

BRISBANE PLANNING COMMISSION
Action Minutes of January 9, 2020
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, Patel and Sayasane.

Absent: None.

Staff Present: Senior Planner Johnson

C. ADOPTION OF AGENDA

Commissioner Gomez moved adoption of the agenda. Commissioner Gooding seconded the motion and it was approved 5-0.

D. CONSENT CALENDAR

Commissioner Patel moved adoption of the consent calendar. Commissioner Mackin seconded the motion and it was approved 5-0.

E. ORAL COMMUNICATIONS

There were none.

F. WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged written communications from Sarah Duffy and Sher Gias regarding cannabis retail storefront regulations and the Bay Area Monitor.

G. NEW BUSINESS

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

Senior Planner Johnson gave the staff presentation.

Chairperson Sayasane opened the public hearing.

Prem Lall opposed the ordinance due to concerns with sex trafficking, prostitution, and other criminal behavior at short term rentals.

Jeri Sulley asked for a limit for check-in hours to prevent neighborhood disturbances.

Joe Sulley shared the disturbances he experienced with short term rental guests in his neighborhood regarding noise, parties, and parking, and asked for a limit on check-in hours such as 10 PM.

Senior Planner Johnson said the draft ordinance included a check-in cut off of 10 PM.

James Seto shared the noise disturbances, lack of parking, trash, and other nuisances he has experienced with short term rentals in his neighborhood. He asked for a two-night minimum to prevent one-night parties.

Mr. Sulley shared the disturbances caused by short term rentals regarding garbage cans in the street.

Philippe Reichardt addressed the concerns voiced by prior speakers about short term rentals and family events at his home, and information about requirements for identify verification. He opposed the requirement for renting out accessory dwelling units for long-term renters due to infeasibility for his family and the cap on guests allowed per bedroom and the number of bedrooms that could be rented at the same time.

Mr. Lall asked why city staff would inform the public that short term rentals were allowed. He asked if the draft regulations would prevent a homeowner with an ADU from moving from their home into their ADU and then renting out their home as a short term rental.

Mr. Seto asked if the draft regulations would limit the size of the house that could be offered for short term rental.

Olga Alexander said she had managed short term rentals in other states and supported regulating and permitting them which generated revenue for the City and the homeowners. She suggested establishing a hotline for neighbors to report issues.

Chairperson Sayasane said the public hearing would be continued to February 27, 2020.

Commissioner Gomez and Commissioner Patel requested information on enforcement options to relieve neighbors from the burden of complaining to the homeowner or other contact person.

Commissioner Patel stated staff members should monitor short term rental listing websites and should proactively fine illegal listings without neighbors needing to complain. He requested fees that support that level of monitoring.

Chairperson Sayasane requested that complaints and citations related to short term rentals be logged in a system that police and other staff could access. She asked for clarity on fees and penalties.

Senior Planner Johnson provided references to the fees and penalties in the Municipal Code.

Mr. Lall asked if permits were revocable and if so if there was a list of criteria. When the Commission confirmed that was the case, Mr. Lall asked if illegal rentals after a permit has been revoked could be even more heavily fined.

Deb Horen shared she previously received a notice that her short term rental was illegal in 2014, followed by another letter in 2015 that said the City was not enforcing the rules during the time it discussed how to regulate them. She opposed allowing unhosted rentals.

Mr. Seto asked if the homeowner could pass the fine or violation to be pushed onto the rental guests.

Mr. Reichardt said hosts on Airbnb could not pass on fines to guests. He supported the owner and operator to be liable for any guest violations. He asked for higher penalties to be considered and make permit revocation automatic. He said Airbnb may have an option to block rentals from displaying unless they have a registered permit number on the listing.

It was the consensus of the Commission to table further discussion on the matter until the meeting of February 27, 2020.

H. ITEMS INITIATED BY STAFF

Senior Planner Johnson announced the City Council adopted the 2019 California Building Code and local reach provisions in December. He reminded them of the Planning Commissioners Academy and an ethics training on February 13. He announced the Department hired new associate planner Jeremiah Robbins.

I. ITEMS INITIATED BY THE COMMISSION

There were none.

J. ADJOURNMENT

Commissioner Gomez moved to cancel the regular meeting of January 23 and adjourn to the regular meeting of Thursday, February 13, 2020 at a special time of 8:00 PM. Commissioner Gooding seconded the motion and it was approved 5-0. The meeting adjourned at 9:14 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.