



CITY of BRISBANE

City Council Meeting Agenda

Thursday, March 17, 2022 at 7:30 PM • Virtual Meeting

This meeting is compliant with the Ralph M. Brown act as amended by California Assembly Bill No. 361 effective September 16, 2021 providing for a public health emergency exception to the standard teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for the public, staff and Councilmembers, while allowing for public participation. The public may address the Council using exclusively remote public comment options. The Council may take action on any item listed in the agenda.

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TO ADDRESS THE COUNCIL

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Any writings that are received after the agenda has been posted but before 2 p.m. of the day of the meeting will be available for public inspection at the front lobby in City Hall and on the internet (www.brisbaneca.org/meetings). Any writings that are received after the agenda has been posted but after 2 p.m. of the day of the meeting will be available on the internet at the start of the meeting (www.brisbaneca.org/meetings), at which time the materials will be distributed to the Council.

1. 7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. ADOPTION OF AGENDA

4. AWARDS AND PRESENTATIONS

- A. Proclaiming March as Women’s History Month

5. ORAL COMMUNICATIONS NO. 1

6. CONSENT CALENDAR

- B. Adopt an Ordinance, Waiving Second Reading, Adopting a Military Equipment Use Policy per California Assembly Bill 481
- C. Adopt an Ordinance, Waiving Second Reading, Repealing Chapter 8.19 of the Brisbane Municipal Code and Adopting a New Chapter 8.19 Regulating the Use of Disposable Food Service Ware by Food Facilities to Align with State Law
- D. Adopt a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public
- E. Receive Housing Element Progress Report and Direct staff to submit the 2021 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Governor’s Office of Planning and Research
- F. Receive the General Plan Progress Report and Direct staff to submit the 2021 General Plan Annual Progress Report to the California Department of Housing and Community Development and the Governor’s Office of Planning and Research
- G. Adopt a Resolution Amending Resolution No. 96-44 Respecting Delegation of Authority to the City Manager to Make Determinations Under Government Code Section 21025 Pertaining to Disability Retirements
- H. Adopt a Resolution Restating the Creation of the Inclusion, Diversity, Equity and Accountability Committee and repealing Resolution No. 2022-07
- I. Authorize the City Manager to sign an agreement with Management Partners to perform Process Mapping and Re-engineering for the City’s Permitting, Geographic Information, and Internal Financial Reporting processes.
- J. Tenant Improvements at 25 Park Place

- i. Approve Siegel & Strain's Scope of Services and fee of \$361,719 for the design of interior building and site improvements at 25 Park Place, and authorize the City Manager or his designee to issue a Task Order for this work.
- ii. Authorize Transfer of \$361,719 from the General Fund to the Capital Projects Fund.

7. NEW BUSINESS

K. Short Term Rental Ordinance Implementation Update

(It is being recommended that the City Council receive and file report and provide additional direction it deems appropriate to staff)

L. Application to the State of California for an Equitable Community Revitalization Grant Concerning Environmental Investigation on a portion of the Brisbane Baylands site.

- i. Consider authorizing the City Manager to submit an application to the State of California for an Equitable Communities Grant to conduct additional technical studies in connection with environmental remediation of OU-2 portion of the Brisbane Baylands. Grant funds would be allocated and distributed by the City and coordination of technical studies will be conducted with the property owner, Baylands Development Inc.
- ii. Consider Authorizing the Mayor to sign a Reimbursement and Indemnification Agreement, in a form as approved by the City Attorney, concerning any Equitable Community Revitalization Grant the City receives.

(The State of California requires that only governmental agencies apply for Equitable Community Revitalization Grants. Grants can be for cleanup of private property that enhance sites for potential development and parks and recreation uses, but the work is subject to government oversight. The Reimbursement and Indemnification Agreement assures that the private property owner (Baylands Development Inc.) is both financially as well as legally responsible for compliance with all grant terms and conditions and will hold the City harmless from any noncompliance. It further places in writing that the pursuit of the grant by the City does not constitute an approval(s) as to any future use or uses of the property.)

8. STAFF REPORTS

M. City Manager's Report on upcoming activities

9. MAYOR/COUNCIL MATTERS

N. Countywide Assignments and Subcommittee Reports

O. Written Communications

10. ORAL COMMUNICATIONS NO. 2

11. ADJOURNMENT

File Attachments for Item:

B. Adopt an Ordinance, Waiving Second Reading, Adopting a Military Equipment Use Policy per California Assembly Bill 481



MEMO

Meeting Date: March 17, 2022

From: Ingrid Padilla, City Clerk

Subject: Adoption of Uncodified Ordinance Adopting the Police Department's Military Equipment Use Policy In Accordance With State Law

The Uncodified Ordinance Adopting the Police Department's Military Equipment Use Policy In Accordance With State Law was introduced at the City Council Meeting of March 3, 2022. It is on this agenda for consideration of adoption.

Attachment: Staff Report from the City Council Meeting of March 3, 2022



CITY COUNCIL AGENDA REPORT

Meeting Date: March 3, 2022
From: Lisa Macias, Police Chief
Subject: Adoption of a Military Equipment Use Policy

Recommendation:

City Council waive first reading and introduce (and then adopt on March 17) the attached uncodified ordinance adopting the Police Department's Military Equipment Use Policy in accordance with state law.

Background

On September 30, 2021, Assembly Bill 481 (AB 481), was signed in law, relating to the use of military equipment by law enforcement agencies. AB 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies, prior to taking certain actions relating to the funding, acquiring or using military equipment, have the governing body of the local jurisdiction at a regular meeting held pursuant to open meeting laws, adopt, through an ordinance, a Military Equipment Use Policy.

California Government Code §7070(d) describes a Military Equipment Use Policy as a publicly released, written document that includes, at a minimum, all of the following:

1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

California Government Code § 7070(c) defines Military Equipment as any of the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.

2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

Discussion

The Police Department has prepared and published the attached Military Equipment Use Policy, embodied in Police Department General Order 709. The Policy contains all the required elements of Government Code section 7070 (d) set forth above. California Government Code section 7071(b) requires that the Police Department post to its website the Military Equipment Use Policy that it plans to propose to City Council, at least 30 days prior to any public hearing concerning the policy, for any comments, questions or concerns from the public. The Police Department complied with this requirement by posting the policy being proposed this evening on our website on January 30, 2022. As of the time this agenda report is published, February 25, 2022, we have not received any comments,

questions or concerns from the public on the Policy. The Policy references two types of qualifying equipment.

Section One lists qualifying equipment that is owned and/or utilized by the Brisbane Police Department.

Section Two lists qualifying equipment that is not owned or regularly utilized by the Brisbane Police Department, but which is known to be owned and/or utilized by law enforcement units with which the Brisbane Police Department collaborates and/or participates for law enforcement purposes. The Brisbane Police Department participates in a regional Special Weapons and Tactics team, North Central Regional Response Team (NCR). NCR possesses and utilizes additional types of equipment that is not owned, purchased or maintained by the Brisbane Police Department but is included in the proposed Military Equipment Use Policy as it could be used in the City of Brisbane if NCR SWAT is deployed in extreme circumstances such as an active shooter incident, hostage situation and the execution of high-risk search and arrest warrants.

In order for the City Council to approve and adopt this Policy, the Council must make certain determinations as follows:

1. The military equipment identified in Brisbane Police General Order 709 is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
2. Brisbane Police General Order 709 will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. The military equipment identified in Brisbane Police Department General Order 709 is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safe.

In addition, pursuant to California Government Code 7070(d)(6), and in accordance with California Government Code 7072m, the Police Department is responsible for delivering to the City Council an Annual Military Equipment Report as a mechanism to ensure the Brisbane Police Department is in compliance with this Military Equipment Use Policy. The report will also assist the City Council in determining whether to approve, revise, or revoke components of the Military Equipment Use Policy for the subsequent year. The annual report will be made publicly available on the Police Department's website. The Annual Military Equipment Report will include the following information for the immediately preceding calendar year for each type of military equipment:

1. A summary of how the military equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the military equipment.
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
5. The quantity possessed for each type of military equipment.

6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Moreover, pursuant to California Government Code §7070(d)(7), the proposed Military Equipment Use Policy also provides the avenues through which members of the public may register complaints, concerns or submit questions about the use of each specific type of Military Equipment in the policy. They can do so via email, physical mail or by phone to our designated Military Equipment Use officer, Commander Mario Garcia.

In addition, the Police Department will have on its website (under “Military equipment” policies and procedures concerning enforcement of the Ordinance and remedies for violations. For example, although there is no private right of action for any person or entity to seek injunctive relief against the City or any employee unless that person or entity has first provided written notice to the City Manager regarding the specific alleged violations of this Ordinance, if, following the submission of a violation, the City does not remedy a specific alleged violation within 90 days of that written notice, a person or entity may seek injunctive relief in a court of competent jurisdiction. Moreover, if the City substantiates and then cures an alleged violation, the Police Department shall post a notice in a conspicuous manner on the Department’s website that describes, to the extent permissible by law, the corrective measures taken to address the violation. If the City does not substantiate or cure an alleged violation and, in a subsequent court action the person or entity proves that the violation occurred as a result of arbitrary or capricious action by the City or an employee of the City acting in the employee’s official capacity, the Court may award to such person or entity reasonable attorney’s fees in an amount not to exceed \$15,000.

For the reasons set forth in this agenda report and in the Policy itself, Council may make these determinations and introduce ordinance X.XX (to be adopted on March 17) to approve and adopt the military equipment use policy as set forth in the Police Department’s General Order 709.

Fiscal Impact

There is no fiscal impact in adopting this ordinance and the military equipment use policy.

Lisa Macias

Lisa Macias, Police Chief

Clayton L. Holstine

Clay Holstine, City Manager

Attachments: Uncodified Ordinance Adopting a Military Equipment Use Policy
Brisbane Police Department General Order 709

ORDINANCE NO. X.XX**AN UNCODIFIED ORDINANCE OF THE CITY OF BRISBANE ADOPTING A MILITARY EQUIPMENT USE POLICY**

The City Council of the City of Brisbane ordains as follows:

Section 1. Findings.

The City Council finds:

- A. On September 30, 2021, the Governor signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies.
- B. Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a “military equipment” use policy, at a regular meeting held pursuant to the open meeting laws, prior to taking certain actions relating to the funding, acquiring, or using military equipment. The term “military equipment” is defined in Government Code, section 7070.
- C. Assembly Bill 481 allows the governing body of the city to approve the funding, acquiring or using military equipment within its jurisdiction only if it makes certain specified determinations.
- D. The proposed military equipment use policy is found within the Brisbane Police Department General Order 709.
- E. Brisbane Police Department General Order 709 was published on the Brisbane Police Department’s internet website on February 2, 2022. The Brisbane Police Department General Order 709 was presented to the Brisbane City Council on March 3, 2022.
- F. The Brisbane Police Department General Order 709 meets the requirements of Government Code, Section 7070, subdivision (d).

Section 2. Determinations

Based on the findings above, in addition to information provided to the City Council at the public meeting, the City Council determines as follows:

1. The military equipment identified in Brisbane Police General Order 709 is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
2. Brisbane Police General Order 709 will safeguard the public’s welfare, safety, civil rights, and civil liberties.
3. The military equipment identified in Brisbane Police Department General Order 709 is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety.
4. Brisbane Police General Order 709 setting forth the City’s Military Equipment Use Policy is approved and adopted.

Section 3. Severability

- A. If any section, subsection, sentence, clause, phrase, or word of this Ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Ordinance.
- B. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Ordinance or application thereof would be subsequently declared invalid or unconstitutional.

Section 4. Effective Date.

This Ordinance shall be effective 30 days after its adoption.

Coleen Mackin, Mayor

The above ordinance was regularly introduced on March 3, 2022 and adopted on March 17, 2022 at a regular meeting of the City Council of the City of Brisbane by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas R. McMorrow, City Attorney

Military Equipment

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
 - Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).

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- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

709.2 POLICY

It is the policy of the Brisbane Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the department, or the equipment the department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of the Brisbane Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the department will respond in a timely manner.

709.4 MILITARY EQUIPMENT INVENTORY

Qualifying Equipment / Owned by the Brisbane Police Department:

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Equipment Name: Remington 870 Police Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)	
Quantity Owned/Sought: 1 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The Less Lethal Remington 870 launcher is capable of firing 12 GA drag stabilized Impact Munitions, which are made a cotton material blend.	
Manufacturer Product Description: The Remington 870 is a single shot pump action shot gun that has the capability of deploying a 12 ga cotton blend impact projectile. The Remington 870 less lethal has been fitted with an orange stock to distinguish it to be a less lethal tool.	
Purpose/Authorized Uses: The Remington 870 Impact Munition are intended for use as a less lethal use of force option.	
Fiscal Impacts: The initial cost of this equipment was approximately \$500.00. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Brisbane Police Department Policies on Use of Force and Crowd Control.	
Training Required: Officers must complete a department certified less lethal course as well as regular training and qualifications as required by law and policy.	
Other Notes: None.	

Qualifying Equipment known to be owned and/or utilized by law enforcement units with which the Brisbane Police Department collaborates and/or participates for law enforcement purposes

Equipment Name: Wheeled vehicles that have a breaching apparatus attached - CA Gov't Code §7070(c)(3)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown.
Equipment Capabilities: Capable of breaching doors, gates, and other points of entry.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: Breaching doors, gates, and other points of entry.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: Breaching vehicles can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
Training Required: The North County Regional SWAT Team provides internal training for staff members prior to allowing them to drive breaching vehicles.	
Other Notes: The Brisbane Police Department participates in the North County Regional SWAT Team (NCR SWAT). This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Brisbane Police Department does not own or operate this equipment, it could be used in Brisbane by NCR SWAT if they are deployed to an incident within city limits.	

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Equipment Name: Battering rams, slugs, and breaching apparatus that are explosive in nature - CA Gov't Code §7070(c)(7)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown.
Equipment Capabilities: Capable of breaching doors, gates, windows, and other points of entry.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: Breaching doors, gates, windows, and other points of entry.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
Training Required: The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use explosive breaching apparatus.	
Other Notes: The Brisbane Police Department participates in the North County Regional SWAT Team (NCR SWAT). This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Brisbane Police Department does not own or operate this equipment, it could be used in Brisbane by NCR SWAT if they are deployed to an incident within city limits.	

Equipment Name: Flashbang grenades, explosive breaching tools, tear gas and pepper balls - CA Gov't Code §7070(c)(12)	
Quantity Owned/Sought: None (outside owned)	Lifespan: Unknown.
Equipment Capabilities: Capable of breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemical.	
Manufacturer Product Description: Unavailable.	
Purpose/Authorized Uses: breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemicals.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances. Tear gas and pepper balls can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.	
Training Required: The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use any of these items.	
Other Notes: The Brisbane Police Department participates in the North County Regional SWAT Team (NCR SWAT). This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Brisbane Police Department does not own or operate this equipment, it could be used in Brisbane by NCR SWAT if they are deployed to an incident within city limits.	

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Equipment Name: Long Range Acoustic Device (LRAD) - CA Gov't Code §7070(c)(13)	
Quantity Owned/Sought: None (outside owned).	Lifespan: Unknown.
Equipment Capabilities: LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones. Over shorter distances, LRAD signals are loud enough to cause pain in the ears of people in their path.	
Manufacturer Product Description: LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones. Over shorter distances, LRAD signals are loud enough to cause pain in the ears of people in their path.	
Purpose/Authorized Uses: Can be used to disperse unlawful crowds and/or to disrupt the activities of person(s) who represent an immediate threat to others.	
Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.	
Legal/Procedural Rules Governing Use: LRADs can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.	
Training Required: The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use any of these items.	
Other Notes: The Brisbane Police Department participates in the North County Regional SWAT Team (NCR SWAT). This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Brisbane Police Department does not own or operate this equipment, it could be used in Brisbane by NCR SWAT if they are deployed to an incident within city limits.	

709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

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- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

709.6 USE IN EXIGENT CIRCUMSTANCES

In exigent circumstances and with the approval of the Chief of Police or his/her designee, the Police Department may acquire, borrow and/or use Military Equipment that is not included in the Military Equipment Use Policy.

If the Police Department acquires, borrows, and/or uses Military Equipment in exigent circumstances, in accordance with this section, it must take all of the following actions:

- Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
- If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
- Include the Military Equipment in the Police Department's next annual Military Equipment Report.

709.7 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

709.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

709.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

File Attachments for Item:

C. Adopt an Ordinance, Waiving Second Reading, Repealing Chapter 8.19 of the Brisbane Municipal Code and Adopting a New Chapter 8.19 Regulating the Use of Disposable Food Service Ware by Food Facilities to Align with State Law



CITY COUNCIL AGENDA REPORT

Meeting Date: March 17, 2022

From: Adrienne Etherton, Sustainability Manager

Subject: Second Reading, Disposable Foodware Ordinance Amendment

Recommendation

Adopt an Ordinance, waiving second reading, repealing Chapter 8.19 of the Brisbane Municipal Code and adopting a new chapter 8.19 regulating the use of disposable food service ware by food facilities to align with state law.

Background

This ordinance was introduced at the regular City Council meeting held on March 3, 2022 and was passed unanimously on consent.

Attachments

1. March 3, 2022 staff report with proposed ordinance

Adrienne Etherton, Sustainability Manager

Randy Breault, Public Works Director

Clay Holstine, City Manager



CITY COUNCIL AGENDA REPORT

Meeting Date: March 3, 2022

From: Adrienne Etherton, Sustainability Manager

Subject: Disposable Foodware Ordinance Amendment

Community Goal/Result

Ecological Sustainability - Brisbane will be a leader in setting policies and practicing service delivery innovations that promote ecological sustainability

Purpose

Align the City's Disposable Foodware Ordinance with the County of San Mateo's in response to new state laws.

Recommendation

Introduce an Ordinance, waiving first reading, repealing Chapter 8.19 of the Brisbane Municipal Code and adopting a new chapter 8.19 regulating the use of disposable food service ware by food facilities to align with state law.

Background

In April 2021, the City Council passed Ordinance 660 to extend regulations passed by the County of San Mateo on the use of disposable foodware within the City of Brisbane. The effective date of that regulation was March 25, 2022.

In 2018, California adopted Assembly Bill (AB) 1884 requiring that full-service restaurants only provide single-use plastic straws upon consumer request only. The State expanded on this law by passing AB 1276 on October 5, 2021. Under AB 1276, food facilities must go beyond just plastic straws and require consumers to request additional foodware accessories such as utensils, stirrers, splash sticks, and condiment packets. The State also directed local governments to authorize an enforcement agency to enforce these statutes by June 1, 2022. The law, however, does not provide a specific implementation date. Furthermore, AB 1276 allows local governments to adopt more restrictive requirements at their discretion.

On October 5, 2021, Governor Newsom signed into law AB 1200, which prohibits the sale or distribution of single-use foodware comprised of paper or other plant-based natural fiber that contains intentionally added PFAS (per-and polyfluoroalkyl substances). This law goes into effect on January 1, 2023. The new legislation does not direct a specific entity to be the enforcement agency.

The County of San Mateo adopted an ordinance on February 8, 2022 to update their ordinance in alignment with these new state laws, and the City must now follow suit so the County may continue to enforce these regulations within our jurisdiction.

Discussion

The City and County's prior Ordinances include provisions that are well aligned with many of the requirements in AB 1276 and AB 1200, however, some discrepancies exist.

To align with the new state requirements of AB 1276, the following changes are recommended:

Current Ordinance Requirement	New AB 1276 Requirement	Change to Local Ordinance
All food facilities may offer single-use foodware accessories to consumers.	Food facilities can offer single-use foodware accessories only at drive-throughs and public airports.	Amended so that only food facility drive-throughs and food facilities at public airports can offer accessories to consumers.
Food facilities may distribute foodware accessories using dispensers and have them available at self-serve areas, including in open bins/containers for consumers to grab-and-go.	Open bins/containers are not allowed for distribution of accessories. Consumers must request them from the employee and/or food facilities may have them available at refillable dispensers that dispense accessories one at a time.	Amended so that food facilities cannot have available accessories in open bins/containers at self-serve areas for consumers to grab-and-go, and explicitly state that dispensers can only dispense accessories one item at a time.
Food facilities are not prohibited from using self-serve, refillable bulk condiment dispensers (there is no reference to bulk condiment dispensers in the existing Ordinance).	Food facilities are explicitly allowed to use self-serve, refillable bulk condiment dispensers to distribute condiments.	Amended to explicitly allow for use of refillable bulk condiment dispensers.

The PFAS requirements in AB 1200 go into effect on January 1, 2023 and supersede those of the existing Ordinance. Therefore, the recommendation is to sunset the local PFAS requirements on December 31, 2022. The City and County will look to the State to assume responsibility for implementing and enforcing the new requirements starting on January 1, 2023.

The amendment also changes the enforcement start date from March 25, 2022 to October 1, 2022 to align with the County and provide additional time for food facilities to come into compliance with the new state requirements, especially those associated with AB 1276.

The City and County adopted an MOU in 2021 for the County to lead enforcement of the disposable foodware ordinance. County staff has indicated that the existing MOU can continue to be utilized since the intent of the MOU along with the expectations and roles of the City and County have not changed.

Fiscal Impact

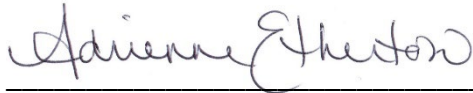
There is no net City cost associated with this Ordinance amendment.

Measure of Success

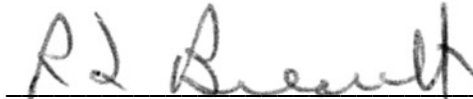
A local disposable foodware ordinance aligned with state and county regulations.

Attachments

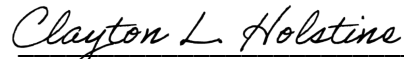
1. Proposed Ordinance



Adrienne Etherton, Sustainability Manager



Randy Breault, Public Works Director



Clay Holstine, City Manager

ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY OF BRISBANE
REPEALING CHAPTER 8.19 OF THE BRISBANE MUNICIPAL CODE
AND ADOPTING A NEW CHAPTER 8.19 REGULATING THE USE OF
DISPOSABLE FOOD SERVICE WARE BY FOOD FACILITIES
TO ALIGN WITH NEW STATE LAWS**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1. Findings.

The City Council finds and determines that:

- A. This Council adopted Ordinance No. 590 prohibiting the use of polystyrene based disposable food service ware by food vendors in November 2014.
- B. This Council repealed and replaced City Ordinance No. 590 with Ordinance No. 660, also known as the “Disposable Food Service Ware Ordinance,” hereafter referred to as the “Ordinance,” on April 15, 2021. The Ordinance focuses on reducing single-use plastic and other food service ware waste, improving the health and safety of Brisbane community members, and helping the city keep its waterways clean and safe.
- C. The Ordinance went into effect in May 2021, with the mandatory provisions scheduled to become operative and subject to enforcement on March 25, 2022.
- D. On October 5, 2021, AB 1276 was signed into law by Governor Gavin Newsom. AB 1276 restricts the distribution of single-use foodware accessories (e.g., utensils, straws, stirrers, condiment packets, etc.) by restaurants and other food facilities.
- E. On October 5, 2021, AB 1200 was also signed into law by the Governor. AB 1200 mandates that no person shall distribute, sell, or offer for sale in the state any food packaging (including single-use foodware) that contains regulated perfluoroalkyl and polyfluoroalkyl substances (PFAS).
- F. The Ordinance includes requirements that are well aligned with many of the requirements on foodware in AB 1276 and AB 1200. However, some discrepancies exist. As such, the Ordinance must be amended to ensure alignment with requirements in both State bills.
- G. This Council does, accordingly, find and declare that it should repeal and replace in its entirety Chapter 8.19 of the Brisbane Municipal Code to ensure the City’s requirements around single-use foodware accessories distribution and PFAS regulation in single-use foodware align with the State of California’s requirements.

SECTION 2. Chapter 8.19 of the Brisbane Municipal Code is hereby repealed and replaced in its entirety by a new Chapter 8.19 to be numbered and entitled and to read as follows:

CHAPTER 8.19 REGULATING THE USE OF DISPOSABLE FOOD SERVICE WARE

§8.19.010 – Application of Chapter.

This section intentionally left blank.

§8.19.020 – Definitions.

For purposes of this Chapter, the following terms have the following meanings:

- A. “Aluminum Foil-based” means any Disposable Food Service Ware composed entirely of aluminum, including but not limited to aluminum tray liners, aluminum foil, and aluminum foil baskets.
- B. “Compostable” means that an item or material:
 - 1. Meets standards for compostability from a certified/approved independent third-party approved by the County Manager or designee, in collaboration with local waste processors, haulers, and/or other entities, as needed; and/or
 - 2. Is any variation of acceptable materials that will break down or otherwise become part of usable compost in a safe and timely manner as determined by the County Manager or designee, in collaboration with local waste processors, haulers, and/or other entities, as needed; and
 - 3. Is Natural Fiber-based. Compostable items may include those that are made entirely of Natural Fiber or Natural Fiber-based items that are coated or lined with biologically based polymer, such as, but not limited to corn or other plant sources (e.g., compostable plastics), if certified/approved by independent third parties approved by the County Manager or designee.

“Compostable” does not include items made entirely/primarily of biologically based polymer (e.g., PLA, PHA, or other compostable plastic), even if labeled or certified as compostable.
- C. “Disposable” means designed to be discarded after a single or limited number of uses and not designed or manufactured for longer-term multiple reuse.
- D. “Food Service Ware” means food contact products used for serving, distributing, holding, packaging, and/or transporting Prepared Food including, but not limited to plates, cups, bowls, trays, clamshell containers, boxes, utensils, straws, lids, and food contact paper (e.g., wraps, bags, tray liners, etc.). The term "Food Service Ware" includes Food Service Ware Accessories and Standard Condiment in Disposable packaging.
- E. “Food Service Ware Accessories” include different types of Food Service Ware such as straws, stirrers, Utensils, condiment cups and packets, cocktail sticks/picks, toothpicks, napkins, cup spill plugs, cup sleeves, and other similar accessory or accompanying Food

Service Ware used as part of food or beverage service or packaging. Detachable lids for beverage cups and food containers are not considered a Food Service Ware Accessory.

- F. "Perfluoroalkyl and Polyfluoroalkyl substances (PFAS)" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- G. "Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Restrictions" mean either of the following:
 1. PFAS has not been intentionally added to a product or product component.
 2. The presence of PFAS in a product or product component is below 100 parts per million, as measured in total organic fluorine.
- H. "Food Facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food to the public for human consumption, as defined by the California Health and Safety Code Section 113789 or successor. It includes both permanent and temporary food facilities. Public schools are exempt from the provisions of this Chapter.
- I. "Food Scrap Composting Method" means (1) self-hauling of food scraps to a permitted composting facility or a transfer station that accepts food scraps that will be transferred to a permitted composting facility for on-site compost processing, (2) food scrap compost collection service provided by a curbside hauler, or (3) on-site food scrap composting.
- J. "Healthcare Facilities" mean places that provide healthcare to the public. Healthcare Facilities includes, but is not limited to hospitals, clinics, outpatient care centers, nursing homes, psychiatric care centers, medical offices, hospice homes, mental health and addiction treatment centers, orthopedic and other rehabilitation centers, urgent care, birth centers, etc.
- K. "Natural Fiber/Natural Fiber-based" means a plant or animal-based, non-synthetic fiber, including but not limited to products made from paper, sugarcane, bamboo, wheat stems/stalk, hay, wood, etc.
- L. "Non-Compostable" means not meeting the definition of Compostable set forth in this Chapter.
- M. "Polystyrene-based" means and includes expanded polystyrene, which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" also includes polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam (expanded polystyrene [EPS]) and clear or solid polystyrene known as oriented polystyrene.
- N. "Prepackaged Food" means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer and prepared at an approved source.
- O. "Prepared Food" means food or beverages that undergo a cooking or food preparation technique on the Food Facility's premises for consumption by the public. Cooking or food preparation technique includes, but is not limited to the following:

1. Cooking methods, utilizing the application of heat, such as steaming, microwaving, simmering, boiling, broiling, grilling, frying, or roasting.
 2. Beverage preparation, such as blending, brewing, steeping, juicing, diluting, or pouring.
 3. Food preparation techniques, such as defrosting, rinsing, washing, diluting, cutting, portioning, mixing, blending, assembling, coating, dipping, garnishing, decorating, or icing.
 4. Prepared Food does not include raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.
- P. “Standard Condiment” means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, and includes different types such as ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, and sugar/sugar substitutes.
- Q. “Takeout Food” means Prepared Food that is purchased to be consumed off a Food Facility’s premises. Takeout Food includes Prepared Food delivered by a Food Facility or by a third-party Takeout Food Delivery Service.
- R. “Takeout Food Delivery Service” is a service for online food ordering and delivery of Prepared Food from a Food Facility to a customer. This service can be provided directly by the Food Facility or by a third-party.
- S. “Utensils” include different types of instruments used to assist the consumption of food, specifically, forks, knives, spoons, sporks, chopsticks, and tongs.

§8.19.030 – Distribution of Disposable Food Service Ware Accessories and Standard Condiment.

- A. Except as provided in Subsections B and C, Food Facilities, for on-premise dining and off-premise dining (e.g., Takeout Food Delivery Service, catering off-site, etc.), shall not provide any Disposable Food Service Ware Accessories or Standard Condiment in Disposable packaging to a consumer unless the specific type of Disposable Food Service Ware Accessory (including different types of Utensils) or specific type of Standard Condiment is requested by the consumer.
- B. Food Facilities may ask a drive-through consumer if the consumer wants a specific type of Disposable Food Service Ware Accessory (including different types of Utensils), if the item is necessary for the consumer to consume Prepared Food or to prevent spills of or safely transport Prepared Food.
- C. Food Facilities that are located entirely within a public use airport, as defined in Section 77.3 of Title 14 of the Code of Federal Regulations, may ask a walk-through consumer if the consumer wants a specific type of Disposable Food Service Ware Accessory (including different types of Utensils), if the item is necessary for the consumer to consume Prepared Food or to prevent spills of or safely transport Prepared Food.
- D. Disposable Food Service Ware Accessories and Standard Condiment in Disposable packaging provided by Food Facilities for use by consumers shall not be bundled or packaged in a manner that prohibits a consumer from taking only the type of Disposable

Food Service Ware Accessory (including different types of Utensils) or type of Standard Condiment desired without also having to take a different type of Disposable Food Service Ware Accessory or type of Standard Condiment. Food Facilities cannot distribute Disposable Utensils that are bundled or packaged together. Each type of Utensil (e.g., fork, spoon, knife, etc.) must be specifically requested by the consumer in order for a Food Facility to provide the item(s).

- E. Nothing in this Chapter shall prohibit a Food Facility from making unwrapped Disposable Food Service Ware Accessories available to a consumer using refillable self-service dispensers that dispense different types of Disposable Food Service Ware Accessories one item at a time to allow for Disposable Food Service Ware Accessories to be obtained.
- F. Nothing in this Chapter shall prohibit a Food Facility from making Standard Condiment available to a consumer using refillable self-service dispensers to allow for Standard Condiment to be obtained. Food Facilities that offer Standard Condiment are encouraged to use bulk dispensers for the condiments rather than condiments packaged for single-use.
- G. Takeout Food Delivery Services shall provide consumers with the option to proactively request the different types of available Disposable Food Service Ware Accessories (including different types of Utensils) and the different types of Standard Condiment from a Food Facility serving Prepared Food. The default option on the digital ordering/point-of-sale platforms of Takeout Food Delivery Services shall be that no Disposable Food Service Ware Accessories or Standard Condiment are requested.
- H. Takeout Food Delivery Services shall provide Food Facilities the ability to tailor the digital ordering/point-of-sale platforms so that Food Facilities can customize and itemize the different types of available Disposable Food Service Ware Accessories (including different types of Utensils) and the different types of available Standard Condiments for consumers to proactively select.
- I. If a Food Facility uses any Takeout Food Delivery Service, the Food Facility shall customize its menu with an itemized list and/or provide options of the different types of available Disposable Food Service Ware Accessories (including different types of Utensils) and the different types of available Standard Condiments for consumers to proactively select. Only those specific types of Disposable Food Service Ware Accessories (including different types of Utensils) or specific types of Standard Condiment proactively requested by the consumer shall be provided by the Food Facility. If a consumer does not request any Disposable Food Service Ware Accessories or Standard Condiment, no Disposable Food Service Ware Accessories or Standard Condiment shall be provided by the Food Facility for delivery of Prepared Food. Pursuant to Subsection D, each type of Utensil (e.g., fork, spoon, knife, etc.) offered by the Food Facility shall also be listed individually, unbundled on the menu and provided by the Food Facility for delivery along with the Prepared Food only if requested by the consumer.

§8.19.040 – Standards and Required Use of Disposable Food Service Ware.

- A. No Food Facility shall use Polystyrene-based Disposable Food Service Ware when providing Prepared Food.

- B. Food Facilities shall only provide Disposable straws, stirrers, utensils, and cocktail/toothpicks (and the packaging that these individual items are wrapped in, if any) that are Compostable.
- C. Nothing in this Chapter shall conflict or be construed to conflict with the Americans with Disabilities Act or any other applicable law concerning the rights of individuals with disabilities. In particular, nothing in this Chapter shall restrict, or be construed to restrict, the provision by Food Facilities of Disposable Non-Compostable straws to individuals who may request the use of Disposable Non-Compostable straws to accommodate medical needs or disabilities. Healthcare Facilities may distribute Disposable Non-Compostable straws with or without request by a patient at the discretion of the Healthcare Facility staff based on the physical or medical needs of the patient.
- D. Food Facilities shall use Compostable items for the below Disposable Food Service Ware when providing Prepared Food:
 - 1. Plates
 - 2. Bowls (of all sizes including, but not limited to soup and salad bowls)
 - 3. Cups (of all sizes including, but not limited to beverage and accessory cups for Standard Condiments)
 - 4. Food trays and food boats
 - 5. Boxes
 - 6. Hinged or lidded containers (e.g., clamshells), deli containers, and other containers used for the sale and/or distribution of Prepared Food
- E. Commencing on the effective date of this Chapter up until December 31, 2022, for the Compostable Disposable Food Service Ware listed in Subsection D, Food Facilities shall use items that meet Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Restrictions. To verify the PFAS Restrictions, Food Facilities shall use items that are certified/approved by independent third parties approved by the County Manager or designee, in collaboration with local waste processors and haulers, as needed.
- F. For all other Disposable Food Service Ware not listed in Subsections B and D, Food Facilities shall use only Disposable Food Service Ware that can be composted by the Food Scrap Composting method utilized by the Food Facility and/or accepted for recycling by the Food Facility's recycling collection service, unless a feasible alternative does not exist.
- G. The County shall maintain a list of approved Disposable Food Service Ware and/or references to resources that maintain regularly updated lists of products that meet the requirements detailed in Subsections A, B, D, and E of this Section. This information shall be made public by the Office of Sustainability. If a product is not included on the approved list, the Food Facility wishing to use a product as Disposable Food Service Ware shall establish to the County Manager or designee's satisfaction that the product complies with the requirements detailed in Subsections A, B, D and E.

§8.19.050 – Recordkeeping and Inspection.

- A. Food Facilities shall keep complete and accurate record or documents of the purchase of the acceptable Disposable Food Service Ware evidencing compliance with this Chapter for a minimum period of three years from the date of purchase.
- B. The record shall be made available for inspection at no cost to the County during regular business hours by County employee or County-designated staff authorized to enforce this Chapter. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be made available at the Food Facility address.
- C. The provision of false or incomplete information, records, or documents to the County shall be a violation of this Chapter.

§8.19.060 – Automatic Exemptions.

- A. Prepackaged Food is exempt from the provisions of this Chapter.
- B. Polystyrene coolers and ice chests intended for reuse are exempt from the provisions of this Chapter.
- C. Disposable Food Service Ware that is entirely Aluminum Foil-based or recyclable glass is exempt from the provisions of this Chapter.
- D. If the County determines that a reasonably feasible Disposable Food Service Ware that complies with Section 8.19.040 A, B, D and E of this Chapter does not exist, these items will be exempt from all or select requirements of the abovementioned provisions of this Chapter until the County determines that a reasonably feasible alternative is available on the market for purchase. The County will have a current list of these temporarily exempted Disposable Food Service Ware made public by the Office of Sustainability.
- E. Temporary exemptions due to an emergency are automatic without the submission of a request for an exemption. An emergency is defined as a sudden, unexpected occurrence posing a clear and imminent danger that requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. Examples of an emergency include, but are not limited to natural disasters, emergencies due to the release of hazardous materials, emergencies associated with loss of power and/or water, or emergency medical response.

§8.19.070 – Case-by-Case Consideration of Requests for Hardship Exemption.

- A. Grounds for an exemption.

An exemption from any of the provisions of this Chapter may be granted by the County Manager or designee upon demonstration by a Food Facility to the satisfaction of the County that strict application of the requirements would cause undue hardship. An “undue hardship” includes, but is not limited to the following:

- 1. A situation unique to the Food Facility where a suitable alternative that conforms with the requirements detailed in Section 8.19.040 A, B, D, and E does not exist for a specific application.

2. Imposing the provisions of this Chapter would cause significant economic hardship. “Significant economic hardship” may be based on, but not limited to, demonstrating that suitable Disposable Food Service Ware is not available at a commercially reasonable price and the additional cost associated with providing the Disposable Food Service Ware is particularly burdensome to the Food Facility based on the type of operation(s) affected, the overall size of the business/operation, the number, type and location of its facilities, the impact on the overall financial resources of the Food Facility, and other factors. Reasonable added cost for a suitable item as compared to a similar item that the Food Facility can no longer use shall not by itself constitute adequate grounds to support an exemption for such item. In determining whether a significant economic hardship has been established, the County Manager or designee may consider the following information: ability of the Food Facility to recover the additional expense by increasing its prices; the availability of tax credits and deductions; outside funding; and other options.
- B. Request for an exemption. A request for an exemption from the requirements of this Chapter shall include all information deemed necessary by the County to render a decision, including but not limited to documentation showing the factual support for the requested exemption. A request for an exemption may be approved by the County Manager or designee, in whole or in part, with or without conditions. The duration of the exemption, if granted, shall also be determined by the County Manager or designee. Information about the application process for requesting an exemption will be made available to the public by the Office of Sustainability.

§8.19.080 – Enforcement.

- A. The San Mateo County Manager or designee is hereby authorized to enforce, on behalf of the City of Brisbane, this Chapter and any amendments thereto, within the jurisdictional boundaries of the City of Brisbane as set forth in Section 4.107.090 of the County of San Mateo Ordinance Code. Such enforcement authority includes, but is not limited to, the authority to hold hearings, issue citations, and assess administrative fines for violations of this Chapter within the geographical limits of the City of Brisbane.
- B. A violation of this Chapter is an infraction and is also punishable by administrative fines as set forth in San Mateo County Code of Ordinances [Chapter 1.40](#).
- C. Compliance plan.
1. If requested by the County Manager or designee, a Food Facility that is in violation of any of the provisions detailed in this Chapter shall create and submit to the County Manager or designee a compliance plan, which will include information on corrective action(s) that the Food Facility shall undertake to come into compliance. Other requested information may include, and are not limited to, proposed timeline for corrective action(s) and identification of individuals responsible for ensuring compliance.
 2. The Food Facility shall create and submit its completed compliance plan within fourteen calendar days (14) from the time of request by the County Manager or designee.

- D. Violation of this Chapter is a public nuisance subject to all applicable civil, administrative, and criminal remedies and penalties according to the provisions and procedures contained in this ordinance code and state law including, but not limited to, an action for abatement or injunctive relief.
- E. This Section shall not be interpreted to limit any otherwise available civil or administrative remedies under law.

SECTION 3. This Ordinance is exempt from the environmental review requirements of CEQA pursuant to Section 15061 (b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the provisions contained herein may have a significant effect on the environment. Further, the Ordinance is also exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 of Title 14 of the California Code of Regulations as actions taken by regulatory agencies to assure the maintenance, restoration, enhancement of natural resources, or protection of the environment.

SECTION 4. If any provision, section, subsection, sentence, clause, phrase, or word of this Chapter 8.19, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each provision, section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

SECTION 5. This Ordinance shall be effective thirty (30) days after adoption. However, the mandatory provisions of this Ordinance shall only become operative and subject to enforcement on October 1, 2022.

Coleen Mackin, Mayor

* * * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2022, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk

APPROVED AS TO FORM:



Thomas C. McMorrow, City Attorney

D.

File Attachments for Item:

D. Adopt a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public



CITY COUNCIL AGENDA REPORT

Meeting Date: March 17, 2022

From: Clay Holstine, City Manager

Subject: Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public

COMMUNITY GOAL RESULTS

Safe Community

Ensuring Public Meetings Remain Open to the Public

RECOMMENDATION

Staff recommends that the City Council adopt a resolution declaring the need to continue conducting the meetings of the City Council, Commissions, and Committees remotely due to health and safety concerns.

BACKGROUND

In 2020 and 2021, the Governor signed various Executive Orders that allowed meetings of public agencies to be conducted remotely due to the COVID-19 pandemic and the need to protect the public and governmental officials. In addition, County Health Officers issued Health Orders requiring masks indoors in public places, regardless of vaccination status and that social distancing be observed. As a result, the City has been conducting its public meetings via zoom, thereby ensuring the right of the public to participate in public meetings but keeping the public, City Council, Committees, and Commissions, and City staff safe. There have been no cancelled meetings due to technical or related difficulties arising out of conducting meetings remotely.

Notwithstanding the availability of a vaccine and boosters, COVID-19 variants (Delta and Omicron) have continued to spread and infect individuals. To address the need to continue to allow public agencies to conduct meetings remotely, in September 2021, AB 361 was enacted. AB 361 amends the Brown Act to permit local legislative bodies to continue to meet remotely until January 1, 2024 provided:

- The local legislative body is meeting during a declared state of emergency
- State or local health officials have imposed or recommended measures to promote social distancing
- The local legislative body has determined that there is a need to hold public meetings remotely due to imminent risks to the health or safety of attendees

In September, October and November 2021, and in January and February 2022, the City Council found that the City met the requirements of AB 361, namely, the declared state of emergency proclaimed by the state (as well as one by the City) remained in place; state and local health officials continued to recommend that residents observe social distancing and take other protective measures; and the City determined that there was a need to hold public meetings remotely due to imminent risks to the health and safety of attendees. The Council therefore adopted Resolutions directing that the City continue to conduct public meetings normally scheduled for City Hall via Zoom to protect the health and safety of the public.

The Brown Act as amended by AB 361 requires that every 30 days the City Council review its decision not to hold in-person public meetings at City Hall and to specifically determine whether holding remote and/or hybrid public meetings continues to meet the requirements of the Brown Act as amended.

City Council last made the necessary findings on February 17, 2022.

DISCUSSION

Notwithstanding that as of February 16, 2022, masks are not required to be worn indoors in every situation, they are required to be worn in many venues and therefore, the requirements to allow public meetings to be conducted remotely continue: there is a declared state of emergency; state and local officials have imposed measures to promote social distancing; and there continues to be a need to hold public meetings remotely due to imminent risks to the health and safety if Council meetings were not conducted remotely.

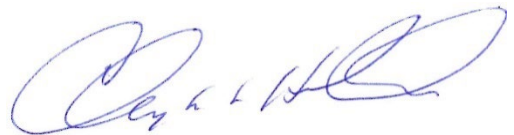
ACTION

Staff recommends that the City Council adopt the attached Resolution making the findings required under AB 361, to require the public meetings of the City Council, Commissions and Committees normally scheduled for City Hall through April 6, 2022 be held remotely or in hybrid fashion to protect the health and safety of the public. Because the Council's second meeting in April will be more than 30 days from March 17, 2022, Council will need to consider adopting another resolution concerning this matter at its meeting on April 5, 2020.

FISCAL IMPACT

There is no fiscal impact.

Attachment: 1. Resolution 2022-XX



Clay Holstine, City Manager

RESOLUTION NO. 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE DECLARING THE NEED FOR THE CITY COUNCIL, COMMISSIONS AND COMMITTEES TO CONTINUE TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 19, 2020, the City Council ratified and confirmed the Director of Emergency Service's proclamation of a local emergency which allowed staff to expeditiously respond to the emergency circumstances caused by the pandemic; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom meetings for all City Council, Committee and Commission meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which placed an end date of September 30, 2021, for agencies to meet remotely; and

WHEREAS, since issuing Executive Order N-08-21, the Delta and Omicron variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, in 2021, in response to the Delta and Omicron variant, the San Mateo County Health Department ordered all individuals to wear masks when inside public spaces and maintain social distancing; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 into law, amending the Brown Act to permit local legislative bodies, including the City Council, to meet remotely provided it is meeting during a declared state of emergency, state or local officials have imposed or recommended measures to promote social distancing, and the Council believes there is a need to meet remotely to protect against imminent risks to the health and safety of potential public attendees; and

WHEREAS, cases involving COVID 19, including the Delta and Omicron variant continue to exist, the City Council is concerned about and desire to protect the health and safety of individuals who might otherwise attend Council, Committee and Commission meetings;

WHEREAS, the City Council of the City of Brisbane adopted Resolutions in 2021 and in January and February 2022 declaring the need for the City Council, Committees, and Commissions to continue to meet remotely in order to ensure the health and safety of the public; and

WHEREAS, the City Council does hereby find that the above described conditions of serious threat to the public health, safety, and welfare continue at this time; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE
RESOLVES AS FOLLOWS:**

1. In compliance with AB 361, the City Council has reviewed and makes the following findings:
 - a. The state, San Mateo County and the City have each proclaimed a state of emergency due to the Coronavirus pandemic;
 - b. San Mateo County has issued a public health order requiring that individuals in many public spaces wear masks and socially distance, but the City cannot maintain social distancing for the public, staff, councilmembers, commissioners, and committee members in its meeting spaces; and
 - c. The City Council has considered these circumstances and concludes that it, City Committees and City Commissions must meet remotely due to imminent risks to the health and safety of attendees if the Council, Committees or Commissions met in City facilities.
2. Based on the foregoing, the City Council declares that to protect the safety and health of the public, City Council, Committee and Commission meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361.
3. The City Council will revisit the need to conduct public meetings remotely within 30 days of the adoption of this resolution.

Coleen Mackin, Mayor

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on March 17, 2022.

I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on March 17, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, City Attorney

File Attachments for Item:

E. Receive Housing Element Progress Report and Direct staff to submit the 2021 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research



CITY COUNCIL AGENDA REPORT

Meeting Date: March 17, 2022

From: John Swiecki, Community Development Director

Subject: 2021 Annual Housing Element Progress Report

Community Goal/Result

Community Building - Brisbane will honor the rich diversity of our city (residents, organizations, businesses) through community engagement and participation

Purpose

To comply with reporting requirements of State law.

Recommendation

Direct staff to submit the 2021 Housing Element Annual Progress Report to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).

Background/Discussion

The City is required to prepare an annual report to the State on the City's progress in implementing the Housing Element (which was adopted April 2, 2015), using the format adopted by HCD. Government Code Section 65400(a)(2)(B) requires that the City hold a public meeting on the report before submitting it to HCD and OPR by the April 1st deadline.

Housing Element APR

Historically, State-mandated Housing Element annual reports have tracked the number of building permits issued for housing units in a given calendar year towards Brisbane's Regional Housing Needs Allocation (RHNA), as well as an update on the implementation status of each Housing Element program. Changes in State housing law require the City to submit additional data not required prior to last year, including Local Early Action Planning (LEAP) Reporting and a list of locally owned or controlled lands declared surplus or identified as excess pursuant to Government Code sections 54221 and 50569, respectively (see Tables G and H of Appendix A of the attached report).

As detailed in the attached report, in 2021 the City issued building permits for seven moderate-income units and five above moderate-income unit, and 96% of the Housing Element programs have been completed or are implemented on a continuous basis. The City is seven years into the eight-year (2015- 2022) Housing Element planning period and has met 46% of its RHNA, with all production within the moderate or above moderate income categories. No building permits have been issued for low or very low income units during the current Housing Element planning period.

Fiscal Impact

None.

Measure of Success

Submittal of the 2021 Housing Element Annual Progress Report to HCD and OPR within the deadline prescribed by State law.

Attachments

1. Housing Element Annual Progress Report



John Swiecki, Community Development Director



Clay Holstine, City Manager

Housing Element

The 2014 Housing Element was adopted on April 2, 2015 and covers the 2015 to 2022 planning cycle. It has been certified by the State Department of Housing & Community Development (HCD) as meeting all requirements of State law. The Housing Element contains 79 programs, many of which are implemented or ongoing. Table 1 and Figure 1 below offer a snapshot of the Housing Element implementation progress while Appendix A provides the complete breakdown of the implementation progress and housing entitlement and construction approvals for the 2021 calendar year.

FIGURE 1: HOUSING ELEMENT IMPLEMENTATION PROGRAM STATUS (2021)

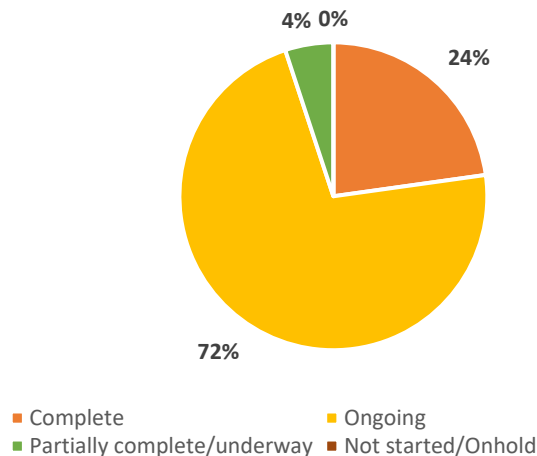


Table 1: Housing Element Implementation Progress Snapshot 2021

Program Status	Total Number	% of Total
Complete	19	24%
Ongoing	57	72%
Partially Complete/Underway	3	4%
Not Started/On Hold	0	0%
Total	79	100%

Regional Housing Need

The City is required to report certain housing information in accordance with State Housing Element Law (Government Code Sections 65583 and 65584) and the State HCD's guidelines for reporting the City's progress toward meeting its regional housing needs. The Association of Bay Area Governments has adopted a Regional Housing Needs Allocation (RHNA), pursuant to Government Code Section 65584, for all jurisdictions within San Mateo County to provide housing for the projected population growth within the region. Brisbane's share of the regional housing need was allocated at 83 new housing units for the 8-year period between 2015 and 2022, including 15 units affordable to moderate-income households, 13 units affordable to low-income households, and 25 affordable to very-low-income households.

Seven years into the 2015 – 2022 Housing Element planning period, Brisbane has met 46% of its RHNA. Brisbane's progress in meeting RHNA and its unmet RHNA need at the end of 2021 is shown in Table 2. Table B of Appendix A indicates the number of building permits issued by income level from 2015 – 2021.

Table 2: 2021 Progress in Meeting Regional Housing Needs 2015-2022

Income Group	Regional Housing Need 2015-22	Permits Issued 2021	Need Met thru 12/31/21	Remaining Need at end of 2021	% of 2015-22 Regional Housing Need Met
Very Low	25	0	0	25	0%
Low	13	0	0	13	0%
Moderate	15	7	27	0	180%
Above Moderate	30	5	23	7	77%
Total Units	83	12	50	45	46%

Attachments

Appendix A: Housing Element Annual Progress Report Tables

Jurisdiction	Brisbane	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

(CCR Title 25 §6202)

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Applications		Application Status	Notes
1					2	3	4	5							6	7	8	9	10		11	12
Prior APN ⁺	Current APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted+ (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total <u>PROPOSED</u> Units by Project	Total <u>APPROVED</u> Units by project	Total <u>DISAPPROVED</u> Units by Project	Was <u>APPLICATION SUBMITTED</u> Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Was a Density Bonus requested for this housing development?	Was a Density Bonus approved for this housing development?	Please indicate the status of the application.	Notes ⁺
Summary Row: Start Data Entry Below								0	0	0	0	0	8	7	15	2	0					
007342040	007342230	148 Tulare Rd	B201900719		SFD	O	4/28/2021							1	1			No	No	N/A	Approved	
007342040	007342230	148 Tulare Rd	B201900719		ADU	O	4/28/2021						1		1			No	No	N/A	Approved	
007342040	007342220	154 Tulare Rd	B201900720		SFD	O	4/28/2021							1	1			No	No	N/A	Approved	
007342040	007342220	154 Tulare Rd	B201900720		ADU	O	4/28/2021						1		1			No	No	N/A	Approved	
	007350170	99 Thomas Rd	B202000087		ADU	O	6/17/2021						1		1			No	No	N/A	Approved	
	007313150	303 Humboldt Rd	B202000165		SFD	O	4/8/2021							1	1			No	No	N/A	Approved	
	007313150	303 Humboldt Rd	B202000165		ADU	O	4/8/2021						1		1			No	No	N/A	Approved	
	007281130	300 Monterey St	B202000254		ADU	O	5/14/2021						1		1			No	No	N/A	Approved	
	007302010	95 Kings Rd	B202000368		ADU	O	4/19/2021						1		1			No	No	N/A	Approved	
	007221190	18 Visitation Ave	B202000389		2 to 4	R	11/29/2021							2	2	2		No	No	N/A	Approved	Entitlement Approved in 2020 DP-3-20/UP-5-20
	007511200	887 Humboldt Rd	B202100003		ADU	O	4/20/2021						1		1			No	No	N/A	Approved	
	00745050	296 San Benito Road	2021-EX-3		SFD	O	7/30/2021							1	1			No	No	N/A	Approved	
	00745050	296 San Benito Road	2021-EX-3		ADU	O	7/30/2021						1		1			No	No	N/A	Approved	
	007193050	130 Sierra Point	2021-EX-1		SFD	O	5/13/2021							1	1			No	No	N/A	Approved	

Table A2																
Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units																
Project Identifier					Unit Types		Affordability by Household Incomes - Completed Entitlement									
1					2	3	4						5	6		
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement <u>Date Approved</u>	# of Units issued Entitlements	
Summary Row: Start Data Entry Below							0	0	0	0	0	0	1	2		3
	007332290	255 Mendocino St	18-0813-09		SFD	O										0
	007363030	597 San Bruno Ave	B201800313		ADU	R										0
	007272130	485 Monterey	B202000125		ADU	R										0
007342040	007342230	148 Tulare Rd	B201900719		SFD	O										0
007342040	007342230	148 Tulare Rd	B201900719		ADU	O										0
007342040	007342220	154 Tulare Rd	B201900720		SFD	O										0
007342040	007342220	154 Tulare Rd	B201900720		ADU	O										0
	007350170	99 Thomas Rd	B202000087		ADU	O										0
	007313150	303 Humboldt Rd	B202000165		SFD	O										0
	007313150	303 Humboldt Rd	B202000165		ADU	O										0
	007281130	300 Monterey St	B202000254		ADU	O										0
	007302010	95 Kings Rd	B202000368		ADU	O										0
	007221190	18 Visitacion Ave	B202000389		2 to 4	R										0
	007511200	887 Humboldt Rd	B202100003		ADU	O										0
	00745050	296 San Benito Road	2021-EX-3		SFD	O							1	9/16/2021		1
	00745050	296 San Benito Road	2021-EX-3		ADU	O						1		9/16/2021		1
	007193050	130 Sierra Point	2021-EX-1		ADU	O							1	6/10/2021		

E.

Table A2

Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier			Affordability by Household Incomes - Building Permits							8	9
			7								
Current APN	Street Address	Project Name*	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Building Permits <u>Date Issued</u>	# of Units Issued Building Permits
			0	0	0	0	0	7	5		12
007332290	255 Mendocino St	18-0813-09									0
007363030	597 San Bruno Ave	B201800313									0
007272130	485 Monterey	B202000125									0
007342230	148 Tulare Rd	B201900719						1	4/28/2021		1
007342230	148 Tulare Rd	B201900719						1	4/28/2021		1
007342220	154 Tulare Rd	B201900720						1	4/28/2021		1
007342220	154 Tulare Rd	B201900720						1	4/28/2021		1
007350170	99 Thomas Rd	B202000087						1	6/17/2021		1
007313150	303 Humboldt Rd	B202000165						1	4/8/2021		1
007313150	303 Humboldt Rd	B202000165						1	4/8/2021		1
007281130	300 Monterey St	B202000254						1	5/14/2021		1
007302010	95 Kings Rd	B202000368						1	4/19/2021		1
007221190	18 Visitacion Ave	B202000389						2	11/29/2021		2
007511200	887 Humboldt Rd	B202100003						1	4/20/2021		1
00745050	296 San Benito Road	2021-EX-3									0
00745050	296 San Benito Road	2021-EX-3									0
007193050	130 Sierra Point	2021-EX-1									0

E.

Table A2

Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier			Affordability by Household Incomes - Certificates of Occupancy									
			10							11	12	
Current APN	Street Address	Project Name ⁺	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Certificates of Occupancy or other forms of readiness (see instructions) <u>Date Issued</u>	# of Units issued Certificates of Occupancy or other forms of readiness	
			0	0	0	2	0	0	1		3	
007332290	255 Mendocino St	18-0813-09							1	7/29/2021	1	
007363030	597 San Bruno Ave	B201800313				1				3/3/2021	1	
007272130	485 Monterey	B202000125				1				3/8/2021	1	
007342230	148 Tulare Rd	B201900719									0	
007342230	148 Tulare Rd	B201900719									0	
007342220	154 Tulare Rd	B201900720									0	
007342220	154 Tulare Rd	B201900720									0	
007350170	99 Thomas Rd	B202000087									0	
007313150	303 Humboldt Rd	B202000165									0	
007313150	303 Humboldt Rd	B202000165									0	
007281130	300 Monterey St	B202000254									0	
007302010	95 Kings Rd	B202000368									0	
007221190	18 Visitacion Ave	B202000389									0	
007511200	887 Humboldt Rd	B202100003									0	
00745050	296 San Benito Road	2021-EX-3									0	
00745050	296 San Benito Road	2021-EX-3									0	
007193050	130 Sierra Point	2021-EX-1									0	

Table A2

Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier				Streamlining	Infill	Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	Term of Affordability or Deed Restriction	Demolished/Destroyed Units			Density Bonus			
			13	14	15	16	17	18	19	20			21	22	23	24
Current APN	Street Address	Project Name*	How many of the units were Extremely Low Income?*	Was Project <u>APPROVED</u> using GC 65913.4(b)? (SB 35 Streamlining) Y/N	Infill Units? Y/N*	Assistance Programs for Each Development (may select multiple - see instructions)	Deed Restriction Type (may select multiple - see instructions)	For units affordable without financial assistance or deed restrictions, explain how the locality determined the units were affordable (see instructions)	Term of Affordability or Deed Restriction (years) (if affordable in perpetuity enter 1000)*	Number of Demolished/Destroyed Units	Demolished or Destroyed Units	Demolished/Destroyed Units Owner or Renter	Total Density Bonus Applied to the Project (Percentage Increase in Total Allowable Units or Total Maximum Allowable Residential Gross Floor Area)	Number of Other Incentives, Concessions, Waivers, or Other Modifications Given to the Project (Excluding Parking Waivers or Parking Reductions)	List the incentives, concessions, waivers, and modifications (Excluding Parking Waivers or Parking Modifications)	Did the project receive a reduction or waiver of parking standards? (Y/N)
			0	0						2		0				
007332290	255 Mendocino St	18-0813-09		N	Y											
007363030	597 San Bruno Ave	B201800313		N	Y			ADU affordability determined by annual rental rate survey data from owners of permitted ADUs								
007272130	485 Monterey	B202000125		N	Y			ADU affordability determined by annual rental rate survey data from owners of permitted ADUs								
007342230	148 Tulare Rd	B201900719		N	Y											
007342230	148 Tulare Rd	B201900719		N	Y			ADU affordability determined by annual rental rate survey data from owners of permitted ADUs								
007342220	154 Tulare Rd	B201900720		N	Y											
007342220	154 Tulare Rd	B201900720		N	Y			ADU affordability determined by annual rental rate survey data from owners of permitted ADUs								
007350170	99 Thomas Rd	B202000087		N	Y			ADU affordability determined by annual rental rate survey data from owners of permitted ADUs								
007313150	303 Humboldt Rd	B202000165		N	Y											
007313150	303 Humboldt Rd	B202000165		N	Y			ADU affordability determined by annual rental rate survey data from owners of permitted ADUs								
007281130	300 Monterey St	B202000254		N	Y			ADU affordability determined by annual rental rate survey data from owners of permitted ADUs								
007302010	95 Kings Rd	B202000368		N	Y			ADU affordability determined by annual rental rate survey data from owners of permitted ADUs								
007221190	18 Visitacion Ave	B202000389		N	Y											
007511200	887 Humboldt Rd	B202100003		N	Y			ADU affordability determined by annual rental rate survey data from owners of permitted ADUs								
00745050	296 San Benito Road	2021-EX-3		N	Y					1	Demolished	O				
00745050	296 San Benito Road	2021-EX-3		N	Y			ADU affordability determined by annual rental rate survey data from owners of permitted ADUs								
007193050	130 Sierra Point	2021-EX-1		N	Y					1	Demolished	O				

Jurisdiction	Brisbane	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	25	-	-	-	-	-	-	-	-	-	-	25
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	
Low	Deed Restricted	13	-	-	-	-	-	-	-	-	-	-	13
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	
Moderate	Deed Restricted	15	-	-	-	-	-	-	-	-	-	-	-
	Non-Deed Restricted		1	3	3	5	6	2	7	-	-	27	-
Above Moderate		30	2	4	4	1	6	1	5	-	-	23	7
Total RHNA		83											
Total Units			3	7	7	6	12	3	12	-	-	50	45

Note: units serving extremely low-income households are included in the very low-income permitted units totals and must be reported as very low-income units.
Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will include units that were permitted since the start of the planning period.
Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

Jurisdiction	Brisbane	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table C																	
Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law																	
Project Identifier				Date of Rezone	RHNA Shortfall by Household Income Category				Rezone Type	Sites Description							
1				2	3				4	5	6	7	8		9	10	11
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Date of Rezone	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Rezone Type	Parcel Size (Acres)	General Plan Designation	Zoning	Minimum Density Allowed	Maximum Density Allowed	Realistic Capacity	Vacant/Nonvacant	Description of Existing Uses
Summary Row: Start Data Entry Below																	
005212100	25 Park Place	Parkside Overlay		2/1/2018	17	18			Shortfall of Sites	1.25	PRTC	PAOZ-1	20	28	35	Non-Vacant	Office
005202160	43 Park Place	Parkside Overlay		2/1/2018	15	16			Shortfall of Sites	1.11	PRTC	PAOZ-1	20	28	31	Non-Vacant	Office
005190100	145 Park Lane	Parkside Overlay		2/1/2018	40	40			Shortfall of Sites	2.87	PRTC	PAOZ-2	20	28	80	Non-Vacant	Warehouse
005202200	91-99 Park Lane	Parkside Overlay		2/1/2018	25	26			Shortfall of Sites	1.85	PRTC	PAOZ-2	20	28	51	Non-Vacant	Warehouse
005202150	105-115 Park Lane	Parkside Overlay		2/1/2018	29	30			Shortfall of Sites	2.13	PRTC	PAOZ-2	20	28	59	Non-Vacant	Warehouse
005202210	280 Old County Road	Parkside Overlay		2/1/2018	21	21			Shortfall of Sites	1.5	PRTC	PAOZ-1	20	28	42	Non-Vacant	Office/Warehouse

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Brisbane		
Reporting Year	2021	(Jan. 1 - Dec. 31)	
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H.I.1.g: Inform water/sewer provider	Deliver Housing Element to water and sewer providers	Upon adoption	Completed April 2015.
Program H.I.1.h: Annual Report	Prepare annual progress report	Annually	Annual Report for 2021 calendar year delivered to California Department of Housing and Community Development and Governor's Office of Planning and Research prior to April 1, 2022 deadline.
Program H.I.2.a: Housing constraints	Advise outside agencies regarding unnecessary constraints	Ongoing	Ongoing as development projects are submitted for consideration.
Program H.I.2.b: League of Cities	Work with League of Cities to identify and address housing constraints due to preemption of outside agencies	Ongoing	Ongoing advocacy through membership in League of Cities.
Program H.A.1.a: Fair housing information	Inform public through website and other means	Ongoing	Fair housing information and resources available on dedicated webpage. Housing Element available on City website, www.brisbaneca.org .
Program H.A.1.b: Other housing information	Inform public on housing policies and opportunities	Ongoing	Housing opportunities and resources in the City and County and Housing Element containing City housing policies are posted on dedicated webpages on City website, www.brisbaneca.org .
Program H.B.1.a: Rezoning	Accommodate RHNA shortfall	1/31/2016	Required overlay zoning incorporated into Parkside Precise Plan adopted 10/30/2017. Implementing zoning adopted via Ordinance 624 2/1/2018.
Program H.B.1.b: Zoning for current RHNA	Accommodate RHNA	5/31/2018	Existing zoning regulations will accommodate remainder of 2015-2023 RHNA. Overlay zoning for shortfall accommodated in implementation of H.B.1.a (above)
Program H.B.1.c: General Plan revisions	Land Use Element consistency	1/31/2016	General Plan amendments to implement rezoning pursuant to H.B.1.a adopted via Ordinance 624 2/1/18
Program H.B.1.d: Second Units	Monitor ADU affordability	Annually	ADU rent survey conducted in March 2021. Survey respondents reported occupied units rented at BMR rent or no rent at all.
Program H.B.1.e: Second Units	Encourage ADUs	5/31/2018	City Council adopted zoning text amendments to streamline ADU regulations via Ordinance 626 on 5/17/18. City Council adopted Ordinance 653 on 10/15/2020 to allow ADUs in all residential zoning districts.
H.B.1.f: Definitions	Update definition of single-family dwelling to comply with CHSC Sec. 17021.5	1/1/2016	Ordinance 606 adopted by City Council on 4/21/2016
Program H.B.1.g: SRO's	Amend SCRO-1 District to permit Single Room Occupancy units as conditional use.	12/1/2018	Ordinance 622 adopted by City Council on 11/2/2017

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Program H.B.1.h: Encourage development	Outreach to encourage private redevelopment in new affordable housing overlays and SCRO-1 district.	As new zoning regulations are adopted.	City engaged with property owners consistently throughout Parkside Precise Plan process. City maintains informational webpages and handouts on PAOZ overlay districts and SCRO-1 district.
Program H.B.1.i: Mobilehomes	Rezone mobilehome park to R-MHP District for mobilehome use only.	12/31/2018	City Council adopted zoning map and text amendments to rezone mobile home park R-MHP via Ordinance 630 adopted 12/6/18.
Program H.B.2.a; "At risk" affordable units	Preserve affordable units.	Ongoing	None at risk within planning period.
Program H.B.3.a: Special needs housing	Identify suitable sites	Ongoing	Opportunities considered on a case-by-case basis but constrained by limited funding opportunities and limited land/site availability. City held exploratory discussions with school district in 2018 regarding potential teacher/district employee housing on city-owned site. Entitlement approved for 16-unit senior housing at 36-50 San Bruno in 2018 and extended in 2020; no building permit submitted to date.
Program H.B.3.b: Parking for senior housing	Reduce parking requirement	12/1/2015	Ordinance 576 adopted May 19, 2016.
Program H.B.3.c: Parking for accessible units	Reduce parking requirement	12/1/2015	Ordinance 576 adopted May 19, 2016.
Program H.B.3.d: Reasonable accommodation	Minimize constraints	Ongoing	Ordinance 558 adopted April 2011.
Program H.B.3.e: Convalescent homes	Permit as conditional use in SCRO-1 district	12/31/2018	Convalescent homes are conditionally permitted in SCRO-1 district.
Program H.B.3.f: HIP Housing	Support Human Investment Program (HIP) shared housing program.	Ongoing	Updated information and rental listings posted regularly on City website www.brisbaneca.org .
Program H.B.3.g: Density bonus	Encourage special needs housing	Ongoing	Coordinating with H.B.5.a. No density bonuses requested during reporting period.
Program H.B.3.h: Continuum of Care/HEART	Shelter and serve the homeless	Ongoing	City is member agency of HEART and information is linked on www.brisbaneca.org .
Program H.B.3.i: Emergency Shelters	Allow in SCRO-1 district	Ongoing	Ordinance 443 adopted in 2000 allows emergency shelters as permitted use in the SCRO-1 district.
Program H.B.3.j: Water and sewer service	Adopt policies to prioritize affordable units	12/1/2017	Department of Public Works adopted administrative policies consistent with Program requirements 12/28/2017
Program H.B.4.a: Condominium conversions	Maintain affordable rental units	Ongoing	Ordinance 566 adopted October 2013 requires Use Permit for condominium conversions.
Program H.B.4.b: Inclusionary Housing	Update Inclusionary Housing Ordinance	12/31/2016	Planning Commission public hearing on 4/25/2019 recommended City Council approval of revisions to inclusionary housing and density bonus ordinance (file RZ-5-18). City engaged consultant in December 2019 to update feasibility study for inclusionary in-lieu fee. City Council will consider revisions and in-lieu fee adoption in 2021. Combined with H.B.5.a below
Program H.B.5.a: Density bonus	Expand program per AB 2280	12/31/2016	See program H.B.4.b above
Program H.B.6.a: Hillside development	Reduce development costs	Ongoing	City received SB 2 Planning Grants Program approval to conduct district-wide biological assessment for hillside lots in SCRO-1 zoning district to streamline housing development application processing. Work program will extend from 2020-2022.

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Program H.B.7.a: Affordable housing information	Encourage affordable housing	Ongoing	Housing Element available on www.brisbaneca.org . Housing Element progress webpage contains opportunity site information and handouts
Program H.B.7.b: Private/non profit partnerships	Encourage affordable housing	Ongoing	Housing Element available on www.brisbaneca.org . City held exploratory discussions with HEART and school district in 2018 regarding potential teacher/district employee housing on city-owned site.
Program H.B.7.c: Project Sentinel	Housing counseling and budget training for seniors and low/mod income households	Ongoing	Information on Project Sentinel's programs is available on www.brisbaneca.org
Program H.B.8.a: Section 8 rent subsidies	Keep informed of opportunities from County	Ongoing	Ongoing coordination with County Housing Department and Housing Authority as opportunities arise
Program H.B.9.a: City/non profit partnerships	Develop relationships with nonprofit housing organizations	Annually	Housing Element available on www.brisbaneca.org . City held exploratory discussions with HEART and school district in 2018 regarding potential teacher/district employee housing on city-owned site.
Program H.B.9.b: Land banking	Acquire sites for affordable housing	Ongoing	On hold pending establishment of ongoing funding source.
Program H.B.9.c: Public parks and facilities	Reserve surplus lands for housing development	12/1/2017	Incorporate into General Plan Update, 2021.
Program H.B.9.d: Rehab housing	Preserve/provide affordable units	Ongoing	Opportunities considered on a case-by-case basis but constrained by limited funding.
Program H.B.9.e: Affordable housing subsidies	Investigate subsidies for mixed use or residential projects	Annually, as part of the budget process	None identified in 2021. City Council considering affordable housing master plan (started in 2021) in 2022 to determine strategies to program affordable housing funds.
Program H.B.9.f: HEART	Subsidize mortgage costs for first-time homebuyers	Ongoing	City is a current member of HEART.
Program H.B.9.g: County rehab programs	Preserve affordable housing	Annually	Ongoing coordination with County Housing Department as opportunities arise.
Program H.B.9.h: Self-help/sweat equity programs	Preserve and provide affordable units	Ongoing	Opportunities considered on a case-by-case basis but constrained by limited funding.
Program H.B.9.i: Leveraging low/mod funds	Match state/federal programs	Ongoing	Opportunities considered on a case-by-case basis but constrained by limited funding.
Program H.B.9.j: Special needs loans/grants	Retrofit existing units	Ongoing	Opportunities considered on a case-by-case basis but constrained by limited funding.
Program H.B.9.k: Fee schedule	Subsidize affordable housing	Annually, as part of the budget process	Development fee waiver requests are considered as projects are submitted. No fee waiver requests were received in 2021.
Program H.B.9.l: State and Federal programs	Encourage affordable housing	Ongoing	City evaluates projects for eligibility for State/Federal funding programs and potential matches as projects arise. No such projects were eligible in 2021.
Program H.C.1.a: Voluntary code inspection program	Identify basic life safety problems	Ongoing	Ongoing coordination with North County Fire Authority.
Program H.C.1.b: Low-interest rehab loan program	Publicize and encourage use.	Ongoing	Brochures available at Building and Planning Counter and information available on www.brisbaneca.org

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Program H.C.1.c: Nonconforming provisions	Encourage maintenance of nonconforming units	Ongoing	Ordinance 576 adopted May 19, 2016.
Program H.C.1.d: NCRO-2 district rehab	Encourage maintenance of units	Ongoing	Ongoing coordination with County Housing Department. No opportunities identified in 2021.
Program H.D.1.a: Infrastructure Master Plans	Update residential infrastructure	Ongoing	Ongoing coordination with Public Works Department.
Program H.D.1.b: Dwelling Groups	Allow in R-2, R-3, SCRO-1, and new affordable housing overlays	12/31/2018	Parkside Plan adopted 10/30/2017. Implementing housing overlay zones allow dwelling groups, Ordinance 624 adopted 2/1/2018. R-2, R-3, and SCRO-1 currently allow dwelling groups.
Program H.D.1.c: Affordable Housing Overlays	Guidelines for affordable housing overlay zoning	1/31/2016	Parkside Plan adopted 10/30/2017, contains housing overlay development regulations and design guidelines. Implementing zoning Ordinance 624 adopted 2/1/2018.
Program H.D.2.a: Affordable Housing Overlays	Consider amendments to non-residential zoning districts adjacent to affordable housing overlays.	12/31/2018	No revisions to adjacent districts to PAOZ-1 and PAOZ-2 housing overlays identified in 2021.
Program H.E.1.a: Mixed-use and live/work housing	Encourage mixed use	Ongoing	See H.B.1.a & b. Mixed-use and live-work permitted in most commercial districts. City successfully applied for SB 2 Planning Grants Program funds to create and adopt zoning amendments in the NCRO-2 and SCRO-1 districts to adopt objective design guidelines and development standards and allow residential and mixed-use development by-right. Work program will extend from 2020-2022.
Program H.E.1.b: Mixed-use development	Encourage mixed use	Ongoing	Mixed use is permitted in NCRO-2 district. See program H.E.1.a above.
Program H.E.1.c: General Plan revisions	Land Use Element consistency for mobilehome park zoning	12/31/2018	See H.B.1.i. No General Plan amendments identified; zoning amendments consistent with existing general plan land use designation.
Program H.E.1.d: Transit-oriented development	Encourage smart growth	General Plan Update	City Council amended General Plan to allow up to 2,200 residential units within 1/2 mile of Bayshore Caltrain Station (GPA-1-18), approximately 26 times the City's current RHNA of 83 units. Factual and consistency updates to multiple GP elements in order to implement GP amendment GP-1-18 was completed in 2020 (GP-1-19). Also see program H.E.1.a above.
Program H.F.1.a: Green building ordinance	Update as needed	Ongoing	City Council adopted Ordinance 643 12/12/2019 to adopt 2019 CBC with local reach provisions including limitations on natural gas in new development. City Council adopted Ordinance 644 on 12/12/2019 to adopt building energy efficiency benchmarking ordinance applicable to commercial and multi-family structures meeting certain size thresholds. Staff annually evaluates CBC and best practices in green building as applicable to local ordinances.
Program H.F.2.a: Energy conservation	Inform public via various means	Ongoing	Resources regularly published on City website, City STAR newsletter, social media pages, and Housing Element is published on www.brisbaneca.org
Program H.F.2.b: Energy conservation retrofitting	Inform public via various means	Ongoing	Information and Housing Element linked to www.brisbaneca.org .
Program H.F.2.c: Renewable energy	Inform public via various means	Ongoing	City joined Peninsula Clean Energy in 2016. Information available on www.brisbaneca.org
Program H.F.3.a: Water conservation	Inform the public via various means	Ongoing	Ordinance 607 adopted by the City Council on April 7, 2016 updating the City's water conservation in landscaping ordinance. Water conservation information provided on the City's website and advertised in City newsletters and social media accounts.

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Program H.F.3.c: Water conservation in multi-family development	Encourage water conservation in landscaping and appliances in multifamily and mixed-use housing	In coordination with program H.F.1.a	Ordinance 607 adopted April 7, 2016 updating City's water conservation in landscaping ordinance. Planning staff advises all applicants of conservation opportunities and requirements in new and re-landscaping projects.
Program H.F.4.a: Natural heating/cooling	Encourage energy conservation	Ongoing	Ordinances 643 and 644 adopted 12/12/2019. See Program H.F.1.a above. Title 24 compliance is enforced and required for all eligible building permit applications.
Program H.G.1.a: Regional Planning	Cooperate in Plan Bay Area process	Ongoing	City actively participated in Plan Bay Area 2050 update in 2020 and 2021.
Program H.G.1.b: Congestion management	Cooperate in implementation of C/CAG Congestion Management Program	Ongoing	Ongoing as development projects are considered.
Program H.H.1.a: Development costs	Minimize costs of development	Ongoing	Ongoing as development projects are considered. City Council to consider study and potential adoption of impact fees in 2021.
Program H.H.1.b: Fiscal impact studies	Study impact of large residential projects on city services	Ongoing	Implemented as new residential projects with potential significant impacts are considered.
Program H.H.2.a: Sensitive/hazardous lands	Identify/mitigate impacts	Ongoing	Ordinance 562 adopted October 2011.
Program H.H.2.b: Clustered development	Promote clustered development in areas near sensitive habitat	Ongoing	Ordinance 562 adopted October 2011 to relax certain development standards if clustered development is pursued.
Program H.H.2.c: Flood hazard management	Comply with CGC Sec. 65302	General Plan update	Incorporated into the Local Hazard Mitigation Plan (LHMP) and General Plan by reference in 2018. LHMP was updated again in 2021.
Program H.I.1.a: Regulatory constraints	Streamline permit processing	Ongoing	City successfully applied for SB 2 Planning Grants Program funds to create objective residential design guidelines and development standards and adopt zoning amendments in the NCRO-2 and SCRO-1 districts to allow residential and mixed-use development by-right. Grant funds will also allow for district-wide biological assessment of SCRO-1 district to streamline Habitat Conservation Plan evaluation. Work program will extend from 2020-2022. Ordinance 612 adopted December 8, 2016, streamlining application process for new condominium developments. City Council adopting streamlining for accessory dwelling units via Ordinance 615 adopted 2/2/2017 and Ordinance 626 adopted 5/17/2018.
Program H.I.1.b: Parking requirements	Revise parking standards	12/1/2015	Ordinance 576 adopted on May 19, 2016 reduced parking requirements for smaller homes and minor additions.
H.I.1.c: Second Unit Parking	Revise second unit parking requirements	12/1/2015	Ordinance 576 adopted by City Council May 19, 2016 to reduce accessory dwelling unit parking requirements. Ordinance 615 adopted 2/2/2017 eliminated accessory dwelling unit parking requirements.
Program H.I.1.d: Design Permits	Reduce unnecessary constraints	Ongoing	See Program H.I.1.a above regarding SB 2 Planning Grant work program. Ongoing as development projects are submitted for review. Design Permit for 16-unit senior housing/commercial development approved in October 2017.
Program H.I.1.e: Nonconforming structures	Preserve housing units	Ongoing	See Program H.C.1.c
Program H.I.1.f: City staffing	Efficient permit processing procedures	Annually, as part of the budget process	Two additional contract staff added in 2021; one retained into 2022. Reevaluate as part of 2022 budget process.

Jurisdiction	Brisbane	
Reporting Period	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

NOTE: This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Table G						
Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of						
Project Identifier						
1				2	3	4
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Realistic Capacity Identified in the Housing Element	Entity to whom the site transferred	Intended Use for Site
Summary Row: Start Data Entry Below						
007556010	1100 San Bruno Ave			7	CLEAR VIEW PARTNERS LLC	Residential
007560130	1100 San Bruno Ave			7	CLEAR VIEW PARTNERS LLC	Residential
007560140	1100 San Bruno Ave			6	CLEAR VIEW PARTNERS LLC	Residential
7560120	1100 San Bruno Ave			1	CLEAR VIEW PARTNERS LLC	Residential

E.

Jurisdiction	Brisbane
Reporting Period	2021 (Jan. 1 - Dec. 31)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

For San Mateo County jurisdictions, please format the APN's as follows:999-999-999

Table H						
Locally Owned Surplus Sites						
Parcel Identifier				Designation	Size	Notes
1	2	3	4	5	6	7
APN	Street Address/Intersection	Existing Use	Number of Units	Surplus Designation	Parcel Size (in acres)	Notes
Summary Row: Start Data Entry Below						
007-556-010	1100 San Bruno Ave	Vacant		Surplus Land	1.29	BHA Resolution 2021-01; 2-18-21 authorized sale of the property. HE reported realistic capacity for all 4 parcels is 21 units.
007-560-120	1100 San Bruno Ave	Vacant		Surplus Land	0.06	BHA Resolution 2021-01; 2-18-21 authorized sale of the property. HE reported realistic capacity for all 4 parcels is 21 units.
007-560-130	1100 San Bruno Ave	Vacant		Surplus Land	1.34	BHA Resolution 2021-01; 2-18-21 authorized sale of the property. HE reported realistic capacity for all 4 parcels is 21 units.
007-560-140	1100 San Bruno Ave	Vacant		Surplus Land	1.31	BHA Resolution 2021-01; 2-18-21 authorized sale of the property. HE reported realistic capacity for all 4 parcels is 21 units.

Jurisdiction	Brisbane	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	7
Above Moderate		5
Total Units		12

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	1	3	1
2 to 4	0	2	0
5+	0	0	0
ADU	2	7	2
MH	0	0	0
Total	3	12	3

Housing Applications Summary	
Total Housing Applications Submitted:	14
Number of Proposed Units in All Applications Received:	15
Total Housing Units Approved:	2
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

[illegible]

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	1
Above Moderate		2
Total Units		3

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	7
Above Moderate		5
Total Units		12

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	2
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		1
Total Units		3

File Attachments for Item:

F. Receive the General Plan Progress Report and Direct staff to submit the 2021 General Plan Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research



CITY COUNCIL AGENDA REPORT

Meeting Date: March 17, 2022

From: John Swiecki, Community Development Director

Subject: 2021 Annual General Plan Progress Report

Community Goal/Result

Community Building

Purpose

To comply with reporting requirements of State law.

Recommendation

Direct staff to submit the 2021 General Plan Annual Progress Report to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).

Background/Discussion

Per Government Code Section 65400(a)(2)(A) the City is required to prepare an annual report to the State on the City's progress in implementing the General Plan. The State-mandated General Plan (GP) Annual Progress Report (APR) provides information regarding the City's progress in meeting the community's goals through implementation of the GP.

General Plan APR

Unlike the Housing Element APR, the State does not prescribe a specific report format and cities are advised to highlight measures associated with the implementation of the GP, such as GP and Zoning Ordinance amendments, policy actions by the City Council, Citywide initiatives, and City-initiated projects.

As detailed in the attached report, in 2021 the City initiated a number of actions implementing the General Plan that include:

- Zoning Ordinance amendments regarding Family Daycare Homes and Objective Design and Development Standards
- Approved the Crocker Park Trail Master Plan
- Adopted the San Mateo County Multijurisdiction Local Hazard Mitigation Plan
- Approval of projects or programs related to the conservation of the environment

Of the 480 GP programs (excluding Housing Element programs that are reported under the Housing Element APR), 436 have been implemented or are ongoing programs implemented on a continuous basis. Another 27 programs are either partially complete or currently underway, while 17 programs have not commenced.

Fiscal Impact

None.

Measure of Success

Submittal of the 2021 General Plan Annual Progress Report to HCD and OPR within the deadline prescribed by State law.

Attachments

1. Annual General Plan Progress Report
 - General Plan Program Implementation Status Matrix (Appendix A)



John Swiecki, Community Development Director



Clay Holstine, City Manager

Introduction

Government Code Section 65300 requires every city and county to prepare and adopt a comprehensive, long term general plan for the physical development of the community. The Government Code also requires that these plans include seven mandatory elements: Land Use, Circulation, Noise, Open Space, Conservation, Safety, and Housing. Each of these elements contains a set of goals, objectives, policies, and programs.

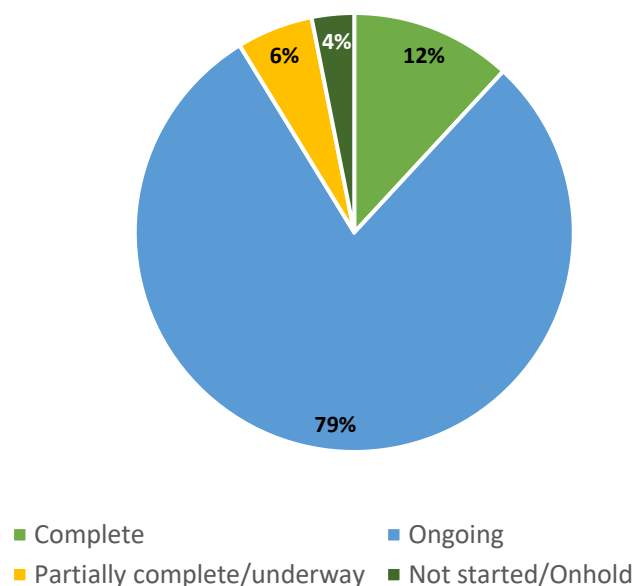
The broad purpose of the General Plan (GP) is to “establish both a database and a policy basis that can be updated and maintained over time and that accurately expresses the character, desires, and needs of Brisbane in the text and policies so that residents can say, ‘Yes, that is who we are,’ and, ‘Yes, that is who we want to be.’” (*The General Plan City of Brisbane*. Chapter 1, page I-21, 1994.)

Background

The General Plan Annual Progress Report is intended to meet State requirements for reporting the City’s progress toward meeting GP goals and objectives. The following report summarizes key Citywide actions in the calendar year 2021 that relate to the GP, including specific tasks undertaken by City departments, the Planning Commission, and City Council. This report is not intended to be a comprehensive audit of all of the City’s GP implementation programs, but includes the priorities and opportunities important to the community. Topics recommended by the California Office of Planning and Research (OPR) are briefly discussed below. In addition, staff has highlighted Council actions as well as several key City projects and programs undertaken in 2021 that support the goals and objectives identified in the GP.

Overall progress continues with the implementation of GP programs. Of the remaining 480 GP programs, 436 have been implemented or are ongoing programs implemented on a continuous basis. Another 27 programs are either partially complete or currently underway. An additional 17 programs have not been started or are on hold. Appendix A summarizes the Implementation efforts of the General Plan programs while Table 1 and Figure 1 provide a summary of the implementation progress for the General Plan, excluding Housing Element programs. Implementation of Housing Element programs must

FIGURE 1: GENERAL PLAN IMPLEMENTATION PROGRAM STATUS (2021)



be reported on separately in the Housing Element Annual Progress Report and are provided in Appendix B.

Table 1: General Plan Implementation Progress 2021

Program Status	Total Number	% of Total
Complete	56	12%
Ongoing	380	79%
Partially Complete/Underway	27	6%
Not Started/On Hold	17	4%
Total	480	100%

Zoning Ordinance Amendments

The Planning Commission recommended City Council approval for two Zoning Ordinance amendments in 2021:

- 2021-RZ-1, July 22, 2021, Family Daycare Homes: Zoning text amendments to allow large family daycare homes by-right in residential zoning districts. The City Council adopted Ordinance No. 665, to amend the Zoning Ordinance, on November 4, 2021
 - ❖ *How This Project Implements the General Plan: Chapter VIII, Recreation and Community Services Policy 115.b and Chapter XII, Subarea Policies Central Brisbane Policy CB.3.*
- 2021-RZ-2, November 16, 2021, Objective Design and Development Standards: Zoning text amendments to establish objective design and development standards for housing development projects, density requirements in certain zones, and allow residential uses by right within the SCRO-2 district, in compliance with recently passed state legislation. The City Council will consider a draft ordinance, to establish objective development and design standards, in early 2022.
 - ❖ *How This Project Implements the General Plan: Chapter XI, Housing Policies H.B.6, H.D.1, H.D.2, H.E.1, and H.I.1 and Chapter XII, Subarea Policies Central Brisbane Policies CB.1, CB.5, CB.6, and CB.8.*

City Council Actions:

The City Council acted upon the following items that contributed to the implementation of the General Plan in 2021:

- Allocated \$100,000 from the City's Housing Authority Low Income Funds to set-up a program of rental assistance for lower-income households: The program, which began December 2020 is administered by the Samaritan House and aids residents who have missed or deferred rental payments due to COVID-19 related issues. Thus far, six families have utilized the program for assistance in 2021.

- ❖ *How This Project Implements the General Plan: Chapter IV, Local Economic Development Policy 8 and Chapter XI, Housing Goal H.B and Housing Policies H.A.1 and H.B.2*
- Application for Funding for proposed improvements at the Bayshore Blvd and Van Waters and Rodgers (VWR) Road bus stop on Bayshore Boulevard: The City Council adopted Resolution No. 2021-30 on May 6, 2021 to be eligible to receive funding to relocate the bus stop to a new location north of VWR Road on northbound Bayshore Boulevard. The new travel path for trailer park residents would be no greater in distance than using the crosswalk and taking the more indirect route to get to the existing stop. Proposed improvements include a new sidewalk, bus shelter, and concrete bus pad at the northeast corner of the intersection and a new pedestrian crossing on Bayshore Boulevard, making the bus stop safer to access.
- ❖ *How This Project Implements the General Plan: Chapter V, Land Use Policy LU.28, Chapter VI, Circulation Policies C.5, C.21, C.22, C.25, C.26, C.34, and C.36, and Chapter X, Community Health and Safety Policy 145*

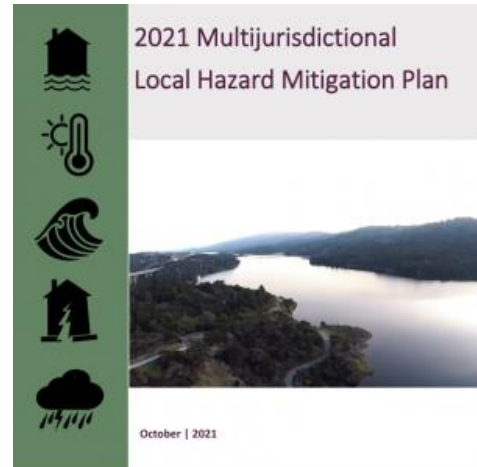


- Master Planning of Crocker Park Recreation Trail: At their June 3, 2021 meeting, the City Council approved the Crocker Trail Master Plan. In 2020, the City awarded a contract to RRM Design Group to develop an informed and practical master plan for the Crocker Park Recreational Trail. Community workshops took place in October 2020 and January 2021, with another City Council workshop in March 2021, where RRM gathered input from the public and members of the Council to inform the final plan. The plan addresses current planning issues and needs for restoration and safety along the trail and presents feasible solutions for its design and long-term operation and maintenance, with a focus to create both active and contemplative experiences for all of Crocker Park Trail users.
- ❖ *How This Project Implements the General Plan: Chapter V, Land Use Policies LU.4 and LU.18, Chapter VI, Circulation Policy C.33, Chapter VII, Open Space Policies 86, and 87, Chapter VIII, Recreation and Community Service Policies 95, 98, and 105, and Chapter XII, Subarea Policies Crocker Park Policy CP.8*
- CalRecycle Grant: The Department of Resources, Recycling, and Recovery (CalRecycle) administers the Rubberized Pavement Grant Program which is designed to promote markets for recycled-content surfacing materials derived from California-generated waste

tires. It is aimed at encouraging first-time or limited users of rubberized pavement. The City of Brisbane adopted Resolution No. 2021-20 on February 18, 2021, authorizing the submittal of an application for a rubberized cape seal to be used as a maintenance treatment for Sierra Point Parkway between Lagoon Road and the west end of the Highway 101 overpass.

- ❖ *How This Project Implements the General Plan: Chapter IV, Community Character Policy 10, Chapter VI, Circulation Policy C.20, and Chapter IX, Conservation Policies 122, 124, and 143.*
- **Redevelopment Projects:** In June 2021, the City Council approved two separate reimbursement agreements with developers proposing redevelopment projects at the Quarry and Sierra Point. Typical with these kinds of projects, the developers will pay for outside consultant costs, such as the preparation of environmental documentation, and for all reasonable costs and expenses the City incurs in connection with processing the applications. On November 18, 2021, an environmental consultant was selected for the Quarry while the environmental consultant for Sierra Point was selected in 2022.
 - ❖ *How These Project Implements the General Plan: Chapter III, Community Character Policy 8, Chapter IV, Community Character Policies 9 and 10, Chapter V, Land Use Policies LU.1 and LU.5, Chapter VI, Circulation Policy C.6, Chapter VII, Open Space Policy 86, Chapter X, Community Health and Safety Policy 175, and Chapter XII, Subarea Policies Sierra Point and Quarry Policies SP.1, SP.3, SP.4, SP.6, Q.1, and Q.2*
- **Brisbane 101:** At its September 23, 2021 meeting, the City Council approved a half-day learning event brought to the Council by the Council Liaisons to the City's Equity Plus Inclusion Committee (EPIC) along with staff members from EPIC. The learning event, called Brisbane 101, was open to Brisbane residents only and was an opportunity to engage in a learning session with local leaders on a range of important City issues.
 - ❖ *How This Project Implements the General Plan: Chapter III, Community Character Policies 7 and 7.1.*
- **Organic Waste Disposal Reduction and Recovered Organic Waste and Recycled-Content Paper Procurement:** The City Council adopted Ordinance Nos. 663 and 664 on October 7, 2021 to provide organic collection to all residents and businesses, participate in an edible food recovery program, conduct education and outreach, procure recyclable and recovered organic products, and monitor compliance and conduct enforcement. Together, the two ordinances will reduce short-lived climate pollutants (primarily methane) that are produced from the degradation of organics in landfills.
 - ❖ *How This Project Implements the General Plan: Chapter III, Community Character Policy 4, Chapter IV, Community Character Policy 10, and Chapter IX, Conservation Policies 120, 122, 124, and 143.*

- Local Hazard Mitigation Plan: The City Council approved Resolution No. 2021-70 which authorized the adoption of the San Mateo County Multijurisdiction Local Hazard Mitigation Plan (LHMP) on November 18, 2021. The LHMP is a regional and cross-jurisdictional effort to plan for the reduction of risk from natural and man-made disasters including flooding, drought, wildfire, landslides, severe weather, terrorism, cyber threats, pandemic, and the impact of climate change on hazards. It assesses hazard vulnerabilities and identifies mitigation actions that jurisdictions will pursue in order to reduce the level of injury, property damage, and community disruption that might otherwise result from such events.



The Department of Emergency Management led the LHMP update, in coordination with County departments, all twenty cities (including Brisbane), and regional special districts. The process was informed by a steering committee and robust public engagement.

❖ *How This Project Implements the General Plan: Chapter X, Community Health and Safety Policies 148, 151, 154, and 159.*

- Purchase of Bank of America Site: At its December 9, 2021 meeting, the City Council authorized the purchase of the former Bank of America Site at the corner of Bayshore Boulevard and Old County Road. At the Council's direction, City staff will work closely with the Council to ensure that a robust public process is pursued to determine the best use of the site.

❖ *How This Project Implements the General Plan: Chapter III, Community Character Policy 7, Chapter IV, Community Character overarching goal, and Chapter XII, Subarea Policies Central Brisbane Policies CB.3 and CB.14*

Key Projects in 2021

- Approved Dog Park Resurfacing Award of Contract Funding for Resurfacing the City's Dog Park, July 15, 2021: In 2020, the Recreation Facilities Subcommittee and City Council Parks & Recreation liaisons met with residents and stakeholders to gather input regarding their overall preferences at the park which ultimately resulted in conversations about resurfacing the dog park. The



Dog Park Resurfaced

selected design replaced the existing lawn with artificial turf that is both environmentally and dog friendly and wood chips. Work was completed by December 2021.

❖ *How This Project Implements the General Plan: Chapter V, Land Use Policies LU.18 and LU.19, Chapter VII, Open Space Policy 87, and Chapter VIII, Recreation and Community Service Policies 94, 95, and 98*

- Circulation Improvements at Bayshore Blvd and San Bruno Ave: With the Complete Street's Safety Committee's (CSSC) recommendation and City Council's review and input, a determination was made in 2019 to eliminate left turns from eastbound San Bruno Avenue to northbound Bayshore Boulevard and all U-turns for both northbound and southbound Bayshore Boulevard traffic at San Bruno Avenue. The project was completed on June 6, 2021.

❖ *How This Project Implements the General Plan: Chapter VI, Circulation Policies C.17, C.20, C.21, C.22, C.23, and C.38 and Chapter X, Community Health and Safety Policy 145*

- Brisbane Library Project: After breaking ground in 2018, construction finished in October 2020 and the new downtown library finally opened to the public in April 2021. It is three times as large as the previous library and incorporates the City's first ever public art display, History Room, environmentally-progressive design with lots of natural light, low-VOC or eco-friendly carpets, and a 5,000-gallon rainwater cistern which will result in a 77% reduction of indoor water use.

❖ *How This Project Implements the General Plan: Chapter III, Community Character Policy 7, Chapter V, Land Use Policies LU.18 and LU.19, Chapter VIII, Recreation and Community Service Policies 98 and 98, Chapter IX, Conservation Policy 140, and Chapter XII, Subarea Policies Central Brisbane Policy CB.18*

Attachments

Appendix A: General Plan Program Implementation Status

Appendix A

Program No.	Implementation Program Objective	Implementation Status			
Chapter III Community Character		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
7.a	<i>Actively disseminate information to the public through the public bulletin board, the Brisbane Star, press releases, water bills, postings in public buildings and public mailings.</i>				X
7.b	<i>Hold periodic community, neighborhood and business meetings to solicit input and provide information regarding emergency services.</i>				X
7.c	<i>Use water bills and the Brisbane Star to solicit public opinion and provide mechanisms for public response.</i>				X
Chapter IV Local Economic Development		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
8.a	<i>Assess service costs and revenues associated with proposed developments on a short and long-term basis.</i>				X
8.b	<i>Maintain information on available or potential sites for economic development and seek to conserve suitable locations for appropriate uses.</i>				X
8.c	<i>Encourage local equity ownership in local development in order to retain more economic benefits within the community.</i>				X
8.d	<i>Prepare informational and promotional materials to encourage desired development.</i>				X
8.e	<i>Encourage the Chamber of Commerce to develop promotional materials and to actively solicit businesses that benefit the City.</i>				X
8.f	<i>Investigate available programs which assist in rehabilitation, seismic upgrade or repair of businesses.</i>				X
8.g	<i>Develop economic programs including incentives available under the Community Redevelopment Act to encourage and facilitate the development of appropriate retail activity and hotels.</i>				X
8.h	<i>Use Redevelopment Agency funds, as appropriate, to assist in the construction of planned public improvements in the project's areas.</i>	X			
8.i	<i>Promote attractive retail development in planned areas instead of in strip areas adjacent to an arterial highway or freeway corridor.</i>				X
8.j	<i>Consider mixed-use zoning, which would encourage a combination of business and commercial uses, making sites more responsive to market conditions.</i>				X

Appendix A

Program No.	Implementation Program Objective	Implementation Status			
Chapter IV Local Economic Development		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
9.a	<i>Encourage the City and other Brisbane employers to give consideration to residency of equally qualified applicants and to advertise jobs locally in order to strengthen the economic and social health of the community.</i>				X
9.b	<i>Provide, as applicable, incentives to businesses that provide jobs for unemployed sectors of Brisbane's labor force.</i>				X
9.c	<i>Encourage small and locally owned businesses.</i>				X
10.a	<i>Develop an environmental strategy for economic development. The strategy should include methods of encouraging the use of renewable resources and the preservation and restoration of the unique features of the community for future generations.</i>			X	
Chapter V Land Use		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
LU.3.a	<i>When evaluating land uses, consider whether a use would result in adverse impacts on existing and proposed land uses nearby, and whether those impacts can be mitigated.</i>				X
LU.6.a	<i>When drafting development standards, consider preserving a sense of openness in the design of structures and sites and the access to sky and sunlight for both new construction and renovation projects.</i>				X
LU.8.a	<i>In making land use decisions, consider the proximity of open space on San Bruno Mountain and public views of and access to the Bay as issues to be addressed.</i>				X
LU.9.a	<i>Prohibit land use changes that would result in development that would break the natural ridgeline.</i>				X
LU.9.b	<i>Adopt hillside development standards that protect against ridgeline development through regulation of the siting of structures, location of access, landscape requirements and other pertinent factors.</i>			X	
LU.10.a	<i>In conjunction with land use development applications, encourage options that minimize grading and transformation of the landform and fit comfortably with the topography.</i>				X
LU.11.a	<i>Identify and map vistas and view corridors of community-wide value to be preserved and enhanced.</i>			X	

Appendix A

Program No.	Implementation Program Objective	Implementation Status			
Chapter V Land Use		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
LU.11.b	Consider amendments to the Zoning Ordinance to provide for site plan review to assure that identified vistas and public view corridors remain accessible for public enjoyment. The review should evaluate building placement, height and bulk.			X	
LU.11.c	In reevaluating the tree protection ordinance and landscaping requirements, consider the tradeoff between desirability of foliage versus the preservation of views and access to sunlight.			X	
LU.12.a	Review the R and C-2 District regulations to ascertain if amendments would help preserve the diversity of existing development.			X	
LU.12.b	Consider amendments to the Zoning Ordinance to prohibit issuance of a building permit for a single-family dwelling on a lot of record when the design is essentially the same as that on any immediately adjacent lot.	X			
LU.14.a	Consider amendments to the Zoning Ordinance which contain clear and defined standards to protect creativity and diversity in design while addressing issues of height, scale, mass and articulation.		X		
LU.14.b	Review existing height limits in existing land use districts to determine whether current regulations result in structures appropriate in height and scale to the physical character of the City.		X		
LU.14.c	Review the residential parking requirements in the Zoning Ordinance to determine their effect on the height, mass and scale of structures and grading implications and whether amendments to the Code should be considered.		X		
LU.14.d	Establish height limits for new zoning districts, taking into consideration the geology and topography of the area, as well as impacts to adjacent uses.			X	
LU.14.e	Establish clear and defined performance standards in the Zoning Ordinance for buildings and signs visible from the hillsides of Central Brisbane. Standards should address light and glare, the treatment of roofs and the screening of mechanical equipment.		X		
LU.14.f	Consider amendments to the Zoning Ordinance to establish standards for protecting the character of the existing residential Central Brisbane subarea, including attention to scale, juxtapositions, views, natural topography and ecological protection.			X	

Appendix A

Program No.	Implementation Program Objective	Implementation Status			
Chapter V Land Use		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
LU.14.g	Amend the Zoning Ordinance to prohibit tall smoke stacks and industrial towers.			X	
LU.14.h	Amend the Zoning Ordinance to require that large parking lots be broken up by landscaped areas and parkway strips.			X	
LU.15.a	Provide courtesy inspections of historic structures and sites to advise owners of needed corrections and repairs.	X			
LU.15.b	Provide information to owners of historic structures regarding State tax incentives for rehabilitation.	X			
LU.15.c	Seek official designation of historical structures and sites and pursue all means of ensuring their permanent preservation.	X			
LU.16.a	Prevent blight and deterioration by providing public information and enforcing health and safety codes.				X
LU.16.b	Seek funding sources, such as low-interest loans and grants for rehabilitation of existing structures, and encourage property owners to take advantage of such programs.				X
LU.17.a	Establish the Central Brisbane subarea as the "town center" and the hub of civic activities.				X
LU.17.b	As outer areas develop, assure connections and compatibility with the existing community.				X
LU.18.a	Consider access for vehicles, bicycles and pedestrians in conjunction with the siting of commercial services and recreational facilities.				X
LU.18.b	Require all commercial services and public facilities to be accessible to persons with disabilities in accordance with State and Federal regulations.				X
LU.19.a	As a part of the City's Capital Improvement Planning, consider the need for and appropriate location of public facilities, such as a City Hall, Community Center, Recreation Center and Police Station.			X	
LU.19.b	Improve the Old County Road site as a central gathering point for community events.				X
LU.19.c	Continue to maintain and upgrade the Community Center.				X
LU.19.d	In coordination with the School District, continue shared community use of District facilities.				X

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Program No.	Implementation Program Objective	Implementation Status			
Chapter V Land Use		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
LU.19.e	Determine the best civic use for the Old Fire Station site on San Bruno Avenue.				X
LU.22.a	Review the setback, lot coverage and landscape requirements in the Zoning Ordinance to assure adequate open areas in the development pattern.				X
LU.22.b	Adopt new zoning regulations, as necessary, with specific qualifying requirements for open areas and square footage and for percentage minimum standards for all development districts.				X
LU.22.c	In all multi-structure development proposals, consider the pattern of open areas as an integral part of the development concept.				X
LU.23.a	Establish minimum setback requirements from the Brisbane Lagoon, Levinson Marsh, and other designated aquatic areas consistent with good planning and conservation practices in consultation with the California Department of Fish and Game.		X		
LU.24.a	Consider a setback requirement to achieve separation from areas of wildland fire hazard.				X
LU.24.b	Consider hillside development standards that retain steep slopes as open areas.				X
LU.25.a	Review the Zoning Ordinance for opportunities to retain certain parking and setback nonconformities that contribute to the historic pattern of open areas in Central Brisbane.			X	
LU.25.b	Review the parking and setback requirements in the Zoning Ordinance to ascertain how the requirements affect the pattern of open areas and whether amendments to the Code could provide more open areas and landscape along the street right-of-way.			X	
LU.25.c	Underground utilities in conjunction with all new development.				X
LU.25.d	If economically feasible, underground utilities in conjunction with street reconstruction.				X
LU.26.a	Examine district regulations to ascertain whether amendments to the Code are necessary to provide adequate setbacks to establish open areas along the right-of-way.				X
LU.27.a	If safety standards are met, retain and enhance unique features such as rock escarpments, retaining walls, "gateways" (such as the entry to Crocker Park) and historic, aged trees.				X

Appendix A

Program No.	Implementation Program Objective	Implementation Status			
Chapter V Land Use		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
LU.28.a	Require landscaping along all major arterial streets.				X
LU.28.b	Construct landscaped medians where appropriate in arterial streets.				X
LU.28.c	Use drought resistant, water-conserving non-invasive plant materials that reflect local character.				X
LU.28.d	Continue to implement a street tree planting and management program and improve it as appropriate.				X
LU.28.e	Improve the program for street and directional signs.				X
LU.28.f	Prohibit new commercial billboard sites and seek to remove those currently in place.				X
LU.28.g	Provide standards in the Municipal Code to assure that abutting properties have adequate separation from travelways and protection from noise and other traffic impacts.				X
LU.28.h	Consider funding methods, such as landscape assessment districts, to install and maintain improvements within rights-of-way.				X
LU.28.i	Work with appropriate State and County agencies, private organizations, service clubs and property owners to maintain an attractive appearance of major thoroughfares.				X
LU.28.j	Encourage environmental groups, local service clubs, individuals and local businesses to "adopt a street" to support litter removal and encourage volunteer beautification projects along streets and remaining rights-of-way.				X
LU.28.k	Discourage wind channelization when approving new streets.				X
LU.29.a	Develop a list with supporting documentation of these constraints (the constraints of topography and the ability to serve parcels with infrastructure to City standards), including fiscal, geophysical, ecological, etc.			X	
LU.30.a	Require that unrecorded lots be surveyed and a parcel map recorded before permitting new improvements to be constructed or existing improvements intensified on the property.				X

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Program No.	Implementation Program Objective	Implementation Status			
Chapter VI Circulation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
C.1.a	Consult with Caltrans, the Metropolitan Transportation Commission, San Francisco Transportation Authority, San Mateo County Transportation Authority, C/CAG, and others to develop and fund programs including physical improvements, enhanced use of transit, and transportation demand management, to maximize the ability of the 101 freeway to accommodate regional through traffic.				X
C.1.b	Develop design plans for Bayshore Boulevard, the Geneva Avenue extension, and interchanges along the 101 freeway that address the effects of regional through traffic within Brisbane and enhances mobility for Brisbane residents and businesses through a combination of roadway and intersection, transit, bicycle, and pedestrian facility improvements that would not cause a substantial increase in vehicle miles travelled (VMT) on Bayshore Boulevard or other routes through the City. As part of this design plan, evaluate (1) whether changes in design speeds along Bayshore Boulevard could improve mobility within the City; (2) the feasibility of shifting a portion of regional through traffic from Bayshore Boulevard onto other routes, such as Sierra Point Parkway by extending that roadway north to the 101 freeway interchange at Beatty Avenue, and (3) appropriate routing of trucks to and from the Crocker Park area.		X		
C.1.c	Prepare, adopt, and implement a mobility improvement fee program to fund the multi-modal improvements called for in the design plan for Bayshore Boulevard and interchanges along the 101 freeway.		X		
C.1.d	Rather than undertake multiple traffic impact analyses to evaluate individual intersections along Bayshore Boulevard, Geneva Avenue, and at intersections along the 101 freeway, require new development projects that would generate 50 or more peak hour trips at any intersection along Bayshore Boulevard, Geneva Avenue, or at intersections along the 101 freeway to comply with the design plan developed pursuant to Program C.1.c and either provide physical improvements consistent with the plan or pay established traffic impact fees as directed by the Public Works Director.		X		

Appendix A

Program No.	Implementation Program Objective	Implementation Status			
C.2.a	<i>Require development projects that would generate 50 or more peak hour trips at an arterial street intersection to prepare a traffic impact analysis.</i>				X
Chapter VI Circulation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
C.2.b	<i>In lieu of requiring individual development projects to prepare traffic impact analyses to evaluate intersections and require mitigation measures for impacts at intersections along principal and minor arterials streets, consider developing a program of impact fees to fund multi-modal improvements and reduce automobile traffic generation in coordination with the San Mateo County Congestion Management Plan, as applicable.</i>	X			
C.4.a	<i>Pursue an extension of Geneva Avenue, connecting with the Candlestick Highway 101 Interchange that provides for bus rapid transit and connection to the Bayshore Caltrain station.</i>		X		
C.4.b	<i>Consult with Caltrans in the design of the Candlestick Highway 101 Interchange to assure the best connection with the Geneva Avenue Extension.</i>		X		
C.4.c	<i>Require that all east-west corridor rail crossings are separated (i.e. not at-grade) to the extent permitted by law.</i>		X		
C.5.a	<i>Require the upgrade of Tunnel Avenue to current codes and safety standards.</i>		X		
C.8.a	<i>Consult with Caltrans in regard to street standards when a City street is a connector or ramp to a State route.</i>				X
C.9.a	<i>Permit exceptions that meet the required findings set forth in the Municipal Code.</i>				X
C.10.a	<i>Continue to implement street development standards that establish requirements for right-of -way dedication, street width, length, turnarounds, and access to parcels.</i>				X
C.10.b	<i>Continue to implement street engineering design and construction standards that establish requirements for horizontal alignment and vertical alignment, pavement and pavement crown, concrete curb, and structural section design.</i>				X
C.10.c	<i>Continue to implement standards for sidewalks, bikeways, signalization, striping, and street lighting.</i>				X

Appendix A

Program No.	Implementation Program Objective	Implementation Status			
C.11.a	<i>Consider incorporation of small scale parking bays, rolled curbs, and other means of including parking and providing safe clearance on hillside streets.</i>				X
Chapter VI Circulation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
C.14.a	<i>Investigate the feasibility of undergrounding utilities to mitigate potential traffic hazards, such as downed lines in a fire.</i>				X
C.14.b	<i>Consider opportunities and funding to enhance safety on steep streets.</i>				X
C.17.a	<i>Limit and control the number and location of driveways into arterial streets as needed to maintain mobility within the City. Encourage adjacent properties to develop common access. See also Program C.22.2 in Complete Streets section.</i>				X
C.17.b	<i>Use landscaped medians and islands to direct and channel traffic, where needed to provide for mobility for Brisbane residents and businesses, as well as to provide safe separation and visual respite.</i>				X
C.18.a	<i>In conjunction with design planning for Bayshore Boulevard and the Geneva Avenue extension, undertake a review of appropriate truck routes within Brisbane, including truck routes to serve Crocker Park.</i>		X		
C.20.a	<i>Encourage creation of assessment districts where appropriate, for needed circulation improvements.</i>				X
C.20.b	<i>Utilize gas tax, sales tax and other funding sources to implement circulation improvements.</i>				X
C.22.a	<i>Review and where needed, update the City's engineering design standards to implement Complete Streets infrastructure elements.</i>				X
C.22.b	<i>Incorporate Complete Streets infrastructure elements into new streets, street retrofits and certain maintenance projects to encourage multiple modes of travel, as appropriate to the context and determined reasonable and practicable by the City. Depending on the context, these elements may include:</i> <ul style="list-style-type: none"> <i>• Infrastructure that promotes a safe means of travel for all users along the public right-of-way, such as sidewalks, shared use of paths, bicycle lanes, and paved shoulders;</i> <i>• Infrastructure that facilitates safe pedestrian crossings of the right of way, such as accessible curb ramps, crosswalks, refuge islands, and signals to meet the needs of children, people with disabilities and the elderly;</i> 				X

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Program No.	Implementation Program Objective	Implementation Status			
	<ul style="list-style-type: none"> Street design features that promote safe and comfortable travel by pedestrians, bicyclists and users of public transportation, such as traffic calming features and physical buffers between vehicular traffic and other users; 				
Chapter VI Circulation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
C.22.b	<ul style="list-style-type: none"> Inclusion of amenities that improve the comfort and addresses the safety needs of pedestrians and bicyclists, such as, but not limited to, signs, pavement markings, pedestrian-scale lighting, benches, seat walls, bike lockers and racks; Improvements to public transit and multi-modal connections, to enhance City-wide transit access and connections to regional destinations; Minimizing vehicular ingress and egress points on major arterials and consolidating private driveway entries to enhance bicycle, pedestrian and automobile safety along these arterials; Inclusion of street trees and other landscaping features, to enhance the appearance of the streetscape and to encourage pedestrian and bicycle use. Landscaping should use San Bruno Mountain native plants where feasible. In any case, plants should be non-invasive and drought resistant. (See also the Green Streets section of this element.) Balance on-street parking as appropriate to the context, to promote the Complete Streets Act goals and encourage economic vitality. (See also the Parking section of this element.) 				X
C.22.c	Where possible, work with MTC to secure regional funding for Complete Streets projects.				X
C.23.a	Identify roadways where retrofits may reasonably be accomplished in balance with existing and planned land uses, giving priority to arterial and collector streets and to projects that would provide greater connectivity between key areas of the City, such as, but not limited to, between the Northeast Ridge, Sierra Point and Central Brisbane.				X
C.23.c	Seek regional, state, and/or federal funding sources to retrofit roadways to create Complete Streets.				X

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Program No.	Implementation Program Objective	Implementation Status			
C.24.a	<i>As part of the design review permit process, require documentation of how the routine accommodation of bicyclists and pedestrians will be satisfied.</i>				X
Chapter VI Circulation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
C.24.b	<i>As part of the project design review process, ensure that the project objectives and purpose are consistent with current MTC directives on Complete Streets and Routine Accommodation.</i>				X
C.26.a	<i>Continue to apply for Transportation Development Act (TDA), successors to TDA, and other funding sources.</i>				X
C.27.a	<i>Continue to identify improvement projects and seek funding for Safe Routes to School infrastructure improvements.</i>				X
C.27.b	<i>Continue non infrastructure-related activities that encourage walking and bicycling to school, through outreach on the City's website, informational articles in the local City news publications, communications through community leaders, partnering with non-profit entities, promoting walk and bike to school days, and supporting partnerships with the schools to provide education directly to students and parents on the benefits of walking and bicycling to school.</i>				X
C.27.c	<i>Develop and promote a traffic safety education program for the schools.</i>			X	
C.27.d	<i>Continue to provide a crossing guard program.</i>				X
C.28.a	<i>Identify areas of the City where bikeways may be constructed, as both recreational and transportation amenities, with the aim of connecting all areas of the City with a network of bikeways.</i>				X
C.28.b	<i>Design and install bikeways to meet best current engineering practices.</i>				X
C.29.a	<i>Install as many bikeways as can safely be accommodated and are economically feasible.</i>				X
C.31.a	<i>As a part of the budget and Capital Improvement Program development, seek opportunities to upgrade existing bikeways and to install new bikeways.</i>				X
C.32.a	<i>Include bicycle lockers in park-and-ride facilities.</i>		X		
C.32.b	<i>Encourage business and employment centers to provide bicycle-parking facilities for their employees</i>				X

Appendix A

Program No.	Implementation Program Objective	Implementation Status			
C.32.c	<i>Design and install bicycle-parking facilities to meet best current engineering practices.</i>				X
C.33.a	<i>Promote bicycle use through a public information program, at special events, and through City publications.</i>				X
Chapter VI Circulation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
C.33.b	<i>Establish an educational program on safe bicycle use.</i>			X	
C.33.c	<i>Make bicycle network maps available.</i>				X
C.34.a	<i>Identify sidewalks, walkways, and trails throughout the City to improve with pedestrian amenities as funds are made available; and continue to apply for new grant funding.</i>				X
C.34.b	<i>Consider opportunities to enhance and expand pedestrian access between Central Brisbane, the Caltrain station, Sierra Point Marina and other regional destinations and transit connections.</i>				X
C.34.c	<i>As part of the budget and Capital Improvement Program preparation, seek funding to upgrade and expand the system of pedestrian sidewalks, walkways and trails, especially in conjunction with street improvement projects.</i>				X
C.34.d	<i>For newly designed and constructed sidewalks, disallow automobile parking thereon; and for existing sidewalks adjacent to rolled or vertical curbs, encourage residents to park such that sidewalks are kept clear for pedestrians in accordance with the Americans with Disabilities Act (ADA) width standards.</i>				X
C.34.e	<i>Where practicable and where funds are available, establish and improve mid-block and block-end, public right-of-way pedestrian paths, in order to provide direct off-street pedestrian access between the upper and lower parts of Central Brisbane.</i>				X
C.35.a	<i>Adopt standard requirements for sidewalk improvements along property frontages, taking into consideration constraints imposed by topography, and where sidewalks are not appropriate, consider in-lieu fees for new development for funding pedestrian amenities elsewhere in the City.</i>			X	
C.35.b	<i>Consider accepting sidewalk improvements beyond the frontage of a development site as a means to help mitigate traffic and parking impacts.</i>				X
C.36.a	<i>Continue active participation in the implementation of the San Mateo County-wide Transportation Plan to improve circulation systems, to</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
	<i>develop alternatives to automobile dependence and to make transportation-sensitive land use decisions.</i>				
C.36.b	<i>Request more frequent scheduling of Caltrain stops at the Bayshore station as warranted by demand.</i>				X
Chapter VI Circulation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
C.36.c	<i>Support, improve, and expand transit to serve the business and residential communities and provide connections to major transportation hubs.</i>				X
C.36.d	<i>Cooperate with San Mateo County Transit District (SamTrans), and other appropriate agencies, to establish bus rapid transit (BRT) systems where practicable.</i>				X
C.36.e	<i>Cooperate with and provide input to transit agencies to provide increased bus scheduling to a greater network of destinations (especially to regional destinations, such as work, shopping, entertainment centers and medical facilities).</i>				X
C.36.f	<i>Cooperate with and provide input to transit agencies to provide more comprehensive transfer connections with other bus routes outside of Brisbane and with other transit systems, such as Caltrain and BART.</i>				X
C.36.g	<i>Work with SamTrans to install improvements at existing bus stops and designated routes.</i>				X
C.36.h	<i>Provide information to citizens on the availability of transit.</i>				X
C.36.i	<i>Require new development that are subject to the City's transportation demand measures (TDM) ordinance to also incorporate measures that facilitate Complete Streets compliance measures, such as transit stops, shuttle stops, and bicycle facilities.</i>				X
C.38.a	<i>Continue active participation in the Congestion Management Program.</i>				X
C.38.b	<i>Continue active participation in the Peninsula Traffic Congestion Relief Alliance Joint Powers Authority (Commute.org), as a means to cooperatively encourage residents and employees to reduce demand on transportation infrastructure.</i>				X
C.38.c	<i>Provide information to citizens, employers, and employees on the alternatives to the single-occupant commute vehicle and the benefits of using the alternatives.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
C.38.d	<i>Provide local incentives for participation in Transportation System Management (TSM) and Transportation Demand Management (TDM) programs and continue to implement same.</i>				X
Chapter VI Circulation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
C.38.e	<i>Require Transportation System Management and Transportation Demand Management</i>				X
C.39.a	<i>Periodically review residential parking requirements in the Zoning Ordinance, to maintain parking availability in Brisbane's residential districts and to ensure consistency with the latest adopted Housing Element.</i>				X
C.39.b	<i>Seek means to encourage residents to use their garages for vehicles rather than other purposes.</i>				X
C.40.a	<i>Consider opportunities to add public parking to underserved areas and investigate establishing a public parking lot or lots.</i>				X
C.40.b	<i>Pursue, as feasible and needed, a downtown parking assessment district.</i>				X
C.41.a	<i>Review the parking regulations for office, commercial and industrial uses and consider setting minimum and maximum parking standards where transit alternatives are readily available.</i>		X		
C.47.a	<i>In reviewing building permit, subdivision and other development applications, distinguish whether the subject property has access from public streets, private streets, or easements. Obtain from applicants evidence of a legal right of access to their properties. Require that such access meet applicable standards.</i>				X
C.48.a	<i>Continue to accept offers to dedicate existing private roadways as public streets, where they meet City standards.</i>				X
C.48.b	<i>Where appropriate, require exactions or impact fees for new development and improvements to property to improve substandard streets to minimum safety standards.</i>				X
C.48.c	<i>Investigate requiring secondary access for long cul-de-sac streets.</i>				X
C.48.d	<i>Investigate requiring mid-block turnarounds on all streets with cul-de-sacs longer than 500 feet.</i>				X
C.48.e	<i>Investigate requiring that substandard intersections be improved, in conjunction with new development, to provide adequate turning radius.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
C.48.f	<i>Consider an impact fee program to fund acquisition of additional rights-of-way, widening of existing streets to provide additional on-street parking and construction of other safety improvements.</i>				X
Chapter VI Circulation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
C.48.g	<i>Continue to require parking and safety improvements in conjunction with new residential development and major additions or remodels that meet defined thresholds.</i>				X
C.48.h	<i>Encourage the formation of assessment districts where appropriate, for needed circulation improvements.</i>				X
C.51.a	<i>Continue to evaluate and update the approved plant species list and standards for streetscape plantings.</i>				X
C.51.b	<i>Consider where Green Streets retrofits may be incorporated into capital improvement projects and seek funding sources for Green Streets projects.</i>				X
54.a	<i>Consider revisions to the Brisbane Municipal Code to require vehicle charging stations for development projects.</i>				X
54.b	<i>Encourage the use of electric, fuel cell and other clean energy vehicles and provide charging stations at public facilities and encourage installation of charging stations at existing private sites, as reasonable and feasible.</i>				X
54.c	<i>Seek grant funding opportunities and other funding sources to install publicly accessible vehicle charging stations and other infrastructure to support and enhance alternative means of transportation.</i>				X
54.d	<i>Encourage the maintenance of existing rail-spur lines to continue their use in transporting goods. (See also policies and programs under the Transit section for public transportation)</i>				X
54.e	<i>Monitor and consider new technological advances such as driverless shuttles and how sharing based transportation (car and bike sharing) can be accommodated in the City's circulation system.</i>				X
Chapter VII Open Space		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
82.a	<i>Educate the public of the continued threat of invasive species through the Brisbane Star.</i>				X
83.a	<i>In the official actions of the City, including resolutions and ordinances, recognize the importance of maintaining and preserving the natural eco-system and beauty of San Bruno Mountain.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
83.b	<i>Comply with the provisions of the Habitat Conservation Plan to protect endangered species habitat.</i>				X
Chapter VII Open Space		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
83.c	<i>Cooperate with public and private groups involved in rare plant protection, habitat restoration and maintenance of mountain eco-systems to preserve open space on San Bruno Mountain.</i>				X
83.d	<i>Provide an annual report to the City Council on Federal, State and private opportunities for open space acquisition on San Bruno Mountain and elsewhere in the City.</i>				X
84.a	<i>Cooperate with the County and State to enhance San Bruno Mountain Park and adjacent lands in Brisbane by joint public information programs about the Mountain and by encouraging supervised volunteers in protection and preservation efforts.</i>				X
84.b	<i>Through public school programs, encourage and promote San Bruno Mountain as an educational resource.</i>				X
84.c	<i>Lobby and work with environmental and conservation groups, and State, County and Federal agencies to ensure the preservation and maintenance of San Bruno Mountain State and County Park.</i>				X
84.d	<i>Through the Recreation Program, provide educational and volunteer programs to adults and youth regarding San Bruno Mountain.</i>				X
84.e	<i>Provide information on the natural ecology of the Canyons through publications and presentations, and encourage citizens to respect the fragility of these eco-systems.</i>				X
84.f	<i>Provide an annual report to the City Council and the community of all activities pertaining to the acquisition, preservation and appreciation of San Bruno Mountain, including information from the HCP manager.</i>				X
85.a	<i>Seek opportunities to utilize aquatic areas for recreational and educational activities consistent with the sensitivity of the resource.</i>				X
85.b	<i>Develop provisions in the Zoning Ordinance, including setback requirements, to protect the natural ecology of aquatic resources.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
85.c	<i>Provide information to citizens on the eco-systems of the Bay, the Lagoon and the Wetland Marsh and how citizens can participate in respecting and conserving these resources.</i>				X
Chapter VII Open Space		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
85.d	<i>Work with responsible agencies, property owners and environmental and conservation groups to ensure preservation of aquatic eco-systems.</i>				X
86.a	<i>Develop and maintain a network of trails and pathways throughout the City to provide appropriate access to open space and to link City trails with County and regional trail systems.</i>				X
86.b	<i>Extend the trail system to include aquatic areas and provide access to public transportation systems.</i>		X		
86.c	<i>Examine the potential to extend a pedestrian and bicycle trail between Sierra Point and the Candlestick Recreation Area along the Bay to the east of Highway 101 in cooperation with regional efforts to obtain the same objective.</i>				X
87.a	<i>Use the standards in Table 6 as guidelines for the provision of parks and open space for the community.</i>				X
88.a	<i>Encourage local businesses, citizens, and public and/ or private landowners to participate in the planning, acquisition, development, maintenance and use of park facilities.</i>				X
88.b	<i>Continue to work with citizens to plan and develop a community park on the Old County Road site.</i>			X	
88.c	<i>Require impact fees or exactions as contributions to the acquisition, development and maintenance of passive open space, park and recreation facilities in conjunction with the mitigation requirements for development projects.</i>				X
89.a	<i>Examine the potential for obtaining funding, including open space, park, and recreational impact fees, to provide benefits for the non-resident population. Consider joint development of facilities.</i>				X
91.a	<i>On an ongoing basis, explore and pursue funding sources for acquisition of open space lands with habitat, recreational or other natural resource value.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
Chapter VIII Recreation and Community Services		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
91.b	<i>In conjunction with all new development and the redevelopment of existing uses, where appropriate, require dedication of lands with habitat or other natural resource value to remain as open space and/or in-lieu fees for open space acquisition.</i>				X
93.a	<i>Consider legally available means of funding open space acquisition, such as taxing, assessment districts and other funding mechanisms.</i>				X
93.b	<i>Establish an open space fund to consolidate in-lieu fees, donations, and grants so as to be ready to acquire open space as funds are sufficient and opportunities arise.</i>				X
93.c	<i>Encourage volunteer efforts in supporting open space acquisition, through such activities as initiating legislation, fund-raising and generating philanthropic dedications.</i>				X
93.d	<i>Provide an annual report to the City Council on the state of the open space resources in the community, the amount and type of open space land, the needs for operating and maintaining existing lands, and new acquisitions and funding sources.</i>				X
93.e	<i>Review and establish open space priorities annually as part of the budget and Capital Improvement Program development process.</i>				X
93.f	<i>As a part of the open space acquisition plan, provide updated information on County, State and Federal open space plans and programs.</i>				X
93.g	<i>In setting priorities and programs for open space acquisition, review proposals for conformance with the County, State and Federal plans.</i>				X
93.h	<i>For reference and assistance in establishing open space priorities, prepare a comprehensive map of vacant lands in the planning area and update the map annually.</i>				X
93.i	<i>Investigate establishing or joining special open space acquisition districts.</i>				X
93.j	<i>Investigate the possible benefits and disadvantages of an expansion of the Golden Gate National Recreation Area into the eastern and northern peninsula of San Mateo County.</i>				X
93.k	<i>Consider establishing an environmental commission of local citizens to help advise the City Council on open space acquisitions and environmental matters in general.</i>			X	

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Program No.	Implementation Program Objective	Implementation Status			
93.I	<i>On an annual basis, send out a letter to all property owners of potential open space, to see if they would like to donate it to the public.</i>				X
Chapter VIII Recreation and Community Services		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
95.a	<i>Prepare a list of public facilities available for community uses, the hours they are open to the public, and the requirements for use. Periodically update and distribute the facility list throughout the community.</i>			X	
100.a	<i>Develop a needs analysis for recreational facilities including a study of various means of funding the acquisition, as well as the operation and maintenance of the facilities.</i>			X	
100.b	<i>Consider a recreation impact fee program for all new development.</i>		X		
100.c	<i>Encourage new commercial development and-renovation to include shower and locker room facilities in order to promote employees' physical fitness, encourage use of public and private recreational opportunities in the community, and reduce dependence on the automobile for transportation.</i>				X
100.d	<i>Discuss with the Boys and Girls Club, YMCA, YWCA or other non-profit youth agency the feasibility of a youth activity center to serve Brisbane and other neighboring cities.</i>			X	
103.a	<i>Establish a City Council subcommittee to work jointly with the Brisbane Elementary School District and the Jefferson High School District and other entities to determine the feasibility of and make recommendations regarding a high school in Brisbane.</i>			X	
103.b	<i>Establish a City Council subcommittee to promote and encourage educational facilities to locate in Brisbane.</i>			X	
103.c	<i>Develop a program to require impact and mitigation fees from developers, as appropriate, for constructing and/or operating a local high school.</i>			X	
103.d	<i>Continue and expand joint use of facilities with the Brisbane School District and encourage and assist the District, as feasible, in upgrading the conditions of school grounds and multi-use spaces</i>			X	
103.e	<i>Consider a Joint Powers Agreement or other appropriate arrangement with the Brisbane School District, in order to develop, maintain and program recreational facilities.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
103.f	<i>Develop and implement with the Brisbane School District a program for year-round and evening use of public recreational facilities.</i>				X
Chapter VIII Recreation and Community Services		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
108.a	<i>Conduct an annual public hearing on recreational, artistic, cultural, environmental, educational and civic programming in order to obtain public input.</i>		X		
108.b	<i>Provide adults with the opportunity for active recreation and team sports competition through the adult sport leagues.</i>				X
108.c	<i>Organize special events, including fun runs, volleyball and tennis tournaments.</i>				X
108.d	<i>Provide special interest classes, workshops and seminars, such as nutrition, exercise, dance, health, etc.</i>				X
108.e	<i>Coordinate, plan, organize and supervise special community events.</i>				X
108.f	<i>Publish, in conjunction with the City Council, a quarterly newsletter of City services, information and events.</i>				X
109.a	<i>Provide a comprehensive recreation program for pre-school and school-age youth, which includes sports instruction, recreational activities, and social and artistic classes.</i>				X
109.b	<i>Provide school-age youth with special activities during school vacations, holidays, and other breaks which provide for artistic, physical, academic and social growth.</i>				X
109.c	<i>Consider providing youth special interest programs, including artists in residence, sports coaching and education enrichment.</i>				X
109.d	<i>Continue to support the pre-school age childcare programs and the school-age before and after school care programs at Brisbane Elementary School.</i>				X
109.e	<i>Work with the School District to develop additional transportation for students who participate in after school programs so that all students have the opportunity to participate.</i>				X
110.a	<i>Sponsor a periodic recreation and social needs survey of senior citizens to investigate the range of needs and interests in the senior community.</i>				X
110.b	<i>Organize social and cultural outings and provide transportation for senior citizens.</i>				X
110.c	<i>Provide a local referral program that provides information on educational, economic, recreational, nutritional and social opportunities for seniors</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
	<i>and work with service clubs, churches, and the community to collaboratively provide specific services, assistance and support.</i>				
Chapter VIII Recreation and Community Services		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
110.d	<i>Provide financial and physical (meeting space and transportation) assistance to promote the continued independent operation of the Brisbane Senior Club.</i>				X
110.e	<i>Encourage and offer programs that foster opportunities for intergenerational, cultural and ethnic exchanges between seniors and children.</i>				X
110.f	<i>Investigate the development of a facility that provides dedicated time for expanded senior programming.</i>				X
110.g	<i>Provide recreational programs that appeal to a wide range of interests for Brisbane seniors.</i>				X
112.a	<i>Consider the creation of a Youth Advisory Council composed of a representative cross-section of teenagers.</i>			X	
112.b	<i>Provide a local information and referral program for teens regarding after school and summer employment, crisis counseling, educational, recreational, artistic and social opportunities, and work with service clubs, churches and the community to provide assistance, guidance and support</i>	X			
112.c	<i>Provide a variety of paid and volunteer after school and summer job opportunities for teens.</i>				X
112.d	<i>Investigate and develop a facility that provides dedicated time for teen programming.</i>	X			
112.e	<i>Consider amendments to the requirements for qualifications to serve as a Parks, Beaches and Recreation Commissioner to allow teens to apply for appointment to the Commission.</i>	X			
113.a	<i>Consider new recreational and educational programs to encourage and enhance opportunities for residents to more fully utilize the amenities of the Marina and shoreline.</i>				X
114.a	<i>Serve as a liaison to service clubs, churches, families, etc., regarding events, services or conflict resolution and by facilitating ongoing forums for the planning and coordination of community events and activities.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
114.b	<i>Collaborate with community service organizations when appropriate, such as by co-sponsoring events, to enhance the service they provide to residents.</i>				X
Chapter VIII Recreation and Community Services		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
115.a	<i>Investigate available programs that provide opportunities for affordable childcare for low-income families and provide this information to the public.</i>				X
115.b	<i>Provide information to assist childcare providers to establish facilities and obtain licenses.</i>				X
115.c	<i>Investigate provisions for drop-in, after-school recreation opportunities for youth.</i>				X
115.d	<i>Establish a local information and referral service for parents seeking licensed childcare information.</i>				X
115.e	<i>Work with the School District to promote the use of school impact fees for childcare facilities/services.</i>				X
117.a	<i>Provide local information and referral for the frail elderly and the disabled that assists them in accessing County and community services for food, shelter, transportation, personal assistance, and nutritional or other special needs.</i>				X
117.b	<i>Work jointly with volunteers, service clubs, churches, families and the community to collaborate on ways to provide services, assistance and support to those with special needs.</i>				X
117.c	<i>Provide local information and referrals that support the families and caregivers of the frail elderly and the disabled.</i>				X
117.d	<i>Provide opportunities for intergenerational and able/disabled activities and exchanges.</i>				X
117.e	<i>Expand police programs to check on the welfare of the frail elderly and the disabled.</i>				X
117.f	<i>Develop programs to enhance safety and security for those with special needs.</i>				X
Chapter IX Conservation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
122.a	<i>Work with the Habitat Conservation Plan Operator, the State Department of Fish and Game, the U.S. Fish and Wildlife Service, and</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
	<i>other agencies as appropriate regarding plans and programs that may affect biological resources in the planning area.</i>				
Chapter IX Conservation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
122.b	<i>Consult the maps in the technical background reports and information supplied by responsible agencies to determine potential for environmental impacts to biological resources and take appropriate action.</i>				X
122.c	<i>Consult with local, State and Federal agencies to determine when field studies are required to supplement or update existing data.</i>				X
122.d	<i>Work with appropriate agencies to prevent motor bikes and other unauthorized off-road vehicles on San Bruno Mountain.</i>				X
122.e	<i>Encourage applicants to initiate early CEQA consultation on conservation issues</i>				X
123.a	<i>In land use development applications, consider the siting of structures and utilities so as to conserve identified biological communities.</i>				X
123.b	<i>Request that the HCP Operator study the Brisbane Acres to determine whether there is the potential to meet the 40% requirement for conserved habitat by dedication of large areas of land rather than small portions of parcels.</i>				X
125.a	<i>Refine the ordinance that establishes requirements for protection of heritage trees in the urban setting.</i>				X
128.a	<i>Encourage conservation groups to provide public information on plant materials.</i>				X
129.a	<i>Encourage all property owners, especially of the Quarry, to address erosion on their properties through revegetation or other measures.</i>				X
130.a	<i>As an ongoing part of land use planning and CEQA analysis, determine whether proposals could affect water resources.</i>				X
130.b	<i>Require, as appropriate, project analysis of drainage, siltation, and impacts on vegetation and on water quality.</i>				X
130.c	<i>Consult with responsible agencies for design parameters and potential mitigation measures for the conservation of all water resources, especially pertaining to wetlands conservation.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
130.d	<i>Work with the U.S. Geological Survey to identify the water resources in the planning area.</i>				X
130.e	<i>Obtain maps of drainages and aquifers in and around the City as they become available.</i>				X
Chapter IX Conservation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
130.f	<i>Brisbane will review the San Francisco Bay Estuary Plan to determine whether any amendments to the Brisbane General Plan are appropriate.</i>				X
130.3.a	<i>As a part of the annual reviews called for in the General Plan, such as in the Open Space Plan, determine the feasibility of cooperative grant applications for wetland restoration or enhancement and proceed appropriately.</i>				X
131.a	<i>Encourage studies by responsible agencies and conservation groups of the environmental values and conservation and maintenance requirements of the various water courses in the planning area.</i>				X
133.a	<i>Participate in programs to improve water quality in the Lagoon and the Bay.</i>				X
133.b	<i>Require all development, especially that involving grading, to exercise strict controls over sediment.</i>				X
133.c	<i>Require the Quarry, as a major source of sediment for the Lagoon, to closely monitor its containment systems to ensure their effectiveness.</i>	X			
134.a	<i>Cooperate with the Water Quality Control Board and County Department of Environmental Health and participate in the NPDES Program to monitor and regulate point and non-point discharges.</i>				X
134.b	<i>Provide public information on how individual citizens can contribute to the reduction of pollutants in the storm drain and sewer systems.</i>				X
134.c	<i>Encourage wetlands restoration projects to remove or fix toxicants and reduce siltation.</i>				X
134.d	<i>Utilize wetlands restoration projects to remove or fix toxicants and reduce siltation where appropriate.</i>				X
135.a	<i>Request that the County of San Mateo regularly monitor the Quarry operation to assure that the operator is meeting all health and safety obligations and required management practices.</i>			X	
135.b	<i>Contact the County of San Mateo, the Bay Area Air Quality Management District and the Water Quality Control Board if it appears that there are violations of local, State or Federal requirements at the (Quarry) site.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
135.c	<i>In conjunction with any application for annexation of the Quarry to the City, develop and adopt a Mineral Resources Element to the General Plan to establish parameters and conditions for short-term Quarry operation and long-term reclamation.</i>				X
Chapter IX Conservation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
135.d	<i>Actively participate in County permit review to develop conditions of approval that address air pollution and water quality issues in conjunction with mineral resource conservation.</i>				X
136.a	<i>Provide assistance to owners of historic property in planning rehabilitation projects.</i>	X			
136.b	<i>Provide information to property owners on loan and grant funds and tax incentives.</i>	X			
136.c	<i>Provide local incentives, such as the Brisbane Star awards, to maintain historic places.</i>	X			
137.a	<i>Consider amendments to the Zoning Ordinance to require resource surveys in conjunction with land use development applications and to establish procedures in the event of discovery to protect Native American Cultural Resources consistent with the standardized procedures given in Appendix K of CEQA.</i>				X
138.a	<i>Require the use of water conserving fixtures in new construction and remodeling projects.</i>				X
138.b	<i>Encourage the use of water conserving landscape and irrigation systems.</i>				X
138.c	<i>Utilize, if safe and appropriate, recycled water for landscape irrigation and dust control.</i>				X
138.d	<i>Provide public information on water conservation practices.</i>				X
138.e	<i>As a part of the land use planning process, consider how water conserving features are incorporated into project design.</i>				X
140.a	<i>Continue to administer building codes that contain State requirements for energy conservation.</i>				X
140.b	<i>As a part of the review of land use applications for subdivisions, specific plans and new non-residential and multi-family projects, encourage the design and siting of structures and the use of landscape materials in terms of utilizing natural resources for heating and cooling.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
141.a	<i>Cooperate with PG&E in promoting energy conservation by providing information and referral on energy-efficient appliances and heating and cooling systems.</i>				X
Chapter IX Conservation		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
143.a	<i>Continue to participate in joint planning and collection programs with other agencies, such as those required by AB 939, to manage solid waste in order to maximize reclamation and reuse of the resources contained in the solid waste stream and reduce the impacts on landfills.</i>				X
143.b	<i>In negotiating franchise agreements with scavenger companies, require that they provide recycling incentives to both residential and business customers.</i>				X
143.c	<i>In negotiating franchise agreements with scavenger companies, require a curb-side collection of large items several times a year. Coordinate with non-profit agencies so that opportunities for reuse are provided.</i>				X
143.d	<i>Purchase goods containing recycled materials for City use.</i>				X
143.e	<i>In the review of land use development applications, consider design factors pertaining to the storage and disposal of recycling materials.</i>				X
143.f	<i>Consult with refuse disposal contractors or other recycling services on applicable land use development applications regarding the adequacy of the proposed measures.</i>				X
143.g	<i>Stay informed about new programs and technologies.</i>				X
143.h	<i>Provide public information about the benefits of recycling and encourage participation by residents and businesses.</i>				X
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
144.a	<i>Actively consult with these governmental agencies regarding the location and safety requirements in conjunction with the processing of any land use development permit or City project.</i>				X
144.b	<i>Verify annually with responsible agencies the status of regulated facilities in Brisbane and any new safety requirements that have been imposed and cooperate with those agencies to ensure the earliest possible installation of any new safety equipment required.</i>				X
145.a	<i>As a part of the City's annual budget process and Capital Improvements Planning, evaluate the City's ability to provide</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
	<i>infrastructure and safety services and review fees and charges to assure adequate revenues.</i>				
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
148.a	<i>Through continuing participation in the coalition of San Mateo County cities and special districts, maintain the Local Hazard Mitigation Plan (LHMP) consistent with State Assembly Bill 2140 and applicable subsequent state and/or federal legislation. The LHMP is included X-6 by reference as part of this General Plan element and should be consulted when addressing known hazards to ensure the general health and safety of people within Brisbane.</i>				X
148.b	<p><i>Update the Emergency Operations Plan as necessary and appropriate and consistent with the Local Hazard Mitigation Plan and maintain a state of readiness. This includes but is not limited to the following:</i></p> <ul style="list-style-type: none"> <i>i. Provide emergency response training to staff and volunteers.</i> <i>ii. Update and refine the City's evacuation plan, as necessary.</i> <i>iii. Maintain the operations center in a state of readiness for an emergency response.</i> <i>iv. Be prepared to supplement City-owned equipment with that available from the private sector.</i> <i>v. Periodically hold exercises, including evacuation drills, using the instructions in the Plan.</i> <i>vi. Utilize the Community Emergency Response Team to provide community support and to assist emergency personnel during a disaster.</i> <i>vii. Purchase and maintain necessary emergency equipment.</i> <i>viii. Provide periodic information to citizens about the Plan.</i> <i>ix. Develop materials and hold meetings to train and advise on emergency preparations that individuals, families and businesses can make toward their personal safety.</i> <i>x. Develop disaster plans for all City facilities, for example, the Community Center and City Hall.</i> <i>xi. Encourage public preparedness through the dissemination of literature and by presenting CPR and first aid classes.</i> <i>xii. Work with the Brisbane School District to plan for the provision of emergency services to District facilities in Brisbane.</i> 				X

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Program No.	Implementation Program Objective	Implementation Status			
148.c	<i>Coordinate with the evacuation plans of surrounding cities affecting U.S. 101 and Bayshore Boulevard to facilitate traffic flow through Brisbane in times of emergency.</i>				X
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
149.a	<i>Require that all new construction meet current codes for seismic stability.</i>				X
149.b	<i>Consider a requirement, in conjunction with both residential and non-residential rehabilitation or reconstruction, that some portion of the improvements be devoted to improving seismic safety.</i>				X
149.c	<i>Provide information to citizens on the necessity for seismic retrofit and on typical methods of upgrading existing structures.</i>				X
149.d	<i>Continue to implement the City's Ordinance 354 regarding unreinforced masonry and pre-1973 tilt-up structures.</i>				X
149.e	<i>Require soils reports and engineering recommendations for structural stability in conjunction with building permit applications in areas which have been identified as prone to seismically-induced landslides or subsidence in seismic events.</i>				X
150.a	<i>Develop programs to increase public awareness of seismic hazards and to educate the community on procedures that can help to minimize injury and property loss before, during, and after an earthquake.</i>				X
152.a	<i>Require soil and geologic investigations in areas identified as prone to slope instability. Consider both on-site and off-site impacts.</i>				X
152.b	<i>Unless adequate mitigating measures are undertaken, prohibit land alteration, including any grading and structural development, in identified areas of slope instability.</i>				X
152.c	<i>Require topographical and soils information for all projects on slopes identified over 20%.</i>				X
152.d	<i>Certificates of compliance shall be conditioned upon a comprehensive and detailed slope analysis.</i>			X	
152.e	<i>Encourage placement of structures away from areas identified as prone to slope failure or erosion unless effective mitigation measures are proposed as a part of the project design.</i>				X
152.f	<i>Require erosion control programs and revegetation on all disturbed slopes.</i>				X
152.g	<i>Strictly enforce the provisions of the City's Grading Ordinance.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
153.a	Construct improvements to the GVMID storm drainage system to accommodate stormwater from the Northeast Ridge and increase the overall capacity of the drainage system, as required in the conditions of approval for the Northeast Ridge Development Project.			X	
153.b	Work with Daly City and affected property owners to design improvements to alleviate flooding on the section of Bayshore Boulevard between Geneva Avenue and Main Streets.		X		
153.c	In conjunction with design of infrastructure to serve the Baylands, require that the property owner address the issue of flooding around the open drainage channel that flows west to east across the property.		X		
154.a	Apply to FEMA to update the FIRM maps to remove raised areas fixed by virtue of drainage improvements that are no longer within the 100 year flood boundary. Distribute updated maps to the public.			X	
154.b	On a regular basis, update the City's storm drain base maps to include new facilities and information.				X
155.a	Schedule regular maintenance to remove silt and debris from storm drain facilities.				X
155.b	As a part of Capital Improvements Planning, replace and repair, as economically feasible, storm drain facilities as needed to prevent flooding.				X
155.c	Study the drainage basins to determine responsibility for siltation of storm drain facilities. Consider methods of assessing maintenance costs to responsible properties.				X
156.a	Consider adopting additional requirements for built-in safety systems, such as fire sprinklers and sensors or alarms, in all new construction.			X	
156.b	Consider adopting requirements for built-in safety systems in conjunction with building improvements.			X	
156.c	Continue requirements for fire-resistant roofing materials for all new buildings and for re-roofing of existing buildings.				X
156.d	Encourage residential fire-sprinkler installation in conjunction with residential improvements along the urban wildland interface.				X

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Program No.	Implementation Program Objective	Implementation Status			
156.e	<i>Underground utilities throughout the City, as economically feasible. Require undergrounding of all utilities for all new development and the undergrounding of service drops where existing service is in place.</i>			X	
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
156.f	<i>Consider the adoption of landscaping standards for structures at the urban/wildland interface to reduce fuel loading between the structures and the property line.</i>			X	
156.g	<i>On an ongoing basis, provide information to citizens on landscaping materials and maintenance practices that contribute to fire safety.</i>				X
157.a	<i>Continue to notify property owners of hazardous conditions on their properties and enforce abatement of these conditions.</i>				X
157.b	<i>Enforce the provisions of the Uniform Building Code and the Uniform Fire Code and the Zoning Ordinance to address access, exiting, setbacks, materials and other design factors that contribute to fire safety.</i>				X
157.c	<i>Cooperate with the California Department of Forestry in the implementation of the Bates Bill, AB 337, to map areas of Very High Fire Hazard Severity Zones, and to adopt the maps required by the legislation.</i>				X
158.a	<i>In conjunction with development applications, evaluate fire service requirements, response times and levels of risk. Require impact fees and exactions to maintain the level of service and to provide for any special equipment needs.</i>				X
158.b	<i>Coordinate with other agencies to maintain existing access roads to the Mountain.</i>				X
158.c	<i>Continue to participate in the automatic and mutual aid greater alarm and other reciprocal response plans to provide the availability of adequate fire suppression capacity.</i>				X
159.a	<i>Provide training and information to citizens on fire safety and evacuation plans through community meetings and informational materials.</i>				X
159.b	<i>Encourage businesses to prepare pre-emergency plans and to train their employees on emergency response procedures and evacuation.</i>				X
160.a	<i>In conjunction with land use development applications, evaluate police service requirements and response times. Require impact fees and exactions to maintain the level of service.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
160.b	<i>Continue to develop ongoing and accurate means of assessing the community's law enforcement needs and evaluating Police Department performance in addressing these needs.</i>				X
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
164.a	<i>Continue to provide drug education and other programs that encourage constructive activities and positive values for the City's youth.</i>				X
164.b	<i>Continue to develop public education programs in response to the needs and interests expressed by community members through the Neighborhood Contact Program or other community outreach programs.</i>				X
165.a	<i>Continue to provide training to police personnel in the community-oriented, problem-solving approach to policing.</i>				X
165.b	<i>Continue and consider expanding foot patrols as part of officers' daily activity and investigate feasibility of use of bicycles.</i>				X
165.c	<i>Where appropriate, continue to encourage non-arrest interventions, such as mediation, that promote community-based problem solving.</i>				X
165.d	<i>Develop a system of evaluation and rewards for police personnel that reflects community development and problem-solving accomplishments in addition to more traditional law enforcement achievements.</i>				X
165.e	<i>Continue to develop community partnerships between the Police Department and other community groups and organizations to address the causes of crime, fear, and other issues regarding the welfare of the community.</i>				X
165.f	<i>Continue to work with community organizations to develop an awareness of the problems in the community as well as the services provided by the City to address these problems.</i>				X
165.g	<i>Establish a permanent police facility that is inviting and accessible to the community.</i>				X
166.a	<i>Work closely with County, State and Federal agencies in the regulation of hazardous materials.</i>				X
166.b	<i>Continue administration of Hazardous Materials Management Plans through the Brisbane Fire Department.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
166.1.a	<i>In connection with any application for a proposed specific plan or land use development project involving biotechnical research activities, determine the nature and extent of any regulations that should be adopted to protect the public health and safety before any such specific plan or land use development application is approved.</i>				X
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
172.a	<i>Communicate this priority to responsible State and Federal agencies and encourage these agencies to establish remediation plans and programs.</i>				X
172.b	<i>Seek to direct State and Federal funds to remediate contaminated lands in Brisbane.</i>				X
172.c	<i>Require private property owners to remediate contaminated lands consistent with State and Federal requirements.</i>				X
172.d	<i>Continue to maintain good communications and working relationships with the Cal-EPA Department of Toxic Substances Control, the Water Quality Control Board and other agencies regulating remedial actions.</i>				X
174.a	<i>Take into account risk assessments and other technical studies prepared by governmental agencies when making land use determinations for contaminated lands.</i>				X
174.b	<i>Condition all final approval of development projects on full compliance with all orders, remediation programs and mitigation measures imposed by regulatory agencies.</i>				X
174.c	<i>Require applicants to provide for analysis by environmental engineers, toxicologists or other technical specialists deemed necessary by the City to process development applications and complete environmental review for projects on contaminated lands.</i>				X
175.a	<i>Exchange information with the California Integrated Waste Management Board, San Mateo County Environmental Health Division and other responsible agencies regarding the requirements for safe and successful landfill development, utilizing the experience of Sierra Point.</i>				X
175.b	<i>Require evidence that scientific testing and verification has taken place to the satisfaction of regulatory agencies.</i>				X
175.c	<i>Encourage property owners of filled lands to complete all testing and related requirements of the Federal, State and local agencies well in advance of requesting land use permits from the City</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
176.a	<i>Discourage new sources that generate excessive noise.</i>				X
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
178.a	<i>Investigate obtaining from San Francisco Airport and/or Federal Aviation Administration better monitoring information on overflight noise impacts on the community, including single-event noise.</i>				X
178.b	<i>Provide information to citizens on overflight impacts, airport operations and how to contact officials and agencies responsible for decisions that could result in overflights.</i>				X
178.c	<i>Cooperate with other jurisdictions affected by aviation noise to insist that noise impacts are considered when decisions are made regarding airport operations.</i>				X
178.d	<i>Communicate to local, State and Federal officials the City's position regarding the unwarranted impacts of overflights on the community.</i>				X
184.a	<i>Use the State Guidelines for land use compatibility to determine noise impacted uses.</i>				X
184.b	<i>Require acoustical studies for development applications in areas identified as noise impacted and potential noise generators.</i>				X
184.c	<i>For such projects, require a noise attenuation or a mitigation program to be submitted as a part of the project design.</i>				X
186.a	<i>Maintain an alternative dispute resolution program to allow neighbors to resolve issues in the first instance, if possible.</i>				X
189.a	<i>Continue to incorporate regulations in the Municipal Code to provide a framework to enforce noise standards and impose penalties for violations.</i>				X
189.b	<i>Periodically review the Municipal Code to update regulations based on new information and new technologies.</i>				X
189.c	<i>Periodically hold training sessions for City personnel to provide noise information and review enforcement procedures.</i>				X
189.d	<i>Provide information to citizens on how noise can be controlled and about City regulations and enforcement procedures.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
189.e	<i>Cooperate with other agencies with authority to monitor and regulate noise, such as the Department of Transportation and OSHA, in order to reduce noise impacts on individuals, neighborhoods and businesses.</i>				X
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
190.a	<i>To the extent that the City is knowledgeable, inform the BAAQMD of point source violations of air quality standards and poor management practices and request that they proceed with strict enforcement.</i>				X
190.b	<i>Refer to the BAAQMD all applications for land use permits that need permit review by that agency, including but not limited to gasoline stations, dry cleaning plants, print shops and auto body shops.</i>				X
190.c	<i>Encourage the Bay Area Air Quality Management District to establish an air quality monitoring station in Brisbane.</i>			X	
191.a	<i>Request the BAAQMD to provide the City, on a periodic basis, with updated information on air quality conditions, emissions sources, public health risks, and air quality regulations to assist the City in decision-making.</i>				X
192.a	<i>Encourage the BAAQMD to publish and distribute information and conduct training sessions on low-emission construction and industrial practices, air quality impact assessment methods, and effective mitigation controls.</i>				X
193.a	<i>Consider the design of roadways, transit facilities, bikeways and pedestrian access in all subdivisions, specific plans and other land use proposals to evaluate whether and to what extent the design addresses air quality issues.</i>				X
193.b	<i>In conjunction with land use development applications and CEQA review, evaluate whether a proposal may have a significant effect on air quality because of mobile emissions. Require environmental impact analysis and mitigation plans and monitoring, as appropriate.</i>				X
193.c	<i>Discourage drive-up service windows and similar uses that generally result in vehicle idling.</i>				X
194.a	<i>Provide park-and-ride facilities to facilitate use of transit.</i>			X	
194.b	<i>Provide bicycle and pedestrian access to all areas of the City to provide alternatives to automobile use.</i>				X
194.c	<i>Require all new development to include design principles that are transit oriented and otherwise reduce dependence on the automobile.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
197.a	<i>Use traffic management systems, such as signage and timed signals, to facilitate traffic flow and reduce congestion.</i>				X
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
198.a	<i>Support the implementation of transportation demand management measures by private businesses, such as transit and carpool subsidies, preferential carpool/vanpool parking, flexible work schedules and ride matching services.</i>				X
198.b	<i>Encourage the installation of bicycle lockers, changing rooms and showers, guaranteed ride home, the provision of on-site support services in private businesses and other measures to reduce vehicular trips by employees.</i>				X
198.c	<i>Consider providing incentives as a part of land use development permit approvals for the use of TSM and TDM measures.</i>			X	
199.a	<i>Support efforts to improve efficiency and reduce emissions in the CalTrain system.</i>				X
201.a	<i>Provide information on the effects on air quality from inefficient burning in old fireplaces and encourage citizens to clean fireplaces regularly.</i>				X
202.a	<i>Strictly enforce the City's Grading Ordinance provisions for dust control.</i>				X
202.b	<i>Require that demolition and construction projects conform to the BAAQMD recommended dust control measures.</i>				X
202.c	<i>On a periodic basis, review the City's ordinance requirements to assure conformance with BAAQMD standards.</i>				X
203.a	<i>As part of land use planning, establish buffer zones between sensitive receptors and significant emissions sources, including uses that cause offensive odors or dust.</i>			X	
203.b	<i>In conjunction with any surface mining, oil and gas operation or industrial development land use permit, place strict conditions for compliance with best management practices for control of dust, odors and other emissions that have air quality impacts.</i>			X	
204.a	<i>Working with the BAAQMD and regional transportation agencies, develop and provide information to citizens on the air quality impacts</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
	<i>of automobile emissions and encourage citizens to reduce automobile trips for the benefit of the community.</i>				
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
204.b	<i>With the assistance of the BAAQMD and environmental groups, provide information to citizens on the air emissions impacts of materials such as paints, solvents and spray cans, and encourage citizens to substitute safer materials.</i>				X
204.c	<i>Inform citizens, through water bill inserts and other publications, of how to contact the BAAQMD to file complaints regarding air quality violations and encourage citizen involvement in enforcement of air quality regulations.</i>				X
206.a	<i>As a part of the annual budget and Capital Improvements Program, schedule ongoing replacement and maintenance of the existing system.</i>				X
206.b	<i>On an ongoing basis, review water connection and service rates to assure sufficient revenues to provide for maintenance and upgrading of the system.</i>				X
206.c	<i>Take advantage of opportunities to apply special funds, such as grants, to the upgrade of the existing system.</i>				X
208.a	<i>In conjunction with land use development applications for vacant lands, require studies to estimate the needs for domestic water and fire protection and require infrastructure to be designed and installed, at the developer's expense, to the satisfaction of the City.</i>				X
211.a	<i>Require additional water storage for fire protection to be provided to service Crocker Park and the Quarry in conjunction with any redevelopment of Quarry lands.</i>		X		
211.b	<i>Consider requirements for additional protective devices, such as residential sprinklers and alarms, for residences on Paul Avenue, Thomas Avenue and Harold Road.</i>			X	
212.a	<i>As a part of the annual budget and Capital Improvements Program, schedule ongoing replacement and maintenance of the trunk line system, as needed.</i>				X
212.b	<i>On an ongoing basis, review sewer connection and service rates to assure sufficient revenues to provide for the maintenance and replacement of the system.</i>				X
212.c	<i>Take advantage of opportunities to apply special funds, such as grants, to improvements of the existing system.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
213.a	<i>In conjunction with land use development applications for vacant lands, require studies to determine capacity and design requirements for sanitary sewer services and require infrastructure design and installation to the satisfaction of the City at developer's expense.</i>				X
217.a	<i>Review the provisions in the Municipal Code to determine if amendments would make septic tank regulations easier to understand and enforce.</i>			X	
217.b	<i>Require immediate removal of any septic tank that requires pumping more than once per year.</i>			X	
217.c	<i>Require all existing septic tanks to be inspected and receive a permit from the County Department of Environmental Health</i>			X	
219.a	<i>As a part of the annual budget and Capital Improvements Program, schedule maintenance, repair and replacement as needed.</i>				X
219.b	<i>Consider fee assessments to provide for the maintenance and repair of the system.</i>				X
219.c	<i>Coordinate programs to control siltation with the Regional Water Quality Control Board, Daly City and San Mateo County.</i>				X
221.a	<i>In conjunction with land use development applications for vacant lands, require studies to determine design requirements to collect and remove stormwater from the property or reuse stormwater to benefit the public. Require facilities to be designed and installed to City standards, at developer's expense.</i>				X
224.a	<i>Install stormwater system improvements to Valley Drive and Bayshore Boulevard as set forth in the Conditions of Approval for the Northeast Ridge Development Project.</i>			X	
226.a	<i>Consider environmental sensitivities in conjunction with drainage studies.</i>				X
228.a	<i>Require new construction and substantial renovation projects to provide roof gutters and leaders that direct stormwater through the curb to the City street so that the water can be collected in City facilities.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
228.b	<i>Require drainage plans to be submitted in conjunction with land use development applications, including those for building permits, as applicable to the project.</i>				X
Chapter X Community Health and Safety		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
228.c	<i>Provide public information on the safety aspects of dealing with stormwater and encourage homeowners and businesses to make necessary improvements and repairs.</i>				X
228.d	<i>Comply with National Pollutant Discharge Elimination System, as required.</i>				X
Chapter XII Policies and Programs by Subarea		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
SP.3.a	<i>Pursue better connections between Sierra Point and Brisbane, including pedestrian/bicycle over-crossing of the railroad tracks.</i>				X
SEB.1.a	<i>Encourage development of a native plant or non-invasive plant landscape buffer to screen the industrial development from the Lagoon.</i>				X
SEB.2.a	<i>Request information from regulatory agencies on the history and past uses of the properties in the Southeast Bayshore subarea.</i>			X	
SWB.1.a	<i>After adoption of the General Plan, review the Zoning District regulations to better define an appropriate mix of uses and address incompatible land use.</i>			X	
SWB.1.b	<i>Examine opportunities to provide greater amenities for the residences in the Mobile Home Park through installation of public and private improvements such as curb, gutter, sidewalk, off-street parking and landscaping.</i>				X
SWB.1.c	<i>Require visual impact analysis for all construction on steep slopes.</i>			X	
SWB.2.a	<i>Discourage multiple individual driveways onto Bayshore Boulevard.</i>				X
BA.2.a	<i>In conjunction with any subdivision or other development application, a landscape program and plan shall be submitted to the City and include the following:</i> <i>a. identification and retention of heritage trees;</i> <i>b. identification and retention of rare plants;</i> <i>c. plant species that are not invasive to the habitat;</i> <i>d. water-conserving plants and irrigation systems;</i> <i>e. reduced fuels adjacent to the wildland;</i> <i>f. screening of structures to blend with the natural landscape;</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
	<i>g. areas for Conserved Habitat and/or other provisions required by the Habitat Conservation Plan Operator.</i>				
Chapter XII Policies and Programs by Subarea		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
BA.2.b	<i>Examine ways to improve the existing density transfer program so that a developer/owner can be granted increased density on sites already served by infrastructure in conjunction with the dedication of more remote sites as Open Space.</i>			X	
BA.2.c	<i>Retain a trail system through the Brisbane Acres to connect the area to Central Brisbane and the San Bruno Mountain State and County Park.</i>				X
BA.2.d	<i>Map the canyons, intermittent streambeds and banks in the Brisbane Acres and designate such areas for protection.</i>			X	
BA.2.e	<i>Develop clear regulations that can be enforced to preserve the natural ecology of the canyons, intermittent streambeds and banks.</i>			X	
BA.3.a	<i>In conjunction with any subdivision or other development application, the property owner shall be required to supply detailed information on slope, access, water, sanitary sewer and storm drain infrastructure, soils, geology, cultural resources, significant vegetation and endangered species habitat.</i>				X
BA.3.b	<i>Geologic studies for parcels in the Brisbane Acres shall be performed by a licensed engineer and shall pay special attention to slope, landslide and subsurface water. Such studies shall include a detailed evaluation of the stability of the proposed site, the potential effects of construction on the site and adjacent and downslope areas, and the effects of any construction or installation of infrastructure on the site. Specific recommendations for project design to ensure safety and mitigate impacts shall be included in the report and incorporated into construction documents by the project engineer.</i>				X
BA.3.c	<i>Phase grading and construction to coincide with periods of dry weather as set forth in the City's Grading Ordinance.</i>				X
BA.4.a	<i>Information should be supplied in conjunction with any application for development or a building permit on how the infrastructure proposed for the project relates to existing and future infrastructure development.</i>				X
BA.4.b	<i>Assure that safe and adequate access can be provided to properties when access is dependent upon connecting to existing streets.</i>				X

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Program No.	Implementation Program Objective	Implementation Status			
Chapter XII Policies and Programs by Subarea		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
BA.4.c	<i>If any development of private land in the Brisbane Acres would disturb or restrict existing access for fire or rescue personnel or equipment to areas above or beyond, then adequate alternative access shall be provided and maintained.</i>				X
CB.3.a	<i>Consider amendments to the Sign Ordinance to simplify the process and otherwise address the needs of small businesses, as well as balancing other community needs and objectives.</i>	X			
CB.4.a	<i>Work with the Chamber of Commerce to develop a program to assist new and existing businesses to market their services.</i>				X
CB.4.b	<i>Work with the Chamber of Commerce to analyze the constraints and opportunities for downtown revitalization.</i>				X
CB.4.c	<i>Work with the Chamber of Commerce to find how the City can be more facilitative of meeting the needs of small businesses.</i>				X
CB.5.a	<i>Encourage a modest scale and density character to residential development through standards established in the Zoning Ordinance.</i>		X		
CB.5.b	<i>Look at ways to encourage innovative uses and structures to provide for greater economic return and community benefit.</i>				X
CB.6.a	<i>Study the impacts of off-street parking requirements on residential and commercial site and structural design.</i>			X	
CB.6.b	<i>Revise the Zoning Ordinance to facilitate the upgrading and proper maintenance of structures with legal nonconformities.</i>			X	
CB.6.c	<i>Evaluate the aesthetic, psychological and social losses that could result from zoning ordinances which would discourage diversity and individual expression in residential construction.</i>	X			
CB.8.a	<i>Consider revisions to the Zoning regulations to discourage overbuilding of residential parcels</i>			X	
CB.8.b	<i>Study regulatory approaches to view and solar protection while protecting foliage and tree cover (See Program LU.11.c.)</i>		X		
CB.10.a	<i>In conjunction with the City's development review process and Capital Improvement Program, examine ways to improve existing bottlenecks and cul-de-sacs and improve safety in the upper residential streets. (See Policies C.12 and C.13.)</i>				X
CB.10.b	<i>Develop municipal off-street public parking lots.</i>	X			

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Program No.	Implementation Program Objective	Implementation Status			
Chapter XII Policies and Programs by Subarea		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
CB.10.c	Develop a direct street connection between Central Brisbane and Crocker Park.			X	
CB.13.a	Identify, through signage, parks and recreation facilities and the hours they are open to the public.				X
CB.18.a	Facilitate utilization of grant and assistance programs for retrofitting existing structures.				X
CB.18.b	Take into account the unique constraints of older structures in applying requirements for conservation measures.				X
CB.18.c	Assemble educational reference materials to be provided to permittees when conditions are imposed requiring drought tolerant landscaping or water conserving irrigation.				X
CB.20.a	Study the possibility of developing green merchant and green resident programs.				X
CB.20.b	Consider improvements to the Franchise Agreement to include a more comprehensive collection program, consistent with the City's Source Reduction and Recycling Element.			X	
CB.21.a	Seek input from merchants and the public on how SamTrans service might be made more useful.				X
CB.21.b	Support continued development and improvement of shuttle service for Sierra Point, Crocker Park and future development in areas such as the Baylands, and consider ways to extend such service into Central Brisbane.				X
CB.21.c	Consider modifications to signal timing to relieve lunch-hour congestion at the entrance to Central Brisbane.		X		
CB.22.a	Provide bicycle racks at public meeting facilities and public offices.				X
CB.22.b	Develop and implement a plan for providing benches at key locations for pedestrian rest stops.				X
CP.4.a	In developing design guidelines, study options for the use of color and materials, the screening of mechanical equipment, and the use of landscape to make rooftops more attractive when seen from above.				X
CP.4.b	In developing design guidelines, study the impacts of the relationship of structure parking to building design, land coverage and floor area ratio.				X
CP.4.c	Develop and implement a sign program.	X			

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Program No.	Implementation Program Objective	Implementation Status			
Chapter XII Policies and Programs by Subarea		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
NWB.2.a	<i>In the case of proposed redevelopment, comply with applicable CEQA guidelines with regards to Historical Resources.</i>				X
GH.14.a	<i>In conjunction with any subdivision or other development application, a landscape program and plan must be submitted to the City and include the following:</i> <i>i. identification and retention of heritage trees;</i> <i>ii. identification and retention of rare plants;</i> <i>iii. plant species that are not invasive to the habitat;</i> <i>iv. water-conserving plants and irrigation systems;</i> <i>v. reduced fuels adjacent to the wildland;</i> <i>vi. screening of structures to blend with the natural landscape;</i> <i>vii. areas for Conserved Habitat and/or other provisions required by the Habitat Conservation Plan Operator.</i>				X
BL.3.a	<i>Environmental review for the required Specific Plan shall include a visual impact analysis which shall include an evaluation of the impacts of building heights, including the impact of the proposal on view corridors.</i>		X		
BL.3.b	<i>The required Specific Plan shall address the heights of buildings and building groups to achieve the following:</i> <i>i. diversity of height within the subarea;</i> <i>ii. creative excellence in architectural and site design;</i> <i>iii. visual acceptability when seen from above;</i> <i>iv. a complementary relationship to the overall topography, especially the Lagoon, San Bruno Mountain and the Bay, and the entrance to Central Brisbane;</i> <i>v. open space and open areas.</i> <i>Development south of the Bayshore Basin drainage channel shall maintain a low profile permitting low or mid rise buildings, not to exceed six stories in height, in order to preserve the existing views of San Francisco and San Francisco Bay as seen from Central Brisbane, and to maximize the amount of landscape and open space or open area in this portion of the subarea .</i> <i>The following design approaches shall not be included in the required specific plan or any development proposal:</i> <i>i. Buildings or building groups that block view corridors to the Bay, or appear as "fortresses" or "walls" lining the Bayfront, the Lagoon or any arterial street.</i>		X		
BEA.2.a	<i>There shall be an extensive southern landscape buffer which may also include a berm or other separating device.</i>		X		

Appendix A

Program No.	Implementation Program Objective	Implementation Status			
Chapter XII Policies and Programs by Subarea		No Action/ Hold	Underway/ Partially Complete	Complete	Ongoing
OBC.2.a	<i>Educate the public of the continued threat of invasive species through the Brisbane Star.</i>				X
Q.1.a	<i>Environmental review for all specific plans shall include a visual impact analysis which shall include an evaluation of the impacts of building heights, including the impact of views of the development from Central Brisbane and the Northeast Ridge.</i>				X
Q.5.a	<i>Insist that a regularly scheduled monitoring program of the ongoing quarry operation is instituted to assure that the operator is meeting all permit and health and safety obligations.</i>				X
Q.5.b	<i>Insist that erosion control programs are instituted and maintained and revegetation takes place for all disturbed slopes.</i>				X
Q.5.c	<i>In conjunction with the surface mining permit, insist that the County of San Mateo place strict conditions for compliance with best management practices for control of dust and other emissions that have air quality impacts.</i>				X
Chapter XI Housing: Refer to the 2021 Housing Element Annual Progress Report					

File Attachments for Item:

G. Adopt a Resolution Amending Resolution No. 96-44 Respecting Delegation of Authority to the City Manager to Make Determinations Under Government Code Section 21025 Pertaining to Disability Retirements



CITY COUNCIL AGENDA REPORT

Meeting Date: March 17, 2022

From: Abby Partin, Human Resources Administrator

Subject: Resolution Amending Resolution No. 96-44 Respecting Delegation of Authority to the City Manager to Make Determinations Under Government Code Section 21025 Pertaining to Disability Retirements

Community Goal/Result

Fiscally Prudent

Purpose

Ensure the City is able to efficiently process paperwork related to disability retirements in alignment with Government Code (GC), Section 40601 titles.

Recommendation

Adopt the resolution to amend Resolution 96-44 with the current Mayor or Mayor Pro Tempore signature.

Background

On August 26, 1996, the City Council signed Resolution No. 96-44, delegating the authority to the City Manager to make determinations under Government Code, Section 21025 pertaining to disability retirements.

Discussion

On February 14, 2022, staff received a letter from California Public Employees' Retirement System (CalPERS) stating that an employee has filed an application for industrial disability retirement. Staff provided CalPERS with necessary documentation to finalize the process, but after receipt and further review of the Delegation of Authority Resolution, CalPERS was unable to accept the documentation submitted due to signature and title approving the Resolution. The resolution was signed by then Acting Mayor, Lee J. Panza, in absence of then current Mayor Waldo. The title Acting Mayor does not align with GC, section 40601 language stating that a Mayor Pro Tempore has all powers of the Mayor in their absence. While both Acting Mayor and Mayor Pro Tempore titles may allow to exercise powers of the Mayor, CalPERS will not make those assumptions and therefore is requiring the City to submit a new Delegation of Authority Resolution with proper signature(s) and title(s).

Fiscal Impact

There is no fiscal impact associated with this Resolution amendment.

Measure of Success

The City is able to efficiently process retirement determinations and employer-generated disability retirement applications.

Attachments

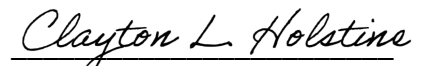
Resolution No. 2022-__

Government Code, Section 40601

Resolution No. 96-44



Abby Partin, Human Resources
Administrator



Clay Holstine, City Manager

RESOLUTION NO 2022- ____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
AMENDING RESOLUTION NO. 96-44 RESPECTING DELEGATION OF AUTHORITY
TO THE CITY MANAGER TO MAKE DETERMINATIONS UNDER GOVERNMENT
CODE SECTION 21025 PERTAINING TO DISABILITY RETIREMENTS**

WHEREAS, the City of Brisbane is a contracting agency of the California Public Employees' Retirement System; and

WHEREAS, the Public Employees Retirement Law requires that a contracting agency determine whether an employee of such agency classified as a local safety member is disabled for the purposes of the Public Employees Retirement Law and whether such disability is "industrial" within the meaning of such law; and

WHEREAS, the City Council has determined upon legal advice that it may delegate authority to make such determinations to the City Manager; and

WHEREAS, in 1996, the City Council adopted Resolution 96-44 delegating the authority to make such determinations to the City Manager; and

WHEREAS, in the absence of the Mayor, the resolution was signed by the Mayor Pro-Temp at the time but the resolution reflected the title of the Mayor Pro-Temp as the "Acting Mayor"; and

WHEREAS, the City Council wants to resolve any uncertainties whether the City Council properly delegated the authority to the City Manager by reason of the resolution having been signed by the "Acting Mayor".

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brisbane hereby amends Resolution No. 96-44 and ratifies its prior delegation to the City Manager the authority to make determinations of disability under Section 21025 of the Government Code on behalf of the agency, and to determine whether such disability is industrial, and to certify such determinations and all other necessary information to the California Public Employees' Retirement System.

BE IT FURTHER RESOLVED, that the City Manager is authorized to make applications on behalf of the agency for disability retirement of employees who are local safety members and to initiate for reinstatements of such employees who are retired for disability.

Coleen Mackin, Mayor

I hereby certify that the foregoing Resolution No. 2022-___ was duly and regularly adopted at a regular meeting of the Brisbane City Council on March 17, 2022, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Ingrid Padilla, City Clerk

Approved as to form:

Thomas R. McMorrow,
City Attorney



State of California

GOVERNMENT CODE

Section 40601

40601. In the absence of the mayor, the mayor pro tempore shall exercise the powers granted in this chapter.

(Amended by Stats. 1955, Ch. 624.)

RESOLUTION NO. 96-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE RESPECTING DELEGATION OF AUTHORITY TO THE CITY MANAGER TO MAKE DETERMINATIONS UNDER GOVERNMENT CODE SECTION 21025 PERTAINING TO DISABILITY RETIREMENTS

BE IT RESOLVED BY THE BRISBANE CITY COUNCIL, AS FOLLOWS:


WHEREAS, the City of Brisbane (hereinafter referred to as agency) is a contracting agency of the Public Employees' Retirement System; and

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency classified as a local safety member is disabled for the purposes of the Public Employees Retirement Law and whether such disability is "industrial" within the meaning of such law; and

WHEREAS, the City Council has determined upon legal advice that it may delegate authority to make such determinations to the City Manager.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby delegate to the City Manager authority to make determinations of disability under Section 21025 of the Government Code on behalf of the agency, and whether such disability is industrial, and to certify such determinations and all other necessary information to the Public Employees' Retirement System; and,

BE IT FURTHER RESOLVED, that the City Manager is authorized to make applications on behalf of the agency for disability retirement of employees who are local safety members and to initiate requests for reinstatements of such employees who are retired for disability.


 LEE J PANZA
 Acting Mayor

I hereby certify that the foregoing Resolution No. 96-44 was duly and regularly adopted at a regular meeting of the Brisbane City Council on August 26, 1996, by the following vote:

AYES: Councilmembers Bologoff, Richardson and Acting Mayor Panza
 NOES: None
 ABSENT: Councilmember Conway and Mayor Waldo


 SHERI MARIE SCHROEDER
 Deputy City Clerk

File Attachments for Item:

H. Adopt a Resolution Restating the Creation of the Inclusion, Diversity, Equity and Accountability Committee and repealing Resolution No. 2022-07



CITY COUNCIL AGENDA REPORT

Meeting Date: March 17, 2022

From: City Manager Clay Holstine

Subject: Resolution Restating the Creation of the Inclusion, Diversity, Equity and Accountability Committee

Community Goal Results

Community Building

Recommendation

Adopt the attached Resolution restating the creation of the Inclusion, Diversity, Equity and Accountability Committee and repealing Resolution No. 2022-07 to clarify that the City Council's initial appointments to the Committee shall serve two year, not one year, terms, and that new appointments or re-appointments will not be tied to the Council's regular election cycle.

Background

On February 3, 2022, City Council adopted Resolution No. 2022-07 formally creating the Inclusion, Diversity, Equity and Accountability (IDEA) Committee. The Resolution provides the Committee will have five to seven members and "As to the initial appointments, a majority shall be for one year terms and the remainder shall be for two year terms." The Resolution also provides that after the initial appointments, appointments (or re-appointments) will be tied to the Council's regular election cycle, with the majority of the appointments occurring in the year three council member seats are up for election and the remainder of the appointments occurring in the year two council member seats are up for election.

Initially, only four persons applied to be on the Committee and Council appointed all four persons (a majority), with the goal to appoint the remainder later this year. When the Council made those appointments, however, it made their terms of office two years, with the later appointments to have one year terms. That action was inconsistent with the language in the resolution quoted above. Moreover, because the appointments are being made in 2022, with some of those appointments being only one year terms, tying the appointments or reappointments to the Council's election cycle does not work practically.

Discussion

The simple fix is to adopt a new resolution that restates the creation of the Committee and includes those changes to the Resolution to reflect Council's intent to have the first four appointees to the Committee serve two year, not one year, terms. The Resolution will also eliminate tying the appointments/re-appointments to the Council's election cycle. The Resolution is attached. It includes repealing Resolution No. 2022-07.

Fiscal Impact

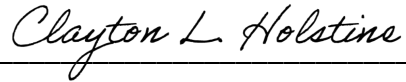
There is no fiscal impact in repealing Resolution 2022-07 and adopting a Resolution that reflects accurately the terms of office for the Council's initial appointments to the IDEA Committee and eliminates tying the appointments/re-appointments to the Council's election cycle.

Attachments

1. Resolution
2. Redlined Resolution



Ingrid Padilla, City Clerk



Clay Holstine, City Manager

Attachment 1

RESOLUTION NO. 2022-XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE RESTATING THE CREATION OF THE INCLUSION, DIVERSITY, EQUITY AND ACCOUNTABILITY (IDEA) COMMITTEE AND REPEALING RESOLUTION NO. 22-07**

WHEREAS, on February 3, 2022, City Council adopted Resolution No. 22-07 formally creating the Inclusion, Diversity, Equity and Accountability (IDEA) Committee; and

WHEREAS, in part Resolution No. 22-07 provided that the majority of the initial appointments were to serve terms of one year and the remainder of the appointments to serve terms of two years; and

WHEREAS, City Council initially appointed only four persons to the IDEA Committee (with the goal to appoint the remaining members later this year) but provided that the terms of office for those four members (a majority) would be two year terms, with the appointments to follow to have one year terms; and

WHEREAS, that action of the City Council was inconsistent with the language in Resolution No. 22-07; and

WHEREAS, the City Council wants to make clear that the initial four appointees are to serve two year terms, not one year terms; and

WHEREAS, after the initial appointments, Resolution No. 22-07 tied the timing of the appointment/re-appointment of Committee members to the Council's election cycle but on closer examination, that timing does not work practically.

NOW, THEREFORE, the City Council of the City of Brisbane resolves as follows, restating the creation of the Inclusion, Diversity, Equity and Accountability Committee:

Section 1. Creation

There is hereby created a permanent Inclusion, Diversity, Equity and Accountability (IDEA) Committee to consist of five to seven public members appointed by the City Council. Committee members will serve without compensation and will serve in an advisory capacity to the Council. Members of the Committee must at all times during their service be residents of the City or work within the City.

Section 2. Appointment

The City Council shall appoint all Committee members after soliciting applications from the community. City Council shall use (among others) the following criteria for selecting persons to be appointed to the Committee:

1. Demonstrated interest in inclusion, diversity, and equity issues
2. Willingness to bring diverse perspectives to the Committee
3. Willingness to dedicate sufficient time and effort
4. Does not work for the City of Brisbane

The Council interview and appointment process shall be similar to the process utilized by the City Council in the appointment of other committees and commissions. As to the initial appointments, a majority shall be for two-year terms and the remainder shall be for one-year terms.

Within 30 days of the expiration of a member's term of office, a member may request the City Council to re-appoint the member to the Committee. The City Council may re-appoint the member to the Committee without re-interviewing the member.

Section 3. Term of Office

After the initial two-year and one-year appointments, Committee members appointed or re-appointed shall all serve for a term of two years unless the appointment is to fill a vacancy created other than by expiration of a term, in which event the appointment shall be for the unexpired portion of the term. If a Committee member no longer lives or works in the City, or resigns, the member's seat on the Committee shall be deemed to be vacant and the individual shall no longer serve on the Committee. Any Committee member may be removed with or without cause by a vote of the majority of the City Council.

Section 4. Officers

The Committee shall elect from its members a Chair and a Vice Chair. Members are encouraged to rotate Chair and Vice Chair annually.

Section 5. Meetings

The Committee shall meet monthly unless otherwise approved by the Committee. Meetings of the Committee shall be held at a location to be determined by the Committee or the Committee staff and notice of each meeting shall be provided in the manner prescribed by the Brown Act. The Committee shall determine the time, dates, and location of the meetings subject to the availability of meeting facilities and support staff. Meetings will be open to the public and efforts will be made to encourage attendance and participation by members of the public. The Committee may, from time to time, also hold joint meetings as needed with the City Council, and other commissions and committees.

Section 6. Quorum

A quorum is necessary for a Committee meeting to be held. A majority of the authorized members of the Committee shall constitute a quorum. For example, if the City Council has

authorized five members of the Committee, then three members shall constitute a quorum; if City Council has authorized six or seven members of the Committee, then four members shall constitute a quorum.

Section 7. Repeal of Resolution No. 22-07.

Resolution No. 22-07 is hereby repealed.

Section 8. Effective Date

This resolution is effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council at a regular meeting on March 17, 2022.

COLEEN MACKIN, MAYOR

I hereby certify that the foregoing resolution was adopted by the Brisbane City Council at a regular meeting held on March 17, 2022 by the following vote:

AYES:

NOES: None

ABSENT: None

ABSTAIN: None

Ingrid Padilla, City Clerk

Approved as to form



Thomas McMorrow, City Attorney

RESOLUTION NO. 2022-~~XX~~07**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE RESTATING THE FORMALLY CREATION OF THE INCLUSION, DIVERSITY, EQUITY AND ACCOUNTABILITY (IDEA) COMMITTEE AND REPEALING RESOLUTION NO. 2022-07**

WHEREAS, on February 3, 2022, City Council adopted Resolution No. 2022-07 formally creating the Inclusion, Diversity, Equity and Accountability (IDEA) Committee; and

WHEREAS, in part Resolution No. 2022-07 provided that the majority of the initial appointments were to serve terms of one year and the remainder of the appointments to serve terms of two years; and

WHEREAS, City Council initially appointed only four persons to the IDEA Committee (with the goal to appoint the remaining members later this year) but provided that the terms of office for those four members (a majority) would be two year terms, with the appointments to follow to have one year terms; and

WHEREAS, that action of the City Council was inconsistent with the language in Resolution No. 2022-07; and

WHEREAS, the City Council wants to make clear that the initial four appointees are to serve two year terms, not one year terms; and

WHEREAS, after the initial appointments, Resolution No. 2022-07 tied the timing of of the appointment/re-appointment of Committee members to the Council's election cycle but on closer examination, that timing does not work practically.

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1. Demonstrated interest in inclusion, diversity, and equity issues
2. Willingness to bring diverse perspectives to the Committee
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Within 30 days of the expiration of a member's term of office, a member may request the City Council to re-appoint the member to the Committee. The City Council may re-appoint the member to the Committee without re-interviewing the member.

Section 3. Term of Office

After the initial two-year and one-year appointments, ~~Committee members shall serve staggered, two-year terms, with the majority of terms to commence in the years that three Council seats are scheduled to be filled by regular election and remaining terms to commence in the years that two seats are scheduled to be filled by regular election. Thereafter,~~ Committee members appointed or re-appointed shall all serve for a term of two years unless the appointment is to fill a vacancy created other than by expiration of a term, in which event the appointment shall be for the unexpired portion of the term. If a Committee member no longer lives or works in the City, or resigns, the member's seat on the Committee shall be deemed to be vacant and the individual shall no longer serve on the Committee. Any Committee member may be removed with or without cause by a vote of the majority of the City Council.

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The Committee shall elect from its members a Chair and a Vice Chair. Members are encouraged to rotate Chair and Vice Chair annually.

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The Committee shall meet monthly unless otherwise approved by the Committee. Meetings of the Committee shall be held at a location to be determined by the Committee or the Committee staff and notice of each meeting shall be provided in the manner prescribed by the Brown Act. The Committee shall determine the time, dates, and location of the meetings subject to the availability of meeting facilities and support staff. Meetings will be open to the public and efforts will be made to encourage attendance and participation by members of the public. The Committee may, from time to time, also hold joint meetings as needed with the City Council, and other commissions and committees.

Section 6. Quorum

A quorum is necessary for a Committee meeting to be held. A majority of the authorized members of the Committee shall constitute a quorum. For example, if the City Council has authorized five members of the Committee, then three members shall constitute a quorum; if City Council has authorized six or seven members of the Committee, then four members shall constitute a quorum.

Section 7. Repeal of Resolution No. 2022-07.

Resolution No. 2022-07 is hereby repealed.

Section ~~87~~. Effective Date

This resolution is effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council at a regular meeting on ~~February~~ March 17, 2022.

COLEEN MACKIN, MAYOR

I hereby certify that the foregoing resolution was adopted by the Brisbane City Council at a regular meeting held on March 17~~February 3~~, 2022 by the following vote:

AYES: ~~Councilmembers Cunningham, Davis, Lentz, O'Connell and Mayor Mackin~~

NOES: None

ABSENT: None

ABSTAIN: None

Ingrid Padilla, City Clerk

Approved as to form



Thomas McMorrow, City Attorney

File Attachments for Item:

I. Authorize the City Manager to sign an agreement with Management Partners to perform Process Mapping and Re-engineering for the City's Permitting, Geographic Information, and Internal Financial Reporting processes.



CITY COUNCIL AGENDA REPORT

Meeting Date: 3/17/2022

From: Stuart Schillinger Assistant City Manager

Subject: Agreement with Management Partners to P

Community Goal/Result

Fiscally Prudent

Purpose

Ensure that the processes for permitting, geographic information dissemination, and internal financial reporting is appropriate as the City begins the process of technology improvements.

Recommendation

Authorize the City Manager to sign an Agreement with Management Partners to perform Process Mapping and recommend Process Improvements in the areas of Community Development Permitting Process, Geographic Information System (GIS) Implementation, and Internal Financial Reporting

Background

On October 7, 2021 the City Council reviewed and accepted the Technology Master Plan created by ClientFirst. The Master Plan recommended the City embark on further automating its permitting process by bringing in additional software which would provide the City greater functionality and interaction with the public. It also recommended that the City expand its use of a GIS to allow the flow of information between departments to be easier and ensure that all geographic based information is captured in the same system. A third item in the Master Plan was to provide better availability of Financial Information to all users of the system.

The City Council Technology Subcommittee and staff determined, prior to moving to far along the path of purchasing software, it would be best to ensure that the processes we want to automate are appropriate. Staff reached out to Management Partners who have conducted process mapping and process re-engineering studies with other cities in the County and throughout the country.

Discussion

Attached for your review is the proposal from Management Partners to conduct process mapping and process engineering in the three areas listed above (Permit Processing, GIS, and Internal Financial Reporting). The overall cost of the project will be \$94,500. This is part of the expenses that were anticipated at mid-year last year when staff requested funding for projects that would be forthcoming from the Technology Master Plan.

The results of this study will assist the City in ensuring that the technological solutions that the City pursues will be correct. The City does not want to automate and lock into place a system that is not efficient and is cumbersome. The City also wants to make sure that the systems it uses are correct for the City and the people who interact with us instead of locking ourselves into a system which a software accommodates.

Fiscal Impact

The \$94,500 for this contract would be part of the \$500,000 the City Council appropriated during the mid-year process in FY 2020/21.

Measure of Success

The City's systems and process are efficient and appropriate prior to settling on software solutions that will lock the processes in place for a longer period of time.

Stuart Schillinger

Stuart Schillinger, Assistant City Manager

Clayton L. Holstine

Clay Holstine, City Manager



February 18, 2022

Mr. Clay Holstine, City Manager
Mr. Stuart Schillinger, Assistant City Manager
City Manager
50 Park Place
Brisbane, CA 94005

Dear Mr. Holstine and Mr. Schillinger:

Management Partners is pleased to provide this proposal assess opportunities to streamline processes and improve service delivery in three functional work areas in Brisbane: Community Development services, geographic information system (GIS) implementation, and internal financial reporting. Based on discussions between Stuart and Steve Toler, we understand that there is a need to review the underlying processes for each and make recommendations for improvements. In addition, Steve's discussion with Stuart indicated that a second cycle of process improvement assessment might be necessary in the future. That would include Capital Project Administration and the Finance Department's payroll, accounts payable, and accounts receivables. We can develop a proposal to examine those processes as we near completion on the first three.

We understand the City will be undergoing an unprecedented level of growth over the next ten years, primarily resulting from the development of the Baylands project. Moreover, the City is embarking on several technology projects including a replacement of its enterprise resource planning (ERP) system. As a result, it is important to ensure that the business processes for residents and internal stakeholders in the areas of planning services, building permits, code enforcement, GIS, and financial services are conducted in the most efficient manner possible. It is also important that changes to business processes coincide with implementation of technology improvements to ensure that poor or ineffective practices are not being automated.

We have prepared a workplan to address these goals. It includes reviewing existing documentation and processes, interviewing staff and stakeholders, and developing recommendations to improve these processes. Before we describe our approach, we would like to share brief information about our firm.

About Management Partners

Management Partners was founded in 1994 with a specific mission to help local government leaders improve their service to the public. Since then we have worked with cities, counties, towns, and special districts of all sizes across the United States to help them work more effectively and run more efficiently.

We offer a balance of perspectives with a practitioner's bias and a proven track record of successful consulting engagements. This experience gives us a sensitivity that produces positive outcomes. We are proud to say that as a result of our quality work, many of our clients ask us to complete subsequent assignments.

- *We Know Local Government.* Our associates have served in local governments, so we have a deep understanding of the operating and political environments in which you work.
- *We Take a Collaborative Approach.* We consider ourselves part of your team and strive to ensure our work supports your overall corporate strategy and goals.
- *We Have Extensive Experience.* Each of our more than 100 associates is an expert in one or more service areas, and our firm has assisted hundreds of jurisdictions in 44 states.
- *We Have Developed Proven Methodologies.* We understand the importance of a holistic approach to improving organizations, using field-tested methods for each aspect of the work.
- *Our Work Plan is Tailored to Your Needs.* Each of our projects is individually tailored to our client's unique needs, starting with a careful learning process.
- *We Take Pride in the Quality of Our Work.* Our internal processes ensure first-rate, complete staff work and adherence to the highest of ethical standards in public service.
- *We Are Focused on Implementation.* As practitioners, our recommendations make practical sense and are able to be implemented.
- *We Provide a Full Suite of Services.* Management Partners' services include everything required to support local government leaders, including organization assessments, performance management, process improvement, strategic planning, and financial planning, budgeting and analysis.

Proposed Plan of Work

Based on our experience with organization reviews and process improvement design, and our understanding of the needs of the City, we have prepared a plan of work to achieve the goal of improving the key processes associated with the future growth of the community and the technology improvements that are underway. As mentioned previously, these will focus on Community Development processes, GIS implementation, and financial reporting. Our work plan begins with a kickoff meeting and then divides into three individual projects designed to address efficiencies in those areas. Following our detailed analyses of each of the three areas, we will prepare and present a consolidated report that summarizes our analysis and recommendations for changes to processes. We will also develop an implementation template to provide a pathway to implementation

Start Project

Management Partners will begin the project by meeting with you, the assigned project manager and other appropriate staff. The project start-up activity forms the foundation of the relationship between Management Partners' team and the City. During this initial meeting, we will confirm project deliverables for each of the three projects and due dates to ensure the project is completed on time and on budget and that our proposed scope of work is aligned precisely to meet your goals.

We understand that the work associated with this review is in addition to the normal work of the organization. Our goal is to integrate our activities in a manner that is thoughtful and minimizes disruption to the department.

We will have provided a data request prior to this meeting for all three processes and will review the material collected by staff to identify any other data needs.



Project 1 – Community Development Improvements

Activity 1.1 – Gather Information from Community Development Staff

We begin by learning about current operations and understanding the history and nature of the work arrangements in place. We will conduct approximately 10 interviews with Community Development staff and any others, as designated by you. The purpose of the interviews is to:

- Learn about the organizational structure, staffing levels and work systems;
- Understand strengths and weaknesses of the departments;
- Hear feedback about existing technology;
- Document and assess existing land management policies and ordinances;
- Understand the current culture surrounding development services; and
- Hear ideas for improving communication and service integration and ways to eliminate redundancy and unnecessary process steps.

At the City's discretion, we can convert two of the interviews indicated above into a focus group of up to 10 representatives of the developer community and other community members to hear their input about existing processes and ideas for improving the City's processes.

We will supplement information from our interviews with City staff and any focus group sessions by gathering and reviewing workflow and workload data, as available, to identify process flow bottlenecks, redundancies or inefficiencies in communication and the use of staff, technology, and other resources. Additionally, we will review the City's development codes, forms, process documents, policies and procedures, and reports.

Another important aspect of our analysis includes an assessment of the organizational structure and staffing level to identify opportunities for improving overall process efficiency. In assessing the various elements of the processes, we will supplement our analysis with applicable industry best practices based on our expertise and knowledge as a national firm.

Activity 1.2 – Create Process Maps

During this activity, we will review or create process maps as well as narrative descriptions for specific processes within the three divisions of the Community Development Department:

- Planning
- Building
- Code Enforcement

As you may know, a process map is a diagram that shows each step in a business process. Process maps are useful in ensuring each step is documented and in identifying potential changes to eliminate redundant or unnecessary steps, increase efficiency, and improve customer service. They can also serve to identify and document existing processes and procedures that work well and should remain in place. Once we have draft process maps prepared, we will review them with staff to ensure the steps we have identified are accurate.

Activity 1.3 – Conduct Analysis and Recommend Process Improvements

Management Partners' team members will analyze the information collected during the previous activities. We will assess the issues and themes from our interviews with staff, and compare current operations, staffing, structure, workflow, and the use of technology with best practices and the City's goal of improving process efficiencies.



As we examine what we have learned and documented through the process mapping activities, we will identify ways to improve development review business processes. We will also assess how well technology is being used to improve and streamline application submission and intake, plan review, permitting, and inspections within and between departments involved in development review functions.

Once the analysis is complete, we will summarize our observations and provide preliminary recommendations in a memorandum. We will also include “to-be” process maps based on the recommendations. We will review the results with you to hear feedback as well as to identify any potential implementation barriers.

Activity 1.4 – Report Results

After receiving feedback on our observations and preliminary recommendations, we will prepare a written memorandum in draft form. The report will include documentation and analysis of and recommendations to improve:

- Organizational structure,
- Staffing levels,
- Land management policies and ordinances,
- Existing processes and procedures, and
- Relevant technologies to facilitate improvements to processes, procedures or required staff training.

Management Partners will provide the draft for review by the City’s project team. At the conclusion of the review period, we will consider all changes and suggested revisions, prepare the final memorandum, and present it to the project team and City Council.

Reports prepared by Management Partners are rich in detail, with recommendations supported by quality analysis. We take pains to ensure that our analysis and subsequent recommendations are organized in an easy-to-understand format and presented in a positive manner.

We take several discrete steps to ensure quality control. The first is to prepare a draft report for managers to review to ensure that facts are accurate, and ideas are presented clearly. Management Partners retains responsibility for our professional recommendations, but we expect that vetting the draft report with management improves its utility. In addition to vetting the report for accuracy and the draft review provides an opportunity to discuss the recommendations and to identify implementation issues. Management Partners is committed to recommending actions that result in meaningful operational improvements and can be implemented in the real world. Once comments have been received, the final project report will be prepared, peer reviewed, and then transmitted to you.

Project 2 – GIS Implementation and Improvements

Activity 2.1 – Gather Information

To assist the City with the implementation of a more expansive, multi-departmental Geographical Information System (GIS), Management Partners will gather information from Brisbane staff and stakeholders who currently work closely with the current GIS system. This will allow the City’s workforce to become engaged and share their perspectives about the current roles of GIS in the City and identify opportunities to innovate and improve by enhancing the system. In addition, staff and stakeholders will help us learn about existing staffing, organizational structure, operations, policies, and practices.



- *Review background material.* We will review the material requested in our kickoff meeting to begin to formulate an understanding of departmental operations and to prepare for our interviews.
- *Conduct interviews with GIS staff.* Management Partners will interview current staff responsible of the GIS system to learn about the department's operations and systems, understand different perspectives about strengths and weaknesses, and hear ideas for improving efficiency and effectiveness in administering the system.
- *Conduct interviews with potential users of applications.* With the assistance of the Brisbane team and GIS staff, we will conduct up to five interviews department directors/managers to learn about potential new GIS applications and database layers that will improve the overall efficiency of delivering services to Brisbane residents and businesses.

At the conclusion of this activity, we will summarize results, develop themes, and identify any additional information gathering work that will round out our understanding of GIS operations.

Activity 2.2 – Conduct Analysis

During this activity, we will analyze the information collected previously. We will examine the results of our data gathering and assess the current GIS system and potential new applications. Our assessment will include the following:

- City-wide deployment of new data layers to assist decision making and drive efficiencies,
- Administration of the GIS system,
- Database administration, and
- Incorporation of the GIS system into the City's Enterprise System Catalogue.

We will prepare our observations and preliminary recommendations and meet with City leaders to review them. This will be an opportunity to discuss what we learned and observed in our analysis and hear feedback about the opportunities for improvement we have identified. This discussion provides a preview of the issues and recommendations that will be addressed in the project report.

Activity 2.3 – Report Results

Once we have received feedback about the various recommendations and improvement opportunities, we will prepare a draft memorandum that includes our analysis and recommendations for actions improving GIS implementation and utilization in the City. We will present the draft for review and comment. At the conclusion of the review period, we will consider all changes and suggested revisions and prepare the final report.

Project 3 – Internal Financial Reporting Process Improvements

Activity 3.1 – Gather Information

As outlined above, gathering information to document policies and procedures, identify current issues and potential innovations and improvements will be a key part of improving internal financial reporting for the City of Brisbane. We gather information as described below.

- *Review background material.* We will review the material previously requested to begin to formulate an understanding of how the Finance Department reports actual and budgetary transactions and to prepare for our interviews and survey.
- *Conduct interviews.* Management Partners will interview the Finance Department director and staff members to learn about the department's current reports, operations and systems;



understand different perspectives about strengths and weaknesses; and hear ideas for improving internal financial reporting.

Activity 3.2 – Conduct Analysis

During this activity, we will analyze the information collected previously. We examine the results of our data gathering and assess the City's current internal financial reporting methodology, including the following:

- Existing reporting that focuses on budget versus actual reporting,
- Capital Improvement Project reporting,
- Adequacy of current financial management system to provide budget and actual expenditure data,
- Technology tools and needs,
- Application of best practices, and
- Other opportunities to increase efficiency, effectiveness of internal financial reporting.

We will prepare our observations and preliminary recommendations and meet with City leaders to review them. This will be an opportunity to discuss what we learned and observed in our analysis and hear feedback about the opportunities for improvement we have identified. This discussion provides a preview of the issues and recommendations that will be addressed in the project report.

Activity 3.3 – Report Results

As in the prior processes, Management Partners will prepare a draft memorandum report that includes our analysis and recommendations for the improving the internal financial reporting for the City of Brisbane. We will present our report in draft form and invite comments. At the conclusion of the review period, we will consider all changes and suggested revisions and prepare the final project memorandum.

Prepare Consolidated Executive Summary Memorandum

Following the conclusion of our three projects, we will prepare a consolidated memorandum that summarizes the detailed project memoranda and provide a draft for your review. Upon review, we will finalize the consolidated memorandum and prepare an implementation template to assist the City with executing the recommendations contained in the reports.

Management Partners has a strong bias for action. Our reports and resulting recommendations become tools for setting priorities, and for developing work plans. After completing the project report, we will prepare a draft Implementation Action Plan incorporating each recommendation in the project report. The draft action plan sets forth the steps required for implementation, assigns responsibility for action, and an assigned priority level (immediate, near or long term) for initiating each recommendation.

The action plan is prepared as a draft and becomes final once the director integrates the action steps into the work plan develops dates for planned completion. The action plan offers an important management tool for actual implementation of the work reflected in the project report.

Our Experience and Qualifications

The following list shows California jurisdictions that we have assisted in the recent past to assess organization operations and recommend efficiencies

- | | |
|--|-----------------|
| ▪ Alameda County | ▪ Arcata |
| ▪ Alameda County Transportation Commission | ▪ Berkeley |
| ▪ Albany | ▪ Beverly Hills |



- Brea
- Brentwood
- Concord
- Cypress
- Fairfield
- Fremont
- Fullerton
- Hayward Area Recreation and Park District
- Huntington Beach
- Metropolitan Transportation Commission
- Milpitas
- Mission Viejo
- Monterey County
- Moorpark
- Napa
- National City
- North Coast County Water District
- Novato
- Orange County Employees Retirement System
- Orange County
- Pacifica
- Perris,
- Pinole
- Pleasant Hill
- Pleasanton
- Riverside
- Sacramento
- San Bernardino County
- San Bruno
- San Francisco
- San Gabriel Valley COG
- San Joaquin County
- San Jose
- San Leandro
- San Marino
- San Mateo County
- Santa Clara County
- Santa Cruz Water Department
- Santa Rosa
- Scotts Valley
- Simi Valley
- Tracy
- Transbay Joint Powers
- Union City
- Vallejo
- Walnut Creek
- Westminster
- Woodland

In addition, we are pleased to offer the references below, which all involved process improvements. You are welcome to contact any of them about our performance. Our website, managementpartners.com, has information about all our past clients, which includes hundreds of jurisdictions in 44 states.

City of Norman, Oklahoma ⇒ Development Review Process Improvement

Management Partners was retained by the City of Norman to streamline development review functions and identify recommendations to reduce review cycle times. We worked with staff in all departments involved in development review (Community Development, Public Works, Utilities and Fire) to understand their current processes and develop process maps for six major types of applications. We also conducted customer interviews and compared Norman's key processes with peer organizations. After providing recommendations to the City's Management Team, we facilitated a three-day process improvement workshop based on the GE Work-Out™ technique. The workout included employees responsible for application intake, plans review, permitting, inspections and customer service. Project recommendations addressed operations and business processes, staffing and succession planning, customer service, use of technology, and performance management.

Contact: Mr. Darrel Pyle, City Manager
 201 West Gray, Norman, OK 73070
 (405) 366-5402
darrel.pyle@normanok.gov



City of Belmont, California ⇒ Payroll Function Organizational Assessment

The City engaged Management Partners to conduct an assessment of the payroll function within the City organization with a goal to identify recommendations to strengthen payroll administration and assess the organizational assignment of payroll. Our work consisted of interviews of finance and human resources professionals that oversaw the payroll function, a focus group workshop of operating department staff, and assessing gaps in the use of the outsourced payroll software solution the City used. Payroll was being administered by the human resources department after the switch from an in-house software solution to a third-party payroll processing vendor.

Our analysis identified recommendations to improve the administration of payroll within the organization. Those recommendations included transferring payroll oversight to the finance department, strengthening collaboration between finance and human resources in from onboarding and separation of employment to benefits administration and administration of overtime hours in accordance with the Federal Labor Standards Act. We also identified significant reporting issues that existed in the payroll provider's software solution and recommended a comprehensive review of the implementation of payroll, working with the software vendor to address the critical changes necessary, and provide training to payroll, finance, human resources, and operating department staff to better utilize the functions of the system.

Contact: Afshin Oskoui, City Manager
One Twin Pines Lane, Suite 340, Belmont, CA 94002
(650) 595-7408
aoskoui@belmont.gov

City of Santa Cruz, California ⇒ Building Process Review 2021

Management Partners was retained to conduct a high-level review of the operations of the Planning and Community Development Department and other departments that work closely with the building processes. We conducted interviews with staff involved in those processes, developed and deployed a survey to individuals that had worked with the City in the past several years, and developed and deployed a staff survey to allow staff to provide input. The work focused on customer service (both external and internal), communication processes, and business technologies currently in use and under consideration and the recommendations resulting from the report provided improvements to help the City improve in those areas. We also provided an Implementation Action Plan to assist with implementation of the recommendations.

Contact: Ms. Sara De Leon, Principal Management Analyst
Planning and Community Development
809 Center Street, Room 10, Santa Cruz, CA 95060
(831) 420-5245
sdeleon@cityofsantacruz.com

Mr. Lee Butler, Planning Director
Planning and Community Development
809 Center Street, Room 10, Santa Cruz, CA 95060
831-420-5030
lbutler@cityofsantacruz.com



City of Pleasant Hill, California ➔ Pleasant Hill Building Permit Intake Process Review

The City of Pleasant Hill engaged Management Partners to assess the City's building permit intake and review process. We provided practical recommendations for improving the process so allows customers to be most successful and enables the City's employees to provide a relatively seamless service as a coordinated, professional team with a common set of objectives. Our areas of focus included leadership and management of the departments involved in the review, the permit tracking system as an important tool, and the need for agreed upon processing standards and schedules.

Contact: Ms. June W. Catalano, City Manager
100 Gregory Lane, Pleasant Hill, CA 94523
(925) 671-5270
jcatalano@pleasanthillca.org

Our Team

We have a strong project team that is well qualified to complete this work for Brisbane. Steve Toler will serve as project director and will oversee the substantive work of the project. Amy Paul will serve as project manager and will be responsible for execution of the project. They will be supported by Dan Marks, Joan Schoening, John Stufflebean, Michelle New, and Jessica Oliphant. Brief qualifications of each team member are provided below.

Steve Toler, Partner

- Has vast experience in **budgeting and revenue forecasting**, financial management and reporting, accounting, purchasing, information technology management, water and wastewater rate modeling, regional shared services planning, organizational development and training, labor relations and negotiations, business continuity planning, risk management, economic development and redevelopment, tax ballot measures, and **public engagement**.
- Joined Management Partners after spending **nearly 20 years in local government public service** working for the cities of Cupertino, Foster City and Millbrae, California.
- With Management Partners he has led over a dozen fiscal planning efforts for cities and special districts. These have all involved the construction of interactive fiscal models. The models include a dashboard which quickly displays key fiscal indicators such as fund balance, annual deficit or surplus and where all key assumptions are displayed and can be varied.
- As **budget director** of Foster City, he implemented collaborative approaches with departments to prepare their **operating budgets and five-year financial plans and capital improvement plans**. He performed the personnel, services and supplies, and capital outlay analyses required to ensure a more realistic need for budgeted resources to help departments achieve the City Council's goals.
- Serves clients across the Pacific Northwest and West Coast, including recent engagements for the cities of Belmont, East Palo Alto, El Cerrito, Scotts Valley, Tracy, and Union City in California, as well as Tigard, Oregon and the cities of Newcastle, Kenmore and Sammamish in King County, Washington.



Amy Cohen Paul, Corporate Vice President

- Has more than 30 years of experience in **local government management, performance measurement and strategic planning.**
- **Improved the development review function in Largo, North Port, and St. Augustine, Florida;** Missouri City, Texas; the California cities of Gilroy, Manhattan Beach, Pasadena, Santa Cruz, Santa Rosa, San Leandro, and Stockton; Aurora, Colorado; Howard County, the Maryland-National Capital Park and Planning Commission and the City of Rockville, Maryland; Sandy Springs, Georgia; Lexington and Louisville, Kentucky; and Oklahoma City and Norman, Oklahoma.
- Has assisted a wide variety of cities, counties, special districts and individual government departments and agencies with **visioning, strategic planning, goal setting, public engagement activities and other large- and small-scale facilitations.**
- Assists public agencies in **developing strategic and business plans**, conducting organization reviews, implementing organizational improvements, identifying alternative service delivery methods, and **designing and implementing performance management systems.**
- Was one of the **original management team of the International City/County Management Association's Center for Performance Measurement** and helped produce ICMA's training materials on outcome measurement. Editor of the book *Managing for Tomorrow: Global Change and Local Futures* and is the author of many articles in professional publications, including *The Municipal Year Book*.



Dan Marks, Special Advisor, AICP

- More than 23 years of experience as a local government planner, including **14 years as a community development director and planning director.**
- Brings a deep understanding of the **complexities of the development review and approval process**, the policy and political context for decision-making, and years of experience successfully managing departments through the **ups and downs of the development cycle and fiscal constraints.**
- Areas of expertise include management and budgeting, **permitting procedures**, community engagement and facilitation, zoning, historic preservation, policy development, **sustainable development practices** and the California Environmental Quality Act.
- Worked as a **planning consultant** and for non-profit organizations in various capacities.



Joan Schoening, Senior Management Advisor

- Developed broad technical expertise in information technology (IT) during her 28 years in local government.
- Served as information technology manager in the City of Foster City for 13 years, where she oversaw diverse and complex technology projects while working closely with multiple City departments to align business objectives with solutions.
- Developed policies and procedures and implemented best practices for city-wide related technology projects.



- Adept at building strong partnerships with IT staff, department personnel, vendors and contractors.
- Participated on public safety technology subcommittees and several county-wide initiatives and was a staff liaison for a Citizen's Advisory Committee.
- Former state and local board member for Municipal Information Systems Association of California (MISAC) and currently volunteers assisting the MISAC board with special projects.

John Stufflebean, Special Advisor

- **More than 36 years of experience** in local government, including 24 years as a department head, **primarily in public works.**
- Served as **director of environmental services for the cities of Sunnyvale and San Jose**, California, overseeing wastewater collection and treatment, water supply, watershed protection, waste management, environmental policy, and the business administration of the utilities.
- Supervised a staff of **more than 500 employees in San Jose and an annual budget of \$250 million.** In Sunnyvale supervised a staff of 115 with an annual budget of \$125 million.
- Also served as **director of environmental management** for the City of Kansas City, Missouri; **director of solid waste management** in Maricopa County, Arizona; and solid waste manager in Pima County, Arizona.
- After retiring from the City of Sunnyvale in 2016, served as a **sustainability consultant** to four organizations in Australia. **Registered professional engineer.**



Michelle New, Principal Management Analyst

- Joined Management Partners in 2021 after 15 years with the City of Santa Maria, where she worked first as a management analyst in the City Manager's Office and then as the human resources manager, responsible for oversight of all aspects of the human resources function.
- During her tenure, Michelle developed an award-winning succession planning program, streamlined multiple paper processes, actively participated in employee negotiations, coordinated the city's performance, disciplinary and investigative issues and was involved in the citywide budget.
- She also participated in the coordination of the city's COVID-19 response as one of two contact tracers.
- Michelle graduated from Cal Poly, San Luis Obispo with a bachelor's degree in political science and from California State University with a master's degree in public administration, San Luis Obispo with a bachelor's degree in political science and from California State University with a master's degree in public administration.
- She served as a Central Coast regional co-chair of the Municipal Management Association of Southern California (MMASC) and is the founding member of the region's annual Women in Leadership event.
- Since joining Management Partners has **assisted with workshop facilitations and strategic planning** projects, prepared **personnel handbooks**, conducted **recruitments**, completed detailed **analysis**, gathered and analyzed information for **organization assessments**, and assisted with a variety of **complex projects.**



Jessica Oliphant, Management Analyst

- Experienced in many facets of local government management, including budget preparation and analysis, process improvement, community engagement, and understanding the fiscal impacts of policy changes.
- Served as a budget analyst in the Finance Department of the City of Kansas City, Missouri and was a Cookingham-Noll City Management Fellow in Kansas City’s City Manager’s Office. Duties included analyzing large fiscal datasets, developing fixed cost rates, analyzing historical budget trends, and improving the process of applying to the City’s Board and Commissions.
- Won an All-America City award based on her research of innovative programs in response to the Covid-19 pandemic.
- Also served in the AmeriCorps VISTA program, as a research assistant examining management techniques, and as an intern in the ACLU’s Women’s Rights Project.
- Received a master’s degree in public administration from New York University’s Wagner Graduate School of Public Service and a Bachelor of Arts degree in public policy, also from New York University.




Hours and Cost

Management Partners anticipates devoting 507 hours of our staff time to complete the plan of work described above. The total cost of this project is \$94,500, which includes all fees and expenses. The table below summarizes the hours and costs for each activity.

Activity	Hours	Cost
1 – Start project	24	\$5,300
2 – Community Development Process Improvement	254	50,400
3 – GIS Implementation Strategy Process Improvement	117	18,500
4 – Internal Financial Reporting Process Improvement	76	13,900
5 – Consolidated Executive Summary Memorandum and Implementation Template	36	6,400
TOTAL	507	\$94,500

The ultimate test of a quality project is that the client is pleased with the results, and we are committed to achieving that goal. Please let me know if we can provide any additional information.

Sincerely,

Jerry Newfarmer
President and CEO



Accepted for the City of Brisbane by:

Name: _____

Title: _____

Date: _____



File Attachments for Item:

J. Tenant Improvements at 25 Park Place

- i. Approve Siegel & Strain's Scope of Services and fee of \$361,719 for the design of interior building and site improvements at 25 Park Place, and authorize the City Manager or his designee to issue a Task Order for this work.
- ii. Authorize Transfer of \$361,719 from the General Fund to the Capital Projects Fund.



CITY COUNCIL AGENDA REPORT

Meeting Date: March 17, 2022
From: Director of Public Works/City Engineer
Subject: Tenant Improvements at 25 Park Place

Community Goal/Result Safe Community

Purpose

To obtain Council's approval for procurement of services that exceed the City Manager's purchasing authority.

Recommendation

- Approve Siegel & Strain's Scope of Services and fee of \$361,719 for the design of interior building and site improvements at 25 Park Place, and authorize the City Manager or his designee to issue a Task Order for this work.
- Authorize a transfer of \$361,719 from the General Fund to the Capital Projects Fund.

Background

The City Council previously authorized the City Manager to enter into a lease agreement with the owner of 25 Park Place, a facility directly across the street from the existing City Hall.

The planned use for this building is to relocate the City Manager's Office, Human Resources, the Chamber of Commerce, and command staff of the North County Fire Authority (NCFA) into this location. The vacated square footage in the 50 Park Place facility will be reserved for anticipated future expansion of city staff and/or consultants necessary to process and oversee the development of the Baylands and other pending applications.

Discussion

Siegel & Strain (S&S) was the architectural firm that designed the New Brisbane Library at 163 Visitacion Avenue. Based on the successful design process and ultimate construction of that project, staff chose to sole source negotiate the scope and fee with S&S.

The approved scope of services will be performed in accordance with the Agreement for Professional Services previously executed between the City and S&S.

Fiscal Impact

The one-time transfer of General Fund dollars.

Measure of Success

A well-designed annex to City Hall that continues to serve the growing needs of the community in response to anticipated development applications, and which also creates an opportunity to further strengthen the relationship between city staff and NCFA staff.

Attachments

1. Siegel & Strain Architects Scope of Services and Fee dated 3/3/22



Randy Breault, Public Works Director



Clay Holstine, City Manager

Project Description

The Administrative Office Tenant Improvement project is comprised of interior and site improvements to an existing facility recently leased by the City located at 25 Park Place.

The project includes the interior tenant improvement to relocate the Brisbane City Manager's offices, Brisbane Chamber of Commerce, and North County Fire Department administrative offices based on the Option 1 test fit plan dated October 13, 2021. Specific property improvements include:

Site Improvements

- Accessibility upgrades based on the Kitchell CASp report dated February 7, 2022 including accessible parking and path of travel from public sidewalk to parking to front doors
- Site monument sign
- Entrance identification graphics

Interior improvements within existing building

- New and remodeled office space
- Conference room
- Storage, utility, and Server closets
- Breakrooms and Workrooms
- Restrooms
- HVAC, electrical, tel/data, lighting, plumbing, life-safety
- Code required and room naming signage
- Structural consultation for slab modifications as required for MEP routing only

S&S to coordinate with the design with the City's Vendors:

- Furnishings: One Workplace
- IT/AV: City of Brisbane
- Security: City of Brisbane

Design Team

Prime: Siegel & Strain Architects (S&S), Architect & Contract Prime

Consultants: Bluestone Engineers (BE), Structural Engineer
 O'Mahony & Myer (OMM), Electrical, Lighting, Fire-Life Safety, Low Voltage/Security support
 H&M Mechanical (HM), Mechanical, Plumbing
 Donnelly Design (DD), Signage
 R. Borinstein Company (RBC), Cost Estimating
 CSW/Stuber-Stroeh Engineering Group (CSW|ST2), Civil Engineer

Project Schedule

Task 1 – Design and Documentation:

- 100% Schematic Design – 4-6 Weeks
- City review period – 1 Week
- 50% Construction Documents – 5-7 Weeks
- City review period – 1 Week
- 95% Construction Documents – 5-7 Weeks

Task 2 – Bidding and Plan Check Response:

3 month duration assumed

Task 3 – Construction Administration and Close Out:

5 month duration assumed

Task 1: Design and Documentation

Purpose: Advance approved conceptual design to an integrated schematic design for zoning approval.
 Prepare contract documents for building permit, bidding, and construction.

Scope:

A. Schematic Design

1. Site walk with cost estimator, signage consultant, civil, mechanical, and plumbing engineers to understand existing conditions.
2. Programming meeting with City staff to review preferred concept plan and refine direction, includes signage and furniture.
3. Based on the City's preferred concept plan and input, refine the design
4. Meeting to review draft Schematic Design.
5. Prepare Schematic Design level drawings.
6. Prepare expanded Table of Contents outline specifications

C. Construction Documents

1. Advance design documentation for coordination and City review to 50% Construction Documents and Technical Specifications.
2. 50% CD Construction Cost Estimate
3. Advance design documentation to 95% Construction Documents and Technical Specifications
4. 95% CD Construction Cost Estimate
5. Cut sheets on equipment and fixtures
6. 95% CD Construction Cost Estimate

Deliverables:

- 100% SD drawings:
 - > General: Building Code Analysis
 - > Site Plan: paving, signage
 - > Architectural plans: floor plan, reflected ceiling plan, elevations, sections
 - > Preliminary building systems diagrams w/ major equipment identified, and space requirements coordinated
- 100% SD Outline Specifications
- 50% CD drawings:
 - > Civil plans: site improvement plans
 - > Architectural plans: site plan, floor plans, elevations, sections, interior elevations, schedules, incorporation of typical structural details for framing non-bearing interior partitions and bracing them to the roof and cutting/patching of concrete slab-on-grade
 - > MEP plans: power, lighting, plumbing, and mechanical floor plans
 - > Signage plans: plan, schedule, elevations
- 50% CD Technical Specifications
- 50% CD Construction Cost Estimate

- 95% CD drawings: Development of the DD drawings to include required details, Title-24 compliance, and code documentation.
- 95% CD Technical Specifications
- 95% CD Construction Cost Estimate

Meetings:

- Design Team site walk
- (1) web-based meetings with the City for programming (can be in person if combined with site walk)
- (1) in-person meeting with the City to review SD design
- (6) web-based project management meetings with City Project Manager
- Internal design team coordination meetings

Client:

- Venue for and organization of City Project Team for attendance at meetings
- Approval of SD, 50% CD, and 95% CD packages. Consultant shall not proceed with the next phase until it has received City's written instructions to proceed.
- City shall review Division 1 specifications at 50% CD phase for coordination.
- City shall provide draft Division 00 "front end" project manual documents including introductory Information, Bidding Requirements, Bid Forms and Bid Submittals, Contract Forms, and Conditions of the Contract at 50% CD phase for coordination. (Design Team will assist with wording and revisions for conformance with the balance of technical specifications)

Task 2: Bidding and Plan Check Response

Purpose: Respond to City of Brisbane's plan check comments, provide documents necessary for City of Brisbane's public bidding process, and prepare construction documents for construction.

Scope:

1. Respond to City of Brisbane plan check comments (2 rounds)
2. Attend pre-bid conference, prepare up to (1) addenda, and answer bid RFIs
3. 100% construction documents (drawings and technical specifications) and bid addendum to capture final revisions based on plan check comments

Deliverables:

- Up to (1) bid addenda that capture revisions based on plan check comments
- Written plan check comment responses and drawing revisions
- 100% construction documents (conform set) and technical specifications for use during construction

Meetings:

- (2) web-based meetings with City
- Internal design team coordination meetings

Task 3: Contract Administration

Purpose: Support the City of Brisbane in the construction of the project in accordance with the contract documents, schedule, and budget.

Scope:

1. Support the City of Brisbane construction manager (CM), and the General Contractor (GC) in the construction of the project in accordance to the contract documents, schedule and budget; and in turnover of a complete project for user occupancy and ongoing operations and maintenance
2. S&S to coordinate the Design Team's construction administration activities. These activities to include:
 - a. Review contractor's schedule
 - b. Respond to field inquiries and RFI's
 - c. Review up to (20) submittals and coordinate reviews by City of Brisbane
 - d. Review substitution requests
 - e. Develop and issue up to (6) Supplemental Instructions and Change Order Request Proposals based on Owner initiated changes.
 - f. Review change order proposals and change orders prepared by others
 - g. Develop Construction Sketches as required to respond to RFIs and for Supplemental Instructions and Change Order Proposals
 - h. Attend regularly scheduled project construction meetings. (CM to lead meetings and issue minutes.)
 - i. Perform quality-assurance/field observation walks including (1) civil site visit, (8) architectural site visits, (1) mechanical/electrical/plumbing site visit, (1) signage
 - j. Coordinate code-related changes to the project with the City of Brisbane
3. Manage the Design Team's final review and punch list efforts
 - a. Coordinate the design team and perform punch list walks, and issue in writing to CM the observations or corrections required for inclusion in punch list.
 - b. Conduct two rounds of on-site review: the first round after full completion, and the second round after all punch list items have been addressed by the GC.
 - c. Approve completed punch list.

Meetings:

- Pre-construction meeting
- Up to eight construction meetings (based on a 4 month construction period duration)
- One punch walk

GENERAL LIST OF SCOPE ASSUMPTIONS, EXCLUSIONS & ADDITIONAL SERVICES

Assumptions:

1. The Scope of Services applies to the area of improvement described in the Project Description.
2. The delivery method for the project is assumed to be public design-bid-build with the following exceptions:
 - a. Fire detection and alarm system to be Design-Build.
 - b. Furniture will be directly procured by the City through a CMAS contract.
3. Project will be submitted as a single permit package.
4. "Current code" is assumed to be those codes in force on the date of this contract, including the 2019 Edition of the California Building Standards code as adopted by the City of Brisbane. Revisions to documents for compliance with later codes will be an additional service.
5. Building drawings and all site drawings will be produced in Autocad (civil, structural, and MEP) and Revit (architectural).

6. Assumed construction duration is 4 months maximum. Extended construction duration may result in additional services.
7. The City of Brisbane Project Manager is the primary point of contact for bidders.
8. Civil Scope: includes surveying, grading and paving as required for ADA and CBC compliance. The scope does not include boundary resolution, utilities, C.3, or record drawings.
9. Structural Scope: Assumes that the design will preserve the existing columns and roof structure and that the existing foundation system is adequate. The scope does not include seismic evaluation of the existing building.
10. Mechanical Scope: Assumes that the existing mechanical system will be maintained with reconfiguration of the registers and ducting as required by the office modifications. The scope does not include T-24 energy modeling
11. Electrical Scope: Assumes that the existing electrical service is adequate to support the proposed renovation. Electrical engineer includes modification to the general system layout of the existing fire alarm system, but assumes that the FA system shop drawings will be a deferred submittal item to be prepared and submitted by the Contractor to the local AHJ and/or fire marshal.

Exclusions:

1. Permit fees
2. Geotechnical Engineering
3. Pest and Termite inspection and report
4. Forensic testing
5. Hazardous materials investigation and abatement report
6. Destructive testing
7. Security system design
8. Active telephone and internet equipment
9. Fire sprinkler system
10. Arborist services
11. Existing building plans and CASp report
12. Construction project management services, preparation of construction change orders, and managing owner's contingency
13. Furniture, fittings and equipment (FFE) and owner supplied equipment
14. Title 24 field verification forms
15. Building commissioning
16. Life Cycle Cost Analysis
17. Daylight modeling
18. Public Address (PA) or intercom system design
19. Coordination with public utilities
20. Shop drawings, fabrication drawings, and construction coordination drawings
21. Acoustical consulting
22. Seismic evaluation and condition assessment of the existing structure
23. Video scoping and assessment of the sanitary sewer system
24. Landscape design
25. Topographic survey, boundary survey, and utilities location

Additional Services:

1. Meetings (including site visits), presentations, community outreach, process, and workshops in addition to those listed in Scope of Services

2. Bidding and Construction Administration services and site visits in addition to those listed in Scope of Services
3. Review of incomplete submittals
4. Drawing issuances in addition to those listed in the Scope of Services
5. Phased documentation and construction cost estimating for bid-alternates or for segregated contracts for phased or fast track construction.
6. Professional renderings, presentation models, or mock-ups beyond those listed in Scope of Services
7. Server and Audiovisual design
8. Preparation of updated sets incorporating changes made during construction, or “as-built” or record set or drawings after completion of the project.
9. Value Engineering: Revisions to design with the intent to reduce construction costs, or to evaluate potential construction cost savings.
10. Coordination of review by public agencies (DSA, etc.) other than the City of Brisbane Building and Safety Division.
11. LEED certification or equivalence
12. Design of on-site emergency generator systems, photovoltaic power systems, battery systems, Distributed Antenna Systems (DAS), dispatch systems, etc. if required by North County Fire.
13. Modification or upgrades to the existing electrical service

Proposed Fee

Refer to attached fee table.

Exhibits

- A – Fee Table
- B – Hourly Rate Schedule
- C – Test Fit dated October 13, 2021

END OF SCOPE

Exhibit A: Fee Table

Discipline	Firm	Task 1:			Task 2:	Task 3:	Totals
		Schematic Design	50% CD	95% CD	Permit/Bid/100% CD	CA	
DESIGN TEAM FEES							
Architectural	S&S	\$30,000	\$45,000	\$45,000	\$30,000	\$34,000	\$184,000
Design Consultants							
Civil	CSW Stuber Stroeh	\$9,800	\$13,300	\$19,200	\$11,400	\$12,100	\$65,800
Structural	Bluestone Engineers	--	\$1,500	\$1,500	\$500	--	\$3,500
Electrical	O'Mahony & Myer	\$2,400	\$10,000	\$13,000	\$2,500	\$7,200	\$35,100
Mechanical & Plumbing	H&M Mechanical	\$4,100	\$6,700	\$9,000	\$3,000	\$4,000	\$26,800
Signage	Donnelly	\$3,500	\$3,300	\$2,200	\$2,200	\$4,600	\$15,800
Cost	R. Borinstein Co	\$770	\$5,400	\$1,800	--	--	\$7,970
Subtotal for Design Consultants		\$20,570	\$40,200	\$46,700	\$19,600	\$27,900	\$154,970
Mark-up on Consultants (5%)		\$1,029	\$2,010	\$2,335	\$980	\$1,395	\$7,749
Total Fees		\$51,599	\$87,210	\$94,035	\$50,580	\$63,295	\$346,719
REIMBURSABLES							
Allowance for Expenses (Direct cost + 5%)							\$15,000

Notes on reimbursable expenses:

- > The proposed allowance for reimbursable expenses are additional to the total proposed fee.
- > Reimbursable expenses include plotting and printing of documents and other direct job-related expenses.

Exhibit B: Hourly Rates

Siegel & Strain Architects

Principal	\$250/hr
Project Manager	\$180/hr
Senior Designer/Architect	\$165/hr
Junior Design Staff	\$130/hr
Support Staff	\$80/hr

Bluestone Structural Engineers

Principal	\$195/hr
Associate	\$170/hr
Project Engineer III	\$140/hr
Project Engineer II	\$120/hr
Project Engineer I	\$120/hr
CAD Technician	\$105/hr
Administrative Staff	\$65/hr

H&M Mechanical (Mech/Plumbing)

Principal	\$264/hr
Engineer	\$204/hr
Designer	\$150/hr
CAD/Revit Operator	\$120/hr
Administration	\$95/hr

R. Borinstein Company (Cost Estimating)

Principal	\$180/hr
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CSW/Stuber-Stroeh Engineering Group (Civil)

Project Manager	\$216/hr
Survey Manager	\$196/hr
Engineer II	\$157/hr
Engineer I	\$129/hr
Survey Crew	\$283/hr

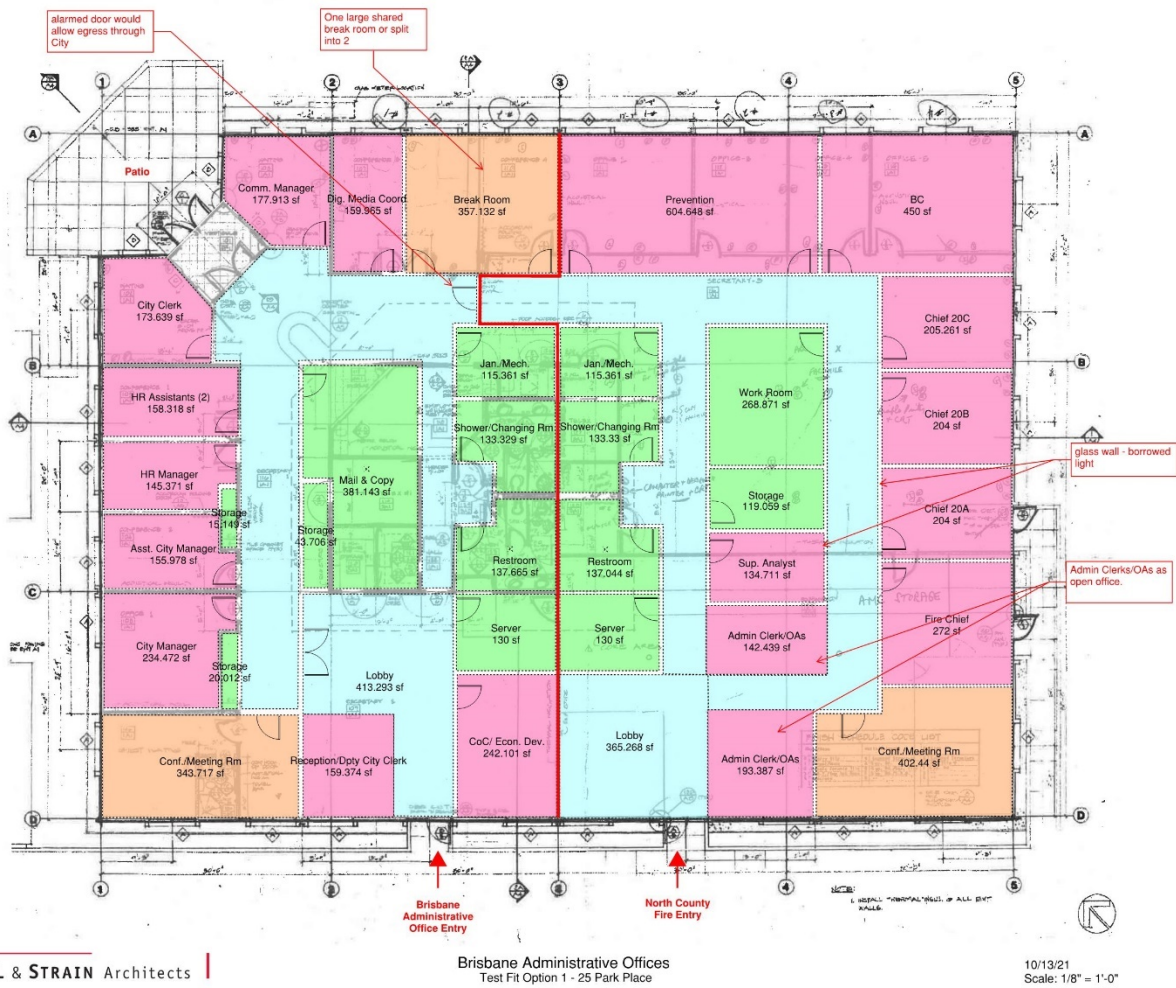
O'Mahony & Myer (Electrical/Lighting)

Principal	\$225/hr
Elec Engineer	\$155/hr
Lighting Engineer	\$155/hr
Electrical/Lighting Designer	\$135/hr
Draftsperson	\$115/hr
Administrative	\$100/hr

Donnelly Design (Signage)

Principal	\$215/h
Project Manager	\$160/hr
Senior Designer	\$160/hr
Designer	\$135/hr
Project Production	\$135/hr

Exhibit C: Test Fit Plan



File Attachments for Item:

K. Short Term Rental Ordinance Implementation Update

(It is being recommended that the City Council receive and file report and provide additional direction it deems appropriate to staff)



CITY COUNCIL AGENDA REPORT

Meeting Date: March 17, 2022

From: John Swiecki, Community Development Director

Subject: Short Term Rental Ordinance Implementation Update

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Economic Development - Brisbane will work with the businesses and residents to provide for economic vitality/diversity

Purpose

To update the City Council regarding ongoing implementation of the City's short-term rental (STR) ordinance.

Recommendation

That the City Council receive and file this report and provide additional direction it deems appropriate.

Background

The City of Brisbane adopted an ordinance which took effect in summer 2020 permitting STRs subject to a number of operational and performance standards. Since early 2021 the City has been in contract with a vendor (Granicus) to automate the STR permit process and monitor STR activity on multiple listing sites, allowing the City to initiate code enforcement as needed and pursue the collection of transient occupancy tax (TOT). Lastly, the City Council passed an ordinance, pursuant to SB 60, to increase the fines for STRs operating in violation of the City's regulations on November 18, 2021. First offenses are subject to a \$1,500 fine; second offenses with a 12-month period are \$3,000; and third and any subsequent offense within a 12-month period, are \$5,000.

Discussion

The system went live in early summer 2021 and the City has been systematically and proactively monitoring STR listings, initiating code enforcement and TOT collection as warranted. In the approximately 9 months the system has been live, STR activity has been relatively modest and on the decline. Twelve (12) STRs were identified in June 2021 and the latest data from mid-February identified 5 STR units, with 2 recent listings being "not yet identified." The number of active code enforcement cases has dropped from 12 in June 2021 to 4 in October 2021 and 1 as of the writing of this staff report. Compliance has been achieved in a variety of ways. Listings have been removed and some STRs have been changed to long term (30-day plus) stays which are allowed. The City received its first STR permit application in October but it was denied in

January 2022 for noncompliance with the performance standards established under the City's ordinance, and one citation has been issued since the fines were increased.

Fiscal Impact

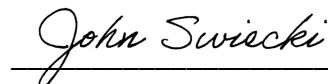
As of January 31, 2022, the City has collected approximately \$5,600 in TOT from STRs, with about \$1,100 collected since the last report to the City Council.

Measure of Success

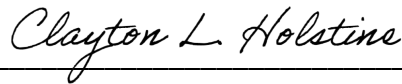
Successful implementation of the City's STR Ordinance by permitting STRs consistent with the City's ordinance, eliminating unpermitted STRs and generating and collecting TOT.

Attachments

None



John Swiecki, Community Development Director



Clay Holstine, City Manager

File Attachments for Item:

L. Application to the State of California for an Equitable Community Revitalization Grant Concerning Environmental Investigation on a portion of the Brisbane Baylands site.

i. Consider authorizing the City Manager to submit an application to the State of California for an Equitable Communities Grant to conduct additional technical studies in connection with environmental remediation of OU-2 portion of the Brisbane Baylands. Grant funds would be allocated and distributed by the City and coordination of technical studies will be conducted with the property owner, Baylands Development Inc.

ii. Consider Authorizing the Mayor to sign a Reimbursement and Indemnification Agreement, in a form as approved by the City Attorney, concerning any Equitable Community Revitalization Grant the City receives.

(The State of California requires that only governmental agencies apply for Equitable Community Revitalization Grants. Grants can be for cleanup of private property that enhance sites for potential development and parks and recreation uses, but the work is subject to government oversight. The Reimbursement and Indemnification Agreement assures that the private property owner (Baylands Development Inc.) is both financially as well as legally responsible for compliance with all grant terms and conditions and will hold the City harmless from any noncompliance. It further places in writing that the pursuit of the grant by the City does not constitute an approval(s) as to any future use or uses of the property.)



CITY COUNCIL AGENDA REPORT

Meeting Date: March 17, 2022

From: John Swiecki, Community Development Director

Subject: Application to State of California for an Equitable Community Revitalization Grant for Environmental Investigation on a Portion of the Baylands

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Purpose

To obtain state grant funding to assist in the preparation of additional technical studies required as a precursor to remediation of the Operable Unit 2 (OU-2) portion of the Brisbane Baylands.

Recommendation

That the City Council: 1) Authorize the City Manager to submit an application to the State of California for an Equitable Community Revitalization Grant to secure funding for the development and review of technical studies in connection with the environmental remediation of the OU-2 portion of the Brisbane Baylands; and 2) Authorize the Mayor to sign a Reimbursement and Indemnification Agreement, in a form as approved by the City Attorney, concerning any Equitable Community Revitalization Grant the City would receive in connection with the environmental cleanup of the Baylands.

Background

In 2021, the Governor signed the Cleanup in Vulnerable Communities Initiative allocating \$500 million to expedite the clean up and beneficial use of contaminated properties. The Department of Toxic Substances Control's (DTSC) Equitable Community Revitalization Grant (ECRG) will provide more than \$200 million in grants to applicants through a competitive process. The grants are available to help local governments, even if the local government does not own the property that is contaminated.

Grants ranging from \$80,000 to \$7 million may be used, for example, to develop an environmental cleanup work plan approved by a regulatory agency as well as to implement site specific environmental cleanups. According to the Grant program's materials, communities throughout California that are burdened by lands that are contaminated and are expensive to cleanup and reuse for, among other uses, parklands, commercial enterprises and housing, will benefit by these grants by creating healthier and more economically viable communities. Under the grant program, private parties are not eligible to apply for funding, while local

municipalities are eligible, even if they do not own the property to be remediated. The deadline for filing a grant application is April 4, 2022.

BDI representatives have discussed with City staff whether the City would consider applying for one of these grants for the purpose of assisting in the development of an environmental clean up work plan and related technical studies for the OU-2 portion of the Baylands. As such, the City would be the applicant and, if the State were to approve the Grant, any funds allocated would be held and distributed by the City.

City staff brought this matter to the City Council Baylands Subcommittee (CMs Cunningham and O'Connell) for its input. The Subcommittee was conceptually supportive of the application but had four major concerns. First, it wanted the application to be relatively specific as to the scope, cost, and schedule of planning that would be undertaken if the grant were approved. Second, it wanted assurances that if the City were to receive such a grant, the City would not incur costs to administer the grant nor incur any liability for the cleanup efforts. Third, it wanted assurances that if the City submitted an application for this grant, it would not constitute any commitment on the City's part to take action concerning the Baylands and that the Council would retain its unfettered discretion to consider all matters relative to the Baylands. Fourth, it requested whether the City itself owned any property in the City that also warranted environmental cleanup such that the City might consider submitting a separate application for such work.

Discussion

As noted above, the grant being sought is for planning purposes, to fund various technical studies and workplans which are required prior to commencement of work to remediate the site. No physical remediation activities would be funded through this grant. In response to the subcommittee's concerns regarding scope, cost and timing, Attachment 2 to this report prepared by BDI outlines the various technical studies to be completed and cost estimates for each. The total grant request is for \$3M. While a detailed schedule for the preparation of each technical document has not been provided, the grant guidelines stipulate that work funded by the grant be completed within 2 years of grant award.

In response to the subcommittee's concerns about ensuring that the city does not incur any liability or financial responsibility associated with the grant, staff has drafted the attached Reimbursement and Indemnification Agreement which requires BDI to reimburse the City for any costs the City incurs in administering and overseeing the grant and would indemnify and defend the City for any potential exposure to liability arising out of the technical studies and workplans funded by the grant. Moreover, the Agreement reflects that the submission of the grant application and approval of the Agreement does not constitute the City's granting, or committing to grant, and form of land use entitlements for the Baylands; Council retains its full discretion in that regard.

Finally, City staff (Public Works Department) evaluated city owned properties that may be eligible for this grant program. Since the City has not completed a phase 1 environmental site assessment that indicates the need for cleanup, nor are any of the sites under regulatory oversight, the city properties do not meet the criteria specified in the grant application.

Fiscal Impact

There would be no financial impact to the City in applying for this grant. If the grant were approved, BDI has agreed to reimburse the City for any costs in administering the grant.

Measure of Success


Award of a grant that would advance the Baylands remediation process.

Attachments

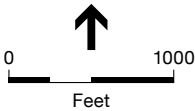
1. Site Map
2. Draft Work Scope
3. Draft Reimbursement and Indemnification Agreement



John Swiecki, Community Development Director



Clay Holstine, City Manager



Brownfield Grant- Proposed Scope of Work

The Baylands includes Operational Unit 2 (OU-2), which comprises approximately 130 acres of mostly former railroad property. The site is currently being cleaned-up and redeveloped under the jurisdiction of the California Development of Toxic Substances Control (DTSC) and San Francisco Regional Water Quality Control Board (Water Board). The Water Board is finalizing the Feasibility Study/Remedial Action Plan (FS/RAP) for OU-2.

The site scores 70-75 percent on CalEnviroScreen and has a pollution burden percentile of 91 percent. The City is not a “Responsible Party”, and the owner did not cause or contribute to the existing environmental condition. We are seeking funds to continue, and to increase, the direct participation in the development and review of site remedial documents and stakeholder engagement. This work will help implement the environmental design work established under the FS/RAPs and City required environmental obligations.

Specifically, the City initiative, Measure JJ, established the basic environmental cleanup parameters for the The Baylands, for example:

- Residential development shall be designed and remediated to accommodate ground-level residential uses and ground-level residential-supportive uses, e.g. a daycare, parks, schools, playgrounds, and medical facilities.
- Prior to the issuance of a grading permit to export soil or move soil from the existing landfill area for incorporation in a remediation or grading plan, the soil shall be tested in a manner approved by the City.
- Sufficient assurances for the satisfactory ongoing performance of site remediation and site development shall be provided as determined by the City.

The environmental requirements of Measure JJ were incorporated by DTSC and the Regional Board as Applicable and Relevant or Appropriate Requirements (ARARs) in each of the FS/RAPs. This grant funding will help ensure that the City requirements are fully incorporated with stakeholder engagement in the Remedial Design Implementation Plans (RDIPs) and other associated cleanup documents and pilot studies as listed here in the preliminary budget:

OU-2 Bunker C Mobility Study	\$250,000
OU-2 CVOC Treatability Study	\$550,000
OU-2 RDIP	\$750,000
City Environmental Consultant Review	\$200,000
OU-2 Regulatory Oversight Fees	\$250,000
OU-2 Soil Import Evaluation	\$750,000
OU-2 PCB Investigation & Removal Plan	\$150,000
OU-2 Hazardous Material Abatement Planning	<u>\$100,000</u>
Total Funding Request:	\$3,000,000

Schedule

DTSC plans to announce funding awards by August, 2022. If our team is awarded a grant, average time to negotiate a grant agreement is 120 days, therefore, grant funding could start January, 2023. All work under this new grant program must be completed within 24-months, so all work would need to be completed by January, 2025.

REIMBURSEMENT AND INDEMNIFICATION AGREEMENT

THIS REIMBURSEMENT AND INDEMNIFICATION AGREEMENT is made _____, 2022 between the City of Brisbane ("City") and _____ ("BDI") with respect to the following:

- A. The State of California has allocated funding for the clean up of contaminated sites through the Equitable Communities Revitalization Grant ("ECRG") Program.
- B. Public entities that do not own land that needs environmental clean up are eligible to apply for such grants.
- C. BDI owns land within the City of Brisbane, designated as Operational Unit 2 ("OU-2"), approximately 130 acres in size, that is being cleaned up and redeveloped under the jurisdiction of the California Department of Toxic Substance Control and the San Francisco Regional Water Quality Control Board ("Water Board").
- D. Concerning OU-2, the City is eligible to apply for an ECRG in order to obtain funding to assist in the review of the remedial documents that will implement the environmental design work established under the Feasibility Study/Remedial Action Plan that is being developed by the Water Board.
- E. It is in the interest of the City and the community for the City to apply for such ECRG to ensure the City's requirements concerning the clean up of OU-2 are fully incorporated in the Remedial Design Implementation Plan and other associated clean up documents.
- F. If the City is successful in obtaining such ECRG, the City may incur costs to administer the ECRG over and above the funding the ECRG provides for administration and City wants assurances that BDI will reimburse the City for any costs the City incurs in administering the ECRG over and above the funding the ECRG itself provides.
- G. The City also wants assurances that its submitting an application for the ECRG, its receipt of such ECRG, and its administering the ECRG do not in any way cause or contribute to the City's having any financial responsibility or liability concerning the environmental clean up of OU-2.
- H. The City also wants to make clear that its submitting an application for the ECRG, its receipt of such ECRG, and its administering the ECRG, does not in any way constitute the City's granting or the City's commitment to grant, any form of land use entitlements as to any portion of the Baylands
- I. BDI is willing to reimburse the City for its administrative costs and to provide assurances concerning the City's financial responsibilities or liability concerning the environmental clean up of OU-2.

NOW, THEREFORE, the parties agree as follows:

1. **Administrative Cost Reserve Account.** Within 10 business days of City's receipt of any ECRG concerning the environmental clean up of OU-2, BDI shall deposit with City the sum of Twenty Five Thousand Dollars (\$25,000), to be held by City as an Administrative Cost Reserve Account ("Reserve Account") and disbursed in accordance with the terms of this Agreement. City shall keep separate records of the Reserve Account showing all deposits made by BDI and all disbursements from the account made by City, and such records shall be available to BDI for inspection at any time during City's regular business hours. Beginning within 90 days of the initial deposit, the City shall send to BDI a statement of the Reserve Account's deposits and disbursements quarterly. Although separate accounting records of the Reserve Account shall

be maintained, City shall not be required to segregate the Reserve Account into a separate fund and no interest shall be payable to BDI thereon.

2. **Use of the Reserve Account.** Reference is made to the terms and conditions of the ECRG that the State of California has provided to the City, a copy of which is attached hereto as Exhibit A. To the extent permissible under the ECRG, City shall use the ECRG to pay for any administrative costs the City incurs in administering the ECRG. To the extent, City incurs administrative costs to administer the ECRG in excess of what is provided in the ECRG, BDI shall reimburse the City for such costs out of the Reserve Account.

3. **Reinstatement of Reserve Account.** If at any time a disbursement from the Reserve Account would result in the balance being less than 50% of the Reserve Account, City shall provide written notice of such fact to BDI and BDI, within 15 days after receipt of such notice, shall deposit with the City such additional amount as may be necessary to restore the balance of the Reserve Account to an amount indicated by the City in the notice. If BDI should fail or refuse to deposit the additional funds, City shall be entitled to suspend all further review and work related to the ECRG.

4. **Termination of Reserve Account.** Upon completion of work related to the ECRG and the payment in full of all reimbursable amounts as provided in Section 2, City shall within 60 days return to BDI any balance remaining in the Reserve Account.

5. **Indemnification.** BDI shall indemnify, defend and hold harmless City, its officers, employees, and agents from any and all claims, demands, liabilities and judgments for, or by reason of, any damage, loss, personal injury, death, responsibility for the environmental clean up of OU-2, or any clean up costs of OU-2, caused by or arising out of BDI's use of the ECRG in its environmental clean up efforts concerning OU-2, or caused by or arising out of the City's administration of the ECRG.

6. **Notices.** Any notice or demand required or permitted to be given hereunder shall be in writing and shall be either personally delivered or sent by certified mail, return receipt requested, to the address of the other party as follows:

To City: City of Brisbane
 Attn:
 50 Park Place
 Brisbane, CA 94005

To BDI:

7. **Limitation on Effect of City's Submitting an Application for an ECRG and Executing this Agreement.** The City's submitting an application to the State of California for an

ECRG, the City's receipt of such ECRG, the City's administration of such ECRG, and/or the City's execution of this Agreement shall not in any way constitute the City's granting, or the City's commitment to grant, any form of land use entitlement, permit or approval, or any City agreement or commitment to take any action with respect to OU-2 or any other portion of the Baylands, or any other acts or activities relating to City's subsequent independent exercise of discretion. Any such subsequent action shall be considered by the City Council, in its sole and unfettered discretion, following the conduct of all legally required procedures, including, without limitation, all environmental review processes as may be required by the California Environmental Quality Act.

8. **Miscellaneous Provisions.**

(a) **Costs of Suit.** In the event legal action between the parties shall become necessary in order to enforce or interpret this Agreement, or any provision contained herein, the prevailing party shall be entitled to recover all costs and expenses as may be incurred in connection therewith, including reasonable attorney's fees.

(b) **Entire Agreement.** This Agreement constitutes the entire agreement between the parties and supersedes and cancels any prior agreements or understandings, whether written or oral.

(c) **Choice of Law; Jurisdiction; Venue.** This Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Jurisdiction and venue of litigation arising from this Agreement shall be in the County of San Mateo, State of California.

(d) **Amendments.** This Agreement can only be modified by a written amendment hereto executed by both parties.

(e) **Counterparts.** This agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

CITY OF BRISBANE,
a municipal corporation

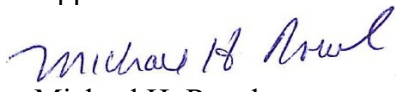
BDI

Coleen Mackin, Mayor

Attest:

Ingrid Padilla, City Clerk

Approved as to form:



Michael H. Roush
Legal Counsel