

DRAFT
BRISBANE PLANNING COMMISSION
Action Minutes of May 8, 2025
Hybrid Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Funke, Gooding, Patel, and Sayasane
Absent: Commissioner Lau
Staff Present: Senior Planner Johnson and Associate Planner Robbins

ADOPTION OF AGENDA

A motion was made by Commissioner Patel and seconded by Commissioner Gooding to adopt the agenda. Motion approved 4-0.

CONSENT CALENDAR

A. Approval of draft meeting minutes of April 10, 2025

A motion by Commissioner Patel, seconded by Commissioner Gooding, to approve the consent calendar was approved 4-0.

ORAL COMMUNICATIONS

Michele Salmon, Brisbane resident, expressed her concerns about the owners of single-family homes at the Northeast Ridge being allowed to expand their homes to enclose their courtyard areas. She stated that it was not permitted under the CC&Rs and that such modifications create safety hazards by altering the flow of stormwater. She also noted that enclosed fences were not permitted at the Northeast Ridge.

WRITTEN COMMUNICATIONS

There were none.

NEW BUSINESS

- A. **Public Hearing: 60 Industrial Way; Use Permit 2025-UP-01;** M-1 district; Use Permit for automobile repair facility in the approximately 10,200 square foot, northern portion of the single-story building; and finding that this project is categorically exempt from environmental review under CEQA Guidelines Section 15301; Mickey Kelley, applicant; Sierra Hotel Management Corp, owner.

Senior Planner Johnson presented the agenda report to the Commission.

The Commission asked staff questions regarding the business operating without a business license or a use permit, their current hours of operation and the proposed condition of approval that would allow for expanded hours of operation beyond those indicated as the applicant's hours of operation. Senior Planner Johnson noted that the applicant had indicated that they were not aware of the conditional use permit requirements before occupying the space and approximated that the applicant had been open for business since the first quarter of 2025. Regarding the hours of operation, Senior Planner Johnson noted that the businesses in this district, including existing automobile repair facilities, generally do not have restrictions on hours since there is no night operations permit requirement, as is the case in certain other districts.

The Commission opened the public hearing.

The applicant, Mickey Kelley, answered questions from the Commission regarding his role in the business, why they opened without having City approval, the business hours and whether, in addition to the adjacent taxi business, they plan to repair any additional taxi businesses' vehicles. Mr. Kelley noted that he worked for the business owner and general manager, Muwffaq Mustafa, and that they were not aware of the conditional use permit requirement, that the business currently operates from 7:00 a.m. to 6:00 p.m., and they repair Flywheel taxis and other partner businesses' vehicles.

Resident Michele Salmon expressed her concerns about nighttime noise and vibration particularly in the vicinity of residents in nearby Daly City and stated her opposition the allowing for extended hours of operation. She also expressed concerns about the business' current and future practices since they had not obtained City approval before beginning operations and her concerns about the proposed vehicle painting and potential runoff from accidental spills.

The Commission asked follow-up questions about the spill controls within the facility and what provisions and or enforcement the City can implement for businesses operating without the proper entitlements and whether penalties would be imposed. The Commission expressed concern over the apparent lack of penalties for businesses not obtaining City approval before beginning operations.

Senior Planner Johnson noted that a condition of approval has been recommended that the applicant is to demonstrate compliance with stormwater controls to the satisfaction of the Dept of Public Works. He also noted that penalties are in place for code enforcement, but in a case where an application has been filed and it was then discovered that the business was already operating, the City has typically allowed the application to be decided before taking enforcement action. If the application was denied, the business would need to discontinue the use or face code enforcement actions.

With no one else wishing to address the Commission, a motion was made by Commissioner Gooding, seconded by Commissioner Patel, to close the public hearing. The motion was approved 4-0.

After discussion, a motion was made by Commissioner Gooding and seconded by Commissioner Funke to approve the application via adoption of Resolution 2025-UP-01, with conditions added to limit the hours of operation to be from 7 a.m. to 6 p.m. and to ensure compliance with environmental regulations. The motion was approved 4-0.

B. Public Hearing: Zoning Text Amendment 2025-RZ-02; Citywide; Zoning Text Amendments to update the City's existing Accessory Dwelling Unit regulations to comply with current State law; and finding that this project is statutorily exempt from environmental review under CEQA Guidelines Section 15282(h) because it involves adoption of an ordinance regarding second units in single-family and multi-family residential zones; City of Brisbane, applicant.

Associate Planner Robbins presented the agenda report to the Commission.

The Commission asked staff about how proximity to public transit stops impact how tall detached ADUs can be and discussed how the State's ADU parking exemptions are better than a complete citywide ban on parking for ADUs.

Chairperson Sayasane opened the public hearing.

With no one wishing to address the Commission, a motion by Commissioner Patel, seconded by Commissioner Gooding to close the public hearing was approved 4-0.

With no further discussion, a motion by Commissioner Patel, seconded by Commissioner Gooding to recommend adopting Resolution 2025-RZ-02. The motion was approved 4-0.

Chairperson Sayasane read the appeal procedure.

OLD BUSINESS

There were none.

ITEMS INITIATED BY STAFF

Senior Planner Johnson stated that on April 17, 2025, City Council adopted the ordinance implementing SB 478 and certain Housing Element programs (application 2024-RZ-2) and introduced the ordinance to amend the inclusionary housing and density bonus regulations with minor revisions. The inclusionary housing ordinance is scheduled for a second reading and adoption on May 15th. Also, a Farmers Market popup workshop at 70 Old County Road is scheduled for May 15th and a related survey will be released in mid-May.

ITEMS INITIATED BY THE COMMISSION

C. Consideration of changing Commission meeting time

The Commission discussed keeping the meeting start time at 7:30 p.m. with the option to schedule special meetings and starting times for agenda items with anticipated longer than usual meeting sessions.

The Commission asked staff to place on the next agenda the issues raised by the Michele Salmon regarding expansion of homes at the Northeast Ridge. The Commission also requested that the issues of dedication of Northeast Ridge open space lands to the County and penalties for businesses that start business operations prior to obtaining the required City approvals be on a future agenda.

ADJOURNMENT

- D. Chairperson Sayasane declared the meeting adjourned to the next regular meeting of May 22, 2025 at approximately 8:45 p.m.

Attest:

Kenneth Johnson, Senior Planner

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.