

BRISBANE PLANNING COMMISSION
Action Minutes of March 23rd, 2017
Regular Meeting

A. CALL TO ORDER

Chairperson Do called the meeting to order at 7:30 p.m.

B. ROLL CALL

Present: Commissioners Anderson, Do, Munir, and Mackin.

Absent: Commissioner Cunningham.

Staff Present: Community Development Director Swiecki, Senior Planner Johnson, and Associate Planner Capasso.

C. ADOPTION OF AGENDA

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

D. CONSENT CALENDAR

The Commission agreed to remove Item 2 from the consent calendar.

1. APPROVAL OF DRAFT ACTION MINUTES

- i. February 9, 2017 regular meeting
- ii. March 9, 2017 regular meeting

Commissioner Anderson moved and Commissioner Mackin seconded to approve the minutes of February 9th, 2017. The motion was approved 4-0. Commissioner Anderson moved approval of the March 9th, 2017 meeting. The motion was approved 3-0 (Do abstaining).

E. Government Code Section 65402 General Plan conformity review of a proposal by the County of San Mateo to acquire approximately 18 acres (Assessor's Parcel Numbers 005-260-180 and 005-260-370), within the City of Brisbane, for park purposes. (Removed from the consent calendar)

Senior Planner Johnson gave a brief staff report. After discussion, Commissioner Munir moved approval of the General Plan conformity review as recommended by staff. Commissioner Anderson seconded the motion and it was approved 4-0.

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

There were none.

G. WRITTEN COMMUNICATIONS

There were none.

H. OLD BUSINESS

1. **PUBLIC HEARING: 219 Tulare Street; R-3 Residential District; Grading Review EX-1-17;** Grading Review for 421 cubic yards of soil cut to accommodate construction of a new single-family home on a vacant 3,000 square-foot, upslope lot; Fred Herring, Herring and Worley Inc., applicant; Theresa Ruiz Fong Trust, owner; APN 007-361-210.

Commissioner Anderson left the dais as he owned property within 500 feet of the subject property.

Associate Planner Capasso presented the staff report. She answered Commissioner questions regarding grading impacts to the pine trees on the site, geotechnical analysis, the treatment and material of retaining walls within the public right-of-way, drainage, and bird surveying.

Chairperson Do opened the public hearing.

Fred Herring, applicant, addressed the Commission and answered their questions regarding slope stability, retaining wall materials and design, and the public right-of-way improvements. He confirmed the owner's intent to retain the existing trees on the property and utilize an arborist prior to construction.

Barbara Ebel stated the western façade had a significant amount of glazing which may contribute to overheating.

Commissioner Mackin moved and Commissioner Munir seconded to close the public hearing. The motion was approved 3-0.

After discussion, Commissioner Mackin moved to adopt Resolution EX-1-17, with an additional condition to require an arborist report. Commissioner Munir seconded and the motion was approved 3-0.

I. STUDY SESSION

1. Northwest Bayshore General Plan Designation and Zoning: Discussion of potential General Plan and Zoning consistency amendments, including the Northwest Bayshore General Plan Subarea with the M-1, Manufacturing and PD, Planned Development Zoning Districts.

Commissioner Anderson returned to the dais.

Senior Planner Johnson presented the staff report.

Commissioner Munir asked about the PD-SCRO General Plan land use designation. He asked if the "R" stood for retail. Senior Planner Johnson confirmed.

Commissioner Munir said page H.1.25 of the staff report states that the PD-SCRO land use designation potentially allowed residential as part of a mixed-use development.

Senior Planner Johnson said the General Plan includes residential as a potential land use, but there are no residential density standards listed in the General Plan.

Commissioner Munir suggested clarifying whether or not “residential” was actually permitted in the PD-SCRO land use designation.

Director Swiecki said the Commission could recommend language that provides more clarity as to residential land use within this designation. He noted there were no density standards for residential development in the PD-SCRO land use designation.

Commissioner Anderson asked Commissioner Munir why he wanted to remove residential from the PD-SCRO General Plan land use designation.

Commissioner Munir said he didn’t want residential development in the area next to the Caltrain station.

Director Swiecki clarified that the area next to the Caltrain station was not within the Northwest Bayshore General Plan subarea. The Northwest Bayshore subarea included the Levinson and Peking properties.

Commissioner Munir said he thought those properties were designated open space.

Director Swiecki stated the Levinson and Peking properties were designated PD-SCRO.

Commissioner Munir said the language “potentially residential” is problematic and subject to interpretation.

Commissioner Anderson asked why Commissioner Munir wanted to remove residential from Levinson.

Commissioner Munir said he thought it was intended to be Open Space and there had been discussion to that effect.

Commissioner Anderson noted he didn’t recall that was discussed by the Planning Commission.

Director Swiecki clarified that at the last study session there was discussion of the Open Space Plan, which shows a portion of the Peking/Levinson properties as potential open space as part of a development proposal. The Open Space Plan does not recommend designating the entire site as Open Space under the General Plan.

Commissioner Munir said he had a problem keeping the language “potentially residential,” because it was open to interpretation. He said the General Plan language should be straightforward.

Chairperson Do said she thought “potentially residential” provided a safeguard. She thought the current regulations would come into play as a default. She prefers to have “potentially residential” than just “residential.”

Commissioner Munir asked if the land use designation should be more definite rather than “potential.”

Director Swiecki concurred that the current language in the General Plan is vague. If somebody wished to move forward with a residential development based on that General Plan language there are no parameters or further guidance as to what that means. If the Commission wants to retain residential as a permitted use in the PD-SCRO designation, they could consider general parameters for density of residential development. Staff could bring some language back for the Commission’s consideration.

Commissioner Mackin asked why the City would want to create a totally exclusive zoning area for PG&E instead of leaving it commercial?

Director Swiecki said the Martin Substation facility is a standalone facility and there is no expectation that PG&E will abandon this facility in the foreseeable future. Given the expectation that the property will remain devoted to PG&E purposes, the recommended General Plan designation is intended to recognize the character and land use character of this area in the long term.

Commissioner Mackin said she was concerned that PG&E could expedite any construction or alterations.

Director Swiecki noted that City of Brisbane is preempted by the State Utilities Code from applying its local zoning regulations to most activities that occur on the Martin substation site. Revising the zoning and general plan to reflect the actual use of the property does not materially affect the City’s limited ability to regulate the use.

Commissioner Mackin asked if it was the consensus of the Commission at the January workshop that the Specific Plan requirement be eliminated from the PD zoning district regulations.

Senior Planner Johnson stated that was the Commission’s general direction, but the Commission requested additional information, which is a topic for tonight’s study session.

Commissioner Mackin asked if the Specific Plan requirement would be removed from the Planned Development district regulations. She questioned whether a Specific Plan triggers an EIR. She said the size of the site shouldn’t matter in determining whether a Specific Plan should be required. She said Specific Plans allow communities to apply environmental policies and goals to the area, and the Specific Plan involves the community. She said Specific Plans may be subject to voter initiative and referendum. She said current zoning and General Plan policies require a Specific Plan for Baylands and Quarry development. She said if Specific Plans are removed from the PD zoning district, which would eliminate the need for a Specific Plan application at the Baylands or Quarry.

Director Swiecki said the General Plan requires a Specific Plan for both the quarry and the Baylands. Removing the Specific Plan requirement from the Planned Development zoning district regulations would not eliminate the Specific Plan requirement for those areas in the General Plan.

Commissioner Anderson asked why the staff recommended eliminating the Specific Plan requirement from the Planned Development zoning district.

Senior Planner Johnson said it was unusual for a subordinate regulatory tool such as the zoning ordinance to require a Specific Plan. In the case of the PD-SCRO land use designation specifically, staff did not see a nexus between requiring a Specific Plan in addition to a Planned Development (PD) permit, as detailed in the staff report. Both a Specific Plan and a PD permit are subject to approval by the City Council. If the City wants to require specific requirements for development of a subarea, the General Plan is the appropriate place for those policies.

Director Swiecki said a Specific Plan and a PD permit are discretionary tools that provide the Commission and the City a fine-grained level of control over a development, as opposed to broad and general zoning ordinance regulations. It is somewhat redundant to apply both of those tools to the same development. They are slightly different and have overlapping requirements. The City's PD permit requirements are more detailed than the State-mandated contents of a Specific Plan; however, a Specific Plan could incorporate those requirements. Given the relatively small area of the Levinson and Peking properties, staff felt the PD permit was the more appropriate regulatory tool.

Commissioner Anderson asked if the staff recommendation to eliminate the Specific Plan requirement for the Levinson and Peking properties was specifically tied to the small size of the properties.

Director Swiecki confirmed and said a Specific Plan was ideal for larger areas such as the Quarry or Baylands.

Commissioner Mackin asked for confirmation that eliminating the Specific Plan requirement from the Planned Development zoning district regulations would eliminate that requirement for any site zoned PD.

Director Swiecki said it would eliminate the requirement from the zoning district regulations, but not from the General Plan, which requires Specific Plans for certain subareas.

Commissioner Mackin said the comprehensive policies contained in a Specific Plan appealed to her and it would be subject to recall by the electorate, and if a Specific Plan wasn't required the public would give up that right. She thought it was significantly different from a PD permit in that respect. She suggested the Commission should decide where they want the authority for a referendum on a development project, such as areas where development may be more controversial. He asked if PD permits were required by the State.

Director Swiecki said a PD permit is a local zoning tool.

Commissioner Munir suggested removing the PD permit requirement and just requiring a Specific Plan.

Director Swiecki said staff could bring that back.

Chairperson Do asked if that topic was discussed at the Commission's January meeting.

Commissioner Anderson said he did not recall discussing the referendum requirements of a Specific Plan.

Chairperson Do supported Commissioner Munir's suggestion to eliminate the PD permit requirement but retain a Specific Plan requirement.

Commissioner Munir asked when the Commission would look at the area adjacent to the Caltrain station.

Director Swiecki noted that area was part of the Baylands subarea and the Commission had considered it during their review of the Baylands Specific Plan and environmental impact report earlier that year. The Council was currently considering those applications.

Chairperson Do welcomed public comment.

Barbara Ebel said if they wanted something important to happen, redundancy was good. She didn't want the City to lose its control.

Commissioner Mackin said she supported rezoning the technology park to TC-1. In the central area, leaving it PD made sense to her. In the northern part, she supported the proposed commercial designation made sense.

The Commissioners indicated general agreement with Commissioner Mackin's statements.

Director Swiecki stated staff would bring new language forward regarding the Commission's direction on the Specific Plan requirement.

In response to Commissioner Mackin's earlier question, Senior Planner Johnson noted that a Specific Plan was not an automatic EIR trigger. He stated either a PD permit or Specific Plan could require an EIR if potentially significant environmental impacts were identified. He added the Levinson and Peking properties are within the Habitat Conservation Plan, which would trigger environmental review for any development on those properties.

J. ITEMS INITIATED BY STAFF

Director Swiecki said the City Council would consider the M-1 rezoning and medical cannabis zoning regulations previously recommended by the Commission in late April. He said staff anticipated publishing the draft Parkside Plan for public review in the next several weeks.

K. ITEMS INITIATED BY THE COMMISSION

Commissioner Anderson asked staff to agendaize Commission discussion of maximum home sizes for the next regular meeting.

Commissioner Munir asked Director Swiecki to provide the Commission with information on repaving of Bayshore Boulevard.

L. SELECTION OF PLANNING COMMISSION OFFICERS

It was the consensus of the Commission to postpone officer selection until all Commissioners were present.

M. ADJOURNMENT

Commissioner Anderson moved and Commissioner Munir seconded to adjourn to the regular meeting of April 13th, 2017 at 7:30 p.m. The motion passed 4-0 and the meeting adjourned at 9:05 p.m.

Attest:

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.