

MINUTES
PLANNING COMMISSION
May 5, 2009
7:00 p.m.

City Council Chambers*
1017 Middlefield Rd
Redwood City, CA
Ph: 650-780-7233
Accessible to Disabled

APPROVED

COMMISSIONERS PRESENT: Commissioner Borgens, Commissioner Cronin, Commissioner Gee, Commissioner Holt, Commissioner Seybert, Commissioner Smith, and Chair Radcliffe

COMMISSIONERS ABSENT: None

STAFF PRESENT: Principal Planner Passanisi, Assistant City Attorney Aranda, Planning Manager Ekas, Planning Secretary Mateo

GUESTS: None

PROCEEDINGS RECORDED: For further information not contained in this draft of the written minutes, an audio cassette and DVD recording of the entire meeting is available for listening or purchase at the Planning office, located in City Hall, Redwood City.

AGENDA POSTED: Copies of the Agenda for this meeting are posted at City Hall on the Friday prior to the Planning Commission meeting.

1. ROLL CALL

2. APPROVAL OF MINUTES: None

3. ORAL COMMUNICATIONS: None

4. CONSENT CALENDAR: None

5. DISCUSSION OF PUBLIC COMMENT PERIOD – Continued from April 21, 2009

Joseph Aranda, Assistant City Attorney, noted this item was continued from the prior meeting of April 21, 2008. Staff had received direction on the implementation of suggestions made by the various Planning Commissioners and the Chair. A key item under discussion was a more standardized plan for comment times during the Planning meetings for both the Public, and the Applicants.

Tom Passanisi, Principal Planner, noted three correspondences had been received on the time limit topic.

Chair Radcliffe clarified that each Applicant would be allotted 30 minutes unless they requested for a longer time. She noted that theoretically this lent to 30 minutes being

the most that a person could be ceded time from another speaker. She stated this was not the time limit for a topic, but the time limit that could be ceded.

The Commissioners and Chair continued to discuss this time limitation topic and its variations and clarifications with the following points of note and question:

-One person under public comment who had control of the microphone for 30 minutes, had this control when ten (10) other members of the public ceded minutes at 3 minutes per person.

-The Commission wished for clarification on whether the 30-minute totals were per project or per Applicant.

Mr. Aranda noted an Applicant will usually have a team of people on board. Dependent on what is being covered, the norm is 30 minutes for each Applicant. Applicants with larger presentations can request more time prior to the meeting.

Jill Ekas, Planning Manager, stated an Applicant who needed more time would notify Staff who would then notify the Chair of the Planning Commission for permission for more time. She noted that if an Applicant took lesser than their 30 minutes of time, this in no way reduced the time for members of the public in response.

The Chair and the Commissioners made points and suggestions, and asked for clarification on the asked the following:

-The public was aware that their comments could be submitted to the Commission prior to the meeting. This included lengthy comments, which would also be verbally presented, but may not finish within the person's allotted time. This provided a second net to catch public comment that otherwise might not be heard. The Chair and Commission looked for any suggestions on making this submission of comments process more fully aware to the public in an effort to catch up on all public comments.

-Balance was noted as key in making sure the public and the Applicants had the opportunity to prepare their written and verbal comments prior to meeting dates.

-Staff was asked if they had problems or concerns regarding preparing these materials prior to meeting dates.

-Concern was mentioned over members of the public receiving Staff reports in or around the same time the Commission receives the reports, which is very close to the scheduled meeting time. He noted the Commission was well-versed in this procedure and better understood the planning process, while the public may be overwhelmed by these materials which come out so close to a meeting date.

-Continued suggestions were made on working diligently on scheduling and upcoming calendars in an effort to keep the Public notified far in advance of 72 hours prior to the meeting. While Staff's reports may not come in until this 72-hour window, these reports would be less overwhelming if the Public had a clear understanding of what was in the pipeline.

-It was duly noted that a draft Calendar or Agenda was subject to change prior to any meeting date, but it at least got the basic information out there for the Public's consumption and understanding. It was noted that the City Council did this in the form of an upcoming calendar.

Ms. Ekas stated the public notices clearly outlined the process for written comments which were accepted up to 5:00 p.m. on a scheduled meeting day. She noted the radius in feet for public notice was 300 feet from a proposed development area, although Staff also made efforts to round up and include an entire block or more in a proposed project area. The Public and the Applicant's efforts in drafting their written responses, as well as preparing their oral comments, were dependent on the availability of Staff reports and other materials being available to the public prior to the scheduled meetings. She stressed that California Environmental Quality Act (CEQA) documentation was available during a 45-day notice period. Negative Declaration documentation was available during a 20-day notice period. Project plans were made available to the public. In the event of a CEQA hearing, there was well more than 10 days of notice for preparation, at least 20 days for Negative Declarations and 45 days in the event of an Environmental Impact Report (EIR). An EIR scoping session had a 10-day notice period. Staff's own reports contained analysis, recommendations and a great deal of history regarding the projects and meetings as scheduled. It remained time-consuming in gathering this information and having it ready prior to the scheduled meetings. Staff's reporting is required to be completed within 72 hours of a scheduled meeting.

Mr. Passanisi stated the Staff reports, at times, required additional input from other departments, which lengthened the time in which it took to have them ready in a timely fashion prior to meetings. Staff, however, does the best they can under these time constraints. A meeting notice goes out 10 days prior to a meeting. Other than the Staff report, he reiterated that all other reports are ready by this 10-day prior to meeting time. He noted that Staff made use of an internal calendar in an effort to monitor and make sure meetings are properly scheduled and noticed. He suggested perhaps a draft Agenda could be made available to the Public, online or otherwise, to help in informing them of upcoming meetings and issues to be discussed.

Continued discussion on time limit caps continued with comments, suggestions and questions by the Commission and Chair on the following:

-They were not capping the total time of a Public commenting person, but capping the total time of minutes that could be ceded to one person during Public Comment. This issue had come up in various written comments to the Commission who wished now to make it very clear that the caps were a per person cap at 30 minutes and not capping the Public Comment period to only this 30 minutes. Public Comment continued until all members of the Public had an opportunity to speak, at 3 minutes per person, and/or longer if they had time ceded up to the 30-minute cap. The total number of comments in no way was limited.

-As it was currently written, a person who has been ceded minutes by 10 people at 3 minutes per person, then had 30 minutes for Public Comment. One Public Comment person cannot go over that 30 minutes, for example, by having an 11th person cede an additional 3 minutes. A second Public Comment person can, however, speak for an additional 30 minutes, if they also have minutes ceded to them by 10 people at 3 minutes a piece.

-Current wording stated that the maximum time for one Public speaker shall be equal to the Applicant's estimated time allocation. In this event, if the Applicant's time surpassed 30 minutes, the Public in response could also have that additional time allotted.

-Suggestion was made to add wording to include that one week prior to a scheduled meeting both the Applicant and/or the a member of the Public could request additional time for more complex issues.

Ms. Ekas stated a Public comment person could make the request for additional time, regardless of whether or not the Applicant had also done this.

Mr. Aranda noted the difficulty in structuring set rules for these caps if there were a situation where both the Applicant and the Public had requested more time. The Applicant requested their extra time prior to a meeting, while a Public comment person gained their extra time, up to 30 minutes, by using minutes ceded by other members of the Public.

The Commissioners and Chair continued their discussion with the following:

-It was agreed this was a great opportunity for the Commissioners to engage in conversation over process outside of a more heavily scheduled and agendized meeting. It was reiterated that the discussions were not meant to suggest cutting down any opportunities for the Public and/or the Applicants to speak, but was meant to make better use of the time allotted for Planning Commission meetings which under the written bylaws were required to end at 11 p.m. unless moved and agreed to extend.

-Discussions and guidelines for the meetings were meant to make the process equitable for all while not stressing any one person's ability to function at a meeting.

-Suggestions were made for other members of the Commission other than the Chair to move to pause Public Comment at any point in time during a meeting in order that the Commission have time to digest, discuss and ask questions about the bulk of the material already presented.

-It was also duly noted that guiding these meetings, and/or making these suggested stopping points was part of the Chair's responsibilities during the meetings. This, at times, prevented the Chair from making any lengthy comments themselves, beyond a recap of what other Committee Members had already stated.

-In either event, whether the Chair and/or the Committee Members sought to better guide the meetings, the important factor was that Public Comment could be halted at points during the meeting in order for the Commission to catch up with discussions and questions on the material already presented.

-Discussion ensued over whether or not anything was actually in need of a fix in how these meetings are usually run. The "why fix it, if it is not broken," scenario was discussed at length. However, all suggestions were taken under consideration with the Commission and Chair's agreement that it was always helpful to look back over current process to work out any ongoing problems.

-Note was again made that it was the Chair's responsibility to guide the meeting, but also the Commissioners' responsibility to do everything possible through suggestions, or otherwise, to also help in an efficient meeting process.

-It was additionally noted that all discussions thus far were helpful in reminding everyone of the processes and bylaws already in place. The Commission and Chair, Public and Applicant would be better informed through these discussions. This would be beneficial in the event that a particularly complex project came down the pipeline which brought with it lengthy comment periods and discussions. However, this did not lend to changing anything already in the bylaws, but suggested instead that the Commission and Staff remain mindful of ways to better apply what is already in place for continued efficient meetings in process.

Ms. Ekas asked for any additional thoughts on how Staff could better support the Commission in the management of their meeting process. She reiterated that Staff advises the Applicants to keep their presentations within the 30-minute range, while they also expect that a particularly complex project may take longer. She noted Staff's presentations are usually within the 20-minute range. Applicant and Staff, then, already comprise up to 50 minutes of any meetings schedule. She noted their understanding of the Commissioners' and Chair's suggestions for better staging of meetings and any up-front work on scheduling and calendar information.

M/S (Cronin/Seybert) to decline to amend the bylaws

Motion Passed 6-1 (Smith denied)

6. DISCUSSION OF PLANNING PROCESS FOR DEVELOPMENT APPLICATIONS

Mrs. Ekas gave a PowerPoint on the following:

Planning Process: Planning Commission Discussion

Aspects of a Planning Process

-Application

- Plan
- Idea
- Design

-Entitlement

- Decide
- Reason
- Build

-Review

- Study
- Communicate
- Refine

Impressions of a Planning Process – Cartoon rendering of the process, and how complicated it may appear to an onlooker with the comments “it doesn’t work, but it sure is impressive.”

Pieces of the Process

- Plan Review Committee
- Planning Division
- Architectural Review Committee
- Public
- Planning Commission

Emphasis

- Technical
- Site Plan
- Buildings
- Neighborhood
- Everything

Some Goals for an Improved Process:

- Invite neighbors early
- Establish review authority – PC! – early
- Reduce overall process time
- Make revisions count
- Provide comprehensive direction early

Some Pitfalls – Expectation Management

- Early input does not resolve all conflicts
- PC will have more sessions
- Some developers won’t revise
- Sometimes revisions are disappointing
- Direction from different groups may not be in alignment

A Comprehensive First Step – Starting with Firm Footing

- PRC – revision only if plan has non-starters
- ARC – preliminary review with comments directed to PC – no revision
- PC Study Session with public invited:
 - Technical comments
 - Site planning
 - ARC design recommendations
 - Public guidance
- Next steps defined by the first step

Other Interesting Topics

- Cross communication
 - ARC and PC
 - PC and Zoning Administrator
- CEQA exemptions
 - CEQA Training
 - General Plan

- Zoning Administrator authority
 - Call-up
 - Appeals
- Public Notification – How much is enough?
 - Posting
- Roles, responsibilities, and boundaries: PC, ARC, applicant, staff

Process for Working on Process

- PC and ARC Chairs and Co-Chairs
- Staff Work
 - Code Amendments
 - Survey other cities
- Be open to continuous improvement

Discussion and Direction: Depicted as gears working together for review, design and build!

Commissioner Seybert asked what precisely triggered kicking an item back towards a Study Session versus moving ahead with discussions.

Commissioner Holt agreed there was the need to figure out the triggers for holding something over for a Study Session. She noted the importance of it being a collaborative effort between Staff and the Commission in their efforts to have a very fluid process. She stated the signage, especially for larger development projects, was an excellent way to inform the Public. She asked for clarification on the call-ups in her PowerPoint discussion of the Zoning Administrations' authority.

Mrs. Ekas stated the Zoning Ordinance is very clear that the Zoning Administrator has purview over certain kinds of permits such as variances, use permits, planned development permits on properties of an acre or smaller, and where the Planning Commission has their purview on development permits on some projects over an acre, for example. There are other guidelines about Planning Commission oversight which most of the oversight is with environmental review. There are not as many project approvals. There are tentative maps, parcel maps with small maps going to the subdivision committee where there is a representative. Design review permits are usually architectural permits and are usually recommendations of the Architectural Review Committee either directly through Staff to the Zoning Administrator or to Staff to you, depending on what the project is. This required some clarification in the Code, but there is no call-up, except for the new example of where they were trying to implement this in the Downtown Area Precise Plan where there were different sized projects in play. This was coded into the plan call-ups from the Planning Division on a Staff level review. It went to the Planning Commission when appropriate. She stated when there is a need for a Public Comment period, Staff can call this up, and it is codified right into the plan.

In the Zoning Ordinance, if they were going to do this for use permits or any other permit that would already be under an environmental review, Staff would go into those Code sections and make Amendments. Wherever it stated Zoning Administrator, Staff would need to make specific Amendments to the Code to either call it up, or Staff could straight-up codify the Planning Commission's purview to review projects that required a CEQA review. The language has not been worked out yet.

Mr. Aranda stated there were certain instances where the Planning Staff is concerned when a project involves a CEQA review. Instead of leaving it at the Zoning Administrator level, Staff wishes to provide a mechanism which allows them to bring it to the Planning Commission level instead of just having one person make a decision on it.

Mrs. Ekas noted the pressure involved when there is one Staff member working on some of the projects. She stated, however, it has been handled very well in the past, and she did not want to make it sound as if there was a performance issue. She noted the importance of clarity for the Public who are coming forward talking about environmental documentation and also expecting the Committee to make a decision.

Mr. Passanisi noted this helped the Planning Commission to see the big project picture, the entire project and its various aspects which help them to understand it better.

Commissioner Seybert spoke on the signage idea. He noted the City of Vancouver had utilized this method to inform the public and gave a description of what was included in their signage such as a website and a phone number for further information.

Ms. Ekas noted these signs usually were generic in form, with a space for more project-specific information and contact information.

Commissioner Borgens looked for clarification of the process from the Planning Commission, through Architectural Review process, recommendations to Council for approval and the like. She asked how this is affected if an approved plan for a development changes in any way once they have broken ground on the project.

Mrs. Ekas noted the Planning Commission was the last stop for many projects. The Commission makes recommendations to the City Council on Zoning Amendments and General Plan Amendments. Otherwise, if the Zoning and the General Plan are consistent with the project, the project approval stops with the Planning Commission unless it is appealed. If there is approval, and the developer is out there in project start-up, and the project needs to be amended in some way, they have to come back through the entire process. If it's a minor change in an architectural feature or same such, this would go to the Architectural Review Committee to make sure that the design quality and context is still compatible with what went through the public forum.

Commissioner Cronin noted the effectiveness of Study Sessions when they were needed on a particularly complex project. He suggested that Staff come up with some wording or clear definition of who, where and what constitutes drawing a line between a project that moves through the discussion process versus a project that is held over for a Study Session.

Mrs. Ekas noted the various Study Sessions that had taken place on complex projects as well as some of these Study Sessions being joint sessions when needed. Since this is not a codified or formalized process, however, she stated Staff does experience some push-back from Applicants when discussion is held over for a Study Session or Joint Study Session.

Commissioner Smith noted the importance of an upfront dialogue which informs Applicants and the Public what the process looks like. If this was something that needed

to be codified for better understanding, he understood the logic behind this. He noted this lessened the anxiety going in when a project is proposed. He stated if the developer holds a meeting with the Public, the Planning Commission is not always present. He questioned whether Staff could provide notes or materials from any of these such meetings.

Mrs. Ekas stated Staff was mindful of instances where they appeared to fall short in public process. They are award-winning in this area, and therefore always mindful of constructive criticism in order to keep up this pace. She noted Staff can provide information to the Commission on any outreach meetings they attend which have been set up by the developer. She also noted that Staff does their own public outreach as well, even if the developer has done their own outreach. The Planning Commission is always invited and often attends these Staff planned outreach meetings. She stated many Applicants come forth and say they are highly skilled in public outreach, but when Staff receives updates they are often disappointed, which is why they make sure to do their own outreach in addition to this.

Commissioner Smith asked what measures they could take in ensuring that a proposed project go Green and/or follow as many sustainable building measures as possible.

Mr. Aranda stated many of the Green and sustainability standards are already set forth in the Building Code. A Green Building Ordinance will be moving forward in the near future.

Commissioner Smith asked what can be done between now and when that passes.

Mrs. Ekas stated it was tough at the moment because they did not have an Ordinance, although she thought it would be really important for the Planning Commission to get an update on the Practices, Ordinances, and Policies that are already in place that are standard requirements for development. For example, a dual-plumbing ordinance is already in place; any project that is located within the service area for the recycled water project, even if the recycled water does not yet serve that site, is required to be dual-plumbed. There were General Plan draft elements coming forward with an opportunity for the Planning Commission to give craft and feedback on the goals, policies and implementation of programs that will be in draft form for natural resources and sustainability throughout the general plan.

Commissioner Gee agreed it was a good idea to get this additional information. He also made mention of a previously received memo regarding AB-32, the States Green Building Code and Title 34 for 2010.

Commissioner Seybert stressed the importance of consistency messages between Staff, the boards, various committees and commissions, and the Applicant and Public.

M/S (Cronin/Seybert) to decline to amend the bylaws and to direct Staff to work with the Chair and Vice-Chair of the Planning Commission as well as the Chair and the Vice-Chair of the Architectural Review Committee and other necessary community stakeholders to establish guidelines, policies and/or Ordinance Revisions which may be applicable to this topic and return to the full Commission for further considerations.

Motion passes 6-1 (Smith Denied)

7. UPDATE ON GENERAL PLAN

Mr. Passanisi updated the Commission on the General Plan updates and pointed them towards the summary chart in their materials which fleshed out the elements which were under review. Review of these documents was beginning to pass through other boards, committees and commissions. Eventually, the entire General Plan with all its elements and sections will be up for review by the Public. It then returns to the Planning Commission for review of the entire document along with the 45-day review period for the EIR.

Ms. Ekas noted there were additional boards and commission meetings scheduled. The Commission would receive each element in advance when possible, rather than all in bulk at the end of the process.

8. M/S (Gee/Holt) to adjourn at 8:56PM