

BRISBANE PLANNING COMMISSION
Action Minutes of February 27, 2020
Regular Meeting

A. CALL TO ORDER

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

B. ROLL CALL

Present: Commissioners, Gooding, Mackin, Patel and Sayasane.

Absent: Commissioner Gomez.

Staff Present: Community Development Director Swiecki, Senior Planner Ayres, Associate Planner Robbins

C. ADOPTION OF AGENDA

Commissioner Gooding moved adoption of the agenda. Commissioner Mackin seconded the motion and it was approved 4-0.

D. CONSENT CALENDAR

Commissioner Mackin moved adoption of the consent calendar. Commissioner Patel seconded the motion and it was approved 4-0.

E. ORAL COMMUNICATIONS

Michele Salmon, a Brisbane resident, voiced concerns about the enforcement of the conditions of approval on the Google Bus Yard on Tunnel Road, particularly the lighting of the site at night.

F. WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged written communications regarding item H.1.

G. NEW BUSINESS

1. **PUBLIC HEARING: Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square-foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

Senior Planner Ayres gave the staff presentation

Chairperson Sayasane opened the public hearing.

Abraham Zavala, the applicant, answered questions about the project.

Prem Lall, Brisbane resident, spoke against the project.

Barbara Ebel, Brisbane resident, spoke against the project.

Michele Salmon, Brisbane resident, spoke against the project.

Joe Sulley, Brisbane resident, spoke against the project.

With no one else coming forward to address the Commission, Commissioner Patel moved to close the public hearing. Commissioner Gooding seconded the motion and it was approved 4-0.

The Planning Commission commenced deliberation and identified concerns with the street tree removal and street improvements required by the City Engineer, as well as the potential impact to site hydrology.

Chairperson Sayasane recognized audience members wishing to speak after the public hearing was closed.

Barbara Ebel, Brisbane resident, spoke against the project.

Prem Lall, Brisbane resident, spoke against the project.

The Commission resumed deliberation. Following deliberation, Commissioner Patel moved to deny the permit. Commissioner Mackin seconded the motion and the motion was approved 4-0. (*Administrative note: no findings of denial were adopted; therefore, final action on this item must be continued to the next regular meeting.*)

H. OLD BUSINESS

1. **CONTINUED PUBLIC HEARING: Zoning Text Amendment RZ-2-19;** Zoning Text Amendments to adopt regulations for short term residential rentals (STRs) by adding a new Chapter 17.35 to the Brisbane Municipal Code; Citywide; City of Brisbane, applicant.

Senior Planner Ayres gave the staff presentation and answered questions from the Commission to clarify the ordinance's provisions regarding citations, renting of accessory dwelling units (ADUs) by permanent residents of the ADU, limitations on listings and bookings, and neighbor notification.

Chairperson Sayasane opened the public hearing.

David McWaters spoke against non-hosted rentals and suggested a cap on number of people per habitable bedroom.

Dennis Busse spoke against the STR ordinance, and thought the insurance requirements were too low.

Lori Lacsamana spoke against the STR ordinance, with concerns about parking.

Sharon Boggs spoke against non-hosted rentals and allowing ADUs to be STRs.

Julia Babiarz spoke against the STR ordinance, with concerns about non-hosted rentals and occupancy limits under the ordinance.

Peter Bockrath spoke against non-hosted rentals, with concerns about traffic and parking on narrow roads.

Joe Sulley spoke against the STR ordinance, with concerns about enforcement.

Nancy Lacsamana spoke against the STR ordinance, with concerns about non-hosted rentals and housing supply lost to STRs and read a petition signed by many residents.

Jodi Borghesi voiced concerns about parking, noise, and non-hosted rentals and support for hosted rentals.

Prem Lall spoke against the STR ordinance, with concerns about quality of life.

Barbara Ebel spoke in favor of non-hosted rentals with limitations and against renters being permitted to host STRs.

Linda Seekins spoke against the STR ordinance, specifically non-hosted rentals.

Michele Salmon spoke in favor of the STR ordinance but against non-hosted rentals.

Willy Chang spoke in favor of the STR ordinance with limits on occupancy.

Aaron Klevin, spoke in favor of the STR ordinance and for allowing limited non-hosted rentals.

Philipp Reichardt spoke in favor of the STR ordinance.

Dean Gough spoke against the STR ordinance, with concerns about parking and noise.

Radu Mihaila spoke in favor of the STR ordinance.

With no one else coming forward to address the Commission, Commissioner Mackin moved to close the public hearing. Commissioner Gooding seconded the motion and it was approved 4-0.

Following deliberation, Commissioner Mackin moved adoption of Resolution RZ-2-19 recommending Council approval of Zoning Text Amendment RZ-2-19 with modifications, including:

- Impose a 275-day residency requirement for hosts.
- Publish a public STR registry.
- Extend window for complaints relative to suspending a permit to 12 months.
- Initial permits valid for 1 year and renewed permits valid for 2 years or less.
- Ban unhosted rentals with exceptions for unplanned host absences.
- Ban STRs completely on any property that has an ADU built on or after 4/1/2017.

Commissioner Gooding seconded the motion and it was approved 4-0.

I. ITEMS INITIATED BY STAFF

Community Development Director Swiecki stated the Baylands Scoping EIR meeting will be held March 4, 2020 and told the Commission they would have to revisit Grading Review EX-4-19; 338 Kings Road next meeting with findings of recommending denial.

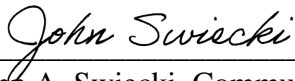
J. ITEMS INITIATED BY THE COMMISSION

Chairperson Sayasane asked Staff to update the Commission on the Google Bus Yard at the next scheduled meeting.

K. ADJOURNMENT

Commissioner Gooding moved to adjourn to the regular meeting of Thursday, March 2, 2020. Commissioner Patel seconded the motion and it was approved 4-0. The meeting adjourned at 10:15 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.