



# CITY of BRISBANE

## City Council Meeting Agenda

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Thursday, January 7, 2021 at 7:45 PM • Virtual Meeting

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*This meeting is compliant with the Governors Executive Order N-29-20 issued on March 17, 2020 allowing for deviation of teleconference rules required by the Brown Act. The purpose of this is to provide the safest environment for staff, Councilmembers and the public 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.*

### **PUBLIC MEETING VIDEOS**

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### **TO ADDRESS THE COUNCIL**

The City Council Meeting will be an exclusively virtual meeting. The City Council agenda materials may be viewed online at [www.brisbaneca.org](http://www.brisbaneca.org) at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting.

### **Remote Public Comments:**

Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Aside from commenting while in the Zoom meeting, the following email and text line will be also monitored during the meeting and public comments received will be read into the record during Oral Communications 1 and 2 or during an Item.

**Email:** [ipadilla@brisbaneca.org](mailto:ipadilla@brisbaneca.org)

**Text:** 628-219-2922

### **Join Zoom Meeting:**

<https://zoom.us/j/91861548157?pwd=UnVGOW9iWlF4c08vTUMvZUVRY2gwZz09>

Meeting ID: 918 6154 8157

Passcode: 123456

Call In Number: 1 (669) 900 9128

### **SPECIAL ASSISTANCE**

*If you need special assistance to participate in this meeting, please contact the City Clerk at (415) 508-2113. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

**1. 7:45 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. ADOPTION OF AGENDA**

**4. ORAL COMMUNICATIONS NO. 1**

**5. CONSENT CALENDAR**

- A. Approve Minutes of City Council Closed Session Meeting of December 10, 2020
- B. Approve Minutes of Joint City Council & Housing Authority Meeting of December 10, 2020
- C. Accept Investment Report as of November 2020
- D. Grand Jury Report Second Units: Adding New Housing in the Neighborhoods
- E. Adopt Resolution No. 2021-01 and Resolution No. 2021- 02 Establishing the Classification of Water Quality Technician and Amending the Master Pay Schedule
- F. Adopt Resolution No. 2021-03 Confirming and Ratifying the Proclamation Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic

**6. STAFF REPORTS**

- G. City Manager's Report on upcoming activities
  - 1. Update on Sierra Point Park Planning

**7. MAYOR/COUNCIL MATTERS**

- H. Countywide Assignments and Subcommittee Reports

- I. City Council Meeting Schedule

- 1. scheduling goal setting workshop and scheduling applicant interviews for City Commissions and Committees

- J. Written Communications

**8. ORAL COMMUNICATIONS NO. 2**

**9. ADJOURNMENT**

**File Attachments for Item:**

A. Approve Minutes of City Council Closed Session Meeting of December 10, 2020



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**BRISBANE CITY COUNCIL****ACTION MINUTES**

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**CITY OF BRISBANE CITY COUNCIL CLOSED SESSION MEETING AGENDA****THURSDAY, DECEMBER 10, 2020*****VIRTUAL MEETING*****7:15P.M. CLOSED SESSION**

- A. Approval of the Closed Session Agenda**
- B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda**
- C. Adjournment into Closed Session**
- D. Liability Claim: Claimant Thompson, pursuant to Government Code, section 54956.95**

**ADJOURNMENT**

Mayor O'Connell called the Closed Session Meeting to order at 7:21 p.m.

No member of the public wished to speak during public comment. Mayor O'Connell adjourned the meeting into Closed Session.

**REPORT OUT OF CLOSED SESSION**

Interim City Attorney McMorro reported that liability claim Item D was denied by the City Council.

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Ingrid Padilla  
City Clerk

**File Attachments for Item:**

B. Approve Minutes of Joint City Council & Housing Authority Meeting of December 10, 2020



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**BRISBANE CITY COUNCIL****ACTION MINUTES**

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**CITY OF BRISBANE JOINT CITY COUNCIL & HOUSING AUTHORITY****MEETING AGENDA****THURSDAY, DECEMBER 10, 2020***VIRTUAL MEETING***CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Mayor O’Connell called the meeting to order at 7:38 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

Councilmembers present: Councilmembers Conway, Cunningham, Davis, Lentz, newly elected Councilmember Mackin and Mayor O’Connell

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, Interim City Attorney McMorrow, Director of Administrative Services Schillinger, City Engineer Breault, Community Development Director Swiecki, Economic Development Director Bull, Communications Manager Cheung, Police Commander Garcia, Police Chief Macias and Deputy City Clerk Ibarra

**REPORT OUT OF CLOSED**

Interim City Attorney McMorrow reported that direction was given to deny the claim discussed at Closed Session.

**ADOPTION OF AGENDA**

Mayor O’Connell requested to close the meeting in memory of Laura Salmon Smolka.

CM Conway made a motion, seconded by CM Davis to approve the agenda as amended. The motion passes unanimously by all present.

Ayes: Councilmembers Conway, Cunningham, Davis, Lentz and Mayor O'Connell

Noes: None

Absent: None

Abstain: None

## **ORAL COMMUNICATIONS NO. 1**

City of Millbrae Councilmember Wayne Lee wished Councilmember Conway his best upon his retirement and thanked Mayor O'Connell for her service as Mayor. Mayor O'Connell and Councilmembers thanked Mr. Lee for his service and advocacy work in San Mateo County.

## **CONSENT CALENDAR**

- A. Approve Minutes of City Council Meeting of November 5, 2020**
- B. Approve Minutes of City Council Workshop of November 19, 2020**
- C. Approve Minutes of Joint City Council & Housing Authority Meeting of November 19, 2020**
- D. Accept Investment Report as of October 2020**
- E. Approve Ordinance No 658. to rescind Ordinance No. 656, an urgency ordinance that regulated short term rentals of residential properties in Brisbane**

CM Cunningham made a motion, seconded by CM Lentz to approve Consent Calendar items A-E. The motion passes unanimously by all present.

Ayes: Councilmembers Conway, Cunningham, Davis, Lentz and Mayor O'Connell

Noes: None

Absent: None

Abstain: None

## **NEW BUSINESS**

- F. Recognize W. Clarke Conway for His Service to the City of Brisbane**

Mayor O'Connell read the proclamation honoring W. Clarke Conway for his 23 years of service to the City of Brisbane and shared a few words of gratitude for Councilmember Conway's leadership.

The Mayor, Councilmembers, San Mateo County Board of Supervisor Canepa, and Mr. Elmer Martinez from Assemblymember Mullin's Office shared a few words of appreciation for Councilmember Conway's many years of public service.

City Clerk Padilla stated that Senator Becker sent his regrets for being unable to attend the Council Meeting but sends his best wishes to Councilmember Conway.

Ms. Michelle Kong from Congresswoman Speier's Office read the proclamation their office had submitted for Councilmember Conway which was read into the Congressional Record.

City Manager Holstine, Daley Conway Jr., Michele Salmon, Economic Director Bull, Ross Dykes, City of Millbrae Councilmember Gina Papan, Councilmember Elect Mackin, Maria Saguisag-Sid, Fe Conway, Leanne Borghesi, Interim City Attorney McMorrow, and Vanessa Garcia also thanked Councilmember Conway for his countless contributions to the City of Brisbane and the County of San Mateo.

Councilmember Conway recognized his family, friends, colleagues, past and present Councilmembers, and past and present staff for their support. He shared that Brisbane is a thriving community because of the stability its leaders and staff.

After Councilmember Conway's statement, the Council requested for a brief break.

**G. Consider adoption of Resolution No. 2020-66 adopting the County of San Mateo's Certification of Votes and declaring results to fill 3 four-year term Council Seats at the General Municipal Election held on November 3, 2020**

City Clerk Padilla reported that on June 18, 2020, the City Council adopted Resolution No. 2020-48 calling a General Municipal Election to be held on Tuesday, November 3, 2020 and adopting procedures pertaining to the conduct and administration of such election including requesting the San Mateo County Clerk-Recorder to provide specified election services. Resolution No. 2020-48 calls for an election to fill three City Councilmember seats for a term of four years.

Resolution No. 2020-66 declares the results of the election that was held on November 3, 2020. Karen Cunningham, Cliff Lentz and Coleen Mackin were elected to serve on the City Council through December 2024. The certification of votes from the County of San Mateo has been received. The official results will be an exhibit to the resolution.

Additionally, City Clerk Padilla reported there were a total of 2,684 voters in the City of Brisbane who casted their vote in this election. This is about an 88% voter turnout.

CM Davis made a motion, seconded by CM Cunningham to approve Resolution No. 2020-66 adopting the County of San Mateo's Certification of Votes and declaring results to fill 3 four-year term Council Seats at the General Municipal Election held on November 3, 2020. The motion passes unanimously by all present.



Ayes: Councilmembers Conway, Cunningham, Davis, Lentz and Mayor O'Connell  
Noes: None  
Absent: None  
Abstain: None

#### **H. Administration of Oath of Office of Newly Elected Councilmembers**

Former Mayor and Councilmember W. Clarke Conway administered the Oath of Office to newly elected Councilmembers Cunningham, Lentz, and Mackin.

#### **I. Election of New Mayor and Mayor Pro Tem**

CM Davis made a motion, seconded by CM Cunningham to elect Cliff Lentz as the new Mayor Pro Tem. The motion passes unanimously by all present.

Ayes: Councilmembers Conway, Cunningham, Davis, Lentz and Mayor O'Connell  
Noes: None  
Absent: None  
Abstain: None

CM Davis made a motion, seconded by CM Lentz to elect Karen Cunningham as the new Mayor. The motion passes unanimously by all present.

Ayes: Councilmembers Conway, Cunningham, Davis, Lentz and Mayor O'Connell  
Noes: None  
Absent: None  
Abstain: None

#### **J. Administration of Oath of Office of Newly Elected Mayor and Mayor Pro Tem**

City Clerk Padilla will administered the Oath of Office to Mayor Pro Tem Lentz and Mayor Cunningham.

Newly elected Councilmember Mackin shared a few words to thank her supporters. She is optimistic about the work in the coming year.

Mayor Pro Tem Lentz thanked his supporters and those who had opened their doors and wanted to talk about the issues.

Mayor Cunningham stated that she is ready to continue to work hard together and pull through all the challenges we face due to the COVID-19 pandemic.

**K. Recognize Outgoing Mayor Terry O'Connell for Her Service**

Mayor Cunningham read a proclamation honoring outgoing Mayor Terry O'Connell for her service to the City of Brisbane.

Outgoing Mayor O'Connell thanked the community for their support and allowing her to lead despite the many adversities during the year.

Councilmembers and Michele Salmon shared a few words thanking Mayor O'Connell for her leadership, service and dedication to the City of Brisbane especially during such a difficult time with the COVID-19 global pandemic.

**OLD BUSINESS**

**L. Use of Housing Authority Funds to assist Low-Moderate Renters/Homeowners with Payments Due to COVID-19 Related Issues**

*(This item was not discussed at the City Council Meeting of 11/19/20 and was continued by Council.)*

Administrative Services Director Schillinger reported that the purpose of this proposed program is to assist residents of Brisbane who have been negatively impacted by COVID-19, which caused them to miss rental payments. Looking at other programs at other cities, the Affordable Housing Subcommittee recommended to use Samaritan House to administer the assistance program.

After some councilmember questions about eligibility, Interim City Attorney McMorrow suggested that Councilmembers administer the program and evaluate the program in the next round.

Dana Dillworth and Clara Johnson commented that many homeowners are also struggling and need support. Michele Salmon commented that seniors and moderate and low-income families should be considered in this first round of applications.

Interim City Attorney confirmed that there will be language around high-level staff and After some Councilmember questions, CM Lentz made a motion, seconded by CM O'Connell to allocate \$100,000 from the Low-Moderate Housing Fund to set-up a program of rental assistance for lower-income households for rental assistance and \$12,000 from the General Fund for the cost of administering the program through Samaritan House . The motion passes unanimously by all present.

Ayes: Councilmembers/Authority Members Davis, Lentz, Mackin, O'Connell and Mayor/Chair Cunningham

Noes: None  
Absent: None  
Abstain: None

## **8. STAFF REPORTS**

### **M. City Manager's Report on upcoming activities**

City Manager Holstine reported on the upcoming activities in the next few weeks.

## **9. MAYOR/COUNCIL MATTERS**

### **N. Countywide Assignments and Subcommittee Reports**

Councilmembers reported on their activities in the following assignments:  
Sierra Point Design Guidelines Ad Hoc Subcommittee  
Airport Noise  
City Selection Committee.

### **O. City Council Meeting Schedule**

The next City Council Meeting will be scheduled for January 7, 2020.

### **P. Written Communications**

The following written communication were received by the City Council between November 20, 2020 through December 10, 2020:

Barbara Ebel (11/20/20) Tree Issues  
Wayne Martin (11/24/20) An Analysis of the Washington Post Police Shooting Data  
CA Dept. of Insurance (12/2/20) Hello from CDI: City and Law Enforcement Partnerships  
Wayne Lee (12/3/20) ABAG/MTC staff webinar Plan Bay Area 2050 and RHNA Methodology  
Tony Verreos (12/8/20) California Offering Grants & Tax Relief \$500M  
Coleen Mackin (12/9/20) Resignation from Planning Commission  
Dana Dillworth (12/10/20) Rental Assistance from the City's Housing Fund

## **10. ORAL COMMUNICATIONS NO. 2**

Michele Salmon asked residents to speak up and reach out if they are having trouble and experiencing hardship.

Leanne Borghesi thanked outgoing Mayor Terry O'Connell for her service.

## **11. ADJOURNMENT**

Mayor Cunningham adjourned the meeting at 11:11 P.M. in memory of Laura Salmon Smolka.

DRAFT

C.

**File Attachments for Item:**

C. Accept Investment Report as of November 2020

CITY OF BRISBANE  
CASH BALANCES & INVESTMENTS  
SOURCE OF FUNDING  
November 30, 2020

NAME OF DEPOSITORY	INVESTMENT TYPE	DATE OF INVESTMENT	FACE VALUE OF INVESTMENT	CARRY VALUE OF INVESTMENT	MARKET VALUE OF INVESTMENT	COUPON INTEREST RATE %	MATURITY DATE	RATING/ COLLATERAL
WELLS FARGO	Checking A/C		\$ 1,815,034	\$ 1,815,034	\$ 1,815,034	0.000		
STATE FUND (LAIF)	Deposit on call	continuous	\$ 14,002,967	\$ 14,002,967	\$ 14,002,967	0.600	on call	no rating
<b>Other Investments</b>								
	Capital One National Association	11/23/2016	\$ 250,000	\$ 250,000	\$ 254,174	2.000	11/23/2021	
	Wells Fargo	11/30/2016	\$ 250,000	\$ 250,000	\$ 254,225	2.000	11/30/2021	
	Sallie Mae Bank	5/9/2019	\$ 245,000	\$ 245,000	\$ 253,055	2.550	5/9/2022	
	Morgan Stanley	6/6/2019	\$ 245,000	\$ 245,000	\$ 253,515	2.550	6/6/2022	
	Comenity Capital Bank	4/28/2019	\$ 248,000	\$ 248,000	\$ 262,531	2.650	4/28/2023	
	Morgan Stanley	5/2/2019	\$ 245,000	\$ 245,000	\$ 259,394	2.650	5/2/2023	
	Goldman Sachs	5/1/2019	\$ 246,000	\$ 246,000	\$ 266,796	2.750	5/1/2024	
BNY Mellon	Treasury Obligations	continuous	\$ 7,879,160	\$ 7,879,160	\$ 7,879,160	0.010	on call	110% collateral
Sub-total			\$ 9,608,160	\$ 9,608,160	\$ 9,682,849			
U.S. Bank	2014 BGPGA Bond (330)	Improvements	Fed Treas Obl		10031			
		Reserve Fund	Fed Treas Obl	\$ 1	10032			
		Revenue Fund	Fed Treas Obl	\$ -	10034			
		Expense Fund	Fed Treas Obl		10035			
		Principal	Fed Treas Obl	\$ 3	10036			
		Interest Fund	Fed Treas Obl	\$ 0	10037			
BNY Mellon	2006 Pension Bonds (340)	Expense Fund	Fed Treas Obl	\$ -	10035			
U.S. Bank	2015 Utility Capital (545)	Improvements	Fed Treas Obl	\$ 0	10031			
		Reserve	Fed Treas Obl	\$ 1	10032			
		Expense Fund	Fed Treas Obl	\$ 0	10035			
BNY Mellon	2013 NER Refinance (796)		Fed Treas Obl		10030			
		Improvements	Fed Treas Obl		10031			
		Reserve	Fed Treas Obl	\$ 260,419	10032			
		Redemption	Fed Treas Obl		10035			
		Debt Service	Fed Treas Obl	\$ -	10036			
PARS	OPEB Trust	Trust Cash	Investments	\$ 3,192,771	13050			
PARS	Retirement Trust	Trust Cash	Investments	\$ 1,288,399	13050			
Sub-total	Cash with Fiscal Agents			\$ 4,741,594				
Total other investments			\$ 9,608,160	\$ 14,349,753	\$ 9,682,849			
TOTAL INVESTMENTS & CASH BALANCES			\$ 25,426,161	\$ 30,167,755	\$ 25,500,851			

Outstanding Loans to Department Heads

	Date of loan	Amount	Amount Remaining	Interest Rate
Stuart Schillinger	4/1/2002	318,750	\$ 318,750	Based on Sales Price
Clay Holstine (1)	7/8/2008	300,000	\$ -	Paid off 12/28/2016
Clay Holstine (2)	9/10/2008	200,000	\$ 200,000	Secured by other funds
Randy Breault	10/22/2001	320,000	\$ 44,514	2.47%

FFCB - Federal Farm Credit Bank  
FHLB - Federal Home Loan Bank  
FHLM - Federal Home Loan Mortgage Corporation  
FNMA -Federal National Mortgage Association

Two year Treasury	0.15%	
Weighted Interest	0.50%	
Weighted maturity	0.16	Years

TREASURER'S CERTIFICATE

These are all the securities in which the city funds including all trust funds and oversight agencies funds are invested and that (excluding approved deferred compensation plans) and that all these investments are in securities as permitted by adopted city policy.

It is also certified that enough liquid resources (including maturities and anticipated revenues) are available to meet the next six months' cash flow.

Stuart Schillinger  
CITY TREASURER

*D.*

**File Attachments for Item:**

D. Grand Jury Report Second Units: Adding New Housing in the Neighborhoods



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** January 7, 2021

**From:** John Swiecki, Community Development Director

**Subject:** Response to Grand Jury Report, "Second Units: Adding New Housing In The Neighborhoods"

### Community Goal/Result

Safe Community

### Purpose

For the City Council to review To the City's draft response to the 2019-2020 Civil Grand Jury Report, "Second Units: Adding New Housing In The Neighborhoods".

### Recommendation

Approve the attached response letter to the Grand Jury Report on Second Units.

### Background

The 2019-2020 Civil Grand Jury filed a report on October 28, 2020 (Attachment 2) which contains findings and recommendations pertaining to Second Units, also known as Accessory Dwelling Units (ADUs). The City of Brisbane must submit comments to Hon. Danny Y. Chou by January 26, 2021 and the response must indicate that it was approved by the City Council at a public meeting.

The Grand Jury report contains eight findings that the City must indicate if it wholly or partially agrees or disagrees with each finding. Additionally, the report contains four recommendations that the City must indicate has been implemented, will be implemented, requires further analysis, or will not be implemented.

### Discussion

Staff has collaborated with San Mateo County and cities within the county, where applicable, in developing consistent responses (Attachment 1) to the Grand Jury Report. The City's responses follow each finding and recommendation from the Grand Jury.

### Fiscal Impact

None.

### Measure of Success

Submission of a timely response to the Grand Jury's report.



## Attachments

1. Draft Response to Grand Jury Report
2. October 28, 2020 Grand Jury Report

*John Swiecki*

John Swiecki, Community Development Director

*Clayton L. Holstine*

Clay Holstine, City Manager

ATTACHMENT 1

DRAFT RESPONSE TO GRAND JURY REPORT

January 7, 2021

Honorable Danny Y. Chou  
 Judge of the Superior Court  
 c/o Jenarda Dubois  
 Hall of Justice  
 400 Old County Road, 8<sup>th</sup> Floor  
 Redwood City, CA 94063-1655

## **Second Units: Adding New Housing In The Neighborhoods**

Dear Honorable Danny Y. Chou:

This letter is in response to the 2019/2020 Grand Jury report of October 28, 2020 which contained findings and recommendations pertaining to the City of Brisbane. Listed below are the Jury's findings and recommendations followed by the City of Brisbane responses, as reviewed and approved by the Brisbane City at a public meeting on January 7, 2021.

### **The San Mateo County 2019-2020 Grand Jury makes the following findings to the City Councils of the cities of San Mateo County:**

**Finding 1:** The number of jobs in San Mateo County has grown beyond the number of new housing units available. More housing is needed and Second Units are one solution.

**RESPONSE:** *The City of Brisbane agrees with this finding.*

**Finding 2:** From 2016 to 2020, the number of Second Units constructed annually within the County dramatically increased by 450% (823) after related State laws were enacted in 2017. Effective January 1, 2020, several additional new State laws were enacted in order to make the construction of new Second Units easier for homeowners.

**RESPONSE:** *The City of Brisbane agrees with this finding.*

**Finding 3:** There are about 155,000 single-family homes in San Mateo County with only 4,000 Second Units on those properties, so there is a potential for thousands of new Second Units.

**RESPONSE:** *The City of Brisbane partially agrees with this finding. Based on information from San Mateo County we would clarify that the 4,000 units cited in this statistic are legal Second Units, as an unknown number of unpermitted Second Units also exist.*

**Finding 4:** The County has an unknown but large number of non-permitted Second Units. The new 2020 State laws are intended to make it easier for those units to be made safer, and potentially to be brought up to permitting standards.

**RESPONSE:** *The City of Brisbane agrees with this finding.*

**Finding 5:** Barriers to building new Second Units and for upgrading non-permitted Second Units include: a lack of knowledge by homeowners as to potential lenders in financing the construction of a Second Unit and a lack of lenders in the region that have indicated their willingness to engage in such financing, homeowners' difficulty in finding contractors willing to work on "small" projects such as Second Units, and the need to recruit and train more inspectors.

**RESPONSE:** *The City of Brisbane partially agrees with this finding. We agree a lack of homeowner awareness of financing and construction options are obstacles to Second Unit construction but we are not aware of any shortage of qualified building inspectors. The timeline for inspecting completed Second Units is partially dependent on the overall volume of completed construction projects subject to inspection, but Second Units have been affected in the same manner as any other construction project and our Community Development Department is not aware of any instance where the timeline for a building inspection constituted a unique hardship.*

**Finding 6:** DOH and the City/County Association of Governments of San Mateo County have co-sponsored and coordinated the "21 Elements Project" which aids all jurisdictions in the County to work together on addressing their housing needs, including the development of Second Units.

**RESPONSE:** *The City of Brisbane agrees with this finding.*

**Finding 7:**

The San Mateo County Department of Housing is updating its website and marketing plan that focuses on Second Units.

**RESPONSE:** *The City of Brisbane agrees with this finding, however, we would like to clarify that Home for All, the San Mateo County initiative which is responsible for both of these tasks, is co-chaired by Supervisors Don Horsley and Carole Groom, and is administratively supported by staff from multiple County departments.*

**Finding 8:**

The City of San Jose has developed a Second Unit initiative that is worth examining closely and possibly emulating. (See Appendix D).

**RESPONSE:** *The City of Brisbane agrees with this finding.*

**The San Mateo County 2019-2020 Grand Jury made a number of recommendations to the City Councils of the cities of San Mateo County. The Grand Jury requested responses from the City of Brisbane regarding R1, R2, R3, and R4.**

**R1:** The County and its cities should continue to develop or enhance existing outreach to homeowners about the new laws that simplify and streamline the construction and permitting of Second Units including but not limited to the following:

- posting relevant information on their websites regarding the process for the construction and permitting of Second Units including materials such as checklists and flowcharts;
- increasing social media and other outreach regarding the above-referenced resources;

- offering workshops (live or online) regarding the process for the construction and permitting of Second Units at least quarterly.

**RESPONSE:** *This recommendation has been partially implemented. The City of Brisbane has recently updated its website as it relates to Second Units in conjunction with our recently adopted Accessory Dwelling Unit (ADU) ordinance (Ord No. 653). The new webpage includes relevant and pertinent information in one location regarding the permitting of Second Units and includes an all-in-one “ADU Compendium” that explains new State legislation pertaining to ADUs and provides a summary of zoning districts that permit ADUs, development regulations consistent with State law, a submittal guide that includes explicit plan set requirements, a comprehensive checklist with interdepartmental requirements and contact information, and a list of additional ADU resources, including inspirational ideas.*

*Included in the ADU Compendium’s additional resources is a link to San Mateo County Home for All website. Per the County, the 2021 Home for All workplan includes expanded outreach to homeowners through virtual workshops and marketing of tools. The Home for All program also uses its regular newsletter to provide updates on Second Units and works to engage with cities through its partnership with 21 Elements. In addition to appearing at realtor workshops and other events that reached over 500 people in 2019, Home for All hosted an in-person Second Unit resource fair in October 2019 that drew approximately 400 attendees. At this resource fair, Home for All made available live lecture-style presentations on second unit topics and had over 30 second unit businesses table and connect with homeowners about their offerings. A virtual webinar series for homeowners about Second Units is planned for early 2021 and will be advertised on the City of Brisbane’s website. Per the County, the webinars will be recorded and made available “on demand” for homeowners to review in the future.*

*Home for All has further indicated it will increase its outreach and promotion through existing newsletters and social media accounts, and in conjunction with the County, the City of Brisbane will cross-promote second unit resources through our available media channels, to boost awareness of this information to homeowners countywide.*

**R2:** By December 31, 2020, the County and its cities should commit to meeting for the purpose of finding collaborative solutions for:

- developing and publicizing additional financial partners to help homeowners finance the construction of new Second Units as well as the upgrading of non-permitted existing Second Units;
- developing solutions to address the shortage of licensed contractors willing to work on small projects including, but not limited to, the feasibility of licensed contractors engaging and supervising non-licensed “handymen”
- identifying and collaborating with training institutions to recruit and train more general contractors and inspectors.

Such meetings may occur in connection with 21 Elements Project meetings regarding Second Units, or through a separate platform.

**RESPONSE:** *This recommendation is in the process of being implemented. On December 3, 2020, a 21 Elements meeting was held to explore second unit construction aspects, and amnesty programs for non-conforming unit. As previously noted, we have not been informed of a shortage of qualified building inspectors in Brisbane nor San Mateo County.*

*With regards to Second Unit finance, the County of San Mateo is actively participating in the “ADU Finance Committee” of the Casita Coalition, a statewide alliance of Second Unit supporters. Their “ADU Finance Committee” is working to improve structural aspects of second unit financing such as consistent appraisals. The Casita Coalition has also recently released a Second Unit Financing Guide for homeowners which presents a pro-con format explanation of the common second unit financing strategies present in California. Information learned from the partnership will be provided on the City’s ADU webpage.*

*As to contractor availability and training, the City of Brisbane will continue to pursue an adequate construction workforce in conjunction with the County of San Mateo by connecting with workforce development agencies through the San Mateo County Recovery Initiative, and the Second Unit Task Force will explore collaborations with independent building and trade organizations to publicize vendors skilled in second unit design and construction.*

*Additionally, the Housing Endowment and Regional Trust of San Mateo County has developed four sets of ADU design and construction plans that will be free to the public and are currently being reviewed by cities. Preliminary reviews will be done by the end of January and the free plans will be made available on the City’s ADU webpage. While we believe free design and construction plans will encourage and facilitate the building of ADUs, Brisbane has unique topographic and geotechnical issues and it is unclear if these model plans can be adapted to address these unique circumstances.*

**R3:** The County and each city should develop a marketing plan to focus on the needs and concerns of homeowners who have non-permitted units. This should be done by the end of the calendar year 2020.

**RESPONSE:** *The recommendation has been partially implemented. The City of Brisbane has included information on its website that highlights State law and the City’s new ADU ordinance that permits the owner of an ADU built prior to January 1, 2020 to request correction of any violation be delayed for five years. This provision will remain in effect until January 1, 2030. Our ADU webpage and accompanying ADU Compendium also highlight and promote the potential to legalize non-permitted units, primarily through a building permit application.*

*Additionally, San Mateo County’s Second Unit Task Force has been tracking a pilot project which seeks to assist homeowners with resolving health and safety risks in non-permitted units within unincorporated San Mateo County. Based on the findings of the pilot project, Home for All will provide and promote information and resources for homeowners of non-conforming units as part of its second unit marketing, which will be linked from the City’s ADU webpage.*

**R4:** The County and its cities should determine whether it is feasible to retain an outside resource that can be shared among cities and the County to leverage Second Unit expertise. This determination should be made by December 31, 2021.

**RESPONSE:** *In conjunction with the County of San Mateo, this recommendation is being explored. In 2019, the County retained the nonprofit Hello Housing, a licensed general contractor, to partner with the County of San Mateo and the Cities of Pacifica, East Palo Alto, and Redwood City on a pilot “One Stop Shop” program of free technical assistance and project management for homeowners seeking to build a second unit and the City of Brisbane eagerly awaits the results and lessons-learned from the pilot program through the “21 Elements Project”.*

*Also via San Mateo County and the “21 Elements Project”, the City of Brisbane anticipates learning from the Napa Sonoma ADU Center, which combines direct technical assistance with homeowner education in their effort to support more Second Units in Napa and Sonoma Counties, and additional best practices through engagement with the Casita Coalition, a statewide association of Second Unit professionals and advocates. The County’s Second Unit Task Force, in coordination with cities, will explore and evaluate the applicability of these models to cities within San Mateo County in 2021.*

*The City of Brisbane expects to ascertain much from these programs, as well as from the experience of the San Jose “ADU Ally” and how that kind of assistance can support homeowner success, the particular needs of San Mateo County homeowners, and how the City can best support those needs in the future. Information learned from these programs and partnerships will be made available on the City’s ADU webpage and added to its ADU Compendium.*

On behalf of the City of Brisbane, I would like to thank the members of the Grand Jury for their efforts.

Sincerely,

Karen Cunningham  
Mayor

ATTACHMENT 2

OCTOBER 28, 2020 GRAND JURY REPORT





Superior Court of California, County of San Mateo  
Hall of Justice and Records  
400 County Center  
Redwood City, CA 94063-1655

NEAL TANIGUCHI  
COURT EXECUTIVE OFFICER  
CLERK & JURY COMMISSIONER

(650) 261-5066  
FAX (650) 261-5147  
[www.sanmateocourt.org](http://www.sanmateocourt.org)

October 28, 2020

City Council  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Re: Grand Jury Report: "Second Units: Adding New Housing In The Neighborhoods"

Dear Councilmembers:

The 2019-2020 Grand Jury filed a report on October 28, 2020 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Danny Y. Chou. Your agency's response is due no later than January 26, 2021. **Please note that the response should indicate that it was approved by your governing body at a public meeting.**

For all findings, your responding agency shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Please submit your responses in all of the following ways:

**1. Responses to be placed on file with the Clerk of the Court by the Court Executive Office.**

- Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to Judge Chou.

**Hon. Danny Y. Chou  
Judge of the Superior Court  
c/o Jenarda Dubois  
Hall of Justice  
400 County Center; 8<sup>th</sup> Floor  
Redwood City, CA 94063-1655.**

**2. Responses to be placed at the Grand Jury website.**

- Copy response and send by e-mail to: [grandjury@sanmateocourt.org](mailto:grandjury@sanmateocourt.org). (Insert agency name if it is not indicated at the top of your response.)

**3. Responses to be placed with the clerk of your agency.**

- File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 261-5066.

If you have any questions regarding these procedures, please do not hesitate to contact Paul Okada, Chief Deputy County Counsel, at (650) 363-4761.

Very truly yours,



Neal Taniguchi  
Court Executive Officer

Enclosure

cc: Hon. Danny Y. Chou  
Paul Okada



## Second Units: Adding New Housing In The Neighborhoods

### ISSUE

How are the County of San Mateo and its cities supporting homeowners who are considering building a new Second Unit on their property or upgrading a non-permitted one, in response to new State laws, which became effective January 1, 2020?

### SUMMARY

Housing availability is a top priority in San Mateo County because while 93,000 new jobs were added between 2010-2018, only 8,500 new housing units were built. Housing considered “affordable” is especially at a crisis point. “Limited land and the large gap between new jobs and available housing lead to high rents and high home prices. As of 2019, median rent in the County for a one-bedroom apartment is \$2,621 and for a two-bedroom apartment it is \$3,349, while only 24% of County households can afford to purchase an entry-level home.”<sup>1</sup>

To put this slow-moving catastrophe into further perspective, more than two-thirds (68%) of the County’s land is protected from development because it is either agricultural or open space. At the same time, of the County’s already developed land, two-thirds is occupied by single-family homes.<sup>2</sup> Simply stated, building more single-family homes cannot begin to solve the County’s housing shortfall. “Second Units” – broadly defined as self-contained living spaces that are on the same property as an existing residence – present a creative and innovative option to addressing the region’s affordable housing crisis.

The number of new Second Units dramatically increased after several State laws went into effect in 2017. This made the construction of Second Units easier for homeowners. The number of new Second Units is expected to further increase as a result of new state laws which went into effect in January 2020. It has become clear to date that Second Units are popular for a variety of reasons. They are attractive as housing for relatives, rental income and personal investment as well as providing the option to downsize. Such units can also supply housing for community members like educators or public safety employees who otherwise would not be able to live in the community in which they work. Factoring in that there are approximately 155,000 single-

<sup>1</sup> Home for All Brochure, Published April 2019. Accessed May 15, 2020. [https://homeforallsmc.org/wp-content/uploads/2019/08/HFA\\_brochure\\_v16\\_WEB.pdf](https://homeforallsmc.org/wp-content/uploads/2019/08/HFA_brochure_v16_WEB.pdf)

<sup>2</sup> Home for All Community Convening on Second Units: Maintaining the Momentum, February 27, 2020

family homes in San Mateo County<sup>3</sup> and only 4,000 Second Units on those properties<sup>4</sup>, the potential exists for thousands of new Second Units that would significantly impact the county's housing deficit over the years to come.

However, there are significant hurdles facing the development of Second Units. According to housing advocates interviewed by the Grand Jury, the biggest impediments to the construction of new Second Units, as well as upgrading non-permitted Second Units, are: obtaining financing, the lack of contractors willing to work on Second Units, and the need for local governments to recruit and train more inspectors.<sup>5</sup>

"The San Mateo County Board of Supervisors and County Manager's Office, along with support from the County's Department of Housing ("DOH") have been leading the regional effort to allow the development and construction of more Second Units."<sup>6</sup> DOH has been working collaboratively with the 20 cities to help address countywide affordable housing issues. DOH has contracted with a consulting firm, Baird & Driskell, on the *21 Elements Project*, to assist the County and cities in this effort. The consulting firm hosts monthly meetings related to Second Units with city and DOH representatives. As part of this effort, DOH is developing a new website and marketing plans that will focus on promoting Second Units.

As a result of this investigation, the Grand Jury recommends the following:

1. The County and its cities should continue their outreach to homeowners informing them about the new laws that simplify and streamline the construction and permitting of Second Units.
2. The County and its cities should determine whether there is a way for the public entities to compile a list of financial partners who can assist homeowners with funding new Second Units and upgrading non-permitted Second Units.
3. The County and its cities should determine whether there is a way for the public entities to develop a comprehensive list of contractor resources and partner with training institutions to recruit and train more general contractors and inspectors.
4. The County and its cities should encourage homeowners who may have non-permitted Second Units to go through the permitting process.

The 2019-2020 Grand Jury commends the current housing efforts of the County and its cities and urges them to embrace the new opportunities. The impact of the laws passed by the California Legislature in 2017 increased the number of Second Units constructed annually by 450%. If the

<sup>3</sup> According to San Mateo County housing data, there are 276,444 housing units in San Mateo County (Fig. 1) . Figure 33 says that 56% (155,000) of housing units are single-family, detached homes. When you multiply the two figures, you get 154,808 (which rounds to 155k).

<https://www.towncharts.com/California/Housing/San-Mateo-County-CA-Housing-data.html>

<sup>4</sup> Grand Juror interviews.

<sup>5</sup> Grand Jury Interviews

<sup>6</sup> Home for All collaborative, <https://homeforallsmc.org/>

2020 laws have a similar effect, our County and cities will be well-positioned for adding more affordable housing.

## GLOSSARY

**Home for All:** A collaborative countywide initiative which was undertaken to inspire community action and promote closure of the county's 11:1 jobs/housing gap.<sup>7</sup> The members of this initiative include the County and 16 of its cities as well as representatives from all sectors of the community who are focused on creating a future where everyone in the County has a home they can afford. It has been led by Supervisors Don Horsley and Warren Slocum. According to its website, this initiative builds on the work and momentum of the Closing the Jobs/Housing Gap Task Force.<sup>8</sup>

**Second Unit:** An interchangeable term with a granny flat, in-law suite, Accessory Dwelling Unit (ADU), converted garage, backyard cottage or basement apartment. They are always self-contained homes, smaller than the main house and legally part of the same property. Second Units can take many forms and vary in size, but always contain everything someone needs to live, including a kitchen, bathroom and a place to sleep.<sup>9</sup>

**Junior Second Unit/Junior ADU:** A very small living unit up to 500 square feet, which re-purposes existing space within a residence such as a bedroom, garage or carport within an existing single-family home. These units may contain a basic kitchen utilizing small plug-in appliances and may share central systems as well as a bathroom with the primary dwelling.<sup>10</sup>

**The "21 Elements Project":** A multi-year funded project co-sponsored by DOH and the City/County Association of Governments (C/CAG) through which all jurisdictions in San Mateo County cooperate to update their respective Housing Elements and share information and work on a wide variety of housing policies and programs.<sup>11</sup> "21 Elements" is a project of Baird & Driskell Community Planning Consultants, a master housing consultant, which supports all San Mateo County and city jurisdictions, hosting monthly phone conferences related to affordable housing issues (including Second Units), through a contract with DOH.<sup>12</sup>

## BACKGROUND

The Bay Area housing crisis can be traced back to the 1970s when local cities experienced an economic boom, and property taxes were rising with them. Then Proposition 13 put a cap on

<sup>7</sup> Supra, note 1

<sup>8</sup> <https://homeforallsmc.org/about-us/>

<sup>9</sup> Second Unit Inspiration brochure, page 3. The booklet was produced as a joint project of Home for All and 21 Elements, 2018. [www.SecondUnitCenterSMC.org](http://www.SecondUnitCenterSMC.org)

<sup>10</sup> Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), California Department of Housing and Community Development, accessed May 20, 2020. <https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>

<sup>11</sup> <https://sanmateocounty.legistar.com/LegislationDetail.aspx?ID=4068159&GUID=1D7B2118-0312-4351-88E6-9E4BAB9C37B5>

<sup>12</sup> <http://21elements.com/second-units>

how much could be raised from property taxes each year. Cash-hungry cities zoned more land for commercial use so they could collect more sales tax. That meant more retail property was built than private housing. In addition, steep impact fees pushed developers to prioritize expensive homes rather than multi-unit housing. Then, Silicon Valley businesses grew and brought huge numbers of tech jobs to the Bay Area. “The housing crisis has been a slow-moving storm that has been churning for decades.”<sup>13</sup>

The number of jobs in San Mateo County has grown beyond the number of new housing units available.<sup>14</sup> Between 2010-2018, for example, 93,000 jobs were added but only 8,500 new housing units were built. To put this serious situation in perspective, more than two-thirds (68%) of the County’s land is either agricultural or open space, and two-thirds of the County’s *developed* land is occupied by single-family homes.<sup>15</sup> Simply stated, building more single-family homes on the remaining available land cannot begin to solve the County’s housing shortfall.

“Limited land and the large gap between new jobs and available housing lead to high rents and high home prices. In the County, median rent for a one-bedroom apartment is \$2,621 and for a two-bedroom apartment it is \$3,349.”<sup>16</sup> Approximately two thirds of San Mateo County households cannot afford to purchase an entry-level home. Among those affected are important members of the County’s workforce including teachers, firefighters and other public employees who are unable to live in the areas they serve.<sup>17</sup> Lack of affordable housing is an issue for San Mateo County and throughout the State of California.<sup>18</sup>

<sup>13</sup> Melissa Colorado, “Making It in the Bay: How the Bay Area’s Housing Crisis Spiraled Out of Control” February 10, 2020. <https://www.nbcbayarea.com/news/local/making-it-in-the-bay/making-it-in-the-bay-how-the-bay-areas-housing-crisis-spiraled-out-of-control/2230410/>

<sup>14</sup> According to a San Mateo County spokesperson at a Home for All Community Convening on Second Units: Maintaining the Momentum, Belmont, February 27, 2020

<sup>15</sup> Home for All Community Convening on Second Units: Maintaining the Momentum, Belmont, February 27, 2020.

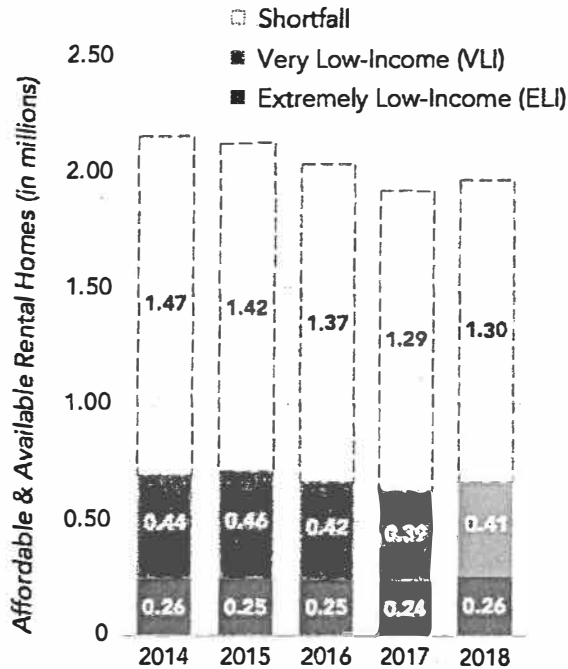
<sup>16</sup> Home for All brochure, Published April 2019. [https://homeforallsmc.org/wp-content/uploads/2019/08/HFA\\_brochure\\_v16\\_WEB.pdf](https://homeforallsmc.org/wp-content/uploads/2019/08/HFA_brochure_v16_WEB.pdf)

<sup>17</sup> Second Unit Inspiration Brochure, produced by Baird + Driskell Community Planning, page 4, 2018. [www.SecondUnitCenterSMC.org](http://www.SecondUnitCenterSMC.org).

<sup>18</sup> California Housing Partnership analysis of 2018 1-year American Community Survey (ACS) PUMS data with HUD income levels [https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/CHPC\\_HousingNeedsReportCA\\_2020\\_Final-.pdf](https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/CHPC_HousingNeedsReportCA_2020_Final-.pdf)

## CALIFORNIA NEEDS 1.3 MILLION MORE AFFORDABLE RENTAL HOMES

While the shortfall has declined by 11% since 2014, the share of housing need not being met has remained relatively constant because the number of low-income households has also declined.<sup>19</sup>



Source: California Housing Partnership analysis of 2018 1-year American Community Survey (ACS) PUMS data with HUD income levels. Methodology was adapted from NLIHC gap methodology.

\*The proportion of total unmet housing demand for low-income renters (shortfall / total demand) from 2014 to 2018, was 68%, 67%, 67%, 67%, and 66%, respectively.

Throughout the County, the housing shortage is being addressed in a variety of ways including: development of multi-unit complexes along transit corridors; shared housing; and the subject of this report, building Second Units on single family properties. According to Grand Jury interviews with local government officials and housing advocates, building and upgrading Second Units is a relatively fast and efficient option and one component of a multi-faceted strategy to address the County's affordable housing shortage.<sup>19</sup>

California laws passed in 2017 dramatically increased the number of new Second Units in the County to an average of 269 Second Units per year from an average of just 60 Second Units per year from 2010-2016. (See Appendix A).

<sup>19</sup> Grand Jury interviews.

The laws which went into effect on January 1, 2020, include:<sup>20</sup>

- **AB 68/AB 881** - Requires local agencies to approve or deny an ADU project more quickly and prohibits local agencies from adopting ADU ordinances that impose minimum lot size requirements, set certain maximum dimensions, or require replacement off-street parking in certain situations. Also allows for an ADU as well as a "junior" ADUs where certain access, setback and other criteria are met.
- **SB 13** - Provides, until January 1, 2025, that cities may not condition approval of ADU building permit applications on the applicant being the "owner-applicant" of either the primary dwelling or the ADU, and prohibits impact fees on ADUs under 750 square feet.
- **AB 587** - Provides that local agencies may now allow ADUs to be sold or conveyed separately from a primary residence if certain conditions are met. This law is expected to increase the ability of affordable housing organizations to sell deed-restricted ADUs to eligible low-income homeowners.
- **AB 670** - Prevents homeowners' associations from barring ADUs. AB 670 makes unlawful any HOA condition that "prohibits or unreasonably restricts" the construction of ADUs on single-family residential lots.
- **AB 671** - Requires local governments to include in their General Plan housing elements plans to incentivize and promote the creation of affordable ADUs. The law also requires HCD to develop, by December 31, 2020, a list of state grants and financial incentives for ADU development.

The new 2020 laws solve a number of key zoning and construction restraints which previously held back less expensive housing options. Second Units can now be built or remodeled into 800 square-foot rental units with construction approved by the respective cities within 60 days and do not require owner occupation, additional parking or impact fees (if 750 square feet or less).

In the case of amnesty, non-permitted Second Units are acceptable if they meet health and safety standards, e.g., operating fire detectors and electric wiring. Of note is that units cannot be used for short-term vacation rentals as the various laws were intended for rental to singles or families who cannot otherwise afford a single-family dwelling or an apartment rental near their workplace.<sup>21</sup>

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<sup>20</sup> <https://www.hklaw.com/en/insights/publications/2019/10/californias-2020-housing-laws-what-you-need-to-know>. Additionally, a more complete summary of the 2020 statutes impacting the construction or permitting of Second Units can be found in Appendix B.

<sup>21</sup> New state laws for ADU/Second Unit construction, effective January 1, 2020: AB 670 (Friedman), AB 671 (Friedman), AB 68 (Ting), AB 587 (Friedman), AB 881 (Bloom), SB 13 (Wieckowski) are designed to help narrow the shortfall in affordable housing in California. Another bill is being worked on to tie all bills together. (Appendix B: Summary of bills)



## DISCUSSION

In December 2019, the San Mateo County Grand Jury surveyed the city managers of all 20 cities in the County regarding passage of California laws concerning Second Units. The survey inquired about plans for the implementation of these new laws in each jurisdiction.<sup>22</sup> With the exception of East Palo Alto and Millbrae, all of the jurisdictions responded to the survey, and all were aware of the new laws. Many were preparing to find ways to initiate the development of more Second Units in their jurisdictions. Their main concerns included:

- short amount of time between passage of the laws and the need to implement them;
- perceived conflicts and inconsistencies within the new State laws;
- loss of local control might lead to community backlash;
- inadequate staffing to handle the potential increase in Second Unit interest;
- homeowner's ability to secure funding for the construction costs; and
- availability of sufficient extra neighborhood parking.

### Opportunity for New Second Units

Housing advocates consider Second Units to be “low-hanging fruit” for the development of new housing inventory. There are about 155,000 single-family homes in San Mateo County with only 4,000 Second Units on those properties, so there is a potential for thousands of new Second Units. Since 2010, there has been a steady growth in Second Unit approvals throughout the county, according to San Mateo County's Annual Jurisdiction Survey.<sup>23</sup>

To take full advantage of new opportunities for ADUs created by the 2020 State bills, cities throughout the county are updating their zoning ordinances to be in compliance with the new State laws. Additionally, many cities are focused on streamlining their individual Second Unit permitting process as well as the process that will provide amnesty for pre-existing, non-permitted Second Units.<sup>24</sup>

Several new online tools – including tools at <https://secondunitcenter.org/> (a website maintained by the County) – identify potential sites for Second Units, calculate estimated costs, and streamline the process of building a Second Unit, thereby making Second Unit development an easier option for homeowners to consider.<sup>25</sup> They include:

- <https://build.symbium.com/>  
Using this link, residents and planners in Redwood City, Pacifica, and Unincorporated San Mateo County can quickly determine whether a Second Unit is allowed at a particular address and if so, what specific development standards (State and local rules) apply. More cities will be added to this list in the near future.<sup>26</sup>

<sup>22</sup> Survey questions are listed in Appendix C.

<sup>23</sup> “Accessory Dwelling Units Approved by Jurisdiction” (2010-2018, with 2019 data added), Annual Jurisdiction Survey. See chart and graph in Appendix A.

<sup>24</sup> Grand Jury interviews.

<sup>25</sup> Online Tools from companies like Symbium allows anyone to understand whether a Second Unit is allowed on a particular parcel. See <https://build.symbium.com>

<sup>26</sup> Second Unit Resource Center handout. <https://secondunitcentersmc.org/>

- <http://calculator.secondunitcentersmc.org/>  
San Mateo County's Second Unit Calculator helps a homeowner get an estimate for what a Second Unit project might cost, and calculates the amount it might yield as an investment. It also allows a user to change assumptions such as location, unit size, type of unit and much more.
- <https://secondunitcentersmc.org/>  
The County's website focuses on Second Unit development and, according to Grand Jury interviews, will be further updated in the future.

### **Amnesty for Non-Permitted Second Units**

The actual number of non-permitted Second Units in the County is unknown.<sup>27</sup> However, whatever this number might actually be, these units are important affordable housing as long as they meet minimum health and safety codes.

The San Mateo County Planning and Building Department and nonprofits such as "Rebuilding Together Peninsula"<sup>28</sup> are focused on encouraging owners of non-permitted Second Units in the unincorporated area of the County and East Palo Alto respectively to develop plans that would make more of them safer and healthier and thereby permitted.

In January 2020, the County initiated a pilot program for homeowners who wished to consider upgrading their non-permitted Second Units.<sup>29</sup> If this pilot program is successful, it will be expanded and marketed as a model that cities in the County could adopt. The program allows:

- existing Second Units to be brought up to code and become permitted;
- applicants to explore whether the amnesty program for non-permitted units might work for them;
- a *no-risk* assurance which enables the homeowner to back out of the permitting process at any time with no obligation on their end to bring their non-permitted unit up to health and safety standards;
- a variety of enforcement suspensions included in the laws that took effect this past January; and
- some previously non-permitted construction features (so some homeowners no longer need amnesty.)

Rebuilding Together Peninsula is a non-profit organization that focuses on home repair. Eighty five percent of its home repair projects are in San Mateo County, primarily garage-conversion Second Units in East Palo Alto.<sup>30 31</sup> Much of that work is focused on upgrading non-permitted Second Units. Grand Jurors toured the Redwood City offices and learned that the nonprofit

<sup>27</sup> Grand Jury interviews.

<sup>28</sup> RebuildingTogetherPeninsula is a non-profit that is focused on working with other local agencies to upgrade non-permitted second units in East Palo Alto. It has a focus on repairs of garage-conversions, not new construction. <https://sites.google.com/rebuildingtogetherpeninsula.org/epa-adu-initiative/home>

<sup>29</sup> See the SMC Second Unit Amnesty Website: <https://planning.smcgov.org/second-unit-amnesty>

<sup>30</sup> Grand Jury interview.

<sup>31</sup> Rebuilding Together the Peninsula EPA Garage Conversion/ADU Legalization Initiative, <https://sites.google.com/rebuildingtogetherpeninsula.org/epa-adu-initiative/home>

works on one project at a time, relying on volunteers who are good at making repairs. Most of these Second Units are for relatives and friends, not for revenue. Rebuilding Together's five year plan targets low income communities of color. Second Unit goals for Rebuilding Together in East Palo Alto are:

- legalizing non-permitted units;<sup>32</sup>
- repairing units to make them safer for occupants;
- streamlining the repair process;
- sharing learnings;
- training and workforce development; and,
- transitioning East Palo Alto Second Unit projects to "EPA CAN DO"<sup>33</sup> leadership.

## **Moving Forward**

### **Step One: *Home for All* Initiative**

The County's *Home for All* Initiative builds on the work and momentum of the San Mateo County Board of Supervisors' *Closing the Jobs/Housing Gap Task Force*.<sup>34</sup> "The Second Unit Center" is a program of the *Home for All* Initiative which is aimed at providing information and tools to make it easier for homeowners to build second units to help increase the housing supply in San Mateo County. According to the Second Unit Center website, on August 6, 2019, the Board of Supervisors approved the creation of a new *One Stop Shop*<sup>35</sup> pilot program to help homeowners with Second Unit construction. Through this program, participating homeowners can receive no-cost support from the nonprofit *Hello Housing*, a member of the Mid-Peninsula Housing family of companies.

*Hello Housing* will provide up to 100 hours of free feasibility and project management support at no cost in connection with the design, permitting, and project management involved with building a Second Unit. The *One Stop Shop* pilot program is a partnership of DOH, *Hello Housing*, and the cities of East Palo Alto, Pacifica, and Redwood City. Residents of these three cities and the unincorporated County will be eligible to apply for inclusion in this pilot program.<sup>36</sup> If the pilot program is successful, it is hoped that it can be scaled to serve all jurisdictions.<sup>37</sup>

To prepare for the eventual scaling up of this pilot program, the County and its cities are reaching out to residents to inform, educate, and support homeowners who are considering building or improving a Second Unit.<sup>38</sup> As part of this effort, DOH and the City/County Association of Governments of San Mateo County (C/CAG) have co-sponsored and coordinated

<sup>32</sup> Cost of a garage conversion or "permitted" to codes of the day is about \$70,000 according to Rebuilding Together the Peninsula. This can include adding insulation, upgrading electrical, sealing and leveling a concrete floor, reviewing the safety of the roof, creating a new share wall and a proper wall to replace the garage door, and make garage electric/energy efficient and heated.

<sup>33</sup> <https://epacando.org/>

<sup>34</sup> Closing the Jobs/Housing Gap Task Force, The Task Force began in September 24, 2015 to build a common understanding of the challenge, learn what is already being done both inside and outside the county and finish by exploring possible solutions. <https://bos.smcgov.org/task-force>

<sup>35</sup> <https://secondunitcentersmc.org/onestopshop/> (accessed on 7/22/2020)

<sup>36</sup> *ibid.*

<sup>37</sup> Grand Jury interviews.

<sup>38</sup> Grand Jury interviews.

the “21 Elements Project” which aids all jurisdictions in the County to work together on addressing their housing needs, including the development of Second Units. As part of this effort, monthly meetings and/or conference calls are convened by *21 Elements*.<sup>39</sup>

### **Step Two: Raising Awareness and Enthusiasm**

It is critical that interested residents become aware of Second Unit opportunities and resources that are available to them for building Second Units on their property. To get the attention of homeowners, there will need to be a variety of outreach strategies. The following are efforts by the County of San Mateo and its cities, and for comparison, the City of San Jose.

#### **County of San Mateo initiatives:**

There has been a great deal of effort already put into the development of a Second Unit Initiative in San Mateo County. During the past couple of years, as the need for a multi-pronged housing initiative became apparent, the County took a number of critical steps.

The County developed two notable booklets – *Second Unit Inspiration* and *Second Unit Workbook*; initiated a collaborative partnership between the County and its cities through the *21 Elements Project*; created two pilot programs (one focused on the process of building new Second Units and the other on homeowners successfully obtaining amnesty for non-permitted Second Units); and are developing an updated DOH Second Unit website and marketing plan.<sup>40</sup>

#### **City-level initiatives**

In their responses to the Grand Jury survey, city managers identified the following communication methods:

- informational handouts - hard copies and digital (i.e., Second Unit designs, checklists, development of some standard designs, lists of pre-approved contractors);
- posting key Second Unit resource links;
- publishing articles and/or promotions in local news media; and
- community meetings and workshops;

Funding for the development of some of these programs and materials may be acquired with SB 2 Planning Grants. SB 2 provides funding and technical assistance to all local governments in California to help cities and counties prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production.<sup>41</sup>

#### **The City of San Jose (Santa Clara County)**

The City of San Jose hired an Alternative Dwelling Unit (ADU) Ally acting much like an expeditor for homeowners desiring Second Units. San Jose City’s ADU Ally has become a valuable resource in assisting San Jose homeowners through the process of developing Second Units. The ADU Ally:

- is a dedicated staff person who coordinates and connects homeowners to city services and demystifies the process for homeowners who are exploring the process of building a

<sup>39</sup> 21Elements, <http://21elements.com/second-units>, Baird & Driskell Community Planning Consultants.

<sup>40</sup> <https://secondunitcentersmc.org> accessed May 19, 2020.

<sup>41</sup> <https://hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml>

### Second Unit;

- creates online tools, handouts and information, including a Second Unit Universal Checklist which offers step-by-step guidance; and,
- helped produce a YouTube video tutorial on how to build a Second Unit in San Jose.

An official from San Jose informed the Grand Jury that the resources created by this department would be available for use during the San Mateo County Second Unit effort.

Home for All San Mateo held a summit in February 2020, at which the ADU Ally delivered a featured presentation. While this dedicated specialist seems to be making an impact, only time and hard data will tell.<sup>42</sup>

### Step Three: Amnesty for Non-Permitted Second Units

There are thought to be a large but unidentified number<sup>43</sup> of non-permitted Second Units in San Mateo County. In order to successfully increase the number of housing units countywide, it is critical that these Second Units be upgraded to comply with applicable health and safety codes and maintained as viable housing units. The new State laws make it easier for those units to be made safer by providing amnesty to the homeowners who built these non-permitted units and encouraging them to bring their units up to permitting standards.

If the County pilot program for homeowners who wish to obtain permits for their non-permitted Second Units<sup>44</sup> is successful, it will have the potential to be expanded and marketed as a model program that cities throughout the County could modify and/or adopt for their own use. This action by the cities would help preserve these critical housing units. Interestingly, in the Grand Jury's December 2019 survey, only Belmont referred to amnesty. New construction appears to be a higher priority for most cities.

The City of East Palo Alto and nonprofits such as Rebuilding Together Peninsula<sup>45</sup> are also focused on developing other plans that would make non-permitted Second Units safer and ultimately permitted.

### Barriers to Building or Upgrading Second Units:

While state law has been amended to make Second Units easier to develop, based on Grand Jury interviews with housing advocates, it is clear that there are still significant barriers that hinder and sometimes block homeowners from adding Second Units. For example, those barriers include:

<sup>42</sup> Grand Jury interview. See more in Appendix D

<sup>43</sup> Grand Jury Interview.

<sup>44</sup> SMC Second Unit Amnesty Website: <https://planning.smcgov.org/second-unit-amnesty>

<sup>45</sup> RebuildingTogetherPeninsula is a non-profit that is focused on working with other local agencies to upgrade non-permitted second units in East Palo Alto. It has a focus on repairs of garage-conversions, not new construction. <https://sites.google.com/rebuildingtogetherpeninsula.org/epa-adu-initiative/home>

- The process of financing new Second Units or upgrading non-permitted Second Units. At the time of this writing, only one local lender, San Mateo Credit Union,<sup>46</sup> has committed to providing lending for these projects. At the same time, homeowners who might consider building a new or upgrading non-permitted Second Units, are often unaware of financing options;<sup>47</sup>
- The recent booming Bay Area building environment has made it very difficult to find and engage contractors willing to work on relatively small projects such as Second Units, especially due to the demand for rebuilding homes lost to recent wildfires. During its investigation, several interviewees suggested that local governments may wish to provide options in which contractors could utilize “handy men” (who are not licensed as contractors) to do work that the contractors would officially supervise;<sup>48</sup>
- Some homeowners find the building and permitting process complex and intimidating according to the interviews of housing advocates;<sup>49</sup>
- Local public entities may lack a sufficient number of inspectors to handle building inspections and amnesty approvals;<sup>50</sup>
- A misunderstanding by homeowners that the construction of a Second Unit could result in the reassessment of their entire property as opposed to an increase, based on the value of the Second Unit alone. (Adding an ADU will not impact the original home assessment, but homeowners will get a supplemental bill.)<sup>51</sup>
- Some jurisdictions on the County’s coast are unclear as to whether the new State laws apply to coastal areas;<sup>52</sup> and
- The uncertainty of the Covid-19 environment.

As the County and its cities continue to focus on the shortage of available and affordable housing, Second Units are an important option to consider. They are a popular alternative to single-family homes and can be developed more quickly. This is even more important given the COVID-19 pandemic because the number of households without an affordable place to live will grow. For example, Matt Schwartz, President and CEO of CA Housing Partnership, says income inequality was a problem before COVID-19. Before the pandemic, about 1.5 million households were living without an affordable place in California and now that number will grow. He says

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<sup>46</sup> San Mateo Credit Union, <https://www.smcu.org/Loans/Home-Loans/ADU-Loan>

<sup>47</sup> Grand Jury interviews.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> “City Flooded with Requests for ADU Permits.” *Half Moon Bay Review*, March 4, 2020, [https://www.hmbreview.com/news/city-flooded-with-requests-for-adu-permits/article\\_0d5a9920-5e49-11ea-b933-c7deaf420c.html](https://www.hmbreview.com/news/city-flooded-with-requests-for-adu-permits/article_0d5a9920-5e49-11ea-b933-c7deaf420c.html) (viewed again on 4/27/2020)

the state will still need to house the homeless. Interest rates are low, so this is the time to continue to address the homelessness crisis.<sup>53</sup>

## FINDINGS

- F1. The number of jobs in San Mateo County has grown beyond the number of new housing units available. More housing is needed and Second Units are one solution.
- F2. From 2016 to 2020, the number of Second Units constructed annually within the County dramatically increased by 450% (823) after related State laws were enacted in 2017. Effective January 1, 2020, several additional new State laws were enacted in order to make the construction of new Second Units easier for homeowners.
- F3. There are about 155,000 single-family homes in San Mateo County with only 4,000 Second Units on those properties, so there is a potential for thousands of new Second Units.
- F4. The County has an unknown but large number of non-permitted Second Units. The new 2020 State laws are intended to make it easier for those units to be made safer, and potentially to be brought up to permitting standards.
- F5. Barriers to building new Second Units and for upgrading non-permitted Second Units include: a lack of knowledge by homeowners as to potential lenders in financing the construction of a Second Unit and a lack of lenders in the region that have indicated their willingness to engage in such financing, homeowners' difficulty in finding contractors willing to work on "small" projects such as Second Units, and the need to recruit and train more inspectors.
- F6. DOH and the City/County Association of Governments of San Mateo County have co-sponsored and coordinated the "21 Elements Project" which aids all jurisdictions in the County to work together on addressing their housing needs, including the development of Second Units.
- F7. The San Mateo County Department of Housing is updating its website and marketing plan that focuses on Second Units.
- F8. The City of San Jose has developed a Second Unit initiative that is worth examining closely and possibly emulating. (See Appendix D).

## RECOMMENDATIONS

- R1. The County and its cities should continue to develop or enhance existing outreach to homeowners about the new laws that simplify and streamline the construction and permitting of Second Units including but not limited to the following:

<sup>53</sup> Bay Area Housing Post-Covid-19 <https://www.kqed.org/news/11818184/bay-area-housing-post-pandemic-whats-in-store>

- posting relevant information on their websites regarding the process for the construction and permitting of Second Units including materials such as checklists and flowcharts;
  - increasing social media and other outreach regarding the above-referenced resources;
  - offering workshops (live or online) regarding the process for the construction and permitting of Second Units at least quarterly.
- R2. By December 31, 2020, the County and its cities should commit to meeting for the purpose of finding collaborative solutions for:
- developing and publicizing additional financial partners to help homeowners finance the construction of new Second Units as well as the upgrading of non-permitted existing Second Units;
  - developing solutions to address the shortage of licensed contractors willing to work on small projects including, but not limited to, the feasibility of licensed contractors engaging and supervising non-licensed “handymen”
  - identifying and collaborating with training institutions to recruit and train more general contractors and inspectors.
- Such meetings may occur in connection with 21 Elements Project meetings regarding Second Units, or through a separate platform.
- R3. The County and each city should develop a marketing plan to focus on the needs and concerns of homeowners who have non-permitted units. This should be done by the end of the calendar year 2020.
- R4. The County and its cities should determine whether it is feasible to retain an outside resource that can be shared among cities and the County to leverage Second Unit expertise. This determination should be made by December 31, 2021.

## REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

City Councils and County Board of Supervisors should respond to R1-R4.

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.



## METHODOLOGY

### Documents

Alternative Dwelling Unit (ADU) SurveyMonkey Survey, December 2019.  
ADU growth Survey by SMC Housing,

### Interviews

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

Eight interviews were conducted with representatives of San Mateo County, San Mateo County Housing Department, San Mateo County Planning and Building Department, San Mateo Rebuilding Together Peninsula, Baird & Driskell and City of San Jose Building Division - Permit Center.

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April 17, 2020. <https://secondunitcentersmc.org/> or  
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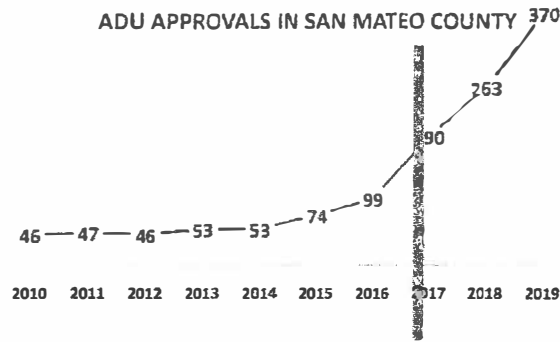
### APPENDIX A: Accessory Dwelling Units Approved by Jurisdiction

“Accessory Dwelling Units Approved by Jurisdiction” (2010-2018, with 2019 data added),  
 Annual Jurisdiction Survey, County of San Mateo.

Accessory Dwellings Units Approved By Jurisdiction (2010-2018)											
Jurisdiction	1/1/17: effective date of new state laws										
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Atherton	1	5	7	8	4	10	9	11	13	13	68
Belmont	1		1	2	1	0	0	4	9	10	18
Brisbane		0	0	0	1	0	3	3	6	3	16
Burlingame	0	0	0	0	0	2	3	5	8	10	28
Colma	0	0	0	0	0	0	0	0	0	0	0
County of San Mateo	0	0	4	1	2	6	7	8	34	38	62
Daly City	6	8	3	7	3	4	11	33	23	68	166
East Palo Alto*					2	0	4	4	1	8	11
Foster City	0	0	0	0	0	0	0	0	0	2	2
Hillsborough	13	13	17	16	15	19	8	15	15	11	131
Half Moon Bay					0	0	3	3	3	13	22
Menlo Park					3	8	7	13	15	Seni Followup	46
Millbrae					0	0	0	0	0	Seni Followup	0
Pacifica					0	5	1	4	11	11	32
Portola Valley	6	4	3	7	8	5	13	11	6	7	63
Redwood City	1	1	2	1	2	2	13	35	34	39	130
San Bruno	6	3	3	1	3	1	4	14	13	10	58
San Carlos	1	1	1	2	1	1	1	n/a	19	15	42
San Mateo*	2	2	2	2	2	2	2	16	24	50	104
South San Francisco	1	3	1	3	2	6	8	5	22	46	51
Woodside	8	7	2	3	4	3	2	6	7	16	58
Total	46	47	46	53	53	74	99	190	263	370	1108

Source: Annual Jurisdiction Survey

\* Estimates provided by cities prior to 2018 when tables unavailable



## APPENDIX B: Provision of New California Laws for Second Units

Provisions of the laws AB670, AB671, AB587, AB68, AB881, and SB13 include:

1. One Second Unit and one Junior Second Unit will be allowed on a single-family lot.
2. There will be no minimum lot size for the addition of a Second Unit.
3. No setback will be required if the Second Unit is the conversion of an existing structure at the property line.
4. Second Units with a size up to 800 square feet that follow building construction standards must be allowed.
5. Second Units under 800 square feet can be 16 feet tall and can have a setback of four feet on the side and rear of the unit.
6. Cities have 60 days to review permit applications. If they fail to do so, they are automatically approved.
7. No replacement parking for the main house is required if converting a garage.
8. No parking is required for a Second Unit if it is within a half mile walk of transit.
9. No impact fees apply to Second Units less than 750 square feet. If larger than 750 square feet, impact fees must be proportional to the main house.
10. Second Units that receive building permits between 1/1/2020 and 12/31/2024 are exempt from owner-occupancy rules.
11. Mandatory five-year stay of enforcement on non-permitted Second Units if health and safety standards are met. This is based on Government Code Section 65852.2(n), which will sunset in 2025.<sup>54</sup>
12. No short-term rentals of Second Units or Junior Second Units will be allowed for less than 30 days to discourage vacation rentals.
13. Second Units will be allowed in multi-family and mixed-use zones. Second Units will be allowed in multifamily buildings - up to two detached Second Units, plus allowing for the conversion of uninhabited spaces for multiple Second Units (up to 25% of units in multifamily buildings)
14. Home Owner's Associations cannot ban Second Units or Junior Second Units, regardless of any existing rules doing so. Home Owner's Associations can set reasonable design guidelines for Second Units and Junior Second Units.

<sup>54</sup> Government Code Section 65852.2(n)

## APPENDIX C: December 2019 Survey Questions

Questions from “Alternative Dwelling Unit (ADU)” SurveyMonkey Survey, December 2019.

1. Among your city leadership, who is aware of the passage of these laws? (AB 68, AB 587, AB 670, AB 671, AB 881 and SB 13). Please identify leaders by name with contact information.
2. Will your city be actively encouraging your residents to take advantage of these Second Unit laws? (What might that entail?)
3. Do you think there will/could be at least 50 parcels in your city, which might be eligible for a Second Unit?
4. Do you anticipate that your city's homeowners as well as landlords will take advantage of this opportunity?
5. How will you encourage your homeowners as well as landlords to take advantage of this opportunity?
6. What obstacles do you anticipate encountering?
7. What kinds of support might you need in order to be able to actively implement these new state laws?
8. Name (and contact information) of the person filling out the response to this survey.

## APPENDIX D: San Jose's ADU Ally

San Jose City's ADU Ally has become a valuable resource in assisting San Jose homeowners through the process of developing Second Units. Having a dedicated person for this initiative has had an impact on the San Jose City's effort. Some of the actions that have resulted from this singular dedicated staff person include:

1. Serving as the dedicated staff person who is the
  - o contact person who deals with people and points them in the right direction.
  - o coordinator and connector of homeowners to all city services and who demystifies the process.
  - o *tour guide* for homeowners who are exploring the process of building a Second Unit.
  - o “hand holder” holds a homeowner's hand as they walk through the process. The ADU Ally is quoted as saying, “I can see them all of the way through to the end of the project, help them to submit or resubmit plans, and then through permit issuance. And when they need to schedule inspections, I can connect them to the right city staff members.”
2. Online tools, handouts and information have been created including a Second Unit Universal Checklist which offers step-by-step guidance. The City of San Jose Planning Department's ADU website is an example of a comprehensive and easy-to-read site, See [sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus](http://sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus)
3. The ADU Ally helped produce a YouTube video tutorial on how to build a Second Unit in San Jose. This attracted more than 2,900 views, before it was taken down due to recent changes in ADU regulations and Zoning Ordinances.

4. The San Jose ADU Ally has said that the resources created by this department would be available for use during the San Mateo County Second Unit effort.

Issued: October 28, 2020

**File Attachments for Item:**

E. Adopt Resolution No. 2021-01 and Resolution No. 2021- 02 Establishing the Classification of Water Quality Technician and Amending the Master Pay Schedule



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** January 7, 2021

**From:** Abby Partin, Human Resources Administrator

**Subject:** Approval of Resolutions No. 2021-01 and 2021-02

Establishing the Classification of Water Quality Technician and Amending the Master Pay Schedule.

### Community Goal/Result

Fiscally Prudent

### Purpose

To ensure water system continues to meet or exceed the State's water quality standards in a financially prudent manner.

### Recommendation

Adopt Resolutions No. 2021-01 and 2021-02 by approving the following:

- Establish the Water Quality Technician classifications;
- Amend the Master Pay Schedule;
- Add Water Quality Technician to General Employees Association unit.

### Background

The approval of FY 20-21 and FY 21-22 Budget in June 2020 allowed for the Public Works Department to hire a Water Quality Technician in response to recent developments in state regulatory requirements while providing the City savings and greater reporting efficiencies versus a contracted technician.

### Discussion

Due to increased regulatory sampling requirements, there is sufficient work to justify the need for bringing water sampling in house versus a contract. In order to do this, the City will need to hire a Water Quality Technician. This position will not only be an economic advantage, it will also provide the necessary increased control over responding to state regulatory requirements. Having this position will provide the City timeliness of obtaining the samples, and an incumbent who is more likely to be personally invested in the quality of their work. Thus, more likely to notice trends, anomalies, and other deficiencies, that a contracted technician may not observe, since the contract could be fulfilled by multiple people. Staff performed an internal classification and compensation study for this position. Based on this study, staff recommends the job description and salary range for Water Quality Technician, attached to this report. Staff recommends a salary range of \$5,508.21 - \$6,693.92

monthly (\$31.78-\$38.62 hourly) per the recent two percent salary increase on January 4, 2020, which is equivalent to Public Works Maintenance Worker II.

A brief listing of planned Water Quality Technician assignments are:

- Perform Weekly State Regulated Bacteriological Sampling and Coordinate with Laboratory;
- Perform Weekly Storage Tank/Distribution System Nitrification Monitoring;
- Perform Quarterly DDBP Monitoring and Coordinate with Laboratory;
- Coordinate Triennial Lead and Copper Monitoring;
- Perform Monthly and Quarterly MMEP Monitoring (incl. methane gas/infiltrate & potable water) at Sierra Point Landfill Developments;
- Perform Quarterly Methane Gas Monitoring at all public utility structures at Sierra Point Landfill; and
- Perform Annual representative sampling of potable water discharges in compliance of State regulatory requirements.

The General Employees Association unit reviewed the proposed job description and approved the addition of the classification.

### **Fiscal Impact**

The costs to establish the Water Quality Technician position is included in the adopted budget for FY 20-21 and will be incorporated in the ensuing budget.

### **Measure of Success**

The City is able to maintain a stable and high quality workforce.

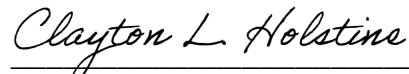
### **Attachments**

Resolution 2021-01

Resolution 2021-02



Abby Partin, Human Resources  
Administrator



Clay Holstine, City Manager



**RESOLUTION NO 2021-01****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE  
AMENDING RESOLUTION 2001-11 TO INCLUDE THE CLASSIFICATION OF  
WATER QUALITY TECHNICIAN IN THE CLASS SPECIFICATION MANUAL**

**WHEREAS**, on February 13, 2001, the City Council approved Resolution 2001-11 establishing the Classifications and Pay Plan and approving the class descriptions included in Exhibit “A” of said resolution for development of the Class Specification Manual; and

**WHEREAS**, the City Manager has established the need for the new classification of Water Quality Technician; and

**WHEREAS**, the class description for Water Quality Technician was developed in cooperation with and has been approved by the City Manager; and

**WHEREAS**, this newly developed class description for Water Quality Technician meet the requirements established Rule 6.02b of the City of Brisbane Personnel Rules and Regulations for the Class Specification Manual.

**NOW, THEREFORE**, the City Council of the City of Brisbane resolves as follows:

The class description for the classification of Water Quality Technician in Exhibit “A” is approved for inclusion in the Class Specification Manual.

---

Karen Cunningham, Mayor

I hereby certify that the foregoing Resolution No. 2021-01 was duly and regularly adopted at a regular meeting of the Brisbane City Council on January 7, 2021, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

---

Ingrid Padilla, City Clerk

**RESOLUTION NO 2021-02****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE  
AMENDING THE MASTER PAY SCHEDULES FOR ALL EMPLOYEES**

**WHEREAS**, the City of Brisbane contracts with the California Public Employees' Retirement System (CalPERS) to provide retirement benefits for its employees; and

**WHEREAS**, pursuant to California Code of Regulations, Title 2, Section 570.5, CalPERS requires governing bodies of local agencies contracting with CalPERS to approve and adopt a publicly available pay schedule in accordance with public meeting laws; and

**WHEREAS**, the pay schedule must identify the position title for every employee position, the pay rate for each position title, and applicable time base for the pay rate; and

**WHEREAS**, the City Council of the City of Brisbane desires to approve and adopt a publicly available Master Pay Schedule, showing all established employee positions and pay rates, in accordance with the requirement of California Code of Regulations, Title 2 Section 570.5.

**NOW, THEREFORE**, the City Council of the City of Brisbane resolves as follows:

The Master Pay Schedule is approved as set forth in Exhibit "A" and is incorporated by reference as though fully set forth herein.

---

Karen Cunningham, Mayor

I hereby certify that the foregoing Resolution No. 2021-02 was duly and regularly adopted at a regular meeting of the Brisbane City Council on January 7, 2021, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

---

Ingrid Padilla, City Clerk

## CITY OF BRISBANE

### WATER QUALITY TECHNICIAN

#### **Definition**

Performs field sampling and analysis associated with the testing of drinking water quality and other related duties; keeps detailed and accurate records; and maintains overall compliance with all federal, state and local drinking water monitoring and reporting regulations.

#### **Class Characteristics**

This is a journey level technician classification that performs routine and emergency field sampling, testing and analysis from drinking water reservoirs and distribution system, monitoring vaults, hydrant flushing, wastewater collection systems, storm water system discharges and other sources as required using established techniques and procedures. Under general supervision, incumbents with an appropriate educational or equivalent technical background perform routine physical, chemical and microbiological field sampling and analyses of drinking water, stormwater discharge, landfill gases, and other related monitoring analyses. As knowledge and experience are gained, the work becomes broader in scope, and assignments are more varied.

#### **Supervision Received and Exercised**

Receives general supervision from the Deputy Director of Public Works or Senior Civil Engineer.

No supervisory responsibilities.

#### **Example of Duties: (Illustrative Only)**

- Performs routine physical, chemical and microbiological field sampling and analyses of drinking water, stormwater discharge, landfill gases, and other related monitoring analyses.
- Prepares and delivers samples for inorganic, organic and bacteriological analysis at an offsite state certified drinking water laboratory and follows strict quality assurance protocols to ensure proper sample collection and documentation; including chain-of-custody forms, internal field tracking forms and compliance data logs prior to delivery to the laboratory.
- Performs routine and emergency field sampling and analysis from drinking water reservoirs and distribution system, monitoring vaults, hydrant flushing, wastewater collection systems, storm water system discharges and other sources as required using established techniques and procedures; performs field tests for total and free chlorine residual, monochloramine, free ammonia, nitrites, nitrates, pH, temperature, conductivity, turbidity and other related tests.
- Collects, monitors and records data for both public and private facilities that includes the monitoring, sampling and reporting of landfill gases, infiltrate water and other site characteristics in accordance with strict state and county permit requirements.
- Conducts sampling, analysis and reporting in accordance with established Quality Assurance (QA) protocols; submits clear and detailed daily field records and site sheets documenting all sampling and monitoring activities and clearly and accurately compiles all the field and laboratory data into monthly and annual regulatory reporting.
- Operates, maintains, calibrates and properly documents the use of automated sampling equipment, multiparameter portable colorimeters, field gas detectors, pH monitoring meters, turbidity meters, flow and level meters and a variety of other field equipment.
- Prepares and reviews reports, charts, and graphs as required.
- Responds to customer complaints concerning water quality, investigates the complaint and provides accurate information as to the source of the problem.
- Performs related duties as needed or assigned.

## **QUALIFICATIONS:**

### **Knowledge of:**

- Principles and practices of water quality related to public infrastructure.
- Field water sampling techniques such as total chlorine, turbidity, total suspended solids, pH, free ammonia, nitrite and nitrate, methane gas, etc.
- General understanding of Environmental Protection Agency (EPA) Standard Methods and other approved standard protocols for water quality sampling and analysis.
- Software applications including Microsoft Word, Excel and PowerPoint.
- Techniques for effectively representing the City in contacts with governmental agencies, community groups, developers, contractors and the public.
- Techniques for dealing with a variety of individuals from various socio-economic, cultural and ethnic backgrounds, in person and over the telephone.

### **Skill in:**

- Conducting field analyses such as free and total chlorine, free ammonia, nitrite, pH, conductivity, alkalinity, dissolved oxygen, methane gas, etc.
- Collecting water samples in accordance with EPA and other approved standard protocols including microbiological, VOCs and SVOCs, metals; and following all sampling QA/QC protocol.
- Completing water sample documentation and chain of custody records.
- Preparing clear, concise and accurate reports, correspondence, procedures and other written materials under general supervision.
- Maintaining accurate records and files.
- Establishing and maintaining effective working relationships with those contacted in the course of the work and communicating effectively, both orally and in writing.
- Functioning under demanding time pressure, responding in a positive manner to supervision, and attending work and performing duties on a regular and consistent basis.

**Education and Experience:** *Any combination of experience and training that would provide the required knowledge, skills, and abilities would be qualifying. A typical way to obtain the knowledge, skills, and abilities would be:*

### **Education:**

Equivalent to completion of the twelfth (12) grade, GED, or higher level degree.

### **Experience:**

Two years of experience in a water or wastewater utility performing laboratory and/or field technician duties is required. An Associate degree in biology, chemistry, microbiology, engineering or related field may substitute for the required experience.

### **Licenses:**

Must possess a valid California class C driver's license and have a satisfactory driving record. Possession of a State of California Department of Drinking Water Distribution Operator Grade 2 (D2) certificate is required, or obtained within one year of appointment. Possession of any mandated regulatory certifications for water quality certifications required by regulatory agencies and the City within 18 months of notification. Such certification must be maintained during employment.

**Physical Demands:** Must possess mobility to work in a standard office setting, to perform routine analyses field sampling, to operate a motor vehicle and to visit various City sites; ability to move up to 20 pounds; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups and over the telephone.

Approved Date:

Resolution:

Revised Date:

Resolution:

Bargaining Unit: General Employees Association

Resolution:

Former Titles:

Abolished:

City of Brisbane Master Pay Schedule  
Approved per Resolution No. 2021-02

Job Classification	Hourly Grade A	Hourly Grade B	Hourly Grade C	Hourly Grade D	Hourly Grade E	Monthly	Fixed Hourly	Hourly Range	Effective Date	Bargaining Group	FLSA Status
Accounting Assistant I	\$ 24.96	\$ 26.22	\$ 27.53	\$ 28.91	\$ 30.35				1/4/2021	General Employees	Non-Exempt
Accounting Assistant II	\$ 27.48	\$ 28.86	\$ 30.31	\$ 31.81	\$ 33.41				1/4/2021	General Employees	Non-Exempt
Administrative Assistant	\$ 33.02	\$ 34.67	\$ 36.40	\$ 38.22	\$ 40.14				1/4/2021	General Employees	Non-Exempt
Administrative Management Analyst	\$ 42.03	\$ 44.12	\$ 46.34	\$ 48.64	\$ 51.09				1/4/2021	Confidential Employee	Exempt
Administrative Services Director	\$ 84.86	\$ 89.10	\$ 93.56	\$ 98.23	\$ 103.15				1/4/2021	Confidential Management	Exempt
Assistant Engineer I	\$ 38.45	\$ 40.38	\$ 42.39	\$ 44.52	\$ 46.74				1/4/2021	General Employees	Non-Exempt
Assistant Engineer II	\$ 42.30	\$ 44.40	\$ 46.63	\$ 48.96	\$ 51.41				1/4/2021	General Employees	Non-Exempt
Assistant to the City Manager	\$ 65.03	\$ 68.27	\$ 71.70	\$ 75.27	\$ 79.05				1/4/2021	Executive Management	Exempt
Associate Civil Engineer	\$ 50.36	\$ 52.87	\$ 55.52	\$ 58.30	\$ 61.22				1/4/2021	Mid-Management/Professional	Exempt
Associate Planner	\$ 44.49	\$ 46.73	\$ 49.07	\$ 51.52	\$ 54.10				1/4/2021	General Employees	Non-Exempt
Cashier	\$ 13.25	\$ 13.91	\$ 14.61	\$ 15.34	\$ 16.11				1/4/2021	Unrepresented	Non-Exempt
City Clerk	\$ 52.62	\$ 55.25	\$ 58.01	\$ 60.92	\$ 63.96				1/4/2021	Executive Management	Exempt
City Manager	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 122.97		1/4/2021	Unrepresented	Exempt
Code Enforcement Officer	\$ 35.88	\$ 37.68	\$ 39.56	\$ 41.53	\$ 43.62				1/4/2021	General Employees	Non-Exempt
Communications Manager	\$ 49.16	\$ 51.74	\$ 54.46	\$ 57.33	\$ 60.35				1/4/2021	Mid-Management/Professional	Exempt
Community Development Director	\$ 82.06	\$ 86.17	\$ 90.48	\$ 95.01	\$ 99.76				1/4/2021	Executive Management	Exempt
Community Development Technician	\$ 33.70	\$ 35.37	\$ 37.15	\$ 39.00	\$ 40.95				1/4/2021	General Employees	Non-Exempt
Community Services Officer	\$ 29.37	\$ 31.27	\$ 32.83	\$ 34.48	\$ 36.20				1/4/2021	General Employees	Non-Exempt
Council Member	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 400.00			1/4/2021	Elected Position	
Crossing Guard	\$ 13.31	\$ 13.97	\$ 14.68	\$ 15.41	\$ 16.18				1/4/2021	Unrepresented	Non-Exempt
Deputy City Clerk/Executive Assistant	\$ 39.56	\$ 41.54	\$ 43.62	\$ 45.81	\$ 48.09				1/4/2021	Confidential	Exempt
Deputy Director of Public Works	\$ 74.33	\$ 78.04	\$ 81.95	\$ 86.05	\$ 90.35				1/4/2021	Mid-Management/Professional	Exempt
Deputy Finance Director	\$ 66.53	\$ 69.86	\$ 73.35	\$ 77.02	\$ 80.87				1/4/2021	Mid-Management/Professional	Exempt
Director of Marina/Aquatics Services	\$ 54.47	\$ 57.20	\$ 60.06	\$ 63.06	\$ 66.21				1/4/2021	Executive Management	Exempt
Engineering Technician	\$ 37.06	\$ 38.92	\$ 40.86	\$ 42.89	\$ 45.05				1/4/2021	General Employees	Non-Exempt
Executive Administrative Assistant	\$ 34.23	\$ 35.93	\$ 37.73	\$ 39.62	\$ 41.60				1/4/2021	General Employees	Non-Exempt
Facility Attendant	\$ 16.99	\$ 17.83	\$ 18.72	\$ 19.67	\$ 20.64				1/4/2021	Unrepresented	Non-Exempt
Finance Director	\$ 81.22	\$ 85.27	\$ 89.54	\$ 94.03	\$ 98.71				1/4/2021	Confidential Management	Exempt
Financial Services Manager	\$ 57.47	\$ 60.33	\$ 63.35	\$ 66.53	\$ 69.86				1/4/2021	Mid-Management/Professional	Exempt
Fire Captain	\$ 39.94	\$ 41.92	\$ 44.03	\$ 46.22	\$ 48.54				1/4/2021	IAFF Local 2400	Non-Exempt
Fire Prevention Officer	\$ 49.22	\$ 51.70	\$ 54.28	\$ 56.98	\$ 59.83				1/4/2021	IAFF Local 2400	Non-Exempt
Fire Trainee	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 23.27		1/4/2021	IAFF Local 2400	Non-Exempt
Firefighter	\$ 33.42	\$ 35.09	\$ 36.84	\$ 38.67	\$ 40.61				1/4/2021	IAFF Local 2400	Non-Exempt
Firefighter/Paramedic	\$ 33.42	\$ 35.09	\$ 36.84	\$ 38.67	\$ 40.61				1/4/2021	IAFF Local 2400	Non-Exempt
Habitat Restoration Aide	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 12.00		1/4/2021	Unrepresented	Non-Exempt
Habitat Restoration Lead Worker	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 15.00		1/4/2021	Unrepresented	Non-Exempt
Harbormaster	\$ 46.34	\$ 48.65	\$ 51.08	\$ 53.64	\$ 56.32				1/4/2021	Mid-Management/Professional	Exempt



Job Classification	Hourly Grade A	Hourly Grade B	Hourly Grade C	Hourly Grade D	Hourly Grade E	Monthly	Fixed Hourly	Hourly Range	Effective Date	Bargaining Group	FLSA Status
Head Lifeguard	\$ 20.37	\$ 21.39	\$ 22.45	\$ 23.59	\$ 24.76				1/4/2021	Unrepresented	Non-Exempt
History Project Asst	\$ 34.47	\$ 36.19	\$ 38.00	\$ 39.90	\$ 41.90				1/4/2021	Unrepresented	Non-Exempt
Human Resources Administrator	\$ 67.89	\$ 71.28	\$ 74.85	\$ 78.59	\$ 82.52				1/4/2021	Confidential	Exempt
Human Resources Technician	\$ 33.70	\$ 35.37	\$ 37.15	\$ 39.00	\$ 40.95				1/4/2021	General Employees	Non-Exempt
Information Technology & Systems Administrator	\$ 50.66	\$ 53.19	\$ 55.85	\$ 58.65	\$ 61.59				1/4/2021	Mid-Management/Professional	Exempt
Intern	\$ -	\$ -	\$ -	\$ -	\$ -			\$15.00 - \$20.00	1/4/2021	Unrepresented	Non-Exempt
Lifeguard	\$ 15.45	\$ 16.23	\$ 17.04	\$ 17.89	\$ 18.77				1/4/2021	Unrepresented	Non-Exempt
Management Analyst (Part-time)	\$ 38.11	\$ 40.03	\$ 42.02	\$ 44.12	\$ 46.33				1/4/2021	Unrepresented	Non-Exempt
Marina Maintenance Worker I	\$ 28.89	\$ 30.33	\$ 31.85	\$ 33.44	\$ 35.12				1/4/2021	General Employees	Non-Exempt
Marina Maintenance Worker II	\$ 31.78	\$ 33.36	\$ 35.04	\$ 36.77	\$ 38.62				1/4/2021	General Employees	Non-Exempt
Marina Maintenance Worker I ( Part-time)	\$ 29.46	\$ 30.93	\$ 32.48	\$ 34.12	\$ 35.82				1/4/2021	Unrepresented	Non-Exempt
Marina Maintenance Worker II ( Part-time)	\$ 32.39	\$ 34.05	\$ 35.71	\$ 37.48	\$ 39.39				1/4/2021	Unrepresented	Non-Exempt
Marina Services Director	\$ 50.91	\$ 53.46	\$ 56.14	\$ 58.94	\$ 61.89				1/4/2021	Executive Management	Exempt
Office Assistant	\$ 26.48	\$ 27.76	\$ 29.15	\$ 30.61	\$ 32.15				1/4/2021	General Employees	Non-Exempt
Office Assistant (Part-Time)	\$ 26.96	\$ 28.30	\$ 29.72	\$ 31.22	\$ 32.78				1/4/2021	Unrepresented	Non-Exempt
Office Specialist	\$ 31.04	\$ 32.59	\$ 34.23	\$ 35.93	\$ 37.73				1/4/2021	General Employees	Non-Exempt
Office Specialist (Part-Time)	\$ 31.67	\$ 33.24	\$ 34.90	\$ 36.65	\$ 38.49				1/4/2021	Unrepresented	Non-Exempt
Park/Beach/Recreation Commissioner	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100.00			1/4/2021	Appointed Position	
Parks & Recreation Director	\$ 78.25	\$ 82.17	\$ 86.27	\$ 90.58	\$ 95.12				1/4/2021	Executive Management	Exempt
Parks/Facilities Maintenance Worker I	\$ 28.89	\$ 30.33	\$ 31.85	\$ 33.44	\$ 35.12				1/4/2021	General Employees	Non-Exempt
Parks/Facilities Maintenance Worker I (Part-Time)	\$ 29.46	\$ 30.93	\$ 32.48	\$ 34.12	\$ 35.82				1/4/2021	Unrepresented	Non-Exempt
Parks/Facilities Maintenance Worker II	\$ 31.78	\$ 33.36	\$ 35.04	\$ 36.77	\$ 38.62				1/4/2021	General Employees	Non-Exempt
Payroll/Utility Billing Technician	\$ 33.70	\$ 35.37	\$ 37.15	\$ 39.00	\$ 40.95				1/4/2021	General Employees	Non-Exempt
Planning Commissioner	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100.00			1/4/2021	Appointed Position	
Police Chief	\$ 95.77	\$ 100.56	\$ 105.58	\$ 110.87	\$ 116.40				1/4/2021	Police Chief	Exempt
Police Commander	\$ 86.34	\$ 90.66	\$ 95.20	\$ 99.96	\$ 104.95				1/4/2021	Police Commander	Exempt
Police Officer	\$ 43.90	\$ 46.09	\$ 48.40	\$ 50.82	\$ 53.36				1/4/2021	Brisbane Police Officers Association*	Non-Exempt
Police Officer - 40 hour shift (Detective/SRO)	\$ 46.09	\$ 48.40	\$ 50.82	\$ 53.36	\$ 56.02				1/4/2021	Brisbane Police Officers Association*	Non-Exempt
Police Sergeant	\$ 52.89	\$ 55.53	\$ 58.31	\$ 61.22	\$ 64.28				1/4/2021	Brisbane Police Officers Association*	Non-Exempt
Police Trainee	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 32.47		1/4/2021	Unrepresented	Non-Exempt
Pre-School Teacher	\$ 17.08	\$ 17.95	\$ 18.84	\$ 19.80	\$ 20.79				1/4/2021	Unrepresented	Non-Exempt
Principal Analyst	\$ 58.79	\$ 61.74	\$ 64.82	\$ 68.05	\$ 71.46				1/4/2021	Confidential	Exempt
Principal Planner	\$ 62.62	\$ 65.75	\$ 69.04	\$ 72.49	\$ 76.12				1/4/2021	Mid-Management/Professional	Exempt
Program Manager - SMCWPPP	\$ 61.94	\$ 65.04	\$ 68.29	\$ 71.71	\$ 75.30				1/4/2021	Mid-Management/Professional	Exempt
Public Service Aide	\$ 15.20	\$ 15.97	\$ 16.76	\$ 17.59	\$ 18.48				1/4/2021	Unrepresented	Non-Exempt
Public Works Director/City Engineer	\$ 96.08	\$ 100.88	\$ 105.92	\$ 111.22	\$ 116.79				1/4/2021	Executive Management	Exempt
Public Works Inspector	\$ 47.41	\$ 49.79	\$ 52.28	\$ 54.88	\$ 57.63				1/4/2021	General Employees	Non-Exempt
Public Works Lead Maintenance Worker	\$ 38.14	\$ 40.04	\$ 42.03	\$ 44.14	\$ 46.34				1/4/2021	General Employees	Non-Exempt
Public Works Maintenance Worker I	\$ 28.89	\$ 30.33	\$ 31.85	\$ 33.44	\$ 35.12				1/4/2021	General Employees	Non-Exempt
Public Works Maintenance Worker I (Part-time)	\$ 29.46	\$ 30.93	\$ 32.48	\$ 34.12	\$ 35.82				1/4/2021	Unrepresented	Non-Exempt

Job Classification	Hourly Grade A	Hourly Grade B	Hourly Grade C	Hourly Grade D	Hourly Grade E	Monthly	Fixed Hourly	Hourly Range	Effective Date	Bargaining Group	FLSA Status
Public Works Maintenance Worker II	\$ 31.78	\$ 33.36	\$ 35.04	\$ 36.77	\$ 38.62				1/4/2021	General Employees	Non-Exempt
Public Works Superintendent	\$ 61.64	\$ 64.72	\$ 67.96	\$ 71.36	\$ 74.92				1/4/2021	Mid-Management/Professional	Exempt
Public Works Supervisor	\$ 47.11	\$ 49.47	\$ 51.94	\$ 54.54	\$ 57.27				1/4/2021	Mid-Management/Professional	Exempt
Public Works Team Leader	\$ 42.74	\$ 44.99	\$ 47.36	\$ 49.85	\$ 52.47				1/4/2021	Mid-Management/Professional	Exempt
Receptionist	\$ 26.45	\$ 27.76	\$ 29.15	\$ 30.61	\$ 32.15				1/4/2021	General Employees	Non-Exempt
Receptionist (Part-time)	\$ 26.96	\$ 28.30	\$ 29.72	\$ 31.22	\$ 32.78				1/4/2021	Unrepresented	Non-Exempt
Recreation Leader	\$ 17.06	\$ 17.91	\$ 18.81	\$ 19.74	\$ 20.73				1/4/2021	Unrepresented	Non-Exempt
Recreation Leader Aide	\$ 13.25	\$ 13.91	\$ 14.61	\$ 15.34	\$ 16.11				1/4/2021	Unrepresented	Non-Exempt
Recreation Manager	\$ 57.97	\$ 60.87	\$ 63.91	\$ 67.11	\$ 70.47				1/4/2021	Mid-Management/Professional	Exempt
Recreation Program Coordinator	\$ 29.33	\$ 31.30	\$ 32.86	\$ 34.50	\$ 36.22				1/4/2021	General Employees	Non-Exempt
Recreation Supervisor	\$ 42.83	\$ 44.99	\$ 47.22	\$ 49.58	\$ 52.06				1/4/2021	Mid-Management/Professional	Exempt
Regional Compliance Program Manager	\$ 49.16	\$ 51.74	\$ 54.46	\$ 57.33	\$ 60.35				1/4/2021	Mid-Management/Professional	Exempt
Reserve Police Officer	\$ 31.34	\$ 32.91	\$ 34.55	\$ 36.28	\$ 38.10				1/4/2021	Unrepresented	Non-Exempt
Senior Accounting Assistant	\$ 31.13	\$ 32.70	\$ 34.32	\$ 36.05	\$ 37.83				1/4/2021	General Employees	Non-Exempt
Senior Civil Engineer	\$ 61.94	\$ 65.04	\$ 68.29	\$ 71.71	\$ 75.30				1/4/2021	Mid-Management/Professional	Exempt
Senior Human Resources Analyst	\$ 46.96	\$ 49.30	\$ 51.77	\$ 54.36	\$ 57.07				1/4/2021	Confidential	Exempt
Senior Management Analyst	\$ 46.03	\$ 48.33	\$ 50.75	\$ 53.28	\$ 55.94				1/4/2021	Mid-Management/Professional	Exempt
Senior Planner	\$ 52.96	\$ 55.60	\$ 58.38	\$ 61.32	\$ 64.37				1/4/2021	Mid-Management/Professional	Exempt
Senior Recreation Leader	\$ 21.89	\$ 22.98	\$ 24.13	\$ 25.34	\$ 26.61				1/4/2021	Unrepresented	Non-Exempt
Sustainability Manager	\$ 49.16	\$ 51.74	\$ 54.46	\$ 57.33	\$ 60.35				1/4/2021	Mid-Management/Professional	Exempt
Special Assistant	\$ -	\$ -	\$ -	\$ -	\$ -			\$12.00-\$75.00	1/4/2021	Unrepresented	Non-Exempt
Spe Coun-Maj Dev Pro	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 175.04		1/4/2021	Confidential Management	Exempt
Swim Instructor	\$ 16.85	\$ 17.70	\$ 18.59	\$ 19.52	\$ 20.50				1/4/2021	Unrepresented	Non-Exempt
Van Driver	\$ 16.85	\$ 17.70	\$ 18.59	\$ 19.52	\$ 20.50				1/4/2021	Unrepresented	Non-Exempt
Water Quality Technician	\$ 31.78	\$ 33.36	\$ 35.04	\$ 36.77	\$ 38.62				1/7/2021	General Employees	Non-Exempt

**File Attachments for Item:**

F. Adopt Resolution No. 2021-03 Confirming and Ratifying the Proclamation Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** January 7, 2021

**From:** Clay Holstine, City Manager

**Subject:** Resolution Confirming and Ratifying the Proclamation  
Declaring the Continued Existence of a Local Emergency in the City of Brisbane in  
Response to the COVID-19 Pandemic

### Recommendation:

Adopt the attached resolution.

### Background

The COVID-19 Coronavirus has been declared a pandemic by the World Health Organization and has prompted various government agencies to take action in response. The President has declared a national State of Emergency, the Governor has declared a Statewide Emergency, the County Board of Supervisors has declared a County wide State of Emergency and the City Manager, as Emergency Services Director, proclaimed a local emergency on March 16, 2020, and 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.

On June 18, 2020, on September 3, 2020, and on November 5, 2020, the City Council extended the local emergency. Since March 2020, staff has regularly informed the City Council about items related to the City's response to the COVID-19 pandemic. In addition, the Health Officer of the County of San Mateo has issued several directives and orders to address efforts to curb the spread of the disease. Although such efforts show signs of promise, the COVID-19 pandemic continues to impact communities around the world, including Brisbane.

### Discussion

Government Code Section 8630(c) requires that, "the governing body shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency." Because the City Council will not meet in regular session until January 7, 2021 and the declaration of local emergency would otherwise expire on January 4, 2021, the City Manager, in his role as Director of Emergency Services, proclaimed on January 4, 2021 the continued existence of the local emergency as a result of the COVID-19 pandemic.

At this time, staff is recommending that the City Council adopt a resolution ratifying the Director of Emergency Services' proclamation continuing the existence of a local emergency in response to the COVID-19 pandemic, and directing staff to continue to respond appropriately to the local emergency.

### Financial Impact

There is no direct financial impact from City Council taking this action. The attached resolution, however, will put the City in a better position to recover funds that are expended in response to the COVID-19 pandemic.



Clay Holstine, City Manager

### Attachment:

1. Proclamation Declaring the Continued Existence of a Local Emergency
2. Resolution Confirming and Ratifying Proclamation of the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic

## Attachment 1

### Proclamation of Continuation of Local Emergency by Director of Emergency Services

**WHEREAS**, Section 2.28.060 of the City of Brisbane Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency, or to proclaim the continued existence of a local emergency, when said City is affected or likely to be affected by a public calamity and the City Council is not in session, and;

**WHEREAS**, the Director of Emergency Services of the City of Brisbane does hereby find;

Conditions of extreme peril to the safety of persons and property have arisen within the City, caused by the COVID-19 pandemic which began on about March 16, 2020; and

These conditions were, and are likely to continue to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

The Brisbane City Council ratified the earlier proclamation of Local Emergency by the Director of Emergency Services and also declared a Local Emergency, which declaration has not been rescinded; and

Government Code, Section 8630 requires local agencies that have declared local emergencies to review the existence of such emergencies every 60 days to determine whether the local emergency continues to exist; and

The City Council of the City Brisbane most recently extended the local emergency on November 5, 2020; and

The City Council of the City of Brisbane is not scheduled to meet in regular session until January 7, 2021 and cannot immediately be called into session; and

Conditions of extreme peril to the safety of persons and property continue to exist within the City, caused by the COVID-19 pandemic.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** that a local emergency due to the COVID 19 pandemic continues to exist throughout the City; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of the local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by ordinances, and resolutions of this City, and by the City of Brisbane Emergency Operations Plan, as approved by the City Council.

This emergency proclamation shall expire on January 8, 2021 unless confirmed and ratified by the governing body of the City of Brisbane on or before January 7, 2021.

Dated: January 4, 2021

Clayton Holstine, Director of Emergency Services

## Attachment 2:

### RESOLUTION NO. 2021-03

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE CONFIRMING AND RATIFYING THE CITY MANAGER'S/DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY**

**WHEREAS**, Section 2.28.060 of the Brisbane Municipal Code empowers the City Manager/Director of Emergency Services to proclaim a local emergency if the City Council is not in session and requires the City Council to take action to ratify the proclamation thereafter; and

**WHEREAS**, conditions of extreme peril to the health, safety and welfare of persons have arisen in the world, the nation, the State, the County of San Mateo and the City of Brisbane due to the following:

A novel coronavirus (named COVID-19 by the World Health Organization) was first detected in December 2019. The Center for Disease Control and Prevention (CDC) has stated that COVID-19 is a serious public health threat, based on current information. Cases of COVID-19 have been diagnosed throughout the world, the United States, the State of California, the County of San Mateo and the City of Brisbane.

The exact modes of transmission of COVID-19, the factors facilitating human to human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation. The CDC believes, at this time, the symptoms appear two to fourteen days after exposure. Currently, there are no approved vaccine or specific anti-viral treatment for COVID-19.

Actions are being taken to protect public health and limit the spread of COVID-19 but the whether those actions will be successful is unknown at this time.

Due to COVID-19 pandemic, the Governor of the State of California has declared a State of Emergency for the State and for all the Counties in the State; and the City of Brisbane's Director of Emergency Services declared a Local Emergency on March 16, 2020 and the City Council of the City of Brisbane ratified the Proclamation of a Local Emergency on March 19, 2020; and

**WHEREAS**, the City Council of the City of Brisbane extended the Local Emergency on June 18, 2020, September 3, 2020, and November 5, 2020; and

**WHEREAS**, the City Council on November 5, 2020, ratified the proclamation of the Director of Emergency Services to extend the Local Emergency and extended the declaration of Local Emergency for 60 days; and

**WHEREAS**, for the reasons expressed above, conditions of extreme peril and a serious threat to the public health, safety and welfare have arisen, and continue to exist, in the City of Brisbane; and

**WHEREAS**, the City Manager, acting as the Director of Emergency Services, did proclaim on January 4, 2021, the continued existence of a Local Emergency because the City Council would not be in regular session until January 7, 2021; and

**WHEREAS**, the City Council does hereby find that the above described conditions of extreme peril and serious threat to the public health, safety, and welfare did warrant and necessitate the proclamation of the existence of a local emergency in the City of Brisbane and those conditions continue at this time..

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BRISBANE DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:**

Section 1. That the “Proclamation of the Continued Existence of a Local Emergency”, as issued by the Director of Emergency Services/City Manager on January 4, 2021, is hereby ratified and confirmed.

Section 2. During the existence of the local emergency, the powers, functions, and duties of the Director of Emergency Services and the Emergency Organization of the City shall be those prescribed by State law, ordinances and resolutions of the City of Brisbane, and by the City of Brisbane Emergency Operation Plan.

Section 3. The local emergency shall continue to exist until the City Council proclaims its termination.

Section 4. This resolution is effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on January 7, 2021.



I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on January 7, 2021 by the following vote:

AYES


NOES

ABSENT

ABSTAIN

Ingrid Padilla, City Clerk

Approved as form:

A handwritten signature in blue ink, appearing to read "T. McMorrow", with a long horizontal flourish extending to the right.

Thomas McMorrow, Interim City Attorney

**File Attachments for Item:**

G. City Manager's Report on upcoming activities

1. Update on Sierra Point Park Planning



## MEMO

To: Mayor & City Council City City  
 From: Manager Clay Holstine  
 Subject: Sierra Point Park Planning

### Background

The City has accumulated approximately \$1.8m to date in park fees for the development of what has historically been referred to as Parcel R (Restaurant) at the eastern edge of Sierra Point. Additional funds will be coming from the development of Genesis Bio-Tech project on the western edge of the site.

At the November City Council meeting the Council provided direction to the Public Works Director to do minimal work to provide community access to Parcel R and to begin introducing this site as a future community amenity. This work has been completed and is open to the public. It provides a graded area, park benches and a views of the Marina and beyond to the Bay.

In December the Council Sierra Point Ad-hoc subcommittee (O'Connell and Lentz) met to discuss the next steps which will include the Park Planning process. The subcommittee discussed starting the process to solicit Park Planning services and to enlarge the potential scope of work to include the entire area at Sierra Point. Currently, in addition to Parcel R there is a walking path, fishing pier and par course serving the area. Additionally, UPC has a hotel site where they envision a park being included that would have public access. By hiring a consultant now we can begin to coordinate with UPC as we are told they will be coming back to the Subcommittee early next year with concepts for their project.

The Subcommittee also discussed delaying the public process for park planning until after COVID-19 restrictions on public meetings are lifted, presumably sometime in later part of 2021.

The selection process for a park planning consultant will be conducted by the Subcommittee working with City Staff. A recommendation will then be brought to the full City Council.

Later in the year when public meetings can be held the consultant will be asked to reach out to and receive input from a variety of stake holders:

- Interest Citizens of Brisbane
- Sierra Point Yacht Club
- Boaters
- Business interest on the Point
- Chamber of Commerce
- Parks and Recreation Commission
- Open Space and Ecology Commission
- Representatives of users of Fisherman's Pier
- Hotel operators

The exact process for developing a plan will be worked on by the Subcommittee and staff during the year. The subcommittee would like to get input on the process from the Park Planning Consultant that is selected.

G.

As needed during the year staff and the Subcommittee will be updating the City Council and we will be providing updates to the public through our normal communications strategies.