

BRISBANE PLANNING COMMISSION  
Summary Minutes of January 14, 2016  
Regular Meeting

A. CALL TO ORDER

Chairperson Do called the meeting to order at 7:33 p.m.

B. ROLL CALL

Present: Commissioners Anderson, Munir, Parker, and Chairperson Do.

Absent: Vice Chairperson Reinhardt.

Staff Present: Community Development Director John Swiecki, Senior Planner Ken Johnson, Associate Planner Julia Capasso.

C. ADOPTION OF AGENDA

Commissioner Parker moved and Commission Anderson seconded to adopt the agenda. The motion was approved 4-0.

D. ORAL COMMUNICATIONS (limit to a total of 15 minutes)

None.

E. WRITTEN COMMUNICATIONS

Chairperson Do acknowledged a letter from the Park Pointe Homeowners Association regarding the application for 23 San Bruno UP-2-15 and DP-1-15, a League of California Cities flier, and an email from Anja Miller containing corrections to the November 16, 2015 draft minutes.

F. NEW BUSINESS

1. **PUBLIC HEARING: 23 San Bruno Avenue; Use Permit UP-2-15 and Design Permit DP-1-15;** Use Permit and Design Permit to allow for the construction of an approximately 31-foot high, three-story, mixed-use building, including four 1,250 sq. ft. to 1,323 sq. ft. residential units on the second and third floors and an approximately 550 sq. ft. ground floor commercial space and ground floor parking, to replace the existing single-story commercial building on a 5,000 sq. ft. lot; Joseph J. Railla, applicant; Lon Carter, owner; APN 007-223-080.

Senior Planner Johnson gave the agenda report presentation. In response to Commission questions he confirmed that the structure would be sprinklered, that it was consistent with NCRO-2 zoning district requirements and that it complied with parking requirements. He further clarified the City cannot require monetary compensation to neighboring properties as requested in the referenced letter from the Park Pointe HOA.

Commissioner Anderson moved and Commissioner Parker seconded to open the public hearing. The motion was approved 4-0.

Lon Carter, property owner, introduced himself as a lifelong Brisbane resident and business owner. He stated this application would improve the look and feel of the neighborhood and

increase the value of surrounding development. He said the commercial space would be used as an office and he did not expect any trucks coming to delivery materials.

Commissioner Parker asked Mr. Carter why the proposed balconies were so close to the adjacent balconies at 1 San Bruno Avenue. Mr. Carter responded they are patios, not balconies, and the design maximizes the building's setback from the shared property line which allows light and air to get through to 1 San Bruno Avenue.

Chairperson Do asked Mr. Carter to respond to the comments in the letter from Park Pointe HOA.

Mr. Carter responded that in regard to patio privacy, it was no different than neighbors with fences that may allow views into neighboring yards. He said the 10-foot setback from the property line would ensure views of San Bruno Mountain would not be impacted. He was open to suggestions from 1 San Bruno Avenue as to the look and feel of the dividing wall at the property line. He said water intrusion would be addressed in the engineering at time of building permit. Regarding fire risk, he noted the building was set back 10-feet from the property line and the Fire Department would review the project at building permit stage.

He said the units would be rented as townhomes, with a possibility of conversion to condominiums at a later time, and noted that renters are no different than homeowners. He said the proposed parking complies with the City's standards both for vehicles and bicycles. Regarding the safety of the patios, he noted the patios could only be accessed from the units. The large tree on Plumas Street would be retained and trimmed, and the window privacy issues could be mitigated. He said he was disturbed by the request for compensation.

Barbara Ebel asked whether the tree on Plumas Street would remain. Mr. Carter responded yes but it would require trimming.

Ms. Ebel said she generally supported the project but urged the Commission to require protection of the tree on Plumas Street during demolition and construction. She asked that the homeowner help improve the community garden recognizing the limited outdoor space for the new residents. She suggested awnings on southwest facing windows to minimize solar intrusion and stated projects should be required to show compliance with Title 24 prior to the building permit application.

Mr. Carter said Title 24 compliance is reviewed at the building permit stage and the structure would be ready for solar. He said he was open to supporting the community garden. He was open to installing an electric vehicle charging station in the garage in the future.

Elliott Cohen, Vice President of Park Pointe HOA Board of Directors, 1 San Bruno Avenue, read from the HOA's letter dated January 14, 2016. The Board's concerns included reduction in the value of their homes, loss of safety and privacy from the balconies and third floor windows at 23 San Bruno Avenue, loss of views due to the dividing wall at the property line, loss of sunlight, high turnover of rental units, lack of parking for the commercial unit, and noise impacts from construction and new residents. The HOA proposed resolutions to these concerns including granting HOA creative control of the dividing wall, setting the wall back five feet from the

property line, clerestory or opaque windows at the third level, and monetary compensation to the HOA and individual condo owners.

Joseph Railla, project applicant and architect, said the proposed biofiltration system in the rear yard of the property would aid in drainage for the tree on Plumas Street. He noted window sill heights were governed by Fire Code requirements for emergency ingress and egress. He said he considered Title 24 while designing the structure. He said no grading was proposed and the existing concrete wall at the shared property line would remain. He said he could produce 3D elevation views of the structure from multiple angles and with different colors.

Commissioner Munir asked if he was open to more articulation on the front elevation. Mr. Railla responded yes.

Krista Katusha said she was a homeowner at 1 San Bruno and detailed her concerns with safety.

Lon Carter suggested a lattice with planted vegetation on the dividing wall. He reiterated his openness to discussion with the HOA.

Commissioner Munir moved and Commissioner Parker seconded to close the public hearing. The motion passed 4-0.

Commissioner Munir inquired about the project's compliance with the City's Green Building Ordinance. Director Swiecki responded the project does not trigger compliance with the City's Green Building Ordinance and CALGreen would apply.

Commissioner Munir asked if the project would include affordable units. Senior Planner Johnson responded the inclusionary housing ordinance did not apply as the project proposed less than six units.

Commissioner Munir asked staff to respond to the safety concerns that were voiced. Senior Planner Johnson said staff found the proposed design to be safe and noted the applicant's suggestion of a lattice design could deter climbing.

After discussion, it was the consensus of the Commission that generally the project could be supported but they would like to see additional articulation on the building's front façade and further consideration of the dividing wall design and materials.

Commissioner Munir motioned and Commissioner Anderson seconded to continue the application to the January 28, 2016 meeting to allow the applicant to address their comments. The motion passed 4-0.

Chairperson Do announced a five minute break.

## G. OLD BUSINESS

1. **Baylands Final Environmental Impact Report and related Planning Applications**  
(Baylands Concept Plans, Brisbane Baylands Specific Plan, General Plan Amendment

Case GP-01-06); Universal Paragon Corporation, applicant; Owners: various; APN: various.

i. Discussion of Deliberations Process

Director Swiecki introduced Lloyd Zola of Metis Consulting. Mr. Zola summarized staff's recommended approach to structuring the Baylands deliberations in order to reach a cohesive recommendation that the public and the City Council could understand. Mr. Zola indicated the framework for deliberations would focus first on land use, and the Commission's review of the EIR would occur in the context of the Commission's land use and policy direction. He suggested that exhaustive technical analyses of land use concepts or scenarios that the commission is not interested in recommending is neither necessary nor productive.

Mr. Zola suggested the Commission begin deliberations by defining over-arching principles that should be incorporated into any future development plan for the site. Once these principles are established the Commission should begin deliberating on the types of land uses that would be appropriate, followed by the physical distribution of land uses, then finally the intensity of land use. Mr. Zola stated once these higher level land use issues are discussed the Commission should discuss other relevant policy issues such as the General Plan's Level of Service standards, uses within the Beatty subarea, and others. He said this process would form the foundation for the subsequent discussion of the EIR and ultimate final recommendation.

Commissioner Munir said he felt the EIR should be considered first to determine whether its approach is correct and the alternatives are adequate. He also wanted to discuss the difference between the concept and specific plans.

Outside legal counsel Alison Krumbein stated that the role of the Planning Commission is to make a recommendation on development on the Baylands to the City Council, and that the EIR review is tied to the Commission's land use recommendation. She noted the EIR's role is to evaluate the environmental impacts of a project, and until the Commission has a set of land use recommendations it would not be efficient to evaluate the EIR.

Commissioner Munir said they were only looking at three alternatives: no project, developer's proposal, and community project, and only one had a specific plan. The high speed rail scenario was not included for consideration. He said first the Commission should determine if those three scenarios are adequate, then decide a specific plan for each of them based on the same baseline.

Commissioner Parker said as a group the Commission does not know whether to go with one alternative or another, or whether they want to do a hybrid or other scenario.

Commissioner Munir said they should first decide if there is information lacking before they decide on land uses and consider General Plan compliance. He said the Planning Commission doesn't have the right to amend the General Plan, but rather the community does. The Planning Commission can recommend General Plan amendments to the City Council. He said General Plan amendments are important and the whole community would have to live with them. He said he was involved in the 1994 General Plan adoption, and he thought there were many issues that needed to be discussed before the specific plan.

Mr. Zola said one of the issues the Planning Commission needed to discuss was the high speed rail issue. He noted the Commission had the choice of how to address high speed rail. The City had no obligation to accommodate a potential future high speed railyard. However, if the Commission believed that accommodating or encouraging a high speed railyard was in the City's best interest, the Commission could make that policy recommendation to the City Council.

After further discussion, Commissioner Munir stated he agreed with Mr. Zola's approach after hearing his explanation.

Commissioner Anderson said he appreciated Commissioner Munir's comments and agreed with Mr. Zola's recommended approach. He said many of the decisions before the Commission were circular, and as a professional he organizes information and makes presentations to explain information on technical subjects. He said he put together a presentation that summarized Mr. Zola's presentations and the public comment received and addressed outstanding issues.

Mr. Zola said he and staff could sit down with Commissioner Anderson to review his slides and collaborate on a presentation at a future Commission meeting.

Commissioner Anderson said he was happy to collaborate in compliance with the Brown Act.

Director Swiecki said it would be permissible for the Commission to appoint a subcommittee of two members to meet with staff and the consultant to review materials and discuss potential future presentations. He said alternatively there could be an informal exchange of information between city staff, consultants, and Commissioner Anderson. He said it was up to the Commission.

Commissioner Anderson said many of his slides had questions that would benefit from professional fine-tuning. He asked if he could show the first six slides of his presentation, and the Commission agreed. He reviewed the first six presentation slides

After discussion the Commission agreed to appoint Commissioner Anderson and Commissioner Parker to a subcommittee to work with Mr. Zola and staff to walk through Commissioner Anderson's slides and ensure all the questions the subcommittee had would be incorporated into the deliberations process.

Mr. Zola further noted that the Commission's interim decisions during the deliberations process would not be final, and they would be able to look back at how all the interim decisions ultimately fit together. He referred to the January 14, 2016 memo from Planning staff in the Commissioner's packet that summarized data and information requested by the Commission that were brought up during the public hearings. He said most of that information would be presented at the January 28, 2016 meeting, while the fiscal impact study and the economic feasibility study were still in process but would be available before the deliberations concluded.

Commissioner Parker said it would be helpful to have a physical sample of the mesh barrier, as she had heard from many people that a tree root can go through almost anything.

Mr. Zola said he would follow up on that.

Commissioner Parker said they had heard confusion from the public regarding how leachate would move as the water table moved, and how that would be impacted by development.

Mr. Zola said those comments had been received and staff would address that issue at an upcoming meeting.

Chairperson Do suggested using the mitigation matrix as a tool to think through the different issues.

Mr. Zola acknowledged Chairperson Do's suggestion and said they could also present a decision-making tree for the various interconnected issues.

The Commission and staff discussed the upcoming meeting schedule and agreed to 1) attempt to separate Baylands discussions from regular business items, and 2) schedule special meetings as needed with a goal of no more than one special meeting per month. The Commission further agreed to schedule a special meeting the week of February 1. Staff indicated they would coordinate with the Commission to finalize the special meeting date.

#### ii. Process Status Report to Council

Director Swiecki stated the Commission should send a status report to the City Council with an update on their decision-making process, including a suggested timeline.

Commissioner Anderson moved and Commissioner Munir seconded to extend the meeting to 11 p.m. The motion passed 4-0.

Commissioner Anderson asked if Mr. Zola had an estimate of the number of meetings required for his presentations. Mr. Zola said it would depend on the pace of the Commission's discussion, but he estimated four meetings to reach a final recommendation after discussion of the initial issues. Commissioner Anderson said he would assume two meetings to discuss the initial issues, so deliberations may require at least six meetings or three months at a minimum.

It was the consensus of the Commission that the rough timetable outlined by Commissioner Anderson seemed reasonable and staff was directed to report this back to the City Council.

Director Swiecki noted that the City Council determined the three sitting Commissioners up for reappointment would be reappointed for a defined period of time until the Baylands discussion concluded, after which they would consider appointments for full terms.

#### H. APPROVAL OF DRAFT ACTION MINUTES

1. October 8, 2015 regular meeting
2. October 13, 2015 special meeting
3. October 22, 2015 regular meeting
4. October 29, 2015 special meeting
5. November 4, 2015 special meeting
6. November 12, 2015 regular meeting
7. November 16, 2015 special meeting

8. December 1, 2015 special meeting

Chairperson Do acknowledged the written corrections to the November 16 minutes submitted by Anja Miller and letters received from San Mateo Community Choice, Dolores Gomez, Pamela Sayasane, Bruce Peltier, Ceci Hermann and Mike Zammit supporting CREBL's alternative for the Baylands.

Chairperson Munir motioned and Chairperson Parker seconded to approve the minutes of October 8 through November 12 and to continue Items H.7 and H.8 to the January 28, 2016 meeting. The motion passed 4-0.

I. ITEMS INITIATED BY STAFF

Director Swiecki reminded the Commission of the Planning Commissioners Academy March 2-4. He also announced a Parkside Plan community workshop on February 1 at City Hall.

J. ITEMS INITIATED BY THE COMMISSION

Commissioner Munir asked staff when the Commission needed to discuss the appointment of a new Chairperson and Vice Chairperson. Director Swiecki replied the Commission procedures require that discussion to be held at the first regular meeting in February.

K. ADJOURNMENT to the Regular Meeting of January 28, 2016 at 7:30 p.m.

Commissioner Parker moved and Commissioner Munir seconded to adjourn to the regular meeting of January 28, 2016 at 7:30 p.m. The motion passed 4-0 and the meeting adjourned at 11 p.m.

Attest:

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John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at [www.brisbaneca.org](http://www.brisbaneca.org).