

BRISBANE PLANNING COMMISSION
Action Minutes of December 5, 2019
Regular Meeting
DRAFT

A. CALL TO ORDER

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

B. ROLL CALL

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

Absent: Commissioner Patel.

Staff Present: Community Development Director Swiecki, Senior Planner Ayres

C. ADOPTION OF AGENDA

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

D. CONSENT CALENDAR

There were no items.

E. ORAL COMMUNICATIONS

Peter Sutherland, Sherry Goodwin, Danny Ames, Radu Mihaila, and Jason Nunan shared concerns with plan line application PL-1-19 and future development in the Brisbane Acres.

F. WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged written communications from the Bay Area League of Women Voters.

G. NEW BUSINESS

1. **PUBLIC HEARING: Zoning Text Amendment RZ-3-19;** NCRO-1, NCRO-2, M-1, SCRO-1, SP-CRO, TC-1, and TC-2 zoning districts; Amendments to existing cannabis business regulations to establish storefront retail cannabis businesses as conditionally permitted uses in the City of Brisbane's commercial zoning districts and allow a maximum of four (4) businesses citywide, subject to approval of a conditional use permit and compliance with performance and other operational standards; City of Brisbane, applicant; Various owners.

Senior Planner Ayres gave the staff presentation.

Chairperson Sayasane opened the public hearing.

Fred Fontana opposed the ordinance due to concerns with drug abuse.

James Elliott asked where retail delivery uses would be allowed and when applications for retail storefronts would be accepted.

Mary Rogers opposed having a maximum of four storefronts in Brisbane and requested no more than two storefronts and eliminating the use from the NCRO-1 and NCRO-2 zoning districts.

Charlene Larson opposed allowing storefronts in the TC-1 zoning district due to concerns with noise and traffic safety impacts to residents of the Northeast Ridge.

Doug Button opposed allowing storefronts in the SCRO-1 zoning district due to its proximity to the mobile home park which is home to families with children.

Edesa Bitbadal supported the ordinance as drafted.

Kevin Fryer opposed business hours until 10 PM and allowing a maximum of four retail storefront businesses.

Nicole Fioresi opposed allowing storefronts in the SCRO-1 zoning district due to concerns with traffic impacts to the mobile home park and incompatibility with the park's families with children.

Michelle Dizitser supported the ordinance as drafted.

Sherry Goodwin opposed allowing four retail storefront businesses and allowing consumption at such businesses.

Manilik Patarik opposed allowing any storefront businesses or allowing consumption at such businesses and shared concerns with traffic impacts.

Randy Dizitser supported the ordinance as drafted and addressed the concerns voiced regarding noise, traffic, and public safety.

Commissioner Sayasane acknowledged written communications from Jennifer Martin and Alwin Warfel opposing retail storefronts.

Seeing no others wishing to speak, Commissioner Mackin moved and Commissioner Gomez seconded to close the public hearing. The motion was approved 4-0.

At the request of Chairperson Sayasane, Senior Planner Ayres addressed the questions posed by the public. She answered questions from the Commission regarding legal options for use permit revocation associated with ownership or managerial employee changes.

Amid Commission deliberations, Chairperson Sayasane invited audience members to address the Commission.

Ms. Rogers shared her concern with traffic impacts due to non-Brisbane residents.

Mr. Fontana shared his concern with the public safety impacts of selling recreational cannabis.

Ms. Bitbadal shared her support for retaining a maximum of four storefronts in town to reduce economic barriers for business owners.

Ms. Dzitser addressed prior public comments regarding the health impacts of vaping.

An unidentified gentleman shared his concern with the lack of parking downtown.

Following deliberation, Commissioner Gooding moved to adopt resolution RZ-3-19 with the following modifications:

- Allow a business owner with an existing use permit to apply for and operate up to one additional retail cannabis storefronts if fewer than four unique use permit applications are submitted or if an

approved use permit become null and void or be revoked by the Planning Commission pursuant to BMC Chapter 17.48.

- Reduce operating hours for retail cannabis storefronts to 8 AM to 8 PM.
- Eliminate cannabis retail storefronts and delivery businesses in the SCRO-1 zoning district.
- Allow no more than one retail cannabis storefront in the NCRO-1 zoning district.
- Allow no more than one retail cannabis storefront in the NCRO-2 zoning district.

The motion was seconded by Commissioner Mackin and approved 4-0.

H. ITEMS INITIATED BY STAFF

Director Swiecki announced an ethics training on February 13, 2020 at 6 PM, requiring an 8 PM start for the regular meeting, and City Council introduction of the building code reach provisions.

I. ITEMS INITIATED BY THE COMMISSION

Commissioner Mackin asked for the status of the tree ordinance subcommittee.

Director Swiecki indicated staff would agendize the topic at a future meeting.

J. ADJOURNMENT

Commissioner Mackin moved to adjourn to the regular meeting of Thursday, January 9, 2020. Commissioner Gomez seconded the motion and it was approved 4-0. The meeting adjourned at 9:36 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.