

BRISBANE PLANNING COMMISSION
Action Minutes of February 10, 2022
Virtual Regular Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Funke, Gooding, Gomez, Patel, and Sayasane

Absent: None

Staff Present: Director Swiecki, Senior Planner Johnson, Senior Planner Ayres, Associate Planner Robbins, and Legal Counsel Roush

ADOPTION OF AGENDA

Motion by Commissioner Sayasane, seconded by Commissioner Patel to adopt the agenda. Motion approved 5-0.

CONSENT CALENDAR

Motion by Commissioner Funke, seconded by Commissioner Gomez to adopt the consent calendar (agenda item A). Motion approved 5-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

There were no written communications.

NEW BUSINESS

- B. 260 Annis Road; Short-term Rental Permit 2021-STR-1;** R-BA Brisbane Acres Residential Zoning District; Appeal of Zoning Administrator denial of short-term rental permit 2021-STR-1; Wei Ming Chang, applicant; Chang Sun Family Trust, owner.

Associate Planner Robber gave the staff presentation. Chairperson Gooding noted that the short-term rental (STR) listing including in staff's report from January 23, 2022 was evidence that the entirety of the structure was being offered for rental, a violation of the STR Ordinance.

Chairperson Gooding opened the public hearing.

Peter Balogh, the applicants' attorney, and applicant/owner Yanan Sun addressed the Commission in support of the appeal. They did not dispute the citation issued in February 2022 for unpermitted STR activity and indicated the citation would be paid and not appealed. They addressed questions of the

Commission regarding owner residency at the home, the total number of bedrooms within the home, the varying information presented on different rental listings for the home, the applicants' vacation rental company (Marbella Lane), and why they engaged in prohibited STRs while trying to obtain their operating permit.

Legal Counsel Roush advised the Commission of their options for action on the application.

An anonymous resident submitted a question via text regarding the owner's documentation showing permanent residency at the home. Ms. Sun indicated utility bills, bank statements, and legal IDs were provided with their application as proof of permanent residency.

With no one else wishing to address the Commission, a motion by Commissioner Funke, seconded by Commissioner Sayasane to close the public hearing was approved 5-0.

After deliberation, a motion by Commissioner Patel, seconded by Commissioner Sayasane to deny the application via adoption of Resolution 2021-STR-1 was approved 5-0. Chairperson Gooding read the appeals procedure.

WORKSHOP

- C. **2023-2031 Housing Element Update:** "Balance Brisbane" Update, Housing Needs Assessment and Rules to Meet the Regional Housing Needs Assessment (RHNA), and Constraints to Housing.

Senior Planner Johnson, Associate Planner Robbins, and Senior Planner Ayres gave the staff presentation.

Chairperson Gooding invited public input or comment on staff's presentation.

Barbara Ebel, Brisbane resident, disagreed with staff's characterization that the results of the simulation suggest Baylands is the community's preferred site for housing, and recommended people complete the Balance Brisbane survey. She asked staff for the income threshold by family size for affordable housing and how housing costs are determined for each income level. Senior Planner Johnson indicated the income thresholds were included in the December 16, 2021 workshop memo and Senior Planner Ayres specified the State code prescribes a maximum of 30% of annual income should be spent on housing to be considered affordable for any household.

During the workshop, staff answered questions about the State's two methods for determining the number of lower income housing units can be claimed on a site versus how many lower income units a developer may actually construct based on market conditions and/or City development regulations, and what State agency reviews Housing Elements.

ITEMS INITIATED BY THE COMMISSION

Being his last meeting, Commissioner Gomez said it was a pleasure to serve on the Commission. He thanked staff and his fellow Commissioners for all the work they've done during his term.

Chairperson Gooding responded by claiming Commissioner Gomez has been an integral part of the Commission and Director Swiecki commended his community service, thoughtfulness, and dedication.

Commissioner Patel shared he was reappointed for another four-year term.

ITEMS INITIATED BY STAFF

Director Swiecki informed the Commission that the City Council appointed Alex Lau to the Planning Commission and he will be joining the Commission on February 24, 2022, and reminded the Commission of the League of California Cities Planning Commissioners Academy in March 2022.

ADJOURNMENT

Chairperson Gooding declared the meeting adjourned to the next regular meeting of February 24, 2022 at approximately 9:45 p.m.

Attest:



John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at www.youtube.com/BrisbaneCA, on the City's website at <http://www.brisbaneca.org/meetings>, or on DVD (by request only) at City Hall.