said there may have been changes to windows as well.

Yolanda Aquino, owner, introduced her husband Jess. She said this modification is needed to provide more space and privacy for her family. She noted she has been working with the architect for more than a year, and she requested City approval.

Chairman Hunter asked how many other homes of her model were in the development. Ms. Aquino identified four in her neighborhood.

Dana Dillworth asked that the information presented to the City Council when a waiver of the appeal fee was requested, as well as all other documents related to the Northeast Ridge, be considered as part of the record. She said that this development has already undergone a design review process, and this unit is 25 percent larger than the original approvals. She added that the developer's requirements under the HCP have yet to be completed. She questioned the scope of the Zoning Administrator's power to approve any increases in size of units, and stated that the Zoning Administrator can only approve reductions in the size or number of units. Ms. Dillworth urged the Planning Commission to consider the possible impact of allowing every Northeast Ridge homeowner to close off outdoor space and add a deck. She objected to setting this precedent and urged the Commission to overturn staff's decision.

Linda Salmon, appellant, said her written appeal sets out her objections to the minor modification. She traced the history of the Northeast Ridge as a planned development, going back to Southwest Diversified/Visitacion Associates' original proposal in 1987-88. She noted the people were assured throughout the process that no further alterations or additions would be allowed. Ms. Salmon observed

that small houses in Brisbane sometimes need to expand or remodel, but not the large, new houses at the Northeast Ridge.

Ms. Salmon opposed the Zoning Administrator's decision approving this deck addition and enclosure as a minor modification. She read the criteria for minor modifications and pointed out that the provisions apply only to minor reductions, not expansions. She concluded that this kind of project was unsuitable and unacceptable for a planned development.

At 11:45 p.m., Commissioners agreed to extend the meeting for another 15 minutes. Chairman Hunter asked Ms. Salmon to conclude her remarks.

Ms. Salmon noted the City should not allow this alteration to a carefully designed planned development, and she urged the Commission to reject the Zoning Administrator's decision and decline this proposal. She added that the City should work to protect the endangered habitat on the Northeast Ridge, and modifications should not be approved without full public hearings and consideration of the intent of the planned development.

Yolanda Aquino said plans for this modification were discussed extensively with the homeowners association, architect, and City staff. She questioned how the proposal would impacted butterfly habitat.

Jess Aquino, owner, clarified that the scope of work did not involve foundation alterations. He said the purpose of the project was to make the small dining room more usable for his family, and very little space was being added. Mrs. Aquino added that the modification will provide a bit more privacy.

There being no other members of the public who wished to address the Planning Commission on this matter, Commissioner Jameel made a motion, seconded by Commissioner Lentz, to close the public hearing. The motion was approved, 3 - 0 (Commissioner Maturo absent during voting), and the public hearing was closed.

Commissioner Lentz noted that although there were good arguments on both sides, he tended to favor the homeowner in this case. He pointed out that the applicant first obtained approval from the homeowners association and followed the proper procedures.

Commissioner Jameel asked about the Zoning Administrator's authority to approve expansions as well as reductions. Commissioner Lentz suggested dealing only with the issue of whether the staff decision in this case should be upheld.

Community Development Director Prince advised the Commission that the City Attorney determined that the Zoning Administrator has authority, as granted by the City Council, state law, and the Northeast Ridge conditions, to make decisions on minor modifications. He pointed out that minor modification is defined as up

to a 20 percent reduction in lot coverage, which implies an expansion or addition. He said this applicant wants to enclose portions of the building already within the footprint.

At 12:00 midnight, the Commission decided to continue the meeting another 15 minutes.

Commissioner Jameel noted that this homeowner went through the correct steps, and the proposed modification does not create undesirable visual impacts. He agreed with Commissioner Lentz that the Zoning Administrator's decision should be upheld and the homeowner should be allowed to proceed with the minor modification.

Chairman Hunter said he believed it was necessary for the Zoning Administrator to have authority to deal with matters like this. He observed that the problem with this application is that the house is situated in a relatively new development that was approved by the City as a package, a planned development with specific building footprints and styles.

Chairman Hunter noted that residents throughout the City need the ability to make changes to their dwellings as their household needs change, and the Northeast Ridge is no exception. He remarked that it might be necessary over time to make certain changes to the CC&R's as the community ages and grows.

Chairman Hunter said he had reservations about some aspects of the proposal, primarily because the development was thought through very carefully to provide a variety of styles and building shapes. He worried that allowing this request could lead to similar requests from other owners, which could start to change the character of the neighborhood. He noted that the more open spaces like decks and porches that are enclosed, the more the community closes itself to each other, contrary to the intent of the development. Chairman Hunter added that even minor changes to the fronts or rears of the houses can make a big difference.

Chairman Hunter commented that this appeal gives the Planning Commission an opportunity to provide direction to staff as to how future applications of this type in the Northeast Ridge should be handled. He recognized that the proposed addition did not add much floor space, but it could lead to additional changes that would shift the original intent of the Northeast Ridge away from what was planned.

Chairman Hunter noted that because this is the first such application that has come to the City, he favored upholding the Zoning Administrator's decision and allowing the homeowner to enclose the space as proposed. He stated that he hoped this kind of modification in the future would be carefully considered by the Planning Department because of the concerns he articulated.

Commissioner Lentz moved to uphold the Zoning Administrator's decision and deny the appeal. The motion was seconded by Commissioner Jameel and approved, 3 - 0 (Commissioner Maturo absent during voting).

3. **100-182 Old County Road;** Exterior Improvements to the Brisbane Village Shopping Center; United Ng's Limited Partnership; APN 005-212-110

Commissioner Maturo returned to the dais.

Senior Planner Tune said the applicant proposes repainting the Brisbane Village Shopping Center, and he drew attention to the submitted color samples. He noted the Planning Director received authority to approve these changes when the Planning Commission approved the design permit for the shopping center remodel in 1997. He stated that this matter is being presented as an informational item to advise the Commission of staff's intent to issue a permit.

Commissioner Lentz encouraged the applicant to install bike racks. He recalled discussion of this idea a couple years ago.

Charles Ng, owner, said the shopping center was remodeled about ten years ago, and the paint has begun to peel and crack. He noted the sole purpose of the project is repainting and tiling. Mr. Ng stated that few customers ride bikes to the shopping center, and adding bike racks could eliminate some parking spaces. He pointed out that parking is already scarce, especially at lunchtime.

Commissioner Lentz urged the applicant to try to find a location on the property where a bike rack could be installed without eliminating parking. He applauded the applicant for making the property more appealing by repainting. He noted a bicycle rack would entail a small cost, and it might make some of the tenants and customers happier.

Mr. Ng clarified that he was not opposed to a bicycle rack, and would consider a rack in an appropriate place. He objected to using the sidewalk or parking spaces. He indicated there was a fatality as a result of a collision between a skateboarder and a customer at the shopping center, and said signs are posted in the area to discourage this kind of activity. He stated that if a proper location can be found, he would consider a bike rack.

Commissioners thanked Mr. Ng for his willingness to consider a bike rack.

At 12:15 a.m., Commissioners agreed to continue the meeting until 12:30 a.m.

Commissioners expressed support for the proposed changes.

ITEMS INITIATED BY STAFF

RECORDED AT THE REQUEST OF:
First American Title
WHEN RECORDED RETURN TO:

Mr. Kevin Fredrickson
Brookfield Homes
500 LaGonda Way, Ste. 100
Danville, CA 94526

2003-295992

02:58pm 10/14/03 DR Fee: 277.00

Count of pages ~~84~~ 92

Recorded in Official Records

County of San Mateo

Warren Slocum

Assessor-County Clerk-Recorder



Note: This document is excerpted for the Planning Commission meeting of 7/10/2025. The document is available for viewing in its entirety upon request.

92 p

DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF LANDMARK AT THE RIDGE

A Common Interest Development

If this document contains any restriction based on race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.1 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

maintenance, repair and replacement. After completion of the work, the Owner shall have the duty to restore the Common Area to its original condition.

5.3.7 Storm Drainage: Each Owner shall regularly clear all storm drainage inlets and preserve the capacity and flow of all catch basins, surface and subsurface storm drainage Improvements within the Owner's Lot whether they serve solely that Owner's Lot or other real property in the Project. Each Owner shall at all times comply with the applicable portions of the Slope and Drainage Maintenance Plan with respect to the storm drainage Improvements situated in the Owner's Lot and all slopes within the enclosed portions of their Lot. This plan provides for specific maintenance measures and inspections to be performed on the Owner's Lot by the Owner and by the Association for the protection of slope areas.

5.3.8 Water Lines: Each Owner shall Maintain all domestic water lines within the Owner's Lot which connect the Owner's meter to the Owner's Residence.

5.3.9 Fire Sprinkler Systems: Each Owner shall at all times Maintain any fire sprinkler system installed by Declarant on or in the Owner's Residence, including any eave and deck fire sprinkler system, in accordance with any applicable requirements set forth in the Final Habitat Fire Buffer Program approved by the City.

5.4 ALTERATIONS TO LOTS AND RESIDENCES: Alterations may be made to the interior of an Owner's Residence, if the Alterations do not impair the structural integrity of the Residence and if the Owner complies with all laws and ordinances regarding alterations and remodeling. Any proposals for Alterations on Lots or to the exteriors of Residences shall be made in accordance with the provisions of Article XI.

5.5 FENCES:

5.5.1 Party Fences: The Owners of a Party Fence shall Maintain it and shall share the costs of Maintaining it equally except that all costs of Maintaining the Party Fence which are a result of the negligent or willful action of an Owner shall be borne by that Owner. An Owner who Maintains a Party Fence is entitled to and has a right of contribution from the other Owners of the Party Fence which shall be appurtenant to the Lot and shall pass to the successor(s) in interest of the Owner entitled to contribution.

5.5.2 Fences and Walls Separating Common Area and Lots: Each fence or wall (including retaining walls) which separates a Lot from Common Area shall be Maintained by the Owner of the Lot. Maintenance shall include refinishing the exterior surface of a fence if that surface was previously finished with paint or stain.

5.5.3 Other Fences on Lots: Except as provided in 5.5.1 and 5.5.2, above, each Owner shall Maintain all fences, wall and retaining walls situated on their Lot.

5.5.4 Fence Design: All fences installed in the Project shall be of the same size, style, height, type and color as originally installed by Declarant.

5.6 LANDSCAPING: All landscaping in the Project shall be Maintained and cared for in a manner consistent with the standards of design and quality as originally established by Declarant and in a condition comparable to that of other well Maintained residential areas in the vicinity of the Project. All landscaping shall be Maintained in a neat and orderly condition. Any weeds shall be removed and any diseased or dead lawn, trees, ground cover or shrubbery shall be removed and replaced with healthy landscaping. All lawn areas shall be neatly mowed and trees and shrubs shall be neatly trimmed and thinned as appropriate. Regular landscape maintenance shall be performed which shall include regular fertilization and other landscape management practices necessary to promote a healthy weed free environment for optimum plant growth. No invasive plants, as identified in the Architectural Standards, shall be Maintained or permitted anywhere in the Project. Landscaping must be controlled to Maintain

ARTICLE XI

ARCHITECTURAL AND LANDSCAPING CONTROL

11.1 APPLICABILITY:

11.1.1 Generally: Except as otherwise provided in this Declaration, proposals for Alterations (which includes all landscaping) are subject to the provisions of this Article and may not be made until approved in accordance with the provisions of this Article. No Owner may submit any application to the City for a building permit to construct an addition to a Residence unless the application has first been submitted and approved pursuant to this Article.

11.1.2 Exceptions: The provisions of this Declaration requiring architectural approvals do not apply to (1) repainting or refinishing any Improvement in accordance with the color palette (including hue, intensity, tone and shade) approved by the City at the time of recordation of this Declaration and on file with the Association, or (2) repairing any Improvement with the same materials with which it was originally constructed, or (3) installing or displaying flags or Brisbane Stars. The provisions of this Declaration requiring architectural approvals includes planting or removing landscaping. The Architectural Standards may establish additional exceptions from time to time.

11.1.3 Declarant Exemption: The provisions of this Declaration requiring architectural approvals do not apply to the original construction of any Improvements on a Lot by Declarant, its agents, contractors or employees. The provisions of this paragraph may not be amended without the consent of Declarant until all of the Additional Property has been annexed to the Project and all of the Lots in the Project owned by Declarant have been conveyed.

11.1.4 Additional Requirement for Grading and Related Work: No Owner shall grade or fill or otherwise alter the slope or contour of any Lot, construct or alter any drainage pattern or facility, construct or alter any foundation or permanent structure (including, but not by way of limitation, swimming pools, ponds and spas), or perform any earth work, including installation of irrigation, without first (i) retaining a soils engineer or civil engineer, as appropriate, duly licensed by the State of California, and receiving from such engineer written recommendations, plans and specifications regarding such proposed grade, fill, alteration, construction or earth work (collectively referred to as "Work"), (ii) obtaining the written approval of the Board (or the committee appointed by the Board to perform architectural review), and (iii) obtaining such permits and approvals from the City or any other governmental agency as may be required. No Owner shall perform any Work except in conformance with the recommendations, plans and specifications of such engineer. Each Owner, by acceptance of a deed to a Lot, shall be deemed to covenant and agree to comply with and conform to such recommendations, plans and specifications and shall indemnify the Association and Declarant against any losses, claims, liabilities, costs and/or attorneys' fees resulting from or related to any failure of that Owner or its engineers, contractors or agents to comply with this Section.

11.1.5 Limitation of Liability: Neither the Board nor any committee appointed by the Board to perform architectural review shall have any duty to (i) investigate the adequacy of any engineer's recommendations concerning the type of construction or adequacy or advisability of any proposed grading or other work to be performed on any Lot, or (ii) take any steps to ensure that the Owner complies with any such engineering recommendations.

11.1.6 Governmental Approvals: Proposals for Alterations may also be subject to review and approval by the City. No Owner may modify the exterior of their Residence, construct an addition or repaint the exterior of their Residence (except in the same color, hue, intensity, tone, and shade) without the approval of the City in accordance with Planned Development Permit PD-1-89 and Design Permit DP-89. Satisfying the provisions of this Declaration does not automatically satisfy any requirement for governmental approval, permitting or inspection. All approvals, permits and inspections which are

required under local, state or federal law for any proposed Alteration are the responsibility of the Owner and must be obtained by the Owner in addition to the approvals required by this Declaration.

11.2 RESERVATION TO DECLARANT: Notwithstanding the power of the Board to appoint committees, Declarant hereby reserves to itself the right to appoint an Architectural Committee in accordance with the provisions of this Article. When there is no longer any Member appointed by Declarant on the Committee, the Board may decide to dissolve the Committee and undertake the Committee's responsibilities.

11.3 MEMBERS: The Architectural Committee ("Committee") shall consist of a chairman and two (2) additional members. Persons appointed to the Committee by the Board shall be Members of the Association. Persons appointed to the Committee by the Declarant need not be Members of the Association. All members shall serve until the expiration of the term for which they were appointed, if specified by the Board, or until they resign or are replaced. Declarant may appoint all of the original members of the Committee and all replacements until the first anniversary of the issuance of the Public Report for the first Phase of the Project. After the date which is one (1) year from the date of issuance of the Public Report for the first Phase of the Project and until the conveyance of ninety percent (90%) of the total of all Lots in the Project and all Lots proposed for the Additional Property or the fifth (5th) anniversary of the issuance of the Public Report for the first Phase of the Project, whichever first occurs, the Board shall have the power to appoint one member of the Committee and Declarant may appoint the remaining members of the Committee. Thereafter, the Board shall appoint all of the members of the Committee or dissolve the Committee as provided in Section 11.2, above. Upon the conveyance of one hundred percent (100%) of all Lots, the term of any remaining members appointed by Declarant shall terminate and replacement members shall be appointed by the Board. The Board may appoint a replacement for any member of the Committee originally appointed by the Board who resigns or otherwise fails to act. Declarant may appoint a replacement for any member of the Committee originally appointed by Declarant who resigns or otherwise fails to act, unless such member resigns in order to enable the Board to appoint a member as required by this Section. If Declarant fails to appoint a replacement it is authorized to appoint within fifteen (15) days after receiving notice of the vacancy, the Board shall appoint the replacement.

11.4 DUTIES AND POWERS:

11.4.1 Duties: The Committee shall review and approve, conditionally approve, or deny all plans, submittals, applications and requests made or tendered to it by Owners or their agents, pursuant to the provisions of this Declaration. In connection therewith, the Committee may investigate and consider the architecture, design, layout, landscaping, energy conservation measures, water conservation measures, fence detail, and other features of the proposed Improvements.

11.4.2 Architectural Standards: The Committee, from time to time and in its sole discretion, may adopt architectural rules, regulations and guidelines ("Architectural Standards"). The Architectural Standards may impose specific requirements on individual Lots if those requirements are reasonable in light of specific Lot topography, visibility or other factors. The Architectural Standards shall be effective when they are adopted by the Committee. The Architectural Standards shall interpret and implement the provisions of this Declaration by setting forth the standards and procedures for architectural review and guidelines for architectural design, placement of buildings, color schemes, exterior finishes and materials, landscaping, fences, and similar features which may be used in the Project; provided, however, that the Architectural Standards shall not be in derogation of the minimum standards established by this Declaration. The Architectural Standards may include a schedule of fees for processing submittals (which shall not exceed the amount necessary to defray all costs incurred by the Committee in processing the submittals) and establish the time and manner in which such fees shall be paid. The Architectural Standards shall constitute Rules.

11.4.3 Powers: The Committee may adopt rules and regulations for the transaction of business, scheduling of meetings, conduct of meetings and related matters. The Committee may also adopt

criteria, consistent with the purpose and intent of this Declaration to be used in making its determination to approve, conditionally approve or deny any matter submitted to it for decision.

11.4.4 Consultants: With the consent of the Board, the Committee may hire and the Association shall pay consulting architects, landscape architects, urban designers, engineers, inspectors, and/or attorneys in order to advise and assist the Committee in performing its duties.

11.5 APPLICATION FOR APPROVAL OF IMPROVEMENTS: Any Owner, except Declarant and its designated agents, who wants to perform any Alteration for which approval is required shall notify the Committee in writing of the nature of the proposed work and shall furnish such information as may be required by the Architectural Standards or reasonably requested by the Committee.

11.6 BASIS FOR APPROVAL OF IMPROVEMENTS: The Committee may approve the proposal only if the Committee finds that (i) the plans and specifications conform to this Declaration and to the Architectural Standards in effect at the time the proposal was submitted, (ii) the proposed Alteration will be consistent with the standards of the Project and the provisions of this Declaration as to harmony of exterior design, visibility with respect to existing structures and environment, and location with respect to topography and finished grade elevation, and (iii) the exterior color (including hue, intensity, tone and shade) of the visible Improvements either conforms to the color palette approved by the City at the time of recordation of this Declaration (and on file with the Association) or is consistent with the historical design of the Residences.

11.7 FORM OF APPROVALS, CONDITIONAL APPROVALS AND DENIALS: All approvals, conditional approvals and denials must be in writing. Any denial of a proposal must state the reasons for the decision to be valid. Any proposal which has not been rejected in writing within sixty (60) days from the date of submission will be deemed approved.

11.8 PROCEEDING WITH WORK: Upon approval of the Committee, the Owner shall diligently proceed with the commencement and completion of all work so approved. Work must be commenced within one (1) year from the date of the approval. If the Owner fails to comply with the provisions of this Section, the approval given shall be deemed revoked unless the Committee extends the time for commencement. Any request for an extension shall be in writing. No extension shall be granted unless the Committee finds that there has been no change in the circumstances under which the original approval was granted.

11.9 FAILURE TO COMPLETE WORK: Completion of the work approved must occur within eighteen (18) months following the approval of the work unless the Committee determines that completion is impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies, natural calamities or other supervening forces beyond the Owner's control. If the Owner fails to complete the work within the eighteen (18) month period, the Committee may notify the Owner in writing of the non-compliance and shall proceed in accordance with the provisions of Section 11.11, below.

11.10 DETERMINATION OF COMPLIANCE: Any work performed, whether or not the Owner obtained proper approvals, shall be inspected and a determination of compliance shall be made as follows:

11.10.1 Notice of Completion: Within forty five (45) days after completion of any work performed by an Owner for which approval was required, the Owner shall give written notice of completion to the Committee.

11.10.2 Inspection: Within sixty (60) days after the Committee's receipt of the Owner's notice of completion, or, if the Owner fails to give a written notice of completion to the Committee within the completion period specified in Section 11.9, above, a designee of the Committee may inspect the work performed and determine whether it was performed and completed in substantial compliance with the approval granted. If the Committee finds that the work was not performed or completed in substantial compliance with the approval granted or if the Committee finds that the approval required was not

obtained, the Committee shall notify the Owner in writing of the non-compliance. The notice shall specify the particulars of non-compliance and shall require the Owner to remedy the non-compliance.

11.11 FAILURE TO REMEDY THE NON-COMPLIANCE: If the Committee has determined that an Owner has not constructed an Improvement consistent with the specifications of the approval granted or within the time permitted for completion and if the Owner fails to remedy such non-compliance in accordance with the provisions of the notice of non-compliance, then after the expiration of thirty (30) days from the date of such notification, the Committee shall notify the Board, and the Board shall provide Notice and Hearing to consider the Owner's continuing non-compliance. At the Hearing, if the Board finds that there is no valid reason for the continuing non-compliance, the Board shall determine the estimated costs of correcting it. The Board shall then require the Owner to remedy or remove the same within a period of not more than forty-five (45) days from the date of the Board's determination. If the Owner does not comply with the Board's ruling within such period or within any extension of such period as the Board, in its discretion, may grant, the Board may either remove the non-complying Improvement or remedy the non-compliance. The costs of such action shall be assessed against the Owner as a Reimbursement Assessment.

11.12 WAIVER: Approval of any plans, drawings or specifications for any work proposed, or for any other matter requiring approval shall not be deemed to constitute a waiver of any right to deny approval of any similar plan, drawing, specification or matter subsequently submitted for approval.

11.13 APPEAL OF DECISION OF COMMITTEE: This Section does not apply if the Board has dissolved the Committee or during the period of time that a majority of the Members of the Architectural Committee have been appointed by Declarant. If the Owner who applied or who the Committee determined should have applied for approval of an Alteration on a Lot or Residence disputes the jurisdiction or powers of the Committee or any requirement, rule, regulation or decision of the Committee applicable to the denial or conditional approval of the Owner's application (collectively referred to as "decision"), that Owner may appeal such decision to the Board. The Board shall notify the Owner of the time, date and place of a hearing to review the decision of the Committee. The notice shall be given at least fifteen (15) days prior to the date set for the hearing and may be delivered either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered seventy-two (72) hours after it has been deposited in the United States mail, first class, postage prepaid, addressed to the Owner at the address given by the Owner to the Board for the purpose of service of notices or to the address of the Owner's Lot if no other address has been provided. After the hearing has taken place, the Board shall notify the Owner of its decision. The decision shall become effective not less than five (5) days after the date of the hearing. The determination of the Board shall be final.

11.14 LIABILITY: If members of the Architectural Committee have acted in good faith, neither the Committee nor any member shall be liable to the Association or to any Owner for any damage, loss or prejudice suffered or claimed due to: (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective; (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings, and specifications; (c) the development of any property within the Project; or (d) the execution and filing of any estoppel certificate, whether or not the facts therein are correct.

11.15 EVIDENCE OF APPROVAL OR DISAPPROVAL: After a determination of compliance is made pursuant to Section 11.10, the Board may issue a written Notice of Architectural Determination. The Notice of Architectural Determination shall be executed by any two (2) Directors and shall certify that as of the date of the Notice either (i) the work completed complies with the provisions of this Declaration and the approval(s) issued by the Architectural Committee ("Notice of Approval") or (ii) the work completed does not comply with the provisions of this Declaration or the approval(s) issued by the Architectural Committee ("Notice of Disapproval"). A Notice of Disapproval shall also identify the particulars of the non-compliance. Any successor in interest of the Owner shall be entitled to rely on a Notice of Architectural Determination with respect to the matters set forth. Each Owner shall disclose to the Owner's subsequent purchaser any Notice of Disapproval unless the Owner has a subsequently issued

Notice of Approval which covers the same Alteration. The Notice of Architectural Determination shall be conclusive as between the Association, the Architectural Committee, Declarant and all Owners and such persons deriving any interest through any of them. Any Owner may make a written request that the Board prepare and execute a Notice of Architectural Determination, and the Board shall do so within sixty (60) days of its receipt of the request.

File Attachments for Item:

D. Brisbane Municipal Code Violations and Code Enforcement



MEMORANDUM

DATE: July 10, 2025
 TO: Planning Commission
 FROM: Jeremiah Robbins, Associate Planner via John Swiecki, Community Development Director
 SUBJECT: **Brisbane Municipal Code Violations and Code Enforcement**

Introduction

Chapter 1.14 of the Brisbane Municipal Code (BMC) establishes the City's authority to enforce the provisions of the BMC, including any ordinance of the City and any condition of an approval, permit, or license granted pursuant to the BMC. It also establishes penalties for infractions, though the maximum fine for infractions is governed by California Government Code Section 36900(b). Generally, a \$100 fine can be levied for a first violation; a \$200 fine for a second violation of the same provision or ordinance within 12 consecutive months; and a \$500 fine for each additional violation of the same provision or ordinance within twelve 12 consecutive months.

In addition to the authority to issue citations under the BMC, the California Building Code (CBC), adopted by reference under Chapter 15.04 of the BMC, establishes that a penalty fee may be applied to any person that commences work before obtaining the necessary building permit(s), as established by the Building Official. The City has gone further by adopting a local amendment to the CBC which establishes the penalty fee for any work commencing before obtaining the necessary building permit(s) can be up to 10 times the original fee. Similarly, the City's Master Fee Schedule, adopted pursuant to Chapter 3.32 of the BMC, includes a penalty fee for enforcement of violations of the Zoning Ordinance (Title 17). It too can be up to 10 times of the original (permit) fee. This means, as an example, if the building permit fee or planning application fee would have been \$500, a penalty fee up to 10 times or \$5,000 may be applied in addition to the permit fee for an infraction under the CBC and/or BMC.

Background

The City investigates potential code violations and infractions on a complaint-based model; a code enforcement officer (CEO) responds to complaints submitted by residents. It's the goal of the City to correct code violations through voluntary cooperation and it's City policy to first issue a Notice of Violation (NOV) with a correct-by date, if a complaint is substantiated by the CEO, before issuing an administrative citation. However, under the BMC, the City may issue an administrative citation without first issuing an NOV, which is akin to an official warning. Issuing a citation first is more common for serial or repeat violators or infractions that may be a significant health and safety violation.

The City hired a full-time CEO in March 2022 and the CEO works very closely with the Community Development Department (CDD) on all complaints related to either the CBC or the City's Zoning Ordinance. Prior to 2022, the City went more than two years without a dedicated CEO to investigate complaints, but since the hire of a dedicated CEO the City has closed over 500 cases.

Several (substantiated) violations were related to permitted and prohibited uses, infractions under the City's Zoning Ordinance. As a result, in early 2025 the City sent notices to property owners that have repeatedly allowed businesses to occupy sites without first obtaining the proper approvals through the City or have been identified as serial violators of approved use permit conditions. The notices informed such offenders that:

- The City's adopted fee schedule allows for a zoning enforcement penalty of 10 times the original application fee; and
- Use Permits (and Interim Use Permits) may be revoked if conditions of the permit are violated.

Additionally, the notices stipulated that:

- The CDD will assess a penalty fee (starting at 2 times the original fee and escalating for repeat occurrences) on planning applications, including use permit and interim use permit applications, where the business has occupied a site without first obtaining the required City approval; and
- A single, substantiated infraction for the remainder of 2025 or more than one citation issued cumulatively in any subsequent calendar year will trigger revocation proceedings under the BMC for a particular use permit.

Since sending out the above notices to serial offenders, the City has not received any substantiated complaints and therefore has not issued a subsequent citation, nor has it had to assess a penalty fee on an active planning application on a related property.

Finally, while the City has investigated more infractions related to the CBC since 2022 overall, very few violators have been assessed a penalty fee. As mentioned previously, it's the goal of the City to correct code violations through voluntary cooperation and penalties are generally reserved for serial offenders or infractions that are a significant health and safety violation. The Building Official retains discretion to impose the adopted penalty fee on building permits.

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