

CITY OF SAN MATEO  
PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
25 JUNE 2015

APPROVED

The meeting convened at 7:33 p.m. in the City of San Mateo Main Library Oak Room and was called to order by Chair Drechsler, who led the Pledge of Allegiance.

Those present were: Chair Drechsler, Commissioner Whitaker, Commissioner Ebnetter, Commissioner O'Leary, and Commissioner Rodriguez.

Chair Drechsler tabled the approval of past minutes.

**\*\*\* PUBLIC COMMENT**

No one wishing to speak closed the public comment period.

**ITEM 1A**

Staff presentation on the Brown Act

By Assistant City Attorney, Gabrielle Whelan, counsel for Planning Commission

Planning Commission questions:

- Confirming that texting or Facebook comments among 3 commissioners is a violation? **Staff** - *Correct, it is deliberation. Cannot pre-judge an application or issue, but you can generalize about opinions and leanings. Handle social media carefully. Be aware that your statements can be interpreted in various ways in a public setting because text has no inflection.*
- What about speaking to a point at another City meeting? **Staff** - *Identify yourself as an individual or that you serve but are stating your opinion not that of a Planning Commissioner because you have not met as a committee to discuss the issue. It's possible that your statement could mean that you would have to abstain if that particular issue does come before the Planning Commission in the future. You cannot pre-judge an issue or item and then consider the issue in a Planning Commission meeting.*
- What about appeals based on things discussed at the meeting? **Staff** – *Yes if it is only an appeal that is presented, could be de novo – if we let new evidence be presented.*
- Would Housing Element decisions be considered legislative? **Staff** - *Yes*
- So we should err on the side of caution? **Staff** - *Stay in touch with staff and the attorney's office will always check latest law.*

- Judicial v Legislative – under Findings? One requires Findings the other does not? **Staff** – Yes, *judicial does, legislative does not.*
- Confirm that more details can be covered in a one-on-one with Chief of Planning for new commissioners? **Staff** – Yes, and AB 1234, ethics training every 2 years via computer program from City Clerk or, can be done in person with City Attorney at City Hall, or at League of California Cities in the Spring of every year. Patrice Olds, City Clerk – has passed out orientation binders tonight. Reminded Commissioners that agendas are moving to different software platform at City Hall. There is a Study Session July 20, conducted by the City Clerk for City Council & Committees on Rules & Procedures to be uniform for an August 17 formal adoption. And there is mandatory training September 29 for an all commissioners summit.
- Unless something is off the table it can be discussed and reviewed? **Staff** – Yes, *it should relate to the findings & comments you are making*

The Chair opened the public comment period, the following person spoke: Len Rosenfeld

- If an item is part of the Master Plan, is that legislative? Want to be sure of the democratic process of elected officials? **Staff** - Yes *Master Plan is legislative, but if referring to Bridgepointe Ice Rink, it has a Site Plan and Architectural Review (SPAR), so in that case legislative and quasi-judicial are very intertwined.*

The Planning Commission had the following comments:

- Commissioner commended staff for presentation and organization
- Great info, we always get copious info from staff, would advise all commissioners to keep specific notes to follow up on and get answers we need
- Noticing and Posting – how are newspapers selected by the City? **Staff** - Yes *we use local papers. Municipal Code & State Code dictates when notices have to go into paper – usually the Examiner. It has to be an approved paper. State law seems to be behind technology so we do post on City website as well. General public can add their email address to any information list to get updates on items of interest to them.*

### **ITEM 1B**

Staff presentation on the Development Approval Process  
By Chief of Planning, Ronald Munekawa

Planning Commission questions:

- What are determining factors for pre-answering questions before a meeting? **Staff** - *Staff would like to know ahead of time if anything is unclear to the commissioner so we can be clear and ready to answer on the night of the meeting. Example: How come there is no condition of approval that states X or X? And relatively simple questions are certainly welcome.*
- Are there times when there may be some need to communicate with applicant before a meeting? **Staff** - *Meetings are set for Tuesdays to help with this, it gives Commissioners time to*

*review their packet on Fridays and ask questions of the staff on Mondays. Commissioners wait for public input before posing specific questions so that an applicant considers those views.*

- Regarding City notices, what about people just outside the radius, can that be changed on a project-basis. **Staff** - *We try to do things uniformly. State requires 300 ft., City does 1000 ft., better to be consistent than on a project basis – otherwise it is hard to prove you met the standard, and were objective. Also, anyone will be added to the mailing list upon request.*
- Vehicle miles traveled...does this affect projects now in the pipeline? **Staff** - *We use level of service (LOS) vehicular traffic. While the State of California is still determining guidelines for implementation of vehicle miles traveled (VMT) as a measurement, current traffic studies do include this metric.*

The Chair opened the public comment period, the following persons spoke: Dina Artzt of San Mateo and Dan Gilbreath of San Mateo spoke.

- If project is denied – what is the next step? **Staff** - *Sometimes Planning Commission makes a recommendation to the City Council. For a projects final with the Planning Commission, the decision can be appealed within 10 days to City Council.*
- For things that straddle multiple meetings, where public wants to hear more on point A, B, or C; and now new Commissioner need to be brought up to speed - What is the process for public and new commissioners to weigh in on in-process projects? **Staff** - *Each commissioner would need a review the previous material before any vote. A commissioner can ask for any details of a project and review the video of previous Planning Commission study sessions.*
- How does the public appeal a decision on development that was changed by staff without public being notified? **Staff** - *Staff has shared all your communications with Planning Commission. Changes are made along the way to be sure it is still in compliance. Staff is developing a record for these change items and shares them with the Commission. Planning Commission also does in-town field trip to see buildings/project. Staff will provide background on this issue to new commissioners.*

#### **Planning Commission had the following comments:**

- Fantastic presentation, larger plans are easier to read for complex project.
- Tour is really useful, illustrates difference in materials etc.
- Staff's professional discretion is built in to their job descriptions, and we rely on that for keeping Commissioners in the loop to understand how the public is affected by decisions. Good to know about hot button items. We listen to the public; we are selected to make decisions to their benefit.
- Spring 2015 Academy with Caltrans had an attorney make a great presentation on LOS vs VMT – their position is that the new VMT will be better. Glad City is using LOS and starting VMT.

#### **COMMUNICATIONS/ANNOUNCEMENTS**

Announcements

1. From staff
  - a. No items for the Wednesday, July 15 meeting yet, it may be cancelled. We will notify Commissioners of any changes. For the Tuesday, July 28<sup>th</sup> meeting Planning Commission will be back in Council Chambers
  - b. Next Downtown Forum is July 22. Location is to be determined, subject is Parking
2. Election of Officers
  - a. For chair – Motion Whitaker to nominate Drechsler for Chair; Second O’Leary; Vote 5-0 in favor.
  - b. For vice chair – Motion Drechsler to nominate Whitaker for Vice Chair; Second O’Leary; Vote 5-0 in favor.
3. Communications from the Commissioners
  - a. The City Clerk packet referenced the City Charter regarding terms of commissioners, where one seat is to expire each year. **Staff** – *Yes, going forward, all terms will staggered term. This will allow for a list of potential candidates to fill any vacancies.*
  - b. How do Commissioners renew after a one year term? **Staff** – *You would come before City Council and tell them your experience and desire to be re-appointed.*
  - c. Determining agenda items, can we suggest something? **Staff** - *if you’re interested in a topic, bring it up and ask for a topic to be discussed at future meeting. Topic can be agendaized to determine Planning Commission interest in discussing the topic at a future meeting.*
  - d. Will Planning Commission review work plan for sustainability looking at code changes those to support or not? **Staff** - *zoning code yes, building code no*
4. Other
  - a. Staff looks forward to working with all of you, we are here to give you what you need to make an informed decision – contact us with any questions.

#### **ADJOURNMENT**

There being no further items before the Planning Commission, the meeting adjourned at 10:03 p.m. on Thursday, 25 June 2015.