

BRISBANE PLANNING COMMISSION
Action Minutes of February 9th, 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, Cunningham, Do, and Mackin.

Absent: Commissioner Munir.

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

C. ADOPTION OF AGENDA

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

D. CONSENT CALENDAR

1. APPROVAL OF DRAFT ACTION MINUTES

- i. January 26, 2017 regular meeting

Commissioner Cunningham moved and Commissioner Anderson seconded to adopt the consent calendar. The motion was approved 4-0.

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

There were none.

F. WRITTEN COMMUNICATIONS

Chairperson Do identified written communications received from the Bay Area Monitor and Sustainable San Mateo County.

G. NEW BUSINESS

1. **PUBLIC HEARING: 55 and 131 Industrial Way; Use Permit UP-10-16;** Use Permit for outside storage of vehicles, equipment and temporary staging of wood chips and logs, for continuation and minor expansion of the previously granted Use Permit UP-1-11; The Davey Tree Expert Company, applicant; Universal Paragon Corporation for Sierra Hotel Management Corp., owner; APNs 005-312-070 & 005-312-100.

Senior Planner Johnson presented the staff report. He answered Commissioner Mackin's question regarding the term of a Use Permit.

Chairperson Do opened the public hearing.

Brian Baker, manager of The Davey Tree Expert Company, addressed the Commission in support of the application. He answered Commissioner's questions regarding temperature monitoring of the wood chip piles on the site and proximity of parked vehicles to the debris storage areas.

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

After deliberation, Commissioner Anderson moved adoption of Resolution UP-10-16, seconded by Commissioner Mackin. The motion was approved 4-0.

H. OLD BUSINESS

1. **CONTINUED PUBLIC HEARING: Zoning Text Amendment RZ-6-16;** Zoning Text Amendments to Chapters 17.02, 17.06, 17.08, 17.10, 17.12, 17.16, 17.18, 17.19, and adding new Chapter 17.33 to Title 17, Zoning, of the Brisbane Municipal Code to define and regulate medical cannabis-related activities and businesses in various zones within the City of Brisbane; City of Brisbane, applicant.

Associate Planner Capasso gave the staff presentation.

Commissioner Mackin asked whether the City could coordinate with the State Department of Social Services to prevent the licensing of family day care homes that may also be used for personal medical cannabis cultivation.

Commissioner Cunningham noted inconsistencies in terms relating to primary caregivers in the draft Title 8 amendments, which were not included in the resolution under consideration by the Planning Commission. Staff indicated the inconsistencies would be eliminated prior to being presented to the City Council.

Commissioner Mackin asked if the proposed Title 8 amendments compelled individuals growing medical cannabis to notify the Police Department. Associate Planner Capasso indicated the Title 8 text did not require Police Department notification, but it was encouraged and would be maintained as confidential information and would not constitute a public record.

Commissioner Mackin asked if an individual voluntarily notified the Police Department that they were cultivating medical cannabis, and that information was not a public record, would the City be precluded from providing that information to the State Department of Social Services if that individual then applied for a family day care home license?

Director Swiecki indicated staff would follow up on that prior to the City Council's consideration of the Title 8 amendments.

Commissioner Anderson asked if the Council had considered the Federal status of cannabis.

Director Swiecki noted that during the Council's discussions, legal risk associated with allowing medical cannabis-related uses consistent with State law was not identified as a major concern.

Commissioner Anderson asked if Federal senate bill S. 683 (introduced 2015), reclassifying marijuana as a Class II controlled substance and exempting possession, manufacturing, cultivation, and other activities involving medical cannabis regulated by individual States, had been passed. Staff indicated they would research the issue.

Commissioner Mackin said she understood retail dispensaries and commercial cultivation were controversial, but she believed there could be significant financial benefits for communities that allow those uses. She thought the Council should revisit their policy direction regarding dispensaries and commercial cultivation and consider the potential benefits in addition to the concerns they had expressed.

Commissioner Anderson stated it was inappropriate for the City to license businesses for a product prohibited under Federal law.

Chairperson Do opened the public hearing. Seeing no persons wishing to address the Commission, Commissioner Cunningham moved and Commissioner Mackin seconded to close the public hearing. The motion was approved 4-0.

After discussion, Commissioner Cunningham moved and Commissioner Mackin seconded to adopt Resolution RZ-6-16, recommending approval of the Title 17 amendments to the City Council as drafted. The motion was approved 3-0-1 (Commissioner Anderson abstaining).

I. ITEMS INITIATED BY STAFF

Director Swiecki said Development Agreement DA-1-16 was approved by the Council as recommended by the Commission. He announced the City Council would hold a Baylands public hearing on February 16th, and was tentatively scheduled to consider recreational cannabis issues on March 2nd.

J. ITEMS INITIATED BY THE COMMISSION

Chairperson Do asked if the Planning Commissioner Academy was still accepting registration. Director Swiecki said the event had sold out, and indicated he would keep the Commission apprised of future training opportunities should they arise.

Chairperson Do expressed her thanks to former Commissioners Carolyn Parker and Dave Reinhardt for their service. She welcomed new Commissioners Cunningham and Mackin.

K. SELECTION OF PLANNING COMMISSION OFFICERS

After discussion, the Commission agreed to postpone officer selection to the March 9th meeting when all Commissioners would be present. It was the consensus of the Commission to appoint Commissioner Anderson on an interim basis to fill the vacant Vice Chair position.

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L. ADJOURNMENT to the Regular Meeting of February 23rd, 2017 at 7:30 p.m.

Commissioner Anderson moved and Commissioner Mackin seconded to adjourn to the regular meeting of February 23rd, 2017 at 7:30 p.m. The motion passed 4-0 and the meeting adjourned at 8:20 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.