

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 06/11/2020

SUBJECT: **General Plan Conformity GPC-1-20; General Plan Crocker Park TC Subarea;** General Plan conformity review of the City of Brisbane's disposition of certain real property at the western edge of the Crocker Park subarea, totaling approximately 28,000 square feet.

REQUEST: That the Planning Commission adopt the attached General Plan conformity resolution, pursuant to the terms of the purchase and sale agreement (PSA) between the City and Frito-Lays Sales, Inc., (FLS) declaring that the City's disposition of City-owned property to FLS is in conformance with the City's General Plan.

RECOMMENDATION: Adopt General Plan Conformity Resolution GPC-1-20. (Attachment A)

ENVIRONMENTAL DETERMINATION: The project is categorically exempt from the provisions of the California Environmental Quality Act per Section 15312 of the CEQA Guidelines, Surplus Government Property Sales. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

APPLICABLE CODE SECTIONS: As required in the State Government Code Section [65402\(a\)](#), before the City may sell City real property, the Planning Commission must make a finding that the location, extent and purpose of the sale of subject property conforms to the General Plan prior to disposition by the City.

Background:

Last year, in response to an inquiry from FLS, City Council provided direction to staff negotiate a potential land sale regarding the subject property. Those negotiations have resulted in a draft PSA between the City and FLS that the Council will consider at a public meeting later this year. State Government Code Section 65402(a) states that prior to the conveyance of real property by a government agency, the local planning agency must first make the finding that the location, extent and purpose of such conveyance is in conformance with the General Plan (see Attachment C). Accordingly, the only item before the Planning Commission is whether the sale, if it is approved by the City Council, is in conformance with the General Plan.

The subject City-owned property (APN 005-300-999) is a vacant, narrow parcel located at the western edge of the Crocker Park subarea. The subject property has no direct access to a public street and abuts 151 West Hill Place and 180 West Hill Place to the north and northwest, 211 West Hill Place to the east, and the San Bruno Mountain State and County Park to the south. (See Attachment B.)

The subject property and the adjacent parcels within the limits of the City of Brisbane have a General Plan land use designation of TC Trade Commercial.

FLS, owner of 151 West Hill Place, approached the City with an offer to purchase the subject property. The proposed PSA, subject to review and approval by the City Council, would result in the disposition of approximately 28,000 square feet of the subject property to FLS on the condition that FLS grant the City an access easement and construct a hiking path on 1,106 square feet of the subject property and on 832 square feet of 151 West Hill Place. The future pathway would lead from West Hill Place to the boundary of the San Bruno Mountain State and County Park and existing trail(s) (see Exhibit A of Attachment A).

Discussion:

As noted above, per Government Code Section 65402(a), the disposition of real property owned by the City must be submitted to, and reported on, by the Planning Commission with regards to conformity with the General Plan. The transaction would provide FLS the flexibility for orderly expansion of its property at 151 West Hill Place in conformance with the City's General Plan Land Use Element, which designates this property for commercial development, while establishing a dedicated and direct link to the San Bruno Mountain State and County Park from which Brisbane residents may utilize and benefit. Any potential expansion or development on the subject property would not extend beyond that of adjacent properties, nor encroach into the San Bruno Mountain State and County Park or boundary of the San Bruno Mountain Habitat Conservation Plan. Any potential expansion or development on the subject property would also be subject to design review and City approval.

Based on the above analysis, the proposed sale of the property would conform to the General Plan, specifically in regards to the following policies:

- Policy 8 of Chapter IV, Local Economic Development states, "Maintain and diversify the City's tax base, consistent with community character, in order to generate adequate revenues for City Government and sustain a healthy local economy." This transaction will provide FLS the ability to potentially expand its business at 151 West Hill Place, contributing to a healthy and diverse tax base.
- Policy LU.4 of Chapter V, Land Use states: "Integrate physical, social, environmental and financial elements of the community for the benefit of current and future residents." This transaction grants an access easement to the City that will allow a new hiking path to be established between the San Bruno Mountain State and County Park and the City that will benefit current and future residents.
- Policy C.34 of Chapter VI, Circulation states: "Maximize safe pedestrian facilities and access to all areas of the City, as reasonable and feasible." Program C.34.b provides the City should consider opportunities to enhance and expand pedestrian access to regional destinations. This transaction will provide an easement for a dedicated pathway to provide safe access to the San Bruno Mountain State and County Park, a regional destination, from West Hill Place.

- Policy 86 of Chapter VII, Open Space states: “Provide access to natural areas consistent with the nature of the resource.” Program 86a states the City shall develop a network of trails and pathways throughout the City to provide access to open space and to link City trails with County and regional trail systems. This transaction would provide a direct link to the San Bruno Mountain State and County Park and its trail system and is approximately 1,000 feet from the City’s Crocker Park Recreation Trail.
- Policy CP.3 of Chapter XII, Policies and Programs by Subarea states: “Encourage uses that benefit the community, providing jobs, revenues and services.” This transaction will provide FLS the means to potentially expand and continue to provide jobs and revenues that benefit the City.
- Policy CP.10 of Chapter XII, Policies and Programs by Subarea states: “Connect Crocker Park to the rest of the City and the San Bruno Mountain State and County Park through pedestrian and vehicular circulation improvements.” This transaction will provide for an easement that will allow for pedestrian circulation improvements that connect the Crocker Park subarea to the San Bruno Mountain State and County Park.

ATTACHMENTS:

- A. Draft General Plan Conformity Resolution GPC-1-20
- B. Aerial map of subject property
- C. General Plan Map, with Site Location
- D. [Hyperlink to Government Code Section 65402\(a\), relating to disposition of City property](#)



Jeremiah Robbins, Associate Planner



John Swiecki, Community Development Director

ATTACHMENT A
DRAFT RESOLUTION GPC-1-20 WITH EXHIBIT A,
SCHEMATIC MAP SHOWING AREA TO BE CONVEYED TO FLS

DRAFT
RESOLUTION GPC-1-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE
FINDING THE DISPOSITION OF CERTAIN REAL PROPERTY PURSUANT TO THE PSA
BETWEEN THE CITY OF BRISBANE AND FRITO-LAYS SALES INC.
CONFORMS TO THE CITY'S GENERAL PLAN

WHEREAS, City is the fee simple owner of the real property bearing Assessor's Parcel Number 005-300-999 ("City Parcel"); and

WHEREAS, Frito-Lays Sales Inc., ("FLS") is the fee simple owner of the real property bearing Assessor's Parcel Number 005-300-140 ("FLS Parcel"); and

WHEREAS, City and FLS have entered into a Purchase and Sale Agreement ("PSA") concerning the above-mentioned properties owned by the City and FLS; and

WHEREAS, the PSA provides that the City will convey to FLS the City's fee interest in all of City Parcel, as shown on the schematic Exhibit A to this Resolution; and

WHEREAS, the PSA provides that FLS will deed to the City an access easement in a portion of both City Parcel and FLS Parcel, as shown on the schematic Exhibit A to this Resolution; and

WHEREAS, California Government Code, Section 65402(a) requires that before the City disposes of real property such disposition is to be submitted to, and reported on by, the Planning Commission as to conformity with the City's General Plan; and

WHEREAS, the Planning Commission has considered the agenda report and supporting documents concerning the proposed disposition of City property; and

WHEREAS, such disposition is consistent with the City of Brisbane's General Plan, specifically with the land use element which designates this property for trade commercial development and with Local Economic Development Policy 8 and Crocker Park Subarea Policy CP.3 in that these policies refer to maintaining a diverse tax base and uses in the Crocker Park subarea that provide jobs, city revenues, and benefits to the community.

WHEREAS, such disposition is furthermore consistent with Land Use Policy LU.4, Circulation Policy C.34, Open Space Policy 86, and Crocker Park Subarea Policy CP.10 in that these policies refer to providing pedestrian access to natural areas such as San Bruno Mountain State and County Park; and

WHEREAS The proposed resolution is exempt from California Environmental Quality Act (CEQA), pursuant to Section 15312 of the CEQA Guidelines, Surplus Government Property Sales. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds, in accordance with Government Code section 65402(a), that the location, purpose, and extent of the above-described disposition of real property between the City of Brisbane and FLS conforms to the Brisbane General Plan.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Commission of the City of Brisbane during the Regular Meeting of the Planning Commission on the eleventh day of June 2020, by the following vote to wit:

AYES:
NOES:
ABSENT:

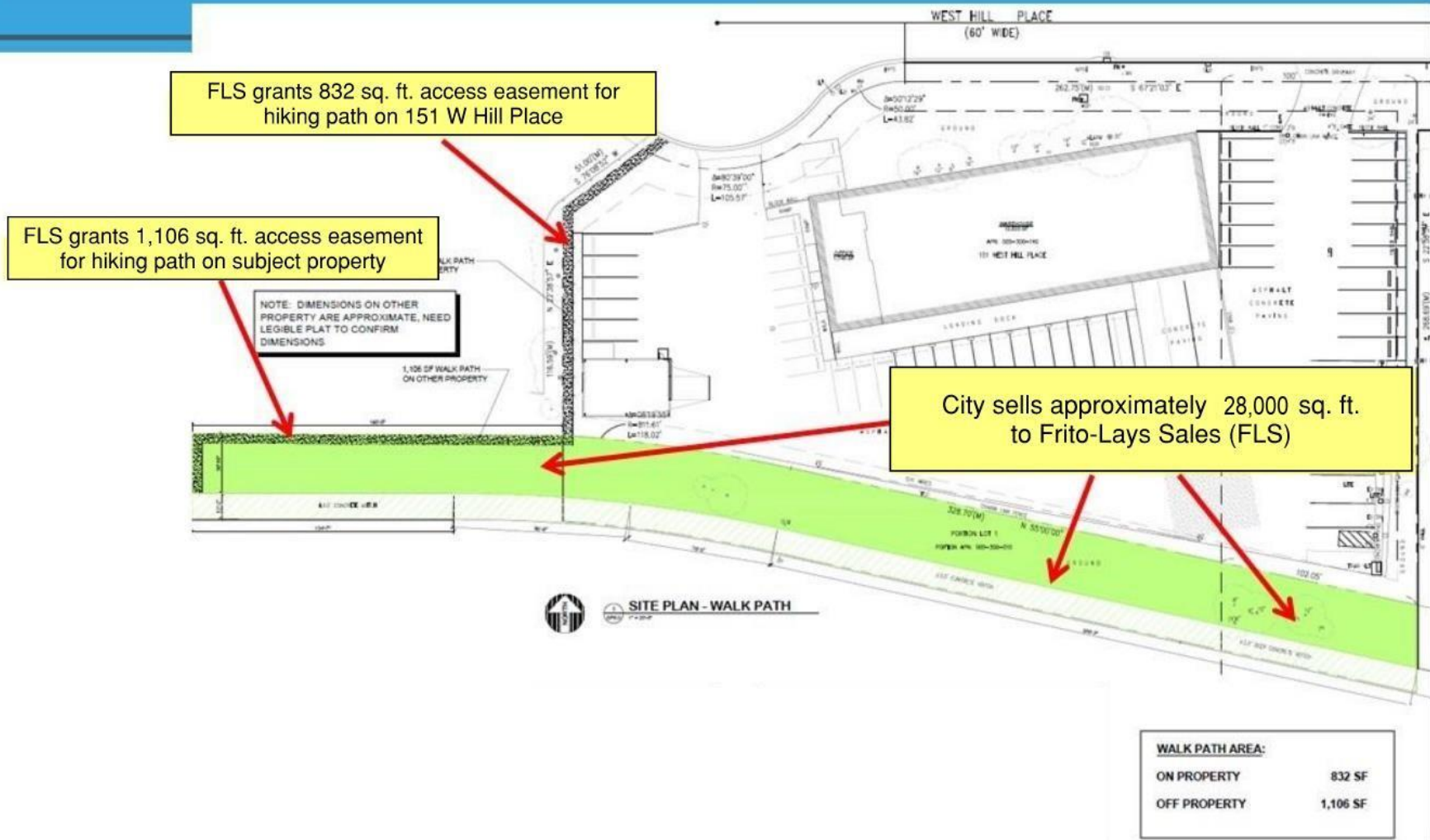
PAMALA SAYASANE
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

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Brisbane, CA - PSA Concept

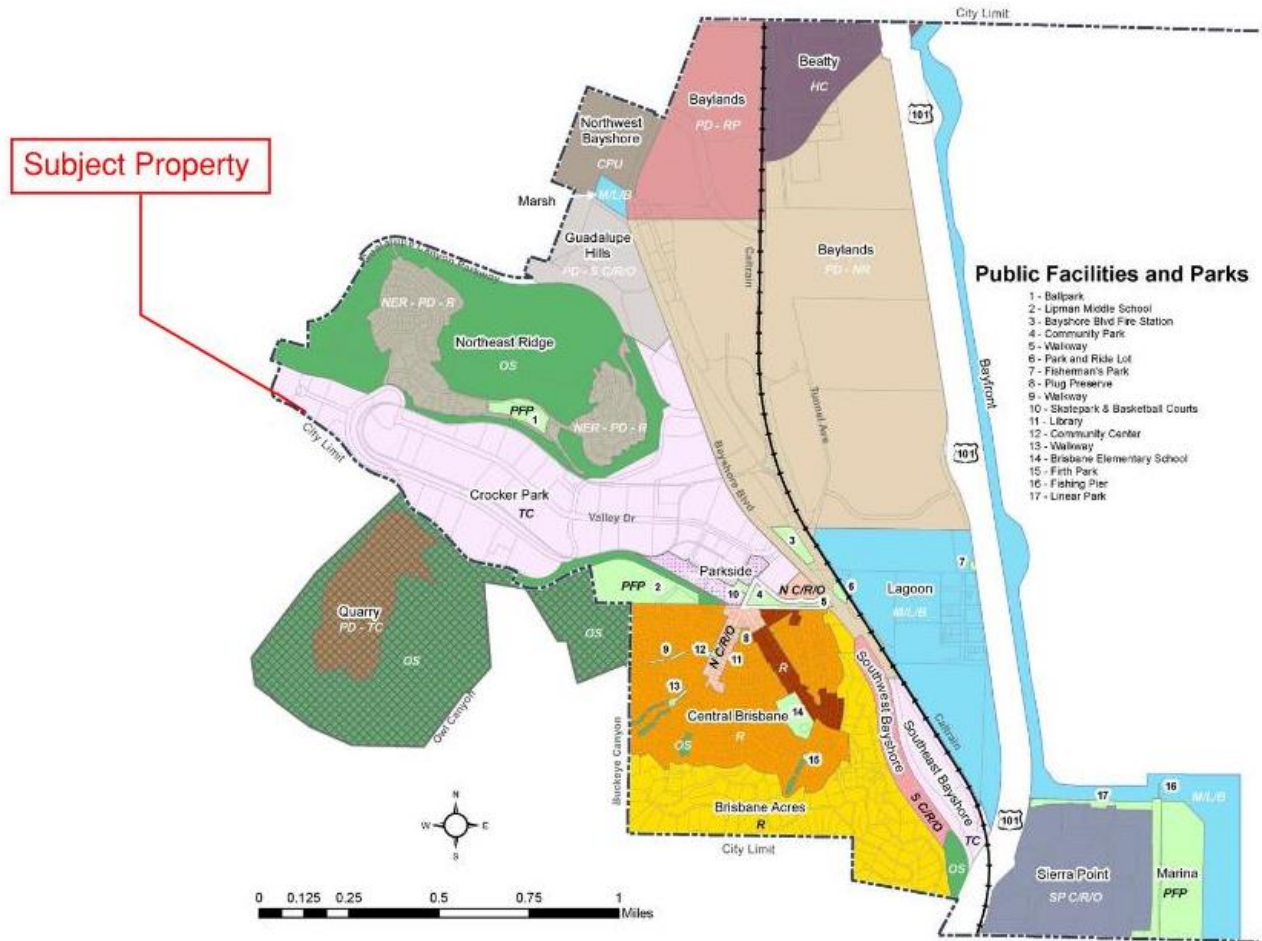


ATTACHMENT B
AERIAL MAP OF SUBJECT PROPERTY



ATTACHMENT C
GENERAL PLAN MAP WITH SITE LOCATION

Figure LU - 1: Land Use Diagram



Residential

- Brisbane Acres Residential (0-2 DU/Acre) *R*
- Central Brisbane Residential (2.5-14 DU/Acre) *R*
- Central Brisbane Residential (15-30 DU/Acre) *R*

Mixed Use

- Neighborhood Commercial/Retail/Office *N C/R/O*
- Parkside Residential - Trade Commercial (20-28 DU/Acre)* *PR - TC*
- Subregional Commercial/Retail/Office *S C/R/O*

Planned Development

- Quarry Planned Development - Trade Commercial *PD - TC*
- Guadalupe Hills Planned Development - Subregional Commercial/Retail/Office *PD-S C/R/O*
- Baylands Planned Development - NonResidential *PD - NR*
- Baylands Planned Development - Residential Permitted *PD - RP*
- Northeast Ridge Planned Development - Residential** *NER - PD - R*
(Landmark: 5 DU/Acre, Viewpoint: 10 DU/Acre, Altamar: 15 DU/Acre)

* Parkside residential density is by Precise Plan, as an overlay district within Crocker Park.
 ** Northeast Ridge residential density is as established in the Planned Development Permit
 DU/Acre = Dwelling Units per Acre

Other

- Commercial Public Utilities *CPU*
- Public Facilities and Parks *PFP*
- Open Space *OS*
- Marsh/Lagoon/Bayfront *M/L/B*

Commercial

- Sierra Point Commercial/Retail/Office *SP C/R/O*
- Trade Commercial *TC*
- Heavy Commercial *HC*

- Brisbane City Limits
- Sphere of Influence Outside Brisbane City Limit

